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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENCOMPASS HOLDINGS, INC.,)
)
 Plaintiff(s),)
)
 v.)
)
 CAREY F. DALY II, et al.,)
)
 Defendant(s).)
)
 _____)

No. C09-1816 BZ

**ORDER AWARDING DALY
ATTORNEYS' FEES AND COSTS**

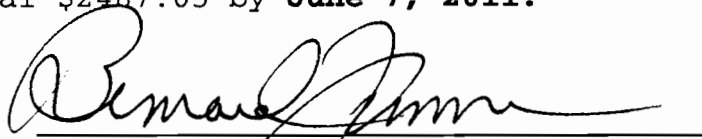
Having reviewed Brinkman's objections (Docket No. 160) to the fees and costs claimed by Daly and Lanham (collectively "Daly"), and Daly's opposition to these objections (Docket No. 161), **IT IS HEREBY ORDERED** that Daly is awarded fees and costs of \$7137.00 for the reasons explained below.

Brinkman was only ordered to pay Daly's fees and costs incurred in connection with having Brinkman's default entered and in opposing the motion to vacate the default. See Docket No. 159. Thus, Daly cannot recover fees and costs for matters unrelated to the default (i.e., fees and costs for arranging service of process and postage).

1 Daly's counsel spent 7.6 hours in connection with having
2 the Clerk enter Brinkman's default. In opposing Brinkman's
3 motion, Daly's counsel spent 26.7 hours before the Court
4 issued its tentative ruling. I find that it was unreasonable
5 for Daly's counsel to spend so much time on these tasks,
6 particularly considering he was charging his clients \$400.00
7 per hour for his legal services. An attorney with this
8 billing rate, which is reasonable for Daly's counsel's level
9 of experience, should be able to complete these tasks in a
10 more efficient manner. I find that a reasonable amount of
11 time to obtain Brinkman's default would have been 2 hours and
12 that 10 hours would have been sufficient to oppose the motion
13 to vacate the default. It was not unreasonable for Daly's
14 counsel to spend 1.2 hours reviewing the Court's tentative
15 ruling and subsequently exchanging several e-mails. It was
16 also not unreasonable for Daly's counsel to spend 4.5 hours to
17 travel to and personally appear at the hearing on May 6, 2011.

18 Thus, Daly's request for fees is reduced to the more
19 reasonable 17.7 hours, which at counsel's \$400.00 per hour
20 rate amounts to \$7080.00. The only cost Daly incurred in
21 connection with the default was \$57.00 for traveling to San
22 Francisco for the hearing. Brinkman, who has already paid
23 Daly \$4649.95 for his fees and costs, **IS THEREFORE ORDERED** to
24 pay Daly an additional \$2487.05 by **June 7, 2011**.

25 Dated: May 26, 2011



26
27 Bernard Zimmerman
United States Magistrate Judge

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