

# Tentative Rulings for June 30, 2026 Department 5

**To request oral argument, you must notify Judicial Secretary  
Crystal Marias at (760) 904-5722  
and inform all other counsel no later than 4:30 p.m.**

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at [Riverside Superior Court-Tentative Rulings](#). If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department 5 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear remotely, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

For information and instructions on remote appearances via **ZOOM**, visit the court's website at [Riverside Superior Court-Remote Appearances](#)

You may also make a Telephonic Appearance: On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1-833-568-8864 (Toll Free), 1-669-254-5252,  
1-669-216-1590, 1-551-285-1373 or 1-646-828-7666
- Meeting Number: **161 782 8254**

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

**Riverside Superior Court provides official court reporters for hearings on law and motion matters only for litigants who have been granted fee waivers and only upon their timely request. (See General Administrative Order No. 2021-19-1) Other parties desiring a record of the hearing must retain a reporter pro tempore.**

1.

CASE #	CASE NAME	HEARING NAME
CVRI2400544	BARCLAY VS HANON	MOTION TO ENFORCE SETTLEMENT AGREEMENT

**Tentative Ruling:**

Defendants' unopposed motion to enforce the Settlement Agreement, attached as Exhibit to the Declaration of Steven Candelas filed April 30, 2026, is granted. The dismissal in this action as to Julio Cesar Hanon and Mary Ann Parks is ordered set aside, and judgment is entered in favor of Defendants Julio Cesar Hanon and Mary Ann Parks and against Jacqueline Barclay and Christopher Barclay pursuant to the terms stated in the Settlement Agreement. The Subject Property is ordered to be sold, and Defendant Julio Cesar Hanon is to be paid \$100,000.00 from the proceeds of the sale, per the terms of the Settlement Agreement.

The court awards attorney fees in the reduced amount of \$1,410.00 (3 hours at \$450.00 per hour, plus motion fee).

2.

CASE #	CASE NAME	HEARING NAME
CVRI2402166	GOMEZ VS GENERAL MOTORS, LLC	MOTION FOR ATTORNEYS FEES

**Tentative Ruling:**

The main focus of GM's opposition is that a laundry list of fees were not reasonably incurred. In its Opposition, Defendant contends Plaintiffs' counsel billed excessive hours on a number of tasks and that the court should reduce the amount of time awarded to a more reasonable amount. "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.)

Defendant does take issue with 13 several specific billing entries, which are summarized on page 7, line 15 through page 9, line 6 which total a proposed reduction in fees in the amount of 37.5 hours or \$22,742.) Defendant contends, in large part, that since Plaintiff's counsel has used the same template for discovery requests and deposition notice, discovery responses, review of templated discovery responses, meet and confer correspondence, in limine motions, trial documents, review of templated motions in limine as they use in other cases, they should not be allowed to bill much time for the tasks where the templated documents were used. However, use of

templates is not necessarily unreasonable, as Plaintiffs' counsel can use templates in an efficient manner to save time and money.

“By and large, the court should defer to the winning lawyer's professional judgment as to how much time he was required to spend on the case; after all, he won, and might not have, had he been more of a slacker.” (*Moreno v. City of Sacramento* (9th Cir. 2008) 534 F.3d 1106, 1112.) Also, “[a] defendant ‘cannot litigate tenaciously and then be heard to complain about the time necessarily spent by the plaintiff in response.’ ” (*International Longshoremen's & Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 304.)

As to non-templated concerns, GM takes issue with:

- (1) Entry for pre-litigation work – 2/29/24-3/11/24. Mr. Matera “billed” 1.1 hours (\$605.00) before this lawsuit was filed, including 0.8 hours to “[r]eview repair orders and research technical service bulletins” and 0.3 hours to send a pre-filing “case status” update. (Barry Decl., Ex. 2.) GM claims that time spent evaluating a potential claim before engagement is a business expense routinely treated as overhead and not recoverable as attorney fees, and Song-Beverly does not require a manufacturer to reimburse pre-litigation case management. (See *Dominguez v. Am. Suzuki Motor Corp.* (2008) 160 Cal.App.4th 53, 58.) GM requests that 1.1 hours (\$605.00) be disallowed entirely. However, while the above is an accurate recitation of the law, the entry itself appears to be tasks reasonably incurred to prepare and evaluate the claim, not overhead/business expense before engagement.
- (2) “Redundant Review File” Entries Throughout. GM claims that Mr. Matera “billed” 2.0 hours (\$1,100.00) in repeated “review file in preparation” entries (for the trial setting conference, telephonic meet-and-confers, and an “issue conference”). (Barry Decl., Ex. 2.) GM claims that an attorney with institutional knowledge of the matter does not reasonably require this preparation, and several similar entries were appropriately marked non-billable. GM requests a reduction of 1.5 hours (\$825.00). The charge does not appear to be unreasonable.
- (3) Excessive and Duplicative Communications—Throughout: Counsel “billed” at least 8.0 hours (\$4,893.00) for emailing, calling, leaving voicemails, and exchanging routine “case status” communications. (Barry Decl., Ex. 2.) According to GM, Counsel repeatedly split a single exchange into separate “draft,” “review,” and “respond” entries, billed Mr. Barry’s \$695 partner rate to “review” and separately “respond to” the same status email, and billed for voicemail-only attempts that reached no one. GM submits that 2.5 hours is more than sufficient and requests a reduction of 5.5 hours (\$3,518.00). The Court reduces to 5 hours at \$695 an hour, for a total compensation of \$2085 (a reduction of \$2,808.)
- (4) Anticipated and Unincurred Fee-Motion Time: As noted by GM, Counsel “billed” 9.1 hours (\$5,440.00) to draft this fee motion and memorandum of costs and—

prospectively—to review GM’s opposition, draft a reply, and prepare for and attend the hearing, most of which has not been incurred and much of which is billed at Mr. Barry’s \$695 rate. (Barry Decl., Ex. 2.) GM submits that 1.0 hour to prepare the motion, 1.0 hour to review GM’s opposition, and 1.0 hour to prepare a reply (each at Mr. Matera’s rate), 1.0 hour to attend the hearing (at Mr. Barry’s rate), and reasonable time for the memorandum of costs adequately compensate this templated effort and requests a reduction of 4.6 hours (\$2,820.00). The court reduces by 3 hours and awards 6.1 hours at \$695 per hour, for a total of \$4,239.50 (a reduction of \$1,200.50.)

- (5) Time Opposing a Nonexistent “Motion to Tax Costs”: Counsel “billed” 6.4 hours (\$4,448.00)—all at Mr. Barry’s \$695 rate—to “review GM’s Motion to Tax Costs,” “draft Plaintiff’s Opposition to GM’s Motion to Tax Costs,” “review GM’s Reply,” and prepare for and attend a hearing on that motion. (Barry Decl., Ex. 2.) GM has filed no such motion, and none exists. This time is in its entirety. Counsel has withdrawn this request, and thus the Court reduces by \$4,448 from the requested fees.
- (6) Travel Time—October 8, 2025 and June 30, 2026: Counsel “billed” 5.9 hours (\$3,651.00) in travel time, including anticipated travel to and from the fee hearing. (Barry Decl., Ex. 2.) GM has not provided authority to deny recovery of this expense, which appears to be properly billed.

The court does not grant a multiplier in this case as it is not warranted.

### Costs

California Rules of Court, rule 3. 1700 establishes a procedure for contesting costs through a motion to tax costs. (*Kaufman v. Diskeeper Corp.* (2014) 229 Cal. App. 4th 1, 8.) Rule 3.1700( b) provides that a " notice of motion to strike or tax costs must be served and filed 15 days after service of the cost memorandum." (CRC 3. 1700( b)( 1).) Here, a cost memo was filed on April 10, 2026. There is no motion to tax costs.

**The motion is granted in part, denied in part. Request to tax costs is denied as there is no motion to do so. As to fees, the court reduces the requested amount by \$4,448 (as related to the non-existent motion to tax costs), \$1,200.50 (anticipated fee motion), and \$2,808 (excessive and duplicative communications).**

**Plaintiff is ordered to submit a proposed order consistent with this ruling by no later than June 30, 2026, by 5:00 p.m.**

3.

CASE #	CASE NAME	HEARING NAME
CVRI2501205	OWIESY VS AMERICA WEST PROPERTIES, INC.	MOTION FOR SUMMARY JUDGMENT ON COMPLAINT

**Tentative Ruling:**

Plaintiff's request for a continuance to permit review of the May 11, 2026 discovery responses and documents produced therewith, which identify individuals with relevant knowledge, is granted, pursuant to Code of Civil Procedure section 473c, subdivision (h).

The hearing is continued to August 26, 2026. Moving party is ordered to give notice.

4.

CASE #	CASE NAME	HEARING NAME
CVRI2503486	MERCEDES-BENZ VEHICLE TRUST VS WILLIAMS	MOTION TO COMPEL FURTHER REPSONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

**Tentative Ruling:**

The Motion to Compel Further Responses is moot since supplemental responses were served on June 18, 2026. The request for sanctions is denied.