

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED**

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

Wednesday, March 27, 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. 21<sup>st</sup> Street, Merced

Wednesday, March 27, 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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18CV-04300	Walmart, Inc. v. Summit Development Corporation, et al.
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Case Management Conference

**Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. Appear to address the status of mediation and whether this matter should be set for trial in 2025.**

20CV-03605	United Farms Workers of America, et al. v. Foster Poultry Farms
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Motion for Determination of Entitlement to Interim Attorneys' Fees Pursuant to Code of Civil Procedure § 1021.5

**The instant motion does not request a specific amount of Code of Civil Procedure § 1021.5 attorneys' fees, but seeks an order determining that Plaintiffs are entitled to an amount of Code of Civil Procedure § 1021.5 attorneys' fees. This Court finds that a significant public benefit was conferred notwithstanding the fact that the orders issued by this court required Defendant to employ only those precautions that Defendant agreed were appropriate. This Court's orders required Defendant to enforce those precautions, over strenuous objections by Defendant. While Defendant Foster Poultry Farms asserted in its opposition to the request for restraining orders that it was complying with all**

regulatory requirements and therefore should not be subjected to any restraining orders, subsequent events determined that Defendant was not in compliance and that the orders enforcing the alleged status quo were necessary. This Court finds that a significant benefit was conferred upon the public as Defendant's initial failure to take adequate precautions caused significant harm to the community.

This Court finds the Financial Burden of enforcement justifies Plaintiff's entitlement to attorneys' fees. While on the one hand, Defendant successfully defended efforts by Plaintiffs to require precautions over and above those that Defendants conceded to be appropriate, Defendant refused to enter into any form of agreement to enforce the very precautions it conceded to be necessary. While Defendant retains the right to question and combat any attempt to regulate its operations, the Court finds that the Financial Burden of the effort to enforce those precautions that Defendant conceded to be appropriate should be bourn to Defendant.

Accordingly, the Motion for Determination of Entitlement to Interim Attorneys' Fees Pursuant to Code of Civil Procedure § 1021.5 is GRANTED.

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21CV-00689                      Juan Treminio, et al. v. Kyle Guillory

Review of Case Status

**Appearance Required.** Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. Appear to address the status of retained counsel for Plaintiff.

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21CV-01891                      Agustin Garcia v. General Motors LLC

Status Conference

**Appearance Required.** Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance. Appear to address the status of stay pending outcome of California Supreme Court Decision in the *Rodriquez* case.

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22CV-01975                      Citibank N.A. v. Albert Gedrimas

Trial Setting Conference

**Continued on the Court's own motion to June 26, 2024 at 8:15 A.M. in Courtroom 8.**

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22CV-02109                      Javier Sandoval v. Auto Resources, Inc., et al.

Trial Setting Conference

**Continued on the Court's own motion to June 26, 2024 at 8:15 A.M. in Courtroom 8.**

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22CV-02962                      Brenda Merrell v. City of Los Banos

Trial Setting Conference

**Continued on the Court's own motion to June 26, 2024 at 8:15 A.M. in Courtroom 8.**

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23CV-02783                      In the Matter of: Sierra Smith

Hearing: In Camera

**Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance.**

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23CV-04544                      Petition of: Maria Caberera Gutierrez

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. The Court notes that no Proof of Publication has been filed.**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, March 27, 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:

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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.

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Case No.	Title / Description
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21CV-02978	Jose Pena v. N&S Tractor Co., et al.
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Mandatory Settlement Conference

**Appearance Required. Individuals who wish to appear remotely may call (209) 725-4111 for permission to make a remote appearance.**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

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

Wednesday, March 27, 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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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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20CV-02216	Amco Insurance Company v. Santos Gonzalez
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Order or Examination

**Appearance required. The Court notes that proof of service was filed February 20, 2024 showing service of the Order of Examination on Santos Gonzalez on February 15, 2024.**

22CV-00061	Kelstin Group, Inc. v. Melissa Jorge
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Court Trial

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance.**

23CV-01388

Midland Credit Management, Inc. v. Jose Uriostegui

Court Trial

**Appearance required. Parties who wish to appear remotely must contact the clerk of the court at (209) 725-4111 to request Court permission and arrange for a remote appearance.**

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23CV-04434

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

Review of Case Status following entry of Stipulated Judgment

**Appear to address the status of performance of the terms of the Stipulated Judgment. If there is no appearance the matter will be dropped from calendar.**

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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

Wednesday, March 27, 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:

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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.

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

Wednesday, March 27, 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:

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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 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, March 27, 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:

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

Wednesday, March 27, 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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There are no limited civil long cause court trials scheduled.	
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