

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Monday, May 22, 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 Monika Donabed**

**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 wanting a hearing transcript 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 civil calendars follow:**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Monday, May 22, 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) 725-4111 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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings. 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.**

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Case No.	Title / Description
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18CV-04496	Rachelle Rubio v. Rich Boys Toys, Inc., et al.
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Order to Show Cause Re: Dismissal – Status of Settlement

**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 settlement.**

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21CV-00379	The People of the State of California v. \$300,220.00 U.S. Currency
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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.**

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22CV-01649

Drury Verhoeff, et al. v. Ray Mitchell's Inc., et al.

Trial Setting 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. Please be prepared to set dates for a mandatory settlement conference, and potential trial dates.**

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22CV-02351

Jose Morales v. Olivia Escobar

Motion to Deem Truth of the Matters and Genuineness of Documents Specified in Request for Admissions, Set One, Admitted and Conclusively Established; Request for Order Awarding Monetary Sanctions Against Defendant Olivia Ceja Escobar

**Plaintiff's unopposed motion to deem truth of the matters and genuineness of documents specified in request for admissions, set one, admitted and conclusively established is GRANTED. Plaintiff's request for order awarding monetary sanctions against Defendant Olivia Ceja Escobar is GRANTED IN PART. Monetary sanctions are imposed against Defendant Olivia Ceja Escobar in the amount of \$760.00, to be paid to Plaintiff's counsel.**

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23CV-00929

Petition of Anna Zang

Order to Show Cause Re: Name Change

**This Petition by an adult to change her own last name is GRANTED. The Court notes that Proof of Publication was filed on April 25, 2023, reflecting publication for four consecutive weeks. The Court will sign the Decree Changing Name lodged on March 20, 2023.**

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23CV-00826

Petition of Julie Trujillo

Order to Show Cause Re: Name Change

**This Petition by an adult to change her own last name is GRANTED. The Court notes that Proof of Publication was filed on April 27, 2023, reflecting publication for four consecutive weeks. The Court will sign the Decree Changing Name lodged on March 8, 2023.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Mandatory Settlement Conference  
Hon. Brian L. McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 22, 2023  
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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings. 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.**

<b>Case No.</b>	<b>Title / Description</b>
22CV-01563	OneMain Financial Group, LLC v. Deanna Scutching
	Mandatory Settlement Conference
	<b>Appearance required. Remote appearances are encouraged. The parties are ordered to contact the clerk of the court at (209) 725-4111 to provide their contact information for the remote hearing.</b>

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Case Management Conferences  
Hon. Brian L. McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 22, 2023  
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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings. 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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**Appearance required on all matters. 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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Brian L. McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced  
Monday, May 22, 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) 725-4111 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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings. 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.**

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

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Judge Pro Tem Monika Donabed  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 22, 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) 725-4111 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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings by telephone or video. Parties who contest the tentative ruling or wish to appear remotely 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.**

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

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Merced  
Monday, May 22, 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) 725-4111 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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings. 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 ex parte matters scheduled for hearing.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Short Cause Court Trials  
Hon. Brian L. McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 22, 2023  
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.
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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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings. 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.**

<b>Case No.</b>	<b>Title / Description</b>
20CV-01604	Joseph Santos v. Nicholas Toti, et al.
	Motions in Limine
<b>Plaintiff's Motion in Limine #1:</b>	<b>Exclude Evidence or Argument that Plaintiff will become "Rich" or that a verdict might bankrupt defendants.</b>  <b>GRANTED</b>
<b>Plaintiff's Motion in Limine #2:</b>	<b>Exclude Evidence or Argument Concerning Plaintiff's current motorcycle license status.</b>  <b>GRANTED unless Plaintiff places his current seizure disorder into issue as affecting the amount of future current and future damages arising from the incident.</b>
<b>Plaintiff's Motion in Limine #3:</b>	<b>Exclude Evidence or Argument Concerning Plaintiff's criminal convictions.</b>  <b>GRANTED</b>

**Plaintiff's Motion in Limine #4: Exclude Evidence or Argument Concerning Plaintiff's poverty in relation to general damages.**

**GRANTED**

**Plaintiff's Motion in Limine #5: Exclude to Exclude Evidence or Argument Concerning any witness not disclosed during discovery including Dulinda M. Soares, Plaintiff's ex-wife.**

**GRANTED**

**Plaintiff's Motion in Limine #6: Concerning the conduct of jury voir dire: (1) permit liberal and probing questions, (2) not provide arbitrary time limit, (3) permit brief opening statement, (4) establish challenge for cause standard, and (5) permit voir dire on money damages,**

**Request for Mini-Opening is GRANTED, other requests are DENIED WITHOUT PREJUDICE TO RAISING SUCH ISSUES DURING VOIR DIRE. (1) liberal and probing examination will be permitted within reason. (2) the court does not impose arbitrary time limits rendering this request moot, (3) mini opening granted, (4) cause will be determined on a juror-by-juror basis pursuant to controlling case law, (5) voir dire on money damages, other than to ask whether a juror will follow the jury instructions concerning the determination of damages, is DENIED as an impermissible effort to have jurors pre-judge the case before hearing evidence. Code of Civil Procedure section 222.5 shall govern the examination.**

**Plaintiff's Motion in Limine #7: Exclude Evidence or Argument Concerning Whether Plaintiff's seizure disorder was a potential cause of the incident.**

**GRANTED unless an Evidence Code § 402 hearing establishes that there exists admissible expert opinion that such seizure disorder was a likely cause of the incident.**

**Plaintiff's Motion in Limine #8: To Limit Defense Experts from offering opinions not disclosed in expert depositions.**

**GRANTED.**

**The Court notes that Defendant has not submitted any motions in limine as of the deadline set by the court.**

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20CV-03605

United Farm Workers of America, et al. v. Foster Poultry Farms

Order to Show Cause Re: Dismissal

**This matter is CONTINUED ON THE COURT'S MOTION to June 13, 2023, at 8:15 a.m. in Courtroom 8 to trail the motion for intervention.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil  
Judge Pro Tem Monika Donabed  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Monday, May 22, 2023  
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. **To limit the spread of the COVID-19 virus, the court encourages remote hearings by telephone or video. Parties who contest the tentative ruling or wish to appear remotely 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.**

<b>Case No.</b>	<b>Title / Description</b>
22CV-00481	Constance Struble v. Kamryn Wadkins Order of Examination <b>Personal appearance required. The Court notes that a proof of service was filed on April 25, 2023, showing that the order to appear for examination was personally served on Kamryn Wadkins on April 4, 2023.</b>
22CV-02788	Kesse Castaneda-Haro v. Ashley Johnson Order of Examination <b>Personal appearance required. The Court notes that a proof of service was filed on April 14, 2023, showing that the order to appear for examination was personally served on Ashley Kae Johnson on April 11, 2023.</b>

22CV-03007

Capital One Bank (USA), N.A. v. Michael Fuentes

Motion to Set Aside CCP Section 664.6 Dismissal and Enter Judgment Against Defendant

**Plaintiff's unopposed motion to set aside CCP section 664.6 dismissal and enter judgment against Defendant is GRANTED. The Court orders the dismissal set aside and orders judgment entered for Plaintiff and against Defendant in the amount of \$5,718.77. The Court will sign both the order and the judgment that were lodged on April 14, 2023.**

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22CV-03599

Citibank N.A. v. Theresa Michael

Plaintiff's Motion for Order that Matters in Request for Admission of Truth of Facts be Admitted

**Plaintiff's unopposed motion for order that matters in request for admission of truth of facts be admitted is GRANTED. The Court orders all specified facts in the Request for Admissions, Set One, propounded by Plaintiff on defendant Theresa Michael are deemed admitted. The Court will sign the order lodged on April 5, 2023.**

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22CV-03787

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

**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.**

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23CV-01127

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

**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.**

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23CV-01297

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

**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.**

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23CV-01313

[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]

Unlawful Detainer Court Trial

**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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Special Set Matter  
Hon. Paul C. Lo  
Courtroom 3  
2260 N Street, Merced

Monday, May 22, 2023  
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) 725-4240 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 remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

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Case No.	Title / Description
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16CV-03465	Adolfo Sanchez v. Dan Yoon, et al.
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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.**

Order to Show Cause Re: Dismissal

**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.**

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