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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 ALANA KASELITZ, an individual; and
12 MELISSA KASELITZ, an individual,

13 Plaintiffs,

14 v.

15 HISOFT TECHNOLOGY INTERNATIONAL,
16 LTD., a Cayman Islands exempt company;
17 and TIAK KOON LOH, an individual,

18 Defendants.
19 _____/

No. C-12-5760 MMC

**ORDER GRANTING DEFENDANT'S
MOTION TO CLARIFY ORDER AND
JUDGMENT; GRANTING DEFENDANTS'
REQUEST FOR ADDITIONAL AWARD
OF FEES AND COSTS; DIRECTIONS TO
CLERK**

20 By order filed February 19, 2016, the Court granted defendant hiSoft Technology
21 International, Ltd.'s motion to confirm an arbitration award, specifically, the Final Order
22 entered October 23, 2015, by arbitrator Mark C. Dosker.

23 Before the Court is defendant's "Motion to Clarify Court's Order and the Clerk of
24 Court's Subsequent Judgment Confirming Arbitration Award in Favor of Defendant," filed
25 March 2, 2016. Plaintiffs Alana Kaselitz and Melissa Kaselitz have not filed opposition.¹
26 Having read and considered the papers filed in support of the motion, the Court deems the
27 matter suitable for determination thereon, VACATES the hearing scheduled for April 8,
28 2016, and rules as follows.

¹Any opposition was due no later than March 16, 2016. See Civil L.R. 7-3(a) (providing opposition "must be filed and served not more than 14 days after the motion was filed").

1 In its motion, defendant seeks “clarification” of the Court’s order of February 19,
2 2016, and the Clerk of Court’s judgment entered thereon; in particular, defendant seeks to
3 have included in both documents the amount of fees, costs and disbursements awarded to
4 defendant by the arbitrator, specifically, \$1,829,296.46, of which \$57,236.63 is the joint and
5 several obligation of plaintiffs and plaintiffs’ former counsel Ted C. Lindquist III. As the
6 Court has confirmed the arbitration award in its entirety, and there being no opposition to
7 the clarification sought, the Court will amend its order of February 19, 2016, to include
8 those figures.

9 In its motion, defendant also seeks an additional award of fees and costs,
10 specifically, the fees incurred and costs expended after September 28, 2015,² the date on
11 which defendant submitted to the arbitrator an application for fees and costs. As defendant
12 is the prevailing party and the Amended Stock Purchase Agreement, the contract at issue,
13 provides that the prevailing party “shall be entitled to recover reasonable attorney’s fees,
14 costs, and disbursements” (see Compl. Ex. C ¶ 11.8), the Court finds defendant is entitled
15 to recover the fees it reasonably incurred and costs reasonably expended during the
16 subject time period.

17 In that regard, defendant has submitted copies of invoices that set forth the fees
18 incurred and costs expended for the period of October 2015 through January 2016, which
19 invoices total \$71,405.63. (See Williams Decl. Ex. B.)³ Additionally, defendant’s counsel
20 avers that the fees incurred and costs expended for the month of February 2016 total
21 \$18,899.92. (See id. ¶ 4.) The Court finds the hourly rates used correspond to the

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25 ²On September 28, 2015, defendant submitted to the arbitrator an application for an
26 award of fees and costs, which application sought an award for the time period through
September 2015.

27 ³Although defendant states the invoices total \$96,875.22 (see id. ¶ 4), that figure
28 includes the amount set forth on an invoice dated February 25, 2016, which invoice was
superseded by a revised invoice dated February 29, 2016 (see id. Ex. B).

1 prevailing market rates in this District,⁴ that the number of hours expended was reasonable
2 in light of the issues presented in plaintiffs' motion to vacate the arbitration award and in
3 defendant's motion to confirm said award, and that the costs expended were reasonable.
4 Accordingly, defendant's request for an additional award of fees and costs in the amount of
5 \$90,305.55 will be granted, and said amount will be included in the judgment as well.


6 **CONCLUSION**

7 1. Defendant's motion is hereby GRANTED as set forth above, and the Court has
8 filed, concurrently herewith, an Amended Order confirming the arbitrator's award.

9 2. The Clerk of Court is directed to enter an amended judgment in favor of
10 defendant in the total amount of \$1,919,602.01, of which \$57,236.63 is the joint and
11 several obligation of plaintiffs and plaintiffs' former counsel Ted C. Lindquist III.

12 **IT IS SO ORDERED.**

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14 Dated: March 24, 2016

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16 MAXINE M. CHESNEY
17 United States District Judge

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27 ⁴The Court notes that the arbitrator, in considering defendant's application for an
28 award of fees, likewise found the hourly rates were reasonable (see id. Ex. A at 58), and
plaintiffs, while opposing defendant's application on "multiple grounds" (see id. Ex. A at 54),
did not challenge the reasonableness of the hourly rates sought therein.