

UNITED STATES DISTRICT COURT OF GUAM

John Ryan v. Dafne Mansapit-Shimizu, Marie Lizama, and John Does 1-15

Ryan · No. 1:23-cv-00015 · Decided February 13, 2026

SUMMARY

The District Court of Guam grants in part and denies in part John Ryan’s motion for attorneys’ fees and costs under Federal Rule of Civil Procedure 37 following an order compelling discovery. The court finds Ryan eligible for an award despite partial success on the discovery requests and awards \$41,485.50 against Defendant Marie Lizama in her official capacity, payable within thirty days.

CASE DETAILS

COURT	United States District Court of Guam
WRITING FOR THE COURT	Ramona V. Manglona
JURISDICTION	United States District Court of Guam
DECIDED	February 13, 2026
DOCKET	1:23-cv-00015
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorneys’ fees and costs under Federal Rule of Civil Procedure 37(a)(5), following the court’s order granting in part his motion to compel discovery.
STANDARD OF REVIEW	The district court exercised discretion to determine the reasonable expenses award under Federal Rule of Civil Procedure 37(a)(5), applying the lodestar method and considering whether the claimed hours and rates were reasonable.
PRECEDENTIAL VALUE	Unknown; district court decision designated per curiam, with no published reporter citation identified.
PARTIES	John Ryan v. Dafne Mansapit-Shimizu, Marie Lizama, John Does 1-15

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff was eligible for an award of reasonable expenses under Federal Rule of Civil Procedure 37(a)(5) despite not having obtained an enforceable judgment.
2. Whether Defendants' partial success in resisting the motion to compel, belated disclosures, interlocutory appeal, or other circumstances barred or reduced Plaintiff's entitlement to expenses.
3. What amount of attorneys' fees constituted reasonable expenses for the motion to compel.
4. Whether the award should be reduced to a judgment or imposed against defense counsel personally.

HOLDINGS

1. A party that prevails in whole or in part on a motion to compel discovery may receive an interlocutory award of reasonable expenses under Rule 37(a)(5) without first obtaining an enforceable judgment.
2. Plaintiff's success on twenty-three of thirty-two discovery requests did not warrant denial of the fee award, but it justified a ten-percent reduction in the hours claimed.
3. An hourly rate of \$350 for each of Plaintiff's two attorneys was reasonable, and after a ten-percent reduction, 118.53 hours were reasonably compensable.
4. Reasonable work on supplemental briefing and attendance at hearings addressing the motion to compel was compensable as an expense incurred in making the motion.
5. Defendant Marie Lizama in her official capacity was liable for \$41,485.50, payable within thirty days of entry of the order; the award did not need to be reduced to a judgment.
6. Plaintiff's request for fees-on-fees was denied without prejudice because the claimed twenty hours lacked supporting evidentiary materials.

KEY QUOTATIONS

"Plaintiff need not obtain a judgment to be eligible for an interlocutory award arising from an interlocutory order resolving an interlocutory discovery dispute in his favor; once the discovery order in his favor issued, he is eligible for an award of expenses." (at 3)

"The Court elects to follow the latter approach and reduce Plaintiff's claimed hours by 10 percent to reflect Plaintiff's partial success." (at 8)

"Defendant Lizama is liable in her official capacity for paying Plaintiff \$41,485.50 within thirty days of entry of this order." (at 12)

FACTUAL BACKGROUND

Plaintiff sought discovery from Defendants in connection with his civil-rights action. After Defendants failed to provide all requested discovery, Plaintiff moved to compel, and the court ordered responses to twenty-three of thirty-two identified discovery requests. Plaintiff's attorneys sought compensation for work on the motion to

compel, including supplemental briefing and hearings, while Defendants challenged Plaintiff's eligibility for an award and the reasonableness of the claimed hours.

PROCEDURAL HISTORY

The court had previously granted in part Plaintiff's motion to compel discovery, requiring Defendants to respond to six of twelve interrogatories and seventeen of twenty requests for production. Plaintiff then sought \$46,095.00 in attorneys' fees and costs arising from the discovery motion. The court granted the fee motion in part, awarded \$41,485.50 against Defendant Marie Lizama in her official capacity, denied without prejudice the request for fees incurred preparing the fee motion, and declined to reduce the award to a judgment.

DISPOSITION

other

CASES CITED

- Sali v. Corona Reg'l Med. Ctr., 884 F.3d 1218, 1219 (9th Cir. 2018)
- Big City Dynasty v. FP Holdings, L.P., 336 F.R.D. 507, 513 (D. Nev. 2020)
- Anderson v. Dir., Off. of Workers Comp. Programs, 91 F.3d 1322, 1325 (9th Cir. 1996)
- City of Burlington v. Dague, 505 U.S. 557, 562 (1992)
- Hensley v. Eckerhart, 461 U.S. 424, 433, 436, 438 (1983)
- Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 70 (9th Cir. 1975)
- Morales v. City of San Rafael, 96 F.3d 359, 363-64 (9th Cir. 1996)
- Fischer v. SJB-P.D. Inc., 214 F.3d 1115, 1119 (9th Cir. 2000)
- Harris v. Marhoefer, 24 F.3d 16, 18 (9th Cir. 1994)
- Gates v. Deukmejian, 987 F.2d 1392, 1397-98, 1404 (9th Cir. 1992)
- Carter v. Caleb Brett LLC, 757 F.3d 866, 868-69 (9th Cir. 2014)
- Gonzalez v. City of Maywood, 729 F.3d 1196, 1202 (9th Cir. 2013)
- Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 980-81 (9th Cir. 2008)
- Blum v. Stenson, 465 U.S. 886, 895 n.11 (1984)
- Mares v. Credit Bureau of Raton, 801 F.2d 1197, 1210 (10th Cir. 1986)
- Farrar v. Hobby, 506 U.S. 103, 114 (1992)
- RG Abrams Ins. v. Law Offs. of C.R. Abrams, No. 2:21-cv-00194-FLA-MAAx, 2021 WL 8895081, at *8 (C.D. Cal. Dec. 15, 2021)
- Harkless v. Pac. Power & Light, No. 2:18-CV-2903-TLN-DMC, 2020 WL 1139499, at *2 (E.D. Cal. Mar. 9, 2020)
- United States v. Pitner, 307 F.3d 1178, 1183 n.5 (9th Cir. 2002)
- Infazon v. Allstate Ins. Co., 335 F.R.D. 305, 312 (C.D. Cal. 2020)
- Nken v. Holder, 556 U.S. 418, 433 (2009)
- Virginian Ry. Co. v. United States, 272 U.S. 658, 672 (1926)

- Cousins v. Lockyer, 568 F.3d 1063, 1072 (9th Cir. 2009)
- Cunningham v. Hamilton County, 527 U.S. 198, 199, 209 (1999)
- G-K Props. v. Redevelopment Agency, 577 F.2d 645, 647 (9th Cir. 1978)
- Bartech Sys. Int'l, Inc. v. Mobile Simple Sols., Inc., No. 2:15-cv-2422-MMD-NJK, 2018 WL 1170925, at *2 (D. Nev. Apr. 30, 2018)
- Aevoe Corp. v. AE Tech Co., Ltd., No. 2:12-cv-00053-GMN-NJK, 2013 WL 5324787, at *3 (D. Nev. Sept. 20, 2013)
- Moreno v. City of Sacramento, 534 F.3d 1106, 1112 (9th Cir. 2008)
- Fox v. Vice, 563 U.S. 826, 838 (2011)
- United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990)
- Hosp. Mgmt., Inc. v. Preferred Contractors Ins. Co., No. 3:18-cv-00452-YY, 2020 WL 8373395, at *1 (D. Or. Aug. 11, 2020)
- Hoggatt v. Allstate Ins., 502 F. Supp. 3d 1110, 1114 (N.D. Miss. 2020)
- Mass. Mut. Life Ins. Co. v. Williamson, Nos. 4:15-cv-166-DMB-JMV & 4:15-cv-184-DMB-JMV, 2019 WL 7195318, at *3 (N.D. Miss. 2019)
- Moore v. Harris, 600 F. App'x 201, 204-05 (5th Cir. 2015)
- Paeste v. Guam, No. 11-00008-CBM, 2013 WL 6254669 (D. Guam Dec. 3, 2013)
- RSA-Tumon, LLC v. Pitt Cnty. Mem'l Hosp., No. 20-00025, 2021 WL 2828713 (D. Guam July 7, 2021)

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