EXHIBIT C

DECLARATION OF BARDIS VAKILI

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 06-0233-DOC (MLGx) Date: February 3, 2014

Title: BENITO ACOSTA v. CITY OF COSTA MESA, ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera	Not Present
Courtroom Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:	ATTORNEYS PRESENT FOR DEFENDANT:
None Present	None Present

PROCEEDINGS (IN CHAMBERS): ORDER REGARDING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES [322]

Before the Court is a Motion for Attorney's Fees (Dkt. 322) filed by Plaintiff Benito Acosta ("Plaintiff" or "Acosta"). Defendants City of Costa Mesa and Mayor Allan Mansoor ("Defendants") opposed (Dkt. 323), and Plaintiff filed a Reply (Dkt. 325). On September 6, 2013, the Court held a hearing on ATLF's Motion and ordered additional briefing on line-item objections to Plaintiff's hourly reports.

After considering the moving, opposing and reply papers, and for the reasons stated below, the Court ORDERS that Defendants pay Plaintiff attorney's fees in the amount calculated below.

I. BACKGROUND

a. The Council Meeting

On January 3, 2006, Plaintiff Benito Acosta stood at the podium at the Costa Mesa City Council meeting to challenge two recent decisions by the Council: (1) to close a job center in the City that primarily served immigrant workers; and (2) to enter into negotiations with the United States Bureau of Immigration and Customs Enforcement for

an agreement that would grant City police officers the authority to enforce federal immigration laws in the City.

After criticizing the Mayor and the Council for making these decisions, Acosta asked audience members to stand if they too opposed the decisions. The Mayor refused to allow audience members to stand and told Acosta he could not continue to speak. The Mayor then called a recess, and after Acosta refused to leave the podium, he was forcibly removed by police officers acting under the direction of the Mayor.

b. Acosta Is Charged

Acosta was charged with misdemeanor violations Costa Mesa Municipal Code §§ 2-61 and 2-64, and California Penal § 148(a). Section 2-61 provides:

> (a) The presiding officer at a meeting may in his or her discretion bar from further audience before the council, or have removed from the council chambers, any person who commits disorderly, insolent, or disruptive behavior, including but not limited to, the actions set forth in (b) below.
>
> (b) It shall be unlawful for any person while addressing the council at a council meeting to violate any of the following rules after being called to order and warned to desist from such conduct:
>
> > (1) No person shall make any personal, impertinent, profane, insolent, or slanderous remarks.
> > (2) No person shall yell at the council in a loud, disturbing voice.
> > (3) No person shall speak without being recognized by the presiding officer.
> > (4) No person shall continue to speak after being told by the presiding officer that his allotted time for addressing the council has expired.
> > (5) Every person shall comply with and obey the lawful orders or directives of the presiding officer.
> > (6) No person shall, by disorderly, insolent, or disturbing action, speech, or otherwise, substantially delay, interrupt, or disturb the proceedings of the council.

Section 2-64 provides:

> It shall be unlawful for any person in the audience at a council meeting to do any of the following after being called to order and warned to desist from such conduct:
>
> > (1) Engage in disorderly, disruptive, disturbing, delaying or boisterous conduct, such as, but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which conduct substantially interrupts, delays, or disturbs the peace and good order of the proceedings of the council.
> >
> > (2) Refuse to comply with a lawful order or directive of the presiding officer of the council.
>
> The sergeant-at-arms shall have the authority to remove any such person from the council chamber and place him or her under arrest, or both.

Penal Code § 148(a) makes it a misdemeanor to "willfully resist[], delay[], or obstruct[] any public officer, peace officer, or an emergency medical technician . . . in the discharge or attempt to discharge any duty of his or her office or employment. . .." Rather than ticket Acosta and release him from custody, Officer Makiyama decided to detain Acosta to prevent him from returning to the scene. Lieutenant Epperson approved this decision. Acosta was released approximately five hours later.

c. Acosta Sues

On March 2, 2006, Acosta filed a civil rights lawsuit under 42 U.S.C. § 1983 in this Court against the City, the Mayor, the Chief of Police, and present police officers for violations of Acosta's free speech, equal protection, and due process rights. Among other things, Acosta's complaint alleged that Section 2-61 violated the First Amendment on its face because it was overbroad. In addition, Acosta claimed a) Violation of the First Amendment, as the ordinance was applied to Acosta; b) Violation of state law rights to free speech; c) Declaratory relief; d) Violation of the Fourth Amendment; e) Violation of the Equal Protection Clause; f) Violation of procedural due process; g) Violation of

California Civil Code § 52.1; h) Violation of California Civil Code § 51.7; i) False arrest; j) Intentional infliction of emotional distress; k) Battery; and l) Negligence.

On March 23, 2006, Defendants filed a motion to dismiss Acosta's complaint. The Court granted in part and denied in part the motion. In its order, the Court dismissed Acosta's facial challenge to Section 2-61. The Court found that the Defendants offered a reasonable interpretation of the regulation that limited its application only to speech that disrupts City Council meetings. As a result, the Court found that the prohibition in subsection (b) against making "personal, impertinent, profane, insolent, or slanderous remarks" was limited to disruptive conduct, rendering Section 2-61 unambiguous and constitutional on its face. While Acosta's facial challenge to Section 2-61 was dismissed, the Court allowed Plaintiff's claim that Section 2-61 was unconstitutionally applied to him when Defendants silenced him and ejected him from the meeting allegedly due to the viewpoint of his speech to go forward (the "as-applied challenge"), along with most of Plaintiff's other claims. Discovery proceeded.

Subsequently, on September 5, 2008, Defendants moved for summary judgment, and the Court granted in part and denied in part their motion, allowing Acosta's as-applied First Amendment challenge to go forward against Mayor Mansoor and the City, along with his claim for declaratory relief and his federal due process claims against Mayor Mansoor and the City.

Prior to trial, Plaintiff brought a motion for reconsideration of the Court's dismissal of his facial First Amendment challenge, arguing that deposition testimony from Officer Daniel Guth, the City's Fed. R. Civ. P. 30(b)(6) designee, demonstrated "that the City neither construes Section 2-61 nor applies it in a way that comports with constitutional principles." The Court denied that motion. A seven-day trial took place in December of 2009, and the jury found in favor of Defendants on all remaining claims. After trial, Plaintiff moved for renewed judgment as a matter of law and for a new trial, and the Court denied both motions.

d. Acosta Appeals

On November 29, 2010, Plaintiff filed a Notice of Appeal to the Ninth Circuit in which he appealed both the final judgment and "all interlocutory orders that gave rise to that judgment." After briefing and argument, the panel issued an opinion on September 5, 2012, reversing this Court on the issue of First Amendment facial invalidity because it held that the term "insolent" in § 2-61(b)(1) precluded a narrow reading of the ordinance that would prohibit only actual disturbances. *Acosta v. City of Costa Mesa*, 694 F.3d 960,

973 (9th Cir. 2012). The court further held that "the offensive word—'insolent'—can easily be excised such that the remaining text can be severed and § 2-61 saved from complete invalidation." *Id.* at 979. This Court was affirmed on all other matters: the as-applied challenge, public entity immunity, qualified immunity for the police officers, evidentiary admissions, jury instructions, the Court's denial of Acosta's renewed motion for judgment as a matter of law, and the Court's denial of declaratory relief. *See id.*

Acosta petitioned the panel for rehearing, and the Ninth Circuit withdrew its initial decision and issued a new one. *See Acosta v. City of Costa Mesa*, 718 F.3d 800 (9th Cir. 2013). The new opinion held that "the overbroad terms in § 2–61 are not severable under California law," and consequently "we must invalidate § 2–61 as presently written in its entirety." *Id.* at 812. That opinion was published on May 3, 2013, and the mandate issued to this Court on May 30, 2013.

e. Acosta Moves for Attorney's Fees

On May 31, 2013, Plaintiff filed a motion for attorney's fees with the Ninth Circuit, requesting $147,293 in fees based on work done *only for Plaintiff's appeal*. Defendant opposed, and the Ninth Circuit issued an order on July 3, 2013, stating that "Acosta is awarded attorney's fees on appeal. We remand to the district court for a determination of an appropriate amount of fees on appeal. *See Hensleyv. Eckerhart*, 461 U.S. 424, 440 (1983)."

Accordingly, on July 17, 2013, Plaintiff filed the present motion seeking attorney's fees for work done on appeal and during the initial case before this Court. Plaintiff requested a total fee award of $320,540,25, which Plaintiff argues reflects a reasonable award that does not include fees for hours spent on issues in which Plaintiff did not prevail. Defendant argued that the maximum fee award should not exceed $35,971.41.

At hearing on September 6, 2013, the Court agreed to allow the parties further briefing on their line-item comments on Plaintiff's fee records. The Court also indicated that it was prepared to decide the issue of the timeliness of Plaintiff's motion for district-court-related fees. In a minute order on September 9, 2013, the Court held that Plaintiff's motion was timely filed, or, in the alternative, that the Court in its discretion would accept the filing of Plaintiff's motion and would consider it on the merits. *See* September 9, 2013, Minute Order (Dkt. 330). Defendants now submit that the total award should not exceed $74,626. Def's Supp. Br. (Dkt. 331) at 2. Plaintiff, who now incorporates

requests for fees associated with this motion, requests a total of $187,506.20. Pl's Supp. Reply (Dkt. 333) at 16-18.

II. LEGAL STANDARD

Under 42 U.S.C. § 1988, the Court may, in its discretion, grant a reasonable attorney's fee as part of the costs to the prevailing party. 42 U.S.C. § 1988(b). As a matter of course, the lodestar formula should be used to determine a reasonable figure for an award of attorneys' fees. A lodestar figure is calculated by "multiplying the hours spent on a case by a reasonable hourly rate of compensation for each attorney involved." *Pennsylvania v. Del. Valley Citizens' Council for Clean Air*, 478 U.S. 546, 563, 106 S. Ct. 3088 (1986). The lodestar figure is presumed to represent an appropriate fee, but the Court may adjust the figure upward or downward to take into account special factors. *See Blum v. Stenson*, 465 U.S. 886, 897, 104 S. Ct. 1541 (1984) (reasonable hours multiplied by reasonable rate normally provides a reasonable fee award within the meaning of the statute); *Jordan v. Multnomah County*, 815 F.2d 1258, 1262 (9th Cir. 1987) (strong presumption that lodestar figure is reasonable).

A plaintiff is considered the prevailing party if it succeeds on any significant issue in litigation which gives some benefit that plaintiff sought in bringing the suit. *Hensley v. Eckerhart*, 461 U.S. 424, 433, 103 S. Ct. 1933 (1983). To satisfy this requirement, the suit must have produced a material alteration of the legal relationship between the parties. *Buckhannon Board & Care Home, Inc. v. W. Va. Dept. of Health & Human Res.*, 532 U.S. 598, 604 (2001). This alteration may be the result of an enforceable judgment. *Farrar v. Hobby*, 506 U.S. 103, 111, 113 S. Ct. 566 (1992). If a plaintiff achieves only partial success, the reasonable hours expended on the action as a whole multiplied by a reasonable rate may be an excessive amount. *Hensley*, 461 U.S. at 436. Where a plaintiff prevails on only some claims, the Court should ask whether the plaintiff "fail[ed] to prevail on claims that were unrelated to the claims on which he succeeded" and whether the plaintiff "achieve[d] a level of success that makes the hours reasonably expended a satisfactory basis for making a fee award". *Id.* at 434.

Regarding the reasonableness analysis, the fee applicant carries the burden of submitting evidence in support of the claimed hours. *Gates v. Deukmejian*, 987 F.2d 1392, 1397 (9th Cir. 1993). "Counsel for the prevailing party should make a good faith effort to exclude from a fee request hours that are excessive, redundant, or otherwise unnecessary . . . ." *Hensley*, 461 U.S. at 434. The opposing party has the burden of

rebuttal, requiring submission of evidence challenging the accuracy and reasonableness of the hours charged or facts asserted. *Gates*, 987 F.2d at 1397-98. "'In setting a reasonable attorney's fee, the district court should make specific findings as to the rate and hours it has determined to be reasonable.'" *Gracie v. Gracie*, 217 F.3d 1060, 1070 (9th Cir. 2000) (quoting *Frank Music Corp. v. Metro-Goldwyn Mayer, Inc.*, 886 F.2d 1545, 1557 (9th Cir. 1989)).

III. DISCUSSION

a. Entitlement to Award

There is no legitimate dispute as to whether or not Plaintiff is entitled to some amount of attorney's fees for work done on Plaintiff's appeal. The Ninth Circuit stated that "Acosta is awarded attorney's fees on appeal. We remand to the district court for a determination of an appropriate amount of fees on appeal."

Defendants argued that Plaintiff is not entitled to any attorney's fees for work done during any proceeding before *this* Court, because Plaintiff's present motion on that issue is untimely. Def's Opp'n at 4-6. For the reasons set forth in the Court's September 9, 2013, Minute Order, the Court disagreed with Defendants and held that all of Acosta's fees would be at issue in this proceeding.

b. Degree of Success

Fee requests must be justified by the "significance of the overall relief obtained." *Dang v. Cross*, 422 F.3d 800, 813 (9th Cir. 2005). The Supreme Court has cautioned that, even where it may have been reasonable to bring claims, and a case is tried with devotion and skill, "the most critical factor is the degree of success obtained." *Hensley*, 461 U.S. at 436. "That the plaintiff is a 'prevailing party' therefore may say little about whether the expenditure of counsel's time was reasonable in relation to the success achieved." *Id.* "There is no precise rule or formula for making these determinations. The district court may attempt to identify specific hours that should be eliminated, or it may simply reduce the award to account for the limited success. The court necessarily has discretion in making this equitable judgment." *Id.* at 436-37.

In a case of "partial success," a court must consider "(1) whether 'the plaintiff fail[ed] to prevail on claims that were unrelated to the claims on which he succeeded,' and (2) whether 'the plaintiff achiev[ed] a level of success that makes the

hours reasonably expended a satisfactory basis for making a fee award.'" *Dang*, 422 F. 3d at 812 (citing *Watson v. County of Riverside*, 300 F.3d 1092, 1096 (9th Cir. 2002)).

The first step of this analysis requires a court to determine "whether the successful and unsuccessful claims were unrelated." *Id.* (citing *Webb v. Sloan*, 330 F.3d 1158, 1168 (9th Cir. 2003)). While the Ninth Circuit has acknowledged that "the test for relatedness of claims is not precise," it has stated that "claims are *unrelated* if the successful and unsuccessful claims are 'distinctly different' *both* legally *and* factually," *Webb*, 330 F. 3d at 1169 (quoting *Schwarz v. Sec'y of Health & Human Serv.*, 73 F.3d 895, 902-03 (9th Cir. 1995)). In *Webb*, the court gave the example of "at least one claim" that, "[t]o be sure . . . asserted a separate legal theory that was not tied to the facts": a First Amendment facial invalidity claim against the obstruction statute under which the plaintiff had been detained by police officers. *Id.*

Here, as in *Webb*, the Court finds that the Plaintiff's First Amendment facial invalidity claim regarding § 2-61 is unrelated to his claims for violation of the Fourth Amendment; violation of the Equal Protection Clause; violation of procedural due process; violation of California Civil Code § 52.1; violation of California Civil Code § 51.7; false arrest; intentional infliction of emotional distress; battery; negligence, and as-applied violations of his First Amendment speech rights. The legal theory of First Amendment overbreadth is distinct from any of the legal theories involved in those claims, and because Plaintiff's successful challenge was a *facial* one, none of the facts of Plaintiff's experience at the city council meeting were discussed in the Ninth Circuit's opinion striking down the ordinance.

Because Plaintiff's facial invalidity claim was dismissed early in the proceedings, on May 23, 2006, and did not make another appearance in the case until Plaintiff brought his Motion for Reconsideration of the dismissal on January 12, 2009, the Court can exclude from Plaintiff's fee award nearly all work done in between those two dates. Similarly, to the extent that Plaintiff's counsel has isolated work on the facial First Amendment challenge from work spent on other issues and claims, the "hours expended on the unsuccessful claims should not be included in the fee award." *Dang*, 422 F. 3d at 813. Accordingly, for those hours that are identifiable as spent *solely* on the First Amendment facial invalidity challenge, Plaintiff should be fully compensated.

For those hours of work spent on the litigation as a whole, though, and on tasks that cannot be separated out, a court can reduce the fee award to reflect the fact that when "a plaintiff has achieved only partial or limited success . . . the product of hours

reasonably expended on the litigation as a whole times a reasonable hourly rate may be an excessive amount." *Id.* at 813 (quoting *Hensley*, 461 U.S. at 436. Here, a comparison of the relief sought in Plaintiff's complaint and the results achieved through the striking down of the ordinance as overbroad sheds light on Plaintiff's degree of success. Plaintiff sought damages and injunctive relief for violations of the Fourth Amendment; violations of the Equal Protection Clause; violations of procedural due process; violations of California Civil Code § 52.1; violations of California Civil Code § 51.7; false arrest; intentional infliction of emotional distress; battery; negligence, and as-applied violations of his First Amendment speech rights. He also sought a declaratory judgment that Defendants failed to apply §§2-61 and 2-64 in a constitutional manner. He did not succeed on any of these claims, and did not achieve any of the above requested relief. He appealed his losses, and did not achieve a reversal on any of the above claims either.

However, the Court does recognize the significance of Acosta's victory. The Ninth Circuit stated in its opinion that "the core of Acosta's argument is that § 2-61 unconstitutionally restricts speech and that as applied to him the defendants selectively enforced § 2-61 based upon Acosta's opposition and criticism. . . ." While he failed to succeed on the second argument, he won the first. He did not win any damages, but he did change the way that the City of Costa Mesa can regulate the speech and behavior of its citizens. Indeed, in the Ninth Circuit's assessment of the mythological resonances of Acosta's victory: because an "overbroad law hangs over people's heads like a Sword of Damocles," the elimination of § 2-61 "eliminate[s] the Dionysian threat that the ordinance presents to those who are addressing the City of Costa Mesa City Council." *Acosta*, 718 F. 3d at 821.

Accordingly, for those hours not excised as unrelated to Plaintiff's successful claim, but rather spent on the litigation as a whole, the Court imposes a fee reduction in the exercise of its discretion. For this category of fees, the Court reduces the remaining net award by sixty-five percent (65%) to ensure that the fee award does not overstate the results achieved.[1]

[1] Plaintiff's argument that, because "roughly 70% of" the Ninth Circuit opinion is dedicated to the issue of facial validity, a similar percentage would accurately reflect Plaintiff's level of success, *see* Pl's Supp. Reply at 5 n. 4, confuses the issue. Just because the Ninth Circuit devoted more space to a complicated issue of constitutional jurisprudence that would be reversed than to Plaintiff's several claims for redress that would be affirmed, it does not follow that Plaintiff's succeeded on a corresponding portion of their claims.

3. Reasonableness of Hours

Plaintiff argues that counsel exercised extensive billing judgment in submitting its fee request because its request is based on far fewer hours than actually expended, and it did not bill for hours spent on unsuccessful claims. Regarding the district court proceedings, Plaintiff states that he did not bill for over 2,650 hours of time spent on claims on which he did not prevail. Mot. at 5; Helzer Decl. ¶¶ 46, 53. Plaintiff states that he only seeks compensation for:

> (1) the investigation, preparation, and filing the initial complaint;
> (2) responding to Defendants' Motion to Dismiss the Complaint pursuant to FRCP 12(b)(6), when this Court originally dismissed the facial claim;
> (3) work performed in preparing for and taking the deposition of the City of Costa Mesa's 30(b)(6) witness, Dan Guth, who provided relevant testimony about the City's interpretation of section 2-61, which ultimately contributed to the Plaintiff's success on appeal; and
> (4) work performed on Plaintiff's Motion for Reconsideration of the Court's order dismissing the facial claims.

Id. ¶ 52. Plaintiff states that he eliminated all of the time spent on work performed in opposing summary judgment and prosecuting the trial of Plaintiff's remaining claims, as well as all work performed by paralegals. *Id.* ¶ 53.

Regarding the appeal, Plaintiff states that the fees sought include only:

> (1) time spent solely on the successful claims;
> (2) time spent on the case as a whole or that could not be otherwise isolated from the unsuccessful claim, for instance in drafting a procedural history; and
> (3) time spent seeking attorneys' fees.

Helzer Decl. ¶47. Plaintiff states that he eliminated over 130 hours to account for work performed on the related claims in which Plaintiff did not prevail and on work that was either clerical or duplicative in nature. *Id.* ¶45.

Defendants encourage the Court to disregard Plaintiff's statement that he did not include time spent on unsuccessful claims, since, according to Defendants' calculation,

Plaintiff was only successful on approximately 6.25% to 17.1% of his action (based on the number of claims he brought and the one on which he succeeded, and also based on Defendants' estimate of what percentage of briefing pages on appeal were spent focused on the facial invalidity issue). Opp'n at 10.

In addition, Defendants argue that many of Plaintiff's claimed billings are excessive, unnecessary, and reflective of improper billing procedures. *See* Kaufman Dec. (Dkt. 323) at 20-21. For example, in the Appellate Motion for Attorney's Fees, Defendants argue that over 40 hours of attorney time on a "relatively simple motion" for fees is "excessive on its face" and reflect duplicative or unnecessary efforts. *Id.* at 21. Defendants similarly argue that too much time was spent on the present motion, *id.* at 23, too much time was spent by paralegals and attorneys on "remedial" or "simple" clerical tasks related to the appeal, *id.* at 24, improper hours were billed for unsuccessful claims at the district court level, *id.* at 35, and "general" hours were not properly reduced to reflect the Plaintiff's level of success, *id*. at 35.

As explained above, the Court is inclined to reduce the fees awarded for any of Planitiff's general litigation activities by 65% to reflect the degree of his overall success. In addition, the Court is prepared to make additional line item reductions for any hours that appear to be attributable to unsuccessful claims or redundant or excessive activities. The Court has reviewed the voluminous briefing submitted by the parties on their line-by-line accountings.

4. Reasonableness of Rates

Reasonable hourly rates are "the prevailing market rates in the relevant community, regardless of whether plaintiff is represented by private or nonprofit counsel." *Blum*, 465 U.S. at 895.

Plaintiff argues that the current hourly rates sought are reasonable because they are small increases from rates previously awarded to the same attorneys on similar cases before this court in 2011-12. Mot. at 12-13 (citing *NDLON v. City of Lake Forest*, Nos. 08-56564 & 09-55215 in which this Court awarded fees at the rate of $600/hour for Mr. Villagra, $525/hour for Ms. Escobosa Helzer, and $200 for Ms. Ashe). Plaintiff also provides the declarations of Carol Sobel, a civil rights attorney, regarding prevailing market rates and similar fee awards in other civil rights actions. Mot. at 11-14.

Defendants argue that Plaintiff's fee rates are unreasonably high. First, Defendant argues that Plaintiff has failed to establish that the requested rates are proper, since Plaintiff's affidavits are full of conclusory statements and do not support a finding that any of Plaintiff's counsel merit particularly high rates. Def's Opp'n at 11-14. Based on a number of different arguments, Defendants suggest that fee rates should be calculated as "a blend" of the following: (1) twice the rate of defense counsel ($350/hr); (2) 5% higher than a reasonable rate approved in a district court case in Sacramento, based on an estimation that the market rate in Orange County is 5% higher than that of Sacramento ($420/hr); (3) Defendants' declarant, who states that the market rate for a similar case is $300/hr-$375/hr); (4) a survey cited by Defendants that shows an average market rate in Orange County for senior associates of $297/hr and for partners of $449/hr; (5) Defendants "blend" the rates listed above to result in a reasonable rate of $341.75 for Mr. Vakili and $398.50 for Mr. Villagra and Ms. Helzer. Opp'n at 15-16.

The Court finds that, while Plaintiff has submitted some strong evidence, including peer declarations and rate comparison charts, to sustain the requested hourly rates, *see* Sobel Decl., the rates are slightly higher than what the Court has previously approved for these same attorneys and similar attorneys in similar cases. *See NDLON v. City of Lake Forest*, Nos. 08-56564 & 09-55215. Accordingly, the Court is inclined to reduce the requested rates as follows: $610/hour for Mr. Villagra, $540 for Ms. Escobosa Helzer, $475 for Bardis Vakili, $170 for Maria Esquivel, and $200 for Ms. Ashe.

IV. DISPOSITION

For the reasons set forth above, the Court GRANTS Plaintiff's Motion and, after reviewing all of the relevant line-item objections and calculations, awards the following:

For wholly successful claims: **$23.975**, which represents 40 hours reasonably billed to Ms. Escobosa Helzer at $540/hr and 5 hours reasonably billed to Mr. Vakili at $475/hr.

For general litigation hours that cannot reasonably be separated out between successful and unsuccessful claims: **$35,082.25**. A total of $100,235 in reasonably billed fees was reduced by 65% to reflect the relative success of Plaintiff's claims. This represents 150 hours reasonably billed to Ms. Escobosa Helzer at $540/hr, 35 hours reasonably billed to Mr. Villagra at $610/hr, 30 hours reasonably billed to Mr. Vakili at $475/hr, 1.5 hours reasonably billed to Ms. Ashe at $200/hr, and 15 hours reasonably billed to Ms. Esquivel at $170/hr.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 06-0233-DOC (MLGx) Date: February 3, 2014

For fees related to the litigation of Plaintiff's motion for attorney's fees: **$12,612.25**. A total of $36,035 in reasonably billed fees was reduced by 65%. This represents 35 hours reasonably billed to Ms. Escobosa Helzer at $540/hr, 35 hours reasonably billed to Mr. Vakili at $475/hr, and 3 hour reasonably billed to Ms. Esquivel at $170/hr.

In total, the Court awards **$71,669.50**.

The Clerk shall serve this minute order on all parties to the action.

MINUTES FORM 11
CIVIL-GEN Initials of Deputy Clerk: jcb