



1 v. Howard Pipe & Concrete Products, 722 F. 2d 1319, 1323 (9<sup>th</sup> Cir. 1983). Rule 55(b)(2) of the  
2 Federal Rules of Civil Procedure provides that the court may conduct a hearing to determine the  
3 amount of damages. Fed. R. Civ. Proc. 55(b)(2). Moreover, a judgment by default may not be  
4 entered without a hearing on damages unless the amount claimed is liquidated or capable of  
5 ascertainment from definite figures contained in the documentary evidence or in detailed affidavits.  
6 Dundee Cement Co. v. Concrete Products, 722 F. 2d at 1323.

7 Although Plaintiff has provided the court with an affidavit, she has requested a significant of  
8 amount of money based on emotional damages. The amount of emotional damages is difficult to  
9 quantify based on the existing affidavit. As such, the court will hold a damages hearing on  
10 **February 6, 2009 at 9:30 in Courtroom 10.** Counsel may appear telephonically for this hearing,  
11 however, Plaintiff shall personally appear. All arrangements to appear telephonically shall be made  
12 with Carrie Esteves, Courtroom Deputy to Judge Austin, at 559-499-5962.

13 Additionally, the request for attorney's fees in the amount of \$12,240 against Defendant  
14 Anderson includes attorney's fees that were incurred in the course of litigation related to other  
15 defendants in this case. See, Exhibit B attached to Jeremy S. Golden's Declaration dated November  
16 11, 2008. (Doc. 58-5). Within 15 days of this order, Plaintiff's attorney shall provide the court  
17 with the legal authority to support the contention that Defendant Anderson is liable for attorney's  
18 fees resulting from the prosecution of the other defendants in this case. In the alternative, Plaintiff's  
19 counsel shall submit a revised declaration and supporting documentation that contains attorney's fees  
20 relating to fees incurred in the litigation against Defendant John Anderson only.

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IT IS SO ORDERED.

Dated: January 6, 2009

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE