

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Friday, September 29, 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 – Hon. David Hood

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, September 29, 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
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20CV-01478	T2M Investments, LLC v. Sylvia Nicole, et al.
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Review of Case Status

Appearance requested. Remote appearances are encouraged. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. Voluntary appearance requested to update the Court on the status of bankruptcy proceedings.

21CV-00773	George Quick, et al. v. Blue Mountain Enterprises, LLC, et al.
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Order to Show Cause Re Dismissal – Status of Settlement

CONTINUED TO November 13, 2023 at 8:15 A.M. in Courtroom 8.

21CV-02454

Marisa Luz v. Alicia Trigos

Request to Terminate Civil Harassment Restraining Order by Alicia Ysabel Trigos

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. The Court notes a proof of service showing that the Request to Terminate brought by Alicia Ysabel Trigos was served on Marisa Luz was filed September 20, 2023, and that Marisa Luz has filed a response stating that she does not agree to the Request to Terminate on September 25, 2023.

22CV-00949

Elizabeth Lopez v. Ivan Rodriguez Sanchez, et al.

Petition for an Order for Relief from the Government Claim Statute

The Petition for Relief from Claim Presentation Requirements of Government Code § 945.4 is GRANTED. In *Flores v. Board of Supervisors, County of Los Angeles* (1970) 13 Cal.App.3d 480, the Court's order denying relief was reversed where the failure to file a timely claim was due to the mistake of counsel. Here, Petitioner's counsel filed timely claims with what counsel mistakenly perceived to be the correct governmental entities but failed to file a claim with the City of Los Angeles due to the mistaken belief that the City of Los Angeles had no liability for injury allegedly caused a dangerous condition on the road on which the injury occurred.

22CV-01976

Jill Ratzlaff v. Jackie Smith, II, et al.

Case Management Conference

Appearance required. Remote appearances are encouraged. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing. Appear to update the Court on the status of case.

23CV-01159

Reyes Pineda De Leon v. Barbara Gillis Reid, et al.

Motion for Order Substituting Party

The Motion by Plaintiff Reyes Pineda De Leon to substitute Gary Reid, spouse of deceased Defendant Barbara Jean Gillis Reid as Defendant because of his capacity as successor in interest to deceased Defendant Barbara Jean Gillis Reid is GRANTED. Since no probate has been opened, Plaintiff has the election to open a probate and sue the administrator, or sue the successor in interest.

23CV-01906

Rosemary Rogers v. Alma Cruz, et al.

Motion for Leave to File First Amended Complaint

Pursuant to the stipulation of the parties, the Motion for Leave to File a First Amended Complaint inserting the correct date for the traffic collision on which this matter is based is GRANTED.

23CV-02383

Petition of Gabriela Garavito

Order to Show Cause Re: Name Change

This petition by an adult to change their own last name will be GRANTED upon filing of Proof of Publication. When Proof of Publication is filed, the Court will sign the Decree Changing Name lodged on July 19, 2023 . If Publication has not occurred, the Petitioner is ordered to contact the clerk of the court to set a new hearing date so that publication can occur.

23CV-02609

Jovanna Arzate v. Jacqueline Alvarez

Order to Show Cause Re: Restraining Order

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. The Court notes that no proof of service has been filed showing that respondent was served with the Notice of Hearing, the Request for Restraining Order, or the Temporary Restraining Order issued in this action. Absent an appearance by Petitioner and a showing of good cause for the failure to serve Respondent, the Order to Show Cause re Restraining Order shall be VACATED, and the matter DISMISSED WITHOUT PREJUDICE.

23CV-03066

Cynthia Ramirez Mota v. Marcos Ramos Pimentel

Order to Show Cause Re: Restraining Order

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. The Court notes proof of personal service was filed on September 12, 2023, indicating Respondent was personally served with notice of hearing on September 11, 2023.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Friday, September 29, 2023
1:15 p.m.

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Case No.	Title / Description
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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. David Hood
Courtroom 9
627 W. 21st Street, Merced

Friday, September 29, 2023
1:15 p.m.

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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

Friday, September 29, 2023
1:15 p.m.

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