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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDALL L. EDWARDS, et al.,

No. C-07-4710 MMC

Plaintiffs,

**ORDER AFFORDING PLAINTIFFS
LEAVE TO FILE SUPPLEMENTAL
OPPOSITION TO DEFENDANTS'
MOTION FOR AWARD OF ATTORNEYS'
FEES; VACATING MAY 15, 2009
HEARING**

v.

MICHAEL J. REYNOLDS, et al.,

Defendants

Before the Court is defendants Michael J. Reynolds, Betsy Strauss, and the City of Santa Rosa's "Motion for Award of Attorney's Fees," filed March 30, 2009. Plaintiffs Randall Edwards and Betty Sue Edwards have jointly filed two opposition briefs, one on March 31, 2009, and the other on April 3, 2009, to which defendants have replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court, for the reasons set forth below, finds it appropriate to vacate the hearing scheduled for May 15, 2009 and to afford plaintiffs leave to file supplemental opposition to address evidence offered for the first time by defendants with their reply.

A party seeking an award of attorney fees "has the burden of producing satisfactory evidence, in addition to the affidavits of its counsel, that the requested rates are in line with those prevailing in the community for similar services of lawyers of reasonably comparable skill and reputation." See Southerland v. International Longshoremens and

1 Warehousemen's Union, 845 F.2d 796, 801 (9th Cir. 1988) (emphasis in original) (internal
2 quotation and citation omitted). Here, in support of their moving papers, the only evidence
3 offered by defendants is a declaration submitted by their counsel, specifically, counsel's
4 statement that his time is "billed at \$325 an hour." (See Casey Decl. ¶ 3.) Consequently,
5 defendants' moving papers are insufficient to support an award of fees. See id. In support
6 of their reply, however, defendants offer a declaration submitted by Iris Yang ("Yang"), an
7 attorney who does not represent defendants. In her declaration, Yang offers the opinion
8 that the \$325 rate sought is "a reasonable market rate for representing [defendants
9 herein]." (See Yang Decl. ¶ 3.) Plaintiffs have not had the opportunity to respond to
10 Yang's declaration.

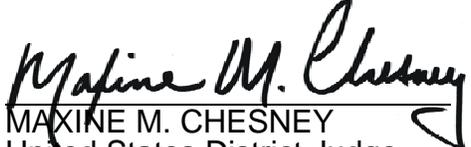
11 Accordingly, the Court hereby sets the following supplemental briefing schedule:

- 12 1. No later than May 29, 2009, plaintiffs shall file and serve on counsel for
13 defendants any supplemental opposition to defendants' motion for an award of fees.
- 14 2. No later than June 12, 2009, defendants shall file any supplemental reply.
- 15 3. As of June 12, 2009, the Court will take the matter under submission, unless the
16 parties are otherwise advised.

17 The hearing scheduled for May 15, 2009 is hereby VACATED, and no party shall
18 appear on said date.

19 **IT IS SO ORDERED.**

20
21 Dated: May 8, 2009


MAXINE M. CHESNEY
United States District Judge