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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SABAS ARREDONDO, et al.,
Plaintiffs,
v.
DELANO FARMS COMPANY, et al.,
Defendants.

Case No. 1:09-cv-01247-MJS
ORDER SETTING SCHEDULE FOR
RESOLUTION OF ATTORNEYS' FEE
DISPUTES
Settlement Conference: January 9, 2018 at
10:30 a.m. in Courtroom 9 (SAB)
Moving Papers: January 19, 2018
Oppositions: February 5, 2018
Replies: February 20, 2018
Evidentiary hearing: March 5, 2018 at 9:00
a.m. (five days reserved) in Courtroom 6 (MJS)
Argument: March 13, 2018 at 10:00 a.m. in
Courtroom 6 (MJS)

On December 1, 2018, the matter came before the Court on a scheduling and status conference pertaining to the fee dispute of former and current class counsel. (ECF No. 540.) Mario Martinez, Anna Walther, Gregory Ramirez, Brian York, and William Callaham appeared on behalf of current class counsel. Leonard Comden, Kelton Lee

1 Gibson, and James Perero appeared on behalf of former class counsel. Sarah Bigelow,
2 David Bruce, and Laura Wolfe appeared on behalf of the Defendants.

3 Given the issues raised by the competing claims to reserved attorney fees in this
4 case, the court Orders as follows:

5 1. A mandatory Settlement Conference will be convened before the
6 Honorable Stanley A. Boone, U.S. Magistrate Judge, at 10:30 a.m., January 9, 2018, in
7 Courtroom 9, Fresno, and continued, if and as necessary, at the direction of Judge
8 Boone. Judge Boone will issue an Order setting out counsels' obligations with respect to
9 the Settlement Conference. Counsel are encouraged forthwith to begin meeting and
10 conferring to attempt to narrow the issues needing to be addressed at the Settlement
11 Conference.

12 2. All issues relating to any and all claims to and disputes over attorneys' fees
13 in this case or their allocation shall be resolved by the Court on motions by counsel and
14 such hearings as the court deems necessary. Counsel with claims to any portion of
15 reserved attorney fees in this case shall present them to the Court by way of motions
16 with supporting briefs, evidence and law and authority. Issues to be addressed shall
17 include, but not be limited to:

18 a. Arbitration. Any counsel or firm claiming that any portion of any
19 dispute relating to fees must be resolved by arbitration shall so move the Court
20 and, in addition to addressing the basis for such claim or claims, shall brief the
21 issue as to who is to decide whether arbitration is required and who is bound to so
22 arbitrate and how such arbitration shall be conducted, and whether testimony
23 must be taken from a witness or witnesses on any of the above issues, and , if so,
24 from whom, why, and how much time will be requested for the testimony of each
25 said witness.

26 b. Motion to Strike. Counsel who have briefed the issues raised by the
27 opening motion to strike attorneys' fees claims (ECF No. 503) may, but are not
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1 required to, supplement their briefing in accordance with the schedule below. .
2 Other counsel may raise or oppose issues in accordance with that schedule. All
3 counsel shall advise the Court whether they feel testimony must be taken from a
4 witness or witnesses to address the issues raised by the motion and, if so, from
5 whom, why, and how much time will be requested for the testimony of each said
6 witness.

7 c. Allocation of Fees. Counsel claiming any portion of the reserved
8 attorney fees shall put forth their proposal for how those fees should be allocated
9 among the various attorney claimants and their authority for same. The Martinez
10 firm shall include a breakout of the portion of fees claimed for work done by
11 Marcos Camacho, the periods of time for which such work was done, and the
12 basis on which Martinez claims to be entitled to any portion of such fees. All
13 counsel shall advise the Court if they feel testimony must be taken from a witness
14 or witnesses to address the issues raised by the motion and, if so, from whom,
15 why, and how much time will be requested for the testimony of each said witness.

16 d. Et cetera. Counsel and parties shall move for any and all other
17 relief related to allocation of fees among counsel and claimed to be appropriate
18 for, and in need of, resolution by the Court on the schedule set forth below. No
19 such motion shall be filed or relief sought after January 19, 2018.

20 3. All such issues shall be briefed to the Court and addressed according to
21 the following schedule:

22 a. Moving papers, including supplements (if necessary) to the pending
23 Motion to Strike Claims for Attorney Fees (ECF No. 503), shall be filed and served
24 on or before January 19, 2018.

25 b. Opposition briefs, including supplements (if necessary) to the
26 already filed in opposition to the pending Motion to Strike Claims for Attorney
27 fees, shall be filed on or before February 5, 2018.

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c. Reply briefs shall be filed on or before February 20, 2018.

d. An evidentiary hearing or hearings to address issues of fact raised by the motions or opposition to them shall be held March 5 through March 9, 2018, in Courtroom 6, Fresno, as the court shall hereafter direct.

e. Oral argument on all motions shall be held on March 13, 2018 at 10:00 a.m. in Courtroom 6, Fresno, if and as the court directs.

IT IS SO ORDERED.

Dated: December 1, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE