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E-FILED 09-19-2011

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BONIFACIO CARRERA,

No. C09-02672 HRL

Plaintiff,

**ORDER APPROVING DEFENDANT’S
UNOPPOSED APPLICATION FOR
CLAIMED FEES AND COSTS**

v.

THYSSEN KRUPP SAFEWAY, INC. and
DOES 1 to 100, inclusive,

Defendant.

_____ /

This court previously ordered plaintiff’s counsel, Gerald Scher, to pay defendant’s reasonable fees and costs necessitated by Scher’s failure to serve timely and proper expert disclosures—including any fees and costs defendant incurred in bringing a motion to strike the defective disclosures (Docket No. 59). See FED. R. CIV. P. 37(c)(1)(A). Defendant timely filed documentation supporting its claimed fees and costs. Although plaintiff was given an opportunity to respond, he failed to do so. Briefing on the matter closed months ago. The matter is deemed submitted and unopposed.¹ Having reviewed defendant’s submission, the court finds the claimed amount to be reasonable in any event.

¹ This court subsequently was informed that Mr. Scher’s license was suspended by the California State Bar beginning June 18, 2011 through September 17, 2011. (Docket No. 66). All of the relevant briefing deadlines re defendant’s claimed fees and costs, however, lapsed months before that suspension began. As such, it does not appear that the suspension affected plaintiff’s ability to timely file a response by the court-ordered deadline.

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Accordingly, Gerald Scher shall pay defendant **\$6477.98** for reasonable attorney's fees and costs incurred. Payment shall be made within 30 days from the date of this order.

SO ORDERED.

Dated: September 19, 2011



HOWARD R. LOTT
UNITED STATES MAGISTRATE JUDGE

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