# Tentative Rulings for July 14, 2026
# Department 3

## To request oral argument, you must notify Judicial Secretary Crystal Marias at (760) 904-5722 and inform all other counsel no later than 4:30 p.m.

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at Riverside Superior Court-Tentative Rulings.. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, no later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department 3 at (760) 904-5722 and (2) inform all other parties of the request and of their need to appear remotely, as stated below. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing. **UNLESS OTHERWISE NOTED, THE PREVAILING PARTY IS TO GIVE NOTICE OF THE RULING.**

For information and instructions on remote appearances via **ZOOM**, visit the court's website at Riverside Superior Court-Remote Appearances

You may also make a Telephonic Appearance: On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1-833-568-8864 (Toll Free), 1-669-254-5252, 1-669-216-1590, 1-551-285-1373 or 1-646-828-7666
- Meeting Number: 161 692 7358

Please **MUTE** your phone until your case is called and it is your turn to speak. It is important to note that you must call fifteen (15) minutes prior to the scheduled hearing time to check in or there may be a delay in your case being heard.

**Riverside Superior Court provides official court reporters for hearings on law and motion matters only for litigants who have been granted fee waivers and only upon their timely request. (See General Administrative Order No. 2021-19-1) Other parties desiring a record of the hearing must retain a reporter pro tempore.**

**1.**

| CASE # | CASE NAME | HEARING NAME |
|---|---|---|
| CVRI2204398 | L. vs DOE 1 | MOTION TO TAX COSTS |

**Tentative Ruling:**

This is a negligence action by Plaintiff L.L. against Does1 – 25, arising out of alleged sexual abuse and assault he was subjected to as a minor while in the foster care system. The First Amended Complaint named Doe 1 as County of Riverside. Defendant County moved for summary judgment on the single cause of action against it, which was granted by this court on January 15, 2026. County filed a memorandum of costs seeking $51,815.62.

Plaintiff now moves the court to tax costs that they assert are specifically not recoverable under CCP section 1033.5(a) or are prohibited by section 1033.5(b). In addition, Plaintiff asserts the court should tax several categories of costs on the grounds that they were not reasonably necessary to the conduct of the litigation and merely served Defendant's convenience or that the costs claimed are in an unreasonable amount. The motion seeks to tax the entire memorandum of costs (Item 4: deposition costs of $18,299.68 and Item 5: service of process of $33,515.94.)

In opposition, County asserts that all of the costs sought are statutorily allowed. Further, County asserts that Plaintiff's action was groundless and unreasonable as evidenced by the fact that summary judgment was granted in its favor and Plaintiff offered no evidence in support of their opposition. The deposition costs were to depose the witnesses identified by Plaintiff in her responses to special interrogatories, including here treating physicians. As to the service of process fees they relate to service on Plaintiff and her treating physicians and employment records, every witness along with their employ7ment records, the cancellations and no shows of some witnesses required multiple service.

In reply, Plaintiff reasserts that many of the costs claimed were not reasonably necessary to the litigation. Plaintiff asserts that here establishing a reasonable necessity for depositions does not establish a need for things like videography services. There is no assertion that video depositions were necessary for the following witnesses: Elena Perez De Janero, M.D.; Kandis Braswell; Allen Katz, M.D.; Diane Wagner; Ronald Partelow; Mary Castleberry; Otis Gentry; Sonja Lemons; and Lamar Burrell. The videography costs, including cancellation fees, for the foregoing witnesses total $8,045.70. There is nothing to determine such costs were reasonably necessary to the litigation. Accordingly, these costs are not reasonable and necessary, and taxation of the full amount is warranted.

Next, Plaintiff asserts that third party subpoena fees are miscategorized as service of process fees and must be taxed. Plaintiff asserts these expenses are "mere investigation expenses, which are not permitted. Plaintiff asserts that the court should tax this line item by $27,970.39. Therefore, Plaintiff asserts that the court should tax costs by at least $36,016.09.

**Analysis**

"The right to recover costs is wholly dependent on statute." (*Crib Retaining Walls, Inc. v. NBS/Lowry, Inc.* (1996) 47 Cal.App.4th 886, 889.) "Except as otherwise expressly provided by statute, a prevailing party is entitled as a matter of right to recover costs in any action or proceeding." (CCP § 1032(b).) There is no dispute that Plaintiff is the prevailing party.

CCP §1033.5(a) specifies the items allowable as costs under Section 1032. CCP §1033.5(b) sets forth items specifically not allowable as costs, except when expressly authorized by law. An item not specifically allowable under subdivision (a) nor prohibited under subdivision (b) may nevertheless be recoverable in the discretion of the court if "reasonably necessary to the conduct of the litigation rather than merely convenient or beneficial to its preparation." (CCP §1033.5(c)(2).)

A party dissatisfied with the costs claimed may move for an order striking or taxing the costs. Such motions are procedurally governed by CRC 3.1700(b). If an item of cost is expressly allowed by statute and appears to be a proper charge, the verified cost memo is prima facie evidence that the item was necessarily incurred. (*Whatley-Miller vs. Cooper* (2013) 212 Cal.App.4th 1103, 1115). The burden of proving otherwise is on the objecting party, who must show the challenged cost item is unnecessary or unreasonable. (*Jones v. Dumrichob* (1998) 63 Cal.App.4th 1258, 1266.) However, the general rule is that if an item is not specifically allowed under subdivision (a) nor prohibited under subdivision (b), the burden shifts to the party claiming the costs to show they are reasonable and necessary, and the court has the discretion to allow such costs under 1033.5(c)(4) as long as they are reasonable in amount and reasonably necessary (*Applegate v. St. Francis Lutheran Church* (1994) 23 CA4th 361, 364.)

When ruling on a motion to tax costs, the trial court has discretion to determine the reasonableness of costs claimed. (*Perko's Enterprises, Inc. vs. RRNS Enterprises* (1992) 4 Cal.App.4th 238, 245). Only items properly objected to are put in issue resulting in the burden of proof switching to the party claiming them as costs. (*Ladas v. California State Auto. Ass'n* (1993) 19 Cal.App.4th 761, 774-776.) Whether an item listed on the cost bill was reasonably necessary is a question of fact for the trial court, whose decision is reviewed on appeal for abuse of discretion. (*Bender v. County of Los Angeles* (2013) 217 Cal.App.4th 968, 989.)

Item 4: Deposition Costs ($18,299.68): The moving papers challenged the total amount claimed, but the reply asserts that at a minimum the videography deposition costs, and related no show costs, were not reasonable and necessary and therefore this line item should be taxed by $8,045.70.

CCP section 1033.5(a)(3)(A), provides that allowable costs include "Taking, video recording, and transcribing necessary depositions, …." Accordingly, the statute specifically provides for the recovery of videography deposition costs and Plaintiff failed to provide any specific facts that would make any of the claimed costs unreasonable. Accordingly, the court denies the motion to tax item 4.

Item 5: Service of Process ($33,515.94): The moving papers challenged the total amount claimed, but the reply asserts that at a minimum those costs associated with SDTs should be stricken as discovery costs, not service of process fees.

CCP section 1033.5(a)(4) provides that service of process by a public officer, registered process service or other means is recoverable. However, 1033.5(a)(4)((B)-(D) limits recovery to the actual amount incurred in effecting service. Further, CCP section 1033.5(2) specifically provides that "investigation expenses in preparing the case for trial," are not allowable as costs. In other words, the costs to serve the SDTs are recoverable; however, the amount charged by Bosco Legal Service to obtain the records subject to the SDT are not considered service of process fees but investigation expenses. Accordingly, the court taxes item 5 by $27,970.39.