

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

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

Tuesday, August 13, 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 calendars:**

**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

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

Tuesday, August 13, 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.**

Case No.	Title / Description
20CV-03468	Frances Semoes, et al. v. Josh Reingeisen, et al. Order to Show Cause re: Dismissal-Notice of Settlement <b>Dropped from Calendar, Order granting joint request for dismissal filed April 5, 2024.</b>
21CV-03576	Herman Rico, et al. v. Stonefield Home, Inc., et al. Order to Show Cause re: Dismissal-Notice of Settlement <b>Continued on the Court's own motion to August 13, 2024, at 8:15 in Courtroom 8 pursuant to the Declaration of Scott J. Thomson, Esq. filed August 8, 2024.</b>

22CV-03732

Carrina Mendez, et al. v. Mark Pimentel, et al.

Case Management Conference

**Appearance optional. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. Based on the filing of the Notice of Settlement of Entire Case and the parties' CMC Statements, the parties are awaiting payment and thereafter a dismissal will be filed with the court. Case Management Conference dropped from calendar. An OSC re: Settlement Status set for September 12, 2024, at 8:15 a.m. If a Dismissal is filed before the next status hearing, no appearance necessary as the matter will drop automatically from calendar and the case closed out.**

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24CV-03154

Petition of: Sue Moua, et al.

Order to Show Cause re: Name Change

**Proof of Publication having been filed, this petition by both parents to eliminate the middle name of a minor child is GRANTED.**

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24CV-03160

Petition of: Juana Amezcua Torres .

Order to Show Cause re: Name Change

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. Petition of an adult to change last name filed June 28, 2024. No proof of publication filed. Appear to present publication.**

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24CV-03223

Petition of: Gloria Ortiz

Order to Show Cause re: Name Change

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to arrange for a remote appearance. Name change for two minor children by one parent; mother. Proof of publication with The Merced County Times filed August 9, 2024. Proof of service on other parent; father, filed August 9, 2024, however, service performed by mail. Service of a petition to change name of minor children must be in person by someone other than the mother and who is 18 yrs. old or older. (Code of Civil Procedure sections 413.10, 414.10, 415.10, 415.40.)**

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24CV-03334

Petition of: Carmen Tally

In Camera Hearing

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

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Jury Trials and Long Cause Court Trials  
Hon. Brian L. McCabe  
Courtroom 8  
627 W. 21st Street, Merced

Tuesday, August 13, 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.**

<b>Case No.</b>	<b>Title / Description</b>
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There are no Jury Trials or Long Cause Matters Scheduled	
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Tuesday, August 13, 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.

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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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Tuesday, August 13, 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.

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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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Ex Parte Matters  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Tuesday, August 13, 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.

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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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Tuesday, August 13, 2024  
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:

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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23CV-02768	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Demurrer to Unlawful Detainer Complaint

**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 Demurrer is SUSTAINED WITHOUT LEAVE TO AMEND. The Complaint concedes that the tenancy was subject to the Tenant Protection Act of 2019 and the allegations of the complaint confirm that the tenancy was in existence for more than 12 months and was not subject to an exemption from the Tenant Protection Act of 2019. The complaint alleges that the Tenancy was terminate for both at-fault just cause and no-fault just cause, alleges that \$1,500 in rent was waived, but the 60 day notice does not state a reason that the termination qualifies as at-fault just cause, and does not mention the rent waiver alleged in the complaint. Since the 60 day notice cannot be amended, the Demurrer is Sustained Without leave to amend,**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Unlawful Detainers  
Hon. Jennifer O. Trimble  
Courtroom 12  
1159 G Street, Los Banos

Tuesday, August 13, 2024  
2:00 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.

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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24CV-03638	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Unlawful Detainer Court Trial

**Appearance required. Remote appearances are permitted. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124I to arrange for a remote appearance. The complaint alleges failure to pay June and July Rent and the Answer alleges a breach of the implied warranty of habitability. Appear to address whether June and July rent were in fact paid and whether there were habitability defects in the premises affecting habitability during June and July for which the landlord had notice but failed to repair such premises prior to June and July that lowered the fair rental value to an amount less than appeared in the 3-day notice.**