

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

Reya Arey v. North Seattle Community College

Arey · No. 2:24-cv-00302-LK · Decided December 9, 2025

SUMMARY

The United States District Court for the Western District of Washington determines that \$2,301 is a reasonable attorney’s fee for North Seattle Community College’s motion to compel the plaintiff’s deposition. The Court explains its lodestar analysis and directs Ms. Arey to notify the Court by December 24, 2025, whether she will dismiss the case without prejudice upon payment of the fees, dismiss with prejudice, or proceed with litigation.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Washington                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Lauren King                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Western District of Washington                                                                                                                                                                                                        |
| DECIDED               | December 9, 2025                                                                                                                                                                                                                                                           |
| DOCKET                | 2:24-cv-00302-LK                                                                                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | The Court determined the amount of reasonable attorney fees and costs that Plaintiff would be required to pay Defendant if she elected to dismiss the action without prejudice after Defendant successfully obtained, in part, an order compelling Plaintiff's deposition. |
| STANDARD OF REVIEW    | The Court applied the lodestar method, assessing whether the hours reasonably expended and hourly rates were reasonable, and considered whether the claimed hours were excessive, unnecessary, or attributable to unsuccessful work.                                       |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                                                    |

TOPICS

- attorney fees
- discovery dispute
- costs
- civil procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. What amount of attorney fees and costs associated with Defendant's motion to compel was reasonable?
2. Whether the claimed hourly rates and hours reasonably expended supported an award of \$2,301.

## HOLDINGS

1. The Court held that \$2,301 was a reasonable attorney fee for Defendant's motion to compel, consisting of seven hours of attorney time at \$293 per hour and two hours of paralegal time at \$125 per hour.

## KEY QUOTATIONS

*“To determine a reasonable fee, the Court uses the “lodestar” method, which involves multiplying the number of hours reasonably expended on the motion by a reasonable hourly rate.” (at 2)*

*“The Court accordingly finds that a reasonable attorney’s fee for briefing the motion to compel is \$2,301, representing seven hours of attorney time at a rate of \$293 per hour and two hours of paralegal time at a rate of \$125 per hour.” (at 3)*

## FACTUAL BACKGROUND

Defendant North Seattle Community College incurred attorney and paralegal time in connection with its motion to compel Plaintiff's deposition. Defendant claimed seven hours of attorney time at \$293 per hour and two hours of paralegal time at \$125 per hour, while excluding two hours spent on an unsuccessful request to compel a Rule 35 examination.

## PROCEDURAL HISTORY

The Court had previously informed Plaintiff that she could dismiss without prejudice only if she paid Defendant's reasonable costs and expenses associated with its motion to compel, or alternatively dismiss with prejudice or continue litigating. The Court directed Defendant to submit its fees and costs so Plaintiff could make an informed decision. Defendant submitted a request for \$2,301, and the Court approved that amount.

## DISPOSITION

other

## CASES CITED

- Jordan v. Multnomah County, 815 F.2d 1258, 1262 (9th Cir. 1987)
- Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 70 (9th Cir. 1975)
- City of Burlington v. Dague, 505 U.S. 557 (1992)
- Fischer v. SJB-P.D. Inc., 214 F.3d 1115, 1119 (9th Cir. 2000)
- Camacho v. Bridgeport Financial, Inc., 523 F.3d 973, 979 (9th Cir. 2008)

- Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210 (9th Cir. 1986)

## OPINION

Arey

PER CURIAM.

1 2 3 4 5 6 7

UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

9 10

REYA AREY, CASE NO. 2:24-cv-00302-LK

11 Plaintiff, ORDER NOTIFYING PLAINTIFF

12 v. OF THE AMOUNT OF

REASONABLE ATTORNEY'S

13 NORTH SEATTLE COMMUNITY FEES

COLLEGE,

14 Defendant. 15

16 This matter comes before the Court on its prior order stating that if Mr. Arey “wishe[d] to 17  
dismiss this case without prejudice, she must pay NSCC’s reasonable costs and expenses 18  
associated with its motion to compel” her deposition; alternatively, she could “voluntarily dismiss  
19 the case with prejudice or proceed to litigate this matter.” Dkt. No. 40 at 4–5. So that Ms. Arey  
20 could make an informed decision regarding the amount of NSCC’s fees, the Court ordered  
NSCC 21 to file a notice of its reasonable fees and costs. Id. at 5. 22 NSCC subsequently filed a  
notice indicating that its fees and costs associated with its 23 motion to compel total \$2,301, which  
represents seven hours of attorney time at an hourly rate of 24 1 \$293, and two hours of paralegal  
time at an hourly rate of \$125. Dkt. No. 41 at 4. NSCC further 2 states that its counsel spent an  
additional two hours on the portion of the motion to compel that 3 asked the Court to compel Ms.  
Arey’s Rule 35 examination, but because that request was not 4 granted, it did not include those  
two hours in its final calculation of fees. Id. at 3; see also Dkt. No. 5 24 (motion to compel); Dkt.  
No. 35 (order granting motion to compel in part). 6 To determine a reasonable fee, the Court uses  
the “lodestar” method, which involves 7 multiplying the number of hours reasonably expended on  
the motion by a reasonable hourly rate. 8 See, e.g., *Jordan v. Multnomah Cnty.*, 815 F.2d 1258,  
1262 (9th Cir. 1987). In calculating the 9 lodestar figure, the Court may enhance or reduce the  
lodestar figure based on consideration of any 10 of the relevant factors listed in *Kerr v. Screen  
Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975), 11 abrogated on other grounds by *City of  
Burlington v. Dague*, 505 U.S. 557 (1992). See *Fischer v. 12 SJB-P.D. Inc.*, 214 F.3d 1115, 1119  
(9th Cir. 2000). 13 The Court finds that the hourly rates for NSCC’s attorney and paralegal are

reasonable in light of the rates typically charged in this community. See *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008) (noting that the relevant community is the forum in which the court sits). As for the number of hours expended, a court can reduce the number of hours claimed by a party “if the hours expended are deemed excessive or otherwise unnecessary.” *Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210 (9th Cir. 1986); see also *Kerr*, 526 F.2d at 70 (noting that courts can consider the results obtained when awarding fees). The Court also finds that NSCC expended a reasonable number of hours on its motion to compel, and has appropriately excluded the two hours it spent briefing the unsuccessful request to compel a Rule 35 examination. The Court accordingly finds that a reasonable attorney’s fee for briefing the motion to compel is \$2,301, representing seven hours of attorney time at a rate of \$293 per hour and two hours of paralegal time at a rate of \$125 per hour. 1 As previously ordered, Dkt. No. 40 at 5, Ms. Arey must notify the Court of how she would like to proceed by December 24, 2025. 3 Dated this 9th day of December, 2025. 4 A 5 Lauren King United States District Judge 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24