UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. **SA CV 16-00999 BRO (AFMx)** Date: September 1, 2017

Title **Federal Trade Commission v. Damian Kutzner, et al.**

Present: The Honorable: ALEXANDER F. MacKINNON, U.S. Magistrate Judge

Ilene Bernal	N/A
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
N/A	N/A

Proceedings (In Chambers): ORDER AWARDING EXPENSES INCURRED IN MAKING MOTION (ECF No. 293)

The Court previously granted plaintiff Federal Trade Commission's ("FTC") motion to compel supplemental discovery responses by defendant Charles Marshall ("Marshall"). (ECF No. 318.) In the order, the Court also found that Marshall's position was not substantially justified and determined that an award of the FTC's fees and expenses in preparing the motion was warranted under Fed. R. Civ. P. 37(a)(5)(A). The FTC has now submitted a declaration of counsel Gregory J. Madden specifying the fees and expenses that it has incurred in bringing the motion to compel. (ECF No. 346.) The Court has reviewed the Madden declaration and finds that hours and hourly rates set forth in the declaration are appropriate. However, the Court does not find reasonable the expense of $158.50 for "PDF PAGES" that is reflected on Attachment 2, particularly where the FTC has local counsel with an office on Wilshire Boulevard. This amount is deducted from the total sought by the FTC.

Therefore, under Fed. R. Civ. P. 37(a)(5)(A), the Court grants FTC's request for sanctions and orders Marshall to pay to FTC within thirty (30) days the amount of $2,908.75 as the reasonable expenses (including attorneys' fees) incurred in making the motion.

IT IS SO ORDERED.

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