

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

2260 N Street, Merced  
627 W. 21<sup>st</sup> Street, Merced  
1159 G Street, Los Banos

Thursday, May 25, 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 4 – Commissioner Donald E. Shaver**

**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. 21<sup>st</sup> Street, Merced

Thursday, May 25, 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 remotely 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 must make their own arrangements.**

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Case No.	Title / Description
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19CV-01521	Trudy Ring v. Clyde Conley, 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. Appear to update the Court on the status of case.**

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19CV-02000	Amarjit Kandola v. Bhupinder Sahota
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Order to Show Cause

**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 counsel failed to appear for the Status Conference on April 24, 2023, and both have filed responses to the OSC. Appear to update the Court on the status of the case.**

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19CV-04456

Salen's Landscaping, Inc. v. 7-Eleven, Inc., et al.

Motion for Judgment on the Pleadings Filed by Defendant 7-Eleven Inc.

**The unopposed Motion for Judgment on the Pleadings is GRANTED WITHOUT LEAVE TO AMEND. Defendant is ordered to prepare an appropriate order.**

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21CV-01925

Jose Pena v. N&S Tractor Co.

Motion to Lift Stay on Plaintiff's Cause of Action Pursuant to CCP § 1281.4

**Defendant contends that since this case was dismissed without prejudice, there is no stay to be lifted. This Court views the Motion to Lift stay as a request for reconsideration of the order dismissing without prejudice in light of new law, *Piplack, et al. v. IN-N-OUT* (2023) 88 Cal.App.5th 1281, and, accordingly, the court grants reconsideration on its own motion to determine the effect, if any, that *Piplack, et al. v. IN-N-OUT* (2023) 88 Cal.App.5th 1281 has on the court's decision to dismiss Plaintiff's representative PAGA claim because Plaintiff was compelled to arbitrate Plaintiff's individual PAGA claim. Relying on *Kim v. Reins International California, Inc.* (2020) 9 Cal.5th 73, 83-84 as a binding interpretation that standing for a representative PAGA claim has only two elements: Plaintiff must be someone (1) who was employed by the alleged violator and (2) against whom one or more of the alleged violations was committed. The Court of Appeals in *Piplack* held that it was required to follow *Kim v. Reins International California, Inc.* (2020) 9 Cal.5th 73, 83-84 and this Court concludes that it is required to follow *Piplack, et al. v. IN-N-OUT* (2023) 88 Cal.App.5th 1281, 1285. While Defendant argues that some portion of the *Piplack* case is dicta, this Court finds that the *Piplack* interpretation of *Kim v. Reins International California, Inc.* (2020) 9 Cal.5th 73, 83-84 is binding on this Court. Since the *Kim v. Reins* decision was in effect at the time the Motion to Compel Arbitration was decided in this case, and since this Court's decision runs contrary to the interpretation of *Kim v. Reins* reached in *Piplack*, this Court reverses its order dismissing this action without prejudice. Said PAGA Representative Action is reinstated.**

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22CV-03477

Kayla Rose v. Carlucci Transport

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 mediation.**

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23CV-00615

Aylin Duran Fuentes v. Esbeidy Vargas

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 Unsuccessful Service was filed on March 28, 2023, for both Respondent and Respondent's parent/guardian. 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.**

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23CV-00952                      In the Matter of Leonard Govea-Baez

In Camera Hearing on Petition for Relief from Firearms Prohibition

**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-01063                      Marianna Fisher v. Glen Rogers

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 both counsel were present on April 25, 2023, when this matter was continued to this date at the request of Respondent's counsel.**

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23CV-01554                      Jennifer Robinson v. Amber Blackmon

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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Special Set Matter  
Commissioner Donald E. Shaver  
Courtroom 4  
2260 N Street, Merced

Thursday, May 25, 2023  
8:45 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 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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<b>Case No.</b>	<b>Title / Description</b>
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23CV-00055	Cassandra Guillory v. Tyree Thompson
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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 both parties were present on March 22, 2023, when the matter was continued to this date.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, May 25, 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) 725-4240 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) 725-4111 to provide their contact information for the remote hearing.**

**IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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There are no Mandatory Settlement Conferences scheduled.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Limited Civil Calendar  
Judge Pro Tem Peter MacLaren  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Thursday, May 25, 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) 725-4240 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) 725-4111 to provide their contact information for the remote hearing.**

**IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements.**

**Case No.**                      **Title / Description**

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There are no Limited Civil matters scheduled.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, May 25, 2023  
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) 725-4240 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) 725-4124 to provide their contact information for the remote hearing.**

**IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements.**

Case No.	Title / Description
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23CV-01462	Scott Hubble v. Kathy Balerd
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Request for Restraining Order

**Appearance required. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4124 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-01512	Saul Cabrera v. Damian Blanco
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Request for Restraining Order

**Appearance required. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4124 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-01546

Melissa Houtekamer v. Sara Castro

Request for Restraining Order

**Appearance required. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4124 to provide their contact information for the remote hearing. The Court notes proof of personal service was filed on May 10, 2023, indicating Respondent was personally served with notice of hearing on May 9, 2023.**

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23CV-01497

James Savage v. Arturo Espinoza

Request for Restraining Order

**Appearance required. Parties who wish to appear remotely should contact the clerk of the court at (209) 725-4124 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.**

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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

Thursday, May 25, 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 remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

**IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements.**

<b>Case No.</b>	<b>Title / Description</b>
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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  
Judge Pro Tem Peter MacLaren  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Thursday, May 25, 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.
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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 remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

**IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements.**

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Case No.	Title / Description
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23CV-00238	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Ex Parte Motion for Order Setting Aside Court Judgment; Staying Execution of Judgment; Shortening Time for Hearing

**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

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

Thursday, May 25, 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 remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

**IMPORTANT: Court Reporters will NOT be provided; parties must make their own arrangements.**

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

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