

Tentative Rulings for March 18, 2026
Department 403

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)

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.*

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

23CECG01671 *Martin Esqueda v. Hyundai Motor America* is continued to Wednesday, April 22, 2026, at 3:30 p.m. in Department 403.

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(03)

Tentative Ruling

Re: **Nguyen v. Ford Motor Company**
Case No. 23CECG03792

Hearing Date: March 18, 2026 (Dept. 403)

Motion: Plaintiffs' Motion for Attorney's Fees, Costs, and Expenses

If oral argument is timely requested, it will be entertained on Thursday, March 19, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To grant plaintiffs' motion for attorney's fees, in the amount of \$13,022.00. To grant plaintiffs' request for costs, in the amount of \$982.20.

Explanation:

1. As the Prevailing Parties, Plaintiffs Are Entitled to Reasonable Fees and Costs

First, since they are the prevailing plaintiffs in litigation under the Song-Beverly Act, plaintiffs are entitled to an award of their reasonable attorney's fees, expenses, and costs incurred in litigating the action. (Civil Code, § 1794, subd. (d).) Here, plaintiffs settled with defendant for over \$41,000, plus reasonable fees, expenses and costs to be determined by noticed motion. Therefore, plaintiffs are the prevailing parties and they are entitled to an award of their attorney's fees actually and reasonably incurred in prosecuting the action. Defendant does not dispute that plaintiffs are entitled to an award of their reasonable attorney's fees, and in fact the settlement agreement expressly contemplates that they will seek an award of fees. Therefore, the only real issue is the amount of fees that plaintiffs should receive.

2. Calculating Fees

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.) As our Supreme Court has repeatedly made clear, the lodestar consists of "the number of hours *reasonably expended* multiplied by the *reasonable* hourly rate. . . ." (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095, italics added; *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1134.) The California Supreme Court has noted that anchoring the calculation of attorney fees to the lodestar adjustment method "is the only way of approaching the problem that can claim objectivity, a claim which is obviously vital to the prestige of the bar and the courts." (*Serrano III, supra*, 20 Cal.3d at p. 48, fn. 23.)

While the fee awards should be fully compensatory, the trial court's role is not to simply rubber stamp the defendant's request. (*Ketchum v. Moses, supra*, 24 Cal.4th at p. 1133; *Robertson v. Rodriguez* (1995) 36 Cal.App.4th 347, 361.) Rather, the court must ascertain whether the amount sought is reasonable. (*Robertson v. Rodriguez, supra*, 36

Cal.App.4th at p. 361.) However, while an attorney fee award should ordinarily include compensation for all hours reasonably spent, inefficient or duplicative efforts will not be compensated. (*Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1321.) The constitutional requirement of just compensation, "cannot be interpreted as giving the [prevailing party] carte blanche authority to 'run up the bill.'" (*Aetna Life & Casualty Co. v. City of Los Angeles* (1985) 170 Cal.App.3d 865, 880.) The person seeking an award of attorney's fees "is not necessarily entitled to compensation for the value of attorney services according to [his] own notion or to the full extent claimed by [him]. [Citations.]" (*Salton Bay Marina, Inc. v. Imperial Irrigation Dist.* (1985) 172 Cal.App.3d 914, 950.)

The basis for the trial court's calculation must be the actual hours counsel has devoted to the case, less those that result from inefficient or duplicative use of time. (*Horsford v. Board of Trustees of California State University* (2005) 132 Cal.App.4th 359, 395, citing *Ketchum v. Moses*, *supra*, 24 Cal.4th at p. 1133.)

A. Number of Hours Billed

A review of each billing entry shows that most of the time billed by the attorney timekeepers is not excessive. Counsel billed only 30.3 hours for about two years of work on the case. The amounts of time spent on most of the tasks is also reasonable. Plaintiffs are entitled to recover their fees for the time actually and reasonably incurred in prosecuting the action. (Civil Code, § 1794, subd. (d).)

The attached time records show that most of the billing entries are reasonable. (Exhibit 14 to Jacobson decl.) However, plaintiffs' counsel claims to have spent a total of 7.5 hours of attorney time to draft and edit the motion for attorney's fees billed at \$395 per hour. (Exhibit 14, pp. 84-85, entries for 11/26/25 to 12/1/25.) However, since plaintiffs' counsel uses templates for their pleadings and motions, including their motions for attorney's fees, it should not have taken 7.5 hours to draft the motion for fees here. The court will only allow plaintiffs to recover four hours to draft the fees motion.

Also, plaintiffs' request for an additional \$4,000 for the time spent on reviewing the opposition, preparing the reply, and attending the hearing on the fees motion is excessive and unreasonable. Plaintiffs' counsel does not state how he calculated the amount of fees, who did the work, their hourly rate, and how much time was actually spent to review the opposition, prepare the reply, and attend the hearing. Therefore, counsel has not shown that the request for \$4,000 in fees related to the fees motion is reasonable. The court will award three hours of attorney time for these tasks.

B. Reasonable Hourly Compensation

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.)

The "experienced trial judge is the best judge of the value of professional services rendered in his court." (*Thayer v. Wells Fargo Bank* (2001) 92 Cal.App.4th 819, 832.) Based on a consideration of various factors, the trial court may rely on its own expertise and knowledge to calculate reasonable attorney fees. (*Niederer v. Ferreira* (1987) 189 Cal. App. 3d 1485, 1507.) "When the trial court is informed of the extent and nature of the services rendered, it may rely on its own experience and knowledge in determining their

reasonable value." (*In re Marriage of Cueva* (1978) 86 Cal. App. 3d 290, 300.) The court is not limited to the affidavits submitted by the attorney. (*Melnyk v. Robledo* (1976) 64 Cal. App. 3d 618, 625.)

Here, plaintiffs' counsel seeks hourly rates of \$300 to \$550. Some of these rates are high for Fresno and will be reduced.

"[I]n the 'unusual circumstance' that local counsel is unavailable," a trial court may award an out-of-town counsel's higher rates. (*Horsford v. Board of Trustees of California State University* (2005) 132 Cal.App.4th 359, 399.) In such rare cases, the justification for awarding the higher rate is that out-of-town rates are needed "to attract attorneys who are sufficient to the cause." (*Ibid.*) At a minimum, therefore, the party seeking out-of-town rates is required to make a "sufficient showing ... that hiring local counsel was impracticable," and the exception is accordingly inapplicable where "no effort was made to retain local counsel." (*Nichols v. City of Taft* (2007) 155 Cal.App.4th 1233, 1244.)

Here, plaintiffs have not provided a declaration stating what efforts they made to retain local counsel, or that they were unable to find a local attorney with experience in lemon law to represent them, such that they had to resort to hiring an out-of-town law firm that charges higher rates. In fact, they have not provided any evidence at all on the issue of whether they attempted to retain local counsel before hiring a Los Angeles firm. This is unlike the situation in *Horsford*, where plaintiff presented declarations from multiple attorneys with whom plaintiff had spoken and who declined to represent him. (*Horsford, supra*, at pp. 398-399.) Accordingly, the court should award fees based on local rates.

The court finds that the reasonable value of the services of Kevin Jacobson, an attorney admitted to the California Bar in 2018 who possesses substantial experience litigating lemon law matters and who is the managing partner of Quill & Arrow, is \$525 per hour.

The court finds that the reasonable value for the services of Allen Amarkarian, who was admitted to the California Bar in 2017 and who has extensive experience in lemon law, is \$395 per hour.

The court finds that the reasonable value for the services of Camran Pakbaz, who was admitted to the California Bar in 2022 and who has extensive experience in lemon law, is \$325 per hour.

The court should find that the reasonable value of the services of Matthew Treybig, who was admitted to the California Bar in 2021 and who has substantial experience in lemon law, is \$350 per hour.

The court finds that the reasonable value of the services of Derek Chipman, who was admitted to the California Bar in 2018 and who has substantial experience in lemon law, is \$395 per hour.

The court finds that the reasonable value of the services of Robert Smith, who was admitted to the California Bar in 2007 and who has substantial experience in lemon law, is \$600 per hour.

(41)

Tentative Ruling

Re: **WT Capital Lender Services v. Mario Pinzon**
Superior Court Case No. 25CECG01310

Hearing Date: March 18, 2026 (Dept. 403)

Motion: By Defendant David Moriyama for Disbursement of Interpleader Funds

If oral argument is timely requested, it will be entertained on Thursday, March 19, 2026, at 3:30 p.m. in Department 403.

Tentative Ruling:

To deny, without prejudice.

Explanation:

Plaintiff, WT Capital Lender Services (WTC), a mere stakeholder, commenced this interpleader action on March 18, 2025, to compel the named defendants to litigate their entitlement to the \$190,930 in funds (Funds) deposited by WTC. The Funds are purported purchase money for a parcel of real property in Dunlap, California (Property).

On October 7, 2025, defendant David Moriyama filed the subject motion to receive the sum of \$190,930, along with 10 percent interest, from the date of his purported deposit. WTC opposed the motion, noting David Moriyama identifies no statutory grounds for the requested relief, he assumes the truth of contested facts, and he fails to follow the proper interpleader procedures set forth in Code of Civil Procedure section 386 et seq.

On March 12, 2026, this court entered an order on WTC's unopposed motion wherein the court discharged WTC from liability to the interpleader defendants, dismissed WTC from the action, and awarded payment of WTC's requested attorney fees and costs from the Funds. (See *MDQ, LLC v. Gilbert, Kelly, Crowley & Jennett LLP* (2019) 32 Cal.App.5th 702, 713 [trial court reasonably may order party who necessitated interpleader action to pay for it].)

David Moriyama cites only general authority to support his motion. However, none of the three statutes loosely cited by him provide for the release of interpleaded funds. Furthermore, "[a]n interpleader action is an equitable proceeding. [Citations.]" (*Dial 800 v. Fesbinder* (2004) 118 Cal.App.4th 32, 42–43.)

In its opposition, WTC identified four competing claims to the Funds. The court finds not only are there competing claims to the Funds, but David Moriyama's own evidence shows the bid he claims he submitted to purchase the Property fails to comply with the statutory requirements. For example, the intent to bid on the Property was signed by Daniel (not David) Moriyama on the letterhead of an organization called "Not 4 Profit,

