

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Wednesday, January 24, 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 – Commissioner David Foster

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 McCabe
Courtroom 8
627 W. 21st Street, Merced

Wednesday, January 24, 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
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20CV-02063	Birdell Henry v. Silverstina Carraway, et al.
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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 settlement and whether this 2020 case should be set for trial in 2025.

22CV-03034	Water Audit of California v. Merced Irrigation District
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Review of Status

Continued on the Court's own Motion to February 22, 2024 at 8:15 A.M. in Courtroom 8 to be heard concurrently with the demurrer pending on that date.

23CV-04400

Petition of: Maribel Zambrano

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 arrange for a remote appearance. This is a petition by one parent to change the name of a minor child and the petition alleges that the identity of the other parent is unknown. Appear to address the circumstances affecting service on the other parent.

24CV-00005

Romana Brasuell v. Earl Toliver

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 on Respondent was filed January 10, 2024 showing that service on respondent occurred on January 8, 2024.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Special Set Unlimited Civil Law and Motion
Hon. Donald J. Proietti
Courtroom 10
627 W. 21st Street, Merced

Wednesday, January 24, 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-02493	Animal Legal Defense Fund v. Foster Poultry Farms
	Motion by Defendant Foster Poultry Farms to Seal Exhibits Filed with Plaintiff's Discovery Motions
	The Motion to Seal Exhibits Filed with Plaintiff's Discovery Motions is GRANTED. This Court finds that California Rule of Court Rule 2.550(a)(3) excludes the application of Rule 2.550-2.551 from application to discovery motions. The mere fact that documents have been filed in support of a discovery motion does not necessarily make them susceptible to public disclosure along with other court records that are subject to public disclosure. Accordingly, the motion to seal is GRANTED.
	Motion to Compel Further Discovery Responses from Defendant Foster Poultry Farms
	Plaintiff's Motion to compel Further Discovery Responses is GRANTED.
	Request for Production of Documents No. 7 [All U.S. Department of Agriculture (USDA) reports about FACILITY, defined as the slaughterhouse and other processing facilities including Plant 1 and Plant 2, located at 843 Davis Street, Livingston CA, since January 1, 2013]:

Defendants objections on the grounds as vague, ambiguous, relevance, and not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome are OVERRULED. Upon weighing the respective rights of the parties, Defendants objections on the grounds private, personal, business confidential, proprietary, and/or trade secret information are OVERRULED subject to the responsive documents being produced subject to an appropriate protective order.

Defendant Foster Poultry Farms is ordered to serve, Further Verified Responses to Request for Production of Documents No. 7, without objections, but subject to protective order where appropriate, by February 29, 2024. Defendant Foster Poultry Farms is further ordered to serve complete, unreacted, copies of all responsive documents by February 29, 2024.

Request for Production of Documents No. 8 [All communications, including but not limited to notice of intended enforcement, with the USDA's Food Safety Inspection Service (FSIS) since January 1, 2013]:

Defendants objections on the grounds as vague, ambiguous, relevance, and not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome are OVERRULED. Upon weighing the respective rights of the parties, Defendants objections on the grounds private, personal, business confidential, proprietary, and/or trade secret information are OVERRULED subject to the responsive documents being produced subject to an appropriate protective order.

Defendant Foster Poultry Farms is ordered to serve, Further Verified Responses to Request for Production of Documents No. 8, without objections, but subject to protective order where appropriate, by February 29, 2024. Defendant Foster Poultry Farms is further ordered to serve complete, unreacted, copies of all responsive documents by February 29, 2024.

Request for Production of Documents No. 9 [All documents related to any FSIS food safety assessments since January 1, 2013]:

Defendants objections on the grounds as vague, ambiguous, relevance, and not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome are OVERRULED. Upon weighing the respective rights of the parties, Defendants objections on the grounds private, personal, business confidential, proprietary, and/or trade secret information are OVERRULED subject to the responsive documents being produced subject to an appropriate protective order. Defendant's attorney-client privilege and attorney work product doctrine objections are provisionally SUSTAINED providing that all responsive documents for which attorney-client privilege and/or work product doctrine is asserted and which are not produced are identified with particularity on a privilege log.

Defendant Foster Poultry Farms is ordered to serve, Further Verified Responses to Request for Production of Documents No. 9, without objections other than attorney-client privilege or work product doctrine, but subject to protective order where appropriate, along with a privilege log listing all documents withheld from discovery pursuant to an attorney-client privilege or work product objection, by February 29, 2024. Defendant Foster Poultry Farms is further ordered to serve complete, unreacted, copies of all responsive documents not appearing on a privilege log by February 29, 2024.

Request for Production of Documents No. 37 [All documents evidencing safety violations since January 31, 2013, as determined by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA)]:

Defendants objections on the grounds as vague, ambiguous, relevance, and not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome are OVERRULED. Upon weighing the respective rights of the parties, Defendants objections on the grounds private, personal, business confidential, proprietary, and/or trade secret information are OVERRULED subject to the responsive documents being produced subject to an appropriate protective order. Defendant's attorney-client privilege and attorney work product doctrine objections are provisionally SUSTAINED providing that all responsive documents for which attorney-client privilege and/or work product doctrine is asserted and which are not produced are identified with particularity on a privilege log.

Defendant Foster Poultry Farms is ordered to serve, Further Verified Responses to Request for Production of Documents No. 37, without objections other than attorney-client privilege or work product doctrine, but subject to protective order where appropriate, along with a privilege log listing all documents withheld from discovery pursuant to an attorney-client privilege or work product objection, by February 29, 2024. Defendant Foster Poultry Farms is further ordered to serve complete, unreacted, copies of all responsive documents not appearing on a privilege log by February 29, 2024.

Request for Production of Documents No. 38 [All OSHA 300 and 300A logs as referenced in FOSTER0009864]:

Defendants objections on the grounds as vague, ambiguous, relevance, and not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome are OVERRULED. Upon weighing the respective rights of the parties, Defendants objections on the grounds private, personal, business confidential, proprietary, and/or trade secret information are OVERRULED subject to the responsive documents being produced subject to an appropriate protective order. While it is not clear as to how logs provided to OSHA would contain privileged or work product information, Defendant's attorney-client privilege and attorney work product doctrine objections are provisionally SUSTAINED providing that all responsive documents for which attorney-client privilege and/or work product doctrine is asserted and which are not produced are identified with particularity on a privilege log.

Defendant Foster Poultry Farms is ordered to serve, Further Verified Responses to Request for Production of Documents No. 38, without objections other than attorney-client privilege or work product doctrine, but subject to protective order where appropriate, along with a privilege log listing all documents withheld from discovery pursuant to an attorney-client privilege or work product objection, by February 29, 2024. Defendant Foster Poultry Farms is further ordered to serve complete, unreacted, copies of all responsive documents not appearing on a privilege log by February 29, 2024.

Request for Production of Documents No. 40 [All documents related to the Humane Certification of the Facility]:

Defendants objections on the grounds as vague, ambiguous, relevance, and not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly

brudensom are OVERRULED. Upon weighing the respective rights of the parties, Defendants objections on the grounds private, personal, business confidential, proprietary, and/or trade secret information are OVERRULED subject to the responsive documents being produced subject to an appropriate protective order. Defendant's attorney-client privilege and attorney work product doctrine objections are provisionally SUSTAINED providing that all responsive documents for which attorney-client privilege and/or work product doctrine is asserted and which are not produced are identified with particularity on a privilege log.

Defendant Foster Poultry Farms is ordered to serve, Further Verified Responses to Request for Production of Documents No. 40, without objections other than attorney-client privilege or work product doctrine, but subject to protective order where appropriate, along with a privilege log listing all documents withheld from discovery pursuant to an attorney-client privilege or work product objection, by February 29, 2024. Defendant Foster Poultry Farms is further ordered to serve complete, unreacted, copies of all responsive documents not appearing on a privilege log by February 29, 2024.

Request for Production of Documents No. 42 [All documents including but not limited to animal welfare audit reports and corrective actions for animal welfare audit deficiencies related to any animal welfare audit of the Facility since January 1, 2013 as referenced in your Animal Welfare Standards and Training Program FOSTER0009883-FOSTER0009934]:

Defendants objections on the grounds as vague, ambiguous, relevance, and not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly brudensom are OVERRULED. Upon weighing the respective rights of the parties, Defendants objections on the grounds private, personal, business confidential, proprietary, and/or trade secret information are OVERRULED subject to the responsive documents being produced subject to an appropriate protective order. Defendant's attorney-client privilege and attorney work product doctrine objections are provisionally SUSTAINED providing that all responsive documents for which attorney-client privilege and/or work product doctrine is asserted and which are not produced are identified with particularity on a privilege log.

Defendant Foster Poultry Farms is ordered to serve, Further Verified Responses to Request for Production of Documents No. 42, without objections other than attorney-client privilege or work product doctrine, but subject to protective order where appropriate, along with a privilege log listing all documents withheld from discovery pursuant to an attorney-client privilege or work product objection, by February 29, 2024. Defendant Foster Poultry Farms is further ordered to serve complete, unreacted, copies of all responsive documents not appearing on a privilege log by February 29, 2024.

No sanctions were requested by either party, and, therefore, no sanctions are awarded.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, January 24, 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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20CV-02245	Mike De La Cruz v. Walmart, Inc.
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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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Limited Civil Calendar
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Wednesday, January 24, 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:

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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. *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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23CV-02818	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Court Trial

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to seek permission and arrange for a remote appearance.

23CV-03875	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)]
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Court Trial

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to seek permission and arrange for a remote appearance.

CVM016587	Midland Funding LLC v. Maria Corchado, et al.
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Court Trial

Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to seek permission and arrange for a remote appearance.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Wednesday, January 24, 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
21CV-03729	Rodrigo Padillalopez v. General Motors
	Ex Parte Application to Continue Trial
Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to seek permission and arrange for a remote appearance. The Tentative Ruling is to grant the continuance on the grounds that a pending ruling of the California Supreme Court may resolve a primary issue in this case.	

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Wednesday, January 24, 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

Wednesday, January 24, 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

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

Wednesday, January 24, 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
22CV-01560	One Main Financial Group, LLC v. Guillermo Martinez
Status Review of Settlement	
Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4124 to seek permission and arrange for a remote appearance.	