

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MARGRETTY RABANG, *et al.*

*Appellees,*

vs.

ROBERT KELLY, JR., *et al.*

*Appellants,*

No. 17-35427

**APPELLEES’  
SUPPLEMENTAL REPLY IN  
SUPPORT OF APPLICATION  
FOR ATTORNEYS’ FEES**

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Instead of refuting Rabang Appellees’ prevailing rates evidence as per this Court’s Order (Dkt. # 49), Kelly Appellants rehash the “excessiveness” arguments they made in June. *Compare* Dkt. # 43-1, *with* Dkt. # 51. Kelly Appellants concede that Rabang Appellees’ hourly rates are reasonable. They previously conceded that Rabang Appellees are entitled to fees incurred not only for this appeal, but also for “other legal work incidental to their defense against Appellants Kelly” in the District Court. Dkt. # 36 at 1-2. As substantiated by four sets of uncontroverted affidavit evidence (Dkt. # 41-3, Dkt. # 41-4, Dkt. # 50-1, Dkt. # 50-2)<sup>1</sup>, Rabang Appellees are entitled to \$107,347.00 in prevailing party fees.

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<sup>1</sup> Rabang Appellees again chose not to offer any affidavit evidence of their own. *Chalmers v. City of Los Angeles*, 796 F.2d 1205, 1214 (9th Cir. 1986), *opinion*

DATED this 26th day of November 2018.

GALANDA BROADMAN PLLC

s/ Anthony S. Broadman

Gabriel S. Galanda, WSBA #30331

Anthony S. Broadman, WSBA #39508

Ryan D. Dreveskracht, WSBA #42593

P.O. Box 15416

8606 35th Avenue NE, Suite L1

Seattle, WA 98115

PH: 206-557-7509

gabe@galandabroadman.com

anthony@galandabroadman.com

ryan@galandabroadman.com

*Attorneys for Appellees*

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*amended on denial of reh'g, 808 F.2d 1373 (9th Cir. 1987) (counter affidavits would have been helpful to consider the reasonableness of time expended).*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document, Appellees' Supplemental Reply In Support Of Application for Attorneys' Fees, with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on November 26, 2018. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system to the following parties:

Connie Sue Martin  
Christopher H. Howard  
SCHWABE, WILLIAMSON & WYATT, P.C.  
1420 5th Ave., Ste. 3400  
Seattle, WA 98101  
Attorneys for Appellants

And to,

Rob Roy Smith  
Rachel B. Saimons  
KILPATRICK, TOWNSEND & STOCKTON LLP  
1420 Fifth Ave., Ste. 3700  
Seattle, WA 98101  
Attorneys for Defendant Raymond Dodge

Signed under penalty of perjury and under the laws of the United States this  
26th day of November 2018.

s/ Anthony S. Broadman  
Anthony S. Broadman, WSBA #39508