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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SUSTAINABLE PAVEMENT  
TECHNOLOGIES, LLC,  
  
Plaintiff,  
  
v.  
  
RICH HOLIDAY, et al.,  
  
Defendants.

No. 2:17-cv-02687-WBS-KJN

ORDER

Presently pending before the court is plaintiff Sustainable Pavement Technologies, LLC’s motion for attorneys’ fees and costs against defendant Rich Holiday. (ECF No. 84.) The court previously granted plaintiff’s motion for default judgment and awarded plaintiff \$914,181 in damages. (ECF No. 80.) Plaintiff appeared through counsel at the hearing on its motion; no one appeared for defendant.

Plaintiff appears to be entitled to attorneys’ fees pursuant to Cal. Pen. Code § 496(c). However, “district courts have considerable discretion in determining attorney’s fees.” Corder v. Gates, 947 F.2d 374, 380 (9th Cir. 1991). For example, a court may reduce fees which reflect an attorney’s work prosecuting a case against a litigant no longer a party to the suit. See Cataphora Inc. v. Parker, 848 F. Supp. 2d 1064, 1070 (N.D. Cal. 2012).

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In light of this, as the record currently stands the court cannot ascertain how some of plaintiff's claimed fees are associated with this particular defendant, precluding substantial review.

Accordingly, by November 22, 2019, plaintiff's counsel is ORDERED to:

1. Review plaintiff's submitted attorneys' fees and costs to ensure they are properly attributable to prosecuting the case against this particular defendant. If plaintiff finds that some entries are not properly attributable to this defendant, plaintiff's counsel is to resubmit his billing sheets; and
2. File a declaration with the court explaining how the fees plaintiff is claiming, which mention other defendants, are associated with defendant Rich Holiday.

Dated: November 15, 2019

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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