

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICOH COMPANY, LTD.,

Plaintiff,

v.

QUANTA STORAGE, INC., *et. al.*,

Defendants.

ORDER

06-C-462-C

On May 6, 2007 I granted Ricoh's motion to compel Quanta to submit to a follow-up 30(b)(6) deposition and shifted costs pursuant to Rule 37(a)(4). *See* dkt. 200 at 3-4. Ricoh submitted a claim for \$18,764.75, representing about 44 hours of work by three attorneys, not quite ten hours of paralegal work and some incidental expenses. *See* dkts. 218-19.

Quanta has objected, arguing generally that as a matter of proportion, \$19,000 for a 20-page discovery motion is excessive, and more specifically that 8.5 hours of work undertaken prior to the parties' meet-and-confer should not be compensated, and that it was excessive for a paralegal to spend "more than a day"¹ proofing and cite-checking submissions so brief. *See* dkt. 224. Ricoh felt compelled to respond with a short letter noting that there was a court-allowed 13-page reply brief in addition to the 19-page initial brief. *See* dkt. 225.

I am shifting the entire amount claimed by Ricoh. Proportionality is an important concern: the scale for measuring reasonableness in a routine FDCPA lawsuit is several orders of magnitude smaller than the scale used in a global high-tech patent lawsuit. The instant lawsuit

¹ Undoubtedly all of the paralegals working this case would be amused at this characterization of 9½ hours' work.

isn't "4 Months 3 Weeks and 2 Days,"² it's "Shrek The Third," in which reality consists of \$500/hr. billing rates and routine depositions on the far side of the earth. Against this backdrop, a \$19,000 discovery motion is just one cel in the scene. The stakes involved in the contested motion had the potential to be huge. Therefore, the time spent by lawyers and the paralegal was not excessive under the circumstances. It was rational—and compensable—for Ricoh's attorneys to begin their work on a motion before the meet-and-confer in order to move quickly if necessary; had no motion been filed, then Ricoh would have eaten this expense; as things turned out, Quanta is buying lunch. In short, the amount claimed is reasonable.

Pursuant to Rule 37(a)(4), it ORDERED that defendants Quanta Computer Inc., Quanta Storage Inc., Quanta Computer USA, Inc., NU Technology, and their lawyers are jointly and severally liable to pay \$18,764.75 to plaintiff Ricoh Company, Ltd. not later than July 5, 2007.

Entered this 4th day of June, 2007.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge

² Although the schedule may feel like it to the attorneys