

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

3
4 TODD ASHKER, et al.,
5 Plaintiffs,
6 v.
7 MATHEW CATE, et al.,
8 Defendants.

Case No. 09-cv-05796-CW

ORDER REGARDING MOTION FOR
LEAVE TO FILE MOTION FOR
RECONSIDERATION REGARDING
REASSIGNMENT OF FEES MOTION
TO MAGISTRATE JUDGE ILLMAN
AND REASSIGNMENT OF MOTIONS
FOR ATTORNEYS' FEES

(Dkt. Nos. 690, 756, 834,
876)

9
10
11
12 On November 2, 2017, Plaintiffs brought a motion for leave
13 to file a motion for reconsideration of the Court's Order
14 Referring Certain Duties and Motions to Judge Illman (Docket No.
15 856). Plaintiffs contend that Judge Illman should not decide
16 Plaintiffs' Motion for Attorneys' Fees and Costs (Docket No. 690)
17 and Plaintiffs' Request for Interim Payment of Undisputed
18 Attorneys' Fees (Docket No. 756) because he participated in
19 settlement conferences related to attorneys' fees as a law clerk
20 to Judge Vadas. Because the parties previously agreed to Judge
21 Vadas' dual role as a mediator and adjudicator of issues
22 pertaining to the settlement agreement, the Court is not
23 persuaded that Judge Illman's participation in settlement
24 conferences now precludes him from adjudicating the attorneys'
25 fees motions. In an abundance of caution, however, the Court
26 will refer the attorneys' fees motions to another magistrate
27 judge.

28 Accordingly, the Court construes Plaintiffs' motion as a

1 motion for reconsideration and hereby GRANTS the motion. The
2 Clerk of the Court will randomly reassign Plaintiffs' Motion for
3 Attorneys' Fees and Costs (Docket No. 690) and Plaintiffs'
4 Request for Interim Payment of Undisputed Attorneys' Fees (Docket
5 No. 756) to a magistrate judge in this district other than Judge
6 Illman. Plaintiffs' Administrative Motion to Set Hearing Date or
7 for Reassignment to Magistrate Judge, and for Interim Award
8 (Docket No. 834) concerns the same issues and shall be terminated
9 as moot.

10 IT IS SO ORDERED.

11
12 Dated: November 30, 2017



CLAUDIA WILKEN
United States District Judge

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28