

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JANE DOE 1, et al.,  
Plaintiffs,  
v.  
KEVIN K. MCALEENAN, et al.,  
Defendants.

Case No. [18-cv-02349-BLF](#) (VKD)

**ORDER AWARDING ATTORNEYS’  
FEES AND COSTS TO PLAINTIFFS**

Re: Dkt. No. 218

On October 8, 2019, the Court granted plaintiffs’ motion for an award of attorneys’ fees and costs as a sanction under Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure. Dkt. No. 249. Plaintiffs seek an award of \$41,546.52 in attorneys’ fees. Dkt. No. 218. Plaintiffs supported their request with declarations of counsel attesting to the fees incurred in sequestering DEF-1931, challenging defendants’ clawback request, and bringing the motion to compel and for sanctions. *See* Dkt. Nos. 219, 220. Plaintiffs explained the bases for their attorneys’ fees calculations, including the use of reduced rates and application of a 20% discount with respect to the bulk of counsel’s fees. Dkt. No. 219 ¶ 57; Dkt. No. 220 ¶¶ 3-9. At the Court’s direction, plaintiffs also lodged for in camera review copies of the billing records supporting their request for attorneys’ fees on October 15, 2019.

Although defendants objected to an award of attorneys’ fees as a sanction, defendants did not object that the amount of the sanctions award plaintiffs sought exceeded the scope of Rule 37(a)(5)(A). Dkt. No. 229. They also did not object to the number of hours claimed, the activities encompassed, or the billing rates plaintiffs’ counsel used to calculate their attorneys’ fees. *Id.*

The Court has considered plaintiffs’ submissions in support of the requested attorneys’ fees, including the billing records lodged in camera, and concludes that the discounted fee

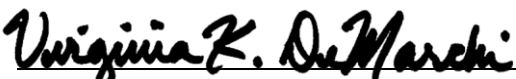
1 amounts requested are reasonable. The Court notes that these fees do not include amounts for  
2 plaintiffs' counsel's work on their reply brief or preparing for and attending the hearing on the  
3 motion to compel and for sanctions.

4 Accordingly, the Court orders defendants to pay \$41,546.52 to plaintiffs, apportioned as  
5 plaintiffs' counsel may direct. Defendants shall pay this amount within 45 days of the date of this  
6 order.

7 **IT IS SO ORDERED.**

8 Dated: October 31, 2019

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge