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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ABDULLAH SILLAH,
Plaintiff,
v.
COMMAND INTERNATIONAL
SECURITY SERVICES, et al.,
Defendants.

Case No. 14-CV-01960-LHK

**ORDER GRANTING UNOPPOSED
MOTION FOR ATTORNEY’S FEES
AND COSTS**

Re: Dkt. No. 110

Before the Court is Plaintiff Abdullah Sillah’s (“Plaintiff”) Motion for Attorney’s Fees and Costs. ECF No. 110. Defendants Command International Security Services, Nafees Memon, and Waqas Memon (collectively, “Defendants”) have filed a notice that Defendants do not oppose Plaintiff’s Motion for Attorney’s Fees and Costs. ECF No. 112. Pursuant to Civil Local Rule 7-1(b), the Court finds the instant motion suitable for determination without oral argument. Accordingly, the Court VACATES the hearing set for March 3, 2016. Having considered the parties’ submissions, the relevant case law, and the record, for the reasons discussed below, the Court GRANTS Plaintiff’s Motion for Attorney’s Fees and Costs.

I. BACKGROUND

Plaintiff brought the instant wage and hour lawsuit against Defendants for alleged

1 violations of the Fair Labor Standards Act (“FLSA”) and the California Labor Code arising from
2 Plaintiff’s employment by Defendants as a security guard at various times during 2013 and 2014.
3 ECF No. 1. Following a three-day bench trial in November 2015, the Court found Defendants
4 were liable to Plaintiff on the following four counts: (1) failure to pay overtime wages in violation
5 of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 207, 216(b), and 255(a); (2) failure to
6 pay overtime wages and failure to compensate an employee for all hours worked in violation of
7 Cal. Labor Code §§ 510, 1194, 1197, 1771, and 1774; (3) liquidated damages for failure to pay at
8 least minimum wage for all hours worked in violation of Cal. Labor Code § 1194.2; and (4) failure
9 to provide an itemized wage statement in violation of Cal. Labor Code § 226. ECF No. 108. The
10 Court awarded Plaintiff damages in the amount of \$83,573.15 and entered judgment in favor of
11 Plaintiff in the amount of \$83,573.15. *Id.*; ECF No. 109 (Judgment).

12 On January 4, 2016, Plaintiff filed the instant Motion for Attorney’s Fees and Costs. ECF
13 No. 110. On February 11, 2016, Defendants filed a notice that Defendants do not oppose
14 Plaintiff’s Motion for Attorney’s Fees and Costs. ECF No. 112.

15 **II. LEGAL STANDARD**

16 FLSA provides that when an employer is found to violate the provisions of 29 U.S.C.
17 § 206, the Court “shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a
18 reasonable attorney’s fee to be paid by the defendant, and costs of the action.” 29 U.S.C. § 216(b).
19 Additionally, the California Labor Code provides for an award of reasonable attorney’s fees to an
20 employee who prevails in bringing an action for nonpayment of wages or for failure to pay at least
21 minimum wage for all hours worked. *See* Cal. Labor Code § 218.5 (“In any action brought for the
22 nonpayment of wages . . . the court shall award reasonable attorney’s fees and costs to the
23 prevailing party if any party to the action requests attorney’s fees and costs upon the initiation of
24 the action.”); Cal. Labor Code § 1194 (“[A]ny employee receiving less than the legal minimum
25 wage or the legal overtime compensation applicable to the employee is entitled to recover in a
26 civil action . . . reasonable attorney’s fees, and costs of suit.”).

27 Courts in the Ninth Circuit calculate attorney’s fees using the lodestar method, whereby a

1 court multiplies “the number of hours the prevailing party reasonably expended on the litigation
2 by a reasonable hourly rate.” *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir. 2008)
3 (citation omitted). A party seeking attorney’s fees bears the burden of demonstrating that the rates
4 requested are “in line with the prevailing market rate of the relevant community.” *Carson v.*
5 *Billings Police Dep’t*, 470 F.3d 889, 891 (9th Cir. 2006) (citation omitted). Generally, “the
6 relevant community is the forum in which the district court sits.” *Camacho*, 523 F.3d at 979
7 (citing *Barjon v. Dalton*, 132 F.3d 496, 500 (9th Cir. 1997)). Typically, “[a]ffidavits of the
8 plaintiffs’ attorney and other attorneys regarding prevailing fees in the community, and rate
9 determinations in other cases . . . are satisfactory evidence of the prevailing market rate.” *U.*
10 *Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990).

11 **III. DISCUSSION**

12 Plaintiff requests \$62,579.30¹ in attorney’s fees and \$5,312.35 in costs, for a total of
13 \$67,891.65. ECF No. 110. Plaintiff has filed a declaration from Plaintiff’s attorney, Huy Tran, in
14 support of Plaintiff’s Motion for Attorney’s Fees and Costs. ECF No. 111. Tran’s declaration
15 states that Tran’s hourly billing rate while Tran was a third-year attorney was \$331, which
16 corresponds to his firm’s billing rate for second and third-year attorneys. *Id.* On June 1, 2015,
17 Tran became a fourth-year attorney, so Tran’s hourly billing rate was increased to \$375, which
18 incorporates a discount from his firm’s billing rate of \$406 for fourth-year attorneys. *Id.* The
19 declaration further states that the hourly billing rate for Phung Truong, a former second-year
20 associate at Tran’s firm, was \$331, the firm’s billing rate for second and third-year attorneys. *Id.*
21 The declaration states that these billing rates are based on the *Laffey* matrix,² with downward
22

23 ¹ The Statement of Facts section of Plaintiff’s Motion for Attorney’s Fees and Costs states that
24 Plaintiff requests \$62,579.30 whereas the Conclusion section of Plaintiff’s Motion for Attorney’s
25 Fees and Costs states that Plaintiff requests \$64,194.82 in attorney’s fees. ECF No. 110 at 3, 8.
26 Based on the itemized timesheets and hourly billing rates provided, the total amount of attorney’s
27 fees is \$62,579.30, as stated in Plaintiff’s Statement of Facts.

28 ² “The *Laffey* matrix is a compilation of attorney and paralegal rates in the Washington, D.C. area
based on various levels of litigation experience.” *Bellinghausen v. Tractor Supply Co.*, 306 F.R.D.
245, 262-63 (N.D. Cal. 2015) (citing *Laffey v. Nw. Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983),
aff’d in part, rev’d in part on other grounds, 746 F.2d 4 (D.C. Cir. 1984)).

1 adjustments based on prior attorney’s fees awards for FLSA cases in the Northern District of
2 California. *Id.* Attached to the declaration are itemized timesheets, which contain descriptions of
3 each activity performed and identify time worked in increments of hundredths of an hour. *Id.* The
4 timesheets show that in the instant case Truong billed 3.15 hours at \$331 per hour, Tran billed
5 58.4 hours at \$331 per hour, and Tran billed 112.55 hours at \$375 per hour. *Id.* Additionally, an
6 itemized list of costs is attached to Tran’s declaration. *Id.*

7 The Court has reviewed Tran’s declaration, timesheets, and itemized costs. Although the
8 *Laffey* matrix, which is based on the District of Columbia region, does not necessarily reflect
9 billing rates in this district, *see Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 454 (9th Cir.
10 2010) (questioning whether the *Laffey* matrix is reliable outside the District of Columbia), the
11 Court finds that the hourly billing rates are reasonable in the instant wage and hour case in
12 comparison to other wage and hour cases in the Northern District of California. *See Bellinghausen*
13 *v. Tractor Supply Co.*, 306 F.R.D. 245, 264 (N.D. Cal. 2015) (finding that \$375 per hour is a
14 reasonable rate for an attorney four years out of law school in a wage and hour case); *Wren v.*
15 *RGIS Inventory Specialists*, No. C-06-05778 JCS, 2011 WL 1230826, at *19 (N.D. Cal. Apr. 1,
16 2011) (finding hourly billing rates ranging from \$325 to \$650 were reasonable in a wage and hour
17 case). Additionally, the Court finds that the total number of hours billed and the itemized costs are
18 reasonable in light of the fact that the instant case involved a three-day bench trial. Moreover,
19 Defendants have not opposed Plaintiff’s Motion for Attorney’s Fees and Costs. Therefore, the
20 Court awards Plaintiff \$62,579.30 in attorney’s fees and \$5,312.35 in costs.

21 **IV. CONCLUSION**

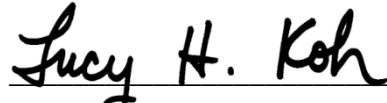
22 For the foregoing reasons, the Court GRANTS Plaintiff’s Motion for Attorney’s Fees and
23 Costs and awards Plaintiff \$62,579.30 in attorney’s fees and \$5,312.35 in costs.

24 **IT IS SO ORDERED.**

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Dated: February 22, 2016



LUCY H. KOH
United States District Judge