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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FRESH PACKING CORPORATION,  
Plaintiff,  
v.  
ROBERTO P. GUICHO, SR., et al.,  
Defendants.

Case No. 15-CV-01551-LHK

**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING**

Re: ECF No. 37

On February 24, 2016, Plaintiff Fresh Packing Corporation (“Plaintiff”) moved for default judgment against Defendants Roberto P. Guicho, Sr. and Guicho’s Produce (collectively, “Defendants”). ECF No. 37. Among the requested damages, Plaintiff asks for attorney’s fees and costs. Courts in the Ninth Circuit calculate attorney’s fees using the lodestar method, whereby a court multiplies “the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate.” *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir. 2008). A party seeking attorney’s fees bears the burden of demonstrating that the rates requested are “in line with the prevailing market rate of the relevant community.” *Carson v. Billings Police Dep’t*, 470 F.3d 889, 891 (9th Cir. 2006). Generally, “the relevant community is the forum in which the district court sits.” *Camacho*, 523 F.3d at 979. Typically, “[a]ffidavits of the plaintiffs’

1 attorney and other attorneys regarding prevailing fees in the community, and rate determinations  
2 in other cases . . . are satisfactory evidence of the prevailing market rate.” *United Steelworkers of*  
3 *Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990). In determining a reasonable  
4 amount of time spent, the Court should only award fees based on “the number of hours reasonably  
5 expended on the litigation” and exclude “hours that are excessive, redundant, or otherwise  
6 unnecessary.” *Greenfield Fresh, Inc. v. Berti Produce-Oakland, Inc.*, 2014 WL 5700695, at \*5  
7 (N.D. Cal. Nov. 3, 2014) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 433–34 (1983)).

8 In support of Plaintiff’s request for attorney’s fees and costs, Plaintiff submits an affidavit  
9 from one of Plaintiff’s attorneys. ECF No. 37-1. However, the affidavit does not provide any  
10 billing records, or any breakdown of how many hours were expended by each attorney or how the  
11 hours were expended. Plaintiff also does not explain what portion of the total requested fees and  
12 costs are attributable to costs, or provide any description of the costs incurred. Moreover, Plaintiff  
13 offers no justification for the \$4,122.50 “estimate for attorneys’ fees and costs through issuance of  
14 the requested default judgment.” Lastly, Plaintiff does not provide any “rate determinations in  
15 other cases,” their curriculum vitae, or other evidence to justify counsels’ requested rates. *See*  
16 *United Steelworkers of Am.*, 896 F.2d at 407.

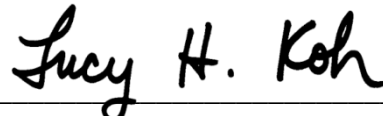
17 Plaintiff bears the burden of demonstrating that the rates requested and the hours expended  
18 are reasonable. Accordingly, Plaintiff is ORDERED to provide supplemental briefing justifying  
19 Plaintiff’s requested hours and rates, as well as the requested costs, by Friday, April 8, 2016.  
20 Defendants may file a supplemental opposition by Friday, April 15, 2016.

21 **IT IS SO ORDERED.**

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23 Dated: April 4, 2015

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LUCY H. KOH  
United States District Judge

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