

Beltran v. Ford Motor Co.
Hearing Date:
Motion: Attorneys' Fees

Case No. 23CV03400
April 14, 2026

Tentative Ruling

For all the reasons discussed below, the court grants the motion for attorney's fees and awards fees in the total amount of \$18,680, after adjustments for hourly rates and hours reasonably spent. The court denies the request for a modifier. The court declines to rule on request for fees, as the usual procedure is to consider any such argument on a motion tax costs, which was not timely filed.

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.)

MEMORANDUM

According to the complaint, plaintiff Jose Beltran (plaintiff or Beltran) purchased a new 2021 Ford Ranger on May 18, 2021 from Santa Maria Ford. Between July 12, 2022 and November 14, 2022, plaintiff presented the vehicle to Paso Robles Ford, the authorized Ford repair facility, five times for repair of covered defects. Plaintiff's complaint was filed on August 7, 2023 and alleges the following causes of action: (1) violation of Song-Beverly Act [breach of express warranty]; (2) fraudulent inducement-concealment; and (3) negligent repair.

On February 10, 2025 the parties resolved this case for \$98,719.31. Pursuant to the settlement agreement, defendant agreed that plaintiff was the prevailing party and entitled to attorney's fees, costs, and expenses pursuant to the Song-Beverly Act. Plaintiff now moves for an order awarding attorneys' fees in the amount of \$25,191.50. Plaintiff also moves the court for a lodestar multiplier of 1.3 in the amount of \$7,557.45, for a total fee award of \$32,748.95 in attorneys' fees actually and reasonably incurred. Plaintiff also moves this Court for reimbursement of verifiable costs and expenses in the amount of \$2,305.66. The total amount requested in fees, costs and expenses is \$35,054.61.

Legal Background

A prevailing buyer in an action under the Song-Beverly Act “shall be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of cost 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 the action.” (Civ. Code, §1794, subd. (d); see *Warren v. Kia Motors America, Inc.* (2018) 30 Cal.App.5th 24, 35 [the plain wording of section 1794, subd. (d) requires the trial court to ‘base’ the prevailing buyer’s attorney fee award “upon actual time expended on the case, as long as the fees are reasonably incurred – both from the standpoint of time spend and the amount charged”]; see also *Hanna v. Mercedes-Benz USA, LLC* (2019) 36 Cal.App.5th 493, 506.)

Lodestar Calculation

Civil Code section 1794 “ “ “requires the trial court to make an initial determination of the actual time expended; and then to ascertain whether under all the circumstances of the case the amount of actual time expended and the monetary charge being made for the time expended are reasonable. These circumstances may include, but are not limited to, factors such as the complexity of the case and procedural demands, the skill exhibited, and the results achieved. If the time expended or the monetary charge being made for the time expended are not reasonable under all the circumstances, then the court must take this into account and award attorney fees in a lesser amount. A prevailing buyer has the burden of “showing that the fees incurred were ‘allowable,’ were ‘reasonably necessary to the conduct of the litigation,’ and were ‘reasonable in amount.’ ” ’ ’ ’ ” (*Hanna, supra*, 36 Cal.App.5th at p. 507; *accord, Warren, supra*, 30 Cal.App.5th at p. 36; *Etcheson v. FCA US LLC* (2018) 30 Cal.App.5th 831, 840; *Goglin v. BMW of North America, LLC* (2016) 4 Cal.App.5th 462, 470.)

The lodestar calculation in this case is reported to be \$25,191.50.

A. Hourly Rates

The hourly rates charged by the Knight Law Group range from \$350/hour - \$600/hour. In all, 8 attorneys billed on this case, as well as three support staff. The rates are reported below.

Attorney	Admitted	Rate
Roger Kirnos (Partner)	2012	\$600/hour
Jeffery Mukai (Partner)	2010	\$495.00 in 2024 \$550.00 in 2025

Christopher Swanson (Partner)	2014	\$500.00 in 2023 \$575.00 in 2025
Armando Lopez	2018	\$375.00 in 2023 \$400.00 in 2024 \$450.00 in 2025
Colby Meagle	2019	\$400.00 in 2024
Elvira Kamosko	2021	\$350.00 in 2024
Heidi Alexander	2017	\$395.00 in 2024
Phil Thomas	2007	\$450.00 in 2024
Zachary Powell	2015	\$425.00 in 2024

Paralegal Abdiel Bustillo, who received a certificate in 2023, charged \$145/hour, law clerk Jacqueline Martinez, who received a law degree in 2020, billed at \$175.00/hour, and attorney Marianne Collazo Robles of Castillo Law, who provided contract legal services as a law clerk, billed 2 hours of work at \$295/hour.

In making its calculation of a reasonable hourly rate, 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, the difficulty or complexity of the litigation to which that skill was applied, and affidavits from other attorneys regarding prevailing fees in the community and rate determinations in other cases. (*Morris v. Hyundai Motor America* (2019) 41 Cal.App.5th 24, 41.)

Here, the parties have submitted conflicting evidence concerning the appropriate hourly rates in this action. Plaintiff's attorney, Roger Kirnos, submits evidence from 10 state courts he asserts are "in or near Santa Barbara" that found the hourly rates as requested were reasonable. (Karnos Decl., ¶ 30.) These orders are from Orange County, San Diego, San Bernardino, Riverside, and Ventura. In fact, none are orders from a Santa Barbara Superior Court, which means none are from the courts sitting in Santa Maria. They are of little relevance here.

Defense attorney Pisciotta urges the court to adopt rates 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 points out that for 2022, the median rate for Consumer Goods cases for partners was \$366 and \$281 for associates. (Pisciotta Decl., Exh. B.) Alternatively, defendants argue that these cases are similar to "insurance defense cases given their cookie-cutter and high-volume nature," and therefore assert those rates are relevant. The Real Rate Report indicates the median insurance defense rates in Los Angeles (which is generally recognized as a highly competitive practice area) are \$225 for associates and \$252 for partners.

(Pisciotta Decl., Exh. B.) The court does not find the Real Rate Report from 2022 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.

The court's use of reasonable rates *in the local community* is an integral part of the initial lodestar equation and is one of the means of providing some objectivity to the process of determining reasonable attorney fees. (*Nichols v. City of Taft* (2007) 155 Cal.App.4th 1233, 1243 [emphasis added].) In this court's experience, rates of or exceeding \$500 an hour in this community are reserved for those practitioners who have vast civil litigation experience, having been members of the bar for 30 years or more.

Having considered all the factors, the court finds the below hourly rates are appropriate in this matter. This is warranted by recent hourly rates in this community for attorneys or law clerks with similar levels of litigation experience. This amounts to a blended rate (excluding non-attorneys) of \$391.67. Applying those reductions to the hourly rates, the lodestar fees are reduced to \$21,255.00.

Attorney	Requested Rate	Allowed Rate	Hours Reported	Total
Roger Kirnos (Partner)	\$600/hour	\$500	0	0
Jeffery Mukai (Partner)	\$495.00 in 2024 \$550.00 in 2025	\$450	1.5	\$ 675.00
Christopher Swanson (Partner)	\$500.00 in 2023 \$575.00 in 2025	\$450	5.8	\$ 2,610.00
Armando Lopez	\$375.00 in 2023 \$400.00 in 2024 \$450.00 in 2025	\$350	30	\$10,500.00
Colby Meagle	\$400.00 in 2024	\$350	4.9	\$ 1,715.00
Elvira Kamosko	\$350.00 in 2024	\$300	3.5	\$ 1,050.00
Heidi Alexander	\$395.00 in 2024	\$350	2.3	\$ 805.00

Phil Thomas	\$450.00 in 2024	\$400	1.2	\$ 480.00
Zachary Powell	\$425.00 in 2024	\$375	6.7	\$ 2,512.50
Jacqueline Martinez (Law Clerk)		\$150	2.8	\$ 420.00
Abdiel Bustillo (Paralegal)		\$125	1.5	\$ 187.50
Marianne Collazo Robles (Law Clerk)		\$150	2	\$ 300.00
			Total Amount:	\$21,255

Defendant argues that the court must exclude entries from Marianne Collazo Robles of Castillo Law because she was not admitted to practice law in California. According to the Kirnos declaration, attorney Marianne Collazo Robles performed work as a law clerk for plaintiff's counsel. She drafted a "Joint Stipulation and [Proposed] Order Continuing hearing on Ptf's Motion to Compel the deposition of FMC's PMQ" and "Draft[ed] Plaintiffs' letter to continue meet and confer efforts with opposing counsel re Defendant's discovery response." These tasks were billed at \$295.00. Defendant argues the entries should be excluded entirely. The court will allow the entries but reduce the hourly rate to \$150, which represents the correct hourly rate for a law clerk.

B. Hours Reasonably Incurred

Plaintiff's fee request is supported by the declaration of attorney Roger Kirnos. He states that Knight Law Group's attorneys specialize in certain stages of litigation, such as written discovery, depositions, responding to pleading challenges, and trial. "The net result of this is that the attorneys need significantly less time to prepare their work product, whether that is preparing examination outlines, performing legal research, or other preparatory tasks. This approach ensures that attorneys are assigned to tasks for which they are most proficient, thereby minimizing the time needed to complete those tasks while also ensuring the best work-product." (Kirnos Decl., ¶ 18.) He summarized the litigation in this matter as follows: Ford filed a demurrer to Plaintiff's complaint; counsel attended a case management conference on April 22, 2024; the parties exchanged extensive discovery; due to extensive discovery disputes, Plaintiff's counsel filed motions to compel further responses to special interrogatories and requests for production of documents; Ford provided supplemental responses on November 5, 2024; Ford filed a motion for protective order, seeking to modify the terms of the LASC model protective order; Plaintiff filed a motion to compel the deposition of Ford's Person Most Qualified, after Ford failed to make its witness available; after the motion was filed, Ford finally offered a deposition date of December 16, 2024; counsel attended

a further case management conference on September 9, 2024; and the deposition of FMC's Person Most Qualified and Custodian of Records went forward on December 16, 2024.

In this case, plaintiff's attorneys billed 62.2 hours.

1. Fees Related to Fee Motion Not Unreasonable

Defendant contends that the hours related to the fee motion should be reduced or excluded entirely. The motion was prepared by partner Christopher Swanson, who requested a rate of \$575/hour, which the court reduced to \$450/hour (above). He billed 1.3 hours for drafting the fee motion, 3 hours of anticipated time to review the opposition and compose a reply, and 1 hour to prepare and appear at the hearing. Defendant contends these hours are excessive because the motion is identical to its other fee motions.

The court disagrees. Attorney Swanson took only 1.3 hours to draft the motion, which the court concedes was likely based on a template. Nevertheless, there is some time and effort required to present the facts unique to this case and 1.3 hours is not much time. Attorney Swanson states in a reply declaration that he spent 1.2 hours analyzing the opposition and over 2.5 hours drafting the reply. That exceeds the anticipated time. The fees requested are not unreasonable.

2. Fees Unrelated to Song-Beverly Causes of Action

“When a cause of action for which attorney fees are provided by statute is joined with other causes of action for which attorney fees are not permitted, the prevailing party may recover only on the statutory cause of action.” (*Santana v. FCA US, LLC* (2020) 56 Cal. App. 5th 334, 349; *Akins v. Enterprise Rent-A-Car Co.* (2000) 79 Cal.App.4th 1127, 1133.) This requires the trial court to apportion the fees so that the losing party is only required to pay for such fees as were incurred in prosecuting or defending the statutory action. (*Bell v. Vista Unified School Dist.* (2000) 82 Cal.App.4th 672, 687.) While a trial court has discretion, “attorney's fees need not be apportioned when incurred for the representation on an issue common to both a cause of action in which fees are proper and one in which they are not allowed.” (*Gunther v. Alaska Airlines, Inc.* (2021) 72 Cal. App. 5th 334, 358.) “When the liability issues are so interrelated that it would have been impossible to separate them into claims for which attorney fees are properly awarded and claims for which they are not, then allocation is not required.” (*Akins, supra*, 79 Cal.App.4th at 1133.)

In *Santana*, the court determined that a plaintiff's fraudulent concealment claim was sufficiently interrelated with breach of warranty claims under the Song Beverly Act that apportionment was not required. (*Santana, supra*, 56 Cal. App. 5th

at 349.) There, fees were sought after the case had gone to trial. In considering whether the claims were intertwined, the court pointed out the principal distinction between the two causes of action was that the fraud claim required proof of what the manufacturer knew prior to the sale of plaintiff's vehicle and concluded: "there was very little evidence on that front. Instead, most of the evidence focused on whether there was a defect at all, and whether Chrysler knew about the defect—issues that are equally relevant to the fraud and Song-Beverly Act claim. (*Ibid.*) The court concluded that for that reason, the claims were intertwined. Not incidentally, the court observed that plaintiff had not, in any event, proposed any practical method of apportioning fees in the case, noting that the proposed percentage method was out of keeping with the principles at issue. (*Id.*—"It has not, for example, identified any discrete portion of the litigation that was solely focused on fraud.")

The court does not read *Santana* as pronouncing a categorical rule that Song-Beverly and fraud claims cannot be apportioned; instead, this question turns on the circumstances of the case and on the practicalities of apportionment. Here, the challenged fees are related to the defense of the demurrer to the complaint, which was entirely related only to the fraud cause of action and to the negligent repair cause of action—which was not even alleged against the manufacturer. More specifically, the demurrer challenged whether the fraud cause of action was barred by the economic loss rule, and whether the fraud claim was adequately pled. This is a very discrete portion of the litigation that is solely focused on fraud and negligent repair. While there is some overlap, the court is satisfied that at this stage of the proceedings, the issues are not so intertwined to make apportionment impracticable.

The fees for services related to the demurrer are stricken in the amount of 4.5 hours billed at \$375/hour and reduced by the court to \$350/hour for a total reduction of \$1,575.00.

3. Excessive Amounts and Unreasonable Work

On May 29, 2024, defendant moved for entry of a protective order to govern production of confidential information. More specifically, defendant moved to modify the protective order that was in regular use in the LA Superior Court. Plaintiff drafted and filed opposition to that motion on June 18, 2024, billing 1.1 hours for the drafting. That hearing was continued from July 23, 2024, to September 9, 2024. On August 5, 2024, plaintiff's counsel made the following billing entry: "Review Defendant's MPO and draft opposition" for a total of 1.2 hours. There appears to be no filing concurrent with this entry, nor does it appear from the record that the court invited any further filing on the motion, which had been fully briefed. The

court thus strikes this entry, billed at \$400/hour and reduced by the court to \$350/hour, for a total reduction of \$420.00.¹

Defendant asserts that the fees related to a motion to compel the deposition of Ford's PMK are excessive. According to the billings, plaintiff spent 8 hours drafting the motion. According to defendant: "The only motion to compel PMK filed by plaintiffs was filed on January 9, 2025. At a minimum, Plaintiff's counsel billed twice to perform the exact same task. Further, it is clear that plaintiffs did not use the original drafted motion to compel as Plaintiff counsel on January 6, 2025, stated they were beginning the drafting process." (Opposition, p. 9, ll. 3-13.) According to the Lopez declaration filed on January 9, 2025, plaintiff first noticed the deposition for July 23, 2024. On July 18, 2024, defendant objected on the basis that it was unable to produce a PMK on that date. Plaintiff composed a motion to compel the deposition and served it on Ford on August 30, 2024. Plaintiff's counsel also thought it was filed on that same date, but it was either never submitted to the court or was rejected by the court. In any event, it was never filed by the court. The parties subsequently agreed to a deposition date on December 16, 2024, but Ford objected to several categories in the concurrently requested document production. Plaintiff thus drafted and filed a second motion to compel deposition and production of documents on January 9, 2025. (Lopez Decl., ¶¶ 3-13.) It appears both motions were necessary—the first to obtain a date and the second to obtain further documents and testimony. Before the latter issue could be resolved, a Notice of Settlement was filed. The court does not find the motions duplicative.

As a result of plaintiff's balkanized approach to staffing its cases, there is some amount of internal communication that would not be necessary if only one attorney handled the matter, and defendant objects to such entries that amount to 1.8 hours, or \$630. The court agrees that communications that document "for the file" the results of hearings or other actions should not be viewed as billable events. The court will reduce the fees requested by \$500. The court will likewise reduce fees by \$500 for block billing entries.

The court denies any unaddressed requests. The attorney fee request is reduced by \$2,575.00 to \$18,680.

Multiplier

Plaintiff requests a 1.3 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

¹ Defendant withdrew this entry in reply.

the attorneys, (4) the contingent nature of the fee award. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1132.)

Here, 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.

Costs

In opposition, defendant challenges the costs reported on plaintiff's Memorandum of Costs, which was filed and served on February 13, 2026, concurrently with the motion for attorney fees.

A party may dispute any or all of the items in the prevailing party's costs memorandum by a motion to strike or tax costs. (See Calif. Rules of Court 3.1700(b).) A motion to strike or tax costs must be served and filed within 15 days after service of the costs memorandum. (Calif. Rules of Court, rule 3.1700(b)(1).)

No such motion was filed here, and the court declines to deem the opposition as such a motion because it was untimely.

Summary

The court grants the motion for attorney's fees and awards fees in the total amount of \$18,680, after adjustments for hourly rates and hours reasonably spent. The court denies the request for a modifier. The court declines to rule on request for fees, as the usual procedure is to consider any such argument on a motion tax costs, which was not timely filed.