

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Friday, March 17, 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 1 – Hon. Carol K. Ash

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, March 17, 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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19CV-03393	Dale Lacroix, et al. v. Foster Farms, LLC, et al.
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Order to Show Cause Re: Dismissal – Status of Settlement/Compliance

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. Please be prepared to set dates for a mandatory settlement conference, and potential trial dates. The Court notes Plaintiffs' Counsel filed a declaration regarding the status on March 2, 2023, proposing alternative options for the 40% of unclaimed funds. Appear to discuss the alternative options.

21CV-01365	Arnoldo Padilla v. Ivan Saucedo
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Motion to Quash Defendant's Subpoenas for Plaintiff's Academic Records from Gustine Unified School District

Defendant's Motion to Quash Defendant's Subpoenas for Plaintiff's Academic Records from Gustine Unified School District is GRANTED IN PART AND DENIED IN PART. The Motion to Quash is DENIED and Gustine Unified School District is ordered to produce documents depicting the information responsive to Form Interrogatory 2.7, i.e. (1) the

name and address of the school attended, (2) the dates attended, (3) the highest grade level completed, (4) the degrees received. In all other aspects, the motion to quash is **GRANTED** and Gustine Unified School District is ordered not to provide any document other than those identified above.

22CV-02406 Carmen Nunez v. Juliana Velasquez

Motion to be Relieved as Counsel

The unopposed motion to be relieved as counsel filed on February 10, 2023, by attorney Sawsan Mansour and BD&J, PC is GRANTED, effective upon the filing of proof of service of the order granting this motion on the client. The Court will sign the updated order lodged with the court on February 27, 2023.

22CV-03360 Cintia Lopez, et al. v. Manuel Silva

Motion to be Relieved as Counsel for Plaintiff Cintia Lopez

The unopposed motion to be relieved as counsel for Plaintiff Cintia Lopez, filed on February 10, 2023, by attorney Sasha Farahi and BD&J, PC is GRANTED, effective upon the filing of proof of service of the order granting this motion on the client. The Court will sign the order lodged with the court on February 10, 2023.

Motion to be Relieved as Counsel for Plaintiff Jennie Padilla

The unopposed motion to be relieved as counsel for Plaintiff Jennie Padilla, filed on February 10, 2023, by attorney Sasha Farahi and BD&J, PC is GRANTED, effective upon the filing of proof of service of the order granting this motion on the client. The Court will sign the order lodged with the court on February 10, 2023.

22CV-04015 Petition of Alexis Moreno, et al.

Order to Show Cause Re: Name Change

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. The Court notes that proof of publication was filed on February 21, 2023. Appear to address concerns regarding the planned adoption mentioned in the petition.

23CV-00601 Spring Lawrence v. Frank Ormond

Order to Show Cause Re: Restraining Order

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. 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-00603

Raymond Fitchett v. Peter Fitchett

Order to Show Cause Re: Restraining Order

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. The Court notes that proof of service was filed on March 2, 2023, indicating respondent was personally served with notice of hearing on February 28, 2023.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Friday, March 17, 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:

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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. **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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There are no Limited Civil Dismissal matters scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Special Set Matter
Hon. Carol K. Ash
Courtroom 1
2260 N Street, Merced

Friday, March 17, 2023
9:30 a.m.

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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.**

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Case No.	Title / Description
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22CV-00203	CSPA Groundwater Cases #21CV-01691 & 21CV-02127
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Motion For Leave to File Fourth Amended Complaint

The Motion for Leave to File a Fourth Amended Complaint is GRANTED.

Status 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. All Stays in This Matter are Lifted.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Friday, March 17, 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:

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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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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, March 17, 2023
1:15 p.m.

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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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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, March 17, 2023
1:15 p.m.

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

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