

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ADIDAS AMERICA, INC., et al.,

Plaintiffs,

v.

TRB ACQUISITIONS LLC, et al.,

Defendants.

Case No. 3:15-cv-2113-SI

**ORDER ON DEFENDANTS' PETITION
FOR ATTORNEY'S FEES
ASSOCIATED WITH COMPELLING
DISCOVERY FROM PLAINTIFFS**

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Kenneth R. Davis II and Parna A. Mehrbani, LANE POWELL PC, 601 SW Second Avenue, Suite 2100, Portland, OR 97204; Michelle Mancino Marsh, Allen G. Reiter, Eric Roman, Alissa G. Friedman, Lindsay Korotkin, Phaik Lin Goh, and John P. Sullivan, ARENT FOX LLP, 1675 Broadway, New York, NY 10019. Of Attorneys for Defendants.

Michael H. Simon, District Judge.

In this lawsuit, three adidas-named entities (adidas America, Inc.; adidas AG; and adidas International Marketing B.V.) and two Reebok-named entities (Reebok International Ltd. and Reebok International Limited) (collectively, "Plaintiffs") allege claims of trademark infringement, unfair competition, trademark dilution, and deceptive trade practices against

Defendant TRB Acquisitions LLC (“TRB”) and fourteen of TRB’s licensees (collectively, “Defendants”). Before the Court is Defendants’ Petition for Attorney’s Fees Associated with Compelling Discovery from Plaintiffs. ECF 164. For the reasons that follow, Defendants’ motion is granted in part.

On September 27, 2016, Defendants filed a ten-page motion to compel production of documents. ECF 117. Plaintiffs’ response was thirteen pages in length. ECF 120. Defendants’ reply was ten pages long. ECF 129. The primary issue was simple and straightforward. On November 28, 2016, the Court granted Defendants’ motion to compel. ECF 146. In addition to finding that Plaintiffs had waived any objections to Defendants’ requested discovery and ordering Plaintiffs to search for and produce the requested documents, the Court stated that “Defendants may recover their reasonable expenses incurred in bringing their motion to compel.” *Id.* at 10 (emphasis added). On June 29, 2017, Defendants filed their Petition for Attorney’s Fees Associated with Compelling Discovery from Plaintiffs. ECF 164. In their petition, Defendants seek attorney’s fees in the amount of \$154,134.25. ECF 164.

In support of their petition, Defendants seek compensation for 348.85 hours of work performed by 14 timekeepers, consisting of five partners (or shareholders), six associates (or attorneys), two paralegals, and one project assistant. ECF 165 at 4. Defendants attach six pages of timekeeping records. These records include a block-billed entry of 11.5 hours spent on August 18, 2016, described only as: “Draft letter to court and prepare exhibits; review and revise answer.” ECF 165-2 at 3. Without any further documentation, Defendants represent that 11 hours of the reported 11.5 hours for that entry are chargeable to the motion to compel, with only 30 minutes spent on “review and revise answer.” *Id.*

The records also include another block-billed entry of 5.1 hours spent on September 27, 2016, described only as: “Revise, finalize, and file motion to compel and accompanying declaration/exhibits; research re opposition to motion for judgment on the pleadings; confer with A. Reiter.” ECF 165-2 at 3.¹ Without any further documentation, Defendants represent that all 5.1 hours of that time are chargeable to the motion to compel, with nothing attributable to “research re opposition to motion for judgment on the pleadings.” Id. The Court does not understand why a timesheet for September 27, 2016, would reflect an entry for research regarding Defendants’ opposition to Plaintiffs’ motion for judgment on the pleadings against two affirmative defenses if absolutely no time that day was spent on that effort by that timekeeper. The Court also notes that many of Defendants’ entries are similarly block-billed.

The Court already has held that Defendants are entitled to their reasonable attorney’s fees for the time that they incurred in bringing their motion to compel. Defendants’ motion was relatively short, as were Plaintiffs’ response and Defendants’ reply. Although Defendants attached many documents in support of their motion, these documents could have been easily compiled by a paralegal with only modest oversight by an attorney.

Defendants have not provided sufficient information for the Court meaningfully to review Defendants’ petition. Plaintiffs, however, do not oppose the Court awarding Defendants a total of \$33,158.71 as reasonable expenses incurred in bringing their motion to compel. See ECF 227 at 30 (explaining how that amount was determined). This total seems reasonable and sufficient to compensate Defendants for bringing a successful ten-page motion to compel, reviewing a thirteen-page response, and preparing a ten-page reply, on a relatively simple discovery issue.

¹ Defendants filed their response in opposition to Plaintiffs’ motion for judgment on the pleadings the following week, on October 5, 2016. ECF 126.

CONCLUSION

Defendants' Petition for Attorney's Fees Associated with Compelling Discovery from Plaintiffs (ECF 164) is granted in part. Defendants are awarded attorney's fees in the amount of \$33,158.71, payable not later than four weeks from the date of this Order.

IT IS SO ORDERED.

DATED this 28th day of July, 2017.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge