

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Nevada Fleet, Inc. v. Federal Express Corporation, et al.

Nevada Fleet · No. 2:17-cv-01732-DAD-CSK · Decided September 4, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Nevada Fleet to pay Federal Express Corporation and Automotive Rental, Inc. \$25,562.22 in reasonable expenses under Federal Rule of Civil Procedure 37(b)(2)(C). The award arose from Nevada Fleet’s failure to produce its retained expert for deposition in violation of a court order. The court reduced the claimed fees based on work performed before the relevant deposition cancellation and adjusted certain hourly rates to reflect prevailing Sacramento rates.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 4, 2025
DOCKET	2:17-cv-01732-DAD-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Following an earlier order granting Defendants' motion for sanctions under Federal Rule of Civil Procedure 37 for Plaintiff's failure to produce its retained expert for deposition, the court determined the amount of reasonable expenses, including attorney's fees and costs.
STANDARD OF REVIEW	The district court has broad discretion to determine the reasonableness of attorney's fees, but must provide a concise and clear explanation for the fee award. The lodestar method applies, using reasonable hours multiplied by a reasonable hourly rate.
PRECEDENTIAL VALUE	unknown

TOPICS

- sanctions
- attorney fees
- costs
- discovery dispute
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. What amount of expenses, including attorney's fees and costs, should be awarded under Federal Rule of Civil Procedure 37(b)(2)(C) for Plaintiff's failure to produce its expert for deposition?
2. What attorney hours and hourly rates were reasonable under the lodestar method and prevailing Sacramento market rates?
3. Whether Defendants were entitled to cancellation costs and expenses incurred before the conduct that caused them to seek court intervention.

HOLDINGS

1. Because Plaintiff failed to produce its expert in violation of the court's discovery order and lacked substantial justification, an award of reasonable expenses incurred in making the sanctions motion, including attorney's fees, was mandatory.
2. The court awarded 50.5 hours of attorney time that were reasonably incurred in meeting and conferring, seeking court intervention, and preparing the sanctions motion, but excluded 8.9 hours incurred before the cancellation of the March 27, 2025 deposition.
3. The requested hourly rates of \$670.63 for Ryan Becker and \$610.50 for Nathan Buchter were reasonable, while the rates for Josephine Wenson and Douglas Hicks were reduced to \$310 and \$290 per hour, respectively, to reflect prevailing Sacramento rates for attorneys of comparable skill, experience, and reputation.
4. Defendants were awarded \$25,562.22 in reasonable expenses, consisting of specified attorney hours at approved rates, and were not awarded the \$800 in cancellation fees.

KEY QUOTATIONS

“awarding reasonable expenses in making the motion, including attorneys’ fees, is mandatory here” (at 2)

“Under the “lodestar” method, the number of hours reasonably expended is multiplied by a reasonable hourly rate.” (at 2-3)

“Plaintiff is ordered to pay to Defendants within twenty-one (21) days from the date of this order.” (at 5-6)

FACTUAL BACKGROUND

Nevada Fleet failed to produce its retained expert, Carlos Gurrola, for a deposition despite notice, the parties' agreement on deposition dates, and an existing discovery order requiring production. Defendants incurred attorney time in attempting to schedule and prepare for the deposition, meeting and conferring, seeking court intervention, and moving for sanctions. Defendants also sought \$800 in cancellation fees related to an earlier deposition.

PROCEDURAL HISTORY

The court previously found that Nevada Fleet violated a discovery order by failing to produce its retained expert, Carlos Gurrola, for deposition, and granted Defendants' sanctions motion. Because Defendants had not initially provided sufficient information to calculate expenses, the court ordered them to submit their reasonable expenses. After reviewing Defendants' supplemental expense submission, the court awarded \$25,562.22 and ordered Plaintiff to pay within twenty-one days and file notice of payment.

DISPOSITION

other

CASES CITED

- Gates v. Deukmejian, 987 F.2d 1392, 1398 (9th Cir. 1992)
- Carter v. Caleb Brett LLC, 757 F.3d 866, 868 (9th Cir. 2014)
- Gonzalez v. City of Maywood, 729 F.3d 1196, 1202 (9th Cir. 2013)
- Sorenson v. Mink, 239 F.3d 1140, 1145 (9th Cir. 2001)
- Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 979 (9th Cir. 2008)
- Barjon v. Dalton, 132 F.3d 496, 500, 502 (9th Cir. 1997)
- Am. Multi-Cinema, Inc. v. Manteca Lifestyle Ctr., LLC, 2024 WL 1312209, at *3 (E.D. Cal. Mar. 26, 2024)
- Gong-Chun v. Aetna Inc., 2012 WL 2872788, at *23 (E.D. Cal. July 12, 2012)
- Velasco v. Mis Amigos Meat Market, Inc., 2013 WL 5755054, at *12 n.4 (E.D. Cal. Oct. 23, 2013)
- Unit 53, Inc. v. Run Roadlines, Inc., 2025 WL 373637, at *2 (E.D. Cal. Feb. 3, 2025)