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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(San Joaquin)

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MADELYN M. RIPKEN et al.,  
  
Plaintiffs and Respondents,  
  
v.  
  
LOIS BALLARD,  
  
Defendant and Appellant.

C070158  
  
(Super. Ct. No. CV011803)

After the trial court found defendant Lois Ballard had disobeyed a 2002 judgment restraining her and her agents from trespassing, blocking, or putting debris on the neighboring property of plaintiffs Madelyn M. Ripken, Ryan D. Ripken and Susan J. Ripken (the Ripkens), it ordered Ballard to pay the Ripkens' attorney fees and costs (Code Civ. Proc.,<sup>1</sup> § 1218, subd. (a)).

In this pro se appeal, Ballard contends the court erred in awarding attorney fees because the Ripkens failed to "provide[] competent evidence" to support their claim. We disagree and affirm.

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<sup>1</sup> Unspecified statutory references are to the Code of Civil Procedure.

## BACKGROUND

Ballard and the Ripkens own property on West Highway 12 in Lodi. In 2000, the Ripkens filed an action for declaratory relief and to quiet title to a shared driveway easement across their property. They alleged that Ballard and her agents and/or representatives, who operate an auto and RV repair business on their property, park vehicles and leave car parts and other materials on the driveway and on the adjacent property.

Ballard cross-complained to quiet title in the easement herself and sought to enjoin the Ripkens from limiting her use of the easement. Her son, Rocky Ballard (Rocky), submitted a declaration in support of Ballard's application for a preliminary injunction.

Following a jury trial, the trial court entered judgment in the Ripkens' favor (the judgment). The court declared that Ballard has no legal interest in any portion of the Ripkens' property and permanently enjoined Ballard and "her agents, servants, employees, successors in interest, representatives . . . including but not limited to Rocky," from "trespassing on, blocking; parking cars, vehicles, forklifts or any other items on; driving on; placing any items or debris on; using for ingress or egress; damaging, damaging fencing on . . . or in any way interfering with Ripkens' quiet use and enjoyment" of their property. The trial court expressly retained jurisdiction to enforce the judgment.

Ballard and/or the other enjoined persons failed to comply with the terms of the judgment and, in November 2010, the Ripkens filed an ex parte application for an order to show cause why Ballard should not be held in contempt for violating the judgment and related permanent injunction. The application was supported by declarations of Nancy Ripken and her counsel that, although Ballard and Rocky are aware of the judgment and capable of complying with it, Ballard and other persons acting on her behalf, including Rocky, Ballard's grandson, and her tenant were violating the judgment by blocking, trespassing on, parking cars on, placing debris on, and damaging the fence

and gate on the Ripkens' property. Nancy Ripken's supporting declaration included photographs of the alleged violations, and an invoice showing what she paid to install the now-damaged fence between the two properties. The application sought to recover damages for repair of the fence, plus attorney fees.

The trial court granted the Ripkens' ex parte application, and ordered Ballard and Rocky to appear at an arraignment and show cause why they should not be held in contempt for violating the judgment.

A court trial was conducted on the order to show cause regarding contempt. All parties were represented by counsel. Ballard denied violating the judgment, and Rocky denied he was bound by it. The trial lasted one day. Nancy Ripken, Ballard and her grandson, Mark, testified.

After the court issued its tentative decision in the Ripkens' favor, awarding damages and reasonable attorney fees, the Ripkens filed a memorandum of costs seeking attorney fees of \$25,811, together with a motion for attorney fees in that amount pursuant to section 1218, subdivision (a). The motion was supported by two declarations of the Ripkens' attorney Jennifer A. Scott, in which she identified all attorneys and paralegals who worked on the matter, and described their training and experience, the tasks they performed, the hours they worked and their respective billable rates. Ballard opposed the motion.

The court conducted a hearing on the Ripkens' motion for attorney fees, at which the only issue was the amount of fees sought. The Ripkens' attorney argued the time spent was reasonable in light of the fact that the Ripkens had the burden of proof in the contempt proceeding, prepared all exhibits for submission, drafted (subsequently rejected) settlement documents and stipulated judgments, and participated in two separate arraignment hearings conducted for Ballard and Rocky. Ballard's counsel disputed that the hours spent were reasonable because the trial was simple and short and no substantial amount of time was spent communicating with opposing counsel or as a result of

continuances. The court indicated it would review the Ripkens' attorneys' billing records in camera prior to ruling but the record does not indicate whether it did so.

The trial court awarded the Ripkens the attorney fees they requested and included the award in its statement of decision and judgment.

#### DISCUSSION

Willful failure to comply with an order of the court constitutes contempt. (*In re Rubin* (2001) 25 Cal.4th 1176, 1179.) A trial court may punish contempt under section 1218 if it finds: (1) a valid court order, (2) the alleged contemnor's knowledge of the order, and (3) noncompliance. (*Moss v. Superior Court* (1998) 17 Cal.4th 396, 428; Code Civ. Proc., § 1209, subd. (a)(5).) To encourage parties to prosecute contempt proceedings and to indirectly encourage all parties to abide by the terms of court orders, section 1218 authorizes trial courts to award complainants attorney fees and costs for initiating and prosecuting contempt proceedings. (*Goold v. Superior Court* (2006) 145 Cal.App.4th 1, 10; see also *Rickley v. Goodfriend* (2012) 207 Cal.App.4th 1528, 1537-1538 [because respondents "simply disregarded the judgment entered against them," if an attorney-client relationship is proved to exist, plaintiff's request for attorney fees should be granted].)

Ballard does not dispute that an award of attorney fees was proper under section 1218; she contends only that the amount was not reasonable.

Challenges to the amount of attorney fees awarded is generally reviewed under an abuse of discretion standard. (*Carpenter & Zuckerman, LLP v. Cohen* (2011) 195 Cal.App.4th 373, 378.) "The 'experienced trial judge is the best judge of the value of professional services rendered in his court.'" (*Serrano v. Priest* (1977) 20 Cal.3d 25, 49.)

"[T]he fee setting inquiry in California ordinarily begins with the 'lodestar,' i.e., the number of hours reasonably expended multiplied by the reasonable hourly rate." (*PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1095.) "The lodestar figure may

then be adjusted, based on consideration of factors specific to the case, in order to fix the fee at the fair market value for the legal services provided. [Citation.]” (*Ibid.*)

Ballard complains that, because she “ha[s] no time records to review,” it was impossible to determine if the Ripkens’ attorney submitted “duplicative billings.” She made this exact argument in the trial court, and the Ripkens’ counsel responded by submitting a supplemental declaration stating that “my office did not ‘double bill’ in these proceedings” and the Ripkens do not seek to recover the hours spent by a second attorney attending various hearings, but only to recover the second attorney’s time spent assisting at trial.

It is not necessary to provide detailed billing statements or timesheets to support an award of attorney fees under the lodestar method. Declarations of counsel setting forth the reasonable hourly rate, the number of hours worked, and the tasks performed are sufficient. (*Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224, 254; *Steiny & Co. v. California Electric Supply Co.* (2000) 79 Cal.App.4th 285, 293.) Thus, Ballard cannot challenge the fee award by asserting the Ripkens failed to show with time records their entitlement to attorney fees.

#### DISPOSITION

The order awarding attorney fees is affirmed. The Ripkens shall recover their costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1), (2).)

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ROBIE, J.

We concur:

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RAYE, P. J.

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NICHOLSON, J.