

INDEX OF APPENDICES

B. Ninth Circuit Memorandum, *Johnson v. STORIX, INC.*, No. 18-56106 1a

C. Ninth Circuit Order Denying Petition for Rehearing 4a

D. District Court Order Awarding Attorneys' Fees on Remand 5a

E. District Court Second Amended Judgment 42a

F. Ninth Circuit Memorandum, *Johnson v. STORIX, INC.*, Case No. 16-55439 45a

A. Ninth Circuit Memorandum, *Johnson v. STORIX, INC.*, No. 18-56106

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ANTHONY J. JOHNSON,
Plaintiff-counter defendant-Appellant,

No. 18-56106
D.C. No. 3:14-cv-01873-H-BLM

v.

MEMORANDUM*

STORIX, INC., a California
Corporation, Defendant-
Counter-claimant-Appellee.

FILED FEB 5 2020
MOLLY C. DWYER,
CLERK

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Submitted February 5, 2020**

Before: FARRIS, D.W. NELSON, and SILVERMAN, Circuit Judges.

Anthony Johnson (“Johnson”) appeals pro se the district court’s judgment awarding \$407,778.00 in attorneys’ fees to Storix, Inc. (“Storix”) on remand from this court’s decision in *Johnson v. Storix, Inc.*, No. 16-55439, 716 Fed. App’x. 628 (9th Cir. 2017) (“*Johnson I*”).¹

We have jurisdiction under 28 U.S.C. § 1291. We review a district court’s award of attorneys’ fees for an abuse of discretion. *Maljack Productions v. GoodTimes Home Video Corp.*, 81 F.3d 881, 889 (9th Cir. 1996). We affirm.

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

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

¹ The prior panel declined this appeal as a comeback.

Johnson I summarizes in detail the factual and procedural background of this case. In *Johnson I*, a prior panel of this court held that while the district court did not abuse its discretion in choosing to award fees to Storix, the amount of the award was unreasonable “[b]ecause Johnson’s claims were neither unreasonable nor frivolous,” and because “Johnson, who is now pro se, is an individual plaintiff, rather than another company.” 716 Fed. App’x. at 630-31. This court therefore remanded this matter to the district court to “reconsider the amount” of the attorneys’ fee award. *Id.* at 631.

On remand, the district court reduced its initial fee award by 25%, awarding Storix \$407,778.00 in attorneys’ fees. The district court also awarded Storix post-judgment interest from the date of the original judgment.

Given the scope of this court’s remand order, we conclude the district court did not err in holding that it was not required to reexamine its original decision to award attorneys’ fees to Storix under the Copyright Act, 17 U.S.C. § 505. *See Mendez-Gutierrez v. Gonzales*, 444 F.3d 1168, 1172 (9th Cir. 2006) (explaining that “a district court is limited by this court’s remand in situations where the scope of the remand is clear”).

The district court did not abuse its discretion in making a 25% reduction of the total fee award on remand. In accordance with this court’s instructions in *Johnson I*, the district court properly considered the objective reasonableness of Johnson’s claims and his pro se status, and adequately explained why any further adjustment to Storix’s lodestar amount was not warranted. *Hensley v. Eckerhart*,

461 U.S. 424, 437 (1983) (district court must provide a concise but clear explanation of its reasons for the fee award).

The district court also did not abuse its discretion in awarding post-judgment interest from the date of the original judgment under 28 U.S.C. § 1961 because this court affirmed the district court's decision to award fees and remanded only as to the amount awarded. *See Perkins v. Standard Oil Co. of Cal.*, 487 F.2d 672, 676 (9th Cir. 1973) (holding that “[w]here a single item such as attorneys’ fees is reduced on appeal, the district court’s determination should be viewed as correct to the extent it was permitted to stand, and interest on a judgment thus partially affirmed should be computed from the date of its initial entry”).

AFFIRMED.

B. Ninth Circuit Order Denying Petition for Rehearing

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ANTHONY J. JOHNSON,
Plaintiff-counter defendant-Appellant

v.

STORIX, INC., a California Corporation,
Defendant-counter-claimant-Appellee.

No. 18-56106
D.C. No. 3:14-cv-01873-H-BLM
Southern District of
California, San Diego

ORDER

FILED FEB 21 2020
MOLLY C.
DWYER, CLERK

Before: FARRIS, D.W. NELSON, and SILVERMAN, Circuit Judges.

Appellant's Petition for Panel Rehearing filed on February 11, 2020, is hereby
DENIED.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.