TRIAL MOTIONS AND TRIAL CALL CALENDAR
Friday, July 17, 2026, 8:30 a.m.
Courtroom 17 –Hon. Jane Gaskell
3035 Cleveland Avenue
Santa Rosa, CA 95403
(707) 521-6723

TRIALS:
All trials will proceed as scheduled. Counsel and self-represented litigants are ***REQUIRED*** to appear personally in Courtroom 17 on the date and time set forth for trial. Trial documents are required to be filed as set forth in the Trial Orders of the Court attached to the Notice of Trial filed and served in your case. Appearances by Zoom or Court Call are **NOT** permitted for trials.

TRIAL MOTIONS:
Counsel and self-represented litigants are required to appear in Courtroom 17 either in person or through Zoom.

TO JOIN ZOOM ONLINE:
Meeting ID: 161 126 4123
Passcode: 062178
https://sonomacourt-org.zoomgov.com/j/1611264123

TO JOIN ZOOM BY PHONE:
By Phone (same meeting ID and password as listed above):
+1 669 254 5252

THE COURT'S OFFICIAL COURT REPORTERS ARE "NOT AVAILABLE" WITHIN THE MEANING OF CALIFORNIA RULES OF COURT, RULE 2.956, FOR COURT REPORTING OF CIVIL CASES.

The following cases will be called on the Trial and/or Trial Motions calendar. All trial counsel and self-represented litigants are required to appear before the Hon. Jane Gaskell as directed in the preceding paragraph. Cases not assigned for trial will be placed on the calendar to trail for the week. Cases not reached by Friday will be reset and given a priority status.

JURY TRIALS
None.

COURT TRIALS
25CV00078, County of Sonoma v. Wahl

OTHER
24CV05882, Kipperman v. Cole

TRIAL SETTING CONFERENCES
None.

TRIAL RELATED MOTIONS
24CV07998, Soto v. FCA US LLC—*Tentative Ruling below.*

TENTATIVE RULING AS TO 24CV07998, SOTO V. FCA US LLC

Plaintiff Gary Soto ("Plaintiff") seeks an award of prevailing party compensable attorney's fees, a fee multiplier, fees for drafting this motion, and reimbursement for litigation costs. Defendant FCA US LLC ("Defendant") opposes on the grounds that the hourly rate and the number of hours is unreasonable, and the litigation does not justify a lodestar multiplier. Defendant does not oppose the cost reimbursement claimed by Defendant.

Background

The litigation began in late 2024 and a settlement was reached on the eve of trial. There were no discovery or dispositive motions and the case was set for trial on March 27, 2026. Pursuant to Code of Civil Procedure section 998, Defendant FCA US, LLC made an offer to settle the case on March 26, 2026, which Plaintiff immediately accepted. The trial that was scheduled for the following day was vacated. Defendant agreed to pay Plaintiff $72,000 in exchange for the return of the vehicle and a dismissal of the case. The offer also concedes that Plaintiff is the prevailing party, and that attorney's fees will be determined by the Court if the parties are unable to stipulate. The instant motion was filed on May 26, 2026.

Prevailing Law California Civil Code section 1794(d) provides:

> "If 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 an action."

This statute "is consistent with California's approach to determining a reasonable attorney fee in various statutory and contractual contexts, which approach 'ordinarily begins with the "lodestar", i.e. the number of hours reasonably expended multiplied by the reasonable hourly rate.'" (*Warren v. Kia Motors Am. Inc.* (2018) 30 Cal.App.5th 24, 36 quoting *PLCM Group, Inc. V. Drexler* (2000) 22 Cal.4th 1084, 1095 (emphasis by Warren court)). The statute also allows use of a multiplier of the lodestar figure. (*Robertson v. Fleetwood Travel Trailers of California, Inc.* (2006) 144 Cal.App.4th 785, 822.)

The Reasonableness of the Hourly Rates

Plaintiff has requested a billing rate of $650 per hour. In support of this rate, several prior rulings, both local to Sonoma County and from neighboring Marin County, were attached to the declaration of Counsel John Hendrickson. An itemized list of billable time was also attached to the Declaration of John Hendrickson and included a reduction to account for time spent on administrative duties. "The reasonable hourly rate is that prevailing in the community for similar work." (*PLCM*, *supra*, at p. 1095.) "The experienced trial judge is the best judge of the value of professional services rendered in his court . . .” (*Serrano v. Priest* (1977) 20 Cal.#d 25, 49.) Further, “a Court is entitled to rely on its own practical experience in determining what is a proper rate within the community.” (*Heritage Pacific Financial, LLC v. Monroy* (2013) 215 Cal.App.4th 972, 1009.)

Plaintiff’s counsel is a two-attorney firm, with no administrative staff. Counsel John Hendrickson has around 16 years of experience working in the auto industry prior to his 18 years’ experience as an attorney; Counsel Jennifer Hendrickson has approximately 17 years’ experience as an attorney. As pointed out by Plaintiff, this Court previously awarded discovery sanctions in another matter at a rate of $650 per hour. However, the Court does agree with the defense argument that this is not determinative of the Court’s analysis for the purpose of determining fees within this context. While the $650 rate requested by counsel, in the court’s experience, is slightly higher than for similarly qualified attorneys in the local Sonoma County community, the Court will not use the rates proposed by Defendant of $308 per hour taken from the “Real Rate Report.” Frankly, from the limited section of the report provided by Defendant, the Court was not able to make any determination regarding the underlying data used to formulate the findings. Moreover, as stated above, in the Court’s view, a rate of $308 for counsel with the level of experience of the Hendrickson firm in Sonoma County is wholly unrealistic. The Court does note that for a case that did not pose any particularly unusual or complex issues, charging both attorneys at the same partner-level rate is somewhat excessive.

The Court will use the reduced rate of $550 per hour, to reflect the varied level of skill that is required in performing the different tasks.

<u>The Number of Hours Expended</u>

Plaintiff provides detailed records in support of a claim that two attorneys expended 87.6 hours of billable time, including time spent pre-litigation, discussing arbitration, pre-trial litigation, and trial preparation. Of the 87.6 hours, 28.6 hours, or approximately one third of the time relates to trial preparation. Defendant believes this is unreasonable; the Court disagrees. No explanation is provided as to why Defendant’s 998 Offer was not made available at an earlier stage in the litigation, but clearly, an earlier offer would have significantly reduced the attorney’s fee award.

Defendant also challenges several specific items in the billing record. The Court does not agree with the first defense’s interpretation of the 1.2 hours as representing a charge for “preparing or reviewing” a retainer agreement. The entry itself includes additional language, indicating that a review of documents and a discussion with the client. Likewise, Defendant misreads the entry for 1.3 hours on July 12, 2024, which states 1.3 hours was spent “review[ing] the file *to* prepare the complaint” rather than “review[ing] the file *and* prepare the complaint.” Likewise, the 2.5 hours that has been included for filing a Reply to the Opposition was merited given Plaintiff is technically correct in arguing the late-filed Opposition should not be considered. In an effort to resolve the issues on their merits, the Court has used its discretion to consider the late-filed opposition papers, but finds Plaintiff’s Reply filing to be justified.

Overall, the Court finds the allocation of time to be reasonable and will allow the 87.6 hours expended. Base fees are therefore awarded at a rate of $600 per hour for 87.6 hours, which results in reasonable fees of $52,560.

The Multiplier

Plaintiff seeks a multiplier of 1.5 in this case. In considering whether to apply a multiplier, the Court should not consider factors which are already included in the lodestar amount, such as extraordinary skill and the difficulty of the question involved. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1138-1139.) Defendant argues against a multiplier, primarily because of the lack of complexity to the case and "the near certainty of prevailing on the merits." The Court is not persuaded by Defendant's rationale and elects to apply a multiplier, though at a lower rate than requested.

As stated in *Ketchum*, using its discretion the court may adjust the lodestar rate based on several factors including also the extent to which the case precluded other employment and the contingent nature of the fee agreement. (*Id.*, at p. 1132.) The Court does acknowledge that in this case, and in part because of the especially small nature of the firm, accepting this case meant having to turn away other clients. Similarly, the case was taken on a contingent basis, exposing the firm to the risk of no fees in the event of a loss. The Court notes that on occasion a higher multiplier may be appropriate, but in this instance, the case was litigated without motion practice and proceeded relatively smoothly to trial. For these reasons, the Court will apply a multiplier of 1.2.

Therefore, the adjusted fees total $63,072.

The Litigation Costs

Plaintiff incurred litigation costs of $1,318.15. Documentation of the costs was provided to the Court and is not challenged by the Defendants. Therefore, the costs will be awarded in full.

Conclusion

Plaintiff's motion for fees and costs is GRANTED. Total fees are granted in the amount of $63,072. Costs are granted in the amount of $1,318.15. The total fees and cost award is $64,390.15.