

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
191 N. First Street
San Jose, CA 95113-1090

(ENDORSED)
FILED

MAY 13 2011

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY Ingrid Stewart DEPUTY

TO: Mark A. Goldowitz
California Anti Slapp Project
2903 Sacramento Street
Berkeley, CA 94702

RE: Y. Wong vs T. Jing, et al
Case Nbr: 1-08-CV-129971

PROOF OF SERVICE

ORDER RE: MOTION FOR REASONABLE ATTORNEY'S FEES AND COSTS

was delivered to the parties listed below in the above entitled case as set forth in the sworn declaration below.

Parties/Attorneys of Record:

CC: Richard D. Schramm , Employment Rights Attorneys
46 South First Street, San Jose, CA 95113

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408)882-2700, or use the Court's TDD line, (408)882-2690 or the Voice/TDD California Relay Service, (800)735-2922.

DECLARATION OF SERVICE BY MAIL: I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown above, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on 05/13/11. DAVID H. YAMASAKI, Chief Executive Officer/Clerk by Ingrid C Stewart, Deputy

FILED

MAY 12 2011

DAVID H. YAMASAKI
Deputy County Clerk
Superior Court of California, County of Santa Clara
BY: _____ DEPUTY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

YVONNE WONG,

Plaintiff,

vs.

TAI JING, et al.,

Defendants.

Case No. 1-08-CV-129971

ORDER RE: MOTION FOR
REASONABLE ATTORNEY'S FEES
AND COSTS

The motion for reasonable attorney's fees and costs by defendants Tai Jing, Jia Ma, and Yelp! Inc. came on for hearing before the Honorable Peter H. Kirwan on May 12, 2011, at 9:00 a.m. in Department 8. The matter having been submitted, the court orders as follows:

Defendants Tai Jing, Jia Ma, and Yelp! Inc.'s motion for reasonable attorney's fees and costs is GRANTED, in part. Defendants' request for attorney's fees is comprised of work on three distinct projects: (1) the special motion to strike pursuant to Code of Civil Procedure section 425.16; (2) the appeal therefrom; and (3) the present motion for attorney's fees. In connection with the first two projects, defendants contend they incurred \$95,840 in attorney's fees. The court does not find all the hours expended to be reasonable and, in that regard, deducts

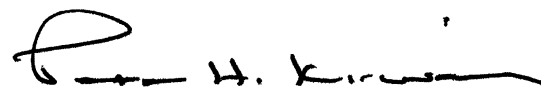
1 \$2,300 to reach a lodestar amount of \$93,540. The court finds the lodestar amount is subject to a
2 further reduction. “[A] lodestar figure may be adjusted not just upward but also, where
3 appropriate, downward.” (*Thayer v. Wells Fargo Bank* (2001) 92 Cal.App.4th 819, 840.) In this
4 case, the court finds a 25% reduction is appropriate based upon the fact that the defendants did
5 not completely prevail and based upon the fact that the amount of time does not appear to be
6 reasonable in light of defense counsel’s expertise in the field of SLAPP. Therefore, in
7 connection with the first two projects, defendants Tai Jing, Jia Ma, and Yelp! Inc. shall recover
8 attorney’s fees from plaintiff Yvonne Wong in the amount of \$70,155.

9 In connection with the third project, defendants contend they incurred \$17,780. The
10 court does not find all the hours expended to be reasonable and, in that regard, deducts \$9,600 to
11 reach a lodestar amount of \$8,180. No further reduction is warranted. In connection with the
12 third project, defendants Tai Jing, Jia Ma, and Yelp! Inc. shall recover attorney’s fees from
13 plaintiff Yvonne Wong in the amount of \$8,180.

14 In connection with all three projects, defendants contend they incurred costs of
15 \$3,069.10. The court does not find all the costs incurred to be reasonable and, in that regard,
16 deducts \$662.95. Defendants Tai Jing, Jia Ma, and Yelp! Inc. shall recover costs from plaintiff
17 Yvonne Wong in the amount of \$2,406.15.

18 In summary, defendants Tai Jing, Jia Ma, and Yelp! Inc. shall recover attorney’s fees and
19 costs from plaintiff Yvonne Wong in the total amount of \$80,741.15.

20
21
22 Dated: 5/12/11



Hon. Peter H. Kirwan
Judge of the Superior Court