1

2

4

5

7

8

9

10

11

12

13

14 15

16

17

18

19

20

21

2223

2425

26

27

28

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRIAN K. JOHNSON,

Plaintiff,

v.

KING COUNTY JAILS, et al.,

Defendants.

CASE NO. C08-232 RSM-MAT

ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS

This matter comes before the Court on Defendants' verified cost bill which the Court construes as a motion for attorneys' fees and costs. (Dkt. #61). On February 25, 2009, the undersigned judge adopted the Report and Recommendation of the Honorable United States Magistrate Judge Mary Alice Theiler, and dismissed Plaintiff's civil rights complaint. For the reasons set forth in Judge Theiler's R&R (*see* Dkt. #57 at 6-8), the undersigned also directed the Defendants to submit a cost bill regarding the time spent and costs incurred on a motion to compel which created the basis for an award of attorneys' fees.

Defendants have now submitted a bill indicating that they are entitled to \$2,634.29 in fees and costs. This consists of 12 hours of attorney time at a rate of \$206.67 per hour working on their motion to compel, as well as \$154.25 in costs for hiring a court reporter to transcribe a deposition of Plaintiff. The Court finds that the attorneys' fees and costs are reasonable and appropriate under the relevant federal rules and the well-established "lodestar" analysis. *See* FRCP 37(a)(5) and 37(b)(2)(C); *see also Morales v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996); *Kerr v. Screen Guild Extras, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975).

ORDER PAGE - 1

Therefore having reviewed Defendants' motion, and the remainder of the record, the Court hereby finds and ORDERS:

- (1) Defendants' motion for attorneys fees (Dkt. #61) is GRANTED. Defendants are entitled to \$2,634.29 in attorneys' fees and costs.
- (2) The Clerk is directed to forward a copy of this Order to all counsel of record and to Plaintiff at the following address: PO Box 28388, Seattle, WA 98118.

DATED this 8th day of April, 2009.

RICARDO S. MARTINEZ

UNITED STATES DISTRICT JUDGE