

United States District Court
For the Northern District of California

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

E-Filed 3/18/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERNON DOWER, et al.,
Plaintiffs and Counterdefendants,
v.

NO. C 06-6837 JW (RS)

**ORDER DENYING MOTION FOR
CLARIFICATION**

BRIDGESTONE FIRESTONE NORTH
AMERICAN TIRE, LLC, et al,
Defendants, Counterclaimants, and
Third-Party Plaintiffs,
v.
WALDO SIMONS, et al.,
Third-Party Defendants

On March 16, 2009, the Court entered its report and recommendation to the presiding judge that the attorneys for third party defendants be awarded \$115,300.40 in fees and costs. On March 17, 2009, defendant Bridgestone Firestone North American Tire, LLC ("Firestone") submitted a letter, which the Court interprets to be a motion for clarification of its report and recommendation. In its letter, Firestone claims that the Court erred when it stated that: "There is no basis to find that the statement by the presiding judge in his conclusion should simply be *ignored as Firestone suggests.*" March 16, 2009 Report and Recommendation at 3-4 (emphasis added). Firestone contends that it never "suggested" that any of the presiding judge's orders be "ignored," and as such, the word should be changed. Indeed, a full reading of the entire paragraph where the contested

1 sentence occurs makes clear that the word "ignored" goes to the effect of Firestone's argument, not
2 that it sought to "ignore" any order. No modification to the report and recommendation, therefore, is
3 necessary, and the motion to clarify is denied.

4 IT IS SO ORDERED.

5
6 Dated: 3/18/09

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RICHARD SEEBORG
United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

- 2 Craig Evan Needham cneedham@ndkylaw.com
- 3 Kirsten M. Fish kfish@ndkylaw.com
- 4 Niall Padraic McCarthy nmccarthy@cpmlegal.com
- 5 Steven Noel Williams swilliams@cpmlegal.com
- 6 Aron K. Liang aliang@cpmlegal.com
- 7 Barbara L. Lyons blyons@cpmlegal.com
- 8 Andrew Terry Caulfield andrew.caulfield@hklaw.com
- 9 Matthew P. Vafidis mvafidis@hklaw.com
- 10 Susan J. Matcham susanm@ci.salinas.ca.us
- 11 Vanessa W. Vallarta vanessav@ci.salinas.ca.us
- 12 Thomas M. Bruen tbruen@sbcglobal.net
- 13 Erik A Reinertson ereinertson@sbcglobal.net
- 14 Thomas M. Bruen tbruen@sbcglobal.net

15 **AND A COPY OF THIS ORDER WAS MAILED TO:**

16 Lester J. Levy
17 JAMS-Endispute
18 Two Embarcadero Ctr
19 Ste 1100
20 San Francisco, CA 94111

19 Counsel are responsible for distributing copies of this document to co-counsel who have not
20 registered for e-filing under the Court's CM/ECF program.

21 **Dated: 3/18/09**

Richard W. Wieking, Clerk

22
23 **By:** _____
24 **Chambers**