

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

2260 N Street, Merced  
627 W. 21<sup>st</sup> Street, Merced  
1159 G Street, Los Banos

Wednesday, May 8, 2024

**NOTE: Merced Superior Court will no longer be consolidating Courtroom 8 and Courtroom 10.**

**Tentative Rulings are provided for the following Courtrooms and assigned Judicial Officers with scheduled civil matters:**

**Courtroom 8 – Hon. James LaPorte**

**Courtroom 9 – Commissioner David Foster**

**Courtroom 12 – Hon. Jennifer O. Trimble**

**Courtroom 10 will continue to post separate Probate Notes that are not included in these tentative rulings.**

**IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements. Electronic recording is available in certain courtrooms and will only be activated upon request.**

**The specific tentative rulings for specific calendars follow:**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Unlimited Civil Law and Motion  
Hon. James La Porte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, May 8, 2024  
8:15 a.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

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Case No.	Title / Description
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20CV-03773	West Creek Builders, LLC v. Samuel Escobar, et al.
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Plaintiff's Motion to Compel Samuel Escobar to Further Respond to Requests for Admission, Set One, and Form Interrogatories, Set One

**Plaintiff's unopposed Motion to Compel Samuel Escobar to Further Respond to Requests for Admission, Set One, and Form Interrogatories, Set One is GRANTED. Defendant Samuel Escobar is ordered to serve, by May 31, 2024, verified code compliant responses, without objections to Plaintiff's Requests for Admission, Set One, and Form Interrogatories, Set One. When preparing such responses, the parties should take notice that this Court typically grants motions in limine excluding evidence not produced in response to relevant discovery requests and that cost of proof sanctions are available when a party elects to deny a request for admission without a reasonable basis for doing so.**

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Motion by Defendants Rataul Transport LLC and Balvir Singh to Compel Plaintiff John K. Dowe to Provide Responses, Without Objections, to Special Interrogatories, Set One, and for Monetary Sanctions of \$1,060 against Plaintiff and his attorneys pursuant to CCP § 2030.290.

**The unopposed Motion by Defendants Rataul Transport LLC and Balvir Singh to Compel Plaintiff John K. Dowe to Provide Responses, Without Objections, to Special Interrogatories, Set One, and for Monetary Sanctions of \$1,060 against Plaintiff and his attorneys pursuant to CCP § 2030.290 is GRANTED. Plaintiff John K. Dowe and his attorneys of record are ordered, by May 31, 2024, to serve verified Code Compliant responses without objections to Defendant's Special Interrogatories, Set One, and, to pay monetary sanctions of \$1,060 pursuant to CCP § 2030.290 by May 31, 2024.**

Motion by Defendants Rataul Transport LLC and Balvir Singh to Compel Plaintiff John K. Dowe to Provide Responses, Without Objections, to Requests for Production of Documents, Set One, and for Monetary Sanctions of \$1,060 against Plaintiff and his attorneys pursuant to CCP § 2030.290.

**The unopposed Motion by Defendants Rataul Transport LLC and Balvir Singh to Compel Plaintiff John K. Dowe to Provide Responses, Without Objections, to Requests for Production of Documents, Set One, and for Monetary Sanctions of \$1,060 against Plaintiff and his attorneys pursuant to CCP § 2030.290 is GRANTED. Plaintiff John K. Dowe and his attorneys of record are ordered, by May 31, 2024, to serve verified Code Compliant responses without objections to Defendant's Requests for Production of Documents, Set One, along with copies of all responsive documents, and, to pay monetary sanctions of \$1,060 pursuant to CCP § 2030.290 by May 31, 2024.**

Motion by Defendants Rataul Transport LLC and Balvir Singh to Compel Plaintiff John K. Dowe to Provide Responses, Without Objections, to Form Interrogatories, Set One, and for Monetary Sanctions of \$1,060 against Plaintiff and his attorneys pursuant to CCP § 2030.290.

**The unopposed Motion by Defendants Rataul Transport LLC and Balvir Singh to Compel Plaintiff John K. Dowe to Provide Responses, Without Objections, to Requests for Production of Documents, Set One, and for Monetary Sanctions of \$1,060 against Plaintiff and his attorneys pursuant to CCP § 2030.290 is GRANTED. Plaintiff John K. Dowe and his attorneys of record are ordered, by May 31, 2024, to serve verified Code Compliant responses without objections to Defendant's Form Interrogatories, Set One, and, to pay monetary sanctions of \$1,060 pursuant to CCP § 2030.290 by May 31, 2024.**

Order to Show Cause re: Restraining Order

**Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. The Court notes that there is no proof of service on file showing that the papers filed in this action have been served on Respondent.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Mandatory Settlement Conference  
Hon. James La Porte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, May 8, 2024  
9:00 a.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

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2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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There are no Mandatory Settlement Conferences Scheduled.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil Calendar  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, May 8, 2024  
10:00 a.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

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2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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21CV-03194	UHG I, LLC v. Kelly Evans
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Order to Show Cause re: Dismissal – Notice of Settlement

**The OSC is discharged and the hearing vacated as moot. On May 6, 2024, the Court granted plaintiff's request for entry of judgment by stipulation and the judgment was filed.**

23CV-01103	Wells Fargo Bank, N.A. v. Kenya Alas
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Plaintiff's Motion for Summary Judgment

**Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance.**

**The unopposed motion by plaintiff Wells Fargo Bank, N.A. for summary judgment is GRANTED. Upon consideration of the evidence set forth in the papers, particularly the declaration of Loan Workout Specialist Sarah Gelbowitz and the attached business records, as well as the requests for admission deemed admitted pursuant to the court order filed on November 15, 2023, the Court finds that there is no triable issue of material fact and plaintiff is entitled to judgment as a matter of law. Plaintiff has proven each**

**essential element of its causes of action for breach of contract, breach of implied contract, and the common counts of money lent, money paid, open book account, and account stated. Plaintiff having met its burden, the burden shifts to defendant Kenya Alas to show the existence of one or more triable issues of material fact. (Code Civ. Proc., § 437c, subd. (p)(1).) By not filing any written opposition, defendant has failed to meet their burden on this motion.**

**The Court will sign the proposed order and proposed judgment submitted with the moving papers.**

Case Management Conference

**DROPPED from calendar as MOOT.**

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23CV-02977

Juan Godinez v. Juan Villareal Gonzales

Citation on Civil Bench Warrant – Juan Villareal Gonzales

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. John LaPorte  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, May 8, 2024  
1:15 p.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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There are no Ex Parte matters scheduled.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, May 8, 2024  
1:15 p.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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There are no ex parte matters scheduled.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Wednesday, May 8, 2024  
1:15 p.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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There are no Ex Parte matters scheduled.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil Long Cause Court Trials  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Wednesday, May 8, 2024  
1:30 p.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4111 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
23CV-01216	LVNV Funding LLC v. Alicia Barrientos Court Trial
<b>Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance.</b>	
24CV-01237	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial
<b>Court trial is vacated. Judgment pursuant to stipulation of the parties was entered on May 7, 2024. The Court retains jurisdiction to enforce the terms of settlement.</b>	