

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 04/18/2025

TIME: 8:30 AM

DEPT: C-65

JUDICIAL OFFICER: ROBERT C. LONGSTRETH

CLERK: Morgan Acosta

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: Ramirez

CASE NO: **37-2024-00018077-CU-UD-CTL** CASE INIT.DATE: 04/17/2024

CASE TITLE: **Sorrento Valley Investment Group vs Sure Felt LLC [IMAGED]**

CASE CATEGORY: Civil CASE TYPE: (U)Commercial Unlawful Detainer

HEARING TYPE: Motion Hearing

MOVING PARTY:

APPEARANCES

There are no appearances by any party.

The Court CONFIRMS the tentative ruling as follows:

Plaintiff's unopposed Motion for Award of Attorneys' Fees (ROA 68) is DENIED.

Plaintiff seeks a post-judgment award of attorneys' fees in the amount of \$48,641.57 pursuant to Civil Code sections 1021 and 1717, Code of Civil Procedure sections 1032 and 1033.5, and California Rules of Court, rule 3.1720.

As set forth in Plaintiff's moving papers, Plaintiff obtained judgment by default against Defendant Sure Felt LLC. "[A] default judgment is intended to include all relief sought in the complaint and established by the plaintiff. Therefore, a plaintiff seeking an award of attorney fees from a defaulting defendant must request those fees at the time the plaintiff requests entry of default." (*Garcia v. Politis* (2011) 192 Cal.App.4th 1474, 1480.) "[I]t would be absurd to read section 1033.5 as allowing a party to seek attorney fees by noticed motion after default judgment has been entered, because a case in which a defendant's default has been taken necessarily has no adversarial quality and the defaulted defendant would have no right to participate in the motion." (*Id.* at p. 1479, footnote omitted.)

Accordingly, the motion is denied on the grounds that Plaintiff's request for attorney fees is untimely.

Once confirmed, this ruling shall be the final ruling of the court and no further written order is required.

Robert C. Longstreth

Judge Robert C. Longstreth