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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JOHN GEARON,

No. C -12-03931(EDL)

9 Plaintiff,

**ORDER GRANTING EX PARTE
APPLICATION FOR AWARD OF
REASONABLE ATTORNEY'S FEES**

10 v.

11 CLARUS TRANSPHASE,

12 Defendant.
13 _____/

14 On July 29, 2013, the Court ordered Robert Williams to appear at a judgment debtor
15 examination on September 3, 2013, on behalf of Defendant Clarus Transphase Scientific, Inc. (Dkt.
16 29.) The order notified Williams that if he did not appear, he could be liable for Plaintiff's
17 reasonable attorney's fees. (Id.) Williams failed to appear at the examination, and the Court ordered
18 Plaintiff to submit a proposed bench warrant. Before the Court could issue a bench warrant,
19 however, Williams contacted the Court and explained that he inadvertently mis-calendared the
20 examination date. He also acknowledged that he would need to pay Plaintiff's attorney's fees for
21 the missed examination. (Dkt. 33-1.) As a consequence, the Court rescheduled the examination for
22 October 8, 2013.

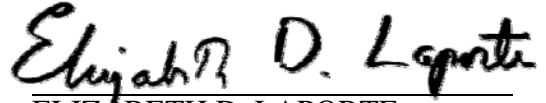
23 On September 24, 2013, Plaintiff filed the pending ex parte application for issuance of a
24 bench warrant and award of sanctions. Plaintiff requested that the Court issue a bench warrant to
25 guarantee Williams' appearance at the judgment debtor examination and sought \$2,089.24 in fees
26 and costs, which comprise \$1,700.00 in attorney's fees, \$225.00 in court reporter fees, \$117.00 in
27 airfare, \$8.85 in ground transportation, and \$38.39 in meals. (Henderson Decl. ¶ 16, Dkt. 33-1.)
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Because Williams appeared at the October 8, 2013 judgment debtor examination, the Court denies Plaintiff's request for a bench warrant as moot. The Court grants Plaintiff's request for sanctions, except as to counsel's meals, and awards Plaintiff sanctions of \$2050.34 against Defendant Clarus Transphase Scientific, Inc., and Robert Williams, jointly and severally, for failure to appear at the September 3, 2013 judgment debtor examination.

IT IS SO ORDERED.

Dated: October 9, 2013


ELIZABETH D. LAPORTE
United States Magistrate Judge