NOT FOR PUBLICATION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

* 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.").

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

VACATED AND REMANDED.