PARTIES/ATTORNEYS

Plaintiff	Immigrant Rights Defense Council, LLC	Medvei Law Group, APC Sebastian Medvei
Defendants	Hector Sanchez; Maria Sanchez; Richard R. Sanchez; US Immigration Consultants, LLC	DRUVEN PC Jason Dominguez

TENTATIVE RULING

For all the reasons discussed below, the court finds a rate of $400/hour to be reasonable considering the prevailing rates in the community for similar work; the court finds that 30.5 of the reported hours were reasonably spent; and awards fees of $12,200 accordingly. The court declines to apply a lodestar modifier, as requested by plaintiff, as the hourly rate has been assessed to include any particular expertise in this area, and the matter was not novel or difficult.

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.)

The Immigration Consultant Act (ICA) (Bus. & Prof. Code,[1] § 22440 et seq.) regulates nonattorneys who offer advice or assistance to immigrants seeking legal residency in the United States. The ICA contains various consumer protection regulations pertaining to advertising, bonding, and the manner in which immigration consultants can conduct their businesses. (See, e.g., §§ 22442 [requiring a written contract containing certain terms to be provided to each and every customer of an immigration consultant], 22442.1 [requiring signed receipts for payments made by clients], 22442.2, subd. (c)(1) [requiring that every advertisement of an immigration consultant clearly and conspicuously state that the immigration consultant is not an attorney], 22443.1 [requiring that immigration consultant secure a $100,000 surety bond before engaging in the business].)

Section 22446.5 sets forth three classes of plaintiffs who may pursue actions against immigration consultants who violate the ICA: (1) "A person claiming to be aggrieved by a violation of this chapter by an immigration consultant may bring a

[1] Subsequent statutory references are to the Business & Professions Code unless stated otherwise.

civil action for injunctive relief or damages, or both" (*id*., subd. (a)); (2) "Any other party who, upon information and belief, claims a violation of this chapter has been committed by an immigration consultant may bring a civil action for injunctive relief on behalf of the general public" (*id*., subd. (b)); and (3) "The Attorney General, a district attorney, or a city attorney who claims a violation of this chapter has been committed by an immigration consultant, may bring a civil action for injunctive relief, restitution, and other equitable relief against the immigration consultant in the name of the people of the State of California" (*id*., subd. (c)). The first two categories of plaintiffs who prevail in their actions are entitled to "reasonable attorneys' fees and costs." (§ 22446.5.)

Plaintiff Immigrant Rights Defense Council, LLC is a "non-governmental organization (NGO) bringing actions on behalf of the people of the State of California under the Immigration Consultants Act (ICA) to shut down illegally operated immigration consultant businesses in the State of California." (Complaint, ¶ 1.) On December 2, 2024, it filed a complaint against defendants Hector Sanchez, Maria Sanchez, and Richard R. Sanchez, who run US Immigration Consultants, LLC in Santa Maria, for injunctive relief based on 20 separate violations of the ICA's consumer protection regulations.

On May 12, 2025, the parties advised the court that they believed a settlement was forthcoming. (See May 12, 2025 Minute Order.) On December 15, 2025, a stipulation for judgment was submitted to the court. The court signed the judgment on December 16, 2025, in which "1. Defendants agree to be permanently enjoined from further violations of the Immigration Consultants Act (the "ICA"), which is codified at Business and Professions Code Sections 22440, et seq. 2. Plaintiff shall be entitled to reasonable attorney's fees and costs."

On February 13, 2025, plaintiff filed its statutory motion for attorney's fees, requesting fees in the amount of $32,075, a 1.5 times enhancement, plus the filing fee for this motion of $60, for a grand total of $48,172.50. Opposition and reply have been filed.

1. Request for Judicial Notice

Defendants request the court take judicial notice of "court records from California Superior Courts reflecting actions filed by Plaintiff Immigrant Rights Defense Council, LLC." (Exh. 1 to Dominguez Decl.) This appears to be a list of cases reflecting all cases that have been filed by plaintiff in the California Superior Court and intended, presumably, to evidence plaintiff's high-volume litigation practices. Defendants characterize this as either official government records or records of any court of this state. (Ev. Code, § 452, subd. (c), (d).) The list appears to have been compiled using Westlaw and includes 373 cases that purport to include plaintiff as a party. Plaintiffs oppose on the basis that the information is hearsay.

The court grants the request for judicial notice to the extent it requests the court take judicial notice of the existence of the cases.[2]

Defendants also request the court take judicial notice of the Final Ruling on Motion for Attorney's Fees in *Immigrant Rights Defense Council, LLC v. Sklar* (24STCV04208). This is a ruling by Judge Upinder Kalra of the Los Angeles Superior Court regarding plaintiffs' fee motion in an action based on the ICA. Plaintiff opposes the request, urging the court to find it has no relevance to this fee request. It states: "[A]s explained by the reviewing court in *Pollock v. Kelso*, fee awards are one-time findings and do "not set some floor for future requests by these or other lawyers. No one-way ratchet is at work. Supply and demand in the legal market, as in other markets, can be dynamic. Price can fluctuate here as elsewhere." *Pollock v. Kelso* (2025) 107 Cal. App. 5th 1190, 1197." However, plaintiffs' counsel cites this very case in support of fee award at a rate of $750/hour. (Medvei Decl., ¶ 10.) It cannot have it both ways. The court will take judicial notice of Exhibit 2, subject to the usual limitations applicable to court opinions.

2. Analysis

"In statutory fee-shifting cases, in which the prevailing party is statutorily authorized to recover his or her attorney[ ] fees from the losing party, the lodestar method is the primary method for establishing the amount of recoverable fees. [Citations.] Under the lodestar method, the trial court must first determine the lodestar figure—the reasonable hours spent multiplied by the reasonable hourly rate—based on a careful compilation of the time spent and reasonable hourly compensation of each attorney involved in the presentation of the case." (*Glaviano v. Sacramento City Unified School Dist.* (2018) 22 Cal.App.5th 744, 750–751.) In determining the lodestar, the trial court " ' "may not rubberstamp a request for attorney fees, but must determine the number of hours reasonably expended." ' " (*Snoeck v. ExakTime Innovations, Inc.* (2023) 96 Cal.App.5th 908, 921 (*Snoeck*); see also *Morris v. Hyundai Motor America* (2019) 41 Cal.App.5th 24, 38 [in considering whether attorney fee request is reasonable, the trial court should consider " ' "how much time the attorneys spent on particular claims, and whether the hours were reasonably expended" '].) Further, the court must determine a reasonable hourly rate—i.e., the "prevailing [rate] for private attorneys in the community conducting non-contingent litigation of the same type." (*Glaviano*, at p. 751.)

The trial court may adjust the lodestar figure with a positive or negative multiplier based on factors, including "(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. [Citation.] The purpose of such adjustment is to

[2] Case law notes that "In October of 2017, appellant brought over 90 such actions against immigration consultants . . ." (*Immigrant Rights Defense Council, LLC v. Hudson Ins. Co*. (2022) 84 Cal.App.5th 305, 308.)

fix a fee at the fair market value for the particular action." (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1132; *Snoeck, supra*, 96 Cal.App.5th at p. 911.) The court may apply a positive multiplier where, for example, a case raises novel and difficult issues or counsel displays exceptional skill. (E.g., *Edgerton v. State Personnel Bd.* (2000) 83 Cal.App.4th 1350, 1363 [affirming application of positive multiplier in light of " 'the novelty and difficulty of the issues involved, the skill displayed by plaintiff's counsel in overcoming the intransigent opposition of [defendant], the excellent results achieved by plaintiffs, and the importance of the privacy rights that were vindicated by the injunction' "].) Conversely, a negative multiplier may be appropriate where "the prevailing parties' lawyers did little more than duplicate pleadings filed in related cases" (*Rogel v. Lynwood Redevelopment Agency* (2011) 194 Cal.App.4th 1319, 1330), or the plaintiff achieved limited success, the case did not involve complex issues of law, or the case did not preclude the plaintiff's attorneys from working on other matters (*San Diego Police Officers Assn. v. San Diego Police Department* (1999) 76 Cal.App.4th 19, 24).

The courts repeatedly have stated that the trial court is in the best position to value the services rendered by the attorneys in his or her courtroom (see, e.g., *Ketchum, supra*, 24 Cal.4th at p. 1132), and this includes the determination of the hourly rate that will be used in the lodestar calculus. (See, e.g., *Syers Properties III, Inc. v. Rankin* (2014) 226 Cal.App.4th 691, 700–703.) In making its calculation, the court may rely on its own knowledge and familiarity with the legal market, as well as the experience, skill, and reputation of the attorney requesting fees (*Heritage Pacific Financial, LLC v. Monroy* (2013) 215 Cal.App.4th 972, 1009), the difficulty or complexity of the litigation to which that skill was applied (*Syers Properties* at p. 700; accord, *Moreno v. City of Sacramento* (9th Cir. 2008) 534 F.3d 1106, 1114), and affidavits from other attorneys regarding prevailing fees in the community and rate determinations in other cases. (*Heritage,* at p. 1009.)

"The Laffey Matrix is a United States Department of Justice billing matrix that provides billing rates for attorneys at various experience levels in the Washington, D.C., area and can be adjusted to establish comparable billing rates in other areas using data from the United States Bureau of Labor Statistics." (*Pasternack v. McCullough* (2021) 65 Cal.App.5th 1050, 1057, fn. 5.) The court is not required to follow the Laffey Matrix, nor is it required to adopt the rate counsel opines was the "market rate' for service of this type. (*Syers Properties III, Inc. v. Tankin* (2014) 226 Cal.App.4th 691, 702.) Instead, a court "may rely on its own knowledge and familiarity with the legal market in setting a reasonable hourly rate." (*Heritage Pacific Financial, LLC v. Monroy* (2013) 215 Cal.App.4th 972, 1009.)

Here, the parties presented conflicting information concerning the appropriate hourly rates in this action. Plaintiff's attorney, Sebastian M. Medvei, states that attorneys of similar experience and background typically obtain between

$750/hr to $1,000/hr on motions for attorney's fees in both state and federal courts. (Medvei Decl., ¶ 9.) In addition, he attaches the Laffey Matrix, which suggests that an attorney with his 14 years of experience would attain a reasonable hourly rate of $948. (*Id.*) Moreover, he details recent fee awards "in various departments of this Court," in which he obtained hourly rates of $750/hour. (See RJN, Exh. 2; Medvei Decl., at ¶ 10.) The reference to "this court" is misleading, as none of the fees were awarded in cases filed in the Santa Barbara Superior Court. At least one of the cited cases was in the Los Angeles Superior Court. (See RJN, Exh. 2.)

Attorney Dominguez asserts that a reasonable rate in Santa Maria would be between $250 and $450. However, this is asserted in the memorandum of points and authorities, which is not evidence. (*Alki Partners, LP v. DB Fund Services, LLC* (2016) 4 Cal.App.5th 574, 590; see *Brehm Cmtys. v. Superior Court* (2001) 88 Cal.App.4th 730, 735.)

Generally, "the reasonable hourly rate used for the lodestar calculation is that prevailing in the community for similar work." (*Save Our Uniquely Rural Community Environment v. County of San Bernardino* (2015) 235 Cal.App.4th 1179.) However, when a plaintiff needs to hire out-of-town counsel, a trial court must consider counsel's home market rate when setting the hourly rate, rather than the local market rate" (*Caldera v. Department of Corrections & Rehabilitation* (2020) 48 Cal.App.5th 601, 609.) In *Caldera*, there was undisputed evidence that the plaintiff *could not find an attorney* in the local community that would take his case. The appellate court thus found the trial court's award of $550 per hour based on rates in the Inland Empire was lower than the comparable rate for similarly experienced attorneys in the Los Angeles County area. The order was reversed and remanded with a direction to the court to recalculate the lodestar amount based on the *attorneys'* local market rate (Los Angeles County rather than San Bernardino County). (*Id.*, p. 610-611.)

Here, there is no evidence that an attorney in the local community was unable to bring this action, which is essentially a straightforward action to enforce statutory violations.[3] There is thus no basis for setting fees pursuant to a community standard from another Superior Court. Having considered all the factors, the court finds that $400/hour is appropriate in this matter. This is warranted by recent hourly rates in this community for attorneys with 13-14 years of experience who has developed a specialized legal practice, as Mr. Medvei has.[4]

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[3] Medvei asserts at length the complexity of immigration law. While the court understands that the complexity of the law serves as a basis to justify the need to regulate the assistance provided so that an immigrant consultant does not negatively impact the client's rights, it is not convinced that this means that the practice of enforcing compliance with the statutes is similarly complex. It appears to be, in fact, fairly straightforward. The court declines to hold that a local attorney could not or would not take this case.

[4]The court takes judicial notice on its own motion of the California State Bar attorney profile for Sebastian Medvei, which indicates that he was admitted to the bar in December 2012, meaning he has 13 years of experience. (Sebastian M. Medvei # 285604 - Attorney Licensee Search, last accessed on 4/1/2026.)

Applying that reduction to the hourly rate, the lodestar fees are reduced to $16,200 (40.5 hours x $400/hour).

Defendants challenge the hours billed asserting that the evidence of plaintiffs' high-volume litigation practices suggests counsel must use templates, which further suggests that the time reported to have been spent on pleadings must be unreasonable. Defendants argue that the overall hours billed (40.5 hours) is unreasonable, pointing to the ruling in *Immigrant Rights Defense Council, LLC v. Sklar* (24STCV04208) and suggesting that since that court reduced the hours to 6.2, this court should "apply a significant downward adjustment" including an "overall percentage reduction consistent with prior ICA fee rulings, including Judge Kalra's."

The court declines to do so. "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." (*Premier Medical Management Systems, Inc. v. California Ins. Guarantee Assn.* (2008) 163 Cal.App.4th 550, 564.) In this case, defendants have identified only one entry which they claim to be unreasonable. Defendants' counsel points out that the 9 hours were attributed to "Investigation of Defendants prior to drafting complaint, includes gathering extensive evidence regarding Defendants' business and violations, including obtaining photographs of Defendants' print and online advertisements, store dress and advertisement (including field work), business license and permit information and other public records, such as bonding information." The complaint does not evidence this extensive investigation, instead only attaching one exhibit from defendants' Facebook profile page. The complaint is 8 pages long excluding the signature page and exhibit, of which 2.5 pages describe each and every limitation outlined in the ICA. Another page lists in serial fashion that conduct alleged to violate the ICA. The only factual allegations included in this complaint suggest that defendants did not obtain the necessary bond and did not include the required statement that they were not attorneys and could not provide legal advice. Given plaintiffs' expertise in this area, 9 hours seems patently unreasonable to uncover these factual allegations. The court will allow 2 hours, thus reducing the reported hours to 38.5.

The centerpiece of defendants' argument is that the hours spent were unreasonable because there was an early admission of liability in this case. In fact, they point out, on March 6, 2025, defendants served an offer to compromise the claim for "judgment entered granting injunctive relief that Plaintiff prays for in the Complaint, enjoining Defendants from violating the provisions of the Immigration Consultant Act (ICA) listed in the Complaint (excluding injunction against engaging in the business of immigration consulting) and granting reasonable attorneys' fees and costs in bringing this action allow by law as determined by the Court." (Dominguez Decl., Exh. 1.) In the judgment entered on December 16, 2025,

"defendants agree to be permanently enjoined from further violations of the Immigration Consultants Act." Thus, defendants argue, any litigation activity after March 6, 2025 was unnecessary and should be excluded from the lodestar calculation. This amounts to 14.5 hours of work related to the preparation of and attendance at hearings related motions to compel further responses to requests for production of documents and preparation for and attendance at CMCs. Defendants propose these hours be excluded.

Plaintiff asserts that the settlement reached meaningfully differed from the offer to compromise because defendants agreed to be permanently enjoined from *further* violations of the Immigration Consultants Act: "Plaintiff places significant positive value on public vindication in terms of an acknowledgment that Defendants are enjoined from *further* violating the law, as opposed to merely being enjoined from violating the law in the future without any acknowledgment of past violations." (Reply, p. 4, ll. 11-14.) While this may be a meaningful difference, the court notes that when asked, *each defendant admitted violating each provision of the ICA posed in requests for admission*. (Medvei Decl., Exh. 3—responses to requests for admissions.) Moreover, it appears that defendants also admitted all liability in the answer to the complaint (*id.*), although that answer was never filed. Given the admissions of liability, there was no conceivable reason to file motions to compel further responses to the requests for production of documents. This work amounts to 8 hours. The court will thus reduce the reported hours spent to 30.5.

The fee award is thus set at $12,200 ($400/hour x 30.5 hours). The court declines to apply a lodestar modifier, as requested by plaintiff, as the hourly rate has been assessed to include any particular expertise in this area. Plaintiff to file a proposed order commensurate with this ruling.