

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

3
4 ALEXANDER GRAHAM-SULT and DAVID
5 GRAHAM,

6 Plaintiffs,

7 v.

8 NICHOLAS P. CLAINOS, RICHARD L.
9 GREENE, LINDA McCALL, GREENE
10 RADOVSKY MALONEY SHARE & HENNIGH
11 LLP, BILL GRAHAM ARCHIVES LLC,
12 d/b/a WOLFGANG'S VAULT, NORTON
13 LLC and WILLIAM E. SAGAN,

14 Defendants.

No. CV 10-4877 CW

ORDER FOR FURTHER
BRIEFING ON BGA
DEFENDANTS' MOTION
FOR ATTORNEYS'
FEES AND COSTS

15 Defendants Bill Graham Archives LLC, Norton LLC and William
16 E. Sagan (collectively, BGA Defendants) have filed a motion for
17 attorneys' fees and costs under the Copyright Act, 17 U.S.C.
18 § 505. In support of their motion, BGA Defendants have filed
19 redacted billing statements, completely eliminating any
20 description of the work performed. BGA Defendants state that
21 these redactions are necessary to protect attorney-client
22 privilege and that they will submit unredacted statements for in
23 camera review upon request of the Court.

24 As noted by Plaintiffs, "the fee applicant bears the burden
25 of establishing entitlement to an award and documenting the
26 appropriate hours expended and hourly rates." Hensley v.
27 Eckerhart, 461 U.S. 424, 437 (1982). While the Court appreciates
28

1 counsel's duty not to breach the attorney-client privilege, it is
2 implausible that every entry contains privileged information.
3 Moreover, Plaintiffs should have an opportunity to respond to
4 those entries that are not privileged.¹

5 Accordingly, within twenty-one days of the date of this
6 order, BGA Defendants shall file their billing statements
7 including the description of the work performed. They may redact
8 only information that is protected by the attorney-client
9 privilege. BGA Defendants shall file an administrative motion to
10 file under seal any portions of their billing statements that they
11 believe are sealable. Within fourteen days of BGA Defendants'
12 filing, Plaintiffs shall file a response of no more than five
13 pages to the fee request. BGA Defendants may file a reply of no
14 more than three pages within one week thereafter.

17 IT IS SO ORDERED.

18 Dated: May 3, 2016


CLAUDIA WILKEN
United States District Judge

24 _____
25 ¹ The Court recognizes that it granted BGA Defendants'
26 previous motion for attorneys' fees even though the records filed
27 in support of that motion attached fully redacted records.
28 However, that motion sought just over \$130,000 in fees, while the
instant motion seeks nearly ten times that amount for work
performed over the course of more than fifteen years.