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

JOE HAND PROMOTIONS, INC.,

Plaintiff,

vs.

BRENDA LIZETH MALDONADO; US  
FINEST CIGARS, INC.,

Defendant.

CASE NO. 08 CV 1823 JLS (AJB)

**ORDER GRANTING IN PART  
AND DENYING IN PART  
PLAINTIFF'S MOTION FOR  
ATTORNEY'S FEES**

(Doc. No. 19)

Presently before the Court is Plaintiff's motion for attorney's fees. (Doc. No. 19.) The Court has previously held that Plaintiff is entitled to reasonable attorney's fees for this case. (Doc. No. 18.) The form of the motion is a declaration from Plaintiff's attorney. (*See* Doc. No. 19.) Plaintiff requests \$1,466.40 in attorney's fees for 3.666 hours at a rate of \$400 an hour. (*Id.* ¶ 4.)

To calculate attorney's fees, the Court begins by "multiplying the number of hours reasonably spent on the litigation by a reasonable hourly rate." *McCown v. City of Fontana*, 565 F.3d 1097, 1102 (9<sup>th</sup> Cir. 2009) (citing *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983)). To determine the reasonable hourly rate, the Court looks to the "rate prevailing in the community for similar work performed by attorneys of comparable skill, experience, and reputation." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9<sup>th</sup> Cir. 2008) (quoting *Barjon v. Dalton*, 132 F.3d 496, 502 (9<sup>th</sup> Cir. 1997)). In this case, the relevant community is the Southern District of California because it is "the forum in which the district court sits." *Id.*

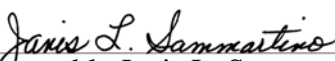
1 Plaintiff's counsel asserts that \$400.00 per hour is his firm's reasonable hourly rate, which  
2 consists of an attorney rate of \$300.00 per hour blended with \$100.00 per hour of paralegal and/or  
3 administrative assistant time. (See Doc. No. 19 at ¶ 1.) The Court finds this hourly rate unreasonable.  
4 First, Plaintiff has not evidenced any work done by a paralegal or administrative assistant. Therefore,  
5 the Court finds the additional \$100.00 inappropriate. Second, the Court finds that the reasonable and  
6 prevailing rate for an attorney in this case is \$250.00 per hour. As such, the Court will apply only the  
7 reasonable hourly rate of \$250.00 per hour to the reasonable hours expended.

8 To determine the reasonable hours expended in a case, the Court should exclude hours "that  
9 are excessive, redundant, or otherwise unnecessary." *McCown*, 565 F.3d at 1102 (quoting *Hensley*,  
10 461 U.S. at 434). The party requesting attorney's fees "should provide documentary evidence to the  
11 court concerning the number of hours spent." *Id.* Plaintiff's counsel claims he spent 3.666 hours  
12 working on this case, which the Court finds is not entirely reasonable. Counsel could have submitted  
13 evidence of reasonable attorney's fees along with his motion for default judgment, but he did not do  
14 so. Thus, the claimed .25 hours expended after this Court's order entering default judgment is not  
15 reasonable. Further, of the remaining 3.41 hours claimed, the Court finds only 3.00 hours reasonable.  
16 Plaintiff's counsel has experience litigating this type of case numerous times in different courts  
17 throughout the country. Considering this experience and the fact that Defendants never appeared in  
18 the case, the reasonable amount of time required to litigate this case is substantially reduced.

19 As such, the Court finds the reasonable hours expended to be 3.00 hours at a reasonable hourly  
20 rate of \$250.00 an hour. The Court therefore **GRANTS** Plaintiff's motion for attorney's fees in the  
21 amount of \$750.00.

22  
23 IT IS SO ORDERED.

24  
25 DATED: September 3, 2010

26   
27 Honorable Janis L. Sammartino  
28 United States District Judge