

**Tentative Rulings for July 7, 2026**  
**Department 501**

**For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, such request must be timely submitted to and approved by the hearing judge. In this department, the remote appearance will be conducted through Zoom. If approved, please provide the department's clerk a correct email address. (CRC 3.672, Fresno Sup.C. Local Rule 1.1.19)**

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There are no tentative rulings for the following cases. The hearing will go forward on these matters. If a person is under a court order to appear, he/she must do so. Otherwise, parties should appear unless they have notified the court that they will submit the matter without an appearance. (See California Rules of Court, rule 3.1304(c).) *The above rule also applies to cases listed in this "must appear" section.*

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The court has continued the following cases. The deadlines for opposition and reply papers will remain the same as for the original hearing date.

24CECG05059      *Grace Cesa v. American Honda Motor Co., Inc.* is continued to Tuesday, August 18, 2026, at 3:30 p.m. in Department 501.

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 501**

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(48)

**Tentative Ruling**

Re: ***Hakim v. ASM Global, LLC, et al.***  
Superior Court Case No. 25CECG03286

Hearing Date: July 7, 2026 (Dept. 501)

Motion: By Plaintiff for an Order Compelling Defendant SMG's Initial Responses to Form Interrogatories, Special Interrogatories, Requests for Production of Documents, and to Deem Requests for Admission Admitted; Request for Sanctions

**Tentative Ruling:**

To deny the motions and request for sanctions against defendant SMG without prejudice. (Code Civ. Proc., §§ 2030.250, 2031.250, 2033.240, 2030.290, subd. (c), 2031.300, subd. (c), 2033.280, subd (c).)

**Explanation:**

Plaintiff Terajee Hakim move under Code of Civil Procedure sections 2030.290 and 2031.300, to compel defendant SMG to respond to Form Interrogatories – General, set one and two, Form Interrogatories – Employment Law, set one, Special Interrogatories, set one, and Request for Production of Documents, set one. Plaintiff is also moving under Code of Civil Procedure section 2033.280 for an order deeming Request for Admission, set one, deemed admitted by defendant SMG.

Code of Civil Procedure sections 2030.290, 2031.300 and 2033.280 govern motions where the answering party fails to serve a timely response. Here, however, the moving papers indicate that timely responses were served on February 9, 2026, following a series of extensions to respond to the discovery propounded. A response containing only objections need not be verified and is complete at the time of service. (Code Civ. Proc., §§ 2030.250, 2031.250, 2033.240; *Blue Ridge Ins. Co. v. Sup.Ct.* (1988) 202 Cal.App.3d 339, 344.)

Accordingly, since the motions are brought under inapplicable statutes, the motions are denied without prejudice.

If a party asks for monetary sanctions against the party who failed to respond to interrogatories, the court shall impose a monetary sanction against the losing party on the motion to compel unless it finds that the one subject to the sanction acted with substantial justification or circumstances make the sanctions unjust. (Code Civ. Proc., § 2030.290, subd. (c).) Sanctions are similarly authorized against a party who failed to respond to a demand for inspection or production. (*Id.*, § 2031.300, subd. (c).) Sanctions are also mandatory where a party failed to respond to a request for admission. (*Id.*, § 2033.280, subd. (c).)

The corresponding requests for sanctions are also brought under inapplicable statutes, and are denied without prejudice.



(20)

**Tentative Ruling**

Re: ***Springer v. American Honda Motor Co., Inc.***  
Superior Court Case No. 25CECG03075

Hearing Date: July 7, 2026 (Dept. 501)

Motion: by Plaintiffs for an Award of Attorney Fees and Costs

**Tentative Ruling:**

To grant the motion and award plaintiffs \$11,376.75 in attorney's fees and \$943.42 in costs, for a total award of \$12,320.17.

**Explanation:**

Plaintiffs seek an award of attorney fees pursuant to a settlement reached after accepting defendant's November 3, 2025 Offer to Compromise pursuant to Code of Civil Procedure section 998 authorizing plaintiffs to seek fees and costs from defendant by noticed motion.

Plaintiffs claim a lodestar of \$20,187.50, and request a 0.5 multiplier to bring the fee award to \$30,281.25.

The offer that plaintiffs accepted provides that defendant will pay "reasonable attorneys' fees, in the amount determined by the Court to have been reasonably incurred by Plaintiff in connection with the commencement and prosecution of this action **up to and including the date of this offer.**" (Hix Decl., Exh. 1, ¶ 2 (emphasis added).) The offer is dated November 3, 2025.

The opposition argues that no fees should be awarded for any work past November 3, 2025, based on the language of the offer. The court agrees. As plaintiffs point, ordinarily where attorney's fees are recoverable, fees may be recovered for the preparation of the motion for fees. (See *Serrano v. Unruh* (1982) 32 Cal.3d 621, 630; *Los Angeles Police Protective League v. City of Los Angeles* (1986) 188 Cal.App.3d 1, 17.) But in this instance the entitlement to attorney's fees is based on a settlement agreement between the parties, the terms of which are set forth in the 998 offer, which only provides for recovery of attorney fees through November 3, 2025. Contract principles apply generally to the offer and acceptance of 998 offers. (*Mostafavi Law Group, APC v. Larry Rabineau, APC* (2021) 61 Cal.App.5th 614, 621-625.) To grant fees incurred beyond the date of the offer, the court would have to rewrite the 998 offer and impose a term that was not included in the offer. The court cannot do that. The court therefore will reduce the lodestar by \$9,515, the amount of attorneys' fees incurred after November 3, 2025.

The amount of attorney's fees awarded is a matter within the court's discretion. (*Clayton Development Co. v. Falvey* (1988) 206 Cal.App.3d 438, 447.) In determining the

reasonable amount to award, "the court should consider ... 'the nature of the litigation, its difficulty, the amount involved, the skill required and the skill employed in handling the litigation, the attention given, the success of the attorney's efforts, his learning, his age, and his experience in the particular type of work demanded [citation]; the intricacies and importance of the litigation, the labor and necessity for skilled legal training and ability in trying the cause, and the time consumed.'" (*Ibid.*) An award of costs must be "reasonably necessary to the conduct of the litigation" and per (c)(3), shall be "reasonable" in amount. (Code Civ. Proc., § 1033.5, subd. (c)(2).) Plaintiff as the moving party bears the burden to prove the reasonableness of the number of hours devoted to this action. (*Concepcion v. Amscan Holdings, Inc.* (2014) 223 Cal.App.4th 1309, 1325.)

A trial court may not rubberstamp a request for attorney fees, and must determine the number of hours reasonably expended. (*Donahue v. Donahue* (2010) 182 Cal.App.4th 259, 271.) A court assessing attorney's fees begins with a touchstone or lodestar figure, based on the 'careful compilation of the time spent and reasonable hourly compensation of each attorney . . . involved in the presentation of the case." (*Serrano v. Priest (Serrano III)* (1977) 20 Cal.3d 25, 48.) Lodestar refers to the "number of hours reasonably expended multiplied by the reasonable hourly rate" of an attorney. (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1096.)

Reasonable hourly compensation is the "hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type" (*Ketchum v. Moses, supra*, 24 Cal.4th at p. 1133.) Ordinarily, "the value of an attorney's time . . . is reflected in his normal billing rate." (*Mandel v. Lackner* (1979) 92 Cal.App.3d 747, 761.) Defendant does not dispute the claimed billing rates, which will therefore be approved.

Defendant claims that plaintiffs' counsel billed excessive time to review repair orders, draft discovery requests, and draft two declarations for additional discovery. The court has reviewed the billing entries regarding the repair orders. In light of the repair history of the vehicle, described in detail in counsel's declaration (Daghighian Decl., ¶¶ 22-33), the time spent does not clearly to be unreasonable. Nor can the court say that the time spend drafting discovery requests is unreasonable. Neither the discovery requests nor other requests prepared by plaintiffs' counsel in other cases are presented to the court, such that the court could conclude that little to no work went into drafting the discovery requests in this case.

However, the court does find that 1 hour billed to draft two declarations for additional discovery is excessive. It is a simple clerical task to copy the statutory language into a document. (See Code Civ. Proc., § 2030.050.) No more than 0.2 hours per declaration would be reasonable. Accordingly, the lodestar is reduced by 0.6 hour, or \$330.

Plaintiffs request a multiplier of 0.5. It appears that what they intend to ask for is a 1.5 multiplier, as a 0.5 multiplier would cut the fee award in half. The court will approve a multiplier of 1.1. As stated by the California Supreme Court regarding lodestar multipliers, sometimes referred to as fee enhancements:

...the trial court is *not required* to include a fee enhancement to the basic lodestar figure for contingent risk, exceptional skill, or other factors,

although it retains discretion to do so in the appropriate case; moreover, the party seeking a fee enhancement bears the burden of proof. In each case, the trial court should consider whether, and to what extent, the attorney and client have been able to mitigate the risk of nonpayment, e.g., because the client has agreed to pay some portion of the lodestar amount regardless of outcome. It should also consider the degree to which the relevant market compensates for contingency risk, extraordinary skill, or other factors under *Serrano III*. We emphasize that when determining the appropriate enhancement, a trial court should not consider these factors to the extent they are already encompassed within the lodestar. The factor of extraordinary skill, in particular, appears susceptible to improper double counting; for the most part, the difficulty of a legal question and the quality of representation are already encompassed in the lodestar. A more difficult legal question typically requires more attorney hours, and a more skillful and experienced attorney will command a higher hourly rate. (See *Margolin v. Regional Planning Com.* (1982) 134 Cal.App.3d 999, 1004, 185 Cal.Rptr. 145.) Indeed, the “ ‘reasonable hourly rate [used to calculate the lodestar] is the product of a multiplicity of factors ... the level of skill necessary, time limitations, the amount to be obtained in the litigation, the attorney's reputation, and the undesirability of the case.’ ” (*Ibid.*) Thus, a trial court should award a multiplier for exceptional representation only when the quality of representation far exceeds the quality of representation that would have been provided by an attorney of comparable skill and experience billing at the hourly rate used in the lodestar calculation. Otherwise, the fee award will result in unfair double counting and be unreasonable. Nor should a fee enhancement be imposed for the purpose of punishing the losing party. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1138-1139 [emphasis original].)

Once a lodestar is fixed, the lodestar may be adjusted based on certain factors, including: (1) the novelty and difficulty of the questions involved; (2) the skill displayed in presenting them; (3) the extent to which the nature of the litigation precluded other employment by the attorneys; and (4) the contingent nature of the fee award. (*Id.* at p. 1132, citing *Serrano v. Priest* (*Serrano III*) (1977) 20 Cal.3d 25, 49.)

This is a basic Lemon Law action in which almost nothing happened but settlement. There was one round of written discovery, no document production, no depositions, no discovery motions, no vehicle inspection, no third-party discovery, and no motion practice. The court acknowledges the contingent risk taken by counsel, and finds the settlement to be a good (if not typical) result. The court sees no basis for multiplier greater than 1.1.

Civil Code section 1794, subdivision (d), provides for an award of not only “costs”, but also “expenses” to the prevailing buyer if the costs and expenses were reasonably incurred in the commencement and prosecution of the action. Courts have interpreted the term “expenses” to mean that the trial court has discretion to award more than just the costs provided under section 1033.5, and that the court may grant other costs that were reasonably incurred by the buyer in connection with the commencement and prosecution of the action. (*Jensen v. BMW of North America, Inc.* (1995) 35 Cal.App.4th

112, 137-138, [finding trial court should not have denied plaintiff's request for expert witness fees simply because they were not permitted under section 1033.5]; disapproved on other grounds by *Rodriguez v. FCA US, LLC* (2024) 17 Cal.5th 189.)

Costs and expenses are sought in the amount of \$943.42. The costs are detailed in Exhibit A to the Daghighian Declaration. (Daghighian Decl., ¶ 11.) The opposition identifies not one expense that should not be recoverable or that requires further explanation. The full amount sought should be awarded.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

## Tentative Ruling

Issued By: KCK on 07/06/26  
(Judge's initials) (Date)

(35)

### Tentative Ruling

Re: ***In re Thiago Quintero***  
Superior Court Case No. 26CU01306

Hearing Date: July 7, 2026 (Dept. 501)

Motion: Petition to Compromise Minor's Claim

### Tentative Ruling:

To deny without prejudice. In the event that oral argument is requested: petitioner Berenize Tapia-Zavala and claimant Thiago Quintero will be excused from appearing.

**Explanation:**

The petition fails to attach any of the required documents in support. For example, Item 8, requires the attachment of doctor's reports. Likewise, Item 18(b)(2) directs the petitioner to list the name, branch, and address of the proposed financial institution. The petition is denied, without prejudice.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

## Tentative Ruling

Issued By: KCK on 07/06/26  
(Judge's initials) (Date)

(35)

### Tentative Ruling

Re: ***Bennett v. City of Fresno***  
Superior Court Case No. 24CECG05036

Hearing Date: July 7, 2026 (Dept. 501)

Motion: Motion for Summary Judgment

### Tentative Ruling:

To take off calendar, as no moving papers have been filed.

Pursuant to California Rules of Court, rule 3.1312(a), and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

## Tentative Ruling

Issued By: KCK on 07/06/26  
(Judge's initials) (Date)