

FILED

MAR 20 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of:

TRAVIS JACOB TRUPP,

TRAVIS JACOB TRUPP,

Appellant,

v.

HIGGS FLETCHER & MACK LLP,

Appellee.

No. 17-56454

D.C. No.
3:16-cv-02503-DMS-DHB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted March 4, 2019**
Pasadena, California

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: WARDLAW and BENNETT, Circuit Judges, and SESSIONS, *** District Judge.

Travis Trupp appeals the bankruptcy court's award of civil contempt damages and attorney's fees, arguing that the award is insufficient. The district court affirmed the bankruptcy court's ruling. We affirm as well.

The bankruptcy court found that Higgs Fletcher & Mack LLP ("HFM") was liable for civil contempt sanctions, and awarded Trupp \$1,067.50 in damages, fees and costs. In doing so, the bankruptcy court properly considered whether Trupp could have mitigated his damages in light of HFM's diligent effort to take responsibility for its actions. *See In re Roman*, 283 B.R. 1, 12 (B.A.P. 9th Cir. 2002). The bankruptcy court also properly determined a reasonable rate for Trupp's attorney's services, supporting its determination with specific findings. *See Gracie v. Gracie*, 217 F.3d 1060, 1070 (9th Cir. 2000). We have reviewed Trupp's remaining arguments and find them to be without merit.

Trupp's request for judicial notice of material from outside the district court record is denied (Dkt. 21). *See Fed. R. App. P. 10(a)*.

AFFIRMED.

*** The Honorable William K. Sessions III, United States District Judge for the District of Vermont, sitting by designation.