

MAY 06 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARGARET A. HOFFMAN, an  
individual, for herself and on behalf of all  
others similarly situated,

Plaintiff - Appellant,

and

DANIEL LOPEZ,

Plaintiff,

v.

CONSTRUCTION PROTECTIVE  
SERVICES, INC., a California  
corporation,

Defendant - Appellee.

No. 09-56757

D.C. No. 5:03-cv-01006-VAP-  
SGL

ORDER\*

Appeal from the United States District Court  
for the Central District of California  
Virginia A. Phillips, District Judge, Presiding

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

Submitted May 3, 2011\*\*  
Pasadena, California

Before: SILVERMAN, TALLMAN, and CLIFTON, Circuit Judges.

In our prior remand order, we approved an attorney’s fee award of \$42,000, but instructed the district court to better articulate its lodestar calculation and its downward departure from that presumptively reasonable figure. *See Hoffman v. Constr. Protective Servs., Inc.*, 293 F. App’x. 462, 464 (9th Cir. 2008). The district court has now adequately explained the basis for the significant reduction from the amount originally claimed. *See McGrath v. Cnty. of Nevada*, 67 F.3d 248, 254 (9th Cir. 1995) (“The significant question is whether the district court’s articulation of its reasons is sufficient to permit meaningful appellate review.”); *see also Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983). However, because the district court previously ruled that the difficulty of the question, the rights vindicated, and other factors justified a fee of \$42,000, we consider those findings — findings that were not appealed — to be the law of the case. Thus, we vacate and remand with direction to reenter an award of attorney’s fees in the amount of \$42,000.

No further appeals will be entertained in this case. *See Hensley*, 461 U.S. at 437 (“A request for attorney’s fees should not result in a second major litigation.”).

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\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*.

**VACATED AND REMANDED.**