

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

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

Friday, February 23, 2024

**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 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

Friday, February 23, 2024  
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. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

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Case No.	Title / Description
19CV-03412	David Allen v. Central Valley Concrete, Inc.
Status Conference	
<b>Appearance not required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. Appear to address case status of mediation. At the last hearing the parties were scheduled for mediation on January 9, 2024.</b>	
20CV-02493	Animal Legal Defense Fund v. Foster Poultry Farms
Application Pro Hac Voce	
<b>This matter has been assigned to the Hon. Donald J. Proietti in Courtroom 10 for all purposes. Please see the separate Tentative Ruling below for Courtroom 10 Civil Matters.</b>	

22CV-01932

Samir Jimenez v. Juan Alvarado, Jr., et all.

Case Management Conference

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. Appear to address status of case that was scheduled to be mediated on January 11, 2024.**

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22CV-04173

John Doe Z.S. v. Stephen Hammond, et al.

Order to Show Cause re: Dismissal

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. Appear to address reason Plaintiff has failed to appear at the November 13, 2023 Case Management Conference, the January 17, 2024 Case Management Conference and Order to Show Cause re Sanctions. If there is no appearance by Plaintiff the Case will be DISMISSED WITHOUT PREJUDICE.**

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23CV-02771

Wayne Smith II v. Alzarino Azevedo, et al.

Motion for Protective Order

**The Motion for Protective Order is DENIED. On February 20, 2024 this Court denied a motion to quash subpoena on the grounds that the subpoenas were reasonably calculated to lead to the discovery of admissible evidence and are directly relevant in that a fair adjudication of Plaintiff's personal injury claim cannot occur without access to the requested information. The ruling is without prejudice to entry of an appropriate protective order limiting dissemination of confidential information to third parties.**

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24CV-00345

Mandeep Grewal v. Jaspreet Atwal

Order to Show Cause re: Restraining Order

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 arrange for a remote appearance. The Court notes that proof of service was filed on February 13, 2024 establishing that Notice of Hearing, Application for Civil Harassment Restraining Order, and Temporary Restraining Order were served on Respondent on February 8, 2024.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion  
Hon. Donald J. Proietti  
Courtroom 10  
627 W. 21<sup>st</sup> Street, Merced

Friday, February 23, 2024  
8:15 a.m.

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Case No.	Title / Description
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20CV-02493	Animal Legal Defense Fund v. Foster Poultry Farms
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Application Pro Hac Voce

**The unopposed Pro Hac Vice Application is GRANTED.**

23PR-00123	Conservatorship of Otis Morris
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Motion to Deem Matters in Requests for Admission Admitted

**The unopposed Motion to Deem Matters in Requests for Admission Admitted is GRANTED provided that a verified code compliant response is not served prior to the time of the hearing. Absent such a response, the following matters will be deemed admitted:**

**1. Admit that OTIS LEE MORRIS (for purposes of these Requests for Admission: "OTIS LEE MORRIS" means and refers to the subject person referenced in the Petition for Appointment of Probate Conservator of the Person and Estate filed by SHARON MORRIS on or about April 5, 2023 Merced Superior Court Case No. 23PR-00123) is a person who is substantially unable to manage his own financial resources as defined by Probate Code**

**1801(b) which reads as follows: “A conservator of the estate may be appointed for a person who is substantially unable to manage his or her own financial resources or resist fraud or undue influence, except as provided for that person as described in subdivision (b) or (c) of Section 1828.5. Substantial inability may not be proved solely by isolated incidents of negligence or improvidence.”**

**2. Admit that OTIS LEE MORRIS (for purposes of these Requests for Admission: "OTIS LEE MORRIS" means and refers to the subject person referenced in the Petition for Appointment of Probate Conservator of the Person and Estate filed by SHARON MORRIS on or about April 5, 2023 Merced Superior Court Case No. 23PR-00123) is a person who is substantially unable to resist fraud or undue influence as defined by Probate Code 1801(b) which reads as follows: “A conservator of the estate may be appointed for a person who is substantially unable to manage his or her own financial resources or resist fraud or undue influence, except as provided for that person as described in subdivision (b) or (c) of Section 1828.5. Substantial inability may not be proved solely by isolated incidents of negligence or improvidence.”**

**3. Admit that voluntary acceptance of assistance is not a suitable alternative to a conservatorship of the estate for OTIS LEE MORRIS (for purposes of these Requests for Admission: "OTIS LEE MORRIS" means and refers to the subject person referenced in the Petition for Appointment of Probate Conservator of the Person and Estate filed by SHARON MORRIS on or about April 5, 2023 Merced Superior Court Case No. 23PR-00123).**

**4. Admit that a power of attorney is not a suitable alternative to a conservatorship of the estate for OTIS LEE MORRIS (for purposes of these Requests for Admission: "OTIS LEE MORRIS" means and refers to the subject person referenced in the Petition for Appointment of Probate Conservator of the Person and Estate filed by SHARON MORRIS on or about April 5, 2023 Merced Superior Court Case No. 23PR-00123).**

**5. Admit that management through a Trust is not a suitable alternative to a conservatorship of the estate for OTIS LEE MORRIS (for purposes of these Requests for Admission: "OTIS LEE MORRIS" means and refers to the subject person referenced in the Petition for Appointment of Probate Conservator of the Person and Estate filed by SHARON MORRIS on or about April 5, 2023 Merced Superior Court Case No. 23PR-00123).**

**6. Admit that there are no suitable alternatives to a conservatorship of the estate for OTIS LEE MORRIS (for purposes of these Requests for Admission: "OTIS LEE MORRIS" means and refers to the subject person referenced in the Petition for Appointment of Probate Conservator of the Person and Estate filed by SHARON MORRIS on or about April 5, 2023 Merced Superior Court Case No. 23PR-00123).**

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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

Friday, February 23, 2024  
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  
Judge Pro Tem Peter MacLaren  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

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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

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