



1 time to file a response to Plaintiff’s Memorandum (#631) has expired. *See Order, Doc. #615* at  
2 10:1-5.

3 **DISCUSSION**

4 Reasonable attorneys’ fees must “be calculated according to the prevailing market rates in  
5 the relevant community,” considering the fees charged by “lawyers of reasonably comparable skill,  
6 experience, and reputation.” *Blum v. Stenson*, 465 U.S. 886, 895-96 n. 11, 104 S.Ct. 1541 (1984).  
7 Courts typically use a two-step process when determining fee awards. *Fischer v. SJB-P.D. Inc.*,  
8 214 F.3d 1115, 1119 (9th Cir. 2000). First, the Court must calculate the lodestar amount “by taking  
9 the number of hours reasonably expended on the litigation and multiplying it by a reasonable  
10 hourly rate.” *Id.* Furthermore, other factors should be taken into consideration such as special  
11 skill, experience of counsel, and the results obtained. *Morales v. City of San Rafael*, 96 F.3d 359,  
12 364 n. 9 (9th Cir. 1996). “The party seeking an award of fees should submit evidence supporting  
13 the hours worked and rates claimed,” and “[w]here the documentation of hours is inadequate, the  
14 district court may reduce the award accordingly.” *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983).  
15 Second, the Court “may adjust the lodestar, [only on rare and exceptional occasions], upward or  
16 downward using a multiplier based on factors not subsumed in the initial calculation of the  
17 lodestar.” *Van Gerwen v. Guarantee Mut. Life Co.*, 214 F.3d 1041, 1045 (9th Cir. 2000).

18 Plaintiff’s Counsel Jacob Hafter submitted an Affidavit (#631-1) detailing the costs  
19 incurred in preparing the Motion to Compel (#441). Mr. Hafter argues for an hourly rate of  
20 \$450.00. As in its previous Order (#635) awarding Plaintiff’s attorneys’ fees, the Court finds that  
21 an hourly rate of \$350.00 is commensurate with Mr. Hafter’s skill, experience, and reputation. Mr.  
22 Hafter represents he spent 8 hours preparing the Motion (#441) and Supplement (#498), and  
23 reviewing correspondence from Defendants. Mr. Hafter’s Memorandum also includes attendance  
24 at the hearing at which the Motion (#441) was addressed, which lasted 1.3 hours. *See January 17,*  
25 *2013 Minutes of Proceedings, Doc. #603.* Because multiple motions were addressed at the hearing,  
26 however, the Court will award fees for the approximate duration of the discussion on the Motion to  
27 Compel (#441), 0.5 hours. The Memorandum lists 6.5 hours Mr. Hafter spent deposing Defendant  
28 Bernstein; the Court will only award fees, however, for time spent preparing and bringing the

1 Motion to Compel. Accordingly,

2 **IT IS HEREBY ORDERED** that Defendants Bernstein, Ellerton, Carrison, and Roberts  
3 shall pay Plaintiff \$2,975.00 in attorneys' fees no later than 14 days after the date of this Order.

4 DATED this 8th day of March, 2013.

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7 GEORGE FOLEY, JR.  
8 United States Magistrate Judge  
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