

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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RALPH VARGAS and	:	
BLAND-RICKY ROBERTS,	:	Case No. 04 CV 9772 (WHP)
	:	
Plaintiffs,	:	<b>DEFENDANT EAST WEST</b>
	:	<b>COMMUNICATIONS, INC.’S</b>
- against -	:	<b>SUPPLEMENTAL BRIEF IN</b>
	:	<b>SUPPORT OF MOTION FOR</b>
PFIZER INC., PUBLICIS, INC., FLUID	:	<b>ATTORNEYS’ FEES AND COSTS</b>
MUSIC, EAST WEST COMMUNICATIONS,	:	
INC. and BRIAN TRANSEAU p/k/a “BT”,	:	
	:	
Defendants.	:	
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Pursuant to the Court’s Order of November 2, 2007 (Docket No. 185), Defendant East West Communications, Inc. (“East West”) respectfully submits this supplemental brief in support of its motion for attorneys’ fees and costs.

1. For reasons stated in East West’s Response to Plaintiff’s Financial Statements (filed under seal on October 5, 2007), Plaintiffs have the financial ability to pay the amount of fees and costs sought by East West, both as originally submitted (see Docket Nos. 143-145) and as supplemented herein. This fact was confirmed by the financial statements that Plaintiffs submitted even before the supplemental discovery permitted by the Court.

2. Plaintiffs have failed to meet their burden of establishing that any fee request should be reduced on account of their alleged financial condition, for reasons East West believes will be set forth in the supplemental brief submitted today by Defendant Transeau.

3. East West’s initial motion sought a total of \$44,736.00 for fees and costs incurred in this action through June 26, 2007. (This figure should be adjusted to \$44,226.00, for reasons explained in paragraph 11 of the concurrently filed Supplemental Declaration of Eric M. Stahl.) Since then, East West has incurred an additional \$5,868.00 in fees and \$199.93 in costs in

connection with this case. The additional \$6,067.93 in fees and costs are documented in the concurrently filed Supplemental Declaration of Eric M. Stahl. The supplemental request reflects East West's actual expenses incurred for the period noted. East West is entitled to recover these fees and costs from Plaintiffs, for all of the reasons noted in the earlier briefing on the motion. Adding the supplemental request to East West's adjusted original request of \$44,226.00 yields a total of \$50,293.93 in fees and costs.

For the foregoing reasons, East West respectfully asks that the Court enter an award against Plaintiffs and in favor of East West, in the amount of \$50,293.93.

DATED this 19th day of December, 2007.

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