NOT FOR PUBLICATION

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICHARD MOONEY, Plaintiff – Appellee / Cross-Appellant, v. ROLLER BEARING COMPANY OF AMERICA INC, a Delaware corporation, Defendant – Appellant / Cross-Appellee.	Nos. 23-3552 23-3683 D.C. No. 2:20-cv-01030-LK MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Lauren J. King, District Judge, Presiding

Argued and Submitted February 14, 2025
Seattle, Washington

Before: W. FLETCHER, GOULD, and NGUYEN, Circuit Judges.

Roller Bearing Company of America ("RBC") appeals the denial of its motion for a new trial, and Richard Mooney ("Mooney") cross-appeals the district

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

court's decision to reduce his attorneys' fees.[1] We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

"[W]e review for abuse of discretion the denial of a Rule 59(a) motion for a new trial," *Marroquin v. City of Los Angeles*, 112 F.4th 1204, 1211 (9th Cir. 2024), which "requires us to uphold a district court determination that falls within a broad range of permissible conclusions, provided the district court did not apply the law erroneously," *Kode v. Carlson*, 596 F.3d 608, 612 (9th Cir. 2010). We also review for abuse of discretion an award of attorneys' fees and costs, including the use of multipliers. *Hall v. Bolger,* 768 F.2d 1148, 1150 (9th Cir. 1985).

1. The district court did not abuse its discretion in denying RBC's motion for a new trial. We use a "two-part test to determine objectively whether a district court has abused its discretion in denying a motion for a new trial." *United States v. Hinkson*, 585 F.3d 1247, 1261 (9th Cir. 2009) (en banc). First, we determine whether the district court "identified the correct legal rule to apply to the relief requested." *Id.* at 1262. Second, we determine whether its "application of the correct legal standard was (1) illogical, (2) implausible, or (3) without support in inferences that may be drawn from the facts in the record." *Id.* (cleaned up).

RBC concedes that the district court identified the correct legal rule but

[1] Mooney also cross-appeals the district court's decision to apply the federal rate to an award of prejudgment interest. We address that issue in a concurrently filed opinion.

argues that its ruling is contrary to the weight of the evidence. We see no error. The district court discussed the circumstantial evidence that supported the verdict, including evidence that Mooney was the only sales engineer laid off in the April 2020 reduction in force and that an RBC executive asked about replacing Mooney after he requested an extension of his leave. [2]

2. The district court did not abuse its discretion in reducing Mooney's attorneys' fees. "A district court acts within its discretion in awarding fees when the amount is reasonable and the court fully explains its reasoning in making the award." *McCown v. City of Fontana*, 565 F.3d 1097, 1102 (9th Cir. 2009).

The district court reasonably considered the quality of counsel's representation, counsel's violation of court rulings, and their limited success because Mooney obtained "less than 25 percent of the recovery he sought," despite seeking attorneys' fees of "more than twice the amount of his verdict."

AFFIRMED.

[2] RBC initially argued that a new trial should have been granted due to misconduct by Mooney's counsel but then conceded this issue in the reply brief. We thus need not address it. Additionally, Mooney's Motion to Strike Brief or Portion of Brief (Dkt. No. 44) is DENIED.