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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, and
CALIFORNIA DEPARTMENT OF
TOXIC SUBSTANCES CONTROL,

Plaintiffs,

v.

STERLING CENTRECORP INC.,
STEPHEN P.ELDER, and ELDER
DEVELOPMENT, INC,

Defendants.

No. 2:08-cv-2556 MCE DB

ORDER

On July 28, 2017, this matter came before the undersigned for hearing of plaintiffs' motion to compel. Attorney David Forsythe appeared telephonically on behalf of plaintiff United States of America. Attorney John Everett appeared telephonically on behalf of plaintiff California Department of Toxic Substances Control. Attorney Kaitlyn Shannon appeared telephonically on behalf of defendant Sterling Centrecorp Inc.¹

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¹ There was no appearance by, or on behalf of, defendant Stephen P. Elder or defendant Elder Development, Inc.

1 Upon consideration of the arguments on file and at the hearing, and for the reasons set
2 forth on the record at the hearing, IT IS HEREBY ORDERED that:

- 3 1. Plaintiffs' July 3, 2017 motion to compel (ECF No. 318) is granted²;
- 4 2. Within twenty-one days of the date of this order counsel for defendant Sterling
5 Centrecorp Inc., shall produce to plaintiffs either Bates number RRF00801 in an unredacted
6 form or a stipulation stating the total dollar amount defense counsel has billed defendant Sterling
7 Centrecorp Inc., for the defense of this litigation; and
- 8 3. Defendant's production shall be made pursuant to the protective order governing this
9 action.

10 Dated: July 28, 2017

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12 _____
13 DEBORAH BARNES
14 UNITED STATES MAGISTRATE JUDGE

15 DLB:6
16 DB/orders/orders.civil/USvCentrecorp2556.oah.072817

17 _____

18 ² See generally U.S. v. Biotronik, Inc., No. 2:09-cv-3617 KJM EFB, 2015 WL 1291371, at *6
19 (E.D. Cal. Mar. 20, 2015) (finding rates charged to litigate in district “relevant and
20 discoverable”); Riker v. Distillery, No. 2:08-cv-0450 MCE JFM, 2009 WL 2486196, at *1 (E.D.
21 Cal. Aug. 12, 2009) (“This court finds that defendants’ billing records may be relevant to assist
22 the court in determining the reasonableness of plaintiff’s request for attorneys[’] fees.”); New
23 Amsterdam Project Management Humanitarian Foundation v. Laughrin, No. 07-0935 JF (HRL),
24 2009 WL 102816, at *7 (N.D. Cal. Jan. 14, 2009) (“The amount of fees paid to an attorney are
25 not privileged, so billing records are generally discoverable.”); U.S. v. Keystone Sanitation Co.,
26 Inc., 885 F. Supp. 672, 675 (M.D. Pa. 1994) (“statements and records that simply reveal the
27 amount of time spent, the amount billed, and the type of fee arrangement between attorney and
28 client are fully subject to discovery”); Murray v. Stuckey’s Inc., 153 F.R.D. 151, 153 (N.D. Iowa
1993) (“The court concludes that, in light of these precedents, both the number of hours devoted
to the case by defendants’ attorneys and their hourly rates, to the extent that those rates reflect
‘the prevailing market rates in the relevant community,’ are relevant to plaintiffs’ attorney fee
claim.”); Real v. Continental Group, Inc., 116 F.R.D. 211, 213 (N.D. Cal. 1986) (“Thus, I
conclude that the hours expended by the defendant on matters pertaining to this case, counsel’s
hourly rates, as well as total billings and costs, are at least minimally relevant to the plaintiff’s
fees and costs petition.”).