

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, March 28, 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

Special Set Unlawful Detainer Trial Setting  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Thursday, March 28, 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.**

<b>Case No.</b>	<b>Title / Description</b>
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24CV-00433	Meadowlark Apartments v. Breann Gosik
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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) 725-4111 arrange for a remote appearance. Appear to set Trial.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Thursday, March 28, 2024  
8:15 a.m.

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Case No.	Title / Description
19CV-02197	U.S. Bank Trust, N.A. v. Eduardo Agueda, et al.
	Status Conference
	<b>Continued on the Court's own motion to June 27, 2024 at 8:15 A.M. Courtroom 8 at request of Plaintiff's counsel to hear status of submission of default package.</b>
20CV-02099	Carolyn Robinson v. Los Banos School District
	Plaintiff's Motion for Terminating or, in the alternative, evidentiary Sanctions
	<b>Plaintiff's Motion for Terminating or, in the alternative, evidentiary Sanctions is DENIED without prejudice to Plaintiff's right to present any spoliation of evidence claims at trial. The evidence presented by Plaintiff is insufficient to establish either an intentional or negligent spoliation of evidence claim as a matter of law, especially given Defendant's evidence that potentially relevant video footage was overwritten in the normal course of business before Defendants were aware of Plaintiff's claims concerning what occurred. The Court finds that terminating or evidentiary sanctions are not appropriate given the Defense contentions and supporting evidence that the subject event--operation of a wheelchair lift in a manner that struck Plaintiff in the head--did not occur, and therefore, that no relevant video evidence of the alleged incident ever existed.</b>

22CV-001155

Estate of Devonea Graham, et al. v. County of Merced, et al.

BNSF Railway's Motion for Protective Order and Request for Retroactive protective order regarding public dissemination of Body Cam Footage and Photographs of Deceased Minor's body.

**There is no dispute that Code of Civil Procedure § 2031.060(b) authorizes this Court "to make any order that justice should require to protect any party or other person from unwarranted annoyance, embarrassment, or oppression, or undue burden and expense." The instant protective order seeks to prevent dissemination of locomotive camera footage of a tragic and potentially gruesome incident to third parties and the public, as well as body cam and other photographs of the deceased minor's body. The opposition does not articulate any reason that the City of Merced might need to disseminate photographic evidence of the injuries caused by the incident to the public or third parties not connected with the litigation. Accordingly, the Motion for Protective Order is GRANTED and, as indicated below, the subject locomotive camera footage is to be produced subject to a protective order prohibiting dissemination of the subject footage, as well a body cam or photographs depicting the decedent's body to any individual or organization not directly connected to the litigation of Plaintiff's claims.**

Defendant City of Merced's Motion to Compel Production of BNSF Locomotive Video and Request for Monetary Sanctions in the amount of \$880 pursuant to Code of Civil Procedure §§ 2031.310(h), 2023.010.

**Defendant City of Merced's Motion to Compel Production of BNSF Locomotive Video is GRANTED, subject to the protective order issued above, and the Request for Monetary Sanctions in the amount of \$880 pursuant to Code of Civil Procedure §§ 2031.310(h), 2023.010 is DENIED as there existed good cause to delay production of the subject video until an appropriate protective order could be issued in light of the parties' failure to reach an agreement concerning dissemination of the video footage to third parties.**

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24CV-00223

Transport Funding LLC v. Ines Martinez Mendoza

Application for Writ of Possession

**The Application for Writ of Possession of a 2015 Wabash Trailer, VIM 1JJV532B8FL881018, is GRANTED. The application establishes probable cause to believe that the 2015 Wabash Trailer is located at 79 3<sup>rd</sup> Ave., Gustine, CA, 95322 or at 711 4<sup>th</sup> St. #B, San Juan Bautista, CA, 95045.**

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24CV-00579

Petition of: Kimberly Ribeiro, et al.

Order to Show Cause re: Name Change

**Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. Proof of publication having been filed, this Petition by both parents to change the last name of a minor child is GRANTED.**

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24CV-00583

Petition of: Isabella Sewell

Order to Show Cause re: Name Change

**Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. Proof of publication having been filed, this Petition by an adult to change her own last name is GRANTED.**

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24CV-00902

Brandi Trindade v. James Bullock

Order to Show Cause re: Restraining Order

**Continued to April 4, 2024 per prior Court Order.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Mandatory Settlement Conferences  
Hon. Brian McCabe  
Courtroom 8  
627 W. 21<sup>st</sup> Street, Merced

Thursday, March 28, 2024  
9:00 a.m.

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<b>Case No.</b>	<b>Title / Description</b>
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21CV-04126	Justino Reyes v. Antonia Garcia-Cruz
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Mandatory Settlement 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.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, March 28, 2024  
10:00 a.m.

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<b>Case No.</b>	<b>Title / Description</b>
23CV-04588	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial <b>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.</b>
24CV-00176	[Parties' names withheld pursuant to CCP § 1161.2(a)(1)] Unlawful Detainer Court Trial <b>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.</b>

24CV-00198

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

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) 725-4111 arrange for a remote appearance.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, March 28, 2024  
11:00 a.m.

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<b>Case No.</b>	<b>Title / Description</b>
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There are no Restraining Orders Scheduled

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Thursday, March 28, 2024  
1:15 p.m.

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<b>Case No.</b>	<b>Title / Description</b>
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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  
Commissioner David Foster  
Courtroom 9  
627 W. 21<sup>st</sup> Street, Merced

Thursday, March 28, 2024  
1:15 p.m.

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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, March 28, 2024

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There are no Ex Parte matters scheduled.

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