

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 IN RE NCAA STUDENT-ATHLETE
5 NAME & LIKENESS LICENSING
6 LITIGATION

No. C 09-1967 CW

7 _____/

This document relates to:

8 FORMER PLAINTIFF ISHMAEL
9 THROWER

_____/

ORDER ADOPTING
INTENDED RULING
(Docket No. 641),
GRANTING MOTION
FOR SANCTIONS
(Docket No. 548),
DENYING AS MOOT
MOTION TO STRIKE
AMENDED
DECLARATION
(Docket No. 595),
AND IMPOSING
MONETARY SANCTIONS
UPON ATTORNEY
REGINALD TERRELL

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13 On October 30, 2012, the Court issued a tentative ruling
14 indicating that it was inclined to grant Defendant Collegiate
15 Licensing Company (CLC)'s motion for monetary sanctions, impose
16 monetary sanctions on Reginald Terrell, attorney for former
17 Plaintiff Ishmael Thrower, and deny as moot CLC's motion to strike
18 Terrell's amended declaration.

19 At that time, the Court ordered CLC to file evidence of the
20 attorneys' fees and costs that it incurred in connection with
21 filing the motion for sanctions and the August 21, 2012 discovery
22 letter brief, in preparing for and attending the August 29, 2012
23 hearing and in its repeated attempts to meet and confer with
24 Terrell regarding discovery from Thrower. The Court also granted
25 Terrell leave to file a response, by November 13, 2012, to CLC's
26 evidence of its fees and costs. The Court directed Terrell to
27 include with this response a statement as to whether he requested
28 a hearing on the imposition of monetary sanctions. The Court

1 warned Terrell that failure to file a response would result in the
2 Court's adoption of the tentative decision as its final ruling,
3 and setting an amount of fees and costs to be paid.

4 On November 6, 2012, CLC filed evidence of the fees and costs
5 charged by its counsel, Kilpatrick Townsend & Stockton LLP (KTS),
6 for the work identified in the Court's order, as well as a
7 description of relevant qualifications and experience of each
8 individual at KTS who worked on these matters, a statement of
9 their customary hourly charges, and evidence of comparable
10 prevailing hourly rates in the local area. Docket No. 647.

11 As of the date of this Order, Terrell has not filed a
12 response to CLC's evidence of its fees and costs and has not
13 notified the Court that he requests a hearing on the imposition of
14 monetary sanctions. Thus, the Court ADOPTS the October 30, 2012
15 order as its final ruling on CLC's motions for sanctions and to
16 strike. For the reasons set forth in the tentative ruling, the
17 Court GRANTS CLC's motion for monetary sanctions on Terrell but
18 declines to impose such sanctions upon Thrower (Docket No. 548),
19 and DENIES as moot CLC's motion to strike Terrell's amended
20 declaration (Docket No. 595).

21 Based on the evidence submitted, and having received no
22 objection from Terrell, the Court finds that CLC reasonably
23 incurred \$17,137.73 in attorneys' fees and costs in connection
24 with filing the motion for sanctions and the August 21, 2012
25 discovery letter brief, in preparing for and attending the August
26 29, 2012 hearing and in its repeated attempts to meet and confer
27 with Terrell regarding discovery from Thrower, and that imposition
28 of sanctions in this amount is appropriate. Accordingly, the

1 Court ORDERS that, within twenty-eight days of this Order, Terrell
2 pay monetary sanctions in the amount of \$17,137.73 to CLC through
3 its counsel.

4 IT IS SO ORDERED.

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6 Dated: 11/19/2012

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8 CLAUDIA WILKEN
9 United States District Judge
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