

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Board of Trustees of the Laborers  
Health and Welfare Trust Fund for  
Northern California, et al.,

No. C-07-6301 PJH (WDB)

Plaintiffs,

**ORDER RE SUPPLEMENTAL  
SUBMISSIONS IN SUPPORT OF  
MOTION FOR DEFAULT  
JUDGMENT**

v.

Concrete Surfacing System, Inc., a  
California corporation, and Rodney  
Eugene Scott, an individual,  
Defendants.

We have reviewed plaintiffs' Motion for Default Judgment, filed February 4, 2009. The court ORDERS plaintiffs to provide supplemental evidence or argument as necessary to address the following issues and questions.

1. Plaintiffs seek reimbursement of attorneys' fees at the rates of \$275 per hour for partners, \$250 per hour for associates, and \$135 per hour for paralegals. Richman Decl., at ¶4 and Ex. B. To obtain approval of the requested rates plaintiffs must present evidence about the counsels' and paralegals' experience and qualifications as well as evidence that the rates sought are commensurate with the prevailing market rate in the Bay Area for lawyers and paralegals of their skill and experience doing the kind of work this matter involved.

1 Mr. Richman's declaration fails to describe the kinds of tasks performed in  
2 connection with this matter. It is not the Court's responsibility to sift through each  
3 page of counsel's billing records in an attempt to discern the kinds of work  
4 completed. Plaintiffs must describe each kind of task for which they seek  
5 reimbursement (*e.g.*, investigating claim, drafting complaint, drafting request for  
6 default, etc.).

7 Similarly, plaintiffs have not identified the categories of costs for which they  
8 seek reimbursement. If plaintiffs wish to pursue their request for costs they must  
9 identify each type of cost for which they seek reimbursement and identify the legal  
10 authority(ies) demonstrating that each item of plaintiffs' costs constitutes a taxable  
11 cost and/or out-of-pocket expense normally chargeable to the client. Civil Local  
12 Rule 54-3. *E.g.*, *Harris v. Marhoefer*, 24 F.3d 16 (9th Cir. 1994).

13 In addition, plaintiffs must briefly describe the reason counsel used a  
14 messenger for each instance for which plaintiffs seek reimbursement of messenger  
15 costs.

16 The copies of counsel's billing records submitted by plaintiffs are too light  
17 near the bottom of the pages, and the Court is unable to review them. If plaintiffs  
18 wish to pursue their request for fees and costs, plaintiffs must submit a legible copy  
19 of counsel's billing records.

20 2. Exhibits to the Hagan Declaration contain employees' social security  
21 numbers. The court ADMONISHES plaintiffs that individual's social security  
22 numbers should be maintained as confidential records and should be redacted from  
23 public filings. Where such information is necessary to the disposition of the case,  
24 plaintiffs should seek permission to file such confidential information under seal.

25 The court ORDERS the Clerk to remove Exhibits I and L from the ECF  
26 system and place them under seal. The court ORDERS plaintiffs to e-file amended  
27 versions of these exhibits with employees' social security numbers redacted.

28

1           **By Monday, March 30, 2009, at noon**, plaintiffs must file with the court  
2 and serve on defendants additional evidence or argument responsive to the above  
3 concerns.

4           **If defendants wish to respond to plaintiffs' March 30th submissions or**  
5 **any other matters set forth in plaintiffs' Motion for Default Judgment, then**  
6 **by Friday, April 3, 2009, at 4:00 p.m.** defendants must file with the court and  
7 serve on plaintiffs a letter asking the court to grant defendants permission to  
8 respond and to set a briefing schedule.

9           **On April 8, 2009, at 1:30 p.m.**, as previously scheduled, the court will  
10 conduct the hearing in connection with plaintiffs' Motion for Default Judgment.  
11 Any party wishing to attend may appear at 1301 Clay Street, Courtroom 4,  
12 Oakland, California, 94612.

13           **The court ORDERS plaintiffs to serve a copy of this Order on**  
14 **defendants immediately.**

15 IT IS SO ORDERED.

16 Dated: March 20, 2009

17   
18 \_\_\_\_\_  
19 WAYNE D. BRAZZ  
20 United States Magistrate Judge

21 Copies to:  
22 Plaintiffs with direction to serve defendants,  
23 wdb, stats, CLERK  
24  
25  
26  
27  
28