

## **TENTATIVE RULINGS: SHORT CAUSE TRANSFER - SPECIAL SET**

Friday, September 12, 2025 at 8:30 a.m.  
Courtroom 18 – Hon. Kenneth G. English  
**Civil and Family Law Courthouse**  
**3055 Cleveland Avenue**  
**Santa Rosa, California 95403**

The tentative rulings will become the ruling of the Court unless a party desires to be heard. If you desire to appear and present oral argument, **YOU MUST NOTIFY** the Judge’s Judicial Assistant by telephone at **(707) 521-6604**, and all other opposing parties of your intent to appear, **and whether that appearance is in person or via Zoom**, no later 4:00 p.m. the court day immediately preceding the day of the hearing.

**If the tentative ruling is accepted, no appearance is necessary unless otherwise indicated.**

### **TO JOIN ZOOM ONLINE:**

#### **Department 18:**

Meeting ID: 160—739—4368

Password: 000169

<https://sonomacourtorg.zoomgov.com/j/1607394368?pwd=aW1JTWIL3NBcE9LVHU2NVVpQIVRUT09>

### **TO JOIN ZOOM BY PHONE:**

By Phone (same meeting ID and password as listed for each calendar):

Call: +1 669 900 6833 US (San Jose)

Unless notification of an appearance has been given as provided above, the tentative ruling shall become the ruling of the Court the day of the hearing at the beginning of the calendar.

#### **1. 23CV00463, Subway Real Estate, LLC v. Sandhu: Attorney’s Fees**

Plaintiff Subway Real Estate, LLC (“Plaintiff”) moves pursuant to Civil Code section 1717 and C.C.P. section 1032 for attorneys’ fees and costs in the total amount of \$41,873.63 against Defendant Rajveer Sandhu (“Defendant”). The motion is GRANTED for \$36,323.40 for attorneys’ fees and \$4,620.23 for costs, totaling \$40,943.63.

#### **Procedural History**

This action arises from a breach of contract from Defendant’s failure to pay rent pursuant to a sublease he entered into for the operation of a Subway restaurant at 1405 Fulton Road, #103, Santa Rosa, California 95403. (MPA in Support of Motion, 3:3–7.) On November 6, 2024, this Court held trial and entered judgment in favor of Plaintiff for \$50,000.00. (*Id.* at 3:15–17.) On January 8, 2025, the Court also granted Subway’s motion for prejudgment interest in the amount of \$5,000.00. (See Judgment on Court Verdict, filed January 28, 2025.) Plaintiff now moves for attorneys’ fees on the basis that the sublease between the Parties allows for such recovery.

### Plaintiff's Motion for Attorneys' Fees

Civil Code section 1717 governs the award of attorney's fees and costs where the contract specifically provides that attorney's fees and costs shall be awarded to either one of the parties or the "prevailing party." "The prevailing party determination is to be made only upon final resolution of the contract claims and only by 'a comparison of the extent to which each party ha[s] succeeded and failed to succeed in its contentions.'" (*Mustachio v. Great W. Bank* (1996) 48 Cal.App.4th 1145, 1150 citing *Hsu v. Abbata* (1995) 9 Cal.4th 863, 876.) Code of Civil Procedure section 1032 provides that attorney's fees are an allowable cost when authorized by contract, statute, or law. (C.C.P. § 1033.5(a)(10)(B).)

Here, Defendant assumed the sublease on February 24, 2015, binding him to the terms of the sublease. (Chung Declaration, Exhibit B, pp. 48/180.) Subsection 6 of the sublease states that "The Sublessee agrees to pay the Sublessor upon demand, as additional rent, any fees, costs or charges, including attorneys' fees and legal costs, incurred by the Sublessor in enforcing any of the terms or provisions of this sublease, including without limitation for collecting any unpaid or late rental amounts or eviction proceedings." (Chung Declaration, Exhibit C, pp. 120/180.) Plaintiff is entitled to reasonable fees because it is the prevailing party in the action as the Court entered judgment in favor of Plaintiff. Plaintiff's counsel requests attorneys' fees to be awarded at the following rates totaling \$35,703.40:

1. For Counsel Chung, \$310 per hour (for work completed in 2022) and \$325 per hour (for work completed in 2023–2024),
2. For Counsel Parascandola, \$310 per hour (for work completed in 2022 as Senior Counsel) and \$360 per hour (for work completed in 2023–2024 as Partner),
3. For Investigator C. Esters at \$160 per hour, and
4. For Paralegal V. Andreassen at \$165 per hour.

In support of the fee request, Plaintiff's counsel has attached detailed billing records reflecting attorney and staff hours and corresponding rates for work done on behalf of Plaintiff. (See Chung Declaration, Exhibit E.) Plaintiff further requests an additional \$1,550 in attorneys' fees for 5 hours of work at \$310 per hour for preparing the instant motion, reviewing Plaintiff's Opposition, preparing the Reply, and appearing in Court (Chung Declaration, ¶ 12.) Plaintiff also requests a total of \$4,620.23 in costs, as stated in Plaintiff's memorandum of costs filed May 14, 2025.

The Court finds the hours and rates proposed by Plaintiff to be reasonable for Sonoma County and well-supported by billing records submitted as evidence. However, the Court does not award anticipatory fees and most notably, there was no Opposition or Reply filed in connection with this motion. The Court will award an additional \$620 (2 hours of work at \$610) totaling \$36,323.40 for attorneys' fees.

### Conclusion

Based on the foregoing, Plaintiff's motion for attorneys' fees and costs is GRANTED for the amount of \$36,323.40 for attorneys' fees and \$4,620.23 for costs. Plaintiff's counsel shall submit a written order on the motion to the Court consistent with this tentative ruling and in compliance with Rule of Court 3.1312(a) and (b).

**\*\*\*This is the end of the Tentative Rulings\*\*\***