

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Wednesday, December 20, 2023

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 – Judge Pro Tem Peter MacLaren

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

Unlimited Civil Law and Motion
Judge Pro Tem Peter MacLaren
Courtroom 8
627 W. 21st Street, Merced

Wednesday, December 20, 2023
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-02441	Ethan Conrad v. New Frontier Investment Consulting and Management LLC, et al.

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 set trial.

20CV-02493	Animal Legal Defense Fund v. Foster Poultry Farms
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Motion to Compel Further Discovery Responses to Requests for Production of Documents, Set 4, Numbers 7, 8, 9, 37, 38, 40, and 42; to produce a privilege log addressing all documents or portions of documents withheld from production.

Request 7: [All U.S. Department of Agriculture (USDA) reports about the facility since January 1, 2013]

Defendant's objections on the grounds of vague, ambiguous, relevance, not calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome, private, personal, business, confidential proprietary, and/or trade secret information are

OVERRULED and documents withheld solely on the basis of one or more of those objections shall be produced, subject to an appropriate protective order where applicable. For purposes of assisting the parties in any further meet and confer, the term “Facility” shall mean the slaughterhouse and other processing facilities, including Plant 1 and Plant 2, located at 843 Davis Street Livingston California, and the term “USDA Reports” or “Reports” shall mean all communications from the USDA concerning the Facility, as previously defined. The Court notes that the core contention in this action is that the processing procedures used by the Facility use excessive amounts of the water constituting waste, and that the merits and/or need to utilize the processing procedures currently utilized by the Facility are directly related to the dispute about whether the water used by such procedures constitutes waste. A Supplemental Response, Privilege log, and all Responsive Documents shall be produced by January 24, 2024.

Request 8: [All communications, including but not limited to notices of intended enforcement, with the USDA Food Safety Inspection Services (FSIS) since January 1, 2013].

Defendant’s objections on the grounds of vague, ambiguous, relevance, not calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome, private, personal, business, confidential proprietary, and/or trade secret information are **OVERRULED** and documents withheld solely on the basis of one or more of those objections shall be produced, subject to an appropriate protective order where applicable. For purposes of assisting the parties in any further meet and confer, the term “Notices of Intended Enforcement” shall mean any communication from FSIS concerning any alleged regulatory violations at the Facility. The Court notes that the core contention in this action is that the processing procedures used by the Facility use excessive amounts of the water constituting waste, and that the merits and/or need to utilize the processing procedures currently utilized by the Facility to comply with regulations is directly related to the dispute about whether the water used by such procedures constitutes waste. A Supplemental Response, Privilege Log, and all Responsive Documents shall be produced by January 24, 2024.

Request 9: [All documents related to any FSIS food safety assessment since January 1, 2013].

Defendant’s objections on the grounds of vague, ambiguous, relevance, not calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome, private, personal, business, confidential proprietary, and/or trade secret information are **OVERRULED** and documents withheld solely on the basis of one or more of those objections shall be produced, subject to an appropriate protective order where applicable. Objections as to attorney-client privilege and work product doctrine are **SUSTAINED** providing that a privilege log is provided for each document or portion of a document withheld from discovery on the grounds of attorney-client privilege and/or work product doctrine. The Court notes that the core contention in this action is that the processing procedures used by the Facility use excessive amounts of the water constituting waste, and that the merits and/or need to utilize the processing procedures currently utilized by the Facility to comply with food safety requirements is directly related to the dispute about whether the water used by such procedures constitutes waste. A Supplemental Response, Privilege Log, and all Responsive Documents shall be produced by January 24, 2024.

Request 37: [All documents evidencing safety violations since January 1, 2013].

Defendant's objections on the grounds of vague, ambiguous, relevance, not calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome, private, personal, business, confidential proprietary, and/or trade secret information are OVERRULED and documents withheld solely on the basis of one or more of those objections shall be produced, subject to an appropriate protective order where applicable. Obejections as to attorney-client privilege and work product doctrine are SUSTAINED providing that a privilege log is provided for each document or portion of a document withheld from discovery on the grounds of attorney-client privilege and/or work product doctrine. The Court notes that the core contention in this action is that the processing procedures used by the Facility use excessive amounts of the water constituting waste, and that the merits and/or need to utilize the processing procedures currently utilized by the Facility to comply with safety requirements is directly related to the dispute about whether the water used by such procedures constitutes waste. A Supplemental Response, Privilege Log, and all Responsive Documents shall be produced by January 24, 2024.

Request 38: [All OSHA 300 and 300A Logs as referenced in FOSTER0009864].

Defendant's objections on the grounds of vague, ambiguous, relevance, not calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome, private, personal, business, confidential proprietary, and/or trade secret information are OVERRULED and documents withheld solely on the basis of one or more of those objections shall be produced, subject to an appropriate protective order where applicable. Obejections as to attorney-client privilege and work product doctrine are SUSTAINED providing that a privilege log is provided for each document or portion of a document withheld from discovery on the grounds of attorney-client privilege and/or work product doctrine. The Court notes that the core contention in this action is that the processing procedures used by the Facility use excessive amounts of the water constituting waste, and that the merits and/or need to utilize the processing procedures currently utilized by the Facility to comply with OSHA safety requirements is directly related to the dispute about whether the water used by such procedures constitutes waste. A Supplemental Response, Privilege Log, and all Responsive Documents shall be produced by January 24, 2024.

Request 40: [All Documents related to the American Humane Certification of the Facility].

Defendant's objections on the grounds of vague, ambiguous, relevance, not calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome, private, personal, business, confidential proprietary, and/or trade secret information are OVERRULED and documents withheld solely on the basis of one or more of those objections shall be produced, subject to an appropriate protective order where applicable. Obejections as to attorney-client privilege and work product doctrine are SUSTAINED providing that a privilege log is provided for each document or portion of a document withheld from discovery on the grounds of attorney-client privilege and/or work product doctrine. The Court notes that the core contention in this action is that the processing procedures used by the Facility use excessive amounts of the water constituting waste, and that the merits and/or need to utilize the processing procedures currently utilized by the Facility for Animal Humane purposes is directly related to the dispute about whether the water used by such procedures constitutes waste. A

Supplemental Response, Privilege Log, and all Responsive Documents shall be produced by January 24, 2024.

Request 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 referred to in your Animal Welfare Standards and Training Program, FOSTER0009883-FOSTER0009934].

Defendant's objections on the grounds of vague, ambiguous, relevance, not calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome, private, personal, business, confidential proprietary, and/or trade secret information are OVERRULED and documents withheld solely on the basis of one or more of those objections shall be produced, subject to an appropriate protective order where applicable. Objections as to attorney-client privilege and work product doctrine are SUSTAINED providing that a privilege log is provided for each document or portion of a document withheld from discovery on the grounds of attorney-client privilege and/or work product doctrine. The Court notes that the core contention in this action is that the processing procedures used by the Facility use excessive amounts of the water constituting waste, and that the merits and/or need to utilize the processing procedures currently utilized by the Facility for Animal Humane purposes is directly related to the dispute about whether the water used by such procedures constitutes waste. A Supplemental Response, Privilege Log, and all Responsive Documents shall be produced by January 24, 2024.

21CV-03933

Maribel Shaw v. City of Merced, et al.

Motion to Compel Further Discovery Responses and Plaintiff's Deposition and for Sanctions in the amount of \$1,800 pursuant to CCP § 2023.010(d).

The unopposed Motion to Compel Further Discovery Responses and Plaintiff's Deposition and for Sanctions in the amount of \$1,800 pursuant to CCP § 2023.010(d) is GRANTED. Plaintiff shall provide full and complete verified code compliant responses to Form Interrogatories 2.1-2.13, 2.12, 2.13, 4.1, 4.2, 6.1, 6.2, 7.1, 7.2, 7.3, 9.1, 9.2, 11.2, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 13.1, 13.2, 14.1, and 14.2; Special Interrogatories 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; Requests for Production of Documents numberse 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 without objections, by January 31, 2024. Plaintiff Marcus Shaw is ordered to appear for zoom deposition at a mutually agreeable time on or before February 29, 2024 and to pay Monetary Sanctions in the amount \$1,800.00 on or before February 29, 2024.

22CV-00567

Jeg Livingston Ranches LLCv Pfre 1 LLC, et al.

Motion of Motion by Christopher D. Beatty of Katten, Muchin, Rosenman, LLP to be relieved as counsel for Defendant David Nino and Pfre LLC.

The unopposed Motion to withdraw is GRANTED effective on date Order granting motion is served on clients. The Court will sign the order lodged with the Court.

22CV-00793

Craig Kitnick, et al. v. Group 1 Automotive, Inc., et al.

Motion for Preliminary Approval of Class and Representative Action Settlement

The unopposed Motion for Preliminary Approval of Class and Representative Action Settlement is GRANTED. The Court will sign the proposed order lodged with the Court on November 27, 2023 inserting April 30, 2024 8:15 a.m. Courtroom 8 for the time and place for the Final Approval Hearing hearing and inserting April 1, 2024 as the date by which the Motion for Final Approval of Settlement and Class Counsel's fees payment, Class Counsel's Litigation Expenses Payment, Class Representative Service Payments, and Settlement Administration Expenses Payment must be filed.

23CV-03469

Freddie Boykin Junior v. The County of Merced

Petition to Relieve Petitioner from Provisions of Government Code § 945.4.

The Petition to Relieve Petitioner from Provisions of Government Code § 945.4 filed by Freddie Boykin Jr. for claims that occurred during the period July 8, 2016 through June 28, 2022 is DENIED. The Court finds that the Government Claim presented December 8, 2022 was unreasonably late with respect to actions allegedly accruing as early as July 8, 2016 and the petition does not present sufficient detail to determine if there is a basis for relief with respect to claims occurring shortly before June 8, 2022 and insufficient facts to determine whether or not December 8, 2022 claim was timely with respect to claims allegedly occurring from June 8, 2022 through June 29, 2022. The petition does not provide sufficient evidence to determine if Plaintiff lacked capacity at any time during the period July 8, 2016 to the present. Accordingly, the Petition to Relieve Petitioner from Provisions of Government Code § 945.4 filed by Freddie Boykin Jr. for claims that occurred during the period July 8, 2016 through June 28, 2022 is DENIED.

23CV-04236

Shawna Walsh v. Jorge Colmenero

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 that respondent was served with the Notice of Hearing, the Request for Restraining Order, or the Temporary Restraining Order issued in this action. Absent an appearance by Petitioner and a showing of good cause for the failure to serve Respondent, the Order to Show Cause re Restraining Order shall be VACATED, and the matter DISMISSED WITHOUT PREJUDICE.

CU-93577

Lyalla Dias v. Robert Small, Doctor of Medicine

Petition to Withdraw Funds from Blocked Account

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 there were no attachments and no details provided with the Petition as to why the request for \$10,000 was necessary or the current status of the account. The Court notes that the previous request for funds to repair the van was denied.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Mandatory Settlement Conference
Judge Pro Tem Peter MacLaren
Courtroom 8
627 W. 21st Street, Merced

Wednesday, December 20, 2023
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
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Wednesday, December 20, 2023
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.

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-00156	LVNV Funding LLC v. Jessica Peel
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Order to Show Cause re Dismissal-Notice of Settlement

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 Notice of Settlement provided that a dismissal would be filed by September 19, 2023.

23CV-00392	Lettica Vargas, et al. v. Jesse Munoz
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Order of Examination

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.

23CV-02560

Cardella Merced LLC v. 100 Acre Almond Orchard, LLC

Motion for New Trial

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.

23CV-3586

Erik Gonzalez v. Willie Beals, Junior and Cornie Glen

Motion for Judgment on the Pleadingsl

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.

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 to arrange for a remote appearance.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Judge Pro Tem Peter MacLaren
Courtroom 8
627 W. 21st Street, Merced

Wednesday, December 20, 2023
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
Judge Pro Tem Peter MacLaren
Courtroom 9
627 W. 21st Street, Merced

Wednesday, December 209, 2023
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, December 20, 2023
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, December 20, 2023
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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There are no Limited Civil Long Cause Court Trials scheduled.	
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