**Tentative Ruling:**

For all the reasons discussed below, the court grants the motion for attorney's fees in the amount of $67,915, after adjustments for hourly rates and hours reasonably spent. The court denies the request for a modifier. Costs are granted as requested. The objections to the declaration of Brian Whittmore are overruled as the court did not rely on any of the evidence in this decision.

The parties are instructed to appear at the hearing for oral argument. Appearance by Zoom Videoconference is optional and does not require the filing of Judicial Council form RA-010, Notice of Remote Appearance. (See Remote Appearance (Zoom) Information | Superior Court of California | County of Santa Barbara.)

**Background:**

On January 21, 2025, plaintiff Sergio Flores (plaintiff) filed a complaint against defendant General Motors LLC (defendant) for damages pursuant to the Song-Beverly Consumer Warranty Act. On February 20, 2026, plaintiff filed a Notice of Acceptance of defendant's offer to compromise. On February 25, 2026, the court entered judgment, pursuant to which defendant was ordered to pay plaintiff $118,000 and to reimburse plaintiff's attorney fees, expenses and costs that have been reasonably incurred to be determined by the court.

On April 13, 2026, plaintiff filed a motion for statutory attorney's fees, pursuant to Civil Code section 1794, subdivision (d), as the prevailing party, seeking $92,082.60 in attorneys' fees (based on $76,735.50 in billed fees and a multiplier of 1.2); and (2) $3,026.77 in costs. Opposition and reply have been filed. All briefing has been examined.

The law is settled. The Song-Beverly Act is " 'manifestly a remedial measure, intended for the protection of the consumer.' " (*Murillo v. Fleetwood Enterprises, Inc.* (1998) 17 Cal.4th 985, 990.) On the issue of attorney's fees recoverable by the buyer, section 1794 subdivision (d) provides as follows:

> "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 action."

The remedial purpose of this section is readily apparent. "By permitting prevailing buyers to recover their attorney fees in addition to costs and expenses, our Legislature has provided injured consumers strong encouragement to seek legal redress in a situation in which a lawsuit might not otherwise have been economically feasible." (*Murillo v. Fleetwood Enterprises, Inc.* (1998) 17 Cal.4th 985, 994.)

The plain wording of the statute requires the trial court to base the fee award upon actual time expended on the case, as long as such fees are reasonably incurred — both from the standpoint of time spent and the amount charged. A prevailing party has the burden of showing that the fees incurred were reasonably necessary to conduct the litigation and were reasonable in amount. (*Levy v. Toyota Motor Sales, U.S.A., Inc*. (1992) 4 Cal.App.4th 807, 816.)

The lodestar method is the primary method for determining a reasonable attorney fee award under Civil Code, section 1794, subdivision (d). (See *Robertson v. Fleetwood Travel Trailers of California, Inc.* (2006) 144 Cal.App.4th 785, 818-19.) "A trial court assessing attorney 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." (*Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1321 [internal quotations omitted].) "The reasonableness of attorney fees is within the discretion of the trial court, to be determined from a consideration of such factors as the nature of the litigation, the complexity of the issues, the experience and expertise of counsel and the amount of time involved. [citation] The court may also consider whether the amount requested is based upon unnecessary or duplicative work." (*Wilkerson v. Sullivan* (2002) 99 Cal.App.4th 443, 448.) "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.) "The law is clear, however, that an award of attorney fees may be based on counsel's declarations, without production of detailed time records." (*Raining Data Corp. v. Barrenechea* (2009) 175 Cal.App.4th 1363, 1375.)

**1. Reasonableness of Hourly Rates**

Plaintiff's counsel's hourly rates are as follows:

| | | |
|---|---|---|
| Joseph Kaufman | $595/hour [2023-2025] | 83.9 hours |
| | $615/hour [2026] | 20.8 hours |
| Brian Lynn | $475/hour | 27.0 hours |
| Melissa Lopez (Paralegal) | $175[1] [2025] | 4.4 hours |
| | $250 [2026] | 1.8 hours |

(Declaration of Joseph Kaufman (Kaufman Decl."), ¶ 20.)

"The reasonable hourly rate is that prevailing in the community for similar work." (*PLCM Group, supra,* 22 Cal.4th at p. 1095.) The relevant "community" is that where the court is located. (*Nichols v. City of Taft* (2007) 155 Cal.App.4th 1233, 1242–1243; see also *Cordero–Sacks v. Housing Authority of City of Los Angeles* (2011) 200 Cal.App.4th 1267, 1286; *MBNA America Bank, N.A. v. Gorman* (2006) 147 Cal.App.4th Supp. 1, 13 ["determination of market rate is generally based on the rates prevalent in the community where the services are rendered, i.e., where the court is located"]; *Camacho v. Bridgeport Financial, Inc.* (9th Cir.2008) 523 F.3d 973, 979 ["[g]enerally, when determining a reasonable hourly rate, the relevant community is the forum in which the district court sits"].)

Joseph Kaufman ("Mr. Kaufman") states that throughout his career he has spent 23 years defending and prosecuting lemon law cases, has personally been involved in or

[1] 2025 rate

handled more than 50 matters that went to trial or arbitration, and has been a presenter and author on the handing of Song-Beverly Act cases. (Kaufman Decl., ¶ 11.) Mr. Kaufman is the founder and shareholder of plaintiff's firm. (Kaufman Decl., ¶1.) Other billers include attorney Lynn, who has over 19 years of experience, and paralegal Lopez, with "more than" three years of experience. (Kaufman Decl., ¶ 20.) Mr. Kaufman offers evidence that his rate has been approved by numerous state and federal district courts, including a different court in Santa Barbara County Superior Court (court located in Santa Barbara). (Kaufman Decl., ¶ 14.) Rulings from sister courts do not reflect the hourly rate where *this* court sits (e.g., Santa Maria) and are therefore irrelevant to the court's determination here.

Defendant argues that a reduction of plaintiff's counsel's hourly rate is warranted based on the data from the Real Rate Report, which is published by Wolters & Kluwer, and "identifies attorney rates by location, experience, firm size, areas of expertise and industry, as well as specific practice areas, and is based on actual legal billing, matter information, and paid and processed invoices from more than eighty companies." (*Baer v. Tedder* (2025) 115 Cal.App.5th 1139, 1159.) Defendant urges the court to use this as a reference, adopt the data for partner and associates in consumer related cases in Los Angeles in 2021, and average them, for a rate of $252/hour. (Whittemore Decl., ¶¶ 10-12.) The court does not find the Real Rate Report from 2021 to be relevant in this case because the services were rendered between 2023-2025. More importantly, there is no evidence that report is relevant to *this* local community. (*Baer v. Tedder*, *supra*, 115 Cal.App.5th at 1160.)

The court is nevertheless experienced in this area and capable of assessing the hourly rates for services in this area. (*Robertson v. Fleetwood Travel Trailers of California, Inc.* (2006) 144 Cal.App.4th 785, 822—trial court is best judge of value of professional services rendered in its court.) Having considered all the factors, the court finds the following hourly rates are appropriate in this matter: Joseph Kaufman, $550/hour, Brian Lynn, $450/hour, and Melissa Lopez, $150/hour. This is warranted by recent hourly rates in this community for attorneys or paralegals with similar levels of litigation experience.

**2. Hours Reasonably Incurred**

Attorney Kaufman characterizes the hours expended as "extremely reasonable considering that GM: (1) rejected early settlement and mediation attempts; (2) repeatedly litigated confidentiality protection for its policy/procedure documents (and lost); (3) refused to timely produce a PMQ witness, necessitating a motion; (4) produced an unqualified witness for a deposition, necessitating another motion; (5) deposed Plaintiff and conducted other discovery; (6) forced Plaintiff to conduct discovery since it refused to resolve the case; (7) delayed mediating the case, and ultimately refused to make a reasonable attempt to resolve the case during mediation; and (8) required the parties to litigate the issue of attorney's fees/costs."

Defendant disputes specific billing entries. For example, it argues that billing 4.9 hours for legal research in addition to 15.2 hours to draft an opposition to a standard motion for a protective order was unreasonable and duplicative. It's important to note this was not a standard motion. The protective order was for categories of information that had recently been identified in Code of Civil Procedure section 871.26 as information that must be disclosed. Plaintiff's counsel states that he "completed a 16-page opposition essentially from scratch (including the declaration), as this was the first time this issue was heavily litigated between Plaintiff's counsel and any auto manufacturer." Thus, while a request for a protective order was a routine request, this was not a routine matter. Nevertheless, while an attorney is not expected to know every unsettled question of law without research, this attorney has positioned himself as an expert in the field. The court accordingly reduces not the research time, but the time spent drafting the opposition, much of which challenged the protective order on bases other than the new law. Thus, the court reduces the hours spent on drafting the opposition by 5 hours.

Defendant asserts that plaintiff's counsel billed another 2.5 hours researching the "preclusion of evidence first submitted with a reply" and then billed and additional 1.2 hours drafting objections to defendant's reply. These entries were related to declarations submitted with defendant's reply in support of its motion for a protective order. The court agrees that the time spent researching this objection was unreasonable. This is standard fare related to law and motion practice. The court will reduce the entry by 2 hours.

Defendant argues that plaintiff served six deposition notices in this case for GM's PMQ witness, and in each instance, plaintiff's *counsel* billed 0.5 hours to draft the notice. However, it appears that in each instance that task was performed by "ML," who is a paralegal, and it was billed accordingly.

Defendant argues that between June 23 and 25, plaintiff also billed time on two motions to enforce that included draft, revision, and multiple iterations of the same motions. It argues: "This pattern demonstrates inefficiency and duplication rather than the exercise of reasonable billing judgment." Looking at the specific motions at issue, it appears that the motion to enforce production of defendant's PMQ for deposition resulted in 9.5 total billed hours and the motion to enforce production of lemon law policies and procedures resulted in 6.1 total billed hours. Plaintiff's counsel candidly admits that these motions were not templates, and they were the first such motions based on recent lemon law procedural changes. While some leeway is warranted, the court finds that a reduction is nevertheless appropriate. Thus, the court reduces the time spent on the motion to produce the PMQ by 4 hours and the time spent on the motion to enforce production by 2 hours.

Defendant argues that it is unreasonable for plaintiff's counsel to bill 15.5 hours on an unsuccessful sanctions motion. The question is whether the motion was reasonably pursued; the court finds it was. The motion tested the newly enacted provision authorizing evidentiary sanctions for failure to comply with the statutory disclosures or depositions as mandated by Code of Civil Procedure, section 871.26. While the court found it was not a case of "repeated noncompliance," as required by statute, it cannot say it was unreasonable for plaintiff to bring the motion. The court thus declines to reduce the fees billed for this motion.

Defendant argues that fees billed for the instant fee motion should be reduced and estimated fees for work not yet incurred should be stricken. In particular, 3 hours was billed to draft the motion, which does not strike the court as unreasonable. While the court agrees that the motion is likely based on a standardized template, it was nevertheless tailored to the facts of this case, which included a litigation history related to the skirmishes around the newly-enacted section 871.26. The court will allow these fees. Plaintiff projected spending another 2.5 hours drafting a reply and 1 hour appearing at the hearing. The court will allow that time. The reply submitted was focused on the objections raised by defendant and thus required time and attention. It appears the time was reasonably spent.

In summary, the court will reduce the time spent by attorney Joseph Kaufman by 13 hours.

**3. Lodestar Calculation**

Taking into account the reduced hourly rate and the reduction in billing hours, the lodestar calculation is as follows:

| | | | |
|---|---|---|---|
| Joseph Kaufman | $550/hour | 99.7 hours[2] | $54,835.00 |
| Brian Lynn | $450/hour | 27.0 hours | $12,150.00 |
| Melissa Lopez (Paralegal) | $150 | 6.2 hours | $ 930.00 |
| | | **Total Fees:** | **$67,915.00** |

**4. Multiplier**

Plaintiff requests a 1.2 multiplier of the lodestar amount based on the contingency nature of the case and the quality of the work performed. Relevant factors to determine whether an enhancement is appropriate include (1) the novelty and difficulty of the questions involved, (2) the skill displayed in presenting them, (3) the extent to which the nature of the litigation precluded other employment by the attorneys, (4) the contingent nature of the fee award. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1132.)

The court finds the hourly rates set forth above capture the skill and the contingent nature of this matter. Thus, any multiplier would be duplicative of the calculations set forth above. The request is denied.

**5. Costs**

The costs request was not challenged and is therefore granted.

**6. Tentative Ruling**

The court grants the motion for attorney's fees and awards fees in the total amount of $67,915, after adjustments for hourly rates and hours reasonably spent. The court denies the request for a modifier. Costs are granted as requested. The objections to the declaration of Brian Whittmore are overruled as the court did not rely on any of the evidence in this decision.

[2] 83.9 [2023-2025 hours]+20.8 [2026 hours]-13 [reduction by court]=99.7