



1 attorneys' fees in the amount of \$14,087. Defendants object to the affidavit, asserting *inter alia* that  
2 counsel spent an excessive amount of time preparing a five page motion, and that counsel's practice  
3 of billing in quarter-hour increments inflated the fee bill. The Court agrees with Defendants that the  
4 time spent on preparing the motion is excessive. The motion was not complicated. Almost one  
5 entire page of the five-page brief consisted of a block quotation from the Plan. After reviewing  
6 counsel's affidavit in conjunction with the record, the Court concludes that \$10,000 is the upper  
7 limit of attorneys' fees reasonably expended in litigating the motion for contempt sanctions.  
8 Accordingly, the Court will award attorneys' fees in the amount of \$10,000.

9 Plaintiff has filed a motion for reconsideration of the Court's denial of interest as a  
10 component of the contempt sanction, as well as a belated motion for leave to file a motion for  
11 reconsideration.<sup>1</sup> Plaintiff's motion for leave does not satisfy the requirements set forth in the  
12 Court's Civil Local Rules. He has not demonstrated the existence of a material difference in fact or  
13 law, the emergence of new facts or law, or a manifest failure by the Court to consider material facts  
14 or law that were presented in connection with his motion for contempt sanctions. *See* Civ. L.R. 7-  
15 9(b). Plaintiff seeks interest on "own occupation" benefits that accrued between 2007 and 2011. As  
16 explained in the Court's order, Defendants' failure to pay benefits accruing *before* issuance of the  
17 October 2010 judgment did not constitute contempt of that judgment. *See* ECF No. 84 at 10.  
18 Moreover, Defendants' obligation to begin reviewing Plaintiff's "any occupation" claim pursuant to  
19 the remand did not arise until Plaintiff submitted his medical records on September 30, 2011. *Id.*  
20 Given that Defendants' contumacy did not occur until late 2011, an award of interest on benefits  
21 running from 2007 is unwarranted.<sup>2</sup> *Id.*

22 In light of its disposition of Plaintiff's motion for leave to file a motion for reconsideration,  
23 the Court will terminate Plaintiff's unauthorized motion for reconsideration.

24  
25 <sup>1</sup> Although the Civil Local Rules require a party to seek leave of court before filing a motion for  
26 reconsideration, *see* Civ. L. R. 7-9(a), Plaintiff filed a substantive motion for reconsideration and  
then belatedly sought leave of court after Defendants pointed out the procedural deficiency.

27 <sup>2</sup> Plaintiff cites a number of cases addressing the propriety of awarding interest as part of a civil  
28 judgment. None of the cases arose in the context of a motion for contempt sanctions, and none of  
them informs this Court's analysis with respect to the appropriate sanction for Defendants' violation  
of its October 2010 judgment.

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

**ORDER**

(1) Plaintiff is awarded attorneys' fees and costs in the amount of \$10,000, to be paid by Defendants within ten days after the filing of this Order;

(2) Plaintiff's motion for leave to file a motion for reconsideration is DENIED; and

(3) Plaintiff's motion for reconsideration is TERMINATED.

Dated: August 8, 2012

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge