

## **June 6, 2025 Civil Tentative Rulings**

### **1. CU0001696      George Watson vs. General Motors, LLC**

Defendant General Motors' demurrer and motion to strike are dropped as moot. A first amended complaint was filed on May 23, 2025. The case management conference is continued to July 15, 2025, at 9:00 a.m., in Dept. 6. No appearances are required.

### **2. CU22-086271      Mercedes Benz vs. Energy Based Solutions, Inc., et al.**

Plaintiff's unopposed motion for attorney's fees is granted.

"The determination of what constitutes a reasonable fee generally 'begins with the 'lodestar,' i.e., the number of hours reasonably expended multiplied by the reasonable hourly rate....'" "[T]he lodestar is the basic fee for comparable legal services in the community; it may be adjusted by the court based on factors including, as relevant herein, (1) the novelty and difficulty of the questions involved, (2) the skill displayed in presenting them, (3) the extent to which the nature of the litigation precluded other employment by the attorneys, (4) the contingent nature of the fee award...." *Graciano v. Robinson Ford Sales, Inc.* (2006) 144 Cal.App.4th 140, 154. Trial courts properly may use equitable considerations to reduce the lodestar amount of attorney fees, including on the basis that certain fees were unnecessary. See *EnPalm, LLC v. The Teitler Family Trust, etc.* (2008) 162 Cal.App.4th 770, 778.

In the present case, the court already determined that plaintiff is the prevailing party and is entitled to its attorney's fees and costs. The court finds that the requested hourly rates, which range from \$200 per hour to \$350 per hour, are reasonable for this region. In addition, given the lengthy litigation in this case, which included 21 calendared hearings, the number of hours sought are reasonable. The court finds that attorney's fees of \$60,505.00 (including fees associated with preparation of this motion) are appropriate. In addition, plaintiff is entitled to costs of \$6,468.15.

### **3. CU0001973      Patricia Healey vs. USAA Casualty Insurance Company**

USAA's motion to compel plaintiff to respond to and answer Dr. Goz's questions regarding her medical history at her independent medical exam is granted in part.

Code of Civil Procedure section 2032.220(a) provides, in pertinent part, "In any case in which a plaintiff is seeking recovery for personal injuries, any defendant may demand one physical examination of the plaintiff ...." The statute, on its face, does not authorize the examiner to inquire about the plaintiff's medical history. Reasonably construed, however, an examiner should be able to ask limited medical history questions as may be necessary to conduct the physical examination and to formulate an intelligent opinion about the nature and extent of the plaintiff's injuries. See *Sharff v. Superior Court of City and County of San Francisco* (1955) 44 Cal.2d 508, 510 ("It has been held that the court may order a plaintiff in a personal injury action to undergo a physical examination by the defendant's doctor. The doctor should, of course, be free to ask such questions as may be necessary to enable him to formulate an intelligent opinion regarding the nature and extent of the plaintiff's injuries, but he should not be allowed to make inquiries into matters not reasonably related to the legitimate scope of the examination."); see also, e.g., *Plante*

v. Stack (R.I. 2015) 109 A.3d 846, 855, fn. 6 (“The doctor must be permitted to take the party's history and to ask such other questions that will enable him or her to formulate an intelligent opinion concerning the nature and extent of the party's injuries.” quoting 8B Charles Alan Wright et al., Federal Practice & Procedure (2010) § 2236 at 297 and citing cases).

The court orders the physical examination to be conducted and will permit limited questioning by the physician related to pertinent medical history, i.e., plaintiff's preexisting relevant injuries, plaintiff's progress, plaintiff's treatment, and plaintiff's current condition. Counsel for plaintiff may be present at the examination to object to any perceived inappropriate questioning by the examiner.

USAA's request for sanctions is denied; plaintiff had substantial justification for its opposition to the requested relief.