SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

Tentative Ruling

2024CUBC028583: JOSE L MEJIA, et al. vs GENERAL MOTORS LLC
05/28/2026 in Department 44
Motion to Tax Counsel's Memorandum of Costs

Effective **January 5, 2026**, Judge Charmaine H. Buehner and all cases previously assigned to Department J4 at the Juvenile Justice Center in Oxnard transferred to Department 44, located at the Hall of Justice, 800 South Victoria Avenue, Ventura, California 93009.

Department Rules. Parties and counsel shall follow the Department 44 rules and Zoom protocols, available at https://www2.ventura.courts.ca.gov/Courtroom/C44.

Remote Appearances. The Court allows Zoom appearances as a courtesy to parties and counsel. The Court does not accommodate Court Call appearances. **You MUST register by 4:00 p.m. the court day before your hearing or you will be DENIED entry to the hearing:**

ZOOM Registration Link:

https://ventura-courts-ca.zoom.us/meeting/register/iqN7uhQSQMuOqs-9TQXgEQ

No advance notice is required to appear in person.

Tentative Rulings. Oral argument should address the tentative decision. To submit on the tentative decision, email courtroom44@ventura.courts.ca.gov before 8:00 a.m. on the hearing date, copying all other parties, Use the subject line "SUBMISSION ON TENTATIVE", [Case Number], [Case Title] and [Party]. If not all parties submit, the hearing will proceed, and the tentative ruling may change.

The Court may adopt, modify or reject the tentative ruling after hearing. The tentative ruling has no legal effect unless and until adopted by the Court.

Motion: Defendant General Motors LLC's Motion to Tax Counsel's Memorandum of Costs

Tentative Ruling:

Defendant General Motors LLC's Motion to Tax Counsel's Memorandum of Costs is GRANTED to reduce Plaintiff's costs in the amount of $144 for CourtCall costs, and DENIED as to the remainder.

General Principles

"In the absence of an authorizing statute, each party must bear its own costs of litigation." (*Carr Business Enterprises, Inc. v. City of Chowchilla* (2008) 166 Cal.App.4th 25, 30.) "The right to recover costs is entirely a creature of statute [citation], and section 1032 is the fundamental authority for awarding costs in civil actions." (*Brown v. Desert Christian Center* (2011) 193 Cal.App.4th 733, 737–738 [internal citation and quotation marks omitted]."

"Section 1033.5, subdivision (a), identifies the specific cost items a prevailing party may recover as a matter of right, such as filing, motion, and jury fees; costs of necessary depositions; service of process costs; and court reporter fees." (*Charton v. Harkey* (2016) 247 Cal.App.4th 730, 738.)

"Section 1033.5, subdivision (b), identifies specific cost items that a prevailing party may *not* recover, including the fees of experts not ordered by the court; investigation expenses; and postage, telephone, and certain copying charges." (*Charton v. Harkey* (2016) 247 Cal.App.4th 730, 738–739.)

Costs must be reasonably necessary to the conduct of the litigation, rather than merely convenient or beneficial to its preparation, and must also be reasonable in amount. (Code Civ. Proc., § 1033.5, subds. (c)(2)-(3).)

"Section 1033.5, subdivision (c)(4), grants the trial court discretion to award a cost item that is neither allowed under subdivision (a) nor prohibited under subdivision (b)." (*Charton v. Harkey* (2016) 247 Cal.App.4th 730, 739.)

"The memorandum of costs must be verified by a statement of the party, attorney, or agent that to the best of his or her knowledge the items of cost are correct and were necessarily incurred in the case." (Cal. Rules of Court, rule 3.1700, subd. (a).)

"If the items appear to be proper charges the verified memorandum is prima facie evidence that the costs, expenses and services therein listed were necessarily incurred by the defendant[.]" (*Oak Grove School Dist. of Santa Clara County v. City Title Ins. Co.* (1963) 217 Cal.App.2d 678, 698.)

"In ruling upon a motion to tax costs, the trial court's first determination is whether the statute expressly allows the particular item and whether it appears proper on its face. If so, the burden is on the objecting party to show [the costs] to be unnecessary or unreasonable." (*Foothill-De Anza Community College Dist. v. Emerich* (2007) 158 Cal.App.4th 11, 29.) "Where costs are not expressly allowed by the statute, the burden is on the party claiming the costs to show that the charges were reasonable and necessary." (*Ibid.*) "Whether a cost item was reasonably necessary to the litigation presents a question of fact for the trial court and its decision is reviewed for abuse of discretion." (*Ladas v. California State Auto. Assn.* (1993) 19 Cal.App.4th 761, 774.)

A court's job is not to decide what fees and costs may be awarded with "an absolute minimum effort that might result in prevailing at trail" on the part of the prevailing party. Rather its task is to determine what fees and costs were reasonably and necessarily related to the successful claim. (*Quiles v Parent* (2018) 28 CA5th 1000, 1018.)

"Prior experience with cost awards is part of the information used by courts in forming an initial impression of whether the amount requested is in the ballpark of what is reasonable." (*Wagner Farms, Inc. v. Modesto Irrigation Dist.* (2006) 145 Cal.App.4th 765, 775, *as modified on denial of reh'g* (Jan. 5, 2007).)

Costs Under the Song-Beverly Act

"If the buyer prevails in an action under this section, the buyer shall be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended, determined by the court to have been reasonably incurred by the buyer in connection with the commencement and prosecution of such action." (Code Civ. Proc., § 1794, subd. (d).) "Costs and expenses" outside of those allowable under Code of Civil Procedure section 1033.5 may be allowed under Civil Code section 1794, subdivision (d), so long as they were reasonably necessary to the conduct of the litigation and were reasonable in amount. (*Warren v. Kia Motors America, Inc.* (2018) 30 Cal.App.5th 24, 42-43; see also *Jensen v. BMW of North America, Inc.* (1995) 35 Cal.App.4th 112, 137-138, disapproved on other grounds in *Rodriguez v. FCA US LLC* (2024) 17 Cal.5th 189, 204-205; *Hanna v. Mercedes-Benz USA, LLC* (2019) 36 Cal.App.5th 493, 506-507.)

The burden is on the prevailing buyer to establish reasonableness. (*Hanna*, *supra*, at p. 507.)

Discussion

Filing Fees

Filing fees and jury fees are expressly allowable as costs. (Code Civ. Proc., § 1033.5, subd. (a)(1).

Defendant first moves to tax $144.87 relating to a motion to compel, arguing that it had already complied with the Court's order, making the motion unnecessary. Plaintiff argues that the motion was granted. (Liu Decl., ¶ 5 and Exh. B.) The Court finds that the cost was reasonably and necessarily incurred and denies the motion as to this cost.

Defendant also moves to tax $75.81 relating to a motion to compel the deposition of Defendant's PMQ because the motion was never heard by the Court. Plaintiffs respond that they requested a date three times over a month and a half beginning in November 2025. Defendant failed to provide a date, leaving Plaintiffs with no choice but to file the motion, which they did on February 9, 2026, at which time Defendant still had not provided a date. The motion was not heard only because the case settled before it could be heard. (Liu Decl., ¶¶ 6-8.) The Court finds that the cost was reasonably and necessarily incurred and denies the motion as to this cost.

Next, Defendant moves to tax $75.81 relating to an ex parte application because it was not essential to resolving the case on its merits. Plaintiffs argue that they had to move to continue the trial because the hearing on the motion to compel the PMQ's deposition was set for after the trial date at the time, which was February 23, 2026. Further, this motion was granted. (Liu Decl., ¶¶ 9-11 and Exh. C.) The Court finds that the cost was reasonably and necessarily incurred and denies the motion as to this cost.

Finally, Defendant moves to tax $150 posted by Plaintiffs for jury fees on the grounds that the case never proceeded to trial. Plaintiffs respond that they were required to post jury fees under Code of Civil Procedure section 631(c) in order to preserve their right to a jury trial. Further,

they note that Defendant does not dispute that the cost was actually incurred. Defendant cites *Perko's Enterprises, Inc. v. RRNS Enterprises* (1992) 4 Cal.App.4th 238 in support of its position. A review of that case shows, however, that filing fees, and not jury fees, were at issue. Further, jury fees are expressly allowable, without any express limitation. (Code Civ. Proc., § 1033.5, subd. (a)(1).) The Court finds that the cost was reasonably and necessarily incurred and denies the motion as to this cost, as well.

Service of Process Costs

"Allowable costs include service of process." (*Lowry v. Port San Luis Harbor Dist.* (2020) 56 Cal.App.5th 211, 222 [citing Code Civ. Proc., § 1033.5, subd. (a)(4)].)

Defendant moves to tax $584.78 of the $615.68 claimed relating to service of deposition subpoenas on the PMQs of two dealerships and eight dealership parties, all of whom were not parties to this action. Plaintiffs respond that they presented the subject vehicle for repairs at the two dealerships; that the testimony was needed to authenticate repair orders; and that they sought to understand the steps taken at each dealership to address the alleged defects. Further, in counsel's experience, some defendant manufacturers often argue that they have no control over their authorized dealerships, warranting the use of subpoenas to secure the appearance and testimony of witnesses with relevant knowledge. Finally, Defendant does not argue that the costs were not actually incurred. (Opp. at 5:12 – 6:3; Liu Decl., ¶ 12.) The Court finds that the costs were reasonably and necessarily incurred and denies the motion as to these costs.

"Administrative" Costs

Defendant moves to tax $54.78 in costs associated with the filing of a notice of remote appearance, a notice of settlement, and a ruling of ruling, arguing they are administrative costs and, as such, did not advance Plaintiff's case, citing *Ladas v. California State Auto Assn.* (1993) 19 Cal.App.4th 761. Plaintiffs argue that Defendant cites no authority holding that the costs are administrative. Further, Rule of Court 3.1385 required Plaintiffs to file a notice of settlement. Moreover, the notice of settlement and notice of remote appearance forms are Judicial Council forms that are adopted for mandatory use. Finally, the Court ordered Plaintiffs to give notice of its rulings. (Opp. at 6:4-16.) The Court find that the costs were reasonably and necessarily incurred and denies the motion as to these costs.

CourtCall

Defendant argues that Plaintiffs should not be allowed costs of $144 incurred for two CourtCall appearances. Plaintiffs cite *Landwatch San Luis Obispo County v. Cambria Community Services District* (2018) 25 Cal.App.5th 638 in support of their request. In that case, the Court of Appeal held that CourtCall "is not a telephone charge" that was not allowed under section 1033.5, subdivision (b)(3) but rather "is a means by which a party can make a court appearance without being physically present in court." The court exercised its discretion and approved $1,032 for 12 CourtCall appearances. (*Id*. at pp. 645-646.) Plaintiffs' counsel's office is located in Los Angeles County more than 70 miles from the Ventura Superior Court. (Liu Decl., ¶ 13.)

The Court reads the decision in *Landwatch* as an exercise of that court's discretion based on counsel's location (Orange County) compared to the location of the courthouse (San Luis Obispo). Here, the Court finds that CourtCall appearance fees were incurred for counsel's convenience. Counsel notes that his office is 70 miles away from the courthouse in Ventura, a far shorter distance than counsel in *Landwatch*. Setting that aside, although the Court has the discretion to allow the costs, especially in a lemon law case, it denies such costs given they are primarily for the convenience of counsel. (Code Civ. Proc., § 1033.5, subd. (c)(2).) Hence, the motion is GRANTED as to these costs.

Courtesy Copy

Finally, Defendant moves to strike $67.28 sought under Category 15 for "Courtesy Copy," arguing that the costs, like the CourtCall costs, were elected costs that "Counsel chose to incur." Plaintiffs describe the cost as being for providing the Court with a courtesy copy of the parties' stipulation to continue trial (Opp. at 7:5-8) and argue that Defendant has cited no authorities in support of its position. Plaintiffs also argue that the scope of recoverable costs in a lemon law case is greater than in other types of cases. In this case, Plaintiffs incurred the cost to benefit the Court and facilitate the Court's review of an important filing. The Court finds that the cost was reasonably necessary to the conduct of the litigation. (Civ. Code, § 1794, subd. (d); Code Civ. Proc., § 1033.5, subd. (c)(2)-(4).) Accordingly, the motion is denied as to this cost.

Conclusion

In sum, the motion is granted as to the CourtCall costs in the total amount of $144 and denied as to all other costs.

Counsel for Defendant is to give notice of the Court's ruling.