

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiffs,

v.

TONY THURMOND, et al.,

Defendants.

Case No. [96-cv-04179-VC](#)

**ORDER DENYING MOTION FOR
FEES**

Re: Dkt. No. 2565

Morgan Hill's motion for attorneys' fees is denied. Morgan Hill argues that it is entitled to recover either under the fee provisions of the consent decree, or under a theory that the fees are recoverable as costs incurred to implement or enforce the decree. Neither theory justifies a fee award. First, the consent decree allows plaintiffs to recover reasonable fees, and Morgan Hill agrees that it is not a plaintiff in this case. See First Amended Consent Decree, Dkt. No. 2571-2, at 23; Reply in Support of Mot. for Fees, Dkt. No. 2573, at 4. And second, Morgan Hill cannot reasonably be described as a "judicial recruit" that "worked . . . on implementing the [consent decree]." Reply, Dkt. No. 2573, at 4. Morgan Hill's submission of amicus briefs was entirely voluntary (and in any event, of little substantive worth).

IT IS SO ORDERED.

Dated: June 29, 2020



VINCE CHHABRIA
United States District Judge