

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RANDY RICH, etc., *et al.*,

Plaintiff,

vs.

TASER INTERNATIONAL, INC., etc.,

Defendant,

2:09-cv-2450-ECR-RJJ

O R D E R

On November 11, 2011, the court granted the Defendant Taser International, Inc.'s Motion to Quash (#61) and granted in part its Motion to Compel (#94). Where the court did not grant the Motion to Compel, it declared one set of Requests for Admission was deemed admitted. Subsequently, Taser filed a Motion for Attorney Fees (#102) pursuant to Fed. R. Civ. P 37. Taser seeks the reasonable expenses, including attorney's fees, caused by Plaintiffs' failure to participate in discovery in accordance with the Federal Rules of Civil Procedure. The Court has reviewed the Motion (#102), Plaintiffs' Response (#103), Defendant's Reply, as well as hearing the argument and presentation of counsel at a hearing on this matter on January 6, 2012. Minutes of Proceedings (#107).

The Plaintiffs' failure to provide discovery and to comply with the Federal Rules of Civil Procedure, particularly regarding the discovery subject to the Motion to Quash (#61), was not substantially justified. It is also apparent that no other circumstances make an award of expenses unjust.

The hourly rates charged by Taser's counsel from Indianapolis, Indiana, [\$445, \$345 & \$340 / hour for partners; and \$295, \$275 & \$155 / hour for associates] are substantially higher

1 than local counsel from Las Vegas, Nevada, for Taser [\$200 / hour for a partner]. However, due
2 to the national scope of litigation involving Taser, and the degree of expertise required, it is
3 reasonable to allow the rates.

4 Reviewing the nature of the discovery disputes in these two motions and good cause
5 appearing therefore,

6 IT IS HEREBY ORDERED that the court awards a portion of the expenses claimed by
7 counsel for Taser. On the Motion to Quash (#61) the Court awards \$4,500.00 to Taser's counsel.
8 As to the Motion to Compel (#94) the Court awards \$3,000.00. These expenses are to be paid by
9 the party plaintiffs and their counsel due to the egregious disregard for the Federal Rules of Civil
10 Procedure and the scheduling order.

11 IT IS FURTHER ORDERED that said costs shall be paid on or before March 16, 2012.

12 DATED this 27th day of February, 2012.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



ROBERT J. JOHNSTON
United States Magistrate Judge