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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BLUE LAKE RANCHERIA, a
federally-recognized Indian
Tribe; BLUE LAKE RANCHERIA
ECONOMIC DEVELOPMENT
CORPORATION, a federally-
chartered tribal corporation;
and MAINSTAY BUSINESS SOLUTIONS,
a federally-authorized division
of Blue Lake Rancheria Economic
Development Corporation,

Plaintiffs,

v.

MARTY MORGENSTERN, individually
and in his official capacity as
Secretary of the California
Labor and Workforce Development
Agency; PAM HARRIS, individually
and in her official capacity as
Chief Deputy Director of the
Employment Development
Department of the State of
California ("EDD"); JACK
BUDMARK, individually and in his
official capacity as a Deputy
Director of the Tax Brach of the
EDD; TALBOTT SMITH, individually
and in his official capacity as
a Deputy Director of the
Unemployment Branch of the EDD;
KATHY DUNNE, individually and in
her official capacity as a
Senior Tax Compliance

Case No. 2:11-CV-1124 JAM-JFM
FEE AWARD

1 Representative of the EDD; SARAH)
REECE, individually and in her)
2 capacity as an Authorized)
Representative of the EDD; THE)
3 STATE OF CALIFORNIA; THE)
EMPLOYMENT DEVELOPMENT)
4 DEPARTMENT, a department of the)
State of California; and DOES 1-)
5 50, inclusive,)
Defendants.)
6

7 On July 27, 2011 the Court issued an order (Doc. #38)
8 permitting Plaintiffs Blue Lake Rancheria, Blue Lake Rancheria
9 Economic Development Corporation and Mainstay Business Solutions
10 (collectively "Plaintiffs") to file a sur reply along with a
11 declaration setting forth the attorneys fees and costs incurred in
12 the preparation and filing of the sur reply. The Court stated that
13 it would award reasonable attorneys fees to Plaintiffs as a
14 sanction against Defendants Marty Morgenstern, Pam Harris, Jack
15 Budmark, Talbott Smith, Kathy Dunne and Sarah Reece (collectively
16 "Defendants") for violating the Courts previous order regarding
17 supplemental briefing. See Transcript of Motion for Preliminary
18 Injunction (Doc. #31) at 45:23-46:1.

19 Plaintiffs ask this Court for an award of fees in the amount
20 of \$19,952.50. Having reviewed Plaintiffs' Declaration (Doc. #39,
21 attachment #1) setting forth the fees incurred in preparing the sur
22 reply, the Court finds that \$19,952.50 is not a reasonable fee
23 award. The Court will award reasonable attorneys fees of \$6,035.00
24 to Plaintiffs. The Court eliminated fees for work that it found to
25 be unnecessary and/or duplicative, and reduced the hourly billing
26 rate for Mr. Rubin. Specifically, the Court awarded fees for 10
27 hours of work performed by Gregg Philipp and Lucia Kim at a blended
28 billing rate of \$232.50 per hour, 8 hours of work by David Rapport

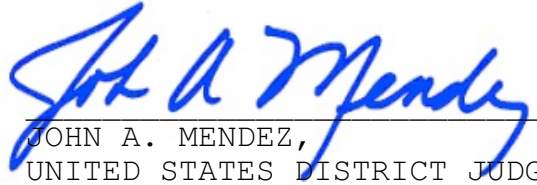
1 at \$250.00 per hour and 3.8 hours of work performed by Robert Rubin
2 at \$450.00 per hour.

3 ORDER

4 Defendants are ordered to pay Plaintiffs \$6,035.00 within
5 thirty (30) days of the date of this Order.

6 IT IS SO ORDERED.

7 Dated: August 11, 2011

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JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE