

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 SAN DIEGO COUNTY CREDIT
12 UNION,

13 Plaintiff,

14 v.

15 CITIZENS EQUITY FIRST CREDIT
16 UNION,

17 Defendant.

Case No.: 18cv967-GPC(RBB)

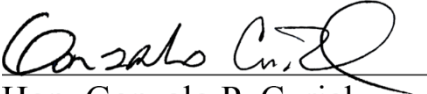
**ORDER DIRECTING SDCCU TO
PROVIDE SECOND
SUPPLEMENTAL DECLARATION**

18 In the supplemental briefing on SDCCU’s motion for attorneys’ fees, CEFCU
19 objects to the declaration of Jesse Salen arguing he has no personal knowledge of what
20 amount of time each attorney devoted to the tasks identified in the billing record and no
21 evidence to support the apportionment for certain entries. (Dkt. No. 386 at 9-10, 16.)
22 SDCCU responds that it has provided admissible evidence based on its billing records.
23 (Dkt. No. 390 at 4 (citing *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1202 (9th Cir.
24 2013) (“[T]o determine whether attorneys for the prevailing party could have reasonably
25 billed the hours they claim to their private clients, the district court should begin with the
26 billing records the prevailing party has submitted.”).)
27
28

1 Mr. Salen provides a declaration stating that he has attached a redacted copy of the
2 invoices for professional services charged to SDCCU, (Dkt. No. 385-2, Salen Decl. ¶ 6),
3 yet provides no foundation or admissibility for the underlying invoices or billing records.
4 *See Padgett v. Loventhal*, No. C 04-03946 JW, 2007 WL 3071031, at *1 (N.D. Cal. Oct.
5 19, 2007) (“bills and invoices from an attorney are business records within the meaning
6 [of Federal] Rule [of Evidence] 803(6) and are admissible by a party to prove that party's
7 attorney fees.”) (*citing MRT Const. Inc. v. Hardrives, Inc.*, 158 F.3d 478 (9th Cir. 1998)).
8 To the extent that SDCCU can provide such information, it shall file a supplemental
9 declaration on or before **December 2, 2021**.

10 IT IS SO ORDERED.

11 Dated: November 30, 2021

12 
13 Hon. Gonzalo P. Curiel
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28