

Tentative Rulings for April 29, 2026
Department 502

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.

24CECG02869 *Jane Doe No. 1 v. Kerry Hirahara* is continued to Wednesday, May 20, 2026, at 3:30 p.m. in Department 502.

24CECG05453 *Armen Bedrosian, Medical Doctor v. Saint Agnes Medical Center* is continued to Wednesday, May 20, 2026, at 3:30 p.m. in Department 502.

25CECG04350 *Borton Petrini, LLP v. Muhammad Arshad* is continued to Thursday, April 30, 2026, at 3:30 p.m. in Department 502.

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Tentative Rulings for Department 502

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(03)

Tentative Ruling

Re: **Moreno v. Volkswagen Group of America, Inc.**
Case No. 24CECG05035

Hearing Date: April 29, 2026 (Dept. 502)

Motion: Plaintiff's Motion for Attorney's Fees and Costs

Tentative Ruling:

To grant plaintiff's motion for attorney's fees in the amount of \$14,009.37, and costs in the amount of \$1,057.80.

Explanation:

1. As the Prevailing Parties, Plaintiff Is Entitled to Reasonable Fees and Costs

First, since she is the prevailing plaintiff in litigation under the Song-Beverly Act, plaintiff is entitled to an award of her reasonable attorney's fees, expenses, and costs incurred in litigating the action. (Civil Code, § 1794, subd. (d).) Defendant does not dispute that plaintiff is entitled to an award of her reasonable attorney's fees. Therefore, the only real issue is the amount of fees that plaintiff 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 the time billed by the attorney timekeepers is reasonable. Counsel billed only 28.1 hours for about one year of work on the case. The attached time records show that the billing entries are reasonable. (Exhibit A to Kirnos decl.) Defendants have not opposed the fees motion or made any attempt to show that the requested hours are excessive, padded, unnecessary, or duplicative. Therefore, the court intends to approve the full amount of time spent on the case.

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 \$200 to \$600. Counsel's rates are reasonable based on their skill, background, and experience. Defendants have not opposed the motion or attempt to show that the requested rates are unreasonable. Therefore, the court intends to approve the requested rates. Thus, the court sets the total lodestar fees at \$11,207.50.

C. Multiplier

Plaintiff seeks a multiplier of 1.5.

"[T]he statutory language of section 1794, subdivision (d), is reasonably compatible with a lodestar adjustment method of calculating attorney fees, including use of fee multipliers. Since our Supreme Court has held that the lodestar adjustment method is the prevailing rule for statutory attorney fee awards to be applied in the absence of clear legislative intent to the contrary, we conclude it is applicable to attorney fee awards under section 1794, subdivision (d)." (*Robertson v. Fleetwood Travel Trailers of California, Inc.* (2006) 144 Cal.App.4th 785, 818–819, citation omitted.)

“The touchstone figure may then be augmented or diminished by taking various relevant factors into account, including (1) the novelty and difficulty of the questions involved and the skill displayed in presenting them; (2) the extent to which the nature of the litigation precluded other employment by the attorneys; and (3) the contingent nature of the fee award, based on the uncertainty of prevailing on the merits and of establishing eligibility for the award. As the Supreme Court subsequently explained, the initial lodestar amount is based on the reasonable rate for *noncontingent* litigation of the same type, which amount may then be enhanced (e.g., through use of a so-called multiplier) to account for factors such as the contingent nature of the case: ‘The purpose of such adjustment is to fix a fee at the fair market value for the particular action. In effect, the court determines, retrospectively, whether the litigation involved a contingent risk or required extraordinary legal skill justifying augmentation of the unadorned lodestar in order to approximate the fair market rate for such services.’” (*Id.* at p. 819, citations omitted, italics in original.)

Here, plaintiff’s counsel worked on the case on a contingency basis, which supports application of a lodestar multiplier to compensate counsel for the risk that they would not be paid if plaintiff did not prevail on her claims. The case also involved some specialized skill, as “lemon law” cases are a technical and specialized area of law. Counsel also obtained good results for their client, as they were able to obtain a settlement of over \$83,000 after about a year of litigation. Plaintiff’s counsel also worked on the case for 28.1 hours over the course of about a year, during which time counsel was precluded from working on other cases to some extent. Therefore, a multiplier is warranted under the circumstances.

However, the plaintiff’s request for a multiplier of 1.5 is excessive, as the issues of the case were not extremely complex or difficult, the time spent by counsel was not extensive, and the results obtained were good but not exceptional. Therefore, the court will only apply a multiplier of 1.25 rather than 1.5.

D. Total Attorney’s Fees Awarded

Applying a 1.25 multiplier to the lodestar fees, the court intends to award total fees of \$14,009.37.

4. Costs

Plaintiff seeks costs and expenses of \$1,057.80. Plaintiff’s memo of costs is sufficient to make a prima facie showing that the costs were reasonably necessary to the litigation. Thus, the burden is on defendant to show that the costs were not reasonably incurred or that they are unreasonable in amount. Defendant has not objected to the requested costs. Therefore, the court intends to approve the requested costs in the full amount of \$1,057.80.

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

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Tentative Ruling

Re: ***Kachadoorian v. Miranda Construction Group et al.***
Superior Court Case No. 25CECG01885

Hearing Date: April 29, 2026 (Dept. 502)

Motions: (1) By Defendant Miranda Construction Group for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One From Plaintiff Michael Kachadoorian, and Request for Sanctions;
(2) By Defendant Fredy Miranda for an Order Compelling Initial Responses to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One From Plaintiff Michael Kachadoorian, and Request for Sanctions;
(3) By Defendant Miranda Construction Group for an Order to Deem Requests for Admissions, Set One as Admitted by Plaintiff Michael Kachadoorian, and Request for Sanctions; and
(4) By Defendant Fredy Miranda for an Order to Deem Requests for Admissions, Set One as Admitted by Plaintiff Michael Kachadoorian, and Request for Sanctions

Tentative Ruling:

To grant each of the motions to compel initial responses to form and special interrogatories, and request for production of documents.

Within ten (10) days of service of the order by the clerk, plaintiff Michael Kachadoorian shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One, and produce all documents responsive to the Request for Production, served by defendant Miranda Construction Group.

Within ten (10) days of service of the order by the clerk, plaintiff Michael Kachadoorian shall serve verified responses, without objections, to Form Interrogatories, Set One; Special Interrogatories, Set One; and Request for Production, Set One, and produce all documents responsive to the Request for Production, served by defendant Fredy Miranda.

To grant the motion seeking an order deeming the truth of matters specified in the Requests for Admission, Set One by defendant Miranda Construction Group established pursuant to Code of Civil Procedure section 2033.280, subdivision (b) against plaintiff Michael Kachadoorian **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

To grant the motion seeking an order deeming the truth of matters specified in the Requests for Admission, Set One by defendant Fredy Miranda established pursuant to Code of Civil Procedure section 2033.280, subdivision (b) against plaintiff Michael Kachadoorian **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

To impose monetary sanctions in the total amount of \$1,040 against plaintiff Michael Kachadoorian, in favor of defendant Miranda Construction Group. Within thirty (30) days of service of the order by the clerk, plaintiff Michael Kachadoorian shall pay sanctions to counsel for defendant Miranda Construction Group.

To impose monetary sanctions in the total amount of \$1,040 against plaintiff Michael Kachadoorian, in favor of defendant Fredy Miranda. Within thirty (30) days of service of the order by the clerk, plaintiff Michael Kachadoorian shall pay sanctions to counsel for defendant Fredy Miranda.

Explanation:

On August 19, 2025, defendants Miranda Construction Group and Fredy Miranda (together "Defendants") served the discovery at issue on plaintiff Michael Kachadoorian. (Krbechek Decl., ¶ 2.) As of the filing of the motions to compel, no responses have been served. (*Id.*, ¶ 6.) No opposition was filed.

Initial Responses to Interrogatories and Inspection Demand

Within 30 days of service of interrogatories, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2030.260.) Within 30 days of service of a demand for inspection, the party to whom the interrogatories are propounded shall serve the original of the response to them on the propounding party. (Code Civ. Proc., § 2031.260.) To date, Defendant has received no response to interrogatories and demands for inspection. Accordingly, an order compelling Plaintiffs to provide initial responses is warranted. (Code Civ. Proc., §§ 2030.290, subd. (b), 2031.300 subd. (b).) All objections are waived. (*Id.*, §§ 2030.290, subd. (a), 2031.300, subd. (a).)

Deemed Admissions

On August 19, 2025, Defendants filed and served motions seeking an order that the truth of any matter specified in the requests be deemed admitted pursuant to Code of Civil Procedure section 2033.280, subdivision (b). No responses have been served since the filing of the motion. No opposition was filed.

The motion seeking an order deeming the truth of matters specified in Requests for Admissions, Set One deemed established, will be granted pursuant to Code of Civil Procedure section 2033.280, subdivision (b) **unless** responses in substantial conformity with Code of Civil Procedure section 2033.220 are served **prior** to the hearing.

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Tentative Ruling

Re: **Ricardo Gonzalez Gomez v. Renee Watson**
Superior Court Case No. 22CECG00125

Hearing Date: April 29, 2026 (Dept. 502)

Motion: by Defendants for Summary Judgment

Tentative Ruling:

To grant the motion for summary judgment as to the complaint.

Explanation:

Defendants Renee Watson and Savannah Jaso ("defendants") seek summary judgment of the complaint filed by plaintiff Ricardo Gonzalez Gomez ("plaintiff"). The complaint raises a cause of action for motor vehicle negligence.¹

Applicable Laws

A trial court shall grant summary judgment where there are no triable issues of material fact and the moving party is entitled to judgment as a matter of law. (Code Civ. Proc., § 437c, subd. (c); *Schacter v. Citigroup* (2009) 47 Cal.4th 610, 618.) The issue to be determined by the trial court in consideration of a motion for summary judgment is whether or not any facts have been presented which give rise to a triable issue, and not to pass upon or determine the true facts in the case. (*Petersen v. City of Vallejo* (1968) 259 Cal.App.2d 757, 775.)

The moving party bears the initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he or she carries this burden, the burden shifts to plaintiff to make a prima facie showing of the existence of a triable issue. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 849.) A defendant has met his burden of showing that a cause of action has no merit if he has shown that one or more elements of the cause of action cannot be established, or that there is a complete defense to that cause of action. (*Ibid.*) Once the defendant has met that burden, the burden shifts to the plaintiff to show a triable issue of one or more material facts exists as to the cause of action or a defense thereto. (*Ibid.*)

The Element of Duty Cannot Be Established

It is undisputed that the defendants' vehicle was stolen prior to the vehicle collision, and at the time of the collision was being driven by the thief of the vehicle. (See

¹ The form complaint at paragraph 10 alleges three causes of action for motor vehicle negligence, general negligence, and intentional tort. However, the complaint fails to include attachments alleging the general negligence and intentional tort causes of action. Paragraph 15 of the complaint appears to indicate an intent for only the single cause of action to be pled.

