

\*\*E-Filed 2/11/2011\*\*

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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

12 DOMENIC TRICOME,

13 Plaintiff,

14 v.

15 eBAY, INC.,

16 Defendant.

Case Number 5:10-cv-03214-JF (HRL)

ORDER<sup>1</sup> AWARDING ATTORNEYS'  
FEES

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18 Pursuant to this Court's dismissal order, dated February 1, 2011, counsel for Defendant  
19 eBay, Inc. ("eBay") has filed a declaration itemizing eBay's fees and expenses incurred in the  
20 preparation of its opposition to the motions for sanctions and transfer of venue brought by  
21 Plaintiff Domenic Tricome ("Tricome").<sup>2</sup>

22 When analyzing the reasonableness of claimed attorneys' fees, a court must look to, "the  
23 rate prevailing in the community for similar work performed by attorneys of comparable skill,  
24 experience, and reputation." *Camacho v. Bridgeport Financial, Inc.*, 523 F.3d 973, 979 (9th Cir.  
25 2008) (citation and quotation marks omitted). "When a party seeks an award of attorneys' fees,

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27 <sup>1</sup> This disposition is not designated for publication in the official reports.

28 <sup>2</sup> Dkt. 85 at 2.

1 that party bears the burden of submitting evidence of the hours worked and the rate paid.”  
2 *Carson v. Billings Police Dep’t*, 470 F.3d 889, 891 (9th Cir. 2006), citing *Webb v. Board of*  
3 *Educ.*, 471 U.S. 234, 242 (1985). “In addition, that party has the burden to prove that the rate  
4 charged is in line with the ‘prevailing market rate of the relevant community.’” *Id.*, quoting  
5 *Guam Soc’y of Obstetricians & Gynecologists v. Ada*, 100 F.3d 691, 696 (9th Cir.1996) (citation  
6 omitted). “Affidavits of the plaintiffs’ attorney and other attorneys regarding prevailing fees in  
7 the community, and rate determinations in other cases . . . are satisfactory evidence of the  
8 prevailing market rate.” *United Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407  
9 (9th Cir. 1990)

10 Here, counsel for eBay seek to recover \$3,654.00 in fees. In support of this request, they  
11 have provided their timekeeping records related to the preparation of eBay’s opposition to the  
12 above-referenced motions. The itemized costs are accompanied by a sworn affidavit signed by  
13 counsel, indicating that the hourly rates charged are consistent with “the prevailing rates charged  
14 for similar work by national law firms with offices in San Francisco and Los Angeles.”<sup>3</sup>

15 **ORDER**

16 Good cause therefor appearing, eBay shall recover its attorneys’ fees in the amount of  
17 \$3,654.00.

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19 IT IS SO ORDERED.

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21 DATED: February 11, 2011

22   
JEREMY FOGEL  
United States District Judge

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27 <sup>3</sup> Declaration of Shelley Hurwitz Regarding Attorneys’ Fees and Costs in the Preparation  
28 of eBay Inc.’s Opposition to Tricome’s Motions for Sanctions and Transfer of Venue, Dkt. 93 at  
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A copy of this order has been sent to:

Domenic Tricome  
649 South Henderson Road  
A508B  
King of Prussia, PA 19406