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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

FOREVER RESORTS, LLC; LAKE
OROVILLE MARINA, LLC; BILL
HARPER; and REX MAUGHAN,

Defendants.

No. 2:16-cv-01595-MCE-EFB


MEMORANDUM AND ORDER

Before the Court is Plaintiff's Second Motion for Settlement Approval, ECF No. 25, under California's Safe Drinking Water and Toxic Enforcement Act of 1986, Cal. Health & Safety Code §§ 25249.5–.13, otherwise known as Proposition 65. California Health and Safety Code § 25249.7(f)(4) requires parties to submit Proposition 65 settlements between private parties to the court for approval. For the court to approve the settlement, the court must—among other things—find that “[t]he award of attorney’s fees is reasonable under California law.” *Id.* § 25249.7(f)(4). The Court previously found a rate of \$795 per hour and a total of \$67,500 in attorney’s fees to be unreasonable. See Mem. & Order, ECF No. 20, at 4. In this second motion, Plaintiff’s counsel claims to have reduced his rate to \$650 per hour for purposes of calculating attorney’s fees. See Mem. of P. & A. in Supp. of 2d Mot. for Settlement Approval, ECF No. 26, at 15–16.

1 However, Plaintiff still seeks a total of \$67,500 in attorney's fees. See Decl. of Andrew L.
2 Packard, Ex. C, ECF No. 27-3. The fact that Plaintiff's counsel purports to reduce the
3 hourly rate while increasing the number of hours to reach the same bottom line on the
4 amount of attorney's fees is, quite frankly, ridiculous. If Plaintiff's counsel is too obtuse to
5 understand what the court's intentions are in this matter, Plaintiff's counsel can expect a
6 long delay in obtaining *any* attorney's fees. Plaintiff's Motion for Settlement Approval,
7 ECF No. 25, is DENIED.¹

8 IT IS SO ORDERED.

9 Dated: June 2, 2017

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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28 ¹ Because oral argument would not have been of material assistance, the Court ordered this