Tentative Rulings for November 5, 2026
Department 503

For any matter where an oral argument is requested and any party to the hearing desires a remote appearance, the remote appearance will be conducted through Zoom. 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.

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Tentative Rulings for Department 503

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(46)

Tentative Ruling

Re: ***Christopher Packer vs. American Honda Motor Company, Inc.***
Superior Court Case No. 24CECG01130

Hearing Date: November 5, 2026 (Dept. 503)

Motion: by Plaintiffs for Attorney's Fees

Tentative Ruling:

To grant and award attorney's fees in the reduced amount of $9,847.50 and costs of $783.20. The total award is $10,630.70. Payment shall be made by defendant American Honda Motor Co., Inc. to the Consumer Law Experts, P.C. within 30 days of the clerk's service of the minute order.

If oral argument is timely requested, it will be entertained on Thursday, December 3, 2026, at 3:30 p.m. in Department 503.

Explanation:

Plaintiffs Christopher and Amy Packer ("plaintiffs") seek an award of attorney's fees under Civil Code section 1794 subdivision (d). The parties agreed that plaintiffs would be considered the "prevailing party" for purposes of this motion. (See Cohen Decl., ¶ 10; Exh. 2, ¶ 4.)

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 v. Priest*, *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* (2001) 24 Cal.4th 1122, 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

"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." (*Premier Medical Management Systems, Inc. v. California Ins. Guarantee Assn*. (2008) 163 Cal.App.4th 550, 564.)

Plaintiffs' counsel claims 32.0 billable hours. (Cohen Decl., ¶ 22, Exh. 10.) Defendant challenges the entries as duplicative/padding, templated, and as purely clerical tasks.

The court has reviewed the challenged entries. The majority of the attorneys' entries are within the accepted norm, regardless if started with a template or form. Activities objected to as "padded" and are either duplicate entries or contain no description of the work performed will be reduced (e.g. merely reflects "Email to/from Client" or "Call to/from Client" without any way to evaluate the purpose of the activity).

Paralegal fees may be awarded as attorney 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.)

Multiple entries by the paralegals are purely clerical in nature and will not be compensable.

Further, the court will allow one additional hour for drafting of the reply brief, and not allow for recovery of additional anticipated hours.

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.) 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 $425, $440, and $560. Counsels' rates are high for the community. The court sets the rate of Ms. Elian at $300.00/hr. The court sets the rate of Mr. Walker at $400.00/hr., and the rate of Mr. Cohen at $500/hr. Furthermore, the court finds that the applicable paralegal rate in Fresno to be $150.00/hr.

Accordingly, reduced rates and adjusted billable hours result in the lodestar set at $9,847.50.

For the above reasons, fees are awarded in the total amount of $9,847.50. Costs are approved as sought in the amount of $783.20. The total award shall be in the amount of $10,630.70.

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: JS on 11/3/2026.
(Judge's initials) (Date)