

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Wednesday, October 4, 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

Unlimited Civil Law and Motion
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Wednesday, October 4, 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) 725-4240 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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16CV-01439	Daniel Ceron v. Pedro Molina, Sr., et al.
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Plaintiff's Motion to Quash Deposition Subpoenas of Employment & Payroll Records and Request for Sanctions in the Amount of \$2,475 Against Defendant Pedro Molina, Sr., Irvin Trucking, Inc., and its Attorneys Cholakian & Associates

The Motion to Quash Deposition Subpoenas of Employment records is DENIED. The deponents are ordered to produce all responsive documents, subject to protective order, as follows: All records concerning Daniel Ceron (d/b 7/18/1987) limited to any documents related to absenteeism, leave of absence, workplace accommodations, complaint by employer or employee of inability to perform duties of job, workers compensation claims of disability concerning his spine for the time period September 1, 2018 to present. The Court finds that the requested documents are reasonably calculated to lead to discovery of preexisting conditions relevant to Plaintiff's personal injury claim. Plaintiff's request for sanctions is DENIED.

19CV-03540

Moises Cruz Ortiz v. Juan Carreno Venegas, et al.

Case Management 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. Please be prepared to address the status of discovery, whether there should be an early disclosure of expert witnesses, dates for a mandatory settlement conference, and potential trial dates.

The Court notes a Spanish language interpreter has been scheduled. If the requesting party notifies the court of their intent to appear, and fails to appear, the Court may assess on the party and/or attorney all or part of the financial expense of scheduling an interpreter pursuant to Standing Order #2017-02. If counsel intends to appear on behalf of the party who requires an interpreter, please notify the court immediately if an interpreter is not required.

22CV-00941

Amber Mansu, et al. v. Major Singh

Petition for Minor's Compromise

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 confirm that the minor is receiving 100% of a policy limits offer, that a lawsuit for an amount in excess of policy is not economically feasible, and that there is substantial justification for the 25% contingent fee given the amount and complexity of the work performed.

23CV-01063

Marianna Fisher v. Glen Rogers

Motion for Breach of Settlement and Request for Orders to Enforce 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. Appear to update the Court on the status settlement discussions.

23CV-02270

Petition of Blanca Galeana Betancourt

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 Proof of Publication was filed August 23, 2023, reflecting publication for four consecutive weeks, and that two incomplete proofs of service have been filed presumably reflecting service on the minor's father; however, neither properly indicates what documents were served.

23CV-02288

Petition of Sara Cox

Order to Show Cause Re: Name Change

This petition by one parent to change the last name of her minor child was CONTINUED to this date to allow time for publication and for service of the petition on the minor's father. The Court notes that an objection has been filed by the minor's maternal grandmother, that petitioner did not appear at the last OSC, and that, to date, proof of publication and proof of service have not been filed. Absent an appearance by Petitioner, this matter will be set for an order to show cause why this matter should not be dismissed.

23CV-02298

Petition of Dalia Vaca

Order to Show Cause Re: Name Change

This petition by one parent to change the last name of her minor child was CONTINUED to this date to allow time for publication and for service of the petition on the minors' father. The Court notes that petitioner did not appear at the last OSC, and that, to date, proof of publication and proof of service have not been filed. Absent an appearance by Petitioner, this matter will be set for an order to show cause why this matter should not be dismissed.

23CV-02386

Joshanett Stinson v. Khauri Stewart

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 proof of service was filed on September 25, 2023, indicating Respondent was personally served with notice of hearing on September 21, 2023.

23CV-03129

Mary Loera v. Megan Shaw

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. Order to Show Cause Re: Restraining Order. The Court notes proof of service was filed on September 15, 2023, indicating Respondent was personally served with notice of hearing on September 14, 2023.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, October 4, 2023
9:00 a.m.

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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) 725-4240 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

Wednesday, October 4, 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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Case No.	Title / Description
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17CV-02789	Kelstin Group, Inc. v. Ricardo Davila
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Order of Examination

Personal appearance required. The Court notes that a proof of service was filed on August 4, 2023, reflecting that the order to appear for examination was personally served on Judgment Debtor on July 24, 2023.

23CV-02399	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Review of Case Status

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 this hearing was scheduled to verify that Defendant has vacated the premises. If there are no appearances, the matter will be dismissed with prejudice.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, October 4, 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

Wednesday, October 4, 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

Wednesday, October 4, 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

Limited Civil Long Cause Court Trials
Hon. David Hood
Courtroom 9
627 W. 21st Street, Merced

Wednesday, October 4, 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:

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Case No.	Title / Description
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There are no Limited Civil Long Cause Court Trials scheduled.	
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