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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Pedro VASQUEZ PERDOMO, et al.,

Plaintiffs,

v.

Markwayne MULLIN, in his official capacity as
Secretary, Department of Homeland Security, et
al.,

Defendants.

Case No.: 2:25-cv-05605-MEMF-SP

**JOINT STATUS REPORT
REGARDING ATTORNEYS' FEES
AND COSTS [ECF 635]**

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1 **JOINT STATUS REPORT**

2 Pursuant to the Court's July 28, 2026 Order, ECF 635 at 14-15, the Parties
3 hereby submit a joint status report setting forth their respective positions on the
4 appropriate attorneys' fees and costs recoverable by Plaintiffs.

5 **Plaintiffs' Statement:**

6 The Court's July 28, 2026 Order noted that "an award of attorney's fees and
7 costs under Rule 37(b)(2)(C) is required." ECF 635 at 14. Rule 37(b)(2)(C) directs
8 that a district court, instead of or in addition to nonmonetary sanctions allowed in
9 Rule 37(b)(2)(A), "order the disobedient party, the attorney advising that party, or
10 both to pay the reasonable expenses, including attorney's fees, caused by the
11 [discovery] failure" Fed. R. Civ. P. 37(b)(2)(C). In other words, "an award of
12 attorney fees and costs is mandatory in cases where, as here, the moving party
13 prevails." *Dish Network LLC v. Jadoo TV, Inc.*, No. 2:18-cv-9768-FMO (KSx),
14 2019 WL 7166067, at *3 (C.D. Cal. Nov. 8, 2019); *see also Cruz v. Nike Retail*
15 *Servs., Inc.*, 346 F.R.D. 107, 111 (S.D. Cal. 2024) ("Sanctions are thus mandatory
16 unless the Court makes one of the enumerated, exculpatory findings."). Moreover,
17 "[a]ttorneys' fees are recoverable by *pro bono* attorneys to the same extent that they
18 are recoverable by attorneys who charge for their services." *Voice v. Stormans*, 757
19 F.3d 1015, 1017 (9th Cir. 2014). And, the government is subject to sanctions just as
20 any other party would be. *Mattingly v. United States*, 939 F.2d 816, 818 (9th Cir.
21 1991).

22 More specifically, Plaintiffs are entitled to recover any fees or costs "arising
23 from the [Defendants'] failure to obey the [discovery] order." *David v. Hooker,*
24 *Ltd.*, 560 F.2d 412, 421 (9th Cir. 1977). Plaintiffs understand this Court's July 28,
25 2026 Order to authorize fees incurred due to Defendants' failure to comply with
26 ECF 370's requirement to image phones, and not those fees caused by Defendants'
27 failure to comply with other aspects of ECF 370. *See* ECF 668 (Order Granting
28 Plaintiffs Motion for an Order Enforcing Docket No. 370 and Sanctions [557]).

1 “[A] court assessing attorney fees begins with a touchstone or lodestar
2 figure,” calculated by multiplying “the number of hours the attorneys reasonably
3 spent on the litigation by the reasonable hourly rate in the community for similar
4 work.” *Crestmont Cap., LLC v. P.A.R. Consulting, LLC*, No. SACV 19-1349
5 JVS(ADSx), 2020 WL 6528418, at *2-3 (C.D. Cal. Sept. 17, 2020); *see also*
6 *Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 565
7 (1986). “There is a strong presumption that the lodestar figure represents a
8 reasonable fee, and any upward or downward adjustment of that figure is proper
9 only in ‘rare and exceptional cases.’” *Fleming v. Coverstone*, No. 08cv355 WQH
10 (NLS), 2009 WL 764940, at *6 (S.D. Cal. Mar. 18, 2009) (quoting *Van Gerwen v.*
11 *Guar. Mut. Life Co.*, 214 F.3d 1041, 1045 (9th Cir.2000)). A table reflecting the
12 calculation of Plaintiffs’ fees is attached as Exhibit 1 to the Declaration of David H.
13 Fry (“Fry Decl.”) filed herewith. The total amount of costs and fees is \$209,265.56.

14 Plaintiffs’ fees and expenses are reasonable. First, the number of hours
15 expended—166.7—is reasonable. Defendants’ noncompliance forced Plaintiffs to
16 repeatedly meet and confer with Defendants concerning their reasons for
17 noncompliance; to research the factual basis for certain objections (such as
18 purported technical limitations); to attend multiple status conferences with the
19 Magistrate Judge; and to file a motion for an order to show cause re: contempt,
20 prepare for and participate in the hearing on that motion, and then prepare for and
21 participate in the hearing on the order to show cause. *See* Motion for an Order to
22 Show Cause, ECF 503, and the hearings on the Order to Show Cause, ECF 515,
23 571. *See* ECF 635 at 14. The amount of time devoted to these efforts was
24 reasonable in light of the obligations on parties to meet and confer and the multiple
25 steps required by the Civil Local Rules and federal law. *Compare In re Kia*
26 *Hyundai Vehicle Theft Litig.*, No. 22-ml-03052-JVS-KES, 2025 WL 3691885, at *4
27 (C.D. Cal. Sept. 29, 2025) (awarding \$310,163.15 in attorneys’ fees for 242.7 hours
28 spent enforcing court order requiring local government plaintiffs to produce police

1 reports): *AK Futures LLC v. Smoke Tokes LLC*, No. 8:21-CV-01061-JVS-ADS,
2 2025 WL 1674380, at *14 (C.D. Cal. May 9, 2025) (awarding attorneys’ fees for a
3 total of 202.3 hours expended preparing a contempt motion). Counsel for Plaintiffs
4 have reviewed the time entries and cost invoices, identified only those time entries
5 reflecting work specifically resulting from the need to enforce the portion of the
6 January 16, 2026 Order concerning forensic imaging of cell phones and, even with
7 respect to those entries, omitted a substantial amount. Fry Decl. ¶ 3. The claimed
8 amount also understates the total hours devoted to these issues because no time
9 entries are included for things like team meetings, where time was devoted to
10 addressing these issues, but that time is not readily calculable. *Id.*

11 The hourly rates for Plaintiffs’ Counsel are also reasonable. When
12 determining the reasonable hourly rate of an attorney, the Court looks to the “rate
13 prevailing in the community for similar work performed by attorneys of comparable
14 skill, experience, and reputation.” *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973,
15 979 (9th Cir. 2008); *see also Jordan v. Multnomah Cnty.*, 815 F.2d 1258, 1262 (9th
16 Cir. 1987) (“The prevailing market rate in the community is indicative of a
17 reasonable hourly rate.”). The qualifications of the specific attorneys who
18 performed the work are described in the Fry Declaration filed herewith. Fry Decl.
19 ¶¶ 6-30. Courts in Los Angeles have routinely determined that the rates of
20 organizations and private firms¹ involved in this case are reasonable. *See, e.g.,*

21 _____
22 ¹ Courts frequently approve MTO billing rates. *See, e.g., Amusement Art, LLC v.*
23 *Life Is Beautiful, LLC*, No. 2:14-cv-08290-DDP-JPRx, 2017 WL 2259672, at *5
24 (C.D. Cal. May 23, 2017) (approving MTO’s hourly rates of counsel between \$450
25 and \$865, and \$215 and \$380 for paralegals and support staff); *Lauderdale v. City of*
26 *Long Beach*, No. CV 08-979 ABC (JWJx), 2010 WL 11570514, at *14 (C.D. Cal.
27 Jan. 11, 2010) (awarding fees and finding MTO attorneys’ “hourly rates [were]
28 reasonable”); *Radiological Specialists, Inc. v. Wells Fargo Bank, N.A.*, No.
20STCV03336 (L.A. Super. Ct. Dec. 16, 2021) (holding MTO billing rates were “in
line with general market rates”); *Monster LLC v. Beats Elec. LLC*, No. BC595235
(L.A. Super. Ct. Oct. 12, 2017) (affirming MTO fees request with 2016 billing rates

1 *Youth Just. Coal. v. City of L.A.*, No. 2:16-cv-07932-VAP-RAOx, 2021 WL
2 9731621, at *6 (C.D. Cal. June 8, 2021) (finding that ACLU “rates reasonably
3 range” from \$420 per hour for a staff attorney to \$815 per hour for an ACLU
4 director and granting MTO billing rates of \$765 for an associate and \$1,050 for a
5 partner); *Vasquez v. Rackauckas*, No. SACV09-1090 VBF(RNBx), 2011 WL
6 3320482, at *1 (C.D. Cal. July 29, 2011) (“The Court finds that the ACLU/SC and
7 MTO have demonstrated that the fees and costs they sought were reasonable”);
8 *CAMOFI Master LDC v. Pressman*, No. CV 11-4574-JLS (SPX), 2016 WL
9 11778216, at *2 (C.D. Cal. Jan. 15, 2016) (approving rates of \$800 per hour for a
10 partner and \$760 per hour for an associate).

11 As reflected in the table below, fee requests in other matters in the Central
12 District show that the hourly rates for MTO lawyers are in line with comparable
13 firms practicing here. Fry Decl. Exs. 3-8.

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23 of \$1,245 per hour and noting that the Court was “very familiar with the hourly rates
24 of attorneys in Los Angeles, including those of the most experienced business
25 litigation firms such as Munger Tolles” and holding that the “rates charged here are
26 well within the current range of those in similarly situated firms for litigation of this
27 nature”); *Charney v. Standard Gen., L.P.*, No. BC581130 (L.A. Super. Ct. Sept. 22,
28 2017) (awarding all requested fees including MTO attorney billing rates).

Year	Firm	Partner Rates	Associate Rates	Paralegal Rates
2026	Susman Godfrey L.L.P.	\$1,300-\$2,500	\$750-\$900	\$350-\$475
2025	Quinn Emanuel Urquhart & Sullivan, LLP	\$1,430-\$2,290	\$990-\$1,515	
2025	Arnold & Porter Kaye Scholer LLP (after discount) ²	\$1,715	\$1,022-\$1,060	
2026	Wilson Sonsini Goodrich & Rosati (after discount)	\$1,286-\$1,623	\$606-\$1,263	
2026	Latham & Watkins	\$1,530	\$1,030-\$1,410	
2025	Jones Day ³	\$1,225-\$1,800	\$775-\$825	\$450

During the meet and confer process, Defendants objected to the fees on several different grounds. First, they asserted that the total amount of fees is unreasonable given that the dispute concerned only a single issue. That is incorrect. Enforcement of the order required two rounds of briefing, two hearings, and multiple conferences with the Magistrate Judge—an extensive amount of procedure. A recent and very comparable decision was issued by Judge Selna in the *In re Kia Hyundai Theft Litigation*, where the court awarded \$310,163.15—nearly 50% more than the amount requested here—in fees incurred in enforcing a single aspect of an order compelling production. *In re Kia Hyundai Vehicle Theft Litig.*, No. 22-ml-03052-JVS-KES, 2025 WL 3691885, at *4. The rates charged in that case by Quinn

² Arnold & Porter also disclosed rates for a Senior Counsel (\$1,534.50) and a Counsel (\$1,215).

³ The rates listed for Jones Day are those for specific personnel disclosed as working on the matter, but the firm disclosed more generally that—in 2025—firm partners in the United States billed at \$1,000 to \$2,400, associates at \$450-\$1,350, and paralegals at \$275-\$575.

1 Emanuel—a peer firm for Munger, Tolles, & Olson (“MTO”)—were comparable to
2 or higher than the fees requested here.⁴

3 Defendants also suggested that the hourly rates were inappropriate because
4 “the taxpayer” would be paying the sanctions. That is exactly backward. The Ninth
5 Circuit has counseled that applying the full weight of Rule 37 sanctions is
6 *particularly* appropriate against the Government because, as the enforcer of the law,
7 it should be expected to behave in an exemplary manner in litigation.

8 The effectiveness of and need for harsh measures is particularly evident
9 when the disobedient party is the government. The public interest
10 requires not only that Court orders be obeyed but further that
11 Governmental agencies which are charged with the enforcement of
12 laws should set the example of compliance with Court orders.

13 *United States v. Sumitomo Marine & Fire Ins. Co., Ltd.*, 617 F.2d 1365, 1370 (9th
14 Cir. 1980).

15 Defendants specifically objected to time incurred meeting and conferring
16 prior to the filing of a motion seeking contempt, but “[c]ourts in this Circuit have
17 awarded attorneys’ fees under Rule 37 for time spent preparing for and attending
18 informal discovery conferences.” *Breaking Code Silence v. McNamara*, No. 2:22-
19 CV-02052-MAA, 2024 WL 6847883, at *13 (C.D. Cal. July 25, 2024) (collecting
20 cases). Moreover, meeting and conferring is required by the Civil Local Rules in

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22 ⁴ Quinn Emanuel requested fees for three lawyers—a partner and two associates. *In*
23 *re Kia Hyundai Vehicle Theft Litig.*, 2025 WL 3691885, at *4. The partner’s hourly
24 rate was \$2,065 (*id.*), substantially higher than any hourly rate requested here. The
25 more senior associate, who was four years out of law school charged an hourly rate
26 of \$1,220, higher than the \$1,150 rate for Lauren Kuhn, who is four years out of law
27 school, despite an additional year of inflation since Judge Selna’s award. The third
28 Quinn Emanuel lawyer was two years out of law school and charged \$995 per hour.
There is no MTO lawyer of similar seniority for who fees are sought here, but
Angela Uribe is billed at \$1,040 with a year’s more experience, in addition to a year
of inflation.

1 order to file any motion relating to discovery (Civ. L.R. 37-1), and in this instance
2 was specifically ordered by the Magistrate Judge, *see* ECF 403. So that time was
3 necessarily incurred in order to enforce the January 16, 2026 order. And, moreover,
4 it is most unreasonable for the Defendants to contend that meet and confer time
5 should be excluded when they told the Magistrate Judge that it was “important that
6 the parties have a meaningful opportunity to engage” in meet and confer efforts
7 (ECF 423 at 29:7-9), but then took the position in the meet-and-confer process that
8 they could not, in fact, negotiate any compromise on the issue (ECF 538 at 6
9 (certified fact no. 24)).

10 Defendants also object to time recorded for an attorney taking notes of a meet
11 and confer call. Fry Decl. Ex. 2 at 2. But it is important to have thorough and
12 accurate notes of meet and confer calls and difficult for the person conducting the
13 call to simultaneously take those kinds of notes. Tellingly, the first thing
14 *Defendants’* counsel did on the August 10, 2026 meet and confer call regarding the
15 present fee issue was to confirm that a certain one of his colleagues was present to
16 take notes of the call. Fry Decl. ¶ 4. Having a person designated to take notes is
17 reasonable.

18 Finally, Plaintiffs request that the Court order a specific and prompt deadline
19 for payment of the sanctions award (e.g., 21 days from the order). Defendants
20 asserted during the meet-and-confer process that payment would not be made until
21 after final judgment in the case. Fry Decl. ¶ 4. That is not correct. Courts order
22 prompt payment of Rule 37 fee awards to serve both the compensatory purpose and
23 the deterrent function of such sanctions. *Industrial Aircraft Lodge 707, Int’l Ass’n*
24 *of Machinists & Aerospace Workers, AFL-CIO v. United Techs., Inc., et al.*, 104
25 F.R.D. 471, 473 (D. Conn. 1985). As Judge Cabranes explained:

26 Delaying execution of the Order clearly will undermine the
27 compensatory purpose of Rule 37(a)(4). An award of costs may be
28 granted months or years before the entry of a final judgment. Inasmuch

1 as there are no provisions for the accrual of interest between the entry
2 of a Rule 37 order directing the payment of costs and the execution of
3 that order, a party awarded costs under Rule 37 will not receive the full
4 reimbursement to which it is entitled unless the order is executed
5 immediately.

6 A delay in the execution of a Rule 37 sanctions order will also
7 decrease its deterrence value. A sanction is most effective as a deterrent
8 if it follows closely on the heels of the offending conduct.

9 *Id.* And courts routinely order payment by a date certain during the course of the
10 litigation. *See, e.g., Breaking Code Silence*, 2024 WL 6847883, at *17; *Columbia*
11 *Pictures Indus., Inc. v. Galindo*, No. 20-cv-03129-MEMF (GJSx), 2022 WL
12 3369629, at *1 (C.D. Cal. Aug. 15, 2022). In order to achieve the purposes of Rule
13 37, the Court should do so here as well.

14 **Defendants' Statement:**

15 While Defendants acknowledge that Plaintiffs are entitled to reasonable
16 attorneys' fees and expenses under this Court's Order at ECF No. 635, Plaintiffs
17 request more than \$200,000 for a single discovery dispute. But as explained below,
18 Plaintiffs are requesting fees for hours not expended in relation to the motion to
19 compel or sanctions litigation, and are requesting some hourly rates that are not
20 reasonable.

21 To start, Defendants agree with Plaintiffs with respect to their assertion that
22 District courts must calculate awards for attorneys' fees using the "lodestar"
23 method." *Ferland v. Conrad Credit Corp.*, 244 F.3d 1145, 1149 n.4 (9th Cir.
24 2001). The amount of that fee must be determined on the facts of each case.
25 *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). "The 'lodestar' is calculated by
26 multiplying the number of hours the prevailing party reasonably expended on the
27 litigation by a reasonable hourly rate." *Ferland*, 244 F.3d at 1149 n. 4 (citation and
28 internal quotation marks omitted).

1 But many of the hours requested by Plaintiffs are not warranted. The Court's
2 Order expressly provides that the fees to which Plaintiffs are entitled "will include
3 the attorney's fees and costs occasioned by the Motion to Compel, the Motion for an
4 OSC, and the OSC hearing." ECF No. 635 at 14. A significant portion of Plaintiffs'
5 requested fees are not associated with those items. Specifically, with respect to all
6 of the fees requested during the date ranges from March 2 to March 17, Defendants
7 respectfully submit that those fees are not appropriate. The Magistrate Judge issued
8 a stay with respect to personal phones portion of ECF No. 370 during that time
9 frame, during which the parties were ordered to meet and confer regarding the issue.
10 Given that the order was stayed, it was not possible for Plaintiffs to have filed a
11 motion to compel on the personal phones issue at that time. The Court's Order
12 requires fees to be "occasioned by the Motion to Compel, the Motion for an OSC,
13 and the OSC hearing," and these fees do not meet that requirement in light of the
14 stay.

15 Additionally, for certain fees on March 17 and March 20, the fees pertaining
16 to former Chief Bovino's personal phone are not reasonably connected to the motion
17 to compel. The agency gave Bovino a copy of the order at ECF No. 473 (requiring
18 the forensic imaging of his personal phone), and he did not surrender his personal
19 phone, which is not in the possession, custody or control of Defendants. To the
20 extent that the agency did not produce *that* personal phone, that was not the subject
21 of the sanctions hearing before the District Court, and there is no holding that the
22 government was in contempt for failing to provide that specific phone where it
23 attempted to comply with the order to the best of its ability.

24 The staffing on this case is also excessive, which is one reason the fees are so
25 excessive. Plaintiffs have over 30 attorneys on the docket, and multiple attorneys
26 billed time on the same day for tasks that did not require that level of staffing. *See*
27 *Sorenson v. Mink*, 239 F.3d 1140, 1147 (9th Cir. 2001) (remanding to the district
28 court to assess fees that "reflect duplicative efforts and excessive staffing").

1 Finally, the claimed hourly rates for the work performed are excessive. For
2 the attorneys charging nearly \$1,700 dollars an hour, this rate is far above the
3 standard benchmark. If anything, the fees selected by Congress in the Equal Access
4 to Justice Act are the best benchmark of the rates Congress expects taxpayers to pay
5 in fee disputes, and are of course much lower than the fees charged here. District
6 courts have broad discretion to determine the reasonableness of fees. *Gates v.*
7 *Deukmejian*, 987 F.2d 1392, 1398 (9th Cir. 1992). The court must determine a
8 reasonable hourly rate by considering the “experience, skill, and reputation of the
9 attorney requesting fees.” *Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210
10 (9th Cir. 1986). Importantly, a reasonable hourly rate is *not determined by the rate*
11 *actually charged by a prevailing party. Id.* Instead, the court considers the rate
12 “prevailing in the community” for similar work by comparable attorneys. *Id.* at
13 1210-11.

14 Courts in this district have relied on the Wolters Kluwer’s Real Rate Report
15 (“Real Rate Report”) as a reflection of true market rates in all practice areas. *See*
16 *Alistair v. USA Badminton, et al.*, 2026 WL 2287055 (C.D. Cal 2026) (for lawyers
17 practicing litigation in Los Angeles, California, partners bill between \$519 and
18 \$1,334 with a median of \$875 and associates bill between \$461 and \$1,041 with a
19 median of \$700). Plaintiffs’ spreadsheet of fees claimed provides a number of
20 claimed work-rates which far exceed these rates which prevail in the community.
21 The most notable of these is the nearly \$1,700 charged by some attorneys. For
22 example, extensive fees are charged by David Fry at \$1,695 an hour, which is far
23 higher than partner rates in the Real Rate Report and even higher than partner rates
24 charged in all but one of the “comparable” examples provided by Plaintiffs. Yet Mr.
25 Fry is not a partner, but a senior counsel. These exaggerated rates are charged by all
26 of the attorneys in the spreadsheet. Given the more than 166 hours claimed,
27 Plaintiffs thus dramatically increase their claimed fees over the totality of litigating
28 this single dispute.

1 Additionally, Plaintiffs' spreadsheet does not specify the positions or
2 seniority of the attorneys claiming fees at particular rates, such that Defendants can
3 assess their propriety. Defendants requested Plaintiffs provide the declaration upon
4 which they intend to rely to support their position to see if such information was
5 included, but Plaintiffs refused to do so because they do not believe it required for a
6 Joint Status Report. Indeed, Plaintiffs demanded that Defendants treat the
7 spreadsheet as a settlement communication, and it was only at 5:01 pm Pacific Time
8 today that they confirmed that the spreadsheet reflected the actual amounts they
9 would be requesting from the Court. Thus, although the rates provided certainly
10 exceed those in the Real Rate Report, Defendants are unable to take a position at
11 this time on whether the rates are consistent with the different levels of seniority of
12 Plaintiffs' attorneys.

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14 DATED: August 17, 2026

MUNGER, TOLLES & OLSON LLP

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17 By: /s/ David H. Fry

DAVID H. FRY

Counsel for Stop/Arrest Plaintiffs

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20 DATED: August 17, 2026

UNITED STATES DEPARTMENT OF
JUSTICE

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22
23 By: /s/ Jonathan Robbins

JONATHAN ROBBINS

Assistant Director

Office of Immigration Litigation

Counsel for Defendants

ATTESTATION OF FILER

I attest that the other signatories listed, and on whose behalf this filing is submitted, concur
in the filing's content and have authorized this filing.

DATED: August 17, 2026

MUNGER, TOLLES & OLSON LLP

By: /s/ David H. Fry
DAVID H. FRY
Counsel for Stop/Arrest Plaintiffs