

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTOPHER RECOUVREUR,

No. C 12-03435 RS

Plaintiff,

v.

**ORDER SETTING BRIEFING
SCHEDULE ON MOTION FOR
ATTORNEYS' FEES**

CHARLES CARREON,

Defendant.

Defendant seeks a 120 days extension on the deadline for filing his opposition to plaintiff's motion for attorneys' fees. Defendant declares that such extension is necessary to allow him the opportunity to conduct discovery to establish that Charles-Carreon.com brings no substantial benefit to the public and that defendant engaged in no conduct that would be legally considered malicious, fraudulent or willful. Defendant also intends to propound subpoenas on plaintiff's counsel to determine whether he is incentivized to seek fee awards. Finally, defendant seeks the extension because he has taken steps to obtain Amicus Briefs from the International Trademark Association and three trademark law firms.

Plaintiff opposes the extension. Prior to defendant's filing the motion, plaintiff agreed to stipulate to a 30 day extension on defendant's time to file an opposition, which offer defendant refused.

1 The Ninth Circuit discourages major litigation with respect to attorneys' fees. *See, e.g.,*
2 *Camacho v. Bridgeport Financial*, 523 F.3d 973, 981 (9th Cir. 2008); *Hensley v. Eckerhart*, 461
3 U.S. 424, 437 (1983) ("A request for attorney's fees should not result in a second major litigation.").
4 Defendant's request for extensive discovery would amount to a mini-trial on plaintiff's motion for
5 attorneys' fees. Such extensive discovery is unnecessary and a waste of resources. Accordingly,
6 defendant's request for a 120 day extension is denied.

7 In the alternative, defendant seeks a 60 day extension for the conduct of discovery and the
8 preparation of his opposition brief. Finding this request to be more reasonable, defendant's
9 opposition shall be due March 18, 2013. Plaintiff's reply, if any, shall be due no later than April 1,
10 2013.

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12 IT IS SO ORDERED.

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14 Dated: 1/22/13



15 RICHARD SEEBORG
16 UNITED STATES DISTRICT JUDGE
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