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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
Delaware corporation,

Plaintiff,

vs.

JOHN BROSNAN, MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC., a California corporation,  
and ROBERT JACOBSEN

Defendants.

Case No. C 09-3600 SBA (MEJ)

~~[PROPOSED]~~ REPORT AND  
RECOMMENDATION RE: AMOUNT OF  
REASONABLE ATTORNEYS' FEES AND  
COSTS INCURRED BY PLAINTIFF TO  
BRING CONTEMPT PROCEEDING

On November 5, 2009, the Court issued a Contempt Order (Docket #54) adjudging Defendant John Brosnan and Defendant Mortgage Electronic Registration Systems, Inc. ("Defendant MERS") to be in contempt of the Preliminary Injunction Order ("PI Order"). Under the Contempt Order, Mr. Brosnan and Defendant MERS were required to pay to the Court a daily fine of \$500 unless and until they demonstrate full compliance with the PI Order and to pay to Plaintiff Mortgage Electronic Registration Systems, Inc. ("Plaintiff MERS") its reasonable attorneys' fees and related costs incurred in the contempt proceeding.

With respect to the amount of attorneys' fees and costs to be awarded Plaintiff MERS, the

1 Contempt Order required Plaintiff MERS to submit a declaration by November 10, 2009,  
2 establishing the amount of its reasonable attorneys' fees and related costs incurred in this  
3 contempt proceeding. In the Contempt Order, Judge Armstrong referred the matter of the amount  
4 of reasonable attorneys' fees and costs to be awarded to Plaintiff MERS to the Chief Magistrate  
5 Judge or her designee for determination. On November 6, 2009, this matter was referred to this  
6 Court for a report and recommendation on the amount of attorneys' fees and costs to be awarded  
7 to Plaintiff MERS.

8 On November 10, 2009, Plaintiff MERS filed the Declaration of Carla B. Oakley  
9 Establishing Amount of Attorneys' Fees and Costs Incurred to Bring Contempt Proceeding. The  
10 declaration set forth in detail the work performed and the time expended on matters related to the  
11 contempt proceeding brought against Mr. Brosnan and Defendant MERS, as well as the billing  
12 rates for the particular attorneys who performed the work. In total, counsel for Plaintiff MERS  
13 spent just under 20 hours on matters related to the contempt proceeding. Based on the disclosed  
14 billing rates, Plaintiff MERS incurred a total of \$8,686 in fees for the time its attorneys spent on  
15 the contempt proceeding. Plaintiff MERS also incurred \$20.21 of online legal research costs.

16 Upon review and consideration of this declaration, this Court finds the work performed as  
17 described therein is related to the contempt proceeding and that the time expended to perform this  
18 work is reasonable under the circumstances. This Court further finds that the billing rates set  
19 forth in the declaration for counsel for Plaintiff MERS, attorneys Carla B. Oakley, Ahren C.  
20 Hoffman, and Leigha Wilbur, are reasonable for this matter.

21 Accordingly, this Court recommends that Plaintiff MERS is entitled to the full amount of  
22 the attorneys' fees and costs requested—in total, \$8,706.21—and that Mr. Brosnan and Defendant  
23 MERS shall be ordered to pay to Plaintiff MERS this amount forthwith.

24 Dated: December 30, 2009  
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28 MARIA-ELLEN JAMES  
United States Magistrate Judge