

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CIVIL NO. 08-00168 JMS-KSC
	)	
Plaintiff,	)	FINDINGS AND
	)	RECOMMENDATION TO AWARD
vs.	)	FEEES REQUESTED IN THE
	)	STATEMENT OF INTERIM
GRACE L. OCLINARIA;	)	COMPENSATION [DOC. NO. 41]
DEPARTMENT OF BUDGET AND	)	
FISCAL SERVICES, REAL	)	
PROPERTY TAX DIVISION, CITY	)	
AND COUNTY OF HONOLULU,	)	
	)	
Defendants.	)	
_____	)	

FINDINGS AND RECOMMENDATION TO AWARD FEES REQUESTED IN THE STATEMENT OF INTERIM COMPENSATION [DOC. NO. 41]

Before the Court is Lyle Hosoda's Statement of Interim Compensation, filed June 12, 2009. Plaintiff United States of America ("Petitioner") filed a Response on November 20, 2009.

The Court finds this matter suitable for disposition without a hearing pursuant to Rule 7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawaii. After careful consideration of the request, the Court FINDS AND RECOMMENDS that Mr. Hosoda be compensated in the

amount of \$5,961.04.

#### BACKGROUND

On February 11, 2009, the Court appointed Mr. Hosoda to represent the interests of Defendant Grace Oclinaria in accordance with the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521. Following a series of status conferences and the submission of the Statement of Interim Compensation, the Court approved a Stipulation to Stay Proceedings.

On March 3, 2010, the Court approved a Stipulation to Lift Stay for the Limited Purpose of Determining the Fees and/or Costs of the Commissioner and Defendant Oclinaria's Court-Appointed Counsel.

#### DISCUSSION

There being no opposition to the request for fees and costs, and the Court having reviewed the timesheets submitted by Mr. Hosoda, the Court HEREBY FINDS AND RECOMMENDS that he be awarded \$5,961.04 in fees and costs. The Court finds that the hourly rates charged by Mr. Hosoda and Kevin Morikone are reasonable

and are consistent with the community's prevailing rates, as well as the hourly rates generally deemed reasonable by the Court. In addition, the Court finds that the hours expended in defending Defendant Oclinaria were reasonable.

Although Plaintiff has agreed to reimburse Mr. Hosoda, it requests that it be reimbursed for said compensation from the foreclosure proceeds with its priority second to disbursements for Mr. Hosoda and closing costs, but prior to any disbursements to lienholders on the property. The Court recommends that this request be GRANTED.

#### CONCLUSION

In accordance with the foregoing, the Court HEREBY FINDS AND RECOMMENDS that the district court award Mr. Hosoda \$5,961.04, as requested in the Statement of Interim Compensation, filed June 12, 2009. The Court further recommends that Plaintiff be reimbursed for compensating Mr. Hosoda from the foreclosure proceeds, with its priority second to

disbursements for Mr. Hosoda and closing costs.

IT IS SO FOUND AND RECOMMENDED.

Dated: Honolulu, Hawaii, March 5, 2010.



  
Kevin S.C. Chang  
United States Magistrate Judge

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