

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
HALL OF JUSTICE
TENTATIVE RULINGS - February 07,2008**

EVENT DATE: 02/08/2008 EVENT TIME: 02:00:00 PM DEPT.: C-66

JUDICIAL OFFICER: Charles R. Hayes

CASE NO.: GIC868556

CASE TITLE: COZIAHR VS CHULA VISTA ELEMENTARY SCHOOL DISTRICT

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT Motion to Strike or Tax Costs, 01/10/2008

/DATE FILED:

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TENTATIVE RULING:

Plaintiff Danielle Coziahr's motion for an award of pre-judgment interest is granted in the amount of \$7,223.07. [See Wisper Corp. v. California Commerce Bank (1996) 49 Cal.App.4th 948]

Plaintiff's motion to be determined the prevailing party, for an award of reasonable attorneys' fees and for expert fees is granted as follows:

- The Court finds that plaintiff is the prevailing party under Government Code §12940 et seq. and fixes the lodestar reasonable attorneys' fees at \$158,375.00. Plaintiff's request that the Court enhance the lodestar is granted by a multiplier of 1.5. The amount of the fees including the 50% enhancement above the lodestar is based upon the time spent on the litigation, the complexity of the issues, the attorneys' expertise and the successful outcome of the litigation along with the high risk associated in such actions.

- The Court further finds that plaintiff is entitled to recover under Government Code §12965(b) reasonable expert witness fees in the amount of \$2,600.00

Defendant Chula Vista Elementary School District's motion to tax costs is granted in part and denied in part as follows:

- Defendant's request to strike \$69.50 from Cost Item #5 – Service of Process is granted. The costs associated with the service of process is reduced to \$321.60.

- The Court denies the remainder of defendant's motion to tax.

The Clerk of the Court is directed to interlineate into the Judgment pre-judgment interest in the amount of \$7,223.07, costs of \$13,257.47 and attorneys' fees in the amount of \$237,562.50.

Plaintiff is directed to prepare a notice of ruling pursuant to Code of Civil Procedure section 1019.5.

IT IS SO ORDERED.

