

TENTATIVE RULINGS

DEPARTMENT C20 Judge Erick Larsh

Law and Motion Calendar

Court Reporters: Official court reporters (i.e., court reporters employed by the Court) are **NOT** typically provided for law and motion matters in this department. If a party desires a record of a law and motion proceeding, it will be the party's responsibility to provide a court reporter. Parties must comply with the Court's policy on the use of privately retained court reporters which can be found at:

- [Civil Court Reporter Pooling](#); and
- For additional information, please see the court's website at [Court Reporter Interpreter Services](#) for additional information regarding the availability of court reporters.

Tentative rulings: The court endeavors to post tentative rulings on the court's website in the morning, prior to the afternoon hearing. However, ongoing proceedings such as jury trials may prevent posting by that time. Tentative rulings may not be posted in every case. Please do not call the department for tentative rulings if tentative rulings have not been posted. The court will not entertain a request to continue a hearing or the filing of further documents once a tentative ruling has been posted.

Submitting on tentative rulings: If all counsel intend to submit on the tentative ruling and do not desire oral argument, please advise the Courtroom Clerk or Courtroom Attendant by calling (657) 622-5220. Please do not call the department unless all parties submit on the tentative ruling. If all sides submit on the tentative ruling and so advise the court, the tentative ruling shall become the court's final ruling and the prevailing party shall give notice of the ruling and prepare an order for the court's signature if appropriate under Cal. R. Ct. 3.1312.

Non-appearances: If nobody appears for the hearing and the court has not been notified that all parties submit on the tentative ruling, the court shall determine whether the matter is taken off calendar or the tentative ruling becomes the final ruling. The Court also might make a different order at the hearing. (*Lewis v. Fletcher Jones Motor Cars, Inc.* (2012) 205 Cal.App.4th 436, 442, fn. 1.)

APPEARANCES: Department C20 conducts non-evidentiary proceedings, such as law and motion, remotely, by Zoom videoconference pursuant to CCP §367.75 and Orange County Local Rule (OCLR) 375. All counsel and self-represented parties appearing for such hearings must check-in online through the Court's civil video appearance website at <https://www.occourts.org/media-relations/civil.html> prior to the commencement of their hearing. Once the online check-in is completed, participants will be prompted to join the courtroom's Zoom hearing session. Participants will initially be directed to a virtual waiting room pending the start of their specific video hearing. Check-in instructions and instructional video are available at <https://www.occourts.org/media-relations/aci.html>. The Court's "Appearance Procedures and Information--Civil Unlimited and Complex" ("Appearance Procedures") and "Guidelines for Remote Appearances" ("Guidelines") also available at

<https://www.occourts.org/media-relations/aci.html> will be strictly enforced. Parties preferring to appear in-person for law and motion hearings may do so pursuant to CCP §367.75 and OCLR 375.

PUBLIC ACCESS: The courtroom remains open for all evidentiary and non-evidentiary proceedings.

No filming, broadcasting, photography, or electronic recording is permitted of the video session pursuant to California Rules of Court, rule 1.150 and Orange County Superior Court rule 180.

TENTATIVE RULINGS

Date: July 3, 2025, 1:30 p.m.

#	Case Name	Tentative Ruling
1	Nicole Van Train v. General Motors, LLC, et al. 2024-01447477	I. Demurrer to Complaint Defendants General Motors, LLC and Hardin Buick GMC’s demurrer to complaint is OVERRULED . Defendants shall answer the complaint within 10 days. The complaint states facts sufficient to constitute the third cause of action for violation of Business and Professions Code section 17200 (UCL), with the requisite particularity. (See Bus. & Prof. Code §§ 17200 [proscribing “any unlawful” business act or practice], 17204 [standing]; see also <i>Kwikset Corp. v. Superior Court</i> (2011) 51 Cal.4th 310, 320-322, 326-327 [elements, standing]; <i>Paulus v. Bob Lynch Ford, Inc.</i> (2006) 139 Cal.App.4th 659, 681 [“ ‘[v]irtually any law or regulation,’ ” including statutory law, “ ‘can serve as [a] predicate for a [UCL] “unlawful” violation’ ”]; <i>Gutierrez v. Carmax Auto Superstores California</i> (2018) 19 Cal.App.5th 1234, 1262, 1261 [a UCL claim “must be stated with reasonable particularity, which is a more lenient pleading standard than is applied to common law fraud claims”]; see also Compl. ¶¶ 6-19, 22-23, 25-28, 31, 36-38, 41.) II. Motion to Strike Portions of Complaint Defendants General Motors, LLC and Hardin Buick GMC’s motion to strike portions of complaint is DENIED . Defendants seek an order striking “the following from Complaint...: punitive damages as indicated in the Civil Case Cover Sheet.” (Ntc. of Mtn., p. 2.) But there are no punitive damages allegations in the complaint to strike. The complaint does not contain a request for punitive damages, and the civil case cover sheet is not a part of the complaint and does not set forth plaintiff’s allegations. As applicable here, a

		<p>civil case cover sheet is for the court's use "for statistical purposes" only. (Cal. Rules of Court, rule 3.220(a); see Judicial Council Form CM-010 [approved for mandatory use, explicitly giving notice that "[u]nless this is a collections case ... or a complex case, this cover sheet will be used for statistical purposes only"].)</p> <p>Case Management Conference continued to October 3, 2025, 9:00 a.m., Dept. C20</p> <p>Defendants shall give notice of all the above.</p>
2	Chambliss vs. General Motors, LLC. 2024-01445277	<p>First Amended Complaint filed (ROA #45) on June 20, 2025, making the Demurrer and Motion to Strike Moot.</p> <p>Case Management Conference continued to October 3, 2025, 9:00 a.m., Dept. C20</p>
4	Santa Ana Police Officers Association vs. City of Santa Ana 2021-01230129	<p>Attorney Corey W. Glave's motion to be relieved as counsel of record for plaintiff Santa Ana Police Officers Association is GRANTED, effective upon the filing of the proof of service of the signed order upon the client.</p> <p>Mr. Glave shall give notice.</p>
5	Lopez vs. Nissan North America, Inc. 2024-01388370	<p>Plaintiff Karina Lopez' motion to compel Defendant Nissan North America, Inc. to provide further responses to Request for Production of Documents, Set One, is GRANTED in part and MOOT in part. (Code Civ. Proc., § 2031.310 [authorizing motion].)</p> <p><u>Request No. 10: MOOT</u>, as defendant has produced the document requested. (Preston Decl., ¶ 5.)</p> <p><u>Request Nos. 16, 17, 22-25: GRANT in part</u>. Defendant Nissan North America, Inc. shall provide full, complete, and verified further responses, without objection, and shall produce all responsive documents in its possession, custody, and/or control, limited to complaints, investigations, policies, and/or procedures in California, regarding the "A/C DEFECT" and "RADIO DEFECT" in vehicles of the same year, make, and model as the subject vehicle. The court finds good cause for production of the requested documents under these limitations, and defendant has not substantiated its objections. (Code Civ. Proc., § 2031.310, subd. (b)(1) [good cause]; <i>Kirkland v. Superior Court</i> (2002) 95 Cal.App.4th 92, 98 [once good cause shown, responding party has burden to justify objections / failure to respond]; <i>Donlen v. Ford Motor Company</i> (2013) 217 Cal.App.4th 138, 154 [similar complaints may show defendant's knowledge of defects].)</p> <p><u>Request No. 41: GRANT in part</u>. Defendant Nissan North America, Inc. shall provide full, complete, and verified further responses, without objection, and shall produce all responsive documents in its possession, custody, and/or control, limited to policies and/or procedures in California, for the period of 1-1-21 to present.</p>

		<p>All further responses and documents shall be produced to the offices of counsel for moving party within 20 days.</p> <p>Moving party shall give notice.</p>
6	Chhun v. Overpeck 2024-01418712	<p>Plaintiff Alexander Chhun’s motion to compel Defendant Scott Alan Overpeck to provide further responses to Form Interrogatories, Set One, and for monetary sanctions, is GRANTED in part and DENIED in part. (Code Civ. Proc., § 2030.300.)</p> <p>The motion is GRANTED as to further responses. Defendant Scott Alan Overpeck shall provide full, complete, verified, and Code-compliant further responses, without objection, to Form Interrogatories, Set One, Form Interrogatory Nos. 13.1, 13.2, and 16.9, including all subparts, and to Form Interrogatory No. 17.1, subparts (b) and (d), within 20 days. Defendant has not met its burden of substantiating the objections and/or responses. (Fairmont Ins. Co. v. Superior Court (2000) 22 Cal.4th 245, 255; Williams v. Superior Court (2017) 3 Cal.5th 531, 541.) The motion is DENIED as to sanctions.</p> <p>Plaintiff Alexander Chhun’s motion to compel Defendant Scott Alan Overpeck to provide further responses to Request for Production, Set One, and for monetary sanctions, is GRANTED in part and DENIED in part. (Code Civ. Proc., § 2030.310.)</p> <p>The motion is GRANTED as to further responses. Defendant Scott Alan Overpeck shall provide full, complete, verified, and Code-compliant further responses, without objection, to Request for Production, Set One, Request Nos. 6, 7, and 11, and shall produce all responsive documents in his possession, custody, and/or control, without objection, within 20 days. There is good cause for production of the requested documents, and defendant has not met his burden of substantiating the objections and/or failure to produce responsive documents. (Kirkland v. Superior Court (2002) 95 Cal.App.4th 92, 98.)</p> <p>The motion is DENIED as to sanctions.</p> <p>Plaintiff shall give notice on both motions.</p>
7	Estevez vs. Hyundai Motor America 2024-01433372	<p>Transferred to L.A. County</p>
8	Eastlake Hospitality Ventures LLC vs. R.D. Olson Construction, Inc.	<p>Defendant R.D. Olson Construction, Inc.’s motion to compel plaintiff Eastlake Hospitality Ventures LLC to submit its claim to binding contractual arbitration is denied. The court finds the arbitration provision in the contract between the parties does not include a claim for intentional misrepresentation.</p> <p>Notwithstanding the above, the court does find the potential of overlapping issues between the determination of the arbitration and the determination of this action. Therefore, this action is stayed pending the outcome of the arbitration.</p>

	2025-01452117	<p>The court sets an arbitration review hearing for December 11, 2025 at 9:00 a.m. in this department.</p> <p>Case Management Conference continued to October 3, 2025, 9:00 a.m., Dept. C20</p> <p>Moving Party to give notice.</p>
9	Glassman vs. Best 2023-01336192	<p>Cross-Defendant Rick Glassman's motion for attorney fees and costs against Cross-Complainants Milton Best and Lorraine Best is GRANTED. (Code Civ. Proc. §425.16, subd. (c)(1).)</p> <p>Cross-Defendant filed a special motion to strike the third and fourth causes of action alleged in the Cross-Complaint. The Motion was granted in full, and Cross-Defendant was Cross-Defendant Rick Glassman's motion for attorney fees and costs against Cross-Complainants Milton Best and Lorraine Best is GRANTED in part. (Code Civ. Proc. §425.16, subd. (c)(1).)</p> <p>Cross-Defendant filed a special motion to strike the third and fourth causes of action alleged in the Cross-Complaint. The Motion was granted in full, and Cross-Defendant was granted leave to file the instant motion to recover the attorneys' fees and costs reasonably expended in conjunction with that motion.</p> <p>Pursuant to Code Civ. Proc. § 425.25(c), a party who brings a successful motion to strike is entitled to mandatory attorney fees. (<i>Ketchum v. Moses</i> (2001) 24 Cal. 4th 1122, 1131.) This does not, however, mean that the prevailing party is entitled to receive whatever fee award it requests. (<i>Christian Research Institute v. Alno</i> (2008) 165 Cal. App. 4th 1315, 1321.) The attorney's fees awarded must be reasonable. (<i>Ketchum, supra</i>, 24 Cal. 4th at 1133; <i>Cabral v. Martins</i> (2009) 177 Cal. App. 4th 471, 491 ("[A] defendant who brings a successful special motion to strike is entitled only to reasonable attorney fees and not necessarily to the entire amount requested.").)</p> <p>After reviewing Cross-Defendant's evidentiary submission in support of his Motion, the Court finds that attorney Patterson's hourly rate of \$750/hour is reasonable and in line with what a similarly experienced attorney practicing in this market would charge. (Patterson Decl., ¶¶ 1-4.)</p> <p>With respect to the number of hours reasonably expended, counsels' verified time records should be "entitled to credence in the absence of a clear indication the records are erroneous." (<i>Horsford v. Board of Trustees</i> (2005) 132 Cal. App. 4th 359, 396.)</p> <p>In challenges to the reasonableness of the number of hours billed, "it is the burden of the challenging party to point to the specific items challenged, with a sufficient argument and citations to the evidence." (<i>Premier Med. Mgmt. Sys., Inc. v. Cal. Ins. Guarantee Ass'n</i> (2008) 163 Cal. App. 4th 550, 564.) "General arguments that fees claimed are excessive, duplicative, or unrelated do not suffice." (<i>Id.</i>) Here, Cross-Complainant fails to raise anything more than general protestations asserting that Cross-Defendant's counsel spent excessive time preparing the motion.</p>

		<p>Cross-Defendant’s counsel has submitted timekeeping records indicating that he expended 49.35 hours in conjunction with the anti-slapp motion and the instant attorney fees motion.</p> <p>The Court has reviewed the provided timekeeping records and finds the records to be a reliable indication of the time spent in conjunction with the successful motion and the instant motion for attorney fees. However, there are several time entries that appear to be excessive, duplicative, and/or seeking to recover attorneys’ fees for clerical tasks (see ROA No. 195, Patterson Decl. ¶5, 12/5/23 [0.3 hours for telephone call with client]; 12/13/23 [6.0 hours on research]; 1/10/25 [1.5 hours for telephone call with client]; 1/11/25 [3.75 hours for legal research]; 1/24/25 [0.8 hours for telephone call with client]; 1/28/25 [0.7 hours to draft a notice of entry of order including time spent on clerical tasks such as filing and serving]; and 2/18/25 [1.5 hours spent on clerical tasks such as filing and serving].)</p> <p>Accordingly, the Court awards Cross-Defendant fees for 34.8 hours at an hourly rate of \$750 and the \$148 in claimed costs for a grand total award of \$26,248.</p> <p>Cross-Defendant requests that the award include an additional 4.75 hours for time spent in conjunction with assessing Cross-Complainants’ opposition and preparing a reply brief, but Cross-Defendant has failed to substantiate these additional hours with a declaration of counsel or additional timekeeping records. Accordingly, the request to augment the fee award to include this additional time is denied.</p> <p>Accordingly, Cross-Complainants Milton Best and Lorraine Best are ORDERED to pay \$26,248.00, representing the reasonably expended attorneys’ fees and costs incurred by Cross-Defendant Rick Glassman in conjunction with his special motion to strike portions of the Cross-Complaint, to Cross-Defendant Rick Glassman.</p> <p>Moving Party shall provide notice of this ruling.</p>
10	Sallans vs. Yu Tham	Case Settled, Motion off calendar.
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