

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**

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

Tuesday, March 26, 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 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 L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Tuesday, March 26, 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
22CV-00355	Pedro Ortega v. Del Valle Farm Labor Services, Inc. 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 the status of the now consolidated case.
22CV-01467	Edgar Navarro v. Winton School District 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 address the status of the case.

23CV-03548

In re: 1633 Pomona St. Los Banos CA 93635

Status 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 who is entitled to the remaining surplus finds on deposit with the Merced Superior Court in the amount of \$162,279.17.

24CV-00827

Charles Peterson v. Zion Porter

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 a Proof of Service was filed on March 14, 2024 showing but that it does not address whether the Request for Civil Harassment Restraining Order were served in addition to the Notice of Hearing Temporary Restraining Order on Respondent on March 4, 2024.

24CV-00828

Anessa Peterson v. Zion Porter

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 a Proof of Service was filed on March 14, 2024 showing but that it does not address whether the Request for Civil Harassment Restraining Order were served in addition to the Notice of Hearing Temporary Restraining Order on Respondent on March 5, 2024.

24CV-00859

Daniel Ince v. Maryann Torres

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 no Proof of Service is on file showing service of the Notice of Hearing, Application for Civil Harassment Restraining Order, and Temporary Restraining Order on Respondent.

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, March 26, 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 Jury or Long Cause Court Trials 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, March 26, 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.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

Ex Parte Matters
Commissioner David Foster
Courtroom 9
627 W. 21st Street, Merced

Tuesday, March 26, 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, March 26, 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

Special Set Motions in Limine
Hon. Brian L. McCabe
Courtroom 8
627 W. 21st Street, Merced

Tuesday, March 26, 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.
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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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17CV-02337	Luis Villasenor Santoyo v. Pacific Native Hardwood, Inc., et al.
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Motions in Limine

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 confirm readiness for April 2, 2024 Jury Trial and to address the following Motions in Limine. The Court has received 3 Motions in Limine from Plaintiff to which written opposition have not been filed and 17 Motions in Limine from Defendant to which written oppositions were filed for each defense notion.

Plaintiff's Motion in Limine #1 [Exclude reference to immigration status] GRANTED

Plaintiff's Motion in Limine #2 [Exclude Plaintiff not having drivers license] GRANTED

Plaintiff's Motion in Limine #3 [Exclude Sub Rosa Evidence] GRANTED with respect to sub rosa in defendants possession and control and not produced at time of discovery response or supplemental response; DENIED with respect to sub rosa obtained after final discovery response was served.

Defendant's Motion in Limine #1 [Exclude Testimony by Luca Villa that Defendant's Vehicle did not stop at stop sign despite contrary video evidence that vehicle stopped] DENIED, Jury is entitled to hear all evidence relevant to any disputed issues of fact.

Defendant's Motion in Limine #2 [Exclude Nonparty Witnesses from Courtroom] GRANTED, Nonparty witnesses will be excluded from courtroom until they testify.

Defendant's Motion in Limine #3 [12 Hours Notice of all witnesses to be called (incorrectly labeled as Exclude Testimony of Plaintiff and lay witnesses regarding Plaintiff's alleged medical condition) GRANTED

Defendant's Motion in Limine #4 [Exclude Testimony of Plaintiff and lay witnesses regarding Plaintiff's alleged medical condition] GRANTED with respect to diagnosis or appropriate care or medication of condition, DENIED with respect to percipient observations of symptoms.

Defendant's Motion in Limine #5 [Exclude Golden Rule or Reptile Theory Argument] GRANTED

Defendant's Motion in Limine #6 [Exclude Improper Voir Dire] DENIED without prejudice to making specific objections to specific voir dire

Defendant's Motion in Limine #7 [Exclude Medical Bill Absent foundation] GRANTED

Defendant's Motion in Limine #8 [Exclude Speculative Unqualified Expert Testimony that Plaintiff is Unemployable Without Appropriate Evidentiary Foundation] DENIED subject to an evidence code § 402 hearing on whether the experts are qualified to provide the opinions in question and whether there is sufficient admissible evidence offered to support such opinions.

Defendant's Motion in Limine #9 [Limit Plaintiff Experts to Opinions Provided in Expert Deposition] GRANTED to the extent that expert was asked for all opinions to be provided and trial and failed to disclose such opinion, without prejudice to right to show good cause why a specific opinion outside the scope of deposition should be permitted.

Defendant's Motion in Limine #10 [Limit Non-retained Treating Physician Testimony] DENIED

Defendant's Motion in Limine #11 [Prohibit voir dire regarding financial interest or in employment by insurance companies] DENIED

Defendant's Motion in Limine #12 [Exclude Reference to alleged Poverty of Plaintiff] GRANTED with respect to use of pejorative terms to describe plaintiff of plaintiff's wealth, DENIED with respect to admissible evidence offered in connection to any loss of earnings claim

Defendant's Motion in Limine #13 [Reference to Size or Location of Parties Counsel] GRANTED with respect to all parties counsel

Defendant's Motion in Limine #14 [Exclude Evidence of Total Amount Billed in excess of Actual Amount Paid for Medical Expense] GRANTED

Defendant's Motion in Limine #15 [Permit Evidence and Argument Regarding Patient Protection, and Affordable Care Act and Medi-Cal] DENIED subject to an evidence code § 402 hearing on the specific testimony to be provided

Defendant's Motion in Limine #16 [Exclude Expert Opinion Regarding Speculative Future Treatment in Plaintiff's Life Care Plan] DENIED subject to an evidence code § 402 hearing on the specific testimony to be provided.

Defendant's Motion in Limine #17 [Judgment on Operative Pleadings] GRANTED. Summary Adjudication was GRANTED on behalf of the Non-Driver Defendants because Plaintiff failed to establish a triable issue of material fact with respect to any theory of vicarious liability or negligence of a non-driver. This Court has inherent authority to utilize a motion in limine as the functional equivalent of a dispositive motion. (*Kinda v. Carpenter* (2016) 247 Cal.App.4th 1268, 1285; *Amtower v. Photon Dynamics, Inc.* (2008) 158 Cal.App.4th 1582, 1595.)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

Tuesday, March 26, 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:

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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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24CV-00461	Petition of Edith Polanco Rodriguez
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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 Petition by one parent to change the last names of a minor child has not been served on the father.

19CV-05020	Ronald E. Cearley v. Mikes Towing and Radiator
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Motion that Requests for Admission be Deemed Admitted

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

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

Tuesday, March 26, 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:

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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 Unlawful Detainer matters scheduled.	
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