

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, May 24, 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 3 – Hon. Paul C. Lo

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

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

Wednesday, May 24, 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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15CV-03204	Albert Del Real v. United State Postal Service
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Review of Case Status

The Court notes the United States of America's Response to Notice of Review of Case Status was filed May 5, 2023, reflecting that after this matter was removed to Federal Court, it was dismissed with prejudice by stipulation of the parties. Based on the information provided, this Court orders this matter DISMISSED WITH PREJUDICE.

18CV-04300	Walmart, Inc. v. Summit Development Corporation, et al.
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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.

21CV-00156

Elijah Zabala-Nunez, et al. v. Los Banos Unified School District, et al.

Petition for Minor's Compromise

Personal appearance required. The Court notes that this hearing was scheduled by this Court at the OSC hearing on March 21, 2023, yet a Petition for Approval of Minor's Compromise has not been filed.

21CV-00790

Angelica Barba v. Cynthia Alvarez

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. Appear to update the Court on the status of new counsel and/or contact with Plaintiff.

21CV-02305

Mario Belerique v. Joseph Borba, et al.

Motion for Leave to File First Amended Complaint

The unopposed motion for leave to file a First Amended Complaint is GRANTED. Plaintiff is ordered to file and serve the proposed amended complaint forthwith. The Court will sign the order lodged with the court on April 10, 2023.

22CV-00541

Lamonte Tumbling v. Frank Coquillet

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 the settlement.

22CV-01582

Andrew Nieto v. Correia Family Dairy Farms, LP

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

23CV-00482

Los Banos Unified School District v. James Huling

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 service by publication was granted as a part of the Amended Order on Request to Continue Hearing filed April 12, 2023, and that proof of publication was filed on May 16, 2023, reflecting publication for four consecutive weeks.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, May 24, 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:

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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.

There are no Mandatory Settlement Conferences scheduled.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, May 24, 2023
10:00 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 remotely at a hearing must contact the clerk of the court at (209) 725-4240 to provide their contact information for the remote hearing.**

Case No.	Title / Description
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21CV-01885	Gregory Frago v. Walmart, Inc.
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Order to Show Cause Re Dismissal – Status 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 February 7, 2023, indicating a request for dismissal would be filed no later than March 21, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, May 24, 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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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.**

Case No.	Title / Description
22CV-02104	LVNV Funding LLC v. Diana Benavides Court Trial 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.
23CV-00570	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial 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.

23CV-01341

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

Unlawful Detainer Court Trial

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 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.

23CV-01342

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

Unlawful Detainer Court Trial

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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, May 24, 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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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.**

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

Wednesday, May 24, 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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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

Wednesday, May 24, 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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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.**

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Long Cause Court Trials
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Wednesday, May 24, 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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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.**

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