

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Friday, May 26, 2023

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 – Judge Pro Tem Peter MacLaren

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

Friday, May 26, 2023
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) 725-4240 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. **Parties who contest the tentative ruling or wish to appear at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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

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

21CV-00689	Juan Treminio, et al. v. Kyle Guillory
------------	--

Status Conference

Appearance required. Remote appearances are strongly encouraged. To arrange a remote appearance, contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. status of private retained counsel. Appear to update the Court on the status of retaining private counsel.

The Court notes a Spanish language interpreter has been scheduled. If the requesting party notifies the court of their intent to appear, and fails to appear, the Court may assess on the party and/or attorney all or part of the financial expense of scheduling an interpreter pursuant to Standing Order #2017-02. If counsel intends to appear on behalf of the party who requires an interpreter, please notify the court immediately if an interpreter is not required.

21CV-01505

Jasmine Johnson, et al. v. Trumpet Behavioral Health, LLC, et al.

Motion for Final Approval of Class Action Settlement, Attorneys Fees and Costs, and Class Representative Enhancement Payments

The unopposed Motion for Final Approval of Class Action Settlement is GRANTED. The Court will sign the proposed order and judgment lodged with the Court on May 9, 2023.

Further Proceedings Re: Final Approval

DROPPED FROM CALENDAR.

21CV-02978

Jose Pena v. N&S Tractor Co., et al.

Motion to Compel Deposition of Plaintiff and Request for Sanctions in the amount of \$3,010 against Plaintiff's counsel, Kyle Todd, P.C., pursuant to CCP § 2023.010.

Defendant's Motion to Compel Deposition of Plaintiff and Request for Sanctions in the amount of \$3,010 against Plaintiff's counsel, Kyle Todd, P.C., pursuant to CCP § 2023.010 is GRANTED. There is no dispute that Defendant is entitled to take the deposition and took all steps necessary to set the deposition and Plaintiff himself was ready, willing, and able to proceed with the deposition. The problem is that Plaintiff's counsel made the financial choice to not appear at the deposition and care for his ailing wife personally in lieu of hiring another attorney to cover the deposition or hiring a caregiver to care for his wife during the deposition. The amount of sanctions reflects the fact that Plaintiff's failed to appear for an already-set deposition, causing Defendant to incur the costs of a court reporter and other fees. While the Court extends its sympathies to Plaintiff's counsel and his wife, the fact is that Plaintiff's counsel has taken on the responsibility of this case and will be required to participate, either personally or through arrangement with other counsel, at depositions, settlement conferences, and any trial held in this matter. The Court will sign the proposed order lodged with this Court on April 6, 2023, and order that Plaintiff's deposition proceed in 30 days and that Plaintiff's counsel pay \$3,010 in sanctions in 30 days.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Collection Case Management Conferences
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Friday, May 26, 2023
8:30 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) 725-4240 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. **Parties who contest the tentative ruling or wish to appear at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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

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

There are no Limited Civil Collection Case Management Conferences scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Friday, May 26, 2023
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) 725-4240 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. **Parties who contest the tentative ruling or wish to appear at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Friday, May 26, 2023
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) 725-4240 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. **Parties who contest the tentative ruling or wish to appear at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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

Friday, May 26, 2023
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) 725-4240 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. **Parties who contest the tentative ruling or wish to appear at a hearing must contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.**

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.
