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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEKSANDR L. YUFA,
Plaintiff,
v.
TSI INCORPORATED,
Defendant.

Case No. [4:09-cv-01315-KAW](#)

**ORDER DENYING PLAINTIFF'S EX
PARTE APPLICATION TO COMPEL
FINANCIAL DOCUMENTATION**

Re: Dkt. No. 276

On January 8, 2018, Plaintiff Aleksandr L. Yufa filed an ex parte application to compel all Defendant's financial documentation related to its attorneys' fees and costs. (Pl.'s Appl., Dkt. No. 276.) Defendant TSI Incorporated filed an opposition on January 22, 2018. (Def.'s Opp'n, Dkt. No. 283.) On January 24, 2018, Plaintiff filed a reply. (Dkt. No. 286.)

The application may be denied on numerous grounds. First, Plaintiff impermissibly filed the ex parte application, as he failed to cite to the statute, rule, or order which permits his ex parte motion, as required by Civil Local Rule 7-10 ("The motion must include a citation to the statute, rule or order which permits the use of an ex parte motion to obtain the relief sought."). Furthermore, not only did discovery close long ago, but Dr. Yufa did not comply with Federal Rule of Civil Procedure 37, as he did not identify any discovery request, or obligation, that TSI refused to answer. (*See* Def.'s Opp'n at 3.)

Most importantly, the Court already ruled on Defendant's motion for attorneys' fees, when it awarded fees in the amount of \$154,702.75 and non-taxable costs in the amount of \$4,343.05 on August 14, 2014. (Dkt. No. 198.) On September 3, 2014, the Court entered judgment in the total amount of \$166,364.88 (\$154,702.75 in attorneys' fees, \$4,343.05 in non-taxable costs and \$7,319.08 in taxable costs). (Dkt. No. 205.) Since judgment has been entered, Dr. Yufa is not

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entitled to any additional information or documentation pertaining to the award of attorneys' fees and costs.

Accordingly, Plaintiff's ex parte application is DENIED.

IT IS SO ORDERED.

Dated: February 9, 2018


KANDIS A. WESTMORE
United States Magistrate Judge