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 CORNELL UNIVERSITY

12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA
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| <p>15 KEVIN VANGINDEREN, 16 Plaintiff, 17 v. 18 CORNELL UNIVERSITY, 19 Defendant.</p> | <p>) Case No. 07-CV-2045 BTM(JMA)))) CORNELL’S NOTICE OF MOTION) AND MOTION FOR ATTORNEYS’) FEES)) [Per chambers, no oral argument unless) requested by the Court])) [Memorandum of Points and Authorities,) Declarations of Bert H. Deixler and Clifford) S. Davidson, and [Proposed] Order filed) concurrently herewith])) Hearing Date: August 22, 2008) Time: 11:00 a.m.) Place: Courtroom 15)) Action Filed: October 1, 2007)</p> |
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TO PLAINTIFF AND HIS ATTORNEYS OF RECORD, IF ANY:

PLEASE TAKE NOTICE that on August 22, 2008, at 11:00 a.m., or as soon thereafter as the matter may be heard by the Honorable Judge Barry T. Moskowitz, in the United States District Court for the Southern District of California, Courtroom 15, located at 940 Front Street, San Diego, California 92101, defendant Cornell University (“Cornell”) will and hereby does move for an order awarding to Cornell its reasonable attorneys’ fees in the above-captioned matter.

This Motion is made pursuant to Rule 54 of the Federal Rules of Civil Procedure; California Code of Civil Procedure § 425.16(c) (granting to prevailing anti-SLAPP defendants their attorneys’ fees and costs); and the Court’s June 3, 2008 Order Granting Special Motion to Strike, in which the Court noted:

As the prevailing party on the motion to strike, Cornell is entitled to reasonable attorney’s fees and costs The amount of the attorney’s fees shall be determined upon motion by Cornell Any motion for attorney’s fees must be brought within 30 days of this order.

Order at 9, 10.

As documented in the concurrently filed Declarations of Bert H. Deixler and Clifford S. Davidson, the time spent by Cornell’s counsel related to bringing and winning Cornell’s Special Motion to Strike, as well as preparing and drafting Cornell’s Bill of Costs and Motion for Attorneys’ Fees, supports an award to Cornell of \$65,561.25. The \$350 per hour rate Proskauer has billed to Cornell in this matter is significantly less than the hourly rate charged by other law firms of similar caliber located in San Diego.

1 This Motion is based upon this Motion, the Memorandum of Points and Authorities, the
2 Declaration of Bert H. Deixler, the Declaration of Clifford S. Davidson, the records and files in
3 this action, and such other oral or documentary evidence and memoranda as may be presented at
4 or before any hearing on the Motion.

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6 DATED: July 2, 2008

NELSON E. ROTH
CORNELL UNIVERSITY

BERT H. DEIXLER
CLIFFORD S. DAVIDSON
PROSKAUER ROSE LLP

/s/ -- Clifford S. Davidson

Clifford S. Davidson

Attorneys for Defendant,
CORNELL UNIVERSITY

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