

JAN 19 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RRLH, INC., a California corporation,

Plaintiff - Appellee,

v.

HENDRICK JAN BARTO, d/b/a
LEISURE WORLD RESALES, INC.,

Defendant - Appellant.

No. 08-56071

D.C. No. 2:03-cv-03799-PSG-
RNB

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted January 11, 2010^{**}

Before: BEEZER, TROTT, and BYBEE, Circuit Judges.

Hendrick Jan Barto appeals pro se from the district court's order awarding attorney's fees to RRLH, Inc. ("RRLH") based on a finding that of Barto acted in bad-faith in violating the district court's prior order prohibiting Barto from using

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

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

RRLH's trademark. We have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion the district court's award of attorney's fees. *Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210 (9th Cir. 1986). We affirm.

The district court did not abuse its discretion by awarding \$29,730 in attorney's fees to RRLH. Spending seventy-eight hours filing and prosecuting the contempt motion was reasonable in light of the distance between their attorney's office and the courthouse, Barto's unauthorized filings, and Barto's opposition to the contempt motion. *See Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1210-11 (9th Cir. 1986). The hourly rate RRLH's attorneys charged was also reasonable given their expertise, qualifications, and the rates charged by comparable attorneys. *See id.*

AFFIRMED.