

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

REYNOLD BOTELHO, et al.,)	Civ. No. 06-00096 DAE-BMK
)	
Plaintiffs,)	FINDING AND
)	RECOMMENDATION THAT
vs.)	PLAINTIFFS' MOTION FOR
)	ATTORNEYS' FEES BE GRANTED
STATE OF HAWAII, et al.,)	IN PART AND DENIED IN PART
)	
Defendants.)	
_____)	

FINDING AND RECOMMENDATION THAT PLAINTIFFS' MOTION FOR ATTORNEYS' FEES BE GRANTED IN PART AND DENIED IN PART

Before the Court is Plaintiffs' Motion For Attorneys' Fees for Plaintiffs Eric Johnson, Reynold Botelho, Wendell Olivera, and Ronald Saiki. Defendants State of Hawaii and Beryl Iramina oppose the Motion. After careful consideration of the Motion, including the supporting and opposing memoranda, the Court FINDS and RECOMMENDS that Plaintiffs' Motion be GRANTED IN PART and DENIED IN PART.

On April 10, 2009, District Judge David Alan Ezra adopted this Court's recommendation to enter judgment in favor of only four Plaintiffs: Eric Johnson, Reynold Botelho, Wendell Olivera, and Ronald Saiki. Judgment was so entered in their favor, although claims by other Plaintiffs are still pending and

remain unresolved. These four Plaintiffs are clearly the prevailing parties on their claims, and Defendants agree. (Opp. at 5.)

In their Motion, the four Plaintiffs seek \$34,374.33 in attorneys' fees. Defendants oppose the Motion to the extent it seeks fees for work "which clearly relates exclusively to a Plaintiff other than Johnson, Botelho, Olivera, or Saiki." (Id. at 6.) Specifically, Defendants object to 22.4 hours of work performed by attorney Lawrence I. Kawasaki, which amounts to \$3,920. (Id.) Defendants therefore ask this court to reduce Plaintiffs' requested fee amount by \$3,920, for a total award of \$30,454.33.

At the May 14, 2009 Further Rule 16 Scheduling Conference, Plaintiffs' counsel stated that he agrees with Defendants' position and does not dispute that Plaintiffs' requested fee amount should be reduced by \$3,920. Accordingly, because the parties are in agreement that Plaintiffs' requested fees (\$34,374.33) should be reduced by \$3,920, the Court FINDS and RECOMMENDS that Plaintiffs be awarded \$30,454.33 ($\$34,374.33 - \$3,920 = \$30,454.33$) in attorneys' fees related to the four prevailing Plaintiffs' claims.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, May 30, 2009.



/s/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Reynold Botelho, et al. v. State of Hawaii, et al., Civ. No. 06-00096 DAE-BMK; FINDING
AND RECOMMENDATION THAT PLAINTIFFS' MOTION FOR ATTORNEYS' FEES BE
GRANTED IN PART AND DENIED IN PART3