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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 ANTONIO LOPEZ,

Case No: CV 09-0803 SBA

7
8 Plaintiff,

ORDER

9 vs.

10 WORLD SAVINGS BANK, FSB, a
11 California corporation; WACHOVIA
12 MORTGAGE, FSB, a North Carolina
13 corporation; GOLDEN WEST
14 SAVINGS ASSOCIATION
15 SERVICE CO., a California
16 corporation; and Does 1 through 50,
17 inclusive,

18 Defendant.

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20 On July 27, 2009, Defendant¹ filed a Motion for Attorneys' Fees [Docket No. 28], which it
21 noticed for hearing on October 6, 2009. For the reasons set forth below, the Court GRANTS
22 Defendant's Motion for Attorneys' Fees.

23 This Court has reviewed the motion, the declaration of Fred Hickman in support thereof,
24 and the Deed of Trust and Note that formed the basis of the underlying action. The Court notes that
25 Defendant's counsel declares that he met and conferred in person with Plaintiff's counsel on July
26 16, 2009, prior to filing the motion. Moreover, Defendant's counsel declares that he provided
27 Plaintiff's counsel with a print out detailing the fees that are the subject of this motion. [Hickman
28 Decl. at 2:10-17]. Defense counsel subsequently filed this motion seeking attorney fees. Plaintiff

¹ Only defendant Wachovia Mortgage, F.S.B. is seeking fees because it alone incurred defense costs and it alone was a party to the contract with Plaintiff.

1 filed no opposition to Defendant's motion. Under the Court's standing orders, Plaintiff's opposition
2 was due September 15, 2009. To date, no opposition to the motion has been filed. Finally, the
3 Court's standing orders inform the parties that failure to oppose a motion "shall constitute a consent
4 to the granting of the motion."
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6 Based upon the above facts, the Court finds good cause to grant Defendant's fee request.
7 The Court refers this matter to a Magistrate Judge of this Court for determination of the appropriate
8 amount to be awarded. Plaintiff should be provided the opportunity to be heard, if he chooses,
9 concerning the reasonable amount of fees awarded. Accordingly,

10 IT IS HEREBY ORDERED THAT Defendant's motion for attorneys' fees is GRANTED.
11 The instant action is referred to the Chief Magistrate Judge or her designee for a determination of
12 the appropriate amount of reasonable attorney fees to be awarded.
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14 IT IS SO ORDERED.

15 Dated: 10/8/09



SAUNDRA BROWN ARMSTRONG
United States District Judge

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