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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRIOT RAIL CORP.,

Plaintiff,

No. CIV S-09-009 MCE EFB

vs.

SIERRA RAILROAD COMPANY,

Defendant.

ORDER

On May 26, 2010, the undersigned issued an order that, among other things, granted plaintiff’s motion to compel defendant to respond to certain requests for production of documents and plaintiff’s corresponding request for sanctions. Dckt. No. 80. In the May 26 order, the undersigned noted that defendant opposed plaintiff’s request for \$7000.00 in expenses and plaintiff’s lack of evidentiary support for those expenses. *Id.* at 2-3. The undersigned stated that it could not determine, based on plaintiff’s counsel’s declaration in support of the request, whether the attorney fees sought by plaintiff amounted to *reasonable* expenses incurred in making the motion to compel. *Id.* at 3. Accordingly, the May 26 order provided: “[i]f plaintiff still seeks to recover the reasonable expenses incurred in making the motion to compel, plaintiff shall file, on or before June 2, 2010, a more detailed explanation of the fees incurred and a response to the arguments made in defendant’s May 25, 2010 opposition to plaintiff’s

1 declaration in support of fees.” *Id.* The May 26 order further provided that, on or before June 9,  
2 2010, defendant could file an opposition or response to any filing by plaintiff regarding  
3 plaintiff’s request for fees. *Id.* at 4.

4 On June 2, 2010, plaintiff filed a response to defendant’s objection to plaintiff’s fee  
5 request, along with supplemental declarations from the two attorneys who worked on the motion  
6 to compel at issue. Dckt. Nos. 81-83. Defendant has not filed any opposition to plaintiff’s  
7 supplemental filings in support of its request for fees.

8 In light of defendant’s lack of opposition, and because the June 2 response and  
9 supplemental declarations reveal that the \$7000.00 in fees sought by plaintiff were reasonably  
10 incurred in making the motion to compel, plaintiff’s request for \$7000.00 in fees is granted.  
11 Defendant shall, no later than thirty days from the filing date of this order, reimburse plaintiff for  
12 its expenses incurred in making its motion to compel, Dckt. No. 70, in the total amount of  
13 \$7000.00.

14 SO ORDERED.

15 DATED: July 7, 2010

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE