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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

JAGDEEP S. BIDWAL

Plaintiff.

v.

UNIFUND CCR PARTNERS; UNIFUND
PORTFOLIO A, LLC; MATTHEW W.
QUALL; LANG, RICHERT & PATCH, A
PROFESSIONAL CORPORATION;
ELECTRONIC DOCUMENT
PROCESSING, INC.; JULIO ASCORRA.

Defendants.

Case No. 3:17-cv-02699-LB

**ORDER (1) GRANTING IN PART
PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES AND
(2) DENYING DEFENDANT'S
MOTION TO STRIKE**

Re: ECF No. 112

INTRODUCTION

The plaintiff defaulted on a credit-card debt to Citibank and sued the defendants — who assumed the debt — based on their allegedly illegal attempts to collect the debt (allegedly by fraudulent service and an invalid default judgment and writ of execution), in violation of the federal Fair Debt Collections Practices Act (“FDCPA”) and California’s Rosenthal Fair Debt Collection Practices Act.¹ By September 2018, the parties settled the case for \$24,500, stipulated

¹ Compl. – ECF No. 1 at 6–8 (¶¶ 33, 39–43). Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

1 that the plaintiff was the prevailing party, and agreed that the court would decide a fees motion.²
2 The plaintiff asked for fees of \$381,615 (for 288.6 hours worked by three attorneys for a total of
3 \$190,807.50 plus a 2.0 multiplier) and costs of \$2,267.48.³ The defendants challenge the fees as
4 unreasonable but do not challenge costs.⁴ The court awards \$95,275 in reasonable fees and
5 \$2,267.48 in costs.

6
7 **STATEMENT**

8 **1. Facts Underlying the Complaint**

9 The defendants are as follows. Unifund is a debt-collection agency, its collection lawyers are
10 Quall Cardot and Lang Richert & Patch, and the lawyers' process servers are EDP, Williams, and
11 Ascorra.⁵

12 The plaintiff defaulted on his credit-card debt to Citibank, which wrote off the balance of
13 \$3,665.01 in September 2008 and sold the debt to Unifund in 2010.⁶ The plaintiff's address on the
14 account was 4631 Kester Avenue, Apartment 103, Sherman Oaks, California.⁷ The plaintiff
15 alleges that he moved from the Kester address to the Bay Area at around the time of default, but he
16 never gave Citibank notice that he moved, which meant that the Kester address remained his
17 account address.⁸ On July 6, 2010, Unifund sent a collection letter to the plaintiff at his new
18 address in Union City.⁹

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21 _____
22 ² Mot. – ECF No. 112 at 6.

23 ³ Reply – ECF No. 123 at 2.

24 ⁴ Opp. – ECF No. 120.

25 ⁵ FAC – ECF No. 25 at 2–3 (¶¶ 4–12); Mot. to File Second Amended Complaint – ECF No. 94 at 2–3.

26 ⁶ FAC – ECF No. 25 at 4 (¶ 14).

27 ⁷ Citibank Statements, Ex. A to Narita Decl. – ECF No. 120-1 at 17.

28 ⁸ FAC – ECF No. 25 at 4–5 (¶¶ 18–20); Citibank Statements, Ex. A to Narita Decl. – ECF No. 120-1 at 17.

⁹ Unifund Letter, Ex. 5 to Trueblood Dec. – ECF No. 113-5 at 1.

1 Unifund referred the case to its attorneys, Lang Richert & Patch, for collection. On September
2 7, 2010, the firm sent a collection letter to the Kester address.¹⁰ It was not returned
3 undeliverable.¹¹

4 In November 2010, Unifund sued the plaintiff in Los Angeles County Superior Court. Mr.
5 Quall was counsel of record.¹² On December 6, 2010, Lang Richert’s process server EDP tried
6 unsuccessfully to serve the plaintiff at the Kester address.¹³ EDP’s “Declaration re Diligence”
7 states that service was unsuccessful because “subject not at this address” and “there are new
8 tenants living at the given apt number.”¹⁴

9 The defendants engaged in the following efforts to confirm the plaintiff’s address.

10 In December 2010, Lang Richert submitted a request to the Sherman Oaks Postmaster to
11 determine whether the plaintiff submitted a change-of-address form, and the Postmaster responded
12 that there was no change-of-address order on file.¹⁵ EDP thereafter made three attempts to serve
13 the plaintiff at the Kester address and then, on June 12, 2011, served the plaintiff by substitute
14 service at the Kester address by leaving a copy of the summons and complaint with the occupant
15 and mailed a copy to the address.¹⁶

16 On October 13, 2011, the state clerk of court entered default judgment against the plaintiff and
17 in favor of Unifund in the amount of \$3,665.01, \$1,116.57 in accrued interest, and \$303.00 in
18 costs for a total of \$5,084.58.¹⁷

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¹⁰ Narita Decl. – ECF No. 120-1 at 5 (¶ 8); Letter, Ex. B to Narita Decl. – ECF No. 120-1 at 13.

¹¹ Letter, Ex. B to Narita Decl. – ECF No. 120-1 at 13.

¹² FAC – ECF No. 25 at 4 (¶ 17); Opp. – ECF No. 120 at 8; Declaration re Diligence, Ex. 4 to Trueblood Decl. – ECF No. 113-4 at 1.

¹³ FAC – ECF No. 25 at 4 (¶ 18); Opp. – ECF No. 120 at 8.

¹⁴ Declaration re Diligence, Ex. 4 to Trueblood Decl. – ECF No. 113-4 at 1.

¹⁵ Request for Change of Address, Ex. D to Narita Decl. – ECF No. 120-1 at 88.

¹⁶ FAC – ECF No. 25 at 4 (¶ 19); Opp. – ECF No. 120 at 9.

¹⁷ FAC – ECF No. 25 at 5 (¶ 21); Opp. – ECF No. 120 at 9.

1 In May 2012, the collection lawyers' skip tracing showed that the plaintiff lived in San
2 Ramon.¹⁸ The state-court files show that the defendants continued serving the plaintiff at the
3 Kester address, including an October 2012 memorandum of costs, a March 18, 2013 bank levy,
4 and a January 2015 change of address.¹⁹

5 On October 19, 2016, the collection lawyer levied the plaintiff's bank accounts in Northern
6 California in the amount of \$4,594.41.²⁰ The plaintiff called Quall Cardot, said that he had not
7 been served, and provided proof of his address in 2010 including his Homeland Security
8 documents and his marriage certificate.²¹

9 In February 2017, Unifund stipulated to set aside the default judgment.²²

10
11 **2. Relevant Procedural and Settlement History**

12 The plaintiff filed his initial complaint in May 2017.²³ According to Plaintiff's counsel, they
13 offered early to settle for \$17,000 cash plus \$7,500 in value for dismissal of the state case.
14 (Ultimately, 18 months into the case, the federal case settled for \$24,500 plus attorney's fees and
15 costs.²⁴) The timeline after the filing of the complaint is as follows:

16	June 5, 2017:	Plaintiff offers \$36,322.33 to settle case (inclusive of \$12,233 in fees). ²⁵
17		
18	June–August 2017:	Rule 26(f) conference and report, discuss ADR options ²⁶
19	August 2017:	First Amended Complaint ²⁷

20 ¹⁸ Skip Trace, Ex. 6 to Trueblood Dec. – ECF No. 113-6 at 1.

21 ¹⁹ Trueblood Decl. – ECF No. 113 at 10 (¶ 18).

22 ²⁰ Debt Collection Records, Ex. 6 to Trueblood Decl. – ECF No. 113-6 at 3–4.

23 ²¹ *Id.* at 3–4; Collection Notes – ECF No. 113-7 at 1.

24 ²² FAC – ECF No. 25 at 6 (¶ 28); Mot. – ECF No. 112 at 4.

25 ²³ Compl. – ECF No. 1.

26 ²⁴ Mot. – ECF No. 112 at 4.

27 ²⁵ Settlement Proposal, Ex. 8 to Trueblood Decl. – ECF No. 113-8 at 2 (included dismissal of state case).

28 ²⁶ ADR Certification – ECF No. 18; Joint Case Management Statement – ECF No. 19.

²⁷ FAC – ECF No. 25.

1 July 2018 Plaintiff responds to “extensive” discovery⁴¹
2 August 2018 Parties dispute whether federal case should be stayed; plaintiff files
3 second amended complaint; plaintiff settles with defendant Williams
4 (the process server) for \$1,000⁴²
5 September 14, 2018: Case settles for remaining defendants for \$24,500 (\$16,000 in cash
6 from Unifund/Quall, \$1,000 from Williams, dismissal of the state
7 case (a \$7,500 value) with the court to determine fees and costs⁴³
8 Fall 2018: Finalize Written Settlement Agreement⁴⁴
9 December 28, 2018 Stipulated Dismissal⁴⁵

10 At the initial case-management conference in February 2018, the court limited discovery to
11 documents to keep costs low.⁴⁶ After the court referred the case for a settlement conference, the
12 parties disputed whether the stay remained in place, and the court ordered them to file a discovery
13 plan, reminding them that they should keep costs low.⁴⁷ On July 30, 2018, the parties reported the
14 following: (1) the plaintiff wanted to stay the federal case and favored staying discovery; (2) the
15 plaintiff and the defendants propounded interrogatories, requests for admission, and requests for
16 production of documents; and (3) the defendants noticed depositions of plaintiff’s wife, mother,
17 and father, all in Southern California (despite their living in the Bay Area).⁴⁸ On August 2, 2018,
18 the court ordered the parties to file a briefing schedule for the motion to stay within seven days.⁴⁹
19 The plaintiff decided not to file the motion.⁵⁰ At Unifund’s request, on August 16, 2018 at a case-
20 management conference, the court ordered the plaintiff to respond to the defendants’ 18 requests

21 ⁴¹ Billing Records – ECF No. 112-3 at 16–18; Billing Records – ECF No. 113-2 at 7–8.

22 ⁴² Joint Discovery Plan – ECF No. 84 at 2, 9; Williams Release – ECF No. 113-14 at 1–3.

23 ⁴³ Mot. – ECF No. 112 at 7; Settlement Emails – ECF No. 113-5 at 1–5; Notice of Settlement – ECF
24 No. 101 at 2.

25 ⁴⁴ Mot. – ECF No. 112 at 7.

26 ⁴⁵ Dismissal – ECF No. 111.

27 ⁴⁶ Case-Management and Pretrial Order – ECF No. 51 at 1, 3.

28 ⁴⁷ Orders – ECF Nos. 78, 79.

⁴⁸ Case-Management Statement – ECF No. 84 at 2–9.

⁴⁹ Minute Entry – ECF No. 87.

⁵⁰ Plaintiff Status Report – ECF No. 88 at 2.

1 for admission and 20 interrogatories and gave the parties 21 days to file a deposition schedule and
 2 a joint letter addressing any discovery disputes.⁵¹ On September 13, 2018, the parties filed a
 3 deposition schedule, and on September 19, 2018, the plaintiff filed a notice of settlement.⁵²

4
 5 **3. Charts Showing (1) Attorney Time Billed by Task and (2) Total Fee Request⁵³**

6 Task	Trueblood Hours	Stempler Hours	Block Hours
7 Complaint	1.6 ⁵⁴	7.8 ⁵⁵	n/a
8 First Amended Complaint	0.1 ⁵⁶	1.2 ⁵⁷	n/a
9 Second Amended Complaint; Motion for Leave	4.9 ⁵⁸ ; 5.0 ⁵⁹	1.3 ⁶⁰	1.0 ⁶¹ ; 0.3 ⁶²
10 Motion to Strike	1.2 ⁶³	5.6 ⁶⁴	n/a

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 13 ⁵¹ Unifund’s Status Report – ECF No. 90 at 2; Order – ECF No. 92

14 ⁵² Deposition Schedule – ECF No 100; Notice of Settlement – ECF No. 101.

15 ⁵³ These numbers are based on the plaintiff’s submissions, the court’s review of them, and specific
 16 representations made by the plaintiff about the hours they are seeking by task. Both parties’
 17 representations of hours devoted to certain tasks were often unsupported by citations to billing entries,
 18 rendering it difficult to recreate the parties’ math. Furthermore, in some instances where citations were
 19 provided, the calculations were wrong. Consequently, the court has done its best based on the billing
 20 records to calculate the time devoted to the tasks in the chart.

21 ⁵⁴ Reply – ECF No. 123 at 12; Billing Records – ECF No. 113-2 at entries 4/4/17, 4/12/17, 4/27/17, &
 22 5/8/17.

23 ⁵⁵ Reply – ECF. No. 123 at 12; Billing Records – ECF No. 112-3 at entries for 3/23/17, 3/25/17,
 24 4/13/17, 5/7/17, & 5/9/17.

25 ⁵⁶ Billing Records – ECF No. 113-2 at entry for 8/11/2017.

26 ⁵⁷ Reply – ECF No. 123 at 12.

27 ⁵⁸ Reply – ECF. No. 123 at 12; Billing Records – ECF No. 113-2 at entries 8/27/18, 8/28/18, &
 28 8/29/18.

⁵⁹ Reply – ECF. No. 123 at 12; Billing Records – ECF No. 113-2 at entries for 8/29/18 & 8/30/18.

⁶⁰ Billing Records – ECF No. 112–3 at entry for 8/28/18.

⁶¹ *Id.* at entries for 8/28/18 & 8/29/18. The last two entries show Mr. Block’s communication with
 counsel regarding the amended complaint and depositions but do not break down the time by category.

⁶² *Id.* – ECF No. 112–5 at entry for 8/23/18.

⁶³ *Id.* – ECF No. 113-2 at entries for 9/11/17.

⁶⁴ Reply – ECF No. 123 at 12; Billing Records – ECF No. 112-3 at entries for 9/8/17, 9/10/17, &
 9/11/17.

1	Mediation – Preparation; Travel/Attend	19.3 (9.3 ⁶⁵ ;10.0 ⁶⁶)	15.8 (4.3 ⁶⁷ ; 11.5 ⁶⁸)	n/a
2	Settlement Agreement	4.2 ⁶⁹	1.5 ⁷⁰	0.2 ⁷¹
3	Fees Motion & Reply	31.3 ⁷²	3.0 ⁷³	0.5 ⁷⁴
4	Discovery & Discovery Related	37.9 ⁷⁵	42.0 ⁷⁶	0.8 ⁷⁷
5	Miscellaneous ⁷⁸	38.8	58.3	5.0

6	Attorney	Hours	Rate	Amount
7	Trueblood	144.3	\$725	\$104,617.50
8	Stempler	136.5	\$600	\$ 81,900.00
9	Block	7.8	\$550	\$ 4,290.00

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11 ⁶⁵ Reply – ECF No. 123 at 12; Billing Records – ECF No. 113-2 at entries for 5/2/18, 5/9/18, 5/15/18, 6/6/18, 6/7/18, 6/8/18, & 6/13/18.

12 ⁶⁶ Billing Records – ECF No. 113-2 at entry for 6/14/18.

13 ⁶⁷ Reply – ECF No. 123 at 12; Billing Records – ECF No. 112-3 at entries 4/23/18, 5/31/18, 6/6/18, 6/7/18, 6/8/18, & 6/13/18.

14 ⁶⁸ *Id.* at entries for 6/14/18.

15 ⁶⁹ Reply – ECF No. 123 at 13–14; Billing Records – ECF No. 113-2 at entries 8/20/18, 8/21/18, 9/19/18, 9/28/18, 10/3/18, 10/16/18, 10/19/18, 11/8/18, 11/9/18, & 11/27/18.

16 ⁷⁰ Reply – ECF No. 123 at 12; Billing Records – ECF No. 112-3 at entries 8/20/18, 8/21/18, 9/28/18, 11/9/18, & 11/23/18.

17 ⁷¹ *Id.* at entry for 9/12/18.

18 ⁷² *Id.* at entries for 12/17/18, 1/2/19, 1/21/19, 1/22/19, 1/23/19, & 1/24/19. Mr. Trueblood seeks 15 hours for the reply brief but billed more time. Trueblood Decl. – ECF No. 123–3 at 2.

19 ⁷³ Billing Records – ECF No. 112–5 at entries for 12/10/18, 1/23/19, & 1/25/19. Mr. Stempler is not seeking fees for the reply brief. Trueblood Decl. – ECF No. 123–3 at 2.

20 ⁷⁴ Billing Records – ECF No. 112–5 at entry for 12/31/18.

21 ⁷⁵ *Id.* at entries for 7/27/17, 8/10/17, 11/9/17, 1/17/18, 2/15/18, 2/22/18, 5/1/18, 5/2/18, 5/3/18, 5/17/18, 6/21/18, 6/22/18, 7/8/18, 7/9/18, 7/10/18, 7/11/18, 7/13/18, 7/17/18, 7/20/18, 7/26/18, 7/27/18, 7/30/18, 8/7/18, 8/8/18, 8/16/18, 8/20/18, 8/22/18, 8/27/18, 8/29/18, 8/31/18, 9/5/18, 9/6/18, 9/7/18, 9/11/18, & 9/13/18.

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24 ⁷⁶ *Id.* at entries for 8/10/17, 9/8/17, 9/15/17, 10/21/17, 10/23/17, 11/9/17, 12/22/17, 1/8/18, 1/17/18, 1/21/18, 1/24/18, 1/25/18, 1/26/18, 3/13/18, 4/11/18, 4/13/18, 4/14/18, 5/2/18, 5/4/18, 5/6/18, 5/16/18, 5/21/18, 6/18/18, 6/20/18, 6/21/18, 6/22/18, 7/6/18, 7/9/18, 7/10/18, 7/12/18, 7/13/18, 7/17/18, 7/19/18, 7/23/18, 7/25/18, 7/26/18, 8/7/18, 8/8/18, 8/20/18, 8/23/18, 8/24/18, 8/27/18, 8/28/18, 8/29/18, 8/31/18, 9/5/18, 9/6/18, 9/7/18, 9/8/18, 9/10/18, & 10/1/18.

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26 ⁷⁷ *Id.* at entries for 8/29/18 & 9/7/18.

27 ⁷⁸ Several block-billed entries referencing tasks that could be included in the above categories are included here because the court cannot determine the time devoted to each task.

1	Total	288.6	\$ 190,807.50
2	Plus 2.0 Multiplier		\$ 381,615.00
3	Expenses		\$ 2,267.48

4
5 **4. Parties’ Declarations Regarding Fees**

6 **4.1 John D. O’Connor — Plaintiff**

7 Mr. O’Connor is an attorney with forty-seven years of legal experience and has been an
8 attorney’s-fee expert approximately 150 times.⁷⁹ He worked at several private firms in the Bay
9 Area and the U.S. Attorney’s Office in San Francisco before opening his own firm, which
10 specializes in business and tort litigation and expert work on attorney’s-fee analysis.⁸⁰ Mr.
11 O’Connor has been involved in legal fee-review cases since 1977 and developed his expertise in
12 the area via work involving legal auditing and consulting.⁸¹ He is a member and lecturer at the
13 National Association of Legal Fee Analysis, which is an organization dedicated to continuing
14 education and the development of legal-fee-billing standards.⁸²

15 When he worked as a special counsel and director from 2001 to 2006 at the law firm Howard
16 Rice, Mr. O’Connor kept informed about the rates of both AmLaw 500 firms and smaller business
17 firms in order to set the annual rates of the firm.⁸³ The firm did work throughout California, their
18 surveys included rates from the northern and southern parts of the state, and in his experience, “the
19 rate structure of the San Francisco Bay Area is virtually identical to that in the greater Los Angeles
20 area.”⁸⁴ He opines on fees in this case based on his litigation, firm, and fee-expert experience.⁸⁵

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23 ⁷⁹ O’Connor Decl. – ECF No. 112–1 at 2 (¶ 1).

24 ⁸⁰ *Id.* at 2–3 (¶¶ 4–11).

25 ⁸¹ *Id.* at 4–5 (¶¶ 16–18).

26 ⁸² *Id.* at 5 (¶ 18).

27 ⁸³ *Id.* (¶ 20).

28 ⁸⁴ *Id.*

⁸⁵ *Id.* at 7 (¶¶ 26–28).

1 Mr. O'Connor opines that Mr. Trueblood's rate of \$725 an hour is reasonable based on the
 2 middle range of rates of AmLaw 500 firms practicing in San Francisco and Los Angeles as these
 3 rates are like those charged by reputable small and mid-sized firms.⁸⁶ To support his opinion that
 4 Mr. Trueblood's \$725 hourly rate is reasonable, he notes that Los Angeles courts awarded Mr.
 5 Trueblood an hourly rate of \$495 in 2009 and an arbitrator awarded him \$675 per hour in 2017.⁸⁷
 6 As to Mr. Stempler, Mr. O'Connor notes his experience, cites to decisions from court in Southern
 7 California, and states that eight to eleven years of fee increases since those cases equate to the
 8 requested rate of \$600 per hour.⁸⁸ In 2017, a court awarded Mr. Block \$475 per hour and opines
 9 that an increase to \$550 is reasonable given the legal market.⁸⁹ Mr. O'Connor opines that the
 10 attorneys' hours are reasonable.⁹⁰

11 In response to the defendants' motion to strike his opinion, Mr. O'Connor explains why two
 12 courts in the Northern District rejected parts of his opinions about reasonable hourly rates.⁹¹ Both
 13 cases were unusual fee petitions in hotly contested litigation⁹² and do not affect the analysis here.

14 **4.2 Alexander Trueblood — Plaintiff**

15 Mr. Trueblood is the plaintiff's counsel, is a consumer-law and class-action specialist, and has
 16 28 years of legal experience.⁹³ He worked at several reputable firms before opening his own firm
 17 in 1999.⁹⁴ Top partners at major firms billed at rates averaging \$900 per hour in 2012 while
 18 average rates for partners in surveyed firms within major markets averaged rates of \$700 per hour
 19 in the same year.⁹⁵ Courts have approved his hourly rates of \$650 to \$700 in southern California in
 20

21 ⁸⁶ *Id.* at 7–8 (¶¶ 32–35).

22 ⁸⁷ *Id.* at 8–9 (¶¶ 38–39).

23 ⁸⁸ *Id.* at 9–10 (¶¶ 43–49).

24 ⁸⁹ *Id.* at 10–11 (¶¶ 50–52).

25 ⁹⁰ *Id.* at 11–12 (¶¶ 53–57).

26 ⁹¹ O'Connor Supp. Decl. – ECF No. 123–1 at 2 (¶ 1).

27 ⁹² *Id.* (¶ 1)

28 ⁹³ Trueblood Decl. – ECF No. 113 at 2 (¶¶ 2–3).

⁹⁴ *Id.* at 2–3 (¶¶ 3–4).

⁹⁵ *Id.* at 6–7 (¶¶ 9–10).

1 the following cases: *Vitrano v. Santander Consumer USA, Inc.*, Case No. 2:13-cv-02492-AB-
 2 MRW (C.D. Cal. Feb. 2, 2015) (\$700 in a class-action settlement of a consumer-credit case
 3 involving violations of the UCL and the Rees-Levering Automobile Sales Finance Act); *Jimenez*
 4 *v. Alaska USA Fed. Credit Union*, Case No. BC516470 (Cal. Super. Ct. 2015) (\$700 in a case
 5 involving violations of the Rees-Levering Automobile Sales Finance Act); *Wickremaratne v.*
 6 *Gateway One Lending & Finance*, Case No. BC493061 (Cal. Super. Ct. 2015) (\$700 in a class-
 7 action settlement involving violations of the Rees-Levering Automobile Sales Finance Act);
 8 *Wimberly v. Triad Financial Corp.*, Case No. 30-2008-00059511 (Cal. Super. Ct. 2013) (\$700 in a
 9 class action settlement); *Walker v. Westlake Financial*, Case No. BC436725 (Cal. Super. Ct. 2012)
 10 (\$675 in a class-action settlement involving violations of the Rees-Levering Automobile Sales
 11 Finance Act); *Bruno v. Capital One*, Case No. BC 397149 (Cal. Super. Ct. 2011) (\$650 in a class-
 12 action settlement); *Tan v. Wheels Financial Group, Inc.*, Alternative Resolution Centers, ARC
 13 Case No. 78M4930 (\$675 in 2017 in an individual consumer-credit reporting ADR case).⁹⁶ He
 14 also cites a Northern District case: *Baker v. GEMB Lending, Inc.*, Case No. 10-cv-05261-SBA
 15 (N.D. Cal. Dec. 20, 2012) (\$675 in an uncontested fees order in a class-action settlement of a case
 16 involving violations of the Rees-Levering Automobile Sales Finance Act and the UCL).

17 He turned down other work as a result of this case.⁹⁷

18 In a supplemental declaration, Mr. Trueblood said that he worked 30 hours on the reply brief,
 19 Mr. Stempler worked on it too, and he asks for 15 hours.⁹⁸

20 **4.3 Robert Stempler — Plaintiff**

21 Mr. Stempler also is the plaintiff’s counsel and is a consumer-rights specialist with over
 22 twenty years of experience.⁹⁹ He cites cases in southern California where courts awarded him
 23 between \$240 and \$350 per hour in 2006 to 2008: *Amrbiz v. Arrow Fin. Services, LLC*, 2008 WL
 24 2095617, Case No. 07-cv-5423-JFW (C.D. Cal. May 15, 2008) (\$350 in an individual FDCPA

25 _____
 26 ⁹⁶ *Id.* at 8–9 (¶ 11).

27 ⁹⁷ *Id.* at 9 (¶¶ 12–13).

28 ⁹⁸ Trueblood Supp. Decl. – ECF No. 123–3 at 2 (¶ 3).

⁹⁹ Stempler Decl. – ECF No. 112–2 at 2 (¶ 1).

1 case); *Miller v. Midland Funding, LLC*, Case No. 07-cv-04869-ODW (C.D. Cal. April 29, 2008)
 2 (\$350 in an individual FDCPA case); and *Harlow v. Midland Credit Management, Inc.*, 2007 WL
 3 3165669, Case No. 07-cv-5045-ABC (C.D. Cal. Sept. 5, 2007) (\$300 in a case where the plaintiff
 4 filed a removal motion with no “objectively reasonable basis” and attorney’s fees were awarded as
 5 a result).¹⁰⁰

6 He turned down other cases to work on this one.¹⁰¹

7 **4.4 Brandon Block — Plaintiff**

8 Mr. Block also is the plaintiff’s counsel, has nearly twenty years of experience, and has
 9 specialized in consumer-protection litigation since 2007.¹⁰² Based on personal inquiries, his rate of
 10 \$550 per hour is below the billing rates of his contemporaries at other law firms engaged in similar
 11 litigation, and he lists cases where southern California courts awarded him hourly rates from \$375
 12 to \$525 in 2007 to 2016: *Miranda v. Simple Cash Loans, Inc.*, Case No. BC580634 (Cal. Sup. Ct.
 13 2016) (\$525 in class-action settlement in case involving violations of California’s finance-lenders
 14 law); *Vitrano v. Santander Consumer USA, Inc.*, Case No. 2:13-cv-02492-AB-MRW (C.D. Cal.
 15 Feb. 2, 2015) (\$465–\$490 in a class-action settlement of a consumer-credit case involving
 16 violations of the UCL and the Rees-Levering Automobile Sales Finance Act); *Travis v. Consumer*
 17 *Portfolio Services, Inc.*, Case No. 34-2012-00131362 (Cal. Sup. Ct. 2012) (\$425–\$465 awarded in
 18 debt-collection-harassment case).¹⁰³

19 He turned down work on other cases by taking this one.¹⁰⁴

21 _____
 22 ¹⁰⁰ *Id.* at 3–4 (¶¶ 9–12). In a 2010 case, according to Mr. O’Connor, the court awarded Mr. Stempler
 \$350 in a non-complex individual FDCPA case, which Mr. O’Connor says is equal to \$600 today.
 O’Connor Decl. – ECF No. 112-1 at ¶¶ 46–47.

23 ¹⁰¹ Stempler Decl. – ECF No. 112–2 at 4 (¶¶ 15–16).

24 ¹⁰² Block Decl. – ECF No. 112–4 at 1–2 (¶¶ 1–3).

25 ¹⁰³ *Id.* at 5–7 (¶¶ 3, 8–9). Mr. O’Connor notes that Mr. Block received a \$425 hourly rate in 2017 in
 26 *Tan v. Wheels Financial Group, Inc.*, Alternative Resolution Centers, ARC Case No. 78M4930, which
 he says equates to \$550 today. O’Connor Decl. – ECF No. 112-1 at ¶ 52. The court was unable to
 27 verify awards in some of the cases listed in Mr. Block’s declaration because he did not provide proper
 citations with case numbers or copies of awards.

28 ¹⁰⁴ *Id.* at 5 (¶ 6).

1 **4.5 Tomio Narita — Defendant**

2 Mr. Narita is the defendant’s counsel, has twenty-seven years of experience, and spent the last
3 twenty-three years almost exclusively defending creditors, collection agencies, and law firms in
4 class and individual actions.¹⁰⁵ He charged the defendants \$435 to \$450 per hour, which he
5 believes is a reasonable rate for someone with his expertise in FDCPA cases, and his clients would
6 not pay the plaintiff’s rates.¹⁰⁶ He attached charts attacking the plaintiff’s counsel’s billings.¹⁰⁷

7 **4.6 Steven Nimoy — Defendant**

8 Mr. Nimoy is the defendants’ counsel, has practiced law for twenty-four years, and frequently
9 defends FDCPA cases.¹⁰⁸ He bills his clients \$250 per hour for FDCPA cases, and they would not
10 pay more than \$250 to \$300 per hour, and he believes \$300 is reasonable.¹⁰⁹

11 **4.7 June Coleman — Defendant**

12 Ms. Coleman is an attorney at Carlson & Messer, has twenty-one years of experience,
13 practices extensively in FDCPA actions in the Northern District, and provides evidence of the
14 market rate in the district.¹¹⁰ Her knowledge of the rates in the district is based on her own billing
15 rates, discussions with client and others regarding rates paid to attorneys for similar work, and
16 discussions with other attorneys about what they are paid.¹¹¹ She bills her private clients no more
17 than \$300 per hour in cases like this, and her clients likely would not pay more than \$250 to \$300
18 per hour.¹¹² In a 2008 Northern District case, a court awarded \$375 per hour, but that was a more
19 complex case than this case.¹¹³

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¹⁰⁵ Narita Decl. – ECF No. 120–1 at 2 (¶¶ 3–4).
¹⁰⁶ *Id.* (¶ 2).
¹⁰⁷ *Id.* at 6 (¶¶ 12–13).
¹⁰⁸ Nimoy Decl. – ECF No. 120–5 at 2 (¶ 2).
¹⁰⁹ *Id.* at 2–3 (¶¶ 3–5).
¹¹⁰ Coleman Decl. – ECF No. 120–2 at 2 (¶ 2).
¹¹¹ *Id.* at 3 (¶ 5).
¹¹² *Id.* at 3–4 (¶ 6).
¹¹³ *Id.* at 5 (¶ 11).

1 **4.8 Stephen Turner — Defendant**

2 Mr. Turner is a law-firm partner at Lewis Brisbois and chairs his firm’s Consumer Litigation
3 Defense & Financial Services practice group.¹¹⁴ He has thirty-nine years of experience and
4 provided information about the market rate in the Northern District.¹¹⁵ He bills his clients \$425 per
5 hour, his clients likely would not pay more than \$375 for the services provided here, and he
6 supports an hourly rate here of \$425.¹¹⁶

7 **4.9 Mark Ellis — Defendant**

8 Mr. Ellis is an attorney at Ellis Law Group, has thirty-two years of experience, and regularly
9 defends financial institutions in FDCPA cases.¹¹⁷ He bills his clients no more than \$275 per hour
10 in FDCPA matters, which is a reasonable rate for attorneys with his experience in the Northern
11 District.¹¹⁸ His clients likely would pay no more than \$275 to \$300 per hour, but he believes \$400
12 to \$500 per hour would be reasonable in this case.¹¹⁹

13 **4.10 Fred Schwinn — Plaintiff (on Reply)**

14 Mr. Schwinn is an attorney at Consumer Law Center, Inc., has twenty-two years of legal
15 experience, and provides information about the market rate in the Northern District.¹²⁰ His name is
16 in the survey of fees attached to the defendants’ opposition. His current rate is \$650 per hour, and
17 courts in Santa Clara County, Santa Cruz County, San Francisco County, and San Mateo County
18 have awarded him \$600 per hour in 2018 and 2019.¹²¹

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¹¹⁴ Turner Decl. – ECF No. 120–3 at 1 (¶ 1).

¹¹⁵ *Id.* at 2 (¶ 2).

¹¹⁶ *Id.* at 3 (¶¶ 4–6).

¹¹⁷ Ellis Decl. – ECF No. 120–4 at 1–2 (¶ 2).

¹¹⁸ *Id.* at 2 (¶ 4).

¹¹⁹ *Id.* at 3 (¶¶ 5–6). In Mr. Trueblood’s supplemental declaration, he submits declarations from Ms. Coleman, Mr. Turner, and Mr. Ellis about his rates in other cases. Trueblood Supp. Decl. – ECF No. 123–3 at 2–3 (¶¶ 4–7).

¹²⁰ Schwinn Decl. – ECF No. 123–2 at 3 (¶¶ 4–5).

¹²¹ *Id.* at 10–11 (¶¶ 12–13).

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1. Hourly Rates

The plaintiff asks for the following hourly rates: \$725 for Mr. Trueblood, \$600 for Mr. Stempler, and \$550 for Mr. Block. The defendants counter that the rates “should be awarded in the range of \$350 per hour” and that — while Mr. Block should not receive any compensation at all — any award would be at “an hourly rate commensurate with other junior attorneys practicing in the Northern District.”¹²⁶ The court awards \$475 for Mr. Trueblood, \$375 for Mr. Stempler, and \$325 for Mr. Block.

The district court determines a reasonable hourly rate based on the “experience, skill, and reputation of the attorney requesting fees.” *Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210 (9th Cir. 1986). This task is “inherently difficult.” *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984). To assist with the determination the court looks to “the rate prevailing in the community for similar work performed by attorneys of comparable skill, experience, and reputation.” *Chalmers*, 796 F.3d at 1210-11. This community is typically that in which the district court sits. *Schwarz v. Sec’y of Health & Human Servs.*, 73 F.3d 895, 906 (9th Cir. 1995). The burden is on the fee applicant to show his or her fee is in line with prevailing market rates. *Blum*, 465 U.S. at 895 n.11. “Affidavits of the plaintiffs’ attorney and other attorneys regarding prevailing fees in the community, and rate determinations in other cases, particularly those setting a rate for the plaintiffs’ attorney, are satisfactory evidence of the prevailing market rate.” *United Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990); *see also Widrig v. Apfel*, 140 F.3d 1207, 1209-10 (9th Cir. 1998) (declarations by attorneys regarding the prevailing market rate in the community may be enough to establish a reasonable rate in the market). In some cases, the court may look outside of the forum community for rates if local counsel is unavailable “either because they are unwilling or unable to perform because they lack the degree of experience, expertise, or specialization required to handle properly the case.” *Gates v. Deukmejian*, 987 F.2d 1392, 1405 (9th Cir. 1992) (adopting the reasoning of other circuit courts for considering out of district rates).

¹²⁶ Opp. – ECF No. 120 at 20 & n.13.

1 In awarding fees, the court considers fee awards in similar cases involving similar work by
2 comparable attorneys in the Northern District of California.

3 The defendants cite FDCPA cases in the Northern District where courts have awarded hourly
4 rates ranging from \$250 to \$600.¹²⁷ See *Forto v. Capital One Bank, N.A.*, No. 14-cv-05611-JD
5 (MEJ), 2017 WL 4168529 (N.D. Cal Sept. 20, 2017) (hourly rate of \$250 and \$200 respectively to
6 defense partner with 12 years' experience and an experienced associate in a simple
7 FDCPA/Rosenthal case involving a debt of approximately \$3,000 where the plaintiff acted in bad
8 faith and sought to harass the defendant; required the defendants to submit billing records);
9 *Jacobson v. Persolve, LLC*, No. 14-cv-00735-LHK, 2016 WL 7230873 (N.D. Cal. Dec. 14, 2016)
10 (hourly rates of \$500 for attorney with 19 years' experience and \$600 for an attorney with 40
11 years' experience in putative FDCPA and Rosenthal class action); *Ng v. US Bank, N.A.*, No. 15-
12 cv-04998-KAW, 2016 WL 7157760 (N.D. Cal Dec. 8, 2016) (\$300 hourly rate to attorney with 20
13 years' experience in a case alleging wrongful foreclosure, fraudulent concealment, and violations
14 of the FDCPA, Truth in Lending Act, and UCL); *Alvarado v. Hovg, LLC*, No. 14-cv-02549-HSG,
15 2016 WL 5462429 (N.D. Cal. Sept. 29, 2016) (hourly rates of \$450 and \$400 in putative class
16 action where the plaintiff settled for \$43,000 for alleged TCPA and FDCPA violations); *Jiang v.*
17 *New Millennium Concepts, Inc.*, No. 15-cv-04722-JST, 2016 WL 3682474 (N.D. Cal. July 11,
18 2016) (hourly rate of \$500 to experienced plaintiff's attorney where the court entered a default
19 judgment of \$10,462.90 against the defendant for non-complex FDCPA and Rosenthal violations);
20 *Price-Pauline v. Performant Recovery, Inc.*, No. 14-cv-00850-JD, 2016 WL 310268 (N.D. Cal.
21 Jan. 26, 2016) (hourly rate of \$600 to attorney with 28 years' experience, \$500 to attorney with 20
22 years' experience, and \$375 to attorney with six years' experience in case alleging violations of
23 the FDCPA, Rosenthal Act, and California UCL where the plaintiff recovered \$12,500); *Martell v.*
24 *Baker*, No. 14-cv-04723-BLF, 2015 WL 3920056 (N.D. Cal. June 25, 2015) (hourly rate of \$500
25 to attorney with 18 years' experience in a non-complex FDCPA/Rosenthal case); *Garcia v.*
26 *Resurgent Capital Services, L.P.*, 2012 WL 3778852 (hourly rate of \$400 to an attorney with 18
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28 ¹²⁷ *Id.* at 22–23.

1 years' experience in an individual FDCPA case that settled on the eve of trial); *see also Garcia v.*
 2 *Stanley*, No. 14-cv-01806-BLF, 2017 U.S. Dist. LEXIS 32550 (N.D. Cal. Mar. 7, 2017) (hourly
 3 rates of \$500 and \$400 for co-counsel who had 19 and nine years' experience respectively in a
 4 non-complex FDCPA/Rosenthal case).¹²⁸

5 The court's research revealed the following additional cases: *Reenders v. Premier Recovery*
 6 *Grp.*, No. 18-cv-07761-PJH (JSC), 2019 WL 2583595 (N.D. Cal. May 7, 2019) (hourly rate of
 7 \$225 to attorney with two years' experience in a simple FDCPA case); *Schuchardt v. Law Office*
 8 *of Rory W. Clark*, No. 15-cv-01329-JSC, 314 F.R.D. 673, 689 (N.D. Cal. Apr. 28, 2016) (hourly
 9 rate of \$350 for a senior associate and \$400 for other experienced attorneys in a FDCPA class
 10 action settlement); *Evans v. Creditor's Specialty Service, Inc.*, No. 15-cv-03355-BLF, 2016 WL
 11 730277 (N.D. Cal. Feb. 24, 2016) (hourly rate of \$320 for attorney with almost 8 years'
 12 experience in a simple FDCPA case); *De Amaral v. Goldsmith & Hull*, No. 12-cv-03580-WHO,
 13 2014 WL 1309954 (N.D. Cal. Apr. 1, 2014) (hourly rates of \$450 and \$350 to experienced
 14 FDCPA attorneys in non-complex case where attorneys showed similar past awards in the
 15 district).

16 Applying these cases to this straightforward debt-collection case, the court sets Mr.
 17 Trueblood's reasonable hourly rate at \$475 for the following reasons, among others.¹²⁹

18 First, as illustrated above, it is consistent with fee awards in this district in similar non-
 19 complex cases to attorneys of similar experience and expertise.

20 Second, while rates for defense attorneys are somewhat informative, they are not rates for
 21 plaintiffs' attorneys. *See Santiago v. Equable Ascent Fin.*, No. C-11-3158-CRB, 2013 WL
 22 3498079, at *3 (N.D. Cal. July 12, 2013) (while the court "does not doubt that the statements by
 23 these attorneys reflect *their* clients' preferences, they have not addressed the reasonable assertion
 24 made by [the plaintiff] that the market for lawyers who represent plaintiffs in consumer actions,
 25 and often work on a contingency basis, demand a higher rate than what is appropriate for defense

26 ¹²⁸ *Id.*

27 ¹²⁹ Ellis Decl. – ECF No. 120-4 at 2–3 (¶¶ 4–6) (hourly rate is \$400 to \$500 is reasonable; he bills no
 28 more than \$275 per hour for his FDCPA cases)

1 attorneys.”) (emphasis in the original); *see also Camacho v. Bridgeport Fin’l, Inc.*, 523 F.3d 973,
2 981 (9th Cir. 2008) (“In order to encourage able counsel to undertake FDCPA cases, as Congress
3 intended, it is necessary that counsel be awarded fees commensurate with those which they could
4 obtain by taking other types of cases.”).

5 Third, despite the expert declaration that hourly rates in northern and southern California are
6 the same, Mr. Trueblood has not cited cases in this district except for an uncontested fees order in
7 a class-action settlement, which is a different type of case. Moreover, the general proposition that
8 rates are the same in law firms is unremarkable and not obviously applicable to non-complex
9 FDCPA cases (or cases of similar complexity) presumably taken on a contingency basis.

10 Fourth, when a plaintiff fails to meet its burden, the district court may place significant weight
11 on its own knowledge of attorney’s fees in the relevant community. *Ingram v. Oroudjiani*, 647
12 F.3d 925, 928 (9th Cir. 2011). Given the cases and plaintiffs-side lawyers’ declarations, and the
13 court’s own knowledge of fee awards in equivalent cases, *see Camacho*, 523 F.3d at 981, \$475 is
14 on the high side for this kind of case. (A higher hourly rate might be justifiable in a more complex
15 case.)

16 Applying the analysis to Mr. Stempler and Mr. Block results in hourly rates of \$375 and \$325,
17 respectively.

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19 **2. Hours**

20 The plaintiff seeks a fee award for 288.6 hours for work by three attorneys.¹³⁰ The defendants
21 conducted a line-by-line analysis of the billing record and suggest that approximately 96.67 hours
22 are reasonable for a total fee award of \$33,834.¹³¹ Given the straightforward nature of the case, the
23 court’s restricting discovery until August 2018, and a settlement of the case with no dispositive
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27 ¹³⁰ Mot. – ECF No. 112 at 14 (273.6 hours plus 15 hours for the reply brief).

28 ¹³¹ Exs. C & D to Narita Decl. – ECF Nos. 120-1 at 89–171; Opp. – ECF No. 120 at 26.

1 motions or equivalent work,¹³² the court finds that the following hours are reasonable: 116.3
2 (Trueblood), 101.9 (Stempler), and 5.6 (Block).¹³³

3 The fee-seeking party has the initial burden to prove the reasonableness of hours expended on
4 the case using detailed time records documenting completed tasks and time expended. *Hensley v.*
5 *Eckhart*, 461 U.S. 424, 434 (1983); *Welch v. Metropolitan Life Ins. Co.*, 480 F.3d 942, 945–46
6 (9th Cir. 2007). The district court may reduce an award if the documentation is inadequate or if it
7 finds that some of the hours were not reasonably expended, such as those that are “excessive,
8 redundant, or otherwise unnecessary.” *Hensley*, 461 U.S. at 433–34. The opposing party then has
9 the burden of challenging the accuracy and reasonableness of the hours charged. *Gates v.*
10 *Deukmejian*, 987 F.2d 1392, 1397–98 (9th Cir. 1992). This must be done by specifically
11 identifying defects or deficiencies in the requested hours with conclusory or unsubstantiated
12 objections being insufficient to warrant a reduction. *Cancio v. Fin. Credit Network, Inc.*, No. C
13 04-3755 TEH, 2005 WL 1629809, at *3 (N.D. Cal. July 6, 2005). The court also conducts an
14 independent review of the fees for reasonableness. *McGrath v. County of Nevada*, 67 F.3d 248, n.5
15 (9th Cir. 1995). The Supreme Court has also observed that “a defendant cannot litigate tenaciously
16 and then be heard to complain about the time necessarily spent by the plaintiff in response.” *City*
17 *of Riverside v. Rivera*, 477 U.S. 561, 580 n.11 (1986) (plurality opinion).

18 The defendants’ line-by-line review of the billing records covered the following areas:
19 duplicative time entries, eliminating Mr. Block’s time as unnecessary, eliminating incomplete or
20 vague entries, eliminating entries for time spent on administrative or clerical tasks, eliminating
21 entries for records that conflict for an identical task, eliminating or reducing the rate for services
22 that a junior attorney or paralegal could have performed, and reducing entries for block billings.

23 **2.1 Duplicative Time Entries**

24 The defendants challenge work by two (and later three) attorneys on the same tasks, including
25 conferring, preparing the complaint, making modest changes to the first amended complaint,

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27 ¹³² Minute Entry – ECF No. 76; Docket Order – ECF No. 78.

28 ¹³³ The plaintiff’s attorneys characterize the case as complicated. Mot. – ECF No. 112 at 16. It was not, as the Statement shows.

1 drafting the second amended complaint and the motion for leave to amend, preparing a motion to
2 strike the defendants’ answer that was never filed, preparing for and attending mediation,
3 finalizing the written settlement agreement, preparing the initial case-management statement and
4 initial and amended disclosures, propounding discovery, and preparing the fees application.¹³⁴ The
5 plaintiffs counter that the defendants made math errors and that their hours were reasonable.¹³⁵

6 “Participation of more than one attorney does not necessarily amount to unnecessary
7 duplication of effort.” *Democratic Party of Washington State v. Reed*, 388 F.3d 1281, 1286 (9th
8 Cir. 2004). The court must exercise judgment given the particular facts of each case to decide
9 whether any duplication is unnecessary. *Id.* Here, the defendants argue that tasks such as
10 reviewing another attorney’s work and conferring about the case are unnecessarily duplicative, but
11 after reviewing the records the court does not fully agree.

12 The court reduces the billing records by category in the next paragraphs.

13 First, the defendants challenge 31.4 hours that the plaintiff’s attorneys spent communicating
14 with each other.¹³⁶ The plaintiff counter that communicating avoids duplicating work, and 31.4
15 hours over a year and a half is not excessive.¹³⁷ The court does not reduce hours in this category.
16 “[I]t is reasonable for the members of the legal team to meet regularly to develop strategy, update
17 one another on developments, and give and receive instructions regarding assignments.” *Alvarado*,
18 2016 WL 5462429 at *2 (allowing 39.8 hours over 15 months in similar FDCPA case); *see also*
19 *Relente v. Viator, Inc.*, Case No. 12-cv-05868-JD, 2015 WL 3613713 at *2 (N.D. Cal. June 9,
20 2015) (“it is obvious that co-counsel will have to communicate with one another to provide
21 adequate representation”); *Elise Dragu v. Motion Picture Indus. Health Plan for Active*
22 *Participants*, 159 F.Supp.3d 1121, 1128–29 (N.D. Cal. Feb. 5, 2016) (“[C]ollaboration and
23 brainstorming are an important aspect of legal practice. Even the most competent and experienced
24 attorney does not have all the answers.”). “Therefore, the Court does not automatically exclude

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26 ¹³⁴ Opp. – ECF No. 120 at 11–14.

27 ¹³⁵ Reply – ECF No. 123 at 10–14.

28 ¹³⁶ Opp. – ECF No. 120 at 12.

¹³⁷ Reply – ECF No. 123 at 14–15.

1 [communications] exchanged between co-counsel, but looks to whether such [communications]
2 are actually ‘redundant’.” *Jacobson*, 2016 WL 7230873 at *2.

3 Second, the defendants challenge the hours spent drafting the complaints: 11.4 hours for the
4 original complaint, 3.4 hours for minor changes to it, 4.8 hours drafting the second amended
5 complaint, and 5 hours drafting and filing a motion for leave to file the complaint.¹³⁸ The plaintiff
6 responds that that they actually billed the following: 9.4 hours for the original complaint, 1.3 hours
7 for the first amended complaint, 4.8 hours for the second amended complaint, and 5 hours on the
8 motion for leave.¹³⁹

9 These cases are routine and involve (except for the facts) plug-and-play legal standards. The
10 court reduces the overall hours for the initial complaint to 5 (3.5 for Mr. Stempler and 1.5 for Mr.
11 Trueblood). *See St. Bernard v. State Collection Service, Inc.*, 782 F. Supp. 2d 823, 825 (D. Ariz.
12 July 12, 2010) (reducing hours from 9.4 to 5). The defendants also cite cases that — while
13 differing somewhat because they involve examples of complaints used by the plaintiff’s counsel’s
14 in different cases — support this result.¹⁴⁰ *See Silva v. Patenaude & Felix, P.C.*, No. C 08-03019-
15 JW, 2010 WL 2000523 at *3 (N.D. Cal. May 12, 2010) (reducing all hours by 20% including the
16 2.3 spent drafting an initial FDCPA complaint because, among other things, the complaint was
17 virtually identical to the plaintiff’s counsel’s complaint in a similar FDCPA case); *Abad v.*
18 *Williams, Cohen & Gray, Inc.*, No. C-06-2550-SBA-JCS, 2007 WL 1839910 at *7 (N.D. Cal. Apr.
19 23, 2007) (reducing hours to draft FDCPA complaint from 4 hours to .5 hours because the
20 complaint was almost identical to other complaints filed by the plaintiff’s counsel); *see also*
21 *Alvarado*, 2016 WL 5462429, at *3 (reduced time to draft second amended FDCPA complaint
22 from 15.3 hours to 3 hours because changes were only a few paragraphs).

23 For similar reasons, the court reduces the hours for the first amended complaint from 1.3 hours
24 to .5 hours and solely for Mr. Stempler’s time because the changes were minor and primarily were

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26 ¹³⁸ Opp. – ECF No. 120 at 12–13.

27 ¹³⁹ Reply – ECF No. 123 at 12.

28 ¹⁴⁰ Opp. – ECF No. 120 at 12–13.

1 to change party names.¹⁴¹ *See Abad*, 2007 WL 1839910 at *7 (minor changes to original complaint
2 warranted a reducing hours awarded from 2.1 to .5 for the first amended complaint).

3 For similar reasons, and following the weight of authority in this district, the court reduces the
4 hours for drafting and filing the second amended complaint to 3 hours (2 hours for Mr. Trueblood,
5 .5 hours for Mr. Stempler, and .5 hours for Mr. Block) and for the straightforward accompanying
6 motion from 5 hours to 3 hours (for Mr. Trueblood). *Alvarado v. Hovg*, 2016 WL 5462429 at *3.

7 Third, the plaintiff seeks 6.8 hours (1.2 for Mr. Trueblood and 5.6 hours for Mr. Stempler)
8 preparing a motion to strike that counsel did not file and that (they say) persuaded the defendants
9 to amend their answer (after they shared a draft).¹⁴² Drafting and sharing a motion is a strategic
10 decision that can aid judicial economy and does not per se mean that an unfiled motion is not
11 compensable. *See Alvarado*, 2016 WL 5462429, at *3 (the “Court will not second guess attorney
12 efforts to conduct the litigation strategy for the case, including when to start work on a motion.”)
13 (quotation omitted); *ExpertExchange, Inc. v. Doculex, Inc.*, No. C-08-03875-JCS, 2010 WL
14 1881484, at *9 (N.D. Cal. May 10, 2010) (“[t]he fact that the motion was not, ultimately, filed,
15 does not mean that the time spent preparing the motion was unreasonable”). That said, the overall
16 time must be reasonable and the court awards 4 hours (.5 hours for Mr. Trueblood and 3.5 hours
17 for Mr. Stempler).

18 Fourth, as to fees for deposition preparation, the court worked to keep the case in document
19 discovery until right before settlement, as the Statement shows. Still, the court does not find the
20 requested 2.8 hours to be unreasonable, especially given the context of noticing family depositions
21 on the emotional-distress claims. *See Long v. Nationwide Legal File & Serve, Inc.*, No. 12-cv-
22 03578-LHK, 2014 WL 3809401, at *10 (N.D. Cal. July 23, 2014) (finding time spent on
23 depositions compensable and not unreasonable).

24 Fifth, the attendance of two attorneys at mediation is not necessarily excessive because
25 mediation is an important point in a litigation. *Gurasich v. IBM Retirement Plan*, Case No. 14-cv-
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27 ¹⁴¹ Amended Compl. – ECF No. 25.

28 ¹⁴² Reply – ECF No. 123 at 12.

1 02911-DMR, 2016 WL 3683044, at *11 (N.D. Cal. July 12, 2016) (individual ERISA violation
2 case); *Cruz v. Starbucks Corp.*, No. C-10-01868-JCS, 2013 WL 2447862, at *7 (N.D. Cal. June 5,
3 2013) (individual ADA violation case); *Chabner v. United of Omaha Life Ins. Co.*, 1999 WL
4 33227443, at *4 (N.D. Cal. Oct. 12, 1999) (same for summary-judgment hearing in a Unruh Act
5 and ADA case because it is a pivotal point in litigation); *Defenbaugh v. JBC & Associates, Inc.*,
6 Case No. C-03-0651-JCS, 2004 WL 1874978, at *8 (N.D. Cal. Aug. 10, 2004) (allowed fees for
7 two attorneys attending putative class FDCPA case mediation; three “almost certainly” would
8 have been unreasonable). In this non-complex FDCPA case involving modest damages and a
9 credit-card debt of \$24,500, spending 35.1 hours in attorney time is excessive. The court cuts the
10 hours in half, resulting in the equivalent of an award for one attorney. This approach results in
11 9.65 hours for Mr. Trueblood and 7.9 hours for Mr. Stempler. *Cf. Santiago v. Equable Ascent Fin.*,
12 Case No. C-11-3158-CRB, 2013 WL 3498079, at *5 (N.D. Cal. July 12, 2013) (allowing travel
13 time) (citing *Chalmers v. City of L.A.*, 796 F.2d 1205, 1216 (9th Cir. 2017)).

14 Sixth, the defendants challenge the time spent on finalizing the settlement agreement as
15 unreasonable. Based on the straightforward nature of the case, the court reduces the plaintiff’s
16 overall hours from 5.7 hours to 5 hours (3.5 for Mr. Trueblood and 1.5 for Mr. Stempler).

17 Seventh, given that this is a straightforward FDCPA case, the court reduces the total hours for
18 preparing the initial case-management statement to 2 hours (.2 for Mr. Trueblood and 1.8 for Mr.
19 Stempler). *See Abad*, 2007 WL 1839910, at *8 (in a FDCA class action, reducing hours from 3.8
20 to 2).

21 Eighth, initial disclosures in an FDCPA case like this are modest. The court awards two hours
22 (.2 for Mr. Trueblood and 1.8 for Mr. Stempler). *See Abad*, 2007 WL 1839910, at *8 (plaintiff
23 sought only one hour for the same work). Again, propounding discovery in a straightforward
24 FDCPA case also entails modest effort. The court awards 4 hours to Mr. Stempler.

25 Ninth, based on its review of the billing records, the court awards Mr. Trueblood 25 hours for
26 the fees motion and reply, Mr. Stempler 1.5 hours, and Mr. Block .5 hours. This is close to what
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1 they seek, and given their obvious effort, it is reasonable. *Alvarado*, 2016 WL 5462429, at *3
2 (awarding 24.5 hours).¹⁴³

3 Tenth, the court finds the time spent beyond these categories of tasks to be excessive. This was
4 a simple case where very little happened. “[T]he district court can impose a small reduction, no
5 greater than 10-percent – a ‘haircut’ – based on its exercise of discretion, but anything more
6 substantial requires clear explanation[.]” *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th
7 Cir. 2011). As a result, the court deducts a further 8.5 hours from the fee award (3 from
8 Trueblood, 5 from Stempler, and .5 from Block).

9 **2.2 Vague Entries and Block Billing**

10 The defendants challenge 29.5 hours as being vague (73 entries) or block billed (103 entries)
11 On this record, the court does not reduce them for vagueness and block billing. The court can see
12 the tasks in the context of the litigation timeline and thus can evaluate the reasonableness of the
13 entries. *See Hensley*, 461 U.S. at 437 n. 12.

14 **2.3 Administrative/Clerical/Junior Associate Tasks**

15 The court does not reduce the rate for the challenged hours given the tasks and that plaintiff’s
16 counsel are solo practitioners without associates or paralegals.¹⁴⁴ *See Missouri v. Jenkins ex rel.*
17 *Agyei*, 491 U.S. 274, 288 n.10 (1989) (recognizing a “gray area of tasks that might appropriately
18 be performed by an attorney or paralegal”).

19 **2.4 Inconsistencies in Time Entries**

20 For the eleven entries at issue, the court reduces the time to the lowest time entry. *See Ambriz*
21 *v. Arrow Financial Services, LLC*, 2008 WL 2095617, at *5–6 (C.D. Cal. May 15, 2008) (reduced
22 hours for Mr. Trueblood and Mr. Stempler for this reason). This reduces allowable hours as
23 follows: 1.2 hours for Mr. Stempler, 1.9 hours for Mr. Trueblood, and 0.4 hours for Mr. Block.

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26 ¹⁴³ The court denies the defendants’ motion to exclude Mr. Block’s time and accepts the plaintiff’s
27 explanation that they associated him for discovery and trial preparation. Reply – ECF No. 123 at 15.
28 The court deducts .5 hours from his requested fees as the submitted billing records document only 7.3
hours spent on this case, not the 7.8 requested in the plaintiff’s submissions. Billing Records – ECF
No. 112-5 at 1–2.

¹⁴⁴ Trueblood Decl. – ECF No. 123-3 at 3 (¶ 10).

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Date	Stempler	Trueblood	Block
3/10/17	0.4	0.5	n/a
8/10/17	0.2	0.3	n/a
9/11/17	0.3	0.4	n/a
11/9/17	0.5	0.4	n/a
2/22/18	0.9	0.8	n/a
3/5/18	0.3	0.8	n/a
3/16/18	0.5	0.8	n/a
5/15/18	0.3	0.4	n/a
7/5/18	0.7	0.9	n/a
7/6/18	0.1	0.2	n/a
8/2/18	1.00	1.10	n/a
8/8/18	0.6	0.7	0.5
8/16/18	1.1	1.3	n/a
8/28/18	0.8	0.1	0.5
8/28/18	0.3	0.1	n/a

The court eliminates hours when there is no corresponding entry from the other attorney, which reduces Mr. Stempler's hours by 6 hours.

Date	Stempler	Trueblood	Block
10/19/17	0.3	0	n/a
1/16/18	0.3	0	n/a
2/22/18	0.1	0	n/a
2/22/18	0.1	0	n/a
3/13/18	0.3	0	n/a
4/10/18	0.2	0	n/a

United States District Court
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4/17/18	0.2	0	n/a
4/24/18	0.2	0	n/a
4/27/18	0.1	0	n/a
5/4/18	0.2	0	n/a
6/6/18	0.2	0	n/a
6/7/18	0.1	0	n/a
6/20/18	0.4	0	n/a
6/22/18	0.2	0	n/a
7/10/18	0.2	0	n/a
7/13/18	0.2	0	n/a
7/17/18	0.3	0	n/a
7/20/18	0.1	0	n/a
7/25/18	0.5	0	n/a
8/2/18	0.1	0	n/a
8/2/18	0.1	0	n/a
8/7/18	0.1	0	n/a
8/23/18	0.2	0	n/a
8/27/18	0.1	0	n/a
8/29/18	0.1	0	n/a
9/11/18	0.2	n/a	0
9/11/18	0.1	0	n/a
9/13/18	0.1	0	n/a
9/13/18	0.1	0	n/a
11/9/18	0.1	0	n/a
11/28/18	0.3	0	n/a
12/10/18	0.1	0	n/a

2.5 Time Entries Of 0.1 Hours

The billing records have many entries of 0.1 hours. “Although a one-tenth hour timekeeping practice is generally reasonable and a careful review of filings should be encouraged, billing 0.1 hours for certain practices sometimes requires a reduction.” *Jacobson*, 2016 WL 7230873, at *10 (citation omitted). The following entries are inflated and excessive:

Date	Attorney	Task
4/4/17	Trueblood	Send draft complaint to Stempler
5/12/17	Trueblood	Review ADR Order
7/21/17	Trueblood	Review stip re ADR
9/22/17	Trueblood	Review request for extension of time by process server’s counsel
9/28/17	Trueblood	Review stipulation to file amended answer
4/20/18	Trueblood	Review court’s order denying request to appear telephonically at mediation
5/9/18	Trueblood	Review EDP’s counsel’s motion to appear by telephone
5/9/18	Trueblood	Review email from mediator re attendance of Ascorra and Williams at mediation
7/27/18	Trueblood	Review court order on discovery plan
9/12/18	Trueblood	Send release for Williams to client for signature
9/19/18	Trueblood	Review court’s order mootng motion to amend and setting further status report deadlines and conferences

“While reviewing such notices takes some amount of time, experienced counsel must exercise billing judgment to avoid excessive accumulation of 0.1 hour entries in reviewing such routine documents and court communications.” *Kalani*, 2016 WL 379623, at *8. As in *Jacobson* and *Kalani*, the court will reduce these entries by half, or .55 hours

3. Costs

The FDCPA and the Rosenthal Act award a prevailing plaintiff reasonable costs. 15 U.S.C. § 1692k(a)(3); Cal. Civ. Code § 1788.30. The plaintiff seeks, and the defendants do not oppose,

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costs of \$2,267.48. The court awards them.

CONCLUSION

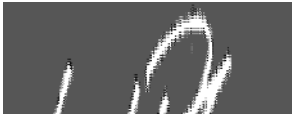
The court calculates the lodestar as follows:

Attorney	Rate Sought	Rate Awarded	Hours Sought	Hours Awarded	Total
Trueblood	\$725	\$475	144.3	116.3	\$55,242.50
Stempler	\$600	\$375	136.5	101.9	\$38,212.50
Block	\$550	\$325	7.8	5.6	\$ 1,820.00
Total			288.6	223.8	\$95,275.00

The court thus awards fees of \$95,275 and costs of \$2,267.48.

IT IS SO ORDERED.

Dated: August 27, 2019



LAUREL BEELER
United States Magistrate Judge