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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 KIM MUNIZ,

No. C 09-1987 CW

10 Plaintiff,

ORDER SETTING  
BRIEFING SCHEDULE

11 v.

12 UNITED PARCEL SERVICE, INC., a  
13 corporation and DOE 1 through DOE  
20, inclusive,

14 Defendant.  
15 \_\_\_\_\_/

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17 Following a jury verdict in Plaintiff Kim Muniz's favor,  
18 Defendant United Parcel Service, Inc. timely appealed the Court's  
19 order awarding Plaintiff \$697,971.80 in attorneys' fees under  
20 California's Fair Employment and Housing Act.<sup>1</sup> On December 5,  
21 2014, the Ninth Circuit affirmed in part and vacated in part the  
22 fee award. Docket No. 313. Specifically, the Ninth Circuit  
23 vacated the Court's award of \$55,286 in fees for work performed by  
24 paralegal Susan Jaffe, holding that the award of the paralegal  
25 fees was based upon impermissible hearsay.  
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27 <sup>1</sup> Both parties filed appeals of other issues, which were  
28 resolved by stipulation. See Docket Nos. 295, 300, 311.

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The Ninth Circuit remanded the case to this Court

1) to reconsider an award of fees to Susan Jaffee for paralegal work on behalf of Muniz and to determine, in the first instance, whether any hearsay exception applies to [Stephen] Jaffe's declaration regarding fees for paralegal work in this case and 2) to determine an award to Muniz for reasonable attorney fees and costs incurred in defending [the] appeal.

Docket No. 313 at 22-23. Accordingly, the parties are directed to submit briefs addressing any admissible evidence in the record to support Ms. Jaffe's fees and whether any hearsay exception applies to Mr. Jaffe's declaration regarding Ms. Jaffee's fees. In addition, the parties' briefs should address the reasonable amount of fees to be awarded to Muniz incurred in defending the appeal. Plaintiff shall file a brief, not to exceed fifteen pages, by January 16, 2014. Defendant shall file a responsive brief, also not to exceed fifteen pages, by January 30, 2014. Plaintiff may file a reply brief by February 6, 2014. The matter shall be taken under submission and decided on the papers.

IT IS SO ORDERED.

Dated: 12/31/2013

  
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CLAUDIA WILKEN  
United States District Judge