

**Tentative Rulings for May 26, 2022**  
**Department 502**

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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).)

18CECG00348      *Gonzales v. City of Fresno* (Dept. 502)

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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.

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(Tentative Rulings begin at the next page)

# **Tentative Rulings for Department 502**

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**Tentative Ruling**

Re: ***Alvino v. Haning et al.***  
Superior Court Case No. 20CECG01974

Hearing Date: May 26, 2022 (Dept. 502)

Motion: by defendant/cross-complainant Hudson Insurance  
Company for Attorney Fees and Costs

**Tentative Ruling:**

To grant and award \$2,333 in favor of Hudson Insurance Company from the interpleaded amount of \$50,000.

**Explanation:**

On July 9, 2020, plaintiff Jennifer Alvino filed the instant action against, among others, defendant Hudson Insurance Company. Against Hudson, plaintiff sought only a claim on a statutory bond.

On October 15, 2020, Hudson filed a verified cross-complaint in the present action seeking, among other things, an interpleader to deposit the sum amount held in surety under applicable statutory bond, and to disclaim any interest in such amount. On October 21, 2020, the court received a deposit of interpleader from Hudson in the amount of \$50,000. On November 9, 2021, the court granted the discharge of the cross-complaint in interpleader, and exonerated the surety and bond. Hudson now seeks attorney's fees under Code of Civil Procedure section 386.6. Plaintiff Jennifer Alvino and cross-defendant Elijah Lucas oppose the present motion on the grounds that the motion is untimely, and that the fees sought are excessive.

Code of Civil Procedure section 386.6 states that a party who follows the procedure of section 386.5 may request for allowance of costs and reasonable attorney fees incurred in such action, awarded from the amount in dispute which has been deposited with the court. (Code Civ. Proc. § 386.6, subd. (a).) Such a request may be inserted in the motion or cross-complaint. (*Ibid.*) Where a party seeking attorney fees makes the request before that party is discharged from liability, fees can be awarded from the amount deposited with the court. (*Canal Ins. Co. v. Tackett* (2004) 117 Cal.App.4th 239, 244.)

However, such attorney fees must be limited to those incurred only in pursuit of the stakeholder's remedy. (*Sweeney v. McClaren* (1976) 58 Cal.App.3d 824, 830.) Fees related to the original defense and issues of the cross-complaint, aside from the interpleader, are not included. (*See id.* at pp. 830-831.) The court previously found that Hudson is entitled to attorney fees and costs under Code of Civil Procedure section 386.6. However, in support of the amount sought in attorney fees, Hudson submitted insufficient evidence to identify what portions of its fees were for seeking Code of Civil Procedure section 386.5 relief. The court denied the request for attorney's fees without prejudice.



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**Tentative Ruling**

Re: **Veloz v. Mendez-Abarca**  
Superior Court Case No. 22CECG00444

Hearing Date: May 26, 2022 (Dept. 502)

Motion: Hearing on Expedited Petition to Compromise Minor's Claim

**Tentative Ruling:**

To grant. Order signed. No appearances necessary.

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:** RTM on 5/24/2022.  
(Judge's initials) (Date)