



Superior Court of California County of San Benito

Tentative Decisions for May 11, 2026

Courtroom #1: Judge J. Omar Rodriguez

CU-25-00034 Mendoza, Osbaldo vs. DK Chevron LLC

In light of the information provided in the Joint Case Management Conference Statement, the Case Management Conference is continued to Thursday, August 13, 2026, at 1:30 p.m. in Department 1.

CU-25-00068 Shepherd, et al. vs. General Motors LLC

Plaintiffs' Motion for Attorneys' Fees is GRANTED as requested.

Under the Song Beverly Consumer Warranty Act, "(i)f the buyer prevails in an action under this section, the buyer 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." (Cal. Civil Code §1974(d), see also *Warren v. Kia Motors of America, Inc.* (2018) 30 Cal.App.5th 24, 35.) The intent of the statute is to provide consumers with clear encouragement to pursue legal redress for these kinds of claims. (*Murillo v. Fleetwood Enterprises, Inc.* (1998) 17 Cal.4th 985, 994; *Robertson v. Fleetwood Travel Trailers of CA., Inc.* (2006) 144 Cal.App.4th 785, 817; *Wohlgemuth v. Caterpillar, Inc.* (2012) 207 Cal.App.4th 1252, 1262.) The fee award need not be proportional to the damages recovered. (*Niederer v. Ferreira* (1987) 189 Cal.App.3rd 1485, 1508.) This statute contains a mandatory fee shifting provision, and as the courts have noted for consumer protection matters, the legislative policy is in favor of recovery for all

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attorney's fees reasonably expended, without limiting the fees to a proportion of actual recovery. (*Graciano v. Robinson Ford Sales, Inc.* (2006) 144 Cal.App.4th 140, 164.) The court may determine if such fees, costs, and expenses are reasonable based on the amount charged for such services. (*Morris v. Hyundai Motor America* (2019) 41 Cal.App.4th 24, 34.) In determining whether the cost and time of services rendered are reasonable, the Court considers factors including, but not limited to, "the complexity of the case and procedural demands, the skill exhibited and the results achieved." (*Id.*) The litigation history and amount of work undertaken in a matter prior to resolution is relevant to whether the tasks at issue were reasonable. (*Goglin v. BMW of N. Amer., LLC.* (2016) 4 Cal.App.5th 462, 473.) A verified fee bill is prima facie evidence that the costs, expenses, and services listed were necessary. (*Hadley v. Krepel* (1985) 167 Cal.App.3rd 677, 682.) A declaration attesting to the fee bill is presumed to be credible. (*Horsford v. Bd. of Trusts of Cal. St. Univ.* (2005) 132 Cal.App.4th 359, 396.)

The rates referenced in Plaintiff's counsel's declaration are within the range of rates that have been found to be reasonable, as referenced in the exhibits appended to the Declaration in multiple fee awards in varying jurisdictions. The hours expended by counsel and paralegals referenced in the declaration in support of this motion are reasonable. Here, both parties were actively engaged in motion practice, discovery, and ultimately the mediation that resolved this lawsuit. Such time is reasonably incurred in the prosecution of this case. Other than conclusionary statements and argument Defendant makes no evidentiary showing that the time incurred in litigating this case was unreasonable.

CU-25-00167 In the Matter of Ingrid G. Sywak

Defendant's Motion for Attorney's Fees is GRANTED as requested minus \$1,240.00 as there was no opposition filed.

Generally, a prevailing defendant on a special motion to strike is entitled to recover that defendant's attorney's fees and costs. (Cal. Code Civ. Proc. §425.16(c)(1).) The fee shifting in the statute is intended to discourage such strategic lawsuits against public participation by imposing the costs of litigation on the party that seeks to chill the valid exercise of the constitutional rights of freedom of speech and to petition for redress of

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grievances. (*Ketchum v. Moses* (2001) 24 Cal. 4th 1122, 1131.) The recovery of attorneys' fees and costs by a defendant who brings a successful Anti-SLAPP motion is mandatory. (*Id.*) The fees that may be recovered include not only the attorney fees incurred in the Special Motion to Strike, but also those incurred in the fee motion itself. (*Id.* at 1141.) A dismissed party may have collateral statutory rights which the court is obliged to determine and enforce, including the right to statutory costs and attorney's fees, as well as the right to notice and hearing on motion to set aside the dismissal. (*Frank Annino & Sons Construction, Inc. v. MacArthur Restaurants, Inc.* (1989) 215 Cal. App. 3rd 353, 357.)

In determining who prevails on an Anti-SLAPP motion, the statute is "broadly construed as to effectuate the legislative purpose of reimbursing the prevailing defendant for expenses incurred in extricating (themselves) from a baseless lawsuit." (*Wilkerson v. Sullivan* (2002) 99 Cal.App.4th 443, 446.) A defendant is entitled to recover fees and costs with respect to a partially successful motion unless the results obtained are "insignificant and of no practical benefit to the defendant." (*City of Industry v. City of Fillmore* (2011) 98 Cal.App.4th 191, 218.) A party's statutory right to recover attorney's fees is not extinguished when they are voluntarily dismissed while their Anti-SLAPP motion is pending. (*Moore v. Liu* (1999) 69 Cal.App.4th 745, 750.) If a dismissal had the effect of preventing a motion for fees, it would allow SLAPP plaintiffs to evade the legislature's intent and result in nullification of an important provision of the statute. Here, the Respondents' Anti-SLAPP motion was still pending before the court when the Petitioners dismissed the named Respondents without prejudice from the suit. The Respondent's requested fee amount is generally well supported. The verified time records supported by the Declaration of Attorney McCann provides sufficient basis for the sums requested.

CU-25-00197 Cadena vs. Custom Ag-Pak, LLC

In light of the information provided in Plaintiff's Case Management Conference Statement, the Case Management Conference is continued to Thursday, August 13, 2026, at 1:30 p.m. in Department 1. Plaintiff to provide notice of the new hearing date.

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CU-26-00022 In the matter of Teal Faye Spencer

The Petition is APPROVED as requested.

CU-26-00028 In the Matter of Mohammadreza Mozaffari Mehr

The Petition is APPROVED as requested.

CU-26-00032 In the matter of Camila Cindy Togliatti

The Petition is APPROVED as requested.

CU-26-00034 Anguiano Nava vs. Garcia

In light of the information provided in Plaintiff's Case Management Conference Statement, the Case Management Conference is continued to Thursday, August 13, 2026, at 1:30 p.m. in Department 1. Plaintiff to provide notice of the new hearing date.

PR-25-00075 In the Matter of Robert Harris

The Petition for Final Distribution is APPROVED as requested with the following modifications to distribution: the Breen Law Firm is entitled to statutory fees of \$3,500.00, which is compensation for services rendered during the time of representation; reimbursement of costs in the amount of \$2,281.26, which include costs related to this proceeded including costs of filing fees to ensure recovery of fees and costs.

As to Petitioner's contention that the probate referee's appraisal is inaccurate and, therefore, the estate's value should be adjusted, a written objection to the appraisal was never filed pursuant to Probate Code section 8906(a).

PR-25-00078 In re Estate of Richard Everly

The Court read and considered the Status Report filed May 5, 2026 and continues the review hearing to Monday, August 10, 2026 at 10:00 a.m.

PR-25-00086 Estate of Brandon Christopher Berryhill

The Petition for Approval, Petition for Allowance of Compensation to Attorneys' and Costs and for Final Distribution is APPROVED as requested. The Review Hearing and Hearing on the Order to Show Cause is vacated.

PR-25-00126 In the Matter of Angel Fragozo

The Court read and considered the Investigator's Report filed May 4, 2026. The Court continues the hearing of appointment to July 6, 2026 at 10:00 a.m. for the purpose of permitting additional time to file the capacity declaration and for the regional center to submit an assessment. No appearances are necessary on May 11, 2026.

END OF TENTATIVE DECISIONS