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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 DAVE NAGY,

8 Plaintiff,

9 v.

10 GROUP LONG TERM DISABILITY PLAN
11 FOR EMPLOYEES OF ORACLE
AMERICA, INC., et al.,

12 Defendants.

Case No. 14-cv-00038-HSG

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION RE: MOTION
FOR ATTORNEY'S FEES, AND
DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION**

Re: Dkt. Nos. 123, 146, 150

13 On September 16, 2016, Plaintiff Dave Nagy filed a motion for attorney's fees, requesting
14 an award of \$272,710.50. Dkt. No. 123. On September 20, 2016, the Court referred the attorney's
15 fees motion to Magistrate Judge Laurel Beeler. Dkt. No. 124. Briefing was completed on October
16 19, 2017, Dkt. Nos. 128, 137, the hearing was held on January 12, 2017, Dkt. No. 145, and
17 Magistrate Judge Beeler issued the report and recommendation ("R&R") on January 17, 2017,
18 Dkt. No. 146. Magistrate Judge Beeler recommended that the Court grant Plaintiff's motion for
19 attorney's fees while reducing the award to \$245,305.50. Id. at 2. On January 31, 2017,
20 Defendant objected to the R&R and requested that the fee award be further reduced to \$121,215.
21 Dkt. No. 149. On February 8, 2017, Plaintiff filed an administrative motion to strike an exhibit to
22 Defendant's opposition brief or in the alternative, allow Plaintiff to file a written response of equal
23 length. Dkt. No. 150. On February 10, 2017, Defendant filed an opposition to Plaintiff's
24 administrative motion. Dkt. No. 151.


25 The Court has reviewed Magistrate Judge Beeler's R&R, as well as Defendant's objection,
26 and finds the R&R correct, well-reasoned and thorough. As for Plaintiff's administrative motion,
27 the Court construes it as an untimely objection to the R&R. See Fed. R. Civ. P. 72(b)(2) (14 days
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to object).¹

Accordingly, the Court **ADOPTS** Magistrate Judge Beeler’s R&R in every respect, and therefore **GRANTS** Plaintiff’s motion for attorney’s fees, while reducing the award to \$245,305.50. The Court **DENIES** Plaintiff’s administrative motion.

Dated: 2/23/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge

¹ Plaintiff had until February 14, 2017 to respond to Defendant’s objection to Magistrate Judge Beeler’s R&R. See Fed. R. Civ. P. 72(b)(2) (14 days to respond). However, Plaintiff’s administrative motion cannot fairly be construed as a response to Defendant’s objection. Compare Dkt. No. 149 with Dkt. No. 150. In fact, Plaintiff’s administrative motion does not even cite Defendant’s objection. See Dkt. No. 150.