

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 09/08/11

DEPT. WEB

HONORABLE NORMAN P. TARLE

JUDGE L. LANE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MIXON, CT. ASST

Deputy Sheriff

NONE

Reporter

8:30 am

SC112044

Plaintiff  
Counsel

BARRY S. FAGAN  
VS  
WELLS FARGO BANK, ET.AL.

NO APPEARANCES

Defendant  
Counsel

**NATURE OF PROCEEDINGS:**

**RULING ON SUBMITTED MATTER REGARDING:**

PLAINTIFF, BARRY S. FAGAN'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND FURTHER RESPONSES TO FIRST SET OF SPECIAL INTERROGATORIES; FORM INTERROGATORIES; AND REQUEST FOR ADMISSIONS; REQUEST FOR MONETARY SANCTIONS AGAINST WELLS FARGO BANK IN THE AMOUNT OF \$9,000.00;

Matter came on for hearing before this court on 9-8-11. The Court posted a written tentative ruling. The Court ordered the parties to meet and confer. After hearing oral arguments, the Court took the matter under submission.

The motion is moot. The parties have resolved the issues after a meet and confer in court. The issue of sanctions remains.

Wells Fargo is ordered to pay sanctions of \$790 within 60 days. As Wells Fargo argues, Michael Sofris was not counsel of record for plaintiff Barry Fagan, himself a licensed attorney (SBN 160104), cannot recover for his own time. Kravitz v. Superior Court (2001) 91 Cal.App.4th 1015, 1020. However, Sofris associated in as counsel on August 30, 2011. His declarations state that he has spent time on this motion, and will appear to argue the same. The motion and reply do not, however, bear

MINUTES ENTERED 09/08/11 COUNTY CLERK
---

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 09/08/11

DEPT. WEB

HONORABLE NORMAN P. TARLE

JUDGE

L. LANE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MIXON, CT. ASST

Deputy Sheriff

NONE

Reporter

8:30 am

SC112044

Plaintiff  
Counsel

BARRY S. FAGAN  
VS  
WELLS FARGO BANK, ET.AL.

NO APPEARANCES

Defendant  
Counsel

**NATURE OF PROCEEDINGS:**

Sofris' signature; both are signed by Fagan. Sofris nevertheless states in his declarations that he spent time on this motion for Fagan, and he is now listed as counsel of record for Fagan. The court finds the representation that the motion and reply took 22.25 hours of Sofris' time at \$450 per hour (in addition to the hours Fagan expended), however, unreasonable, both in the amount of time spent and on the hourly rate. Kravitz, 91 Cal.App.4th at 1021 ("It bears noting . . . that even if a pro se lawyer could recover his 'reasonable attorney's fees,' that would not necessarily mean that he could recover the usual hourly rate (including both profit and overhead) at which he bills his clients for similar services or calculates his fees for other purposes, or that he could recover for all of the time he devoted to his own case."). For the work on this motion, the court finds \$250 a more appropriate hourly rate, and 3 hours a more reasonable amount of time (much of the time would have been obviated by finishing the meet and confer process before filing the motion, but not all of it, as evidenced by the fact that no supplemental responses were served as to certain of the inspection demands).

The clerk sends notice as indicated below.  
CLERK'S CERTIFICATE OF MAILING/  
NOTICE OF ENTRY OF ORDER

MINUTES ENTERED 09/08/11 COUNTY CLERK
---

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 09/08/11

DEPT. WEB

HONORABLE NORMAN P. TARLE

JUDGE L. LANE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

S. MIXON, CT. ASST

Deputy Sheriff

NONE

Reporter

8:30 am

SC112044

Plaintiff  
Counsel

BARRY S. FAGAN

NO APPEARANCES

VS

Defendant  
Counsel

WELLS FARGO BANK, ET.AL.

**NATURE OF PROCEEDINGS:**

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 9-8-11 upon each party or counsel named below by depositing in the United States mail at the courthouse in Santa Monica, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 9-9-11

John A. Clarke, Executive Officer/Clerk

By: \_\_\_\_\_  
L. Lane

MICHAEL SOFRIS  
468 N. CAMDEN, # 200  
BEVERLY HILLS, CA 90210

CYRUS C. CHEN  
18201 VON KARMAN AVE., STE 1100  
IRVINE, CA 92612-1077

<p align="center">MINUTES ENTERED 09/08/11 COUNTY CLERK</p>
---