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## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

DHILLON SINGH, et al.,

Plaintiffs,

V.

HANCOCK NATURAL RESOURCES GROUP, INC., et al.,

Defendants.

Defendants.

Case No.: 1:15-cv-01435 - LJO - JLT

ORDER ADOPTING IN FULL THE FINDINGS AND RECOMMENDATIONS GRANTING IN

PART DEFENDANT'S MOTION FOR

ATTORNEY'S FEES AND COSTS

(Doc. 102)

Defendant Goose Pond AG, Inc. seeks an award of attorneys' fees and costs related to this action, "pursuant to the attorneys' fees clause in the Real Estate Purchase Agreement ... upon which Plaintiffs based their Complaint." Doc. 81-1 at 2. Plaintiff opposed the motion, arguing Defendant was not a prevailing party on the contract, and in the alternative, requesting that the Court reduce the amount of fees awarded to Defendant. Doc. 94. The Magistrate Judge determined Defendant was entitled to an award of fees and costs as the prevailing party pursuant to California Civil Code § 1717, and recommended that fees be granted in the modified amount of \$246,758.67. Doc. 102 at 23; *see also Dhaliwal v. Singh*, No. CV F 13-0484, 2013 WL 5477374, at \*5 (E.D. Cal. Sept. 30, 2013) ("[W]hen a defendant defeats recovery by the plaintiff on the only contract claim in the action, the defendant is the party prevailing on the contract under section 1717 as a matter of law."). In addition, the Magistrate Judge recommended that the Court grant Defendant's request for expert fees and costs. Id.

1 The parties were given fourteen days to file any objections to the recommendation that fees and 2 costs be awarded. Doc. 102 at 23. In addition, they were "advised that failure to file objections within 3 the specified time may waive the right to appeal the District Court's order." Id. at 6 (citing Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Wilkerson v. Wheeler, 772 F.3d 834, 834 (9th Cir. 2014)). To 4 5 date, no objections have been filed. 6 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley United 7 School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a de novo review of the case. 8 Having carefully reviewed the entire file, the Court finds that the Findings and Recommendations are 9 supported by the record and by proper analysis. 10 Accordingly, IT IS HEREBY ORDERED: 11 1. The Findings and Recommendations dated May 25, 2017 (Doc. 102) are **ADOPTED** 12 IN FULL; 13 2. Defendant's motion for attorney fees is **GRANTED** in the modified amount of 14 **\$246,758.67**; 15 3. The request for expert fees is **GRANTED** in the amount of \$15,435.00; and 4. 16 The request for costs is **GRANTED** in the amount of \$23,478.29. 17 18 IT IS SO ORDERED. 19 Dated: **June 19, 2017** /s/ Lawrence J. O'Neill UNITED STATES CHIEF DISTRICT JUDGE 20 21 22 23 24 25 26 27

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