

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 11/09/07

DEPT. WEK

HONORABLE JOSEPH S. BIDERMAN

JUDGE

K. SANDOVAL

DEPUTY CLERK

HONORABLE
RULING ON SUBMITTED MATTER
NONE

JUDGE PRO TEM

T. MEDINA, CSL/CT.

ASST.

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NONE

Reporter

8:33 am

SC092103

Plaintiff

Counsel

JOHN DOE 3

NO APPEARANCES

VS

Defendant

ONE AMERICA PRODUCTIONS, INC. ET
AL.

Counsel

NATURE OF PROCEEDINGS:

in Los Angeles, 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: November 9, 2007

John A. Clarke, Executive Officer/Clerk

By: _____

K. Sandoval

WALT SADLER, ESQ.
LEOPOLD, PETRICH & SMITH
2049 CENTURY PARK EAST
SUITE 3110
LOS ANGELES, CA 90067-3274

<p align="center">MINUTES ENTERED 11/09/07 COUNTY CLERK</p>

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NATURE OF PROCEEDINGS:

RULING ON SUBMITTED MATTER;

DEFENDANTS' (ONE AMERICA PRODUCTIONS, INC. AND TWENTIETH CENTURY FOX FILM CORPORATION) MOTION BY DEFENDANTS FOR THEIR ATTORNEY'S FEES AND COSTS;

Defendants are entitled to their reasonable attorney's fees and costs. Robertson v. Rodriguez (1995) 36 Cal.App.4th 347, 362 ("section 425.16(c) ... authorizes an award of reasonable attorneys' fees to the prevailing party") (emphasis in original). Courts use the lodestar method to determine the amount of the attorney's fees award. Ketchum v. Moses (2001) 24 Cal.4th 1122, 1136 ("because the anti-SLAPP provisions refer to attorney fees and costs without indicating any restrictions on how they are calculated, we accordingly presume that the Legislature intended courts to use the prevailing lodestar adjustment method").

Upon review of the complaint, the pertinent law-and-motion documents, and the declarations of defense counsel submitted in support of the fee application, and based on its years of experience (including its adjudication of the substantially similar anti-SLAPP motion in the companion "Borat" case), the Court finds that an award of attorney's fees in the amount of \$43,775.00 is appropriate.

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NATURE OF PROCEEDINGS:

For the reasons stated at 1:2-13 and 2:7-3:2 of the reply brief, the Court rejects Plaintiff's argument that the Court should not award fees against him due to his financial condition.

Defendants' request for attorney's fees pursuant to Section 425.16(c) is granted in part. Defendants are awarded reasonable attorneys' fees in the amount of \$43,775.00. Defendants' request for costs is granted in part. Defendants are awarded costs in the amount of \$1014.00 (the awarded costs are motion fees and filing fees; the Court declines to award other costs such as attorney's service fees due to Defendants' failure to file a proper costs bill and based on the fact that Defendants have sought costs disallowed under CCP 1033.5(b) and likely disallowed under CCP 1033.5(c)(2)).

Clerk to give notice. Counsel for moving party to promptly notice remaining parties.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

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 11-9-07 upon each party or counsel named below by depositing in the United States mail at the courthouse