IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

Law and Motion Calendar
HONORABLE JEFFREY R. FINIGAN
Department 24

400 County Center, Redwood City
Courtroom 2F

Friday, August 2, 2024 at 9:00 AM

IF YOU *INTEND TO APPEAR* ON ANY CASE ON THIS CALENDAR, YOU MUST DO THE FOLLOWING:

1. **EMAIL Dept24@Sanmateocourt.org BEFORE 4:00 P.M. CONTEMPORANEOUSLY COPIED TO ALL PARTIES OR THEIR COUNSEL OF RECORD. IF BY EMAIL, IT MUST INCLUDE THE NAME OF THE CASE, THE CASE NUMBER, AND THE NAME OF THE PARTY CONTESTING THE TENTATIVE RULING OR;**

2. **CALL (650) 261-5124 BEFORE 4:00 P.M. WITH THE CASE NAME, NUMBER, AND THE NAME OF THE PARTY CONTESTING.**

3. **GIVE NOTICE BEFORE 4:00 P.M. TO ALL PARTIES OF YOUR INTENT TO APPEAR PURSUANT TO CALIFORNIA RULES OF COURT 3.1308(A)(1).**

Failure to comply with 1 or 2, and 3 will result in no oral presentation.

At this time, personal appearances are allowed but not required. Parties may appear via Zoom. Advance authorization is not required for remote appearances. Mute your line until your case is called. RECORDING OF A COURT PROCEEDING IS PROHIBITED.

Zoom Video Information:

https://sanmateocourt.zoomgov.com/

Meeting ID: 160 195 4264
Password: 738358

Please note: Zoom Meeting can be joined directly from Judge Finigan's page on the court's website.

TO ASSIST THE COURT REPORTER, the parties are ORDERED to: (1) state their name each time they speak and only speak when directed by the Court; (2) not to interrupt the Court or anyone else; (3) speak slowly and clearly; (4) use a dedicated land line if at all possible, rather than a cell phone; (5) if a cell phone is absolutely necessary, the parties must be stationary and not driving or moving; (6) no speaker phones under any circumstances; (7) provide the name and citation of any case cites; and (8) spell all names, even common names.

Case	Title / Nature of Case

9:00
LINE 1
22-CLJ-05253 SHERIN VOLLMUTH VS. SERENITY MEDSPA, LLC, ET AL

SHERIN VOLLMUTH	JACQUELINE BENTLEY
SERENITY MEDSPA, LLC	JAMES J. ZENERE

PLAINTIFF'S MOTION TO SEAL COURT RECORDS

TENTATIVE RULING:

Plaintiff Sherin Vollmuth's unopposed "Motion to Seal" is ruled upon as set forth below pursuant to CRC Rules 2.550(d) and 2.551.

Plaintiff's request to seal the entire Court file is **DENIED** as overbroad and not narrowly tailored. The majority of the documents in the Court's file contain no sensitive information. There is a strong presumption that court records shall remain public. Plaintiff does not explain why the entire court file should be sealed. Other than a small part of the Complaint, Plaintiff identifies no document in the Court's file that Plaintiff believes contains sensitive information.

Plaintiff's alternative request to seal (a) part of the Complaint, (b) this Motion, and (c) the Order on this Motion, is **GRANTED-IN-PART.** The Court agrees with Plaintiff that certain portions of the Court's file qualify as sufficiently private to satisfy Rule 2.550(d). Nevertheless, Plaintiff's proposed redacted version is still too overbroad and not narrowly tailored. As to the portions identified below, the Court finds: (1) An overriding interest exceeds the right of public access; (2) The overriding interest supports sealing the record; (3) There is a substantial probability of prejudice absent sealing; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest. (*Overstock.com, Inc. v. Goldman Sachs Group, Inc*. (2014) 231 Cal.App.4th 471, 487.) Medical records are often considered particularly private. (*Hill v. National Collegiate Athletic Association* (1994) 7 Cal.4th 1, 41 (1994).) In *Oiye v. Fox* (2013) 211 Cal.App.4th 1036, 1070, the Court indicated that medical records were considered presumptively private given that they contained "highly sensitive and potentially embarrassing personal information."

The Court finds that only the following portions of the Complaint filed 12.13.22 satisfy Rule 2.550(d) as explained above and may be redacted in the Court file:

- P.4, ¶1, line 3: first word through and including the eighth word;
- P.4, ¶3, lines 2 – 3: eleventh word on line 2 through and including first word on line 3; and
- P.4, ¶4, lines 1 – 2: seventh word on line 1 through and including sixth word on line 2.

The Court has phrased its Order herein in this manner in order to protect Plaintiff's privacy and avoid having to file this Order under seal. If Plaintiff's counsel is unsure of the exact redactions allowed herein, counsel is ordered to appear on August 2, 2024, for the Court to explain further.

Plaintiff's requests to seal are **GRANTED IN PART** so as to only include materials that contain private information. Accordingly, the Court HEREBY ORDERS the following:

- The Complaint filed 12.13.22 shall be removed from the Court's regular file and placed under SEAL.
- A redacted version of the Complaint pursuant to this Order shall be filed by Plaintiff no later than 8.16.24, and that redacted version shall be available in the Court's regular file.
- Plaintiff's Motion to Seal, filed on 5.16.24, shall be SEALED.
- Plaintiff's Order Sealing Court Records, filed on 5.16.24 with Plaintiff's Motion, shall be SEALED.

The foregoing shall remain SEALED until further Court order.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Plaintiff shall prepare for the Court's signature a written order consistent with the Court's ruling, pursuant to CRC Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to revised Local Rule 3.403(b)(iv) (amended effective January 1, 2024) regarding the wording of proposed orders.

9:00
LINE 2

23-CIV-01028 TOWN OF HILLSBOROUGH VS. ALL PERSONS INTERESTED IN THE MATTER OF THE PROCEEDINGS FOR RESOLUTION NO. 22-83, ET AL

TOWN OF HILLSBOROUGH — MATTHEW L. GREEN
ALL PERSONS INTERESTED IN THE MATTER OF THE PROCEEDINGS FOR RESOLUTION NO. 22-83

PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' ANSWER

TENTATIVE RULING:

Plaintiff Town of Hillsborough's Motion to Strike Defendants' (John Lockton and David Marquardt) Answer to Complaint (Motion) was filed on June 3, 2024. Defendants' Opposition was filed July 19, 2024, wherein Defendants requested sanctions against Plaintiff pursuant to CCP §§128.5 and 2030.020 for filing the Motion. (Opposition at pp. 12 – 13.) Plaintiff then filed a Notice of Withdrawal of the Motion on July 23, 204. Although the substance of the Motion was moot, the Court noted the sanction issue and inquired of defense counsel (including all counsel on all correspondence; there were no ex parte communications) whether he intended to still pursue the sanctions and he responded in the affirmative. Plaintiff filed a Reply on July 24, 2024. Accordingly, the sanctions issue is all that remains and the Defendants' request for sanctions is **DENIED**.

Plaintiffs argue that Defendants' request for sanctions pursuant to CCP §128.5 must be brought as a separate, stand-alone motion and cannot be raised in the Opposition. (Notice of Withdrawal at p. 5 and Reply at p. 8.) Plaintiff cites no authority, other than the language of §128.5, and at least two cases indicate this position is incorrect. (See *Olson Partnership v. Gaylord Plating Lab, Inc.* (1990) 226 Cal.App.3d 235, 241; *On v. Cow Hollow Properties* (1990) 222 Cal.App.3d 1568, 1576.) Thus, this Court will reach the merits. However, the Court also notes the following. Although Defendants did not file a separate motion, so §128.5(f)(1)(B) may not technically apply, the spirit of that section certainly does and it is significant to the Court that Plaintiff withdrew the Motion well within the 21-day grace period allowed in that section.

As for the substance of Defendants' request, the Court finds it is without merit. Section 128.5 states in relevant part:

> (a) A trial court may order a party, the party's attorney, or both, to pay the reasonable expenses, including attorney's fees, incurred by another party as a result of actions or tactics, made in bad faith, that are frivolous or solely intended to cause unnecessary delay …
>
> (b) For purposes of this section:

(1) "Actions or tactics" include, but are not limited to, the making or opposing of motions …

(2) "Frivolous" means totally and completely without merit or for the sole purpose of harassing an opposing party.

The Court finds there is no basis for a finding of bad faith, frivolousness, or intent to cause unnecessary delay. Plaintiff's explanation of the course of events leading up to the filing of the Motion establishes a legitimate basis for doing so in light of the fact Defendants failed to provide Plaintiff with evidence of Defendants' timely filing of their Answer. (Reply at p. 1 – 2.) Defendants failed to provide that evidence despite Plaintiff advising them of the issue prior to Plaintiff filing the Motion. (Reply at p. 1.) Once Plaintiff was provided with said evidence in Defendants' Opposition, Plaintiff promptly withdrew the Motion. (Reply at p. 2.) According to Plaintiffs, Defendants asserted arguments prior to their filing of the Motion that Defendants can file a "technically late answer." (Reply at p. 5.) At a minimum, this at least implies that Defendants' Answer may have been technically late, which would warrant Plaintiff's Motion. Assuming Defendants possessed the evidence prior to filing their Opposition and during the meet and confer process as described in the Reply at pp. 5 – 6, it's curious Defendants didn't simply produce it to settle the issue and avoid the Motion altogether. Defendants' position that Plaintiff should have raised this potentially dispositive issue a year ago and prior to the parties and Court expending time and resources litigating the case is well taken. (Opposition at p.3.) Nevertheless, the majority of the Opposition unnecessarily argues the merits of the underlying case, which is irrelevant to the discrete issue of whether the Answer was filed late. Plaintiffs delay in filing the Motion, alone, does not warrant the requested sanctions.

It's also noteworthy that Defendants make numerous accusations against Plaintiff while themselves citing clearly inapplicable authority, i.e. CCP §2030.020, in support of their argument that sanctions "**must** be imposed." (Opposition at p. 13; emphasis in original.) That section addresses sanctions in the context of discovery. Further, both of the cases Defendants cite in support of applying that section involved discovery disputes and had nothing to do with the application of CCP §128.5. (Opposition at p.13, citing *Cornerstone Realty Advisors, LLC v. Summit Healthcare REIT, Inc.* (2020) 56 Cal.App.5th 771 and *Deck v. Developers Investment Company, Inc.* (2023) 89 Cal.App.5th 808.)

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Plaintiff shall prepare for the Court's signature a written order consistent with the Court's ruling, pursuant to CRC Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to revised Local Rule 3.403(b)(iv) (amended effective January 1, 2024) regarding the wording of proposed orders.

9:00
LINE 3

23-CIV-02492 DAVID ISHIDA, TRUSTEE OF THE ISHIDA FAMILY 1999 TRUST VS. SUSAN ISHIDA, ET AL

DAVID ISHIDA, TRUSTEE OF THE ISHIDA FAMILY 1999 TRUST SUSAN ISHIDA	ELLIS ROSS ANDERSON PRO SE

PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS, ANSWERS TO FORM AND SPECIAL INTERROGATORIES AND RESPONSES TO REQUESTS FOR ADMISSIONS AND FOR SANCTIONS IN CONNECTION THEREWITH

TENTATIVE RULING:

Plaintiff David Ishida, Trustee of the Ishida Family 1999 Trust's motion to compel production of documents, answers to form and special interrogatories and responses to requests for admission, and for sanctions in connection therewith (Motion) against Defendant Susan Ishida is **GRANTED IN PART**.

Plaintiff's Motion sets forth facts establishing that Defendant has failed to respond, without any justification, to the following discovery demands: (1) Request for Production of Documents (RFP); (2) Special Interrogatories; (3) Form Interrogatories; and (4) Requests for Admissions (RFAs). (MPA at p. 6:14-25; Anderson Decl. ¶¶ 5-13.)

With respect to the RFP, CCP §2031.300(b) allows Plaintiff to move for an order compelling responses. Further, failure to timely respond waives all objections to the RFP. (CCP § 2031.300(a).) With respect to the Form and Special Interrogatories, CCP §2030.290(b) allows Plaintiff to move for an order compelling responses. Further, failure to timely respond waives all objections. (CCP § 2030.290(a).) With respect to the RFAs, CCP §2033.280(b) allows Plaintiff to move for an order deeming the truth of the matters specified in the RFAs. Further, failure to timely respond waives all objections to the RFAs. (CCP § 2031.280(a).)

Sanctions may be imposed for any "misuse" of the discovery process. (CCP §§ 2023.010 and 2023.030.) In connection with RFPs, sanctions must be imposed on any party who makes or opposes a motion to compel responses without substantial justification unless circumstances exist that would make the imposition of sanctions unjust. (CCP § 2031.300(c).) The CCP provides the same for Interrogatories and RFAs. (CCP §§ 2030.290(c) and 2033.290(d).) Plaintiff has not opposed this Motion, so the Court recognizes sanctions are not mandatory. Nevertheless, the Court finds, based on the record set forth in the Motion and Anderson Declaration that Plaintiff has misused the discovery process pursuant to §2023.010(d) and (i) and sanctions are warranted. However, Defendant's requested sanctions are excessive, in that they appear to seek sanctions related to meet and confer efforts. (Anderson Decl. ¶22.) Even if the 7.25 hours sought in the aforementioned paragraph only relate to the drafting of the Motion, they are still excessive, as the Motion should not have taken that long to draft in light of Plaintiff's complete failure to

cooperate in the discovery process. The hourly rate is reasonable. Accordingly, the sanctions are reduced to $2,300.00 (4 hours x $575).

Accordingly, the Court **ORDERS** as follows:

- Plaintiff shall provide complete responses without any objections to all RFPs, Form Interrogatories and Special Interrogatories to Defendant's counsel **no later than August 23, 2024**.

- The genuineness of any documents and the truth of any matters specified in the RFAs are deemed genuine and true, respectively.

- Plaintiff shall pay sanctions of $2,300.00 to Defendant's counsel **no later than August 23, 2024**.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Plaintiff shall prepare for the Court's signature a written order consistent with the Court's ruling, pursuant to CRC Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and by the CRC. The Court alerts the parties to revised Local Rule 3.403(b)(iv) (amended effective January 1, 2024) regarding the wording of proposed orders.

9:00
LINE 4
23-CIV-04827 EMILY BRADLEY VS. FREDERICK WATSON, MD, ET AL

EMILY BRADLEY	DONNA ETEMADI
FREDERICK WATSON	BARRY C. MARSH

DEFENDANT AMIR SCHRICKER, M.D.'S DEMURRER TO FIRST AMENDED COMPLAINT

TENTATIVE RULING:

The Demurrer of Defendant Amir Schricker, M.D. ("Defendant") to the First Amended Complaint ("FAC") of Plaintiff Emily Bradley ("Plaintiff") is **SUSTAINED WITH LEAVE TO AMEND** as to both causes of action based on based on failure to allege facts sufficient to support this cause of action.

The elements of a cause of action for medical negligence are: "(1) the duty of the professional to use such skill, prudence, and diligence as other members of his profession commonly possess and exercise; (2) a breach of that duty; (3) a proximate causal connection between the negligent conduct and the resulting injury; and (4) actual loss or damage resulting from the professional's negligence." (*Hanson v. Grode* (1999) 76 Cal.App.4th 601, 606.)

Defendant correctly points out that the FAC fails to allege facts sufficient to support the element of causation. The FAC alleges that Defendant was responsible for providing the Ziopatch monitoring report to and conferring with Defendant Frederick Watson, M.D. ("Dr. Watson") after Dr. Schricker interpreted the results, but that no such consultation occurred and the report remained lost in the Cardiovascular Department. (FAC, ¶¶ 21, 23.) Plaintiff further alleges that Dr. Schricker's failure to confer with Dr. Watson was "extreme negligence and below the standard of care." (*Id*., at ¶23.) Thus, Defendant's argument that "[t]here is no allegation that the failure to confer was a breach of the standard of care" is without merit. (Memorandum of P&A at p. 4, ln. 24.) However, Defendant is correct that Plaintiff has failed to allege facts in the FAC to support how the lost report caused her husband's death and her alleged damages. Therefore, Plaintiff is given leave to amend to allege facts sufficient to support these elements if such facts exist.

Defendant once again argues that Plaintiff seeks certain damages that may not be recovered. This issue is moot in light of the ruling on the Demurrer, but the Court addresses it to avoid further improper pleadings in the future. First of all, the subtitle within the Demurrer argues these "should be stricken." (Memorandum of P&A at p. 5.) The Notice here was for a Demurrer, not a Motion to Strike. Second, this same issue was raised in Defendant's prior Demurrer to the Complaint and the Court noted in its ruling on 4.12.24: "To the extent that Defendant claims that Plaintiff also seeks other damages that may not be recovered for a wrongful death claim, this is not a basis for Demurrer since a valid cause of action is otherwise stated."

The Court also reminds Defendant's counsel that the meet and confer requirement under CCP §430.41 provides for the parties to meet and confer in person, by telephone or by video conference. (CCP § 430.41(a).) Defendant's counsel shows that he sent a meet and confer letter to Plaintiff, but it does not appear he made any attempt to meet and confer in person, by telephone or by video conference. (Marsh Decl. ¶ 5, and Exh. D.) Defendant shall comply with this requirement in the future. The Court nevertheless reaches the merits herein because Plaintiff responded to the meet and confer letter with a letter of her own. (Marsh Decl. ¶8, Exh. E.)

Plaintiff shall file and serve a Second Amended Complaint **no later than August 16, 2024**.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Defendant shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to CRC Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the CRC. The Court alerts the parties to revised Local Rule 3.403(b)(iv) (amended effective January 1, 2024) regarding the wording of proposed orders.

9:00
LINE 5

23-CLJ-00263 ALEXANDER XUE VS. TESLA, INC., ET AL

ALEXANDER XUE	PRO SE
TESLA, INC.	MARK W. SKANES

PLAINTIFF'S MOTION TO WITHDRAW CASE FROM THE PROVISIONS OF C.C.P. ARTICLE 2(§§ 90-100)

TENTATIVE RULING:

Plaintiff Alexander Xue's motion pursuant to CCP § 91(c), seeking to withdraw his limited civil action for breach of contract from the limitations on discovery imposed by the "Economic Litigation Rules" (CCP §§ 90-98 ["Article 2"].) is **DENIED**.

Plaintiff insists the Motion is brought solely pursuant to CCP §91(c). (Reply at p. 2.) Accordingly, the Court will evaluate the Motion under the standard therein, i.e. "[a]ny action may, upon noticed motion, be withdrawn from the provisions of this article, upon a showing that it is impractical to prosecute or defend the action within the limitations of these provisions." Plaintiff has failed to meet his burden of showing that this matter cannot be defended "within the limitations of these provisions." "These provisions" include CCP §95, which allows for "additional" discovery upon a showing "that the moving party will be unable to prosecute or defend the action effectively without the additional discovery." (CCP §95(a).) Plaintiff has explicitly and unequivocally chosen not to invoke CCP §95, so the Court will not do so for him.

Plaintiff, instead of first seeking a reasonable compromise or some "additional" discovery beyond the limits set forth in CCP §94, has opted to request limitless discovery and a complete withdrawal from the discovery limitations on this case. Plaintiff's motion fails to establish any justification for this. These rules are intended to reduce expense and delay in limited civil cases, i.e. cases demanding $35,000 or less exclusive of interest. (CCP §§ 85 – 86.1.) Plaintiff's request is diametrically opposed to that goal without sufficient reason.

Although Plaintiff takes the position CCP §95 is irrelevant, he cites no authority in support and the Court does not agree with that interpretation of the statutory scheme. Each party is limited to a "grab bag rule" of 35 *total* of any combination of interrogatories, requests for admission, or demands for inspection, with no subparts allowed. (CCP § 94(a).) Each party may also take one deposition as to each adverse party and issue a deposition subpoena duces tecum in conjunction therewith. (CCP § 94(b) and (c).) Plaintiff has so far failed to utilize CCP §94(b) and (c). On noticed motion, the court may permit additional discovery if the moving party shows that it "will be unable to prosecute or defend the action effectively without the additional discovery." (CCP §95(a).) In deciding that issue, the Court "shall take into account whether the moving party has used all applicable discovery in good faith, and whether the party has attempted to secure the additional discovery by stipulation or by means other than formal discovery." (CCP

§ 95(a); emphasis added.)

Plaintiff avers that he has submitted 35 total discovery requests, as a combination of requests for admission and special interrogatories. (Xue Decl. ¶¶ 2-4.) Plaintiff then argues that just prior to the March 8, 2024 arbitration hearing, Plaintiff learned of documents and communications he was not previously aware of, and thus additional discovery is required surrounding the facts and events introduced by these events and facts. (*Id.* ¶ 5; emphasis added.) Nevertheless, instead of proposing reasonable "additional" discovery, Plaintiff chooses the "all or nothing" limitless discovery option pursuant to CCP §91(c). As stated, there is no justification in a case of this simplicity to remove all discovery restrictions. This is especially true here where Plaintiff still has discovery available via CCP §94(b) and (c) and has refused to first utilize the tool available to him in CCP §95.

If the tentative ruling is uncontested, it shall become the order of the Court. Thereafter, counsel for Plaintiff shall prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to CRC Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the CRC. The Court alerts the parties to revised Local Rule 3.403(b)(iv) (amended effective January 1, 2024) regarding the wording of proposed orders.

9:00
LINE 6

23-CLJ-00475 WELLS FARGO BANK, N.A. VS. JONATHAN HOGG

WELLS FARGO BANK, N.A. HARLAN M. REESE
JONATHAN HOGG

PLAINTIFF'S MOTION TO VACATE DISMISSAL AND ENTER JUDGMENT PURSUANT TO CCP §664.6 AND OF NONAPPEARANCE

TENTATIVE RULING:

Plaintiff Wells Fargo Bank, N.A.'s unopposed Motion to Vacate Dismissal and Enter Judgment Pursuant to CCP §664.6 is **GRANTED**.

The Court's Order For Dismissal With Reservation to Vacate and Enter Judgment Upon Breach filed on May 8, 2023, is hereby SET ASIDE and **VACATED**.

Pursuant to the parties' settlement agreement, Defendant acknowledged that judgment would be entered as prayed for in the complaint, minus credit for payments received, plus any costs the court requires to enter judgment or costs associated with any procedure to have the judgment entered, if he were to fail to make payments as provided in the agreement. (Reese Decl., ¶2, Exh. A, ¶3.) Paragraph 3 of that stipulation provides that the Court shall retain jurisdiction of this case pursuant to CCP §664.6. (*Id*., Exh A, ¶2.) Defendant made monthly payments pursuant to the stipulation totaling $3,699.00, but then defaulted on payments. (*Id*., ¶4.) Per the terms of the stipulation, judgment is therefore to be entered in the amount of $7,400.00, less the later payments of $3,699.00, plus costs and reasonable attorney fees Plaintiff has incurred. Before fees and costs, the judgment amount is therefore $3,701.00.

Plaintiff requests costs in the amount of $505.00 consisting of: $370.00 Complaint filing fee, $75.00 service of process fee, $60.00 motion fee. (Reese Decl., ¶8.) The requested costs appear to be reasonably incurred and reasonable in amount, and should be granted in the total amount of $505.

Plaintiff's requested attorney fee award of $800, based on four hours expended on the action at a rate of $200/hour, is reduced to $400 in total because the parties' stipulation provides for fees only for disputes arising out of that agreement, and not for work completed on the action prior to the signing of the stipulation. (Reese Decl. Exh. A, ¶4.) Counsel requests an award of $800 in attorney fees based on "[f]our hours of time spent litigating this case," at a rate of $200/hr. (*Id*., ¶8.) However, the stipulation does not provide for fees to be awarded for all time spent on the litigation, but only for disputes arising out of the agreement. Counsel does not indicate how much time was allocated to this Motion. Given its brevity, a reasonable time expenditure would be two hours.

Accordingly, judgment is to be entered in favor of Plaintiff Wells Fargo Bank, N.A. and

against Defendant Jonathan Hogg in the amount of **$4,606.00**.

If the tentative ruling is uncontested, it shall become the order of the Court. The Court will execute the JUD-100 Form filed with the Motion, but counsel for Plaintiff shall also prepare a written order consistent with the Court's ruling for the Court's signature, pursuant to CRC Rule 3.1312, and provide written notice of the ruling to all parties who have appeared in the action, as required by law and the CRC. The Court alerts the parties to revised Local Rule 3.403(b)(iv) (amended effective January 1, 2024) regarding the wording of proposed orders.