

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MERCED

Civil Law and Motion Tentative Rulings  
Hon. Brian L. McCabe  
Courtroom 8

627 W. 21<sup>st</sup> Street, Merced

June 15, 2018  
8:15 a.m.

The following tentative rulings shall become the ruling of the court unless a party gives notice of intention to appear as follows:

1. You must call (209) 725-4240 to notify the court of your intent to appear.
2. You must give notice to all other parties before 4:00 p.m. of your intent to appear.

Per California Rules of Court, rule 3.1308(a)(1), failure to do both items 1 and 2 will result in no oral argument. *Note:* Notifying Court Call of your intent to appear does not satisfy the requirement of notifying the court.

**Case No. Title / Description**

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15CV-03200 Daniel Morales vs. Ford Motor Company

Motion for Attorney's Fees

**The motion by plaintiff Daniel Morales for an award of costs and expenses, including attorney's fees, pursuant to Civil Code section 1794, subdivision (d) is GRANTED in the total amount of \$68,390.29. The Court determined this amount by deducting from plaintiff's request of \$46,322.50 the amount of \$4,385 for billing entries related solely to plaintiff's fraud causes of action. The Court applied a lodestar multiplier of 1.5 to the amount of attorney's fees and then added plaintiff's expenses of \$5,484.04 to determine the total amount of statutory costs and expenses.**

**The prevailing party is directed to prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, rule 3.1312, and to provide notice thereof to the opposing party/counsel as required by law and the California Rules of Court. The order is to be submitted by electronic filing to Hon. Brian McCabe.**

Motion to Strike/Tax Memorandum of Costs

**Defendant Ford Motor Company's motion to strike/tax the memorandum of costs filed on March 23, 2018 is DENIED. The Court finds plaintiff's costs were reasonably incurred and necessary to the litigation. The Court notes that plaintiff is entitled to recover reasonably incurred litigation expenses by statute under Civil Code section 1794, subdivision (d) that may not be allowable as costs awardable to a prevailing party under Code of Civil Procedure section 1033.5.**

**The prevailing party is directed to prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to California Rules of Court, rule 3.1312, and to provide notice thereof to the opposing party/counsel as required by law and the California Rules of Court. The order is to be submitted by electronic filing to Hon. Brian McCabe.**

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17CV-02833 Kelly Moore Paint Company, Inc. vs. George Azevedo, et al.

Order of Examination

**Appearance required.**

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18CV-01989 Danielle Meza vs. Mary Sapien

Request for Civil Harassment Restraining Orders

**Appearance required.**

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18CV-01994 Christopher Birdsong vs. Bobby Birdsong, Jr.

Request for Civil Harassment Restraining Orders

**Appearance required.**

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