

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C 08-01971 MHP

CHARLES BLACKWELL,

Plaintiff(s),

vs.

CHRISTOPHER P. FOLEY, et al.,

Defendant(s).

**ORDER ADOPTING
MAGISTRATE'S
REPORT AND
RECOMMENDATION**

This matter having been referred to Magistrate Judge James Larson pursuant to Federal Rule of Civil Procedure 72(b) and Civil Local Rule 72-3 in accordance with 28 U.S.C. section 636(b)(1)(B) and (C) for the purpose of conducting a hearing, determining plaintiff's motion for attorneys' fees and costs to be awarded in this action, and submitting a Report and Recommendation ("R&R") to this court; the Magistrate Judge having conducted a hearing on the motions and having filed his R&R; and the court, having fully reviewed the R&R, having considered the defendants' objections and the response thereto, adopts the R&R in full.

The Magistrate Judge's decision is well-reasoned and explained. It is fully supported by the record. Furthermore, defendants' contention that plaintiff lacks standing is foreclosed by the Consent Decree to which defendants agreed and which was approved by this court and filed on January 14, 2010. That Decree provides that "the parties agree that attorney fees, litigation expenses and costs will be awarded by motion and Order from the Court" and defendant further agreed "to payment in full of those fees, expenses and costs." The Magistrate Judge, correctly and

1 appropriately, in accordance with the agreement of the parties themselves awarded fees, expenses
2 and costs in a reasonable amount. Therefore, the court adopts the R&R and imposes fees, expenses
3 and costs in the total amount of \$105,147.00 as calculated and in accordance with the R&R.

4 Accordingly,

5 IT IS HEREBY ORDERED that the foregoing Report and Recommendation is ADOPTED
6 in its entirety, the motion for attorneys' fees, expenses and costs is GRANTED, and in compliance
7 with the Consent Decree **defendants shall pay in full the amount of \$105,147.00 within twenty**
8 **(20) days of the date of this order.**

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Date: July 14, 2010


MARILYN HALL PATEL
United States District Court Judge
Northern District of California

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ENDNOTES