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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY COSBY,

Plaintiff,

v.

AUTOZONE, INC., JIM KULBACKI
and DOES 1-100, inclusive,

Defendants.

NO. CIV. S-08-505 LKK/DAD

O R D E R

_____ /

On May 24, 2010, the court heard oral argument on plaintiff's motion for attorneys' fees. At this hearing the court instructed the parties to brief whether and/or under what conditions the court is permitted to reduce the fees awarded to plaintiff by a percentage of fees billed.

The court further instructs the parties to brief whether Perdue v. Kenny A., 559 U.S. ____ (2010), should apply to the case at bar. Specifically, the issue addressed in Perdue was "whether the calculation of an attorney's fee, under **federal fee-shifting**

1 **statutes**, based on the "lodestar," *i.e.*, the number of hours worked
2 multiplied by the prevailing hourly rates, may be increased due to
3 superior performance and results." Id. (emphasis added). This case
4 concerns the application of the California fee-shifting statutes.

5 For the foregoing reasons, the court orders as follows:


6 (1) Defendant shall file a supplemental brief on the issues
7 discussed above within seven (7) days of the issuance of
8 this order.

9 (2) Plaintiff shall file a response to defendant's
10 supplemental brief within fourteen (14) days of the
11 issuance of this order.

12 IT IS SO ORDERED.

13 DATED: May 24, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT