

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 16

(Dept 16 is now hearing cases that were formerly in Dept 2)

Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 04-30-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

TO CONTEST THE RULING: Before 4:00 p.m. today you must notify the:

- (1) Court by calling (408) 808-6856 and
- (2) Other side by phone or email that you plan to appear and contest the ruling
(California Rule of Court 3.1308(a)(1) and Local Rule 8.E.)

TO APPEAR AT THE HEARING: The Court will call the cases of those who appear in person first. If you appear virtually, please use video. To access the link, click on the below link or copy and paste into your internet browser and scroll down to Department 16.

https://www.scscourt.org/general_info/ra_teams/video_hearings_teams.shtml. You must use the current link.

TO SET YOUR NEXT HEARING DATE: You no longer need to file a blank notice of motion to obtain a hearing date. **You may make an online reservation to reserve a date** before you file your motion. If moving papers are not filed within 5 business days of reserving the date, the date will be released for use in other cases. Go to the Court's website at www.scscourt.org to make the reservation.

FINAL ORDERS: The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

COURT REPORTERS: The Court no longer provides official court reporters. If any party wants a court reporter, the appropriate form must be submitted. See court website for policy and forms.

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 16

(Dept 16 is now hearing cases that were formerly in Dept 2)

Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 04-30-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

LINE #	CASE #	CASE TITLE	RULING
LINE 1	23CV413334 Motion: Quash	Muhammad Khan vs Bay Area Criminal Lawyers et al	Notice does not appear proper, as no amended notice was filed showing that Plaintiff was informed of the date of the hearing. If Defendant appears, the motion may be continued to allow for proper service. If Defendant can show that notice was proper, then the unopposed motion will be granted. If Defendant fails to appear, the motion will be taken off calendar. Defendant is advised that parties were able to call the clerks office and obtain a hearing date since October 2023, obviating the need for amended notices. Now, parties must reserve a hearing date online.
LINE 2	23CV413334 Motion: Quash	Muhammad Khan vs Bay Area Criminal Lawyers et al	Notice does not appear proper, as no amended notice was filed showing that Plaintiff was informed of the date of the hearing. If Defendant appears, the motion may be continued to allow for proper service. If Defendant can show that notice was proper, then the unopposed motion will be granted. If Defendant fails to appear, the motion will be taken off calendar.

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 16

(Dept 16 is now hearing cases that were formerly in Dept 2)

Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 04-30-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

LINE 3	23CV413334 Motion: Quash	Muhammad Khan vs Bay Area Criminal Lawyers et al	Notice does not appear proper, as no amended notice was filed showing that Plaintiff was informed of the date of the hearing. If Defendant appears, the motion may be continued to allow for proper service. If Defendant can show that notice was proper, then the unopposed motion will be granted. If Defendant fails to appear, the motion will be taken off calendar.
LINE 4	23CV412743 Motion: Summary Judgment/Adjudication	American Express National Bank vs Thomas Wilkus	Notice appearing proper and good cause appearing, the unopposed motion for summary judgment is GRANTED. Plaintiff shall submit the final order.
LINE 5	20CV369513 Motion: Compel	Stephanie Chapa vs Howard Frank	See Tentative Ruling. Defendant shall submit the final order.
LINE 6	20CV369513 Motion: Compel	Stephanie Chapa vs Howard Frank	See Tentative Ruling. Defendant shall submit the final order.
LINE 7	22CV396254 Motion: Compel	Katrina P. Petrini vs Scott Simon et al	Petrini's motion is denied in its entirety as moot, given that judgment on the Cross-Complaint was entered on April 2, 2024, and signed by Hon. Theodore Zayner. Simon shall submit the final order.
LINE 8	22CV396254 Motion: Seal Records	Katrina P. Petrini vs Scott Simon et al	Good cause appearing and notice appearing proper, the unopposed motion to seal exhibits D, E, F, and J is GRANTED. Moving party shall submit the final order.

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 16

(Dept 16 is now hearing cases that were formerly in Dept 2)

Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 04-30-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

LINE 9	23CV424753 Motion: Compel	Deenna Elsherif et al vs Volkswagen of America, Inc. et al	Notice is not proper, as there is no amended notice filed. If moving party appears, the case may be continued to allow for proper notice, otherwise the case will come off calendar. If Plaintiff comes and does not oppose the motion, it may be granted. Tesla is advised that since October 2023, parties have been able to pick their own motion dates (first by calling the court and now online) without the need for amended notices.
LINE 10	23CV414708 Motion: Approve Good Faith Settlement	Deepak Agarwal et al vs Rodrigo Layne et al	Notice appearing proper, the unopposed motion is GRANTED. Moving party shall submit the final order.
LINE 11	20CV375037 Motion for Atty Fees	Natasha Doubson vs Fyodor Konkov	See Tentative Ruling. Plaintiff shall submit the final order.
LINE 12	21CV389591 Motion: order to dismiss Def GK	CHUANYONG WU vs TORI BLANCA et al	Notice appearing proper and good cause appearing, the unopposed motion to dismiss is GRANTED. Moving party shall submit the final order and clarify in the order whether Defendant is also seeking to dismiss its cross-complaint.
LINE 13	20CV375092 Motion for Atty fees	Maria Ramos vs General Motors, LLC	Notice appearing proper and good cause appearing, the unopposed motion is GRANTED and Defendant shall pay fees and costs of \$40,841.47. Moving party shall submit the final order
LINE 14			

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 16

(Dept 16 is now hearing cases that were formerly in Dept 2)

Honorable Amber Rosen, Presiding

Felicia Samoy, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408.882.2270

DATE: 04-30-24 TIME: 9 A.M.

All those intending to speak at the hearing are requested to appear in person or by video. Parties are asked NOT to appear by telephone only.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.

Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The prevailing party shall prepare the order unless otherwise ordered. (See California Rule of Court 3.1312.)

LINE 15			
LINE 16			
LINE 17			

- oo0oo -

Calendar Lines 5 and 6

Case Name: *Chapa v. Frank*

Case No.: 20CV369513

This is an action for legal malpractice. According to the allegations of the first amended complaint (“FAC”), in 2014, Lorraine Korpontinos (“Lorraine”) amended her Survivor’s Trust by limiting the beneficial interest of her son, Andrew Korpontinos (“Andrew”) and providing for certain beneficial interests for plaintiff Stephanie Chapa (“Plaintiff”) and Plaintiff’s children. (See FAC, ¶ 10.) In response, 267 ByPass Properties, Inc. filed an action to have a conservator appointed over Lorraine. (See FAC, ¶ 11.) Plaintiff retained defendant Howard G. Frank dba The Law Office of Howard G. Frank (“Defendant”) to represent her as a beneficiary of the Korpontinos 1988 Revocable Trust Agreement (“Trust”) and the subtrusts—the Lorraine A. Korpontinos Survivor’s Trust (“Survivor’s Trust”), the Lorraine A. Korpontinos Marital Trust (“Marital Trust”), and the George Korpontinos Family Trust (“Family Trust”)—and actions related to Andrew’s request to appoint a conservator over Lorraine, including case numbers 2014—1-PR- 174368 and 2014-1-PR—17561 1. (See FAC, ¶¶ 8, 12.)

Defendant made express assurances that he could and would represent Plaintiff and protect her interest in the Trust, and based upon those representations, Plaintiff retained Defendant to represent her. (See FAC, ¶ 13.) John Kessler (“Kessler”) was appointed as Trustee of the Trust and its subtrusts. (See FAC, ¶ 14.) Defendant had previously served as Kessler’s legal counsel, and had an existing professional relationship with Kessler, sharing office space with him for several years; however, Defendant neglected to disclose this relationship with Kessler to Plaintiff. (*Id.*) Despite Plaintiff’s requests to take all necessary actions to protect her interests in accordance with her parents’ wishes with respect to the Marital Trust and the Family Trust and her mother’s wishes with respect to the Survivor’s Trust, and her requests that Defendant demand certain financial records relating to the Trust, Defendant failed or refused to take any such actions. (See FAC, ¶¶ 15-16.) Defendant specifically failed to file a necessary objection to prevent an amendment by the appointed conservator under Kessler’s guidance, resulting in Plaintiff’s children being removed as beneficiaries of the Survivor’s Trust, and now equally dividing the assets between Plaintiff and Andrew, contrary to Lorraine’s desires. (See FAC, ¶ 17.) When Plaintiff questioned Defendant as to why he did not protect Plaintiff’s interests, he responded that “that ship has sailed” and that there was nothing that could be done. (See FAC, ¶ 18.)

Under Kessler’s guidance and in concert with the appointed conservator, the Korpontinos 2016 Irrevocable Trust (“Irrevocable Trust”) was established in 2016 and, unlike the other trust installments that provided for direct distributions to Plaintiff, named Plaintiff as only an “income beneficiary” of the Irrevocable Trust, providing for distributions subject to Kessler’s discretion as trustee. (See FAC, ¶ 19.) Again, Defendant failed to take any action to protect Plaintiff’s interest in the Trust and instead allowed Kessler to significantly alter Lorraine’s estate plan to Plaintiff’s detriment, and failed to timely demand financial records related to the Trust and the subtrusts. (See FAC, ¶¶ 20-21.) Plaintiff has recently discovered tremendous waste of Trust assets and due to Defendant’s failure to timely obtain the records, the value of Plaintiff’s interest in the Trust and subtrusts has been significantly reduced. (See FAC, ¶ 21.) On May 26, 2022, Plaintiff filed her complaint against Defendant, asserting causes of action for legal malpractice and breach of fiduciary duty.

On March 6, 2023, Frank served form interrogatories (“FIs”), special interrogatories (“SIs”), requests for admission (“RFAs”) and requests for production of documents (“RPDs”). After Plaintiff provided initial responses, on May 31, 2023, Frank filed a motion to compel further responses to FIs, SIs and RPDs. The parties then participated in IDCs on September 7, 2023, October 5, 2023 and November 16, 2023, and on December 19, 2023, the parties stipulated that Plaintiff would provide further responses to FIs 6, 8, 9.1, 9.2 and 17.1, SIs 1-34 and RPDs 1-4. After Plaintiff failed to provide further responses, on January 16, 2024, Defendant filed a motion for terminating sanctions, or, in the alternative, to compel responses, and also filed a motion to compel compliance with discovery responses to RPDs.

I. MOTION FOR TERMINATING SANCTIONS, OR, IN THE ALTERNATIVE, TO COMPEL RESPONSES

Defendant moves for terminating sanctions. “The discovery statutes evince an incremental approach to discovery sanctions, starting with monetary sanctions and ending with the ultimate sanction of termination.” (*Doppes v. Bentley Motors, Inc.* (2009) 174 Cal.App.4th 967, 992.) “If a lesser sanction fails to curb misuse, a greater sanction is warranted: continuing misuses of the discovery process warrant incrementally harsher sanctions until the sanction is reached that will curb the abuse.” (*Id.*) Here, Defendant was previously awarded monetary sanctions for Plaintiff’s inadequate discovery responses. However, Defendant has not been awarded evidentiary or issue sanctions. It would be inappropriate to award terminating sanctions. Defendant’s motion for terminating sanctions is DENIED.

In Defendant’s supporting memorandum of points and authorities, Defendant argues that evidentiary sanctions should be imposed in his favor. (See Def.’s memorandum of points and authorities in support of motion for terminating sanctions, pp.7:5-28, 8:1-5.) However, the notice of motion fails to include any request for an evidentiary sanction and is not code-compliant. (See Code Civ. Proc. § 2023.040 (stating that “[a] request for sanction shall, in the notice of motion... specify the type of sanction sought”).) Defendant’s request for evidentiary sanctions is also DENIED.

Defendant alternately moves for further responses to SIs 1-34, FIs 6.1, 6.2, 6.3, 6.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 9.1, 9.2, and 17.1, and RPDs 35-38. Plaintiff has not filed an opposition but has instead filed an opposing separate statement. Plaintiff has also filed a declaration indicating that she has provided a response to FI 17.1 that is different from the response in Defendant’s separate statement.

A response to an interrogatory must “be as complete and straightforward as the information reasonably available to the responding party permits.” (Code Civ. Proc. § 2030.220, subd. (a).) “If an interrogatory cannot be answered completely, it shall be answered to the extent possible.” (Code Civ. Proc. § 2030.220, subd. (b).) “If the responding party does not have personal knowledge sufficient to respond fully to an interrogatory, that party shall so state, but shall make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party. (Code Civ. Proc. § 2030.220, subd. (c).) Defendant’s motion to compel further responses to SIs 1-34 is GRANTED. Plaintiff’s objections that the interrogatories are prematurely served Contention Requests, are unduly burdensome and oppressive and seek information that is the subject of forensic legal or expert opinion are OVERRULED. Plaintiff

shall provide verified, code-compliant further responses to SIs 1-34 without objections to Defendant's counsel within 20 days of this Order.

As to FIs 6.1, 6.2, 6.3, 6.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 9.1, and 9.2, Plaintiff responds that she has "insufficient information and belief" to respond or answer. These form interrogatories seek basic information regarding damages. Plaintiff is required to make a reasonable and good faith effort to obtain the information about her own damages. The response does not seem to so indicate. Accordingly, Defendant's motion to compel further responses to FIs 6.1, 6.2, 6.3, 6.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 9.1, and 9.2 is GRANTED. Plaintiff's objections are OVERRULED. Plaintiff shall provide verified, code-compliant further responses to FIs 6.1, 6.2, 6.3, 6.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 9.1, and 9.2 without objections to Defendant's counsel within 20 days of this Order.

Defendant's motion to compel a further response to FI 17.1 is DENIED as MOOT.

Defendant's motion to compel a further response to RPDs 35-38 is DENIED. Defendant complains that "Plaintiff has not produced a single responsive documents, despite her statement of compliance in response to this request"; however, that does not require a further response but rather Plaintiff's compliance with the response. In fact, Defendant has filed a motion to compel compliance as to other RPDs (as discussed below).

Request for monetary sanctions

In connection with his alternate motion to compel further responses, Defendant requests monetary sanctions in the amount of \$10,105 against Plaintiff and her counsel. The request is code-compliant. Defendant seeks 4.6 hours at the associate rate of \$225 per hour and 1 hour at the partner rate of \$320 per hour plus \$60 in filing fees, as well as an additional 3 hours of associate time and 1 hour of partner time in reply in connection with the instant motion. Defendant also seeks 10 hours for meeting and conferring, filing fees and preparing in relation to the May 31, 2023 motion to compel, and 21.4 hours for meeting and conferring and preparing for the IDCs. The Court neither award monetary sanctions for anticipatory time, nor time for meeting and conferring, nor for attendance and preparation for an IDC. Moreover, Defendant did not prevail with respect to the RPDs. Defendant's request for monetary sanctions in connection with the alternate motion to compel further responses is GRANTED in part. Plaintiff's counsel shall pay Defendant's counsel the amount of \$975 $[(3 \times \$225) + (0.75 \times \$320) + \$60]$ within 20 days of this Order.

II. MOTION TO COMPEL COMPLIANCE WITH DISCOVERY RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

Plaintiff has provided responses to RPDs 5-20 indicating that she will comply with the requests. Defendant argues that she has not produced a single document and thus this constitutes bad faith. (See Def.'s memorandum of points and authorities in support of motion to compel compliance with responses, p.2:1-2.) Again, Plaintiff has not filed a formal opposition but has instead filed an opposing separate statement. The opposing separate statement states that Plaintiff will have provided all responsive documents by the time of the hearing which should make the motion moot. However, in reply to both motions, it appears that Plaintiff has yet to provide the documents. Plaintiff's counsel's declaration indicates that there is difficulty because of "the volume of documents Plaintiff has in her possession scattered

all about in an amount sufficient to fill an estimated, approximately eight banker's boxes... [of which he has] perhaps gone through about 40% of the volume." Plaintiff is required to provide the documents to Defendant. At minimum, Plaintiff's counsel should have produced the 40% he has gone through. Defendant's motion to compel Plaintiff's compliance with her responses to RPDs 5-20 is GRANTED. Plaintiff shall provide documents responsive to RPDs 5-20 within 20 days of this Order.

In connection with the motion to compel Plaintiff's compliance with her discovery responses, Defendant requests monetary sanctions in the amount of \$3,720 against Plaintiff. The request is code-compliant. Defendant seeks 5 hours at the associate rate of \$225 per hour and 3 at the partner rate of \$320 per hour for meeting and conferring, and preparing the motion, and \$60 in filing fees. Defendant also seeks an additional 3 hours of associate time and 3 hours of partner time to review any opposition, meet and conferring, preparing a reply and appearing at the hearing. Again, the Court does not award monetary sanctions for anticipatory time or meeting and conferring. Moreover, the amount of time spent on the motion is excessive, considering the lack of complexity with regards to a failure to produce documents. Defendant's request for monetary sanctions in connection with the motion to compel Plaintiff's compliance with her discovery responses is GRANTED in part. Plaintiff's counsel shall pay Defendant's counsel the amount of \$690 $[(2 \times \$225) + (0.75 \times \$320) + \$60]$ within 20 days of this Order.

Defendant shall prepare and submit a proposed order consistent with the above rulings for the Court's signature.

- oo0oo -

Calendar line 11

Case Name: Doubson v. Konkov

Plaintiff moves for attorney's fees, after prevailing on its motion for summary judgment. A prevailing party is entitled as a matter of right to recover costs. Cal. Code Civ. Proc. ("CCP") § 1032(b). When recovery of attorney's fees is authorized by statute, they are considered part of the "costs." CCP § 1033.5(10)(B). A plaintiff prevailing on a claim for violation of WIC § 15657.6 is entitled to recover attorney's fees. WIC § 15657.6.

When a statutory fee-shifting provision does not indicate any restrictions on how the fee award is to be calculated, it is presumed that the Legislature intended courts to use the prevailing lodestar adjustment method. *Pasternack v. McCullough*, 65 Cal. App. 5th 1050, 1055 (2021). The method begins with calculation of the lodestar, i.e. the number of hours reasonably expended multiplied by the reasonable hourly rate. *Id.* The lodestar figure may then be adjusted, based on factors specific to the case, to fix the fee at the "fair market value" for the legal services provided. *Id.* To determine the reasonable hourly rate, courts consider the rate prevailing in the community for similar work. *Pasternack*, 65 Cal. App. 5th at 1055. This standard applies regardless of whether the case involves contingency fees, pro bono work or discounted fees. *Id.* at 1055-56.

In this case, Plaintiff contends that the prevailing market rate of attorneys with experience similar to that of Plaintiff's counsel is at least \$400 per hour. *Infra*, p. 6, ¶ 5. Plaintiff's counsel asserts that he spent 159.4 hours on the case. Counsel requests \$95,640 based on the lodestar (159.4 x \$400) and a 1.5 multiplier based on the complexity of the case, the contingency, and the delay in receipt of the payment. This results in a fee request of \$95,640.

Defendant objects on several bases: (1) the request is not timely because the case is not finally settled; (2) his conduct was not elder abuse; and (3) the amount spent on the case is "absurd" and not reasonable.

TIMELINESS

Plaintiff prevailed on summary judgment and the order has been signed. As such, the case has been fully litigated. That Defendant intends to appeal the order granting summary judgment does not render this motion premature and Defendant cites no authority in support of this assertion. The Court finds the motion timely.

CONDUCT DID NOT CONSTITUTE ABUSE OF AN ELDER OR DEPENDENT PERSON

Defendant argues that he should not be liable for attorney fees under WIC section 15657.6 because his conduct did not fit within the meaning of the statute. This is not a question currently before this Court. Defendant had the opportunity to oppose the Plaintiff's motion for summary judgment.¹ He failed to do so, and because Plaintiff met her initial burden, he lost the case. In a motion for fees, the Court will not re-address the merits of the case.

¹ *After* the time had passed to file an opposition to the summary judgment motion, Defendant moved for a continuance under the ADA which was denied. The Court held a

UNREASONABLENESS OF FEES

The Court has reviewed the hours spent by counsel on this case. The Court finds that the time spent is excessive, and reduces the number of hours by one-third. Moreover, given that counsel has only been a member of the bar since 2018 and because this was not a complex case, his fees should be on the low end of his range. As such the Court awards a rate of \$300 per hour. This results in fees of \$31,890. No multiplier is awarded based on counsel taking the case on contingency. Counsel agreed to take the case knowing that the case was worth only \$15,000. Moreover, the case was not particularly complex. Defendant is ordered to pay Plaintiff's counsel \$31,890 in attorney's fees within 20 days of receipt of the final judgment. Plaintiff shall submit the final order and the final judgment.

- oo0oo -

hearing on Defendant's ADA accommodation request and found that Defendant was not entitled to a continuance for several reasons. Firstly, Defendant was working on other substantive work issues at the time he claims he was unable to address this lawsuit, demonstrating he was not too sick to oppose the motion. Secondly, Defendant's request for delay based on medical need was presented in a doctor's letter attached to his ADA request. The letter indicated that Defendant needed time to adjust to particular medication(s). Defendant admitted at the hearing that he had been on the medication(s) for more time than the doctor indicated was needed to adjust. Moreover, Defendant claimed he needed to hire a lawyer, yet he had had plenty of time to hire a lawyer prior to the time that his opposition was due. This is made all the more clear by the fact that Defendant quickly hired an attorney in the short time between when he filed his ADA request and the date of the hearing on the request.

