

**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, September 5, 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 L. McCabe**

**Courtroom 9 – Hon. Mason Brawley**

**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, September 5, 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.

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

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Case No.	Title / Description
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20CV-01746	Raymond Allen v. Richard Vargas
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Order to Show Cause re Renewal of Restraining Order

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. The Court notes that proof of service was filed on August 9, 2024, showing service of the papers filed in connection with the request for renewal of restraining order on Respondent.**

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21CV-01925	Jose Pena v. N&S Tractor Co.
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Order to Show Cause re: Dismissal-Notice of Settlement

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. Appear to address the status of the settlement.**

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Plaintiff's Motion for Summary Adjudication of the Defendant's Twenty-Fifth Affirmative Defense for Undue Harship, Defendant's Thirtieth Affirmative Defense for Health and Safety of Others, Seventeenth Affirmative Defense Legitimate Non-Discriminatory and/or Non-Retaliatory Factors, and Defendant's Nineteenth Affirmative Defense for Any Actions Would have Been Taken in Any Event

**Plaintiff's Motion for Summary Adjudication of the Defendant's Twenty-Fifth Affirmative Defense for Undue Harship is DENIED. Defendant's Evidentiary Objections Nos. 1-21 are SUSTAINED. After Sustaining the evidentiary objections, Defendant correctly asserts that the cited evidence to Facts 1-11, 14, 15-16, 19, 21, 23, 27-30, 37, 39, 42-44, 46, 49-51, 53, 55-61, 63-65, 68-70, 72, 73-74, and 76-79 is either not supported by admissible evidence or the admissible evidence established does not support the fact asserted. Accordingly, Plaintiff's Undisputed Facts #1-81 fail to establish a prima facie case that Plaintiff is entitled to judgment as a matter of law with respect to Defendant's Twenty-Fifth Affirmative Defense for Undue Harship. Even if it did, Defendant's Evidence establishes a triable issue of material fact with respect to Defendant's Twenty-Fifth Affirmative Defense for Undue Harship. Finally, Defendant's Additional Material Facts 1-27 establish a triable issue of material fact with respect to Defendant's Twenty-Fifth Affirmative Defense for Undue Harship.**

**Plaintiff's Motion for Summary Adjudication of the Defendant's Thirtieth Affirmative Defense for Health and Safety of Others is DENIED. Defendant's Evidentiary Objections Nos. 1-21 are SUSTAINED. After Sustaining the evidentiary objections, Defendant correctly asserts that the cited evidence to Facts 82-85 and 87-95 is either not supported by admissible evidence or the admissible evidence established does not support the fact asserted. Accordingly, Plaintiff's Undisputed Facts #82-95 fail to establish a prima facie case that Plaintiff is entitled to judgment as a matter of law with respect to Defendant's Thirtieth Affirmative Defense for Health and Safety of Others. Even if it did, Defendant's Evidence establishes a triable issue of material fact with respect to Defendant's Thirtieth Affirmative Defense for Health and Safety of Others. Finally, Defendant's Additional Material Facts 1-27 establish a triable issue of material fact with respect to Defendant's Thirtieth Affirmative Defense for Health and Safety of Others.**

**Plaintiff's Motion for Summary Adjudication of Seventeenth Affirmative Defense Legitimate Non-Discriminatory and/or Non-Retaliatory Factors is DENIED. Defendant's Evidentiary Objections Nos. 1-21 are SUSTAINED. After Sustaining the evidentiary objections, Defendant correctly asserts that the cited evidence to Fact 96 does not support the fact asserted. Accordingly, Plaintiff's Undisputed Fact #96 fails to establish a prima facie case that Plaintiff is entitled to judgment as a matter of law with respect to Defendant's Seventeenth Affirmative Defense Legitimate Non-Discriminatory and/or Non-Retaliatory Factors. Even if it did, Defendant's Evidence establishes a triable issue of material fact with respect to Defendant's Seventeenth Affirmative Defense Legitimate Non-Discriminatory and/or Non-Retaliatory Factors. Finally, Defendant's Additional Material Facts 1-27 establish a triable issue of material fact with respect to Defendant's Seventeenth Affirmative Defense Legitimate Non-Discriminatory and/or Non-Retaliatory Factors.**

**Plaintiff's Motion for Summary Adjudication of Nineteenth Affirmative Defense for Any Actions Would have Been Taken in Any Event is DENIED. Defendant's Evidentiary Objections Nos. 1-21 are SUSTAINED. After Sustaining the evidentiary objections, Defendant correctly asserts that the cited evidence to Fact 96 does not support the fact asserted. Accordingly, Plaintiff's Undisputed Fact #97-98 fail to establish a prima facie case that Plaintiff is entitled to judgment as a matter of law with respect to Defendant's**

**Nineteenth Affirmative Defense for Any Actions Would have Been Taken in Any Event. Even if it did, Defendant's Evidence establishes a triable issue of material fact with respect to Nineteenth Affirmative Defense for Any Actions Would have Been Taken in Any Event. Finally, Defendant's Additional Material Facts 1-27 establish a triable issue of material fact with respect to Nineteenth Affirmative Defense for Any Actions Would have Been Taken in Any Event.**

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22CV-04217                      Arcelia Ochoa v. Marcos Renteria AG Services, Inc., et al.

Motion for Leave to File a Second Amended complaint

**Plaintiff's Motion for Leave to File a Second Amended complaint is GRANTED.**

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22CV-04225                      Roe v. Doe 1

Case Management Conference

**Continued on the Court's Own Motion to March 10, 2025 at 10:00 A.M. in Courtroom 8. The Court notes that the matter was not at issue until June 3, 2024 when Defendant's answer was filed.**

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23CV-03562                      Anthony Baggett v. J.L.C.C. Merced Sheriff, et al.

Demurrer to Complaint

**The unopposed Demurrer for failure to state a cause of action is SUSTAINED WITH LEAVE TO AMEND.**

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23CV-04366                      Anthony Baggett v. J.L.C.C.

Demurrer to Complaint

**The unopposed Demurrer for failure to state a cause of action is SUSTAINED WITH LEAVE TO AMEND.**

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24CV-00721                      Anthony Baggett v. Merced Main Jail, et al.

Demurrer to Complaint

**The unopposed Demurrer for failure to state a cause of action is SUSTAINED WITH LEAVE TO AMEND.**

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24CV-03888

Edward Jimenez v. Kaveet Kumar

Order to Show Cause re Restraining Order

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance. The Court notes that no proof of service has been filed showing service of the papers filed in this action on Respondent.**

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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, September 5, 2024  
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) 725-4111 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.

**IMPORTANT: Court Reporters will NOT be provided; parties wanting a hearing transcript 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. Mason Brawley  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Thursday, September 5, 2024  
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) 725-4111 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
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24CV-03837	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Unlawful Detainer Court Trial

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to seek permission and arrange for a remote appearance.**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, September 5, 2024  
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:

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Case No.	Title / Description
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24CV-03907	Scott Savage v. Reginald Grimes
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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) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service has been filed showing service of the papers filed in this action on respondent.**

24CV-02698	Aden Garcia v. Chera Hartley
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Trial Setting Conference

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service has been filed showing service of the papers filed in this action on respondent.**



24CV-00655

Lois Carmo v. Sophia Sardia

Trial Setting Conference

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service has been filed showing service of the papers filed in this action on respondent.**

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24CV-03926

Mary Valdez v. Raquel Trejo

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) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service has been filed showing service of the papers filed in this action on respondent.**

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24CV-03899

Angelina Bueno v. Natalie Vargas

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) 725-4124 to arrange for a remote appearance. The Court notes that no proof of service has been filed showing service of the papers filed in this action on respondent.**

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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, September 5, 2024  
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.

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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. Mason Brawley  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Thursday, September 5, 2024  
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) 725-4111 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.

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

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 5, 2024

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) 725-4111 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. *Note:* Notifying Court Call (the court's telephonic appearance provider) of your intent to appear does not satisfy the requirement of notifying the court.

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

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