

Tentative Rulings for June 3, 2026
Department 503

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.*

20CECG01342 *Cen-Cal Refrigeration v. Maple Venture, LLC*

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

23CECG01183 *Pardis Orchards, LP v. Nor-Cal Pump & Well Drilling, Inc.* is continued to Wednesday, July 15, 2026 at 3:30 p.m. in Department 503

25CECG01764 *Wells Fargo Bank N.A. v. Key Island, LLC* is continued to Wednesday, June 24, 2026 at 3:30 p.m. in Department 503

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Tentative Rulings for Department 503

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Tentative Ruling

Re: **Angelica Lopez v. General Motors, LLC**
Superior Court Case No. 24CECG00749

Hearing Date: June 3, 2026 (Dept. 503)

Motion: Plaintiffs', Angelica Lepe Lopez and Eulalio Gonzalez Perez's
Motion for Payment of Attorneys' Fees and Reimbursement of
Costs and Expenses

Tentative Ruling:

To grant the motion for attorney's fees in the amount of \$26,460; to award plaintiff costs and expenses of \$3,302.83. Payment shall be made by defendant General Motors, LLC to the Neale & Fhima APC within 30 days of the clerk's service of this minute order.

Explanation:

Plaintiffs', Angelica Lepe Lopez and Eulalio Gonzalez Perez's (collectively "plaintiffs"), seek a total award of \$47,645.83, which includes: (1) \$31,502.50 in lodestar fees for 59.7 hours of work; (2) \$5,450.00 in fees for 10.0 hours of anticipated work to read and reply to this opposition and reviewing defendant General Motors, LLC's ("defendant" or "GM") Motion to Tax Costs and preparing an opposition; (3) a 0.20 multiplier on the attorneys' fees amounting to \$7,390.50; and (4) \$3,302.83 in costs.

Right to Recovery

An award of attorney fees is proper when authorized by contract, statute, or law. (Code Civ. Proc. §§ 1032, subd. (b); 1033.5, subd. (a)(10).) Here, the Song-Beverly Act authorizes a buyer "to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended, determined by the court to have been reasonably incurred by the buyer in connection with the commencement and prosecution of such action." (Civ. Code § 1794, subd. (d).)

Attorney Fees Incurred

A buyer prevailing under the Song-Beverly Act may recover "reasonable" attorney fees and costs as determined by the Court. (Civ. Code § 1794, subd. (d).) "The burden is on the party seeking attorney fees to prove that the fees it seeks are reasonable." (*Gonzalez v. Santa Clara County Dept. of Social Services* (2017) 9 Cal.App.5th 162, 169.) In determining a reasonable fee award, the Court begins with the lodestar method of calculation, i.e., the number of hours reasonably expended multiplied by the reasonable hourly rate. (*Karton v. Ari Design & Construction, Inc.* (2021) 61 Cal.App.5th 734, 744; *PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095–1096.)

Here, Plaintiffs seek to recover \$31,502.50 in lodestar fees for 59.7 hours of work, billed at the following rates:

Name	Title	Hourly Rate
Aaron D Fhima	Attorney	\$600
Gabrielle Diamse	Attorney	\$450-\$525
Cindie Ianni	Paralegal	\$220

Counsel's 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* (2001) 24 Cal.4th 1122, 1133, "*Ketchum*".) 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 rates for plaintiff's counsel are higher than Central California's going rates for comparable consumer litigators. Plaintiff's counsel rates are: \$600 for Aaron D Fhima (10+ year lawyer specializing in lemon law); and \$450-\$525 per hour for Gabrielle Diamse (5+ year lawyer focusing on lemon).

Where a party is seeking out-of-town rates, he or she is required to make a "sufficient showing...that hiring local counsel was impractical." (*Nichols v. City of Taff* (2007) 155 Cal.App.4th 1233, 1244.) Plaintiff has made no showing of any attempt to seek local counsel. There are local counsel who handle similar cases. Local rates are therefore appropriate.

Fhima's rate should be reduced to \$525 per hour for any time awarded, and Ms. Diamse's rate should be reduced to \$400 per hour, consistent with prevailing rates for attorneys of comparable experience handling routine Song-Beverly matters in Fresno County.

Hours Expended

"In challenging attorney fees as excessive because too many hours of work are claimed, it is the burden of the challenging party to point to the specific items challenged, with a sufficient argument and citations to the evidence. General arguments that fees claimed are excessive, duplicative, or unrelated do not suffice.' " (*Lunada Biomedical v. Nunez* (2014) 230 Cal.App.4th 459, 488, citing *Premier Medical Management Systems, Inc. v. California Ins. Guarantee Assn.* (2008) 163 Cal.App.4th 550, 564.) The court will exercise its discretion in determining if the Plaintiff's attorney's fees request is reasonable by considering the following factors: the nature of litigation, its difficulty, the amount involved, the skill required in handling the matter, the attention given, the success or failure, and the resulting judgment. (*Melnyk v. Robledo* (1976) 64 Cal.App.3d 618, 623.)

Plaintiffs counsel, Neale & Fhima APC, recorded 59.7 hours of attorney time.

GM objects to numerous billing entries asserting that plaintiffs' counsel drafted templated trial documents, motions in limine, reviewing transcripts, subpoenas, discovery requests, discovery responses and opposition papers. (Opposition, pgs. 4:28-7:2.) GM further requests that 6.6 hours should be struck for general clerical items performed by Diamse.

The court reviewed the objected to time entries and finds them within the accepted norm it takes to review and draft documents. Furthermore, the time it took plaintiffs' attorneys to draft and prepare documents, subpoenas, and motions was reasonable. Nonetheless, the Court reduced certain items which it found as purely clerical, such as the August 4, 2025 time entry corresponding with Fresno Buick GMC to confirm depositions. The court deducts 2.7 hours billed.

Clerical/Administrative Tasks

Paralegal fees may be awarded as attorney's fees if the trial court deems it appropriate. (*Roe v. Halbig* (2018) 29 Cal.App.5th 286, 312.) However, purely clerical or secretarial tasks should not be billed at a lawyer or paralegal's usual rate, regardless of who performs them. (*Missouri v. Jenkins* (1989) 491 U.S. 274, 288, fn. 10.) Calendaring, preparing proofs of service, internal filing, preparing binders for a hearing, and scanning are examples of tasks that have been found to be purely clerical and thus noncompensable or compensable at a greatly reduced billing rate. (*Save Our Uniquely Rural Community Environment v. County of San Bernardino* (2015) 235 Cal.App.4th 1179, 1187; *Ridgeway v. Wal-Mart Stores Inc.* (N.D. Cal. 2017) 269 F.Supp.3d 975, 991.) Here, the court has reviewed all the billing entries and notes many entries, particularly for those of paralegal Cindi Ianni's, are for purely clerical tasks requiring no specialized legal knowledge, including emailing (forwarding) and e-filing documents, uploading documents into a computerized system, calendaring events and updating calendars, as well as scheduling of events.

The court deducts 6 hours of paralegal time at a rate of \$150. The court does not deduct the remaining 2 hours of paralegal time because the paralegal time was necessary for the conduct of litigation.

Anticipated Hours

Additional Time Opposing this Motion

Plaintiffs anticipate spending an additional 4 hours in reviewing the Opposition and preparing a Reply, and 3 hours preparing for, traveling to, and attending the motion hearing, resulting in an additional \$3,815.00 in anticipated attorneys' fees for these tasks. [Diamse Decl., ¶18]. The court finds this excessive on its face as the motion could be attended remotely deducts 2 hours of anticipated time.

Motion to Tax Costs

Plaintiffs initially sought an estimated 3 hours for an anticipated "Motion to Tax Costs." However, plaintiffs' counsel is no longer seeking these costs because defendant neither filed a memorandum of costs, nor sought to tax plaintiffs' costs, plaintiffs no longer

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Tentative Ruling

Re: **Skouti v. Buttonwillow Warehouse Co., Inc., et al.**
Superior Court Case No. 20CECG01971

Hearing Date: June 3, 2026 (Dept. 503)

Motion: (1) by Defendant Buttonwillow Warehouse Co., Inc. to
Bifurcate Trial
(2) by Defendant Britton to Bifurcate Trial

Tentative Ruling:

To deny both motions without prejudice.

Explanation:

Defendants Buttonwillow Warehouse Co., Inc. and James Britton separately move for an order bifurcating trial pursuant to Code of Civil Procedure section 597. Code of Civil Procedure section 597 provides, in pertinent part:

When the answer pleads that the action is barred by the statute of limitations... the court may, either upon its own motion or upon the motion of any party, proceed to the trial of the special defense... before the trial of any other issue in the case....

The decision to grant or deny a motion to bifurcate issues and to have separate trials, lies within the court's sound discretion. (Code Civ. Proc. §§ 598, 1048, subd. (b); *Grappo v. Coventry Financial Corp.* (1991) 235 Cal.App.3d 496, 503-504; see also *Cook v. Superior Court* (1971) 19 Cal.App.3d 832, 834.) The court also has the power to "provide for the orderly conduct of proceedings before it," and to "amend and control its process and orders so as to make them conform to law and justice." (Code Civ. Proc. § 128, subd. (a)(3),(8).)

Defendants have raised the statute of limitations as a defense to plaintiff's claims and request a court trial on the defense together with plaintiff's equitable estoppel defense before the jury trial of plaintiff's claims. Plaintiff opposes on the basis that there are issues of fact common to both equitable estoppel and the cross-complaint for fraud that are to be determined by a jury and a separate trial would not promote judicial economy. The claims of plaintiff's complaint for breach of contract and negligence appear to call for facts distinct from the issues related to the statute of limitations defense. Conversely, Skouti's cross-complaint in the consolidated action alleging fraud against Buttonwillow Warehouse, Co., Inc. presents issues of fact also relevant to plaintiff's equitable estoppel arguments.

It is not apparent at this time that bifurcation of the statute of limitations defense and the plaintiff's claims of equitable estoppel will promote judicial economy. The court

