

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

2260 N Street, Merced
627 W. 21st Street, Merced
1159 G Street, Los Banos

Thursday, August 1, 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. Brian L. McCabe

Courtroom 9 – Hon. Mason Brawley

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

Civil Law and Motion
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, August 1, 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.

Case No.	Title / Description
----------	---------------------

20CV-02493	Animal Legal Defense Fund v. Foster Poultry Farms
------------	---

Discovery Motions:

1. Plaintiff's Motion to Compel Further Response to Request for Admissions, Set One
2. Plaintiff's Motion to Compel Further Responses to Request for Admissions, Set Two
3. Plaintiff's Motion to Compel Responses to Interrogatories Set One
4. Plaintiff's Motion to Compel Responses to Interrogatories Set Three
5. Plaintiff's Motion to Compel Further Responses to Supplemental Request for Production of Documents, Set Two
6. Plaintiff's Motion to Compel Further Responses to Set Request for Production of Document
7. Plaintiff's Motion to Compel Further Responses to Request for Production of Documents, Set Five
8. Plaintiff's Motion to Compel Further Responses to Request for Production of Documents, Set Six

The Discovery Motions Listed above will be heard in Courtroom 10 at 8:15 AM. Please see separate tentative ruling below for Courtroom 10.

20CV-03476

Parkash Pabla, et al. v. Gursharn Pabla, et al.

Motion for to Set Aside Judgment

The Motion for to Set Aside Judgment is DENIED. This Court has already ruled on Plaintiff's objection to Defendant's Proposed Judgment and Plaintiff's have not filed a timely request that an alternative judgment be entered.

22CV-02600

Porshoua Thao v. Ayanna Wargo-Sendze, et al.

Case Management Conference

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. Appear to address the status of any outstanding medical bills and potential settlement discussions.

22CV-03359

Victor Cruz v. Hilmar Cheese Co., Inc.

Motion to Compel Attendance of Deeanne Marlow at Deposition and for Sanctions of \$2,000.

The Motion to Compel Attendance of Deeanne Marlow at Deposition and for Sanctions of \$2,000 is GRANTED IN PART AND DENIED IN PART. The Deposition shall occur on or before August 30, 2024 absent a written signed agreement by the parties to a different date. The Request for Sanctions is DENIED. It appears that a timely objection to the deposition was served establishing good cause for the original failure to appear, and that Plaintiff's counsel has not been available on subsequent proposed dates.

Motion for Monetary Sanctions of \$26,416.19 against Defendant and its counsel.

The Motion for Monetary Sanctions of \$26,416.19 against Defendant and its Counsel and for Issue Sanctions and Evidentiary Sanctions pursuant to CCP § 2023.010, 2023.030, and 2025.480(k) is DENIED. As previously noted, It appears that a PMK Deposition took place at which the designated deponent answered a number of questions. The separate statement and response thereto show that a reasonable effort was made to obtain the information sought. The Court finds that the origin of the MLOA policy is at best tangential, the existence of the policy and the application of that policy to Plaintiff being the primary issue affecting the instant law suit. Depositions of specific individual or special interrogatories may be a more efficient method for obtaining information concerning the origin of the policy.

23CV-03658

Esther Ramos v. Kevin McGinty.

Order to Show Cause re Dismissal

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. Appear to address the status of any settled entered into by the parties. No notice of Settlement has been filed to date.

23CV-04394

Dillon Geltz v. Donaghy Sales, LLC

Motion for Final Approval of Class Action Settlement

The unopposed Motion for Final Approval of Class Action Settlement is GRANTED. The Court will sign the order lodged with the Court on June 25, 2024.

Case Management Conference

DROPPED FROM CALENDAR AS MOOT GIVEN THE ABOVE ORDER.

24CV-04394

Rafael Barrios v. Saul Cisneros

Order to Show Cause re Restraining Order

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. The Court notes that all parties have appeared previously in this matter and that the current hearing was set to give Respondent time to hire counsel.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Civil Law and Motion
Hon. Donald L. Proietti
Courtroom 10
627 W. 21st Street, Merced

Thursday, August 1, 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.

Case No.	Title / Description
20CV-02493	Animal Legal Defense Fund v. Foster Poultry Farms

Discovery Motions:

1. Plaintiff's Motion to Compel Further Response to Request for Admissions, Set One
2. Plaintiff's Motion to Compel Further Responses to Request for Admissions, Set Two
3. Plaintiff's Motion to Compel Responses to Interrogatories Set One
4. Plaintiff's Motion to Compel Responses to Interrogatories Set Three
5. Plaintiff's Motion to Compel Further Responses to Supplemental Request for Production of Documents, Set Two
6. Plaintiff's Motion to Compel Further Responses to Set Request for Production of Document
7. Plaintiff's Motion to Compel Further Responses to Request for Production of Documents, Set Five
8. Plaintiff's Motion to Compel Further Responses to Request for Production of Documents, Set Six

Continued on the Court's Own Motion to Wednesday August 7, 2024 at 8:15 AM in Courtroom 10.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conferences
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, August 1, 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:

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.

Case No.	Title / Description
----------	---------------------

	There are no Mandatory Settlement Conferences Scheduled
--	---

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Thursday, August 1, 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:

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.

Case No.	Title / Description
17CV-02949	Sunlan-020105, LLC v. Rhianna Phillips Claim of Exemption Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.
24CV-00145	Westlake Service LLC v. Josefina Delgado, et al. Motion for Order Deeming Requests for Admission to be Deemed Admitted Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.
24CV-01176	Kings Credit Services v. Liandre Laney In Camera Hearing re: Request for Waiver of Court Fees Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.

24CV-01908 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Motion to Set Aside Default Judgment

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.

24CV-02795 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.

24CV-03152 [Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Restraining Orders
Hon. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, August 1, 2024
11:00 a.m.

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

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.

Case No.	Title / Description
----------	---------------------

24CV-03040	Shelia Hendriz v. Aaron Hendrix, Junior
------------	---

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service was filed showing service of the papers filed in this action on Respondent.

24CV-03139	Michelle Torres v. Richard Hernandez
------------	--------------------------------------

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service was filed showing service of the papers filed in this action on Respondent.

23CV-02482

Bianca Cuevas v. Ana Ramos

Request to Modify Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The Court notes that a proof of service was filed on July 17, 2024.

24CV-03194

Valerie Nevares v. Cassandra Romero

Order to Show Cause re: Restraining Order

Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The Court notes that a proof of service was filed on July 17, 2024.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, August 1, 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.

Case No.	Title / Description
24CV-03311	Merced Community College District v. Office of Administrative Hearings Application to Stay Office of Administrative Hearings Decision Application for Stay GRANTED. Petitioner has met its burden of proof that a stay is warranted regardless of which standard is applied.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Hon. Mason Brawley
Courtroom 9
627 W. 21st Street, Merced

Thursday, August 1, 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.

Case No.	Title / Description
----------	---------------------

There are no Ex Parte matters scheduled.	
--	--

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, August 1, 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.

Case No.	Title / Description
----------	---------------------

There are no Ex Parte matters scheduled.	
--	--