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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,  
Plaintiffs,  
v.  
MICHAEL DEMARTINI, et al.,  
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Pending before the court are plaintiffs’ requests for expenses incurred in connection with a motion to compel amended initial disclosure (ECF No. 120) and motion to compel production of electronically stored documents (ECF No. 122). The parties have submitted supplemental briefing on these matters. Upon review of the documents submitted in support and opposition, upon review of the supplemental briefing, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

The court has determined that reasonable expenses should be awarded in connection with both motions. However, the amount of time expended by plaintiffs’ attorneys is unreasonable. The court previously found an hourly rate of \$250 was reasonable for attorney Kemos (ECF No. 99), and no circumstances have been presented which would warrant a departure from that hourly rate.

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1 In connection with the motion to compel amended initial disclosure, plaintiffs seek \$8,092  
2 for attorney Kemos for 24.9 hours at an hourly rate of \$325 and \$900 for attorney Rimmer for 3.6  
3 hours at an hourly rate of \$250. The affidavits submitted in support of the claimed attorneys' fees  
4 for the motion to compel amended initial disclosure (ECF Nos. 149, 150) do not set forth the  
5 dates on which the tasks were performed and it appears there was some duplication of tasks  
6 performed by the two plaintiffs' attorneys. Moreover, the amount of time spent on some of the  
7 tasks appears to be greater than would be reasonably expended by an experienced attorney. It  
8 also appears that much of the time spent on this motion could have been avoided if there had been  
9 appropriate meet and conferring with defendants at an earlier stage of the litigation. The court  
10 therefore finds that a total of ten hours of attorney time was incurred in connection with the  
11 motion to compel amended initial disclosure.

12 With respect to the motion to compel production of electronically stored information,  
13 plaintiffs seek \$1,625 for attorney Kemos for 5 hours at an hourly rate of \$325 and \$3,000 for  
14 attorney Rimmer for "more than 15 hours" at an hourly rate of \$250. ECF No. 136. Counsel has  
15 not provided an itemized list of tasks for these claimed hours. As with the prior motion, it  
16 appears there was duplication of effort and claiming over twenty hours for a straightforward  
17 motion is unreasonable. It also appears that again there was a failure to adequately meet and  
18 confer regarding the production of the electronically stored documents. The court finds seven  
19 hours were reasonably incurred in connection with this motion.

20 Accordingly, IT IS HEREBY ORDERED that:

21 1. Plaintiffs are awarded \$2,500 in attorneys' fees incurred in connection with the motion  
22 to compel amended initial disclosure.

23 2. Plaintiffs are awarded \$1,750 in attorneys' fees incurred in connection with the motion  
24 to compel production of electronically stored information.

25 Dated: January 11, 2017

26   
27 CAROLYN K. DELANEY  
28 UNITED STATES MAGISTRATE JUDGE