

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Thursday, September 28, 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 – 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
Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, September 28, 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.

Case No.	Title / Description
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19CV-04085	Ruby Rodriguez-Castro v. Christopher Gaspar, et al.
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Order to Show Cause Re: Dismissal – Notice of Settlement

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 Notice of Settlement of Entire Case was filed on May 1, 2023, indicating a request for dismissal would be filed no later than July 30, 2023. To date, a request for dismissal of entire action has not been filed. Appear to address status of settlement. Absent an appearance by plaintiff, the matter will be DISMISSED WITHOUT PRUEJUDICE.

21CV-01481	Jami Noack v. Tristan Shelton, et al.
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Order to Show Cause Re: Sanctions

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 Plaintiff did not file a Case Management Conference Statement, failed to appear for CMC on August 28, 2023, and has not filed any response to the OSC re sanctions. Plaintiff's failure to appear will result in the imposition of monetary sanctions.

21CV-03516

Cynthia Reyes v. Adrian Aguilar

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. Appear to update the Court on the status of case.

21CV-04032

Oreste Cavallini, et al. v. Diane Lane, et al.

Order to Show Cause Re: Dismissal – Notice of Settlement

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 Notice of Settlement of Entire Case was filed on January 3, 2023, indicating a request for dismissal would be filed no later than May 31, 2023. To date, a request for dismissal of entire action has not been filed. Appear to address status of settlement. Absent an appearance by plaintiff, the matter will be DISMISSED WITHOUT PRUEJUDICE.

22CV-02437

Marlen Olea v. Guadalupe Torres

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.

22CV-02627

German Venegas v. Israel Karsner, 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.

22CV-03434

Serena Pellegrino v. CVS Pharmacy, Inc., et al.

Case Management Conference

CONTINUED ON THE COURT'S OWN MOTION TO November 13, 2023 at 8:15 A.M. in Courtroom 8.

23CV-02212

In the Matter of: Inspection of: Assessor's Parcel Nos. 045-190-075 and
045-190-076 (23570 Geer Ave., Hilmar CA 95324)

Petition for Inspection Warrant and Abatement 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. Appear to update the Court on the progress made by Respondent.

23CV-03113

Alyssa Satawake v. County of Merced, et al.

Petition for Relief from Claim Presentation Requirements of Government Code § 945.4

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, counsel was consulted and retained just prior to the expiration of the time to file a claim. The Court held that it was appropriate to grant relief because the parties had done everything in their power to proceed with their claim prior to the deadline, but it was an error on the attorneys' part to meet the deadline.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conferences
Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Thursday, September 28, 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.

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

Thursday, September 28, 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:

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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 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, September 28, 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-03134	Kaitlyn Recinos v. Perla Aguilar
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Order to Show Cause Re: Restraining Order

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. The Court notes proof of personal service was filed on September 15, 2023, indicating Respondent was personally served with notice of hearing on September 21, 2023.

23CV-02028	Patricia Casey v. Adam Courtney
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Order to Show Cause Re: Restraining Order – Review Hearing

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. The Court notes that it continued the temporary orders for a 3-month period and set this review hearing to confirm if there have been any further issues. If there are no further issues, the restraining order will be dismissed.

23CV-03078

Jarrett Hatcher v. Anthony Linan

Order to Show Cause Re: Restraining Order

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. 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-03133

Kaitlyn Recinos v. Manuel Romero

Order to Show Cause Re: Restraining Order

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. The Court notes proof of personal service was filed on September 15, 2023, indicating Respondent was personally served with notice of hearing on September 11, 2023.

23CV-03120

Benigno Salcedo v. Miguel Servin

Order to Show Cause Re: Restraining Order

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. 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Thursday, September 28, 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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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

Thursday, September 28, 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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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. Jennifer O. Trimble
Courtroom 12
1159 G Street, Los Banos

Thursday, September 28, 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 must make their own arrangements.

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