

VENTURA
SUPERIOR COURT
FILED

JAN 12 2024

BRENDA L. McGORMICK
Executive Officer and Clerk
By: [Signature], Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

| | | |
|---|---|-------------------------------|
| LEON REINGOLD, an individual and MARINA REINGOLD, an individual, |) | Case No.: 201800510717CUBT |
| |) | |
| Plaintiffs, |) | RULING ON MOTION FOR ATTORNEY |
| |) | FEES |
| vs. |) | |
| |) | |
| BELL CANYON ASSOCIATION, INC., a California Non-Profit Corporation; RAY JADALI, an individual; KEIR MILAN, an individual; PETER CARNIGLIA, an individual, et al., |) | |
| |) | |
| Defendants. |) | |

The Court has previously taken under submission the motion for attorneys fees and costs as filed by counsel for Plaintiffs Leon Reingold and Marina Reingold.

Plaintiffs were the prevailing parties in this case and as such are entitled to their fees and costs pursuant to the Settlement Agreement signed by the parties as well as provisions of the Davis-Stirling Act.

In setting fees, trial courts are given wide discretion by appellate courts. The reason for this is relatively simple. The trial judge was there, and was a direct witness to the conduct and performance of the attorneys. Who better to make the award of appropriate attorneys fees? In doing this, the undersigned court had found that time in practice can be a misleading factor.

1 Some lawyers with decades of experience perform poorly. Other attorneys with comparatively
2 little time in practice pick it up very quickly. The appropriate measure is an attorneys actual
3 performance in the courtroom as well as his/her skill in bringing the case to trial starting with the
4 pleadings, and continuing through the discovery phase.

5 What the Court looks for in analyzing a request for fees is not just the result, but the
6 nuances attached to getting that result. Was the case effectively managed, was there excessive
7 conferencing between and among attorneys, was there excessive drafting and re-drafting of
8 pleadings, was there unnecessary use of multiple attorneys doing repetitive and overlapping
9 work, was law and motion work properly focused, and did counsel make reasonable efforts to get
10 along with opposing counsel in areas where conflict could be avoided. In addition, the amount of
11 the ultimate recovery is not necessarily a limiting factor in awarding fees.

12 The present case was complex, and hotly contested on both sides. Litigation is an
13 adversarial process, and none of the lawyers in this case (on either side) backed away from the
14 sound of the guns. As with many complex cases, it legitimately required extensive discovery to
15 develop the necessary facts to support the contentions being made by both Plaintiffs and the
16 Defendants. The Court believes that lawyers should be given latitude to develop their cases, and
17 that sometimes means going down a rabbit hole to determine what evidence useful at trial is
18 available, or not worth pursuing.

19 Plaintiffs are seeking \$2,870, 204.56 in attorneys fees. This is a large amount, but the
20 case was in trial for approximately 60 days, and was pending for close to five years. Each side
21 accuses the other of "scorched" earth tactics. The Court will not make such a finding for lack of
22 any guidelines as to when "aggressive" litigation (generally regarded as acceptable) morphs into
23 "scorched earth" litigation (generally not an accepted form of practice). There were multiple
24 motions, ex parte applications, and outside of the Court's presence, the parties conducted
25 between 50 and 60 depositions.

26 The Court finds that not all of the causes of action pleaded by Plaintiffs contain an
27 entitlement to fees. However, taken as a whole, these causes of action are sufficiently intertwined
28 with the fee causes of action that a parsing of the fees as to each individual cause of action would

1 be impractical.

2 The Court finds that the use of multiple lawyers (by both sides) is justified by the extreme
3 complexity of the case. The Court finds that the hourly rates charged by Plaintiffs' counsel are
4 reasonable, and not at a level commonly seen from Los Angeles County lawyers who undertake
5 cases in Ventura County. The Court finds that the "success bonus" added to the Reingold's
6 retainer agreement is reasonable considering the magnitude of time the case was consuming, and
7 the fact that time does not exist in a vacuum. It translates into fees. A lot of fees. The Court finds
8 that block billing sufficiently describes the work included in the block, such that it is acceptable.
9 There are frequent "no charge" entries where appropriate.

10 The Court has reviewed close to 300 pages of attorney billings from Mr. Lewin's office.
11 It is tedious work, and there are categories of work that have been red lined by the Court as not
12 appropriate to be charged to the Defendants. These include the following: (1) charges for a
13 consultation with an appellate attorney. These may be someday recoverable, but the Court of
14 Appeals can address that; (2) charges where a description of the work or meeting is totally
15 blacked out. There may be concerns of privilege, but the Court will not award fees when there is
16 not even a hint of what occurred; (3) charges for work done on the David Chai case; (4) charges
17 for work done on the Wolf v. Reingold case; (5) Charges which the Court finds to be excessive;
18 (6) discovery sanctions of \$3,850.00 which Defendants state have not been paid. The
19 Court finds these various deductions total \$344,424.00. Making these deductions, recoverable
20 fees are set at \$2,525,780.56.

21 The Plaintiffs are also seeking recovery of their costs of litigation. As prevailing parties,
22 these costs are controlled by CCP section 1033.5 as to what is a recoverable costs, and what is
23 not. Here, however, the recovery of fees is also controlled by the Settlement Agreement between
24 the parties, and the provision of the Davis-Stirling Act. Taken together, they broaden what can be
25 recovered. Plaintiffs are claiming \$213,404.48 in costs. Much of this involves the costs involved
26 in the visual presentations which permeated the trial. This ranged from photographs (aerial and
27 ground level) of the involved portions of the Bell Canyon development, photographs of the
28 Reingold property; video services; software costs; photocopying documents, and trial transcripts.

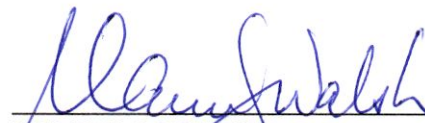
1 They are all allowed. This case could not have been effectively presented without these adjuncts
2 to the presentation of the evidence. A judge with an engineering degree might have been able to
3 follow the testimony and evidence without the visuals used by both sides. This Court was not
4 such a person.

5 Plaintiffs' request for judicial notice is granted as to Reply Exhibits 27 and 28.

6 Plaintiffs' evidentiary objections are ruled upon as follows: (1) - (13) each and all
7 overruled; (14) Sustained - argumentative; (15) Overruled; (16) - (21) each and all sustained -
8 lacks foundation; (22) - (35) each and all overruled; (36) Sustained - argumentative.

9 The clerk is directed to give notice.

10
11 Dated: January 12, 2024


HENRY J. WALSH
Judge of the Superior Court
Ventura County Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
CCP § 1012, 1013a (1), (3) & (4)

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
)

Case Number: 201800510717CUBT
Case Title: Reingold v. Bell Canyon Association, Inc., a California Non Profit Corporation, et al.

I am employed in the County of Ventura, State of California. I am over the age of 18 years and not a party to the above-entitled action. My business address is 800 S. Victoria Avenue, Ventura, CA 93009. On the date set forth below, I served the within:

RULING ON MOTION FOR ATTORNEY FEES

On the following named party(ies)

SEE ATTACHED SERVICE LIST

 BY PERSONAL SERVICE: I caused a copy of said document(s) to be hand delivered to the interested party at the address set forth above on _____ at _____ a.m./p.m.

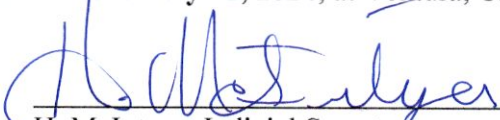
 X **BY MAIL:** I caused such envelope to be deposited in the mail at Ventura, California. I am readily familiar with the court's practice for collection and processing of mail. It is deposited with the U.S. Postal Service on the dated listed below.

 BY FACSIMILE: I caused a courtesy copy of said documents to be sent via facsimile to the interested party at the facsimile number set forth above at __. from telephone number _____.

 BY ELECTRONIC SERVICE (to individual person): By electronically transmitting a copy/courtesy copy of the document(s) listed above to the email address(es) of the person(s) set forth above/ on the attached service list. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct and that this document is executed on **January 12, 2024**, at Ventura, California.

By:


H. McIntyre, Judicial Secretary

SERVICE LIST

201800510717CUBT, Reingold v. Bell Canyon Association, Inc., a California Non Profit Corporation, et al.

Rodney T. Lewin
Chandler Bartlett
Allyson Wittner
8665 Wilshire Blvd., Suite 210
Beverly Hills, California 90211-2931

Attorneys for Plaintiffs Leon and Marina Reingold

Robert M. Ross
16133 Ventura Blvd., Suite 1145
Encino, California 91436-242

Attorney for Plaintiffs/Cross Defendants Leon and Marina Reingold

Wayne D. Pariser
1925 Century Park East, Suite 2000
Los Angeles, California 90067

Attorneys for Defendant Bell Canyon Association

Robert J. Hudock
Eliza Langdon Oliver
515 South Flower Street, Suite 1220
Los Angeles, California 90071

Attorneys for Defendant Bell Canyon Association

Joshua Bordin -Wosk
6100 Center Drive, Suite 1100
Los Angeles, California 90045

Counsel for Def./Cross Complainant Bell Canyon Associates, Inc.