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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 JOSE GUADALUPE PEREZ-
9 FARIAS, JOSE F. SANCHEZ,
10 RICARDO BETANCOURT, and all
other similarly situated persons,

11 Plaintiffs,

12 v.

13 GLOBAL HORIZONS, INC., *et al.*,

14 Defendants.

NO. CV-05-3061-RHW

**ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES FOR POST-
APPELLATE WORK**

15 Before the Court is Plaintiffs' Motion for Attorneys' Fees for Post-
16 Appellate Work, ECF No. 1353. The motion was heard without oral argument.

17 Plaintiff seeks \$49,448.80 in attorneys fees and costs expended on their
18 fees-on-fees motion and for opposing the Grower Defendants' Post-Judgment
19 motion. Defendant asks the Court to deny the motion or steeply reduce the request.
20 Defendant maintains the fee request contains excessive and duplicative requests
21 for the time of three senior lawyers performing straightforward briefing of the
22 post-judgment motion and attorney fees issues. Defendant also asks the Court to
23 reduce the fees for time spent unnecessarily on garnishment and supplemental
24 proceedings.

25 The Court does not find the request to contain excessive and duplicative
26 fees. Defendants' post-trial motion asked the Court to reconsider the finding of
27 liability that resulted in an approximately two million dollar judgment. It was
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**ORDER GRANTING PLAINTIFFS' MOTION FOR ATTORNEYS' FEES
FOR POST-APPELLATE WORK ~ 1**

1 reasonable for Plaintiffs to expend considerable efforts to oppose this motion. The
2 fact that the Court reduced Plaintiffs' request for attorneys' fees by twenty-five
3 percent does not justify reducing the fees-on-fees request by the same amount
4 because Plaintiffs' post-appellate efforts including successfully defending against
5 the post-trial motion. *See Thompson v. Gomez*, 45 F.3d 1265, 1367 (9th Cir. 1995).
6 (recognizing district courts have the discretion to reduce a fees-on-fees request by
7 the same percentage reduction imposed on the "merits fees" recovered).
8 Moreover, Plaintiffs' counsel have admirably represented Plaintiffs' claims
9 throughout the past eight years and this complex case required a high level of
10 preparation and advocacy.

11 Applying the lodestar method, the Court finds the requested hours and the
12 requested rates to be reasonable, with the following exception. Given the status of
13 the case at the time, the garnishment proceedings were unnecessary and therefore
14 the fees related to the garnishment proceedings are not subject to recovery from
15 Defendants. The Court will reduce the amount of fees awarded by \$8,323.25.

16 Accordingly, **IT IS HEREBY ORDERED:**

17 1. Plaintiffs' Motion for Attorneys' Fees for Post-Appellate Work, ECF
18 No. 1353, is **GRANTED**.

19 2. The Court awards \$41,125.55 in attorneys' fees and costs to Plaintiffs.

20 3. The District Court Executive is directed to enter judgment in the
21 amount of \$41,125.55 in favor of Plaintiffs and against the Grower Defendants.

22 4. The District court Executive is **directed** to unseal or file the following
23 documents in the public record:

24 a. ECF No. 1334

25 b. ECF No. 1337

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FOR POST-APPELLATE WORK ~ 2**

1 c. ECF No. 1344

2 d. ECF No. 1346

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter
4 this Order, provide copies to counsel, and **close the file.**

5 **DATED** this 27th day of August, 2013.

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8 *s/Robert H. Whaley*
9 **ROBERT H. WHALEY**
United States District Court

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