Tentative Rulings for October 21, 2025
Department 501

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.

23CECG02307 ***Adrian Ortega v. Scott Borsch* is continued to Wednesday, November 19, 2025 at 3:30 p.m. in Department 501.**

25CECG00368 ***Jose Pallares Torres v. Farmers Insurance Exchange* is continued to Wednesday, October 22, 2025 at 3:30 p.m. in Department 501.**

(Tentative Rulings begin at the next page)

Tentative Rulings for Department 501

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(03)

Tentative Ruling

Re: ***Long v. Esquivel***
Case No. 24CECG04998

Hearing Date: October 21, 2025 (Dept. 501)

Motion: by Defendant to Compel Further Responses to Form Interrogatories, Special Interrogatories, and Requests for Production of Documents, Set One, and for Monetary Sanctions

Tentative Ruling:

To grant defendant's motion to compel plaintiff to serve further responses to all of the form interrogatories, special interrogatories, and requests for production of documents, set one, served on plaintiff on February 27, 2025. To grant defendant's motion for sanctions against plaintiff, in the total amount of $1,560.

Plaintiff shall serve verified responses without objections within 20 days of the date of service of this order. Plaintiff shall pay sanctions to defense counsel within 30 days of the date of service of this order.

Explanation:

Under Code of Civil Procedure section 2030.300, subdivision (a): "On receipt of a response to interrogatories, the propounding party may move for an order compelling a further response if the propounding party deems that any of the following apply: (1) An answer to a particular interrogatory is evasive or incomplete. … (3) An objection to an interrogatory is without merit or too general." (Paragraph breaks omitted.) "A motion under subdivision (a) shall be accompanied by a meet and confer declaration under Section 2016.040." (Code Civ. Proc., § 2030.300, subd. (b)(1).)

"The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a further response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust." (Code Civ. Proc., § 2030.300, subd. (d).)

Code of Civil Procedure section 2031.310 contains similar language regarding motions to compel further responses to requests for production of documents.

Here, defendant served plaintiff with his first set of discovery requests, including form and special interrogatories and requests for production of documents, on February 27, 2025. Plaintiff's counsel requested several extensions of time to respond, which defendant granted. Eventually, plaintiff served unverified responses, which consisted entirely of boilerplate objections, on May 19, 2025. Defense counsel then attempted to meet and confer with plaintiff about the responses, but plaintiff's counsel refused to discuss the responses, and instead moved to be relieved from the representation. The court granted the motion to be relieved on July 1, 2025. Defense counsel then attempted to contact plaintiff directly in order to meet and confer about the responses, but plaintiff did not respond. Therefore, defendant has shown that he is entitled to compel plaintiff to provide further responses to the interrogatories and requests for production.

Plaintiff has objected and refused to provide substantive responses to even the most basic requests, such as questions about the factual basis for his case, why he believes that defendant is liable for his injuries, or what his damages are. He even objected to questions about his name, date of birth, place of birth, whether he has a driver's license, what his address, etc. His objections based on privacy, overbreadth, and relevance are pure boilerplate. Such boilerplate objections are improper and may be sanctionable. (*Korea Data Systems Co. v. Superior Court* (1997) 51 Cal.App.4th 1513, 1516.) Plaintiff has an obligation to provide substantive responses to the best of his ability, even if he does raise some objections. (*Deyo v. Kilbourne* (1978) 84 Cal.App.3d 771, 782-783.) Therefore, the court intends to overrule plaintiff's objections and order him to provide full and complete answers to all of the interrogatories and requests for production.

In addition, the court intends to grant the defendant's request for sanctions against plaintiff for his unjustified refusal to provide substantive responses to the discovery requests. (Code Civ. Proc., §§ 2030.300, subd. (d); 2031.310, subd. (h).) However, the court will reduce the amount of sanctions to a more reasonable number. Defendant seeks $1,300 per motion based on two hours of attorney time billed at a rate of $240 and three hours billed at $260 per hour, plus $60 in filing fees for each motion. (Kearney decl., ¶ 12.) Yet, since each motion is essentially the same, there was no need to expend five hours of attorney time per motion. The court will grant sanctions of $520 per motion (two hours per motion billed at $240 plus $60 in filing fees), for a total of $1,560 for all three motions.

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: DTT on 10/16/2025 .
(Judge's initials) (Date)

(36)

Tentative Ruling

Re:	***Potts v. FCA US, LLC*** Superior Court Case No. 24CECG04489
Hearing Date:	October 21, 2025 (Dept. 501)
Motion:	by Plaintiffs for an Award of Attorney Fees and Costs

Tentative Ruling:

To grant the motion for an award of attorney fees and award $9,688.80 in fees in favor of plaintiffs. To award costs in the amount of $2,048.

Explanation:

Evidentiary Objections

Each of defendant's 81 evidentiary objections are overruled, as a meritorious argument in support of each objection was largely or completely absent. (*Cole v. Town of Los Gatos* (2012) 205 Cal.App.4th 749, 764.) The objections are perceived as bordering on blunderbuss which may, in the future, lead to "informal reprimands or formal sanctions for engaging in abusive practices." (*Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 532.) Each of plaintiffs' four evidentiary objections are also overruled.

Motion for Fees and Costs

A prevailing buyer in an action under the Song–Beverly Act "shall be allowed by the court 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).) The statute "requires the trial court to make an initial determination of the actual time expended; and then to ascertain whether under all the circumstances of the case the amount of actual time expended and the monetary charge being made for the time expended are reasonable. These circumstances may include, but are not limited to, factors such as the complexity of the case and procedural demands, the skill exhibited and the results achieved. If the time expended or the monetary charge being made for the time expended are not reasonable under all the circumstances, then the court must take this into account and award attorney fees in a lesser amount. A prevailing buyer has the burden of 'showing that the fees incurred were "allowable," were "reasonably necessary to the conduct of the litigation," and were "reasonable in amount." ' " (*Nightingale v. Hyundai Motor America* (1994) 31 Cal.App.4th 99, 104.)

Calculating the 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; *Robertson v. Fleetwood Travel Trailers of California, Inc*. (2006) 144 Cal.App.4th 785, 817 [lodestar applies to Song-Beverly litigation].) Here, plaintiff seeks a lodestar of $11,339.00. The lodestar consists of "the number of hours *reasonably expended* multiplied by the *reasonable* hourly rate. . . ." (*PLCM Group, Inc. v. Drexler*, *supra*, 22 Cal.4th at p. 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.)

1. Number of Hours Reasonably Expended

In awarding attorney's fees, the law requires the court to first determine the actual amount of time expended by counsel, then, second, to determine if that time and fee was reasonable. (*Nightingale v. Hyundai Motor America*, supra, 31 Cal.App.4th at p. 104.) Factors effecting reasonableness may include, "the complexity of the case and procedural demands, the skill exhibited and the results achieved." (*Ibid*.)

Here plaintiffs' attorneys billed for 20.1 hours on this case, not including anticipated time to review defendant's opposition to this motion, prepare the reply and appear at the hearing.

The opposition challenges the majority of identified entries as excessive, inefficient and unreasonable. Defendant argues plaintiff's attorneys have billed excessive time for tasks related to drafting pleadings and discovery based on the use of templates or other documents that do not vary from case to case.

"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. Failure to raise specific challenges in the trial court forfeits the claim on appeal." (*Premier Medical Management Systems, Inc. v. California Ins. Guarantee Assn*. (2008) 163 Cal.App.4th 550, 564.)

However, defendants do not point to any specific items as being excessive. Moreover, after independent review of the billing entries, the court does not find the time billed to be particularly excessive, inefficient, or unreasonable. The court will not discount the lodestar based on claimed excessive billing entries.

Defendant also challenges the inclusion of hours billed for clerical or administrative tasks, specifically 0.1 hours for the preparation of a notice of remote appearance. The court will discount the 0.1 hour billed for the preparation of this form.

2. *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.)

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 Taft* (2007) 155 Cal.App.4th 1233, 1244.) Plaintiff has made no showing that local counsel practicing "Lemon Law" and Song-Beverly consumer litigation are not available. As a result, the court intends to award fees based on local rates.

The rates for out-of-town counsel are generally higher than California's Central Valley rates for comparable consumer litigators. Plaintiffs' counsel are out of Los Angeles. The rates charged by the attorneys within Strategic Legal Practices range from $650 billed by Tionna Carvalho, partner at the firm, to $325 for law clerk Lara Abdo. Having reviewed the qualifications of each of the nine timekeepers the court finds the reasonable value of services as follows:

For Sanam Vaziri, an attorney admitted to the California Bar in 1995, a rate of $550 per hour.

For Jacob Lister, an attorney admitted to the California Bar in 2009, a rate of $450 per hour.

For Tionna Carvalho, an attorney admitted to the California Bar in 2014, who possesses at least seven years of experience in consumer litigation, a rate of $450 per hour.

For Hannah Theophil, an attorney admitted to the California Bar in 2019, and Nino Sanaia, an attorney admitted to the Georgia Bar in 2015 and to the California Bar in 2022, a rate of $380 per hour.

For Tara Mejia and Zavig Mkrdech, attorneys admitted to the California Bar in 2022, a rate of $325 per hour.

For law clerks Lara Abdo and Maro Passarella a rate of $150 per hour.

Following a careful review of the entries submitted, the court finds that the vast majority of the entries appear reasonable for the task billed.

Additionally, plaintiffs request $4,000 in connection with the reply and appearance at the hearing for the motion at bench. On reply, plaintiffs clarify that Yenok Tantanyan spent 5.2 hours reviewing the opposition and drafting the reply. Considering that defendant's opposition consists of 81 evidentiary objections, many of which were without merit, the court finds the hours expended to be reasonable. Plaintiffs contend that Mr. Tantanyan's hourly rate of $345 is reasonable. However, since no information is provided on Mr. Tantanyan's experience, it is unknown to the court whether Mr.

Tantanyan is a practicing attorney in California. Without further information, the court presumes the reasonable value of Mr. Tantanyan's services to be $150 per hour.

With the reductions in hourly rates and adjustment to the hours billed, the lodestar is set at $8,074.

3. Multiplier

Plaintiffs seek the imposition of a multiplier of 1.35. As stated by the California Supreme Court regarding lodestar multipliers, sometimes referred to as fee enhancements:

> …the trial court is *not required* to include a fee enhancement to the basic lodestar figure for contingent risk, exceptional skill, or other factors, although it retains discretion to do so in the appropriate case; moreover, the party seeking a fee enhancement bears the burden of proof. In each case, the trial court should consider whether, and to what extent, the attorney and client have been able to mitigate the risk of nonpayment, e.g., because the client has agreed to pay some portion of the lodestar amount regardless of outcome. It should also consider the degree to which the relevant market compensates for contingency risk, extraordinary skill, or other factors under *Serrano III*. We emphasize that when determining the appropriate enhancement, a trial court should not consider these factors to the extent they are already encompassed within the lodestar. The factor of extraordinary skill, in particular, appears susceptible to improper double counting; for the most part, the difficulty of a legal question and the quality of representation are already encompassed in the lodestar. A more difficult legal question typically requires more attorney hours, and a more skillful and experienced attorney will command a higher hourly rate. (*See Margolin v. Regional Planning Com.* (1982) 134 Cal.App.3d 999, 1004, 185 Cal.Rptr. 145.) Indeed, the " 'reasonable hourly rate [used to calculate the lodestar] is the product of a multiplicity of factors ... the level of skill necessary, time limitations, the amount to be obtained in the litigation, the attorney's reputation, and the undesirability of the case.' " (*Ibid*.) Thus, a trial court should award a multiplier for exceptional representation only when the quality of representation far exceeds the quality of representation that would have been provided by an attorney of comparable skill and experience billing at the hourly rate used in the lodestar calculation. Otherwise, the fee award will result in unfair double counting and be unreasonable. Nor should a fee enhancement be imposed for the purpose of punishing the losing party. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1138-1139 [emphasis original].)

Once a lodestar is fixed, the lodestar may be adjusted based on certain factors, including: (1) the novelty and difficulty of the questions involved; (2) the skill displayed in presenting them; (3) the extent to which the nature of the litigation precluded other employment by the attorneys; and (4) the contingent nature of the fee award. (*Id.* at p. 1132, *citing Serrano v. Priest (Serrano III)* (1977) 20 Cal.3d 25, 49.)

Here, plaintiffs submit that counsel took the matter on contingency, and obtained an excellent result. Since plaintiffs do not indicate what the agreed value of the vehicle to be, it is difficult to ascertain whether the settlement amount of $10,000 is an above average result. Also, while plaintiffs further suggest that there was undue delay in settling this matter, the timeline supports a finding that all parties treated the matter as proceeding to trial. The steady nature of the discovery conducted and law and motion practice suggests as much. This would not constitute a delay, much less undue delay. Moreover, plaintiffs' counsel does not suggest that the delay precluded other employment. Over the roughly seven months between the first engagement with the clients to the date of the settlement, the firm spent, on average, just under 3 hours per month on the matter. Such a time commitment does not support the conclusion that this action was so involved as to preclude commitment to other work. Nonetheless, the court acknowledges the contingent risk taken by counsel in this matter and awards a modest multiplier of 1.2. The motion for an award of attorney fees is granted in the amount of $9,688.80.

Costs

Costs and expenses are sought via declaration in the amount of $2,048. (Shahian Decl., ¶¶ 56, 58, 59, and Exh. 24, p. 2.)

If the items on a verified statement appear to be proper charges, the statement is prima facie evidence of their propriety and the burden is on the party contesting them to show that they were not reasonable or necessary. (*See Hooked Media Group, Inc. v. Apple Inc.* (2020) 55 Cal.App.5th 323, 338.) The losing party does not meet this burden by arguing that the costs were not necessary or reasonable but must present evidence to prove that the costs are not recoverable. (*Litt v. Eisenhower Med. Ctr.* (2015) 237 Cal.App.4th 1217, 1224.) If the claimed items are not expressly allowed by statute and are objected to, the burden of proof is on the party claiming them as costs to show that the charges were reasonable and necessary. (*Foothill-De Anza Community College Dist. v. Emerich* (2007) 158 Cal.App.4th 11, 29.)

In Song-Beverly Act cases, Civil Code section 1794, subdivision (d), provides for an award of not only "costs", but also "expenses" to the prevailing buyer if the costs and expenses were reasonably incurred in the commencement and prosecution of the action. Courts have interpreted the term "expenses" to mean that the trial court has discretion to award more than just the costs provided under section 1033.5, and that the court may grant other costs that were reasonably incurred by the buyer in connection with the commencement and prosecution of the action. (*Jensen v. BMW of North America, Inc*. (1995) 35 Cal.App.4th 112, 137-138, [finding trial court should not have denied plaintiff's request for expert witness fees simply because they were not permitted under section 1033.5]; disapproved on other grounds by *Rodriguez v. FCA US, LLC* (2024) 17 Cal.5th 189.)

Defendant, in its opposition, does not oppose the costs. Accordingly, costs are awarded in the total amount of $2,048.

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: DTT on 10/17/2025 .
(Judge's initials) (Date)