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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

EMBOTTELADORA ELECTROPURA  
S.A. de C.V.,

Plaintiff,

v.

ACCUTEK PACKAGING EQUIPMENT  
COMPANY, INC. et al.,

Defendants.

Case No.: 3:16-cv-00724-GPC (DHB)

**ORDER IMPOSING MONETARY  
SANCTIONS**

On May 1, 2017, the Court issued an order granting in part and denying in part Defendant Accutek Packaging Equipment Company, Inc.’s (“Defendant”) Ex Part Motion for Discovery Resolution of Dispute (ECF No. 22). (ECF No. 27.) In that order, the Court directed Defendant to provide a declaration accounting for its attorney’s fees and costs incurred in association with its motion. (*Id.* at 11.)

On May 2, 2017, Defendant’s counsel filed a declaration accounting for attorneys’ fees and costs. (ECF No. 28.) Counsel declares that he will bill Defendant \$2,475 (9.9 hours at \$250/hour) in connection with the discovery motion and his declaration. (*Id.* at ¶ 3.) Defendant’s counsel represents that the costs are associated with (1) review and

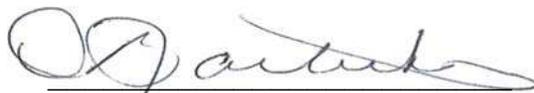
1 analysis of discovery materials to prepare joint discovery motion, (2) preparing the joint  
2 motion including supporting declaration, (3) preparing an email to opposing counsel  
3 regarding the joint motion, (4) converting the joint motion to an ex parte motion, (5)  
4 finalizing the motion's filing, (6) review and analysis of the Court's order scheduling  
5 briefing on the ex parte motion, and (7) preparing a notice of non-receipt of opposition to  
6 the ex parte motion. (*Id.* at ¶ 7.) In total, counsel's efforts amounted to 7.7 hours in  
7 connection with the ex parte motion.

8 In addition, counsel details that he will bill Defendant in connection with the  
9 preparation of the instant declaration. (*Id.* at ¶ 8.) Counsel represents that his costs are  
10 associated with (1) review and analysis of the Court's order regarding the ex parte motion  
11 (ECF No. 27), (2) review and analysis of billing records to prepare his declaration in  
12 support of sanction award, and (3) preparation of declaration in support of sanction award.  
13 (*Id.*) Counsel declares he spent 2.2 hours in total in preparation of his declaration. (*Id.*)

14 The Court finds it appropriate to require Plaintiff Embotteladora Electropura S.A. de  
15 C.V. ("Plaintiff") to compensate Defendant for costs incurred as a result of Plaintiff's  
16 nonparticipation in resolving this matter through motions practice or briefing as ordered by  
17 the Court. Defendant's failure to comply with the Court's order to file opposition briefing  
18 regarding the discovery motion warrants the imposition of monetary sanction under Local  
19 Rule 83.1.a. Plaintiff's disregard for Defendant's attempts at resolution of the discovery  
20 dispute forced Defendant to incur additional attorney's fees. The Court finds that the time  
21 and total amount (\$2,475) incurred is within the range of what other attorneys doing similar  
22 work would charge and is reasonable. Accordingly, the Court orders Plaintiff to  
23 compensate Defendant's counsel for the costs incurred in connection with the discovery  
24 motion and declaration.

25 IT IS SO ORDERED.

26 Dated: May 3, 2017



27 DAVID H. BARTICK  
28 United States Magistrate Judge