

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

OPINION

Arey

PER CURIAM.

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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

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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 14 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 16 sits). As for the number of hours expended, a court can reduce the number of hours claimed by a 17 party “if the hours expended are deemed excessive or otherwise unnecessary.” *Chalmers v. City 18 of Los Angeles*, 796 F.2d 1205, 1210 (9th Cir. 1986); see also *Kerr*, 526 F.2d at 70 (noting that 19 courts can consider the results obtained when awarding fees). The Court also finds that NSCC 20 expended a reasonable number of hours on its motion to compel, and has appropriately excluded 21 the two hours it spent briefing the unsuccessful request to compel a Rule 35 examination. The 22 Court accordingly finds that a reasonable attorney’s fee for briefing the motion to compel is 23 \$2,301, representing seven hours of attorney time at a rate of \$293 per hour and two hours of 24 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 2 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