TENTATIVE RULINGS FOR January 21, 2025
Department S-36
BEFORE THE HONORABLE TONY RAPHAEL
(909) 708-8851

ATTENTION: Commencing December 10, 2022, the Court will no longer regularly provide an official Court Reporter to transcribe proceedings in this Department. Parties who wish to have an official record of the proceedings in addition to a minute order must retain a private Certified Shorthand Reporter for the hearing and must submit a "Stipulation and Order For Appointment of Official Reporter Pro Tempore" to the court in the form found on the Court's website. If counsel are appearing for the hearing remotely, the Stipulation can be emailed to the Judicial Assistant for Department S-36 at kcollierkosmatka@sb-court.org. The Court may sign the Order appointing the Certified Shorthand Reporter as the official Court Reporter Pro Tempore. Parties who do not retain a Certified Shorthand Reporter to be designated as an official Court Reporter Pro Tempore are deemed to have waived an official Court Reporter for the proceeding.

PLEASE REFER TO THE GENERAL ORDERS AND FORMS POSTED ON THE COURT'S WEBSITE.

PLEASE NOTE: There may be multiple tentative rulings so view the entire document.

This Court follows California Rules of Court, rule 3.1308(b) for tentative rulings. (See San Bernardino Superior Court Local Emergency Rule 8.) Tentative rulings are posted on the court's website after 3:00 p.m. the day before the hearing at https://www.sb-court.org/divisions/civil/civil-tentative-rulings.

You may appear in person or by remote appearance at the hearing. (See www.sb-court.org/general-information/remote-access) If you do not have Internet access you may obtain the tentative ruling by calling (909) 708-8853 or telephoning the department at 909-708-8851)] If you (or both parties) wish to submit on the Tentative, notify the other party and call the department by 4:00 p.m. the day before and your appearance may be excused unless the Court orders you to appear.

You must appear at the hearing if you are so directed by the court in the tentative ruling and be prepared to address those issues set forth by the court in its ruling.

UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF RULING

MONICA LOPEZ

v.

JENNA DAVIS, et al.

CIVSB2410312

PROCEDURAL AND FACTUAL BACKGROUND

The Complaint and Allegations

Plaintiff Monica Lopez contends she was injured during a traffic collision on Interstate 15 in Hesperia in June 2023. The incident purportedly occurred because of the negligence of Defendant Jenna Davis, who rear-ended Lopez as both were attempting to merge from the on-ramp and as Lopez slowed because of a vehicle parked in the emergency lane. Lopez then commenced suit against Jenna Davis on March 29, 2024. Lopez also later added, via doe amendment, Defendants Michael and Jennifer Davis, who purportedly owned the vehicle involved, employed Jenna Davis, or entrusted her with the vehicle. The complaint includes claims for "motor vehicle" and negligence.

The Motion to Quash Subpoenas for Medical Records

Through the course of discovery, Defendants issued subpoenas upon Injury Physicians Alliance (or Villiam Furdik, MD), Post Surgery Center, and SimonMed Imaging for Lopez's medical records. Lopez now seeks to quash the subpoenas on the grounds that they are overbroad, violate her privacy rights, and seek irrelevant documents in asking for "any and all" medical records irrespective of their connection to the incident underlying the lawsuit. The motion is

supported by a declaration from attorney Muhammad Ali, the subpoenas, and the meet and confer correspondence.

Defendants oppose the motion on the grounds that the subpoenas are not overbroad and relate to the injuries and damages claimed in this case. The opposition is supported by a declaration from attorney Bradley R. Blamires and a responsive meet and confer letter.

A reply has also been filed by Lopez along with another declaration from Muhammad Ali.

DISCUSSION

The Law Related to Motions to Quash

Code of Civ. Proc. section 1987.1, subdivision (a) states:

> If a subpoena requires the attendance of a witness or the production of books, documents, or other things before a court, or at the trial of an issue therein, or at the taking of a deposition, the court, upon motion reasonably made by any person described in subdivision (b), or upon the court's own motion after giving counsel notice and an opportunity to be heard, may make an order quashing the subpoena entirely, modifying it, or directing compliance with it upon those terms or conditions as the court shall declare, including protective orders. In addition, the court may make any other order as may be appropriate to protect the person from unreasonable or oppressive demands, including unreasonable violation of the right of privacy of the person.

A party, witness, consumer, employee, or person whose personal identifying information is sought may bring a motion to quash. (Code of Civ. Proc., §1987.1, subd. (b).) If a party seeks to subpoena personal records (e.g., medical records), then the party must serve on the consumer a notice along with a copy of the subpoena. (Code of Civ. Proc., §1985.3, subd. (b) and (e).) The party-consumer whose records are sought may move to quash or modify the subpoena under Code of Civil Procedure section 1987.1. (Code of Civ. Proc., § 1985.3, subd. (g).) Five days before production, the deposition officer and witness are to be given notice of the motion. (Code of Civ. Proc., §1985.3, subd. (g).)

The Procedural Aspects of Plaintiff's Motion

In this case, a notice to consumer was served along with each subpoena. The motion was also filed on October 25, 2024 -- two days after the production date (of October 23) identified in the subpoenas. In other words, the motion was not filed more than five days before the date for production. In any event, it does not appear that the deponents actually produced the records already. The motion is also supported by a declaration from attorney Muhammad Ali, who indicates multiple meet and confer letters were exchanged, but no resolution was reached. The Court finds that the meet-and-confer requirement has been met.

The Document Requests and Plaintiff's Objections

As for the merits of the motion, the subpoenas seek "the complete medical file and medical records maintained and/or" in the deponents "possession or control from 06/22/2013 to the present" for Lopez. The subpoenas then include a non-exhaustive list of responsive documents. A total of three subpoenas were served, one each upon Injury Physicians Alliance (or Villiam Furdik, MD), Post Surgery Center, and SimonMed Imaging. Each subpoena essentially contained the same language.

In response to the subpoenas, Lopez asserts relevancy and privacy objections in addition to indicating the requests are overbroad. As for the privacy claim, under the California Constitution individuals have a right to privacy that protects one's information. (See *Williams v. Superior Court* (2017) 3 Cal.5th 531, 552.) "It is settled that a person's medical history, including psychological records, falls within the zone of informational privacy protected under [the California Constitution]." (*People v. Martinez* (2001) 88 Cal.App.4th 465, 474–475, as modified (May 7, 2001).)

However, the right to privacy is not absolute. For instance, in the personal injury context, a party waives any privacy interest as to the claims asserted and to any conditions that could be an

alternative source for the alleged injury. (*Vinson v. Superior Court* (1987) 43 Cal.3d 833, 840, 842; *Britt v. Superior Court* (1978) 20 Cal.3d 844, 863-64.) Even so, any waiver of the right to privacy only applies "to matters embraced by the action" and "even when a plaintiff files an action that places his or her medical records at issue, waivers of constitutional rights are narrowly construed and not lightly found." (*Bearman v. Superior Court* (2004) 117 Cal.App.4th 463, 473.)

As for the relevancy of the records sought, the first and most basic limitation on the scope of discovery is the information sought must be relevant to the "subject matter" of the pending action or to the determination of a motion in that action. (Code Civ. Proc., § 2017.010.) The phrase "subject matter" does not lend itself to precise definition. However, it is broader than relevancy to the issues (which determines admissibility of evidence at trial). (*Bridgestone/Firestone, Inc. v. Sup.Ct. (Rios)* (1992) 7 Cal.App.4th 1384, 1392.) For discovery purposes, information should be regarded as "relevant to the subject matter" if it might reasonably assist a party in evaluating the case, preparing for trial, or facilitating settlement thereof. (*Gonzalez v. Sup.Ct. (City of San Fernando)* (1995) 33 Cal.App.4th 1539, 1546 (citing text); *Lipton v. Sup.Ct. (Lawyers' Mut. Ins. Co.)* (1996) 48 Cal.App.4th 1599, 1611.)

In this case, Lopez has alleged personal injuries and medical expenses as damages arising from the traffic collision. (Compl. at ¶¶ 11 and 14b; see also General Negligence Attachment.) In particular, Lopez contends she suffered injuries consisting of neck, back, and shoulder pain. (Opening Brief at 3:14-15.) While not supported by any evidence on-point, the opposition indicates Lopez claims to have suffered acute whiplash; sprain of the cervical spine ligaments; strained muscle, fascia and tendon at neck level; sprain of ligaments of lumbar spine; and strain of muscle fascia and tendon of lower spine. (Opposition at 2:4-9.)

As a result, clearly Lopez has waived her right to privacy as to the claimed injuries and conditions, her prior medical history related to the same conditions, and medical records that could reveal an alternative source for the alleged injuries. (*Vinson v. Superior Court* (1987) 43 Cal.3d 833, 840, 842; *Britt v. Superior Court* (1978) 20 Cal.3d 844, 863-64.) In this broad regard, the subpoenas also seek relevant documents.

Even so, as indicated above the waiver of the right to privacy only applies "to matters embraced by the action" and the waiver is to be "narrowly construed." (*Bearman v. Superior Court* (2004) 117 Cal.App.4th 463, 473.) The requests in this case seek "all" of the medical records maintained by the deponents related to Lopez for a period of more than ten years. There is no body part or medical condition/injury limitation within the subpoenas. The subpoenas therefore could clearly require the production of medical records wholly unrelated to the incident or the injuries claimed. In this regard, the subpoenas may be quashed in their entirety as being overbroad.

Nevertheless, in the motion Lopez concedes that some of the responsive documents could be discoverable, and to that end she proposed limiting the requests for itemized medical bills to the date of the incident to the present. Lopez even indicated during the meet and confer there was "no issue with the 10 years pre-date of loss limitation for medical records," but the pre-incident request for billing records was irrelevant and an invasion of privacy. (Opening Brief at 4:13-16.) However, in the conclusion section of her motion Lopez asks the Court to quash the subpoenas in their entirety or, alternatively, to limit them to medical billing records from the date of the incident to the present related to her neck, back, and shoulders. (Opening Brief at 11:10-19.)

The opposition argues the subpoenas are inclusive of relevant documents, but Defendants ignore the reality that the subpoenas are *over inclusive*. Furthermore, merely because Lopez was willing to acquiesce to the scope of the subpoenas as to the medical records, but not the billing

records, does not mean she "admits" the subpoenas "withstand scrutiny" as to the medical records. (Opposition at 2:25-28.)

Finally, Defendants also suggest that they will not know what an expert will find relevant at this point and that the discovery need not "stop at a body part," apparently given the interconnectedness of the body. Those are valid concerns, but that does not mean Defendants are free to issue broad subpoenas and make no attempt to limit their scope beyond a temporal one. Again, the subpoenas in this case could presumably require the deponents to produce documents related to conditions that in no way are relevant to the incident. There is also no evidence suggesting the deponents had only treated Lopez for injuries related to the incident. As a result, Defendants can either accept the limitations that Lopez had agreed to or they need to re-draft the subpoenas to limit their scope.

The Request for Sanctions

"Except as specified in subdivision (c), in making an order pursuant to motion made under subdivision (c) of Section 1987 or under Section 1987.1, the court may in its discretion award the amount of the reasonable expenses incurred in making or opposing the motion, including reasonable attorney's fees, if the court finds the motion was made or opposed in bad faith or without substantial justification or that one or more of the requirements of the subpoena was oppressive." (Code Civ. Proc., § 1987.2, subd. (a).)

In this case, although the Court is granting the motion, no sanctions are warranted. Sanctions are discretionary, and the opposition was not made in bad faith or without substantial justification.

CONCLUSION

Based on the foregoing, the Court rules as follows:

(1) Grants the motion and quashes the subpoenas.

a. The subpoenas are overbroad as they only have a temporal limitation to the request for "all" of Lopez's medical records.

(2) If at the hearing on the motion, Defendants inform the Court that they will accept the limitations proposed by Lopez (limit the subpoenas to medical billing records from the date of the incident to the present related to her neck, back, and shoulders), the Court will grant the motion to quash in-part and limit the billing records portion of the subpoenas to what Lopez proposed.

(3) Denies the request for sanctions.

a. Sanctions are discretionary and not appropriate under the circumstances. (Code Civ. Proc., § 1987.2, subd. (a).)

Counsel for Defendants is ordered to provide notice.

BARSTOW OUTLET, LLC

v.

MERCHANTS BARSTOW, LLC, et al.

LLTSB2300080

FACTUAL AND PROCEDURAL BACKGROUND

On May 18, 2023, plaintiff Barstow Outlet, LLC (Plaintiff) initiated the instant action against defendants Merchants Barstow, LLC (Defendant) and Does 1-3. The operative Complaint alleges one cause of action for an unlawful detainer.

Plaintiff alleges it is the owner of real commercial property located at 2552 Mercantile Way in Barstow, California (the Premises). On February 22, 2022, Plaintiff leased the Premises to the Defendant pursuant to a ten-year written lease agreement at a monthly rate of $526,285.50. On March 1, 2023, the monthly rent increased to $542,074.07. Plaintiff alleges $3,005,078.71 of rent was due and unpaid as of May 9, 2023. The parties entered into a settlement agreement on the eve of trial.

On October 11, 2024, Plaintiff filed its Memorandum of Costs. On October 28, 2024, Defendant filed its Motion to Tax Costs (Motion to Tax), supported by a declaration from Kevin J. Cole (Mr. Cole). Plaintiff filed its Opposition to the Motion to Tax on January 7, 2025, supported by a declaration from Paul E. Van Hoomissen (Mr. Van Hoomissen). No reply was filed.

On October 25, 2024, Plaintiff filed its Motion for Attorneys' Fees, supported by a declaration from Mr. Van Hoomissen. Defendant filed its Opposition to Plaintiff's Motion for

Attorneys' Fees, supported by a declaration from Mr. Cole. Plaintiff filed its Reply on January 13, 2025.

II.

APPLICABLE LAW AND ANALYSIS

A. Motion to Tax Costs

i. Procedural Issues

Under the California Rules of Court, Rule 3.1700(b)(1), the losing party may dispute any or all of the items in the prevailing party's costs memorandum by a motion to strike or tax costs. A motion to strike or tax costs must be served and filed within fifteen (15) days after service of the costs memorandum, extended by five (5) days for service by mail and/or extended by two (2) days for electronic service. (Rules of Court, Rule 3.1700(b)(1).)

A memorandum of costs must be verified, and initial verification will suffice to establish the reasonable necessity of the costs claimed. (Rules of Court, Rule 3.1700(a)(1).) There is no requirement that copies of bills, invoices, statements, or other documents be attached to the memorandum of costs. (*Ladas v. California State Auto Assn.* (1993) 19 Cal.App.4th 761, 774-776.) If the items in a memorandum of costs on their face appear to be proper charges, the verified memorandum of costs is prima facie evidence of their propriety, and the burden is on the party seeking to tax costs to show they were not reasonable or necessary. (Ibid.) Where the items are properly objected to, the burden is on the party claiming them as costs. (*Levy v. Toyota Motor Sales, Inc.* (1992) 4 Cal.App.4th 807, 816.)

The mere filing of a motion to tax costs may be a "proper objection" to an item, the necessity of which appears doubtful or which does not appear to be proper on its face. (*Oak Grove School Dist. v. City Title Ins. Co.* (1963) 217 Cal.App.2d 678, 698-699.) Where the objections are based on factual matters, the motion to tax/strike must be supported by

declarations under penalty of perjury. (*County of Kern v. Ginn* (1983) 146 Cal.App.3d 1107, 1113-1114.) Supporting documentation must be submitted only if costs have been put in issue. (*Jones v. Dumrichob* (1998) 63 Cal.App.4th 1258.) All costs recoverable under Code of Civil Procedure section 1032 are restricted to those that are both reasonable in amount and reasonably necessary to the conduct of the litigation. (Code Civ. Proc., § 1033.5, subd. (c)(2).)

iii. The Merits of Defendant's Motion to Tax Costs

Plaintiff requests $30,441.72 in costs in its Memorandum of Costs. In its Motion, Defendant disputes item number five, costs totaling $5,990.51 for service of process. Defendant argues these costs should be taxed as they are "ambiguous, unsupported, and/or not reasonably necessary." Specifically, Defendant argues the costs are unreasonable as it is unclear how and upon whom service was effectuated. Defendant further argues the costs were not reasonably necessary to the conduct of the instant litigation as Plaintiff appears to be requesting costs to serve each of the 24 buildings, who are distinct parties from the Defendant Plaintiff.

Plaintiff argues in its Opposition that costs for service of process are explicitly recoverable pursuant to section 1033.5 of the Code of Civil Procedure. Further, service to the subtenants was made pursuant to the court's March 7, 2024 order. Finally, Plaintiff argues even without the court's order, service to the subtenants was necessary pursuant to section 415.46 of the Code of Civil Procedure to avoid post-judgment enforcement challenges. As such, Plaintiff argues the cost of serving these subtenants is properly charged to the Defendant as the non-prevailing party because the Defendant is legally responsible for the continued occupation of the Premises by its subtenants under section 1161(1) of the Code of Civil Procedure.

The Court denies Defendant's Motion to Tax. Plaintiff has met its burden through evidence submitted in the declaration of Mr. Van Hoomissen to show the requested costs for service of

process were reasonable in amount. The Court finds that these costs were reasonably necessary to the conduct of the litigation.

B. Motion for Attorneys' Fees

i. Relevant Legal Principles

Attorney fees are recoverable in litigation when authorized by contract, statute, or law. (Code Civil Procedure section 1033.5, subd. (a)(10).)

In determining the fees, the court applies the lodestar method, i.e., multiplying the number of hours reasonably expended by the reasonable hourly rate prevailing in the community for similar work. (Civ. Code, §1794, subd. (d); *Chavez v. City of Los Angles* (2010) 47 Cal.4th 970, 985 (*Chavez*); *Robertson v. Fleetwood Travel Trailers of California, Inc.* (2006) 144 Cal.App.4th 785, 817.) The Court can reduce the hours that appear unreasonably inflated. (*Chavez, supra,* 47 Cal.4th at p. 990.) Additionally, inefficient or duplicative efforts are not subject to compensation. (*Premier Medical Management Systems, Inc. v. California Ins. Guarantee Ass'n* (2008) 163 Cal.App.4th 550, 556 [*Premier Medical*].)

The burden is on the party seeking attorney fees to prove the fees are reasonable. (*Goglin v. VMW of North America, LLC* (2016) 4 Cal.App.5th 462, 470; *Center for Biological Diversity v. County of San Bernardino* (2010) 188 Cal.App.4th 603, 615.) "[Parties] are not entitled to compensation for this work merely because it was performed. It was their burden to persuade the trial court the work was reasonably necessary, both as to the particular tasks performed and the amount of time devoted to them." (*Baxter v. Bock* (2016) 247 Cal.App.4th 775, 793.)

The trial court has broad authority to determine the amount of a reasonable fee. (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095.) Competent evidence as to the nature and value of the services rendered must be presented on a motion for attorneys' fees. Detailed time

records are not required and an attorney's testimony alone may suffice. (*Martino v. Denevi* (1986) 182 Cal.App.3d 553, 559.) Nonetheless, where time records are submitted, such are a starting point for the court's lodestar determination. (*Horsford v. Board of Trustees of Calif State Univ.* (2005) 132 Cal.App.4th 359, 397.)

ii. The Merits of Plaintiff's Request for Attorneys' Fees

Plaintiff requests an award of $835,722.89 in attorneys' fees as the prevailing party pursuant to section 52.01 of the written lease between the parties.

a. Reasonable Hourly Rate

Generally, a reasonable hourly rate is the prevailing in the community where the case is litigated for similar work. (*PLCM Group v. Dexter* (2000) 22 Cal.4th 1084, 1095 ["*PLCM*"]; *MBNA America Bank, N.A. v. Gorman* (2006) 147 Cal.App.4th Supp. 1, 13.) When the evidence reveals the plaintiff could not secure a local attorney to represent him, the out-of-town attorney's home market rate is applied. (*Caldera v. Department of Corrections & Rehabilitation* (2020) 48 Cal.App.5th 601, 609; *Horsford v. Board of Trustees of California State University* (2005) 132 Cal.App.4th 359, 397-99.)

Here, five attorneys allegedly worked on this case with varying rates as set forth in the declaration of Mr. Van Hoomissen and the instant motion. Alicia Vaz bills at the highest rate at $900-$930/hour and Scott Laes bills at the lowest rate of $730/hour. Mr. Van Hoomissen also indicates the paralegals who worked on the instant action were billed at an hourly rate of between $345-$530/hour. Defendant argues these rates are appropriate given the relative experience and qualifications of Defendant's attorneys. Mr. Hoomissen further declares the subject rates are reasonable pursuant to his review of hourly rates charged such as those in the Laffey Matrix.

In its Opposition, Defendant argues counsel's hourly rates are excessive as they are not typical for the community or for unlawful detainer cases. Defendant indicates its counsel's hourly rate is $475, which is lower than the hourly rate for Plaintiff's paralegals.

In its Reply, Plaintiff renews its argument that counsel's rates are reasonable given the complexity of the instant action and further argues Defendant's arguments are merely conclusory statements unsupported by any evidence.

The court finds the reasonable rate for an attorney in San Bernardino County practicing in landlord/tenant law to be $400/hour, and the reasonable rate for a paralegal to be $150/hour. To justify its rates, Plaintiff argues the court should adapt The Laffey Matrix, which is a tool for assessing legal fees in the Washington-Baltimore area. This is unconvincing. The Laffey Matrix is not evidence of the reasonable prevailing hourly rate in San Bernardino County for similar work. (*PLCM Group*, *supra*, 22 Cal.4th at p. 1095.) Plaintiff also fails to provide evidence it could not secure a local attorney and as such, the out-of-town attorney's home market rate should be applied. (*Caldera v. Department of Corrections & Rehabilitation*, *supra*, 48 Cal.App.5th at 609.) As such, the Court award attorneys' fees at a rate of $400/hour for counsel and $150/hour for their paralegals.[1]

b. Reasonable Hours

The starting point for every fee award is calculating an attorney's services by the time expended on the case. (*Levy v. Toyota Motor Sales, U.S.A., Inc.* (1992) 4 Cal.App.4th 807, 815.)

Plaintiff's counsel seeks payment for 1024.26 hours for a total of $835,722.89 in lodestar fees. A total of 69.81 hours were billed by paralegals Kathleen Heinsberg, Max Herrera or

[1] During the pendency of the litigation, the Court awarded sanctions against Defendant, and used a rate of $350/hour for Plaintiff's counsel. The Court awarded total sanctions of $1,400 based on four hours at the rate of $350/hour. (See July 25, 2024 Minute Order). Having considered the totality of the case, the Court finds that $400/hour is the reasonable rate for an attorney in San Bernardino County practicing in landlord/tenant law.

Maureen Washington. Plaintiff generally argues the requested lodestar is reasonable given the work that went into the case, the outcome achieved and the amount in unpaid rent.

In its Opposition, Defendant first requests the court stay the instant motion pending the resolution of its case in Los Angeles Superior Court. Defendant argues an award of fees in this case would be prejudicial to the Defendant. Defendant further argues the amount of hours billed is excessive and that many of the hours billed are related to the issue with the Premise's subtenants only. Defendant specifically argues the number of hours billed for the instant Motion for Attorneys' Fees is excessive as well as the hours billed in connection with its Motion for Summary Adjudication.

Plaintiff argues in his Reply that Defendant cites to no authority for its request to stay the instant motion. As to its argument regarding an award of attorneys' fees being prejudicial against the Defendant, Plaintiff argues the judgment in this case is far more prejudicial. Plaintiff further argues it was Defendant's own strategic decisions that caused Plaintiff to require additional time to litigate the instant action, including Defendant's decision to encourage the subtenants to stay in possession of the Premises. Finally, Defendant argues Plaintiff offers no support for its conclusory allegations that Plaintiff's counsel billed too many hours.

The Court finds Plaintiff has met its burden to show that the subject fees were reasonably incurred during the course of the instant litigation. (*Goglin v. VMW of North America, LLC*, *supra*, 4 Cal.App.5th at p. 470.) Defendant's blanket statements that certain tasks should not have taken as long as they did is unpersuasive as to whether such fees were reasonably incurred. Moreover, the time spent by Plaintiff's counsel litigating against the subtenants is intertwined and as a result of the litigation with Defendant.

Accordingly, the Court grants the requested 954.45 hours of attorney time as well as the 69.81 hours for paralegal time. As for Defendant's request to stay the instant motion pending resolution of its case before the Los Angeles Superior Court, Defendant cites to no authority for this request. Furthermore, there is no evidence that this Court awarding attorneys' fees would prejudice the Defendant. Accordingly, the Court denies Defendant's request to stay the award of attorneys' fees.

III.

CONCLUSION

Based on the foregoing, the Court:

(1) Grants Plaintiff's Motion in part and denies in part as follows:

- Awards a reduced amount of $392,251.50 in attorneys' fees. This amount awards 954.45 hours of attorney time at the reasonable rate for an attorney in San Bernardino County practicing landlord/tenant law of $400/hour as well as $150/hour for the work of their paralegals.
- Award Plaintiff's costs of $30,441.72.

Plaintiff's counsel is ordered to provide notice.