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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID DAY,  
Plaintiff,  
v.  
AT&T DISABILITY INCOME PLAN,  
Defendant.

Case No.: C 06-1740 JW (PSG)

**ORDER SCHEDULING FURTHER  
BRIEFING RE PLAINTIFF'S SECOND  
MOTION FOR ATTORNEYS FEES**

On June 22, 2010, Plaintiff filed a second motion for attorneys fees.<sup>1</sup> District Judge Ware has referred the motion to Magistrate Judge Trumbull for Report and Recommendation (see docket no. 185). On November 29, 2010, Judge Trumbull issued her Report and Recommendation (docket no. 209), in which she recommended a schedule be set for further briefing. Judge Trumbull recently retired and the case was reassigned to the undersigned for discovery referral purposes. On December 15, 2010, District Judge Ware referred this matter to the undersigned to set the schedule for further briefing and to issue an updated Report and Recommendation after reviewing the supplemental briefing. Therefore, based on the file herein,

IT IS HEREBY ORDERED that, no later than January 4, 2010, Plaintiff's counsel shall

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<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 submit a supplemental brief showing cause why the attorney's fees for the STD remand should not  
2 be set at \$17,525 as proposed by Defendant, calculated by multiplying 35.05 hours by \$500 per hour.  
3 (*See* Docket No. 194 at 17:25-28.) (The court notes that \$500 per hour is the rate used in the first  
4 order awarding Plaintiff attorney's fees). (*See* Docket No. 103).

5 IT IS FURTHER ORDERED that, no later than January 4, 2010, both sides shall submit  
6 supplemental briefing regarding what date the prejudgment interest should begin to run, and what  
7 rate was prescribed for post-judgment interest under 28 U.S.C. § 1961 for the period from that date  
8 through entry of judgment.

9 Dated: *December 16, 2010*

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12 PAUL S. GREWAL  
13 United States Magistrate Judge  
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