

**Tentative Rulings for October 9, 2025**  
**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)**

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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.

24CECG03266      *Miguel Maldonado Contreras v. George Besette* is continued to  
Thursday, October 23, 2025, at 3:30 p.m. in Department 502

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(Tentative Rulings begin at the next page)

## **Tentative Rulings for Department 502**

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(41)

### Tentative Ruling

Re: ***The Golden 1 Credit Union v. West Williams***  
Superior Court Case No. 24CECG05226

Hearing Date: October 9, 2025 (Dept. 502)

Motion: Plaintiff's Motion for Attorney Fees

### Tentative Ruling:

To grant the motion by plaintiff The Golden 1 Credit Union for attorney fees in the amount of \$7,418.50.

**Explanation:**

"Except as attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys and counselors at law is left to the agreement, express or implied, of the parties . . . ." (Code Civ. Proc., § 1021.) Code of Civil Procedure section 1033.5 provides, in subdivision (a)(10), that attorney fees are allowable as costs under section 1032 when they are authorized by contract, statute, or law.

“[T]he party prevailing on the contract shall be the party who recovered a greater relief in the action on the contract. The court may also determine that there is no party prevailing on the contract for purposes of this section.” (Civ. Code, § 1717, subd. (b).) If a party has an unqualified win, the trial court has no discretion to deny the party attorney fees as a prevailing party under Civil Code section 1717. (*Hsu v. Abbata* (1995) 9 Cal.4th 863, 876.)

Here, plaintiff moves for an award of attorney fees as the prevailing party in this action. No opposition was filed to the motion, and the court finds the amount requested for attorney fees is reasonable. Therefore, the court grants plaintiff's motion and awards The Golden 1 Credit Union \$7,418.50 for its attorney fees incurred as the prevailing party.

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 10/08/25  
(Judge's initials) (Date)

(35)

**Tentative Ruling**

Re: ***TriWest Healthcare Alliance Corp. v. Four Corners Health, LLC et al.***  
Superior Court Case No. 24CECG02455

Hearing Date: October 9, 2025 (Dept. 502)

Motion: By Plaintiff for Default Judgment

**Tentative Ruling:**

To deny without prejudice.

**Explanation:**

The application for default judgment appears generally in order. However, defendants Four Corners Health, LLC and TriFour Healthcare, LLC are served but not defaulted. Additionally, DOE defendants remain at issue as unserved, not defaulted, and not dismissed. Applications for default judgment must dismiss all parties against whom judgment is not sought prior to the entry of judgment, or, if separate judgments are sought, the moving party must support the request. (Cal. Rules of Ct., rule 3.1800(a)(7).)

Further, plaintiff TriWest Healthcare Alliance Corporation ("Plaintiff") seeks attorney fees in excess of schedule. (Superior Court of Fresno County, Local Rules, rule 2.8.3, Appendix A1.) Fees are capped by schedule without further justification and petition as stated in Appendix A1 of the Local Rules.

Plaintiff seeks to exceed schedule for the award of attorney fees. Though counsel for Plaintiff argues that this matter was not a normal breach of contract matter, involving multiple theories of liability as to interconnected entities, the court does not question the complexity of the matter. Rather, the issue is the reasonably expected time to litigate the matter. (*Chavez v. City of Los Angeles* (2010) 47 Cal.4th 970, 990-991.) In a matter where every defendant fails to answer the allegations set forth by Plaintiff, early disposition controls. (See *id.*) Moreover, some of the entries appear to be educational (e.g., Wang Decl., Ex. R, p. 1 ["Analyze court docket; analyze court orders related to case management conferences; analyze service issues..." reflecting \$2,160 in billed time], are unrecoverable clerical tasks such as calendaring (e.g., *id.*, Ex. R, p.4 [calling court clerk for hearing reservation]), or are unreasonably billed ([e.g., *id.*, ¶ 23 and Ex. R, pp. 6, 7 [approximately 24 hours of billed time to prepare default judgment application, 19 hours to investigate and prepare the first amended complaint, 23.8 hours of attorney time to effect service]). Further and in general, the court finds the billing rates submitted as unreasonable. The reasonable hourly rate is that prevailing in the community for similar work. (*PCLM Group v. Drexler* (2000) 22 Cal.4th 1085, 1095.) The rates submitted, ranging from \$600 up to \$925 per hour for attorneys, and \$350 to \$375 for paralegal work, constitute significant departures compared to those of the community for similar work.

On a matter uncontested through default, with a single ex parte application for publication of service of summons, the court finds that the 112.3 hours billed for a total of \$90,414.50 is not supported. The fee request is denied. Plaintiff is referred to Schedule A1 of the Local Rules for any further applications for default judgment.

For the above reasons, the application 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 10/08/25  
(Judge's initials) (Date)