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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVE WHITE,)	
)	
Plaintiff(s),)	No. C09-0989 BZ
)	
v.)	
)	ORDER RECONSIDERING AWARD
MING R. SHEN, et al.,)	OF ATTORNEY FEES
)	
Defendant(s).)	
)	
_____)	

Plaintiff's motion for reconsideration is **GRANTED IN PART**. The Court inadvertently read plaintiff's concession not to seek fees for the reply to the attorney's fee motion to mean that plaintiff was not seeking fees for any portion of the attorney's fee motion.

That said, the Court is not prepared to award all the claimed fees. Though they are not separately broken out, they appear to be as follows:

Paul Rein, Esq.	13.6 hrs@ \$495/hr = \$6,732.00
Celia McGuinness, Esq.	2.6 hrs@ \$395/hr = \$1,027.00
Catherine Cabalo, Esq.	0.6 hrs@ \$330/hr = \$198.00
Aaron Clefton, Law Clerk	1.2 hrs@ \$165/hr = \$198.00
Total Attorney fees:	\$8,155.00


1 First, the motion for attorney's fees was unduly long,
2 and contained both boilerplate material and other material
3 unnecessary for the disposition of this motion. As examples,
4 attached to Mr. Rein's declaration is a copy of the complaint
5 filed in this case as well as documents from other cases which
6 can be easily accessed electronically. More egregiously,
7 there is substantial discussion in the memorandum and in the
8 declaration about George Louie, which I regard as largely
9 immaterial to this motion. Moreover, since my view is that it
10 was not necessary to have multiple attorneys working on this
11 case, I am not prepared to pay for the time sought in
12 recovering their fees. Finally, I see no reason why Mr. Rein
13 had to spend so much time preparing this fee motion; it could
14 have been done by a more junior attorney. I note that much of
15 the moving papers is substantially similar to papers filed by
16 Mr. Rein in support of motions for attorney's fees in his
17 other ADA access cases. See Overbo and Brown-Booker v. Loews
18 California Theatres, Inc., 3:07-cv-05368 MHP, Docket No. 58
19 (N.D. Cal. 2010); Blackwell v. Foley, 3:08-cv-019710 MHP,
20 Docket No. 37 (N.D. Cal. 2010). Accordingly, I will award
21 plaintiff additional fees based on the hourly rate billed by
22 Celia McGuinness, \$395 per hour, for 7 hours of work for a
23 total of \$2765.00, which I find to be a reasonable amount of
24 time for this motion.¹

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26 ¹ This \$2765.00 is in addition to the \$28,431.00 in
27 fees and \$8,637.00 in costs already awarded plaintiff (Docket
28 No. 39), which included time billed by Ms. McGuinness and Mr.
Clefton for their work on the attorney's fees motion. The
additional award is for time spent by Mr. Rein on the fees
motion.

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It is ORDERED that the motion is otherwise DENIED.

Dated: January 25, 2011


Bernard Zimmerman
United States Magistrate Judge

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