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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

FRACTIONAL VILLAS, INC., a California Corporation,

Plaintiff,

vs.

PEPPER Q. RODGERS, an individual;
NORTH CAROLINA FRACTIONALS, an unknown entity; CHRISTOPHER FRISCO, an individual; PIED PIXEL DESIGN, an unknown entity; DOES 1-25,

Defendant.

CASE NO. 08cv1347 - IEG - BLM

ORDER GRANTING PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES AND COSTS

[Doc. No. 19]

On July 25, 2008, Plaintiff filed its complaint, alleging copyright infringement, federal unfair competition violations, and California unfair competition violations. (Doc. No. 1.) The Clerk of Court entered default and, on December 24, 2008, the Court granted Default Judgment against Defendants in the amount of \$150,000 plus attorneys’ fees. On February 23, 2009, Plaintiff filed its Motion for Attorneys’ Fees and Costs. (Doc. No. 19.) Having considered Plaintiff’s submissions, and for the reasons set forth below, the Court GRANTS Plaintiff’s motion.

LEGAL STANDARD

Under the Copyright Act, “[i]n any civil action under this title, the court in its discretion may allow the recovery of full costs the court may also award a reasonable attorney’s fee to the prevailing part as part of the costs.” 17 U.S.C. § 505. When deciding whether to award attorneys’

1 charged.” Gates v. Deukmejian, 987 F.2d 1392, 1397 (9th Cir.1992).

2 Plaintiff must also submit evidence the rate sought is reasonable. “The prevailing market rate
3 is indicative of a reasonable hourly rate.” Jordan v. Multnomah County, 815 F.2d 1258, 1262 (9th
4 Cir.1987). Plaintiff seeks hourly fees ranging from \$225 to \$285 for attorney work and \$95 for
5 paralegal work. In Brighton Collectibles, the court approved a fee ranging from \$90 to \$210 per hour
6 for paralegal work and \$125 to \$625 per hour for attorney work. 2009 WL 160235 at *4. In light of
7 the skill and experience of counsel, the quality of the representation, and the results obtained, the
8 Court concludes the requested rates are reasonable.

9 Adjustment of the lodestar is unnecessary. “A ‘strong presumption’ exists that the lodestar
10 figure represents a ‘reasonable fee,’ and therefore, it should only be enhanced or reduced in ‘rare and
11 exceptional cases.’” Fischer v. SJB-P.D., Inc., 214 F.3d 1115, 1119 n.4 (9th Cir. 2000) (quoting
12 Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, 478 U.S. 546, 565 (1986)). Finding
13 no rare or exceptional circumstance, the Court declines to adjust the lodestar figure.


14 Finally, after reviewing Plaintiff’s bill of costs, the Court finds the costs are reasonable.

15 **CONCLUSION**

16 For the foregoing reasons, Plaintiff is entitled to an additional \$10,355.34 – representing
17 \$8,709.00 for attorney’s fees and \$1,646.34 for costs.

18 **IT IS SO ORDERED.**

19
20 **DATED: April 30, 2009**

21 
22 **IRMA E. GONZALEZ, Chief Judge**
23 **United States District Court**