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United States District Court  
Northern District of California

EVONY, LLC,  
  
                    Plaintiff,  
  
          v.  
AERIA GAMES & ENTERTAINMENT, and  
FENG INVESTMENT, LTD.,  
  
                    Defendants.

Case No.: CV 11-00141-SBA (KAW)  
  
ORDER REQUIRING ADDITIONAL  
BILLING RECORDS; TERMINATING  
MOTION TO FILE UNDER SEAL

On December 20, 2013, Plaintiff Evony, LLC filed a motion for default judgment against Feng Investment, Ltd. for violations of the Copyright Act. The motion was referred to the undersigned for report and recommendation. (Dkt. No. 95.) In support of its request for attorneys’ fees, Plaintiff provided numerous invoices and billing records sought to be filed under seal. (*See* Decl. of Steven M. Cowley, Dkt. No. 93.) A cursory review of this submission shows duplicative billing entries across various invoices, making it too onerous for the Court to review for reasonableness. In addition, a substantial number of entries concerned Feng Investment’s co-defendant Aeria Games, with whom Plaintiff settled in May 2013. Compensation for those legal services is not necessarily recoverable against Feng Investment. It is also unclear which costs (“disbursements”) pertain to which defendant. Plaintiff also does not provide a statement of the services rendered by each attorney or paralegal, including a summary of the number of hours spent on Feng Investments. *See* Civil L.R. 54-5(b).

Plaintiff is ordered, therefore, to resubmit its supporting declaration and billing records in support of its request for attorneys’ fees and costs. Should Plaintiff seek to file the forthcoming declaration and supporting documents under seal, Plaintiff is directed to Civil Local Rule 79-5(d) and General Order No. 62. As a practical matter, billing records are generally not sealed in whole, but may be sealed in part, to protect privileged communications contained in the notations.

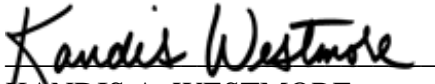
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*See* Civil L.R. 79-5(d) (procedure for filing under seal). The amount and time billed is not privileged nor are general billing descriptions that contain no privileged communications.

Accordingly, Plaintiff's motion to file under seal is TERMINATED as moot, and the Court will not review the accompanying invoices and billing statements in consideration of Plaintiff's motion for default judgment. If Plaintiff still wants to recover attorneys' fees and costs, it shall file complete and non-duplicative billing statements concerning those billing entries attributed to Feng Investments, accompanied by a declaration and a statement of the services rendered as required by Civil Local Rule 54-5(b), on or before February 18, 2014.

IT IS SO ORDERED.

Dated: February 12, 2014

  
KANDIS A. WESTMORE  
United States Magistrate Judge