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6 Attorneys for Defendant,
 CORNELL UNIVERSITY

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 KEVIN VANGINDEREN,
 11
 Plaintiff,
 12
 v.
 13 CORNELL UNIVERSITY, BERT DEIXLER,
 14
 Defendants.

) Case No. 08-cv-00736 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: March 13, 2009
) Time: 11:00 a.m.
) Place: Courtroom 15

) Action Filed: April 8, 2008

1 TO PLAINTIFF AND HIS ATTORNEYS OF RECORD, IF ANY:

2 PLEASE TAKE NOTICE that on March 13, 2009, at 11:00 a.m., or as soon thereafter as
3 the matter may be heard by the Honorable Judge Barry T. Moskowitz, in the United States District
4 Court for the Southern District of California, Courtroom 15, located at 940 Front Street, San
5 Diego, California 92101, defendant Cornell University (“Cornell”) will and hereby does move for
6 an order awarding to Cornell its reasonable attorneys’ fees in the above-captioned matter.

7 This Motion is made pursuant to Rule 54 of the Federal Rules of Civil Procedure;
8 California Code of Civil Procedure § 425.16(c) (granting to prevailing anti-SLAPP defendants
9 their attorneys’ fees and costs); and the Court’s January 6, 2009 Order Granting Defendants’
10 Special Motions to Strike (“Any motion for attorneys’ fees must be brought within 30 days of this
11 order.”).

12 As documented in the concurrently-filed Declarations of Bert H. Deixler and Clifford S.
13 Davidson, the time spent by Defendants’ counsel related to bringing and winning Cornell’s
14 Special Motion to Strike, as well as preparing and drafting Defendants’ Bill of Costs and Motion
15 for Attorneys’ Fees, supports an award to Cornell of \$38,380. The \$350 per hour rate Proskauer
16 has billed to Cornell in this matter is significantly less than the hourly rate charged by other law
17 firms of similar caliber located in San Diego.

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

22 DATED: January 20, 2009

Bert H. Deixler
Clifford S. Davidson
PROSKAUER ROSE LLP

25 /s/ -- Clifford S. Davidson
26 Clifford S. Davidson

27 Attorneys for Defendant,
28 CORNELL UNIVERSITY