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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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10 JOHN R. BUND II,

Plaintiff,

v.

11  
12 SAFEGUARD PROPERTIES, LLC,

Defendant.  
13  
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CASE NO. C16-0920JLR

ORDER ON ATTORNEYS' FEES

15 I. INTRODUCTION

16 Before the court is Plaintiffs John R. Bund II, Mandy Hanousek, and Garrett  
17 Hanousek's motion for an award of attorneys' fees. (Mot. (Dkt. # 59).) Defendant  
18 Safeguard Properties, LLC ("Safeguard") opposes the amount of fees that Plaintiffs seek.  
19 (Resp. (Dkt. # 61).) Plaintiffs' reply and accompanying exhibits provide further support  
20 for the award of fees. (Reply (Dkt. # 63).) The court has considered the parties'  
21 submissions, the relevant portions of the record, and the applicable law. Considering

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1 | itself fully advised,<sup>1</sup> the court grants in part and denies in part Plaintiffs' motion for  
2 | attorneys' fees and costs as described herein.

## 3 | II. BACKGROUND

4 | Plaintiffs bring a putative class action against Safeguard alleging claims for  
5 | trespass (SAC (Dkt. # 44) ¶¶ 7.1-7.7), intentional trespass under RCW 4.24.630 (*id.*  
6 | ¶¶ 8.1-8.15), violation of the Washington Consumer Protection Act ("CPA"), RCW ch.  
7 | 19.86 (*id.* ¶¶ 9.1-9.9), and conversion (*id.* ¶¶ 10.1-10.9). Plaintiffs seek to recover for  
8 | damages to real and personal property allegedly incurred while Safeguard was  
9 | conducting property preservation services on behalf of Plaintiffs' lenders. (*Generally id.*)

10 | Safeguard filed a motion to dismiss the class claims. (MTD (Dkt. # 14).) The  
11 | court denied the motion to dismiss and ruled that pre-discovery dismissal of class  
12 | allegations was not proper in this case. (12/30/16 Order (Dkt. # 43).) Despite this order,  
13 | Safeguard filed a motion to disqualify and remove the Hanouseks as class representatives  
14 | prior to conducting sufficient discovery. (*See* DQ Mot. (Dkt. # 49).) The court denied  
15 | the motion to disqualify, and because the motion filed was contrary to the court's  
16 | previous order, permitted Plaintiffs to file a motion for costs incurred in responding to  
17 | Safeguard's motion to disqualify. (*See* Min. Entry (Dkt. # 58).)

18 | Plaintiffs moved for fees consistent with the court's minute entry. (*See generally*  
19 | Mot ). Safeguard asserts that the requested fees are not reasonable. (Resp.) The court  
20 | now addresses Plaintiffs' motion.

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22 | <sup>1</sup> No party has requested oral argument, and the court deems it unnecessary to the  
disposition of this motion. *See* Local Rules W.D. Wash. LCR 7(b)(4).

1 III. ANALYSIS

2 A. Legal Standard

3 To determine whether requested fees are reasonable, the court applies the lodestar  
4 method. *See Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). Under this method, the  
5 court first determines a lodestar figure by multiplying the number of hours reasonably  
6 spent on the litigation by a reasonable hourly rate. *Id.* The court “may then adjust this  
7 lodestar calculation by other factors.” *Blanchard v. Bergeron*, 489 U.S. 87, 94 (1989).  
8 “The fee applicant bears the burden of documenting the appropriate hours expended in  
9 the litigation and must submit evidence in support of those hours worked.” *Welch v.*  
10 *Metro. Life Ins. Co.*, 480 F.3d 942, 948 (9th Cir. 2007).

11 A reasonable hourly rate corresponds to the prevailing market rate in the relevant  
12 community considering the experience, skill, and reputation of the attorneys in question.  
13 *Chalmers v. City of L.A.*, 796 F.2d 1205, 1210 (9th Cir. 1986), *amended on other*  
14 *grounds*, 808 F.2d 1373 (9th Cir. 1987). In assessing whether the attorneys spent a  
15 reasonable number of hours on the litigation, courts may consider, among other factors:  
16 the time and labor required, novelty and difficulty of the questions involved, the skill  
17 necessary to perform the legal services properly, the time limitations imposed by the  
18 client or circumstances, the amount in controversy involved and the results obtained, and  
19 the experience, reputation, and ability of the attorneys. *LaFarge Conseils et Etudes, S.A.*  
20 *v. Kaiser Cement & Gypsum Corp.*, 791 F.2d 1334, 1341-42 (9th Cir. 1986) (citing *Kerr*  
21 *v. Screen Extra Guild, Inc.*, 526 F.2d 67, 69-70 (9th Cir. 1975)). The court need only  
22 apply those factors that are relevant to the particular case. *See Kerr*, 526 F.2d at 70.

1 **B. Application**

2 Plaintiffs request the \$7,457.75 in attorneys' fees for 29 hours of work performed  
3 by three attorneys, Clay M. Gatens, Sally F. White, and Devon A. Gray, billed at rates  
4 ranging from \$205.00 to \$330.00 an hour. (Mot. at 2.) In support of their instant motion,  
5 Plaintiffs submit a Matter Ledger Report ("the Report") detailing the fees attributed to the  
6 motion to disqualify. (See White Decl. (Dkt. # 60), Ex. A.) Upon review of the billing  
7 record, the court concludes that Plaintiffs are entitled to most but not all of the fees they  
8 request.

9 1. Reasonable Hourly Rates

10 The established standard when determining a reasonable hourly rate is the "rate  
11 prevailing in the community for similar work performed by attorneys of comparable skill,  
12 experience, and reputation." *Chalmers*, 796 F.2d at 1210-11. For purposes of  
13 determining a reasonable hourly rate, the relevant "community" is the Western District of  
14 Washington. See *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008).  
15 Affidavits from attorneys regarding prevailing fees and rate determinations in other cases  
16 can provide evidence of the prevailing market rate. *United Steelworkers of Am. v. Phelps*  
17 *Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990). The court should also consider the  
18 experience, skill, and reputation of the attorneys requesting fees. See *Schwarz v. Sec'y of*  
19 *Health & Human Servs.*, 73 F.3d 895, 906 (9th Cir. 1995).

20 The hourly rates requested are as follows: \$330.00 for Mr. Gatens, a partner at  
21 Jeffers, Danielson, Sonn & Aylward, P.S. with over ten years of experience; \$275.00 for  
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1 Ms. White, a senior associate with over five years of experience; and \$205.00<sup>2</sup> for Ms.  
2 ~~Gray, a first-year associate attorney. (Reply at 3.) Ms. White's declaration provides~~  
3 support for the reasonableness of these fees in the relevant community (White Decl. at 2),  
4 as do recent decisions from the Western District of Washington, *See e.g. Fulton v.*  
5 *Livingston Fin. LLC*, No. C15-0574JLR, 2016 WL 3976558 at \*4 (W.D. Wash. July 25,  
6 2016) (finding \$300.00 a reasonable hourly rate in the relevant community); *Rodriguez v.*  
7 *Nancy A. Smith & Assocs.*, No. C12-5252RBL, 2012 WL 5207545, at \*3 (W.D. Wash.  
8 Oct. 22, 2012) (finding hourly rates ranging from \$160.00 to \$265.00 to be reasonable).

9 The hourly rates from these cases comport with the court's "own knowledge of  
10 customary rates and [its] experience concerning reasonable and proper fees." *Ingram v.*  
11 *Oroudjian*, 647 F.3d 925, 928 (9th Cir. 2011) (per curiam). The court thus concludes that  
12 \$330.00 per hour is a reasonable rate for Mr. Gatens' services in this case; that \$275.00  
13 per hour is a reasonable rate for Ms. White's services in this case; and that \$205.00 per  
14 hour is a reasonable rate for Ms. Gray's services in this case.

## 15 2. Hours Reasonably Worked

16 In determining the amount of hours reasonably spent, courts grant deference to the  
17 winning attorney's professional judgment as to how much time was required to prevail on  
18 the motion. *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008).

19 However, courts should exclude from their calculation hours that lack adequate

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21 <sup>2</sup> The Report uses an hourly rate of \$205.00 for Ms. Gray, although Plaintiffs' reply states  
22 that Ms. Gray's hourly rate is \$210.00. (Reply at 3.) The lower rate comports with the amount  
Plaintiffs request at the outset — \$7,457.75 — and thus the court accepts that \$205.00 as the rate  
Plaintiffs seek to apply to the hours worked by Ms. Gray for the purposes of this motion. (*See*  
Mot. at 2.)

1 documentation, or which, though documented, were excessive, redundant, or otherwise  
2 unnecessary. *Hensley*, 461 U.S. at 434. The court finds that Plaintiffs seek compensation  
3 for some hours were not adequately documented, as well as some hours that are  
4 redundant or excessive, and adjusts the award accordingly. *See Hall v. City of Auburn*,  
5 567 F. Supp. 1222, 1227 (D. Me. 1983) (reducing lodestar amount due to inadequate  
6 documentation where court is “unable to ascertain whether or not there has been  
7 unwarranted duplication of effort.”)

8 Two line items in the Report inadequately describe the work performed. Line item  
9 9, dated February 3, 2017, describes 0.5 hours worked by Mr. Gatens as “Work re  
10 sponse to motion to disqualify lead plaintiffs.” (Report at 9.) In addition, Line item 18,  
11 dated March 1, 2017, describes 0.25 hours worked by Mr. Gatens as “Work re motion for  
12 fees to Disqualify.” (*Id.* at 18.) Without a more detailed description, the court is unable  
13 to ascertain whether this work duplicates other work performed. Thus, the court excludes  
14 these line items from its calculation.

15 Additionally, Mr. Gatens billed one hour for preparing for and attending the  
16 telephonic hearing on February 27, 2017 (*Id.* at 16), despite not appearing at that hearing  
17 (Reply at 6). Although Plaintiffs assert that Mr. Gatens attended the hearing “in a  
18 supervisory capacity,” this redundant staffing decision was not proximately caused by  
19 Safeguard’s sanctioned filing. *Goodyear Tire & Rubber Co. v. Haeger*, --- U.S. ---,  
20 137 S. Ct. 1178, 1189 (2017) (holding that a federal court’s inherent authority to sanction  
21 litigants by shifting fees is limited to fees that “were incurred because of, and solely  
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1 because of, the misconduct at issue.”) Accordingly, the court excludes this hour of work  
2 from its calculation.

3 Given the scope and nature of the motion to disqualify and response, the  
4 remaining hours reported are sufficiently reasonable. *See e.g. Kacsuta v. Lenovo (United*  
5 *States) Inc.*, No. SACV 1300316CJCRNBX, 2014 WL 12585787, at \*7 (C.D. Cal. Dec.  
6 16, 2014) (finding that opposing a motion to dismiss a class action “could have been  
7 completed in 80 hours”).

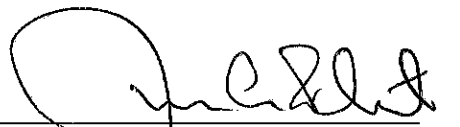
### 8 3. Calculations

9 Mr. Gatens reported 6.25 hours of work related to the motion to disqualify and the  
10 motion for fees. (Report.) The court concluded that Mr. Gatens’ reasonable hourly rate  
11 is \$330.00. Deducting the 1.75 hours that were inadequately documented or redundant,  
12 Mr. Gatens reasonably reported 4.5 hours in working on the motion for fees. The court  
13 thus awards \$1,485.00 as compensation for Mr. Gatens’ time. Ms. White reported 10.45  
14 hours of work related to the motion to disqualify, and the court concludes that her  
15 reasonable hourly rate is \$275.00. The court thus awards \$2,873.75 as compensation for  
16 Ms. White’s time worked on the motion to disqualify. Ms. Gray reported 12.3 hours of  
17 work related to the motion to disqualify, and the court concludes that her reasonable  
18 hourly rate is \$205.00. The court thus awards \$2,521.50 as compensation for Ms. Gray’s  
19 time worked on the motion to disqualify. In sum, the court awards \$6,880.25 in fees to  
20 Plaintiffs.  
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1 **IV. CONCLUSION**

2 For the foregoing reasons, the court GRANTS in part and DENIES in part  
3 Plaintiffs' motion (Dkt. # 59) and awards Plaintiffs a total of \$6,880.25 in reasonable  
4 attorneys' fees.

5 Dated this <sup>th</sup>28 day of April, 2017.

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8 JAMES L. ROBERT  
United States District Judge