

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED

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

627 W. 21st Street, Merced

March 20, 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

17CV-01281 Steven Geringer vs. Bhupinder Sahota, et al.

Motion for Attorney's Fees and Costs

The motion by defendant Bhupinder Sahota to award and fix contractual attorney fees pursuant to Civil Code section 1717 is GRANTED. The Court finds that defendant is the party prevailing on the contract for purposes of Civil Code section 1717 because defendant obtained a simple, unqualified victory by successfully demurring to the first amended complaint and thereby defeating all contract claims. (*Scott Co. of Calif. v. Blount, Inc.* (1999) 20 Cal.4th 1103, 1109.) The alleged contract provides for attorney fees.

The Court finds that the requested award of attorney's fees in the amount of \$4,977.50 is reasonable and fixes an award of contractual attorney's fees in that amount. Plaintiff has not moved to strike or tax or otherwise disputed costs of \$675.16 listed in defendant's memorandum of costs, therefore the Court awards costs in that amount.

The Court will sign the proposed order submitted with the moving papers.

18CV-00454 Patricia Ponceano vs. Francesco Giacalone

Request for Civil Harassment Restraining Orders

Appearance required.
