

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Saša Maslic, individually and on behalf of a certified class; Ivan Drzaic; Robert Hernaus; Leopold Hubek; Leon Hudoletnjak; Elvis Koscak; Tomica Panic; Stjepan Papes; Željko Puljko; Darko Šincek; David Štante; Nedeljko Živanic; Gogo Rebic; and Mitja Pogorevc v. ISM Vuzem d.o.o.; ISM Vuzem USA, Inc.; Vuzem USA, Inc.; HRID-Mont d.o.o.; Ivan Vuzem; Robert Vuzem; Eisenmann Corporation; and Tesla, Inc.

Maslic v. ISM Vuzem d.o.o., Case No. 21-cv-02556-BLF (N.D. Cal. Nov. 6, 2025) · No. 21-cv-02556-BLF ·
Decided November 6, 2025

SUMMARY

The United States District Court for the Northern District of California granted in part Plaintiffs’ motion for attorneys’ fees following default judgments against the Vuzem Defendants and Eisenmann Corporation for wage-and-hour violations and human trafficking. The Court awarded \$438,275 in attorneys’ fees, excluding fees incurred in a separate action and fees related to Tesla’s motion for summary judgment.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 6, 2025
DOCKET	21-cv-02556-BLF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for attorneys' fees after obtaining default judgment on federal and state wage-and-hour claims and a human-trafficking claim. The court considered the motion, declined to consider the opposition filed by defaulting defendants that had not moved to set aside default, calculated the lodestar, apportioned the fees, and granted the motion in part.

STANDARD OF REVIEW	The court independently reviewed the reasonableness of the requested attorneys' fees and applied the lodestar method, multiplying reasonable hours by reasonable hourly rates, with any warranted adjustment.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Saša Maslic, Ivan Drzaic, Robert Hernaus, Leopold Hubek, Leon Hudoletnjak, Elvis Koscak, Tomica Panic, Stjepan Papes, Željko Puljko, Darko Šincek, David Štante, Nedeljko Živanic, Gogo Rebic, Mitja Pogorevc v. ISM Vuzem d.o.o., ISM Vuzem USA, Inc., Vuzem USA, Inc., HRID-Mont d.o.o., Ivan Vuzem, Robert Vuzem, Eisenmann Corporation, Tesla, Inc.

TOPICS

attorney fees default judgment wage and hour flsa remedies

PRACTICE AREAS

employment law civil procedure remedies commercial litigation

QUESTIONS PRESENTED

1. Whether defaulting defendants that had not moved to set aside entry of default or default judgment could oppose plaintiffs' motion for attorneys' fees.
2. Whether plaintiffs were entitled to recover reasonable attorneys' fees under the FLSA, California Labor Code, and TVPRA.
3. Whether the hours claimed and hourly rates were reasonable under the lodestar method.
4. Whether fees incurred in a different action, or in litigating Tesla's summary-judgment motion, could be recovered from the Vuzem Defendants or Eisenmann.
5. Whether the fee award should be apportioned among the Vuzem Defendants and Eisenmann.

HOLDINGS

1. A defendant whose default and default judgment have not been set aside is not entitled to file opposition to a post-judgment motion.
2. Plaintiffs were entitled to recover reasonable attorneys' fees incurred litigating the FLSA, specified California Labor Code, and TVPRA claims on which they obtained default judgment.
3. The reasonable lodestar was \$438,275, based on 863 attorney hours at \$400 per hour and 1,241 paralegal hours at \$75 per hour, without an upward or downward adjustment.
4. The fee award was apportioned according to the defendants against whom the work was pursued: \$388,325 jointly and severally against the Vuzem Defendants and Eisenmann, \$26,250 against the Vuzem Defendants only, and \$23,700 against Eisenmann only.

KEY QUOTATIONS

“The Clerk of Court’s entry of default cuts off a defendant’s right to appear in an action.” (at 4)

“A defendant’s remedy if a defendant wants to set aside default . . . is for the defendant to file a motion to set aside entry of default pursuant to Rule 55(c) of the Federal Rules of Civil Procedure.” (at 5)

“The Court is at a loss to understand why Plaintiffs in the present action are seeking recovery of attorneys’ fees in this action for work performed by Hunter Pyle Law in the Lesnik action.” (at 8)

“The Court may adjust the lodestar up or down in appropriate circumstances, to account for factors that are not subsumed within the lodestar calculation.” (at 11)

FACTUAL BACKGROUND

Plaintiffs alleged that the Vuzem Defendants transported workers from Bosnia and Herzegovina, Slovenia, and Croatia to the United States and supplied their labor to American companies. Plaintiffs allegedly worked long hours at Tesla's Fremont facility, were paid flat monthly amounts, and did not receive legally required minimum or overtime wages, meal and rest breaks, or accurate wage statements. The court entered default judgment on wage-and-hour and human-trafficking claims and plaintiffs then sought \$575,077.50 in attorneys' fees.

PROCEDURAL HISTORY

Plaintiffs brought individual and class claims against foreign labor contractors and American companies. The court certified a California wage-and-hour class, dismissed several defendants including Tesla, remanded one California Labor Code claim to state court, entered defaults against the Vuzem Defendants and Eisenmann, and entered default judgment exceeding \$13 million. After granting leave to seek fees, the court awarded \$438,275 in attorneys' fees and directed plaintiffs to file an amended default judgment.

DISPOSITION

other

CASES CITED

- Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 978-79 (9th Cir. 2008)
- Ketchum v. Moses, 24 Cal. 4th 1122, 1134 (2001)
- Hensley v. Eckerhart, 461 U.S. 424, 433-34, 437 (1983)
- Moreno v. City of Sacramento, 534 F.3d 1106, 1111 (9th Cir. 2008)
- Verliant Energy, Inc. v. Barry, No. 14-CV-02443-JST, 2015 WL 12990196, at *3 (N.D. Cal. Mar. 31, 2015)
- Welter v. Hurt, No. 2:23-CV-02627-SPG-MAR, 2024 WL 5372399, at *1 n.1 (C.D. Cal. Dec. 16, 2024)
- Transamerica Life Ins. Co. v. Shubin, No. 1:11-CV-01958-LJO, 2012 WL 5364645, at *2 (E.D. Cal. Oct. 31, 2012)
- Oliver v. All-Pro Bail Bonds, Inc., No. 17-CV-1294-AJB-NLS, 2017 WL 11421541, at *1 (S.D. Cal. Aug. 16, 2017)
- Port of Stockton v. W. Bulk Carrier KS, 371 F.3d 1119, 1122 (9th Cir. 2004)

- Fischer v. SJB-P.D. Inc., 214 F.3d 1115, 1121 (9th Cir. 2000)
- Missouri v. Jenkins by Agyei, 491 U.S. 274, 287 (1989)
- Fleming v. Covidien, Inc., No. CV 10-01487-RGK-OP, 2013 WL 12246624, at *5 (C.D. Cal. Nov. 7, 2013)
- Morales v. Monterey Plaza Hotel Ltd. P'ship, No. 22-CV-07540-SK, 2025 WL 2469334, at *2 (N.D. Cal. Aug. 27, 2025)
- Novoselac v. Vuzem, No. 21-CV-08654-BLF, 2023 WL 3899011, at *11 (N.D. Cal. June 7, 2023)
- El-Hakem v. BJY Inc., 415 F.3d 1068, 1075 (9th Cir. 2005)
- Corder v. Gates, 947 F.2d 374, 383 (9th Cir. 1991)
- Jones v. Espy, 10 F.3d 690, 691 (9th Cir. 1993)
- Pavillard v. Ignite Int'l, Ltd., No. 22-55633, 2023 WL 7981823, at *1 (9th Cir. Nov. 17, 2023)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 NORTHERN DISTRICT OF CALIFORNIA 5
 SAN JOSE DIVISION 6 7 SAŠA MASLIC, individually and on Case No. 21-cv-02556-BLF
 behalf of a certified class; IVAN DRZAIĆ; 8 ROBERT HERNAUS; LEOPOLD HUBEK; LEON
 HUDOLETNJAK; ORDER GRANTING IN PART 9 ELVIS KOSCAK; TOMICA PANIC;
 PLAINTIFFS' MOTION FOR STJEPAN PAPES; ŽELJKO PULJKO; ATTORNEYS' FEES 10
 DARKO ŠINCEK; DAVID ŠTANTE; NEDELJKO ŽIVANIC; GOGO REBIC; [Re: ECF 211] 11
 and MITJA POGOREVC, 12 Plaintiffs, 13 v. 14 ISM VUZEM D.O.O.; ISM VUZEM USA, INC.;
 VUZEM USA, INC.; HRID-MONT 15 D.O.O.; IVAN VUZEM; ROBERT VUZEM;
 EISENMANN 16 CORPORATION; and TESLA, INC., 17 Defendants.

18 19 20 Plaintiffs have filed a motion for attorneys' fees and costs following the Court's entry of
 21 default judgment against Defendants ISM Vuzem, d.o.o., Ivan Vuzem, Robert Vuzem, and
 HRID- 22 Mont, d.o.o. ("Vuzem Defendants"), and Defendant Eisenmann Corporation, for
 violations of 23 federal and state laws governing labor and human trafficking. See Pls.' Mot. for
 Attorneys' Fees, 24 ECF 211.

Plaintiffs obtained default judgment in a total amount exceeding \$13,000,000, 25 comprising more
 than \$8,000,000 against the Vuzem Defendants for wage and hour violations, 26 and an additional
 \$5,000,000 against the Vuzem Defendants and Eisenmann for human 27 trafficking. Plaintiffs seek
 attorneys' fees in the amount of \$575,077.50 and costs in the amount 1 Plaintiffs' costs are detailed
 in a separately filed Bill of Costs, which properly is directed to 2 the Clerk.

See Bill of Costs, ECF 212; Civ. L.R. 54-4(b) (providing that Clerk shall consider bill 3 of costs
 and tax costs). The Clerk has acted on Plaintiffs' Bill of Costs, taxing costs in the amount 4 of
 \$9,790.16. See Taxed Costs, ECF 218.

Accordingly, the Court addresses only the motion for 5 attorneys' fees in this order. 6 The Vuzem
 Defendants have filed opposition to Plaintiffs' fees motion without first 7 seeking to set aside the

entry of default and default judgment against them. See Vuzem Defs.’ 8 Opp., ECF 214. Plaintiffs have filed a reply in which they ask the Court to disregard the 9 opposition, and alternatively address the substantive arguments raised therein.

See Pls.’ Reply, 10 ECF 215. Upon completion of the briefing, the Court vacated the hearing on Plaintiffs’ motion, 11 which had been set for October 16, 2025. See Order Submitting Motion, ECF 216. 12 For the reasons discussed below, Plaintiffs’ motion for attorneys’ fees is GRANTED IN 13 PART. Plaintiffs are awarded total attorneys’ fees in the amount of \$438,275, comprising 14 \$388,325 in attorneys’ fees against the Vuzem Defendants and Eisenmann jointly and severally, 15 an additional \$26,250 in attorneys’ fees against the Vuzem Defendants only, jointly and severally, 16 and an additional \$23,700 in attorneys’ fees against Eisenmann only.

17 I. BACKGROUND 18 This suit was brought on behalf of fourteen individual Plaintiffs and a class of workers 19 who were transported to the United States from their home countries of Bosnia and Herzegovina, 20 the Republic of Slovenia, and Croatia to provide cheap labor for American companies.

The 21 corrected first amended complaint (“FAC”) alleged that: the Vuzem Defendants employed 22 Plaintiffs and contracted their labor to American companies such as Defendant Tesla, Inc. 23 (“Tesla”). See FAC ¶¶ 16-17, ECF 63. A substantial amount of Plaintiffs’ labor was performed at 24 Tesla’s facility in Fremont, California, and was overseen by Tesla’s general contractor, Defendant 25 Eisenmann Corporation (“Eisenmann”).

See id. Plaintiffs worked more than eight hours per day 26 Monday through Saturday, often worked on Sunday, were paid a flat monthly rate, did not receive 27 minimum or overtime wages, and were not given rest breaks or wage statements. See id. ¶¶ 26, 1 The FAC asserted claims for: (1) minimum wages under the Fair Labor Standards Act 2 (“FLSA”); (2) overtime wages under the FLSA; (3) minimum wages under California law; 3 (4) overtime wages under California law; (5) failure to provide meal breaks and rest periods under 4 California law; (6) failure to provide accurate wage statements under California law; (7) failure to 5 pay waiting time penalties under California law; (8) a class claim for violation of California wage 6 and hour laws; and (9) trafficking and coerced labor under the federal Trafficking Victims 7 Protection Reauthorization Act (“TVPRA”) and the California Trafficking Victims Protection Act 8 (“CTVPA”).

A tenth claim under California Labor Code § 3706 was remanded to state court early 9 in the case. See Order, ECF 42. 10 The Court granted class certification with respect to Claim 8, a class claim brought by 11 Plaintiff Saša Maslic as the class representative for violations of the California Labor Code. See 12 Order, ECF 90. Several defendants, including Tesla, were dismissed from the suit, leaving only 13 the Vuzem Defendants and Eisenmann to defend against Plaintiffs’ individual claims and the class 14 claim.

See Order, ECF 94; Notice, ECF 183. The Vuzem Defendants and Eisenmann defaulted. 15 See Clerk's Notices, ECF 68, 125. Thirteen of the fourteen Plaintiffs moved for default judgment 16 on behalf of themselves, and Plaintiff Saša Maslic moved for default judgment on behalf of the 17 certified class. See Pls.' Mot. for Default Judgment, ECF 197.

The claims of the fourteenth 18 individual Plaintiff, Gogo Rebic, were dismissed for failure to prosecute. See Order, ECF 210. 19 The Court granted the motion for default judgment. See Order Granting Mot. for Default 20 Judgment, ECF 207.

On Claims 1-7, for violations of the FLSA and California wage and hour 21 laws, the Court entered default judgment for individual Plaintiffs Saša Maslic, Ivan Drzaic, Robert 22 Hernaus, Leopold Hubek, Leon Hudoletnjak, Elvis Koscak, Tomica Panic, Stjepan Papes, Željko 23 Puljko, Darko Šincek, David Štante, Nedeljko Živanic, and Mitja Pogorevc, against the Vuzem 24 Defendants jointly and severally in amounts ranging from approximately \$40,000 to \$195,000 per 25 individual Plaintiff.

See Default Judgment, ECF 208. On Claim 8, the Court entered default 26 judgment for Plaintiff Saša Maslic on behalf of the class, against the Vuzem Defendants jointly 27 and severally in the amount of \$7,013,991.86. See *id.* On Claim 9, for human trafficking, the 1 TVPRA, against the Vuzem Defendants and Eisenmann jointly and severally in the amount of 2 \$2,500,000, and against the Vuzem Defendants and Eisenmann separately in the amount of 3 \$500,000 each.

See *id.* 4 The Court granted Plaintiffs leave to file a subsequent motion for attorneys' fees. See 5 Order Granting Mot. for Default Judgment at 25. Plaintiffs now seek attorneys' fees under fee- 6 shifting provisions of the FLSA, the California Labor Code, and the TVPRA. 7 II. LEGAL STANDARD 8 Under federal law, "[d]istrict courts must calculate awards for attorneys' fees using the 9 lodestar method, and the amount of that fee must be determined on the facts of each case[.]" 10 *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir.

2008) (internal quotation marks and 11 citations omitted). The lodestar method likewise is used to determine reasonable attorneys' fees 12 under California law. See *Ketchum v. Moses*, 24 Cal. 4th 1122, 1134 (2001). "The lodestar is 13 calculated by multiplying the number of hours the prevailing party reasonably expended on the 14 litigation by a reasonable hourly rate." *Camacho*, 523 F.3d at 978 (internal quotation marks and 15 citation omitted). "Although in most cases, the lodestar figure is presumptively a reasonable fee 16 award, the district court may, if circumstances warrant, adjust the lodestar to account for other 17 factors which are not subsumed within it." *Id.* (internal quotation marks and citation omitted).

18 "[T]he established standard when determining a reasonable hourly rate is the rate 19 prevailing in the community for similar work performed by attorneys of comparable skill, 20 experience, and reputation." *Camacho*, 523 F.3d at 979 (internal quotation marks and citation 21 omitted).

“Generally, when determining a reasonable hourly rate, the relevant community is the 22 forum in which the district court sits.” *Id.* 23 “The party seeking an award of fees should submit evidence supporting the hours worked 24 and rates claimed.” *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983).

Where the documentation of 25 hours is inadequate, the district court may reduce the award accordingly.” *Id.* The court also 26 should exclude from the lodestar calculation any hours that were not reasonably expended. See *id.* 27 at 434. 1 amount.” *Moreno v. City of Sacramento*, 534 F.3d 1106, 1111 (9th Cir. 2008). “The explanation 2 need not be elaborate, but it must be comprehensible.” *Id.* In *Hensley*, the Supreme Court 3 described the district court’s task as follows: “A request for attorney’s fees should not result in a 4 second major litigation[,]” but the district court should “provide a concise but clear explanation of 5 its reasons for the fee award.” *Hensley*, 461 U.S. at 437.

6 III. DISCUSSION 7 Plaintiffs seek attorneys’ fees in the amount of \$575,077.50 against the Vuzem Defendants 8 and Eisenmann, jointly and severally, based on the Court’s entry of default judgment on Plaintiffs’ 9 claims under the FLSA, the California Labor Code, and the TVPRA. All of those statutes contain 10 fee-shifting provisions entitling a prevailing plaintiff to an award of reasonable attorneys’ fees.

11 See 29 U.S.C.A. § 216(a) (FLSA); Cal. Lab. Code §§ 218.5, 1194(a) (California Labor Code); 18 12 U.S.C. § 1595(a) (TVPRA). 13 The Vuzem Defendants have filed opposition to the motion, arguing that Plaintiffs’ request 14 for attorneys’ fees is based on an excessive number of hours, representing duplicative work and/or 15 work unrelated to the Vuzem Defendants.

The Vuzem Defendants also challenge the adequacy of 16 Plaintiffs’ documentation regarding their attorneys’ fees. The Vuzem Defendants contend that any 17 lodestar amount should be adjusted downward because the issues in this case were not complex, 18 judgment was obtained by default, and many of Plaintiffs’ claims were barred by the statute of 19 limitations.

Finally, the Vuzem Defendants argue that Plaintiffs have made an inflated “fees-on- 20 fees” request, that is, request for attorneys’ fees incurred in filing the present motion for attorneys’ 21 fees. 22 In reply, Plaintiffs ask the Court to disregard the Vuzem Defendants’ opposition on 23 procedural grounds, arguing that defaulting defendants are not entitled to participate in litigation 24 unless and until the default has been set aside.

Plaintiffs also respond to the substance of the 25 opposition, arguing that the Vuzem Defendants grossly understate the work done by Plaintiffs’ 26 counsel to litigate this case, which includes a class action claim against foreign defendants. 27 A. Plaintiffs’ Procedural Objection to Vuzem Defendants’ Opposition 1 should not be considered in light of the facts that the Clerk entered default against them more than 2 three years ago, see Clerk’s Notice, ECF 68, the Court entered

default judgment against them 3 almost three months ago, see Default Judgment, ECF 208, and they have not moved to set aside 4 either the Clerk's entry of default or the Court's entry of default judgment.

5 The parties have not cited, and this Court has not discovered, controlling authority 6 addressing a defaulting defendant's right (if any) to litigate motions after entry of default or 7 default judgment. However, numerous district courts in this circuit have held that "[t]he Clerk of 8 Court's entry of default cuts off a defendant's right to appear in an action." *Verliant Energy, Inc.* 9 v. Barry, No. 14-CV-02443-JST, 2015 WL 12990196, at *3 (N.D.

Cal. Mar. 31, 2015) (internal 10 quotation marks and citation omitted); see also *Welter v. Hurt*, No. 2:23-CV-02627-SPG-MAR, 11 2024 WL 5372399, at *1 n.1 (C.D. Cal. Dec. 16, 2024) ("[E]ntry of default by the Clerk of Court 12 cuts off a defendant's right to appear in an action."); *Transamerica Life Ins. Co. v. Shubin*, No. 13 1:11-CV-01958-LJO, 2012 WL 5364645, at *2 (E.D.

Cal. Oct. 31, 2012) ("The Clerk of Court's 14 entry of default cuts off a defendant's right to appear in an action."). 15 "A defendant's remedy if a defendant wants to set aside default... is for the defendant to 16 file a motion to set aside entry of default pursuant to Rule 55(c) of the Federal Rules of Civil 17 Procedure." *Oliver v. All-Pro Bail Bonds, Inc.*, No. 17-CV-1294-AJB-NLS, 2017 WL 11421541, 18 at *1 (S.D.

Cal. Aug. 16, 2017). Where default judgment has been entered, the defendant may 19 seek relief under Federal Rule of Civil Procedure 60. See Fed. R. Civ. P. 55(c) (providing that a 20 court "may set aside a final default judgment under Rule 60(b)"). 21 Plaintiffs point out that the Vuzem Defendants clearly understood the necessity of filing a 22 motion to set aside the default, as their counsel contacted the court by email on July 30, 2025, to 23 request a hearing date for such a motion.

See Dresser Reply Decl. ¶¶ 3-6 & Ex. A (email), ECF 24 215-1. The undersigned's Courtroom Deputy Clerk responded by email the next day, on July 31, 25 2025, advising the Vuzem Defendants' counsel that October 16, 2025 had been reserved for a 26 hearing on the Vuzem Defendants' motion to set aside the default. See *id.* Ex. C (email).

The 27 Courtroom Deputy Clerk also advised the Vuzem Defendants' counsel that the motion to set aside 1 filed within that 14-day window. In fact, the Vuzem Defendants' counsel did not enter an 2 appearance on behalf of the Vuzem Defendants until almost a month later, on August 28, 2025. 3 See Notice of Appearance, ECF 213.

The Vuzem Defendants never filed the required motion to 4 set aside the default, and instead filed an opposition to Plaintiffs' motion for attorneys' fees. 5 Under these circumstances, the Court finds that the Vuzem Defendants are not entitled to 6 file opposition to Plaintiffs' motion for attorneys'

fees. They are in default and have not sought to 7 set aside the Clerk's entry of default or the Court's entry of default judgment against them.

The 8 Vuzem Defendants have not cited any authorities that would support consideration of their 9 opposition on this record. Accordingly, the Vuzem Defendants' opposition to Plaintiffs' motion 10 for attorneys' fees will not be considered by the Court. 11 B. Merits of Plaintiffs' Motion for Attorneys' Fees 12 Treating Plaintiffs' motion for attorneys' fees as unopposed does not relieve the Court of 13 its obligation to assure that the claimed attorneys' fees are reasonable.

District courts have an 14 independent duty "to ensure that claims for attorneys' fees are reasonable," and "do[] not 15 discharge that duty simply by taking at face value the word of the prevailing party's lawyer for the 16 number of hours expended on the case[.]" *Vogel v. Harbor Plaza Ctr., LLC*, 893 F.3d 1152, 1160 17 (9th Cir. 2018) (internal quotation marks and citations omitted).

18 Plaintiffs seek an award of \$575,077.50 against the Vuzem Defendants and Defendant 19 Eisenmann, jointly and severally. The Court first discusses the statutory provisions authorizing 20 attorneys' fees in this case. Next, the Court considers the reasonableness of Plaintiffs' request for 21 fees. 22 1. Fee-Shifting Provisions of the FLSA, California Law, and TVPRA 23 Plaintiffs obtained default judgment against the Vuzem Defendants on Claims 1-9 of the 24 FAC, and obtained default judgment against Eisenmann on Claim 9 of the FAC.

25 Claims 1-2 were brought under the FLSA, for unpaid minimum wages and unpaid 26 overtime wages, respectively. The FLSA provides for an award of attorneys' fees to the 27 prevailing plaintiff in actions for unpaid minimum or overtime wages. See 29 U.S.C.A. § 216(a) 1 allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.").

Plaintiffs 2 therefore are entitled to recover reasonable attorneys' fees incurred litigating Claims 1-2 against 3 the Vuzem Defendants. 4 Claims 3-8 were brought under the California Labor Code. California law provides for an 5 award of attorneys' fees to a prevailing plaintiff in an action for unpaid minimum or overtime 6 wages, as asserted in Claims 3 and 4 of the FAC.

See Cal. Lab. Code § 1194(a) ("[A]ny employee 7 receiving less than the legal minimum wage or the legal overtime compensation applicable to the 8 employee is entitled to recover in a civil action the unpaid balance of the full amount of this 9 minimum wage or overtime compensation, including interest thereon, reasonable attorney's fees, 10 and costs of suit.").

California law also provides for an award of attorneys' fees in an action for 11 failure to provide accurate wage statements, as asserted in Claim 6 of the FAC. See Cal. Lab. 12 Code § 226(e)(1). And, California law provides for an award of attorneys' fees in an action for the 13 non-payment of wages, which encompasses Claim 7 for failure to pay waiting time penalties.

See 14 Cal. Lab. Code § 218.5(a); Pavillard v. Ignite Int’l, Ltd., No. 22-55633, 2023 WL 7981823, at *1 15 (9th Cir. Nov. 17, 2023) (affirming award of attorneys’ fees under § 218.5 for party who prevailed 16 on claim for waiting time penalties). Claim 8 asserted class claims under those same provisions of 17 the California Labor Code. Plaintiffs therefore are entitled to recover reasonable attorneys’ fees 18 incurred litigating Claims 3, 4, 6, 7, and 8 against the Vuzem Defendants.1 19 Claim 9 was brought under the TVPRA, which provides that a prevailing plaintiff may 20 recover reasonable attorneys’ fees.

See 18 U.S.C. § 1595(a). Plaintiffs therefore are entitled to 21 recover reasonable attorneys’ fees incurred litigating Claim 9 against the Vuzem Defendants and 22 Eisenmann. 23 2. Reasonable Attorneys’ Fees in this Case 24 Having determined that Plaintiffs are entitled to recover reasonable attorneys’ fees on their 25 claims under the FLSA, the California Labor Code, and the TVPRA, the Court turns to the 26 1 Plaintiffs do not seek attorneys’ fees in connection with the Court’s entry of default judgment 27 against the Vuzem Defendants on Claim 5, for failure to provide meal and rest breaks, or Claim 8, 1 calculation of a reasonable attorneys’ fees award in this case.

As discussed above, the Court 2 begins with the lodestar, which is calculated by multiplying the number of hours Plaintiffs 3 reasonably expended on the litigation by a reasonable hourly rate. See Camacho, 523 F.3d at 978. 4 The Court then determines whether any adjustment to the lodestar is warranted. 5 a. Hours Expended on the Litigation 6 Plaintiffs seek fees for 1,023 hours expended by their counsel, William C. Dresser; 1,326 7 hours expended by two paralegals in Mr. Dresser’s office, Andrea Anderson and Debra Lumley; 8 and 202 hours expended by another law firm, Hunter Pyle Law.

Plaintiffs submit a summary chart 9 of hours spent by these legal services providers, broken down by major tasks, with supporting 10 evidence. See Dresser Decl. & Exs. 101 (Dresser billing records), 102 (check showing payment to 11 Hunter Pyle Law), 103 (Hunter Pyle Law billing records), 104 (summary chart), ECF 211-1. 12 As discussed below, the Court finds that the hours expended by Hunter Pyle Law were for 13 a different lawsuit, and that Plaintiffs may not recover fees for those hours in this action.

The 14 Court finds that the hours expended by Mr. Dresser and his firm’s paralegals were reasonably 15 expended in this action, but that not all hours were spent pursuing claims against the Vuzem 16 Defendants and/or Eisenmann.

The Court first discusses the hours expended by Hunter Pyle Law, 17 and then the hours expended by Mr. Dresser’s firm. 18 i. Hunter Pyle Law 19 Plaintiffs request fees for 202 hours of time that the law firm Hunter Pyle Law spent “in 20 preparing questionnaires, communications with putative class members including with an 21 interpreter, and preparing a motion for class judgment in the US ex rel Lesnik action.” Dresser 22 Decl. ¶ 29 (*italics added*) & Ex. 104 (summary chart).

The Lesnik action was another case 23 litigated in this district against the Vuzem Defendants, Eisenmann, Tesla, and others based on the 24 alleged transportation of European laborers to the United States to perform work for American 25 companies for less than minimum wage and without overtime pay. See Lesnik, et al. v. Eisenmann 26 SE, et al., No. 16-cv-01120-BLF.

Hunter Pyle Law performed work in that action between 27 February 2020 and April 2020. See Dresser Decl. Ex. 103 (Hunter Pyle Law billing records). Mr. 1 See id. Ex. 102 (check showing payment to Hunter Pyle Law). 2 The Court is at a loss to understand why Plaintiffs in the present action are seeking 3 recovery of attorneys' fees in this action for work performed by Hunter Pyle Law in the Lesnik 4 action.

Any motion for attorneys' fees incurred in the Lesnik action had to be "filed no later than 5 14 days after the entry of judgment" in the Lesnik action, unless the deadline to file such motion 6 was extended by the court. Fed. R. Civ. P. 54(d)(2)(B)(i). Plaintiffs requested attorneys' fees in 7 Lesnik, which request was granted in part by the Court, and an award of attorneys' fees in the 8 amount of \$254,550 was incorporated into the final judgment issued on July 17, 2023 in the 9 Lesnik action.

Mr. Dresser states that the fees paid to Hunter Pyle Law in the Lesnik action were 10 not sought in a fee motion filed in the Lesnik action. See Dresser Decl. ¶ 28. The Lesnik 11 plaintiffs' failure to seek attorneys' fees paid to Hunter Pyle Law waived any claim to those 12 attorneys' fees, which may not be recovered in a later action as the Maslic plaintiffs attempt to do 13 here.

See Port of Stockton v. W. Bulk Carrier KS, 371 F.3d 1119, 1122 (9th Cir. 2004) ("By 14 failing to file an appropriate motion within the relevant time limit... the Port waived any claim to 15 attorneys' fees arising out of the original litigation, and therefore cannot recover them in this new 16 action."). 17 Mr. Dresser asserts that the work done by Hunter Pyle Law in the Lesnik action was "used 18 directly in the motion for class certification and the motion for judgment in this action." Dresser 19 Decl. ¶ 29.

The fact that Mr. Dresser was able to utilize Hunter Pyle Law's work product from the 20 Lesnik action to aid him in litigating the present action does not provide a basis for recovery of 21 Hunter Pyle Law's fees in the present action.

Under the authorities discussed above, those fees 22 had to be sought (if at all) in the Lesnik action in which they were incurred. 23 Accordingly, the Court will not grant fees for any hours expended by Hunter Pyle Law. 24 ii. Mr. Dresser's Firm 25 Plaintiffs' summary chart of major tasks and supporting billing records show that their 26 counsel, Mr. Dresser, has spent 1,023 hours on this case and that Andrea Anderson and Debra 27 Lumley, paralegals at Mr. Dresser's firm, have spent 1,326 hours on this case.

See Dresser Decl. 1 shifting statutes under both federal law and California law. See *Missouri v. Jenkins* by Agyei, 491 2 U.S. 274, 287 (1989) (approving compensation of paralegals and law clerks at market rates); 3 *Fleming v. Covidien, Inc.*, No. CV 10-01487-RGK-OP, 2013 WL 12246624, at *5 (C.D. Cal. Nov. 4 7, 2013) (“It has become commonplace for California courts to award paralegals’ fees when 5 awarding attorneys’ fees under fee-shifting statutes.”).

6 Plaintiffs’ summary chart reflects that the hours expended by Mr. Dresser’s firm were 7 devoted to the following tasks: 8 9 Task Mr. Dresser Paralegals 10 Compl. & Pre-Compl. Investigation 135 22 11 Service 25 190 12 Discovery, including discovery motions 220 50 13 Settlement Efforts 32 4 14 Client Communication 55 25 15 Motion to Remand 32 12 16 Motion to Dismiss 25 8 17 Motion for Summary Judgment 160 85 18 Class motions 60 30 19 Motion for Default Judgment 210 660 20 Other motion practice 20 20 21 Motion for Fees, including Bill of Costs 49 220 22 Total Hours 1,023 1,326 23 24 The Court is satisfied that the time spent on this case by Mr. Dresser’s firm is adequately 25 documented.

For the most part, the attorney and paralegal hours reflected in the summary chart 26 are supported by contemporaneous billing records. See Dresser Decl. Ex. 101 (Dresser billing 27 records), 104 (summary chart). The summary chart includes 140 hours not documented in the 1 investigation and the complaint, and 40 hours that he spent on the present fees motion.

See 2 Dresser Decl. ¶¶ 22-26, 138. Mr. Dresser’s failure to submit billing records is not fatal to 3 Plaintiffs’ request for fees for those 140 hours. While the Ninth Circuit has expressed a preference 4 for contemporaneous billing records it has “never held that they are absolutely necessary.” 5 *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1121 (9th Cir. 2000).

Fee requests can be based on 6 reconstructed records. See *id.* Alternatively, the court may accept a summary chart submitted by 7 counsel, “simply listing his hours and identifying the general subject matter of his time 8 expenditures.” *Id.* (internal quotation marks, citation, and brackets omitted).

The Court finds that 9 the summary chart, which is largely supported by contemporaneous billing records, is sufficient to 10 document Mr. Dresser’s hours in this case as well as the hours spent by his firm’s paralegals. See 11 *id.* (concluding that “a summary of the time spent on a broad category of tasks” was sufficient to 12 support a fee award). 13 The Court likewise is satisfied that the hours expended by Mr. Dresser’s firm on the 14 identified tasks were reasonably incurred in pursuing claims against the Vuzem Defendants and/or 15 Eisenmann, with the exception of the hours spent litigating Tesla’s motion for summary judgment.

16 Tesla’s motion for summary judgment was filed after the Vuzem Defendants and Eisenmann 17 defaulted, and the Court’s order on the motion was limited to Plaintiff Maslic’s individual claim 18 against Tesla for human trafficking. See Order, ECF 155.

The Court finds that the fees Plaintiffs 19 incurred in litigating Tesla's motion may not be recovered from the Vuzem Defendants or 20 Eisenmann. 21 With respect to the remaining claimed hours, Mr. Dresser explains in his declaration why it 22 was necessary for his firm to spend so much time litigating this case, pointing out among other 23 things that there were unique issues arising from the fact that Plaintiffs and the Vuzem Defendants 24 were foreign nationals, which complicated communication with Plaintiffs and service of process 25 on the Vuzem Defendants.

See id. ¶¶ 44-66, 84-89. There was substantial motion practice, and 26 significant amount of discovery was taken. See id. ¶¶ 67-83, 90-98 103-06. 27 The Court observes that at first blush, the 220 hours of attorney time and 660 hours of 1 motion required proof of damages for the individual Plaintiffs and the class in a complicated case 2 involving wage theft and human trafficking.

The record shows that Plaintiffs submitted thousands 3 of pages of documents to support default judgment on those claims. Accordingly, although the 4 hours claimed in connection with the motion for default judgment are high, the Court is satisfied 5 that the time expended was reasonable for the tasks performed. And the Court notes with approval 6 that Mr. Dresser assigned the bulk of those tasks to paralegals who billed at a modest hourly rate.

7 Based on the foregoing, the Court will award attorneys' fees to Plaintiffs for 863 hours of 8 attorney time (1,023 claimed hours – 160 hours billed on Tesla's summary judgment motion) and 9 1,241 hours of paralegal time (1,326 claimed hours – 85 hours billed on Tesla's summary 10 judgment motion). 11 b. Rates 12 The next step in the lodestar calculation is to determine whether the requested hourly rates, 13 \$400 for Mr. Dresser and \$75 for his firm's paralegals, are reasonable.

Specifically, the Court 14 must determine whether the requested rates are comparable to the rates charged by attorneys and 15 paralegals of similar skill and experience in the relevant community, which in this case is the 16 Northern District of California. *Camacho*, 523 F.3d at 979. 17 A plaintiff may establish the market rates in the relevant community either by submitting a 18 declaration of counsel, or by citing rate determinations in other cases.

See *Moralez v. Monterey 19 Plaza Hotel Ltd. P'ship*, No. 22-CV-07540-SK, 2025 WL 2469334, at *2 (N.D. Cal. Aug. 27, 20 2025). Plaintiffs rely on the declaration of their counsel, Mr. Dresser, who states that he has more 21 than 30 years of experience and that San Francisco attorneys with comparable experience typically 22 earned more than \$1,100 per hour between June 2024 and May 2025.

See Dresser Decl. ¶¶ 108, 23 120. Mr. Dresser points out that his hourly rate of \$400, which he has charged since 2018, is less 24 than half that amount. See id. ¶¶ 107, 122. Mr. Dresser also states that Ms. Anderson and Ms. 25 Lumley are experienced paralegals, and that his office has billed paralegal work at \$75 per hour 26 for the last ten years. See id. ¶¶ 123-128.

This Court recently found that Mr. Dresser's hourly rate of \$400, and his paralegals' hourly rate of \$75, are reasonable and fall within the market rates for 1 No. 16-CV-01120-BLF, 2023 WL 4477211, at *3 (N.D. Cal. July 11, 2023) ("[T]he Court will 2 award attorneys' fees based on the requested hourly rate of \$400."); *Novoselac v. Vuzem*, No. 21- 3 CV-08654-BLF, 2023 WL 3899011, at *11 (N.D.

Cal. June 7, 2023) ("[T]he Court will award 4 fees based on the requested rates of \$400 for counsel and \$75 for paralegals."). 5 Accordingly, the Court will award attorneys' fees based on the requested rates of \$400 for 6 Mr. Dresser and \$75 for his firm's paralegals. 7 c. Lodestar in this Case 8 Based on the foregoing the Court determines that the lodestar in this case is \$438,275, 9 comprising fees in the amount of \$345,200 (863 hours of attorney time x \$400) and paralegal fees 10 in the amount of \$93,075 (1,241 hours of paralegal time x \$75). "[T]he lodestar figure is 11 presumptively a reasonable fee award[.]" *Camacho*, 523 F.3d at 978 (internal quotation marks 12 and citation omitted).

The Court may adjust the lodestar up or down in appropriate circumstances, 13 to account for factors that are not subsumed within the lodestar calculation. See *id.* Plaintiffs have 14 not requested an adjustment to the lodestar, and have not provided a factual basis for any such 15 adjustment.

Accordingly the Court finds that it is reasonable to award attorneys' fees in the 16 lodestar amount of \$438,275. 17 3. Apportionment of Attorneys' Fees Award 18 Plaintiffs requests that attorneys' fees be awarded against the Vuzem Defendants and 19 Eisenmann jointly and severally. While the Court agrees that joint and several liability is 20 appropriate as to the bulk of the attorneys' fees award, it is clear from the record that some fees 21 cannot be attributed to Plaintiffs' pursuit of claims against the Vuzem Defendants, while other fees 22 cannot be attributed to Plaintiffs' pursuit of claims against Eisenmann.

Consequently, the Court 23 considers whether apportionment of some fees is appropriate. 24 "In deciding whether apportionment is mandated, the court focuses on the time expended 25 by the plaintiff in pursuing each defendant, rather than on relative liability." *El-Hakem v. BJB Inc.*, 415 F.3d 1068, 1075 (9th Cir. 2005). Apportionment is required "when the time expended by 27 the plaintiff in pursuing each defendant was grossly unequal." *Corder v. Gates*, 947 F.2d 374, 383 1 defendant is not liable for a fee award greater than the actual fees incurred against that defendant." 2 *Jones v. Espy*, 10 F.3d 690, 691 (9th Cir.

1993). 3 Having considered the record as a whole, the Court finds that the attorney hours and 4 paralegal hours expended on most of the major tasks in the case were spent pursuing claims 5 against both Eisenmann and the Vuzem Defendants.

The major tasks relating to those defendants, 6 collectively, include: Compl. and Pre-Compl. Investigation; Service; Discovery, including 7 discovery motions; Client Communication; Motion to Remand; Motion for Default Judgment; 8 Other motion practice; and Motion for Fees including Bill of Costs.

The time spent on those tasks 9 includes 746 hours of attorney time and 1,199 hours of paralegal time, for which the Court will 10 award fees in the amounts of \$298,400 (746 hours x \$400) and \$89,925 (1,199 x \$75), 11 respectively.

The Court awards those fees to Plaintiffs and against Eisenmann and the Vuzem 12 Defendants, jointly and severally, in the amount of \$388,325 (\$298,400 for attorney time + 13 \$89,925 for paralegal time). 14 The Court finds that hours expended on the Class motions were spent pursuing the 15 litigation against the Vuzem Defendants but not Eisenmann.

The class claim was asserted only 16 against the Vuzem Defendants at the time the motions in question were brought. The time spent 17 on the Class motions includes 60 hours of attorney time and 30 hours of paralegal time, for which 18 the Court will award fees in the amounts of \$24,000 (60 hours x \$400) and \$2,250 (30 hours x 19 \$75), respectively.

The Court awards those fees to Plaintiffs and against the Vuzem Defendants 20 only, jointly and severally, in the amount of \$26,250 (\$24,000 for attorney time + \$2,250 for 21 paralegal time). 22 The Court finds that hours expended on Settlement Efforts and the Motion to Dismiss were 23 spent pursuing claims against Eisenmann but not the Vuzem Defendants.

The Vuzem Defendants 24 never responded to the complaint and were not involved in settlement or the motion to dismiss. 25 The time spent on those tasks includes 57 hours of attorney time and 12 hours of paralegal time, 26 for which the Court will award fees in the amounts of \$22,800 (57 hours x \$400) and \$900 (12 27 hours x \$75), respectively.

The Court awards those fees to Plaintiffs and against Eisenmann only 1 IV. ORDER 2 (1) Plaintiffs' motion for attorneys' fees is GRANTED IN PART. Plaintiffs are 3 awarded total attorneys' fees in the amount of \$438,275, as follows: 4 (a) The Court awards attorneys fees' in the amount of \$388,325 against 5 Defendants ISM Vuzem, d.o.o., Ivan Vuzem, Robert Vuzem, and HRID- 6 Mont, d.o.o., and Eisenmann Corporation, jointly and severally; 7 (b) The Court awards additional attorneys' fees in the amount of \$26,250 8 against Defendants ISM Vuzem, d.o.o., Ivan Vuzem, Robert Vuzem, and 9 HRID-Mont, d.o.o. only, jointly and severally; and 10 (c) The Court awards additional attorneys' fees in the amount of \$23,700 11 against Eisenman Corporation only.

12 (2) Plaintiffs SHALL file a proposed amended default judgment, incorporating this 5 13 award of attorneys' fees, as soon as is practicable. (3) This order terminates ECF 211. 16 Dated: November 6, 2025 hi j WW ☐☐ acner BETH LABSON FREEMAN 17 United States District Judge 18 19 20 21 22 23 24 25 26 27 28

