

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

ALYSIA ANN FOWLER, an individual as beneficiary for BEVERLY ANN HECTOR TRUST,

Plaintiff,

vs.

WELLS FARGO BANK, N.A. as servicer and successor-in-interest to WACHOVIA CORPORATION for WORLD SAVINGS BANK, FSB,

Defendants.

Case No.: 4:12-cv-04869-DMR

[The Honorable Donna M. Ryu]

ORDER GRANTING WELLS FARGO’S MOTION FOR AWARD OF ATTORNEYS’ FEES [as modified]

Date: August 8, 2013
Time: 11:00 a.m.
Ctm: 4

The motion of defendant WELLS FARGO BANK, N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB (erroneously sued as “Wells Fargo Bank, N.A. as servicer and successor-in-interest to Wachovia Corporation for World Savings Bank, FSB”) (“Wells Fargo”) for an order awarding attorneys’ fees is appropriate for decision without oral argument per Civil Rule 7-1(b). Plaintiff filed no opposition, and did not respond to an order to show cause [Docket No. 39].

The Court, having read and considered the motion, the declaration of Leigh O. Curran, the request for judicial notice, and all opposition and reply papers, finds that:

1 Defendant Wells Fargo is the prevailing party pursuant to a judgment dismissing this
2 action with prejudice on June 17, 2013; [see Christiansen v. Wells Fargo,
2013 WL 1832644 (N.D. Cal 2013), construing same contract clauses]

3 Based on the evidence submitted in support of its motion, Wells Fargo's reasonable
4 attorneys' fees are \$8590. ACCORDINGLY, [\$7800 plus \$790 for opening brief on fee
motion]

5 **IT IS HEREBY ORDERED:**

6 1. Defendant Wells Fargo's Request for Judicial Notice in support its fee motion is
7 granted;

8 2. Defendant Wells Fargo is awarded attorneys' fees as the prevailing party in the
9 amount of \$8,590 against plaintiff Alysia A Fowler, as trustee for Beverly Ann Hector Trust.

10
11 Dated: August 29, 2013



HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE

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