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4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION

7 J & J SPORTS PRODUCTIONS, INC.,

8 Plaintiff,

9 vs.

10 ULISES CONSTANTINO NAPURI,
11 individually and d/b/a INCAS GRILL,

12 Defendant.

Case No: C 10-04171 SBA

ORDER

Docket 48

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14 On September 16, 2010, Plaintiff J & J Sports Productions, Inc. ("Plaintiff") filed the
15 instant action against Ulises Constantino Napuri, individually, and doing business as Incas
16 Grill ("Defendant"). Compl., Dkt. 1. The complaint alleges four claims for: (1) violation
17 of the Federal Communications Act of 1934, as amended, 47 U.S.C. § 605 ("§ 605"); (2)
18 violation of the Cable & Television Consumer Protection and Competition Act of 1992, as
19 amended, 47 U.S.C. § 553 ("§ 553"); (3) conversion; and (4) violation of California
20 Business & Professions Code § 17200. Id. On September 28, 2012, the Court granted
21 Plaintiff's motion for partial summary judgment on its conversion claim and its claims
22 under § 553 and § 605. Dkt. 33.

23 On March 21, 2013, Plaintiff filed a motion for attorneys' fees and costs, seeking
24 \$10,736.25 in attorneys' fees and \$3,205 in costs. Dkt. 48. On March 28, 2013, the Court
25 referred this matter to Magistrate Judge Laurel Beeler ("the Magistrate") for a Report and
26 Recommendation. Dkt. 50. On April 26, 2013, the Magistrate issued a Report and
27 Recommendation in which she recommends granting in part and denying in part Plaintiff's
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1 motion for attorneys' fees and costs. Dkt. 55. The Magistrate recommends that the Court
2 award Plaintiff \$9,412.12 in attorneys' fees and \$430 in costs. Id.

3 On August 15, 2013, the Court issued an Order accepting in part and rejecting in
4 part the Magistrate's Report and Recommendation. Dkt. 59. The Court accepted the
5 Magistrate's recommendation to award costs in the amount of \$430, and rejected the
6 Magistrate's recommendation to award attorneys' fees in the amount of \$9,412.12. Id. The
7 Court found that Plaintiff has failed to carry its burden to demonstrate that the requested fee
8 award is reasonable. Id. The Court directed Plaintiff to submit additional documentation
9 supporting its fee request by no later than seven (7) days from August 15, 2013. Id. The
10 Court expressly warned Plaintiff that the failure to timely file additional documentation
11 addressing the deficiencies identified by the Court will result in the denial of Plaintiff's
12 request for attorneys' fees. Id.

13 To date, Plaintiff has not submitted additional documentation in support of its fee
14 request. Therefore, Plaintiff's request for attorneys' fees is DENIED. Accordingly,
15 Plaintiff's motion for attorneys' fees and costs (Dkt. 48) is GRANTED IN PART AND
16 DENIED IN PART. Plaintiff's request for costs is granted in part and denied in part.
17 Plaintiff is entitled to recover costs in the amount of \$430. Plaintiff's request for attorneys'
18 fees is denied without prejudice to the filing of a renewed motion for attorneys' fees that
19 addresses the deficiencies identified by the Court in its August 15, 2013 Order. See Dkt.
20 59. This Order terminates Docket 48.

21 IT IS SO ORDERED.

22 Dated: 8/26/2013

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24 SAUNDRA BROWN ARMSTRONG
25 United States District Judge
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