

pay; an award may deter defendant from terminating benefits under similar circumstances; 2 and again, defendant's abuse of discretion was apparent. See McElwaine v. US West, Inc., 3 176 F.3d 1167, 1172 (9th Cir. 1999).

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The Court finds further that plaintiff's counsel's hourly rate is reasonable.

With respect to the amount of fees sought, the Court agrees with defendant that plaintiff should not recover fees for the 3.6 hours spent in connection with the motion to strike as there was no basis for a jury demand. The Court also finds that the time spent preparing for mediation and oral argument is reasonable.

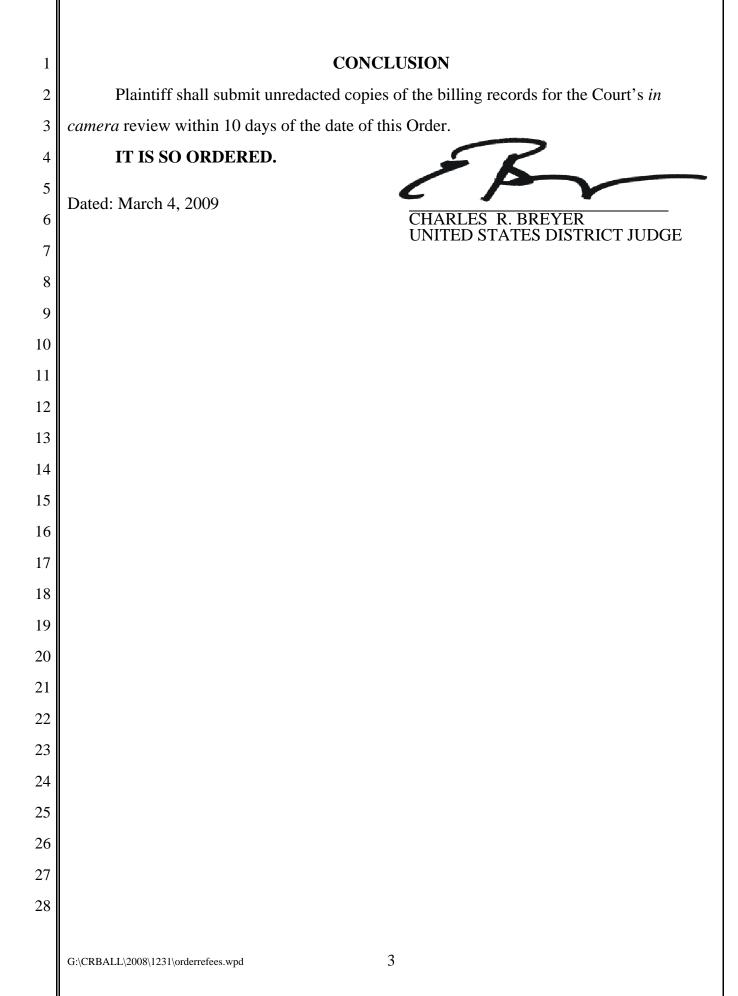
9 The Court is unable to determine whether plaintiff's fee request is otherwise 10 reasonable because of the substantive redactions to the billing records. Accordingly, as suggested by plaintiff, plaintiff shall produce unredacted copies of the billing records to the 11 12 Court for its in camera review. The Court will take the amount of fees to be awarded under 13 submission upon receipt of the in camera filing.

**B**. Costs

15 Under ERISA a plaintiff may recover as "attorney's fees" expenses that are 16 customarily billed separately, including expenses for computer-based research. Trustees of 17 Const. Industry and Laborers Health and Welfare Trust v. Redlands Ins. Co., 460 F.3d 1253, 1258-59 (9th Cir. 2006). Accordingly, plaintiff is awarded \$6,876.35 in expenses as part of 18 the attorney's fee award. 19

## 20 C. **Prejudgment Interest**

21 The Court concludes that prejudgment interest at the interest rate prescribed for postjudgment interest under 28 U.S.C. section 1961 is appropriate in the circumstances of this 22 23 case. See Grosz-Salomon v. Paul Revere Life Ins. Co., 237 F.3d 1154, 1164 (9th Cir. 2001). 24 // 25 // 26 // 27 // 28  $\parallel$ 



## United States District Court For the Northern District of California