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CENTRAL DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

vs.

ROBERT L. REEVES AND ASSOCIATES, A PROFESSIONAL CORPORATION,

Defendants.

CASE NO. CV 00-10515 DT (RZx)

ORDER **GRANTING** DEFENDANT ROBERT L. REEVES AND ASSOCIATES, A PROFESSIONAL CORPORATION'S MOTION FOR ATTORNEYS' FEES AND EXPENSES

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I. Background

This action was brought by Plaintiff U.S. Equal Employment Opportunity Commission ("EEOC") against Defendant Robert L. Reeves and Associates, a Professional Corporation ("Defendant") under Title VII of the Civil Rights Act of 1964, as amended, the Pregnancy Discrimination Act of 1978 and Title I of the Civil Rights Act of 1991 to correct alleged unlawful employment

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practices on the basis of sex, and to provide appropriate relief to certain females who were adversely affected by such practices ("Claimants").[1]

Because all parties are intimately familiar with the factual and procedural history of the case, this Court need not set it forth in full here. This Court makes note only of the following as points of reference for the analysis.

On September 25, 2001, this Court granted summary judgment against the EEOC as to Claimants Catuira and Preciado. On January 22, 2002, the Court granted summary judgment against the EEOC as to Claimants Quilaton, Silva, Saez, Wang, Arai and Eum. On February 19, 2002, the Court granted Defendant's motion for partial summary judgment as to EEOC's claims on behalf of the remaining Claimants Wilkerson, Jacobson and Liao.

On May 6, 2002, this Court issued an Order Granting in Part and Denying in Part Defendant Robert L. Reeves and Associates, a Professional Corporation's Motion for Attorneys' Fees ("2002 Attorney Fee Order). This Court awarded Defendant attorneys' fees in the amount of $363,075.21.

The EEOC then appealed the dismissal as to some of the claims. The Ninth Circuit reversed this Court's rulings with regard to the pregnancy discrimination claim on behalf of Saez and the hostile environment claims on behalf of Jacobson, Wilkerson, Liao, Catuira and Preciado. In addition, the Ninth Circuit vacated the Order awarding attorneys' fees to Defendant.

After a three-week trial, the jury found in favor of Defendant on all remaining claims litigated at trial. Currently before the Court is Defendant's motion for attorneys' fees and expenses.

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[1] Claimants includes Judith Quilaton, Deanna Saez, Rowena Silva, Nikki Mehrpoo Jacobson, Lisa Wilkerson, Clarissa Liao, Jeanette Caitura, Nadia Preciado, Miwa Arai, Elizabeth Babida, Margaret Eum and Joyce Wang.

II. Discussion

A. Standard

Title VII provides that "[i]n any action or proceeding under this subchapter the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee . . . as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person." 42 U.S.C. § 2000e-5(k). A prevailing defendant is entitled to recover attorneys' fees under Title VII if the Court finds that the plaintiff's action was "frivolous, unreasonable, or without foundation, even though not brought in subjective bad faith." Christiansburg Garment Co. v. EEOC, 434 U.S. 412, 421, 98 S. Ct. 694, 54 L. Ed. 2d 648 (1978). This standard also governs prevailing-defendant fee requests under 42 U.S.C. § 1988. Legal Servs. of N. Cal v. Arnett, 114 F.3d 135, 141 (9th Cir. 1997).

B. Analysis

Defendant asks this Court to award him $995,780.72 in attorneys' fees and $26,872.97 in expenses reasonably and necessarily incurred through December 31, 2005, for a total award of $1,022,653.69. He contends that the EEOC's action was unreasonable, frivolous and without foundation. More specifically, he argues: (1) EEOC knew, or unreasonably failed to learn, that its investigation, lawsuit and primary "Claimants" all were part of a scheme by former law associates Hanlon and Greene to destroy Defendant and his firm; (2) EEOC used increasingly vexatious and improper tactics; (3) EEOC did not engage in good faith conciliation efforts; (4) all 12 of EEOC's claims were unreasonable and frivolous; and (5) the investigation conducted by the EEOC was incomplete, inadequate, biased and faulty.

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For the reasons explained below, this Court finds that an award of attorneys' fees is warranted because the EEOC's lawsuit was unreasonable, frivolous and without foundation.

1. The lack of a meaningful investigation combined with Hanlon and Greene's scheme to undermine Defendant evidence an unreasonable action

As Defendant contends, the trial proved that either the EEOC knew it was being used as a primary weapon in Hanlon's and Greene's campaign to destroy Defendant, or it maintained a studied and inexcusable ignorance of this fact. The only persons the EEOC directed its investigator, Deborah Kinzel-Barnes, to interview were Jacobson, Hanlon and Greene - despite Greene's prior service as Defendant's in-house counsel, his romantic relationship with Jacobson, Hanlon's role as decision-maker in Quilaton's termination and Hanlon's and Greene's unlawful conduct before and after leaving the firm. Based solely on the word of these clearly-biased individuals, and without having interviewed any of Defendant's employees, Barnes recommended that the EEOC issue a "reasonable cause" finding of class-wide discrimination and harassment against Defendant. (10/26am Transcript 37-38, 44-45. 46-50, 54-58; 10/26pm Tr. 35-36.) Although the EEOC purported to bring this case on behalf of the 7 to 10 people identified by Jacobson, Hanlon and Greene, Barnes admittedly never spoke with any of them - not even to ascertain whether they subjectively perceived they had been harassed. (10/26am Tr. 64-65, 68; 10/26pm Tr. 35-36.)

In its Opposition, the EEOC responds that the initial pregnancy-bias charge filed by Quilaton "was not the product of [Hanlon's and Greene's] 'scheme.'" However, the EEOC fails to acknowledge that Quilaton's charge was dormant for nearly two years and eventually proved to be so baseless that the

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EEOC did not even appeal from this Court's summary dismissal of its claim on Quilaton's behalf. Instead, the evidence shows that Hanlon, who made the decision to discharge Quilaton, and Greene, who served as Defendant's in-house attorney and contact person on the charge, schemed with Greene's then-girlfriend, Jacobson, to elicit the EEOC to expand the matter to include alleged sexual harassment. (10/21 Tr. 124-126, 133-138; 10/26am Tr. 27-30, 38, 50-53.) The EEOC also asserts that it relied on "a number of witnesses with no connection to Hanlon or Greene." However, the EEOC did not interview anybody other than Hanlon, Greene or Jacobson before issuing its "cause" determination and pursuing this lawsuit. (10/26am Tr. 37-38, 44-45, 46-50, 54-58; 10/26pm Tr. 35-36.) Notably, at trial, Barnes admitted that Greene encouraged her to interview other people, that the anonymous caller, Jacobson, already knew about the EEOC's ongoing investigation, that Hanlon disclosed his litigation against Defendant, that Abe Levy called Barnes about supposed harassment, and that the EEOC instructed Barnes not to inform Defendant of the sex-harassment "claimants," yet Barnes initially claimed not to recall any of these matters. (10/26am Tr. 28-29, 41, 46-47, 49; 10/26 pm Tr. 49-51.)

In sum, the evidence at trial showed that the EEOC either knew or inexcusably failed to deduce that it was being used as a weapon in Hanlon's and Greene's campaign to destroy Defendant and his firm. The EEOC's investigator, Barnes, interviewed only one woman, Jacobson, with respect to alleged sexual harassment, and otherwise relied exclusively on two attorneys who were embroiled in litigation against Defendant, one of whom, Greene had been Defendant's in-house attorney and Barnes's contact person on the discrimination charge. In the end, the EEOC basically sought to parlay a few isolated jokes and comments into bad-faith, exaggerated allegations of a hostile work environment.

Unfortunately, the EEOC's lawsuit forced Defendant and his firm to incur defense fees, expenses and costs of over one million dollars.

2. The EEOC's discovery tactics also evidence an unreasonable action

In addition, this Court also agrees with Defendant's contention that the EEOC's improper discovery tactics support a determination that the EEOC was making improper use of the legal system to prosecute what it knew, or should have known, were groundless claims.

With respect to the purported Equal Pay violations asserted by the EEOC on Miwa Arai's behalf, the EEOC filed a frivolous motion to compel discovery of irrelevant and improper information - including Social Security numbers of third parties not involved in the action. Magistrate Judge Zarefsky issued a sua sponte protective order barring the EEOC from seeking such private information. The EEOC then filed a baseless and unsuccessful motion for reconsideration on the ostensible grounds that Judge Zarefsky lacked authority to issue the protective order sua sponte.

The EEOC then refused to respond to Defendant's request that it provide "even the most basic factual allegations" underlying the supposed claims of Wang, Arai or Eum. Defendant was forced to file a motion to compel this discovery, which Judge Zarefsky granted. The EEOC failed to comply with this order within the deadline set by Judge Zarefsky, thus forcing Defendant to file another motion to enforce the prior order and for terminating sanctions as to Wang, Arai and Eum. Even after that motion was granted, the EEOC refused to stipulate to the dismissal of these claimants and opposed Defendant's summary judgment motions as to their claims, which this Court granted.

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Many of the EEOC's interrogatory responses in this case were verified under oath by Barnes. At trial, however, Barnes admitted that she was merely given blank verification forms, and that the EEOC never provided her with the interrogatories, the responses or its litigation file, nor did it otherwise involve Barnes in this litigation. (10/26am Tr. 68-78; 10/26pm Tr. 7-9.)

The EEOC sought discovery directly from Defendant's current and former attorneys, with flagrant disregard for the attorney-client privilege. In addition to subpoenas to and subsequent interviews with Defendant's former in-house counsel, Greene, the EEOC sought to depose two of Defendant's then-attorneys of record, Jack Schaedel and Richard Wilner, and also threatened to depose another of Defendant's former counsel, Sue Ben David-Arbiv. Defendant filed a motion for a protective order to prevent client confidences from being revealed. Judge Zarefsky found the EEOC's conduct in this regard bore "the hallmarks of harassment."

3. All of the EEOC's claims proved to be frivolous, unreasonable or without foundation

In the 2002 Attorney Fee Order, this Court found the EEOC's lawsuit was frivolous and without foundation as to all but three of the 12 claimants. (2002 Order at 14.) Currently, Defendant asks this Court to reaffirm its findings of frivolity and lack of foundation as to nine of the 12 Claimants - six of whom the EEOC abandoned on appeal. In addition, the evidence adduced subsequent to the 2002 Attorney Fee Order, particularly at trial, showed that the EEOC's lawsuit was unreasonable and frivolous as to the other three Claimants as well.

a. Claims previously found to be frivolous, unreasonable or without foundation

Wang, Arai, Eum and Babida: This Court previously concluded "as a matter of law Defendant is entitled to an award for attorneys' fees with respect to the three claimants who were the subject of the terminating sanctions and Babida, who the EEOC maintained in the action despite its knowledge her claims lacked merit and its representations that it would not pursue her claims." (2002 Order at 15.) The EEOC's appeal did not even challenge the judgment or fee award as to these claims.

Quilaton and Silva: This Court previously found Quilaton's pregnancy-bias claim "was groundless, lacked foundation, and was frivolously brought by the EEOC" (2002 Order at 20), and Rowena Silva's pregnancy-bias claim was "frivolous, unreasonable, and lacking foundation." (Id. at 23.) The EEOC's appeal did not challenge the judgment or fee award with respect to these claims.

Saez: This Court found that "the EEOC's claim on behalf of Saez [was] frivolous, unreasonable and without foundation." (Id. at 24.) In reversing this Court's grant of summary judgment, the Ninth Circuit asserted that the EEOC presented sufficient evidence for a prima facie case of pregnancy discrimination and to create a triable issue of pretext. However, the testimony and jury verdict at trial showed otherwise.

The only basis Saez offered for alleging she was terminated because of her pregnancy was that she had not received prior complaints about her performance. (10/21 Tr. 65-66.) This contrasted with the only basis Barnes offered for a "cause" finding as to Saez, i.e., that Defendant's purported explanation for her discharge (she "couldn't" make photocopies) made no sense -

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even though Barnes admittedly never contacted Reeves for his explanation for Saez's termination.

Saez's former supervisor, Anna Reyes, testified that she worked excessive overtime in order to complete her own work while also regularly covering for Saez. (10/26pm Tr. 103-109, 118.) The EEOC offered no evidence to rebut Reyes's testimony in this respect. Nor did it offer any trial testimony from other employees to support Saez's claim.

Preciado: This Court found that the EEOC's prosecution of Nadia Preciado's harassment claim "was frivolous, unreasonable or without foundation." (2002 Order at 21.) Although the Ninth Circuit implicitly reversed this Court's grant of summary judgment as to Preciado, the evidence at trial showed that her testimony was, in this Court's words, "impeached all over the place." (10/20 Tr. 69.) For example, while testifying to certain incidents of alleged sexual harassment, Preciado admitted that she did not consider these incidents to be sexual harassment. (10/20 Tr. 26-29, 36-39, 48, 61-65.) In addition, Preciado also admitted that when she testified on behalf of Hanlon and Greene in Reeves's lawsuit against them, she acknowledged that she had not been sexually harassed at Reeves & Associates.

Liao: This Court concluded that the EEOC's claim on behalf of Clarissa Liao "lacked foundation and was completely groundless" (2002 Order at 21), but the Ninth Circuit implicitly reversed this Court's grant of summary judgment as to Liao. As with Preciado, the trial evidence did not support the EEOC's claim as to Liao. While a primary basis of Liao's claim was her characterization of Reeves's conduct during a three-day conference in Houston, Liao could not remember anything specific that Reeves did that made her want to avoid him. (10/19 Tr. 79-80.) In addition, Liao's use of the term "personal space"

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during her testimony elicited evidence of the EEOC's suggestion of the use of that term. (10/19 Tr. 79.)

b. Claims previously found not to be frivolous, unreasonable or without foundation

Catuira: This Court previously found that Catuira's claim "was not frivolous, unreasonable or without foundation" based on the EEOC's evidence in opposition to summary judgment. However, the evidence at trial proved that the EEOC grossly exaggerated Catuira's allegations. According to the EEOC, Catuira alleged that Reeves "actually came upon her at a copy machine, and he grinded his body against her . . . for five seconds . . . . We're not talking about an inadvertent bump. We're talking about a grind, ladies and gentlemen of the jury." (10/14 Tr. 17.) However, Catuira actually testified that Reeves "didn't stand there behind [her]," but instead only brushed up against her back side for "a couple of seconds" while "moving past" her in a "continual movement." (10/19 Tr. 55-56.) When asked how she felt about this, Catuira stated she felt Defendant "went into [her] personal space." (10/19 Tr. 35, 37, 78-79.)

Wilkerson: The trial also demonstrated that the EEOC exaggerated Wilkerson's claims as well. The EEOC's counsel told the jury that Wilkerson would testify that Reeves "patted her on numerous occasions on her butt. He put his hand on her shoulder. He'd rub her down, he'd pat her on the butt. That's what she's going to testify to." (10/14 Tr 17-18.) In fact, however, Wilkerson identified only one incident where Reeves allegedly "put his hand on [her] shoulder and his hand slowly went down [her] back and he patted [her] butt." (Id. at 47-48.) In a prior interrogatory response, Wilkerson stated under oath that Reeves touched her shoulder and ran his hand down her back, but did not assert that Reeves patted her on the butt.

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Jacobson: While this Court previously found the EEOC's evidence in support of its claim on Jacobson's behalf, while not enough to survive summary judgment, was sufficient to establish it was not frivolous, the evidence at trial showed that many of Jacobson's allegations were exaggerated or even fabricated. First, the evidence showed that Jacobson told sexual jokes herself and frequently used profanity in the office. (10/20 Tr. 168-169; 10/21 Tr. 24; 10/26 Tr. 82, 91-93, 98-99.) Jacobson admitted that she repeated some of Reeves's jokes to other attorneys. (10/21 Tr. 111-113.) In addition, Jacobson's testimony at trial was largely contradicted by her deposition testimony. (See, e.g., 10/21 Tr. 115-122 and 149-157; 89-91; 83-84 and 171-175.)

As Defendant points out, Jacobson's contradictions and distortions are particularly troubling because Jacobson provided the anonymous tip which initiated the EEOC's sexual harassment investigation and was the only woman the EEOC interviewed on this issue before rendering its "cause" finding. Moreover, at that time, Jacobson was the girlfriend of one of the attorneys who sought to destroy Reeves and his firm.[2]

Thus, an award of attorneys' fees and expenses is even more justified now than it was in 2002, after Defendant obtained summary judgment on all of the EEOC's claims for sexual harassment and pregnancy discrimination. At that time, all facts with respect to those claims had to be construed in the light most favorable to the EEOC. Since then, however, Defendant has endured additional discovery and a three-week trial. The trial proved not only that the EEOC's claims

[2] This Court notes that in his Reply, Defendant further addresses the EEOC's characterization of the testimony at trial, and he discusses additional testimony of the Claimants. However, this Court is familiar with the testimony at trial and does not address herein every inconsistency or mischaracterization.

were entirely baseless as to all 12 identified Claimants, but that its investigation was woefully inadequate to justify its initial reasonable-cause determination against Defendant. Indeed, the trial demonstrated that the EEOC's claims on behalf of the six Claimants who survived appeal were frivolous, unreasonable and without credible foundation, including as to the three Claimants (Catuira, Wilkerson and Jacobson) whose claims this Court initially found did not meet the threshold for awarding fees in Defendant's favor. Consequently, this Court finds that an award of fees is warranted.

4. The EEOC fails to show that an award of fees is not warranted

The EEOC contends that "[r]equests for defendants' attorneys' fees are routinely denied or reversed when the underlying action proceeds to trial." However, the case relied on by the EEOC, Sullivan v. School Bd. of Pinellas County, 773 F.2d 1182 (11th Cir. 1985), does not support the EEOC's argument. The excerpt from Sullivan quoted by the EEOC states only that "findings of frivolity typically do not stand" where a plaintiff survives summary judgment. Id. at 1189. Importantly, the Sullivan Court stated that it did "not hold, or suggest, that a finding of frivolity cannot be sustained if the case has gone to trial," but only that this is "a factor to be considered." Id. Although the Court held that the plaintiff's claims "could not be found to be frivolous," it reiterated that it did "not mean to suggest that claims such as Ms. Sullivan's may never be found frivolous, or to establish any general rule based on the peculiar facts of this case. Findings regarding frivolity should . . . be based on a case-by-case basis." Id. at 1190.

As Defendant argues, this case is not a "typical" case. The evidence at trial proved that the EEOC had no credible evidence to support its claims, and that the testimony of its witnesses consisted of exaggerations and distortions. The

EEOC suggests it is immune from an award of fees simply because it persuaded the Ninth Circuit, without the benefit of cross-examination, that triable issues existed as to six Claimants. However, after a three-week trial and the opportunity to present all of its witnesses and evidence, the EEOC failed to prove that its claims had merit.

The EEOC also argues that "[a]nother factor that courts consider in awarding defense attorneys' fees is whether defendant has offered to settle." However, the cases relied on by the EEOC do not discuss settlement demands or offers and fail to support its argument. Moreover, such argument makes no sense and would encourage employers to capitulate to unreasonable or even extortionate settlement demands. The fact that defendant employers choose to defend themselves against claims they view as unreasonable or unfounded should not be punished later in the form of a denial of fees. Indeed, in this case, the EEOC's initial demand was $100,000 in compensatory and punitive damages for each "aggrieved individual," only one of whom had been identified to that point. This was double the maximum aggregate amount of such damages under 42 U.S.C. § 1981a(B)(3)(A). (See 2002 Order at 11.) According to Defendant, the EEOC actually doubled its pre-appeal settlement demand after the Ninth Circuit's decision in this case, even though that decision effectively cut the number of "claimants" in half. As such, all of the EEOC's settlement demands in this case would have required Defendant to pay money to the Claimants for what was determined to be non meritorious claims.

5. Defendant is entitled to an award of $995,780.72 in attorneys' fees and $29,872.97 in expenses

In initially determining reasonable attorney's fees, a court determines a lodestar amount by multiplying the number of hours reasonably expended by a

reasonable hourly rate. Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210 (9th Cir. 1986) (citing Hensley v. Eckerhart, 461 U.S. 424, 433, 103 S. Ct. 1933, 1939, 76 L. Ed. 2d 40 (1983)). With respect to determining reasonable hours, counsel bears the burden of submitting detailed time records justifying the hours claimed to have been expended. See id. A court can reduce the hours if the hours are excessive, redundant or otherwise unnecessary. See id. With respect to determining a reasonable hourly rate, the court considers the experience, skill and reputation of the attorney requesting fees, and is guided by the prevailing rate in the community for similar work performed by attorneys of comparable skill, experience and reputation. See id. at 1210-11. Finally, in making its determination, the district court is guided by the factors set forth in Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 69-70 (9th Cir. 1975), that have not been subsumed in the lodestar calculation. See id. at 1211. The Kerr factors are:

1. The time and labor required;
2. The novelty and difficulty of the questions;
3. The skill requisite to perform the legal services properly;
4. The preclusion of other employment due to acceptance of the case;
5. The customary fee;
6. The contingent or fixed nature of the fee;
7. The limitations imposed by the client or the case;
8. The amount involved and the results obtained;
9. The experience, reputation, and ability of the attorneys;
10. The undesirability of the case;
11. The nature of the professional relationship with the client;
12. Awards in similar cases.

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Kerr, 526 F.2d at 70. The lodestar amount presumably reflects the novelty and complexity of the issues, the special skill and experience of counsel, the quality of representation, and the results obtained from the litigation. See id. at 1212.

Defendant submits evidence describing the experience and qualifications of the attorneys who represented him in this matter. He also submits copies of the bills which set forth detailed descriptions of the time actually and reasonably expended by Defendant's attorneys.

In its 2002 attorney fee motion, Defendant requested a fee award of $482,916.34, which this Court granted in part and denied in part. The Court found that the hourly rates charged and hours expended by Defendant's attorneys wee reasonable, except that it deducted Richard Wilner's attorney fees by $64,823.25 (30%) to reflect work the Court found duplicative or excessive, and further deducted $3,150.00 in fees incurred by Mr. Wilner's paralegal for work the EEOC described as "secretarial." (2002 Order at 24-28.) Currently, Defendant requests an award of $414,943.09 in fees for work performed and billed through the filing of the 2002 fee motion. This amount accounts for the Court's previous deduction of fees incurred by Mr. Wilner and his paralegal.

In addition, Defendant asks this Court to award $517,297.63 in fees incurred and billed by his counsel from the filing of its 2002 attorney fee motion through October 31, 2005. This amount includes: (1) $26,423.00 actually and necessarily incurred from March to May 2002; (2) $76,564.00 actually and necessarily incurred on appeal; and (3) $414,310.63 actually and necessarily incurred from remand through October 31, 2005. For fees from November and December 2005, Defendant asks for $63,540.00.

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Defendant asks this Court to award $26,872.97[3] in necessary and reasonable expenses incurred by its counsel, above and beyond items which may be taxed as costs under 28 U.S.C. § 1920.

a. Counsel's hourly rates are reasonable

As set forth in the Declaration of Linda Miller Savitt, Ms. Savitt's hourly billing rate for this lawsuit was $295 from the inception of this case through May 2002 and has been $300 from December 2003 to the present. (Savitt Decl., ¶ 4.) She states that her current rates for this litigation are substantially discounted from her standard hourly billing rate, which is currently $365. (Id.) Mr. Schaedel's hourly billing rate in this matter was $190 from inception through February 2002, $195 from March to May 2002, and $210 from December 2003 to June 2004. Mr. Manier's services in this matter have been billed at his standard hourly rate, which was $255 from July 1, 2001 to June 30, 2002; $265 from July 2002-June 2003; $280 from July 2003-June 2004; $290 from July 2004-June 2005; and $300 from July 2005 to the present. (Id.) In support of the above rates, Ms. Savitt details her experience as well as the experience of the other active attorneys on this case. (Id. at ¶¶ 2-3.)

Based upon its knowledge of prevailing rates in the community, the experience required for this case, the amount of time expended and the quality of work produced, this Court finds that the rates of Defendant's counsel are reasonable.

b. The hours expended by counsel are reasonable

Based on its knowledge of the quality of work produced from the inception of this case through trial and a review of the firm's bills to Defendant

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[3] This amount consists of $20,425.82 in fees through October 2005 and $6,447.15 for November and December 2005.

specifying the time billed, this Court finds that the hours expended by Defendant's counsel are reasonable. Furthermore, while the EEOC contends that the amount sought is "grossly excessive," its arguments in support are no different than those addressed above regarding whether Defendant is entitled to fees in the first instance. As such, it does not make any specific challenge to billing entries.

In sum, this Court finds that the billing by Defendant's counsel is fair, and in many instances, the work performed by counsel was efficient in light of Defendant's counsel's need to defend Defendant against what were questionable claims from the outset and ultimately, what proved to be meritless claims altogether.

III. Conclusion

Accordingly, this Court **grants** Defendant Robert L. Reeves and Associates' Motion for Attorneys' Fees and Expenses in the total amount of $1,022,653.69 ($995,780.72 in attorneys fees and $26,872.97 in expenses).[4]

IT IS SO ORDERED.

DATED: 1-13-06

DICKRAN TEVRIZIAN

Dickran Tevrizian, Judge
United States District Court

[4] This Court notes that Defendant filed a Request to Strike Plaintiff's Supplemental Opposition to Motion for Attorneys' Fees and Expenses. This Court denies said Request.