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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS T. AOKI, et al.,

Plaintiffs-Judgment
Creditors,

v.

GREGORY FORD GILBERT, et al.,

Defendants-Judgment
Debtors.

No. 2:11-cv-2797 TLN CKD

ORDER

(ECF Nos. 477, 483)

On July 6, 2021, the undersigned granted plaintiffs' motion to compel, ordering defendants-judgment debtors to respond to discovery related to their debtor examinations; but the court delayed ruling on plaintiffs' request for attorneys' fees incurred in bringing said motion under Federal Rule of Civil Procedure 37(a)(5), pending submission of an itemized billing record by plaintiffs' counsel. (ECF No. 482.) On July 8, 2021, plaintiffs' counsel Duyen T. Nguyen filed a supplemental declaration containing a breakdown of her billing on this matter. (ECF No. 483.) Although defendants-judgment debtors were afforded seven days to oppose the reasonableness of the hours spent (ECF No. 482 at 3), they filed no opposition.

Having taken the request under submission, the court now GRANTS plaintiffs' request for attorneys' fees under Rule 37(a)(5). Defendants-judgment debtors' continued failure to respond to plaintiffs' discovery requests related to the debtor examinations is not substantially justified,

1 and the court is aware of no other circumstances that would make an award of expenses unjust.
2 See Fed. R. Civ. P. 37(a)(5)(A)(ii)-(iii), 69(a)(2). Plaintiffs' counsel requests \$3,500 in attorneys'
3 fees for the 10 hours spent bringing the motion to compel. (ECF No. 477 at 7-10; ECF No. 483
4 at 2.) The undersigned continues to find reasonable the previously approved hourly rate of
5 \$350.00 that Ms. Nguyen reasserts for this request. (See ECF No. 244.) Upon review of the
6 unopposed billing record submitted, the court also finds reasonable the number of hours expended
7 on the motion to compel.

8 Accordingly, it is HEREBY ORDERED THAT:

- 9 1. Plaintiffs' request for attorneys' fees in connection with the previously granted motion to
10 compel (ECF No. 477) is GRANTED; and
- 11 2. Plaintiffs are awarded sanctions pursuant to Federal Rule of Civil Procedure 37(a)(5)(A)
12 in the amount of \$3,500.00 to be paid by defendants-judgment debtors Gregory Ford
13 Gilbert and Trina Health, LLC (jointly and severally), due to the conduct that necessitated
14 the motion to compel, as articulated in the court's prior orders. Such sanctions must be
15 paid within 10 days of this order.

16 Dated: July 19, 2021

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19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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