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COUNSEL CONTINUED ON NEXT PAGE

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO/OAKLAND DIVISION**

18 META PLATFORMS, INC., a Delaware
19 corporation,

20 *Plaintiff/Counterclaim*
21 *Defendant,*

21 v.

22 BRANDTOTAL, LTD., an Israeli
23 corporation, and
24 UNIMANIA, INC., a Delaware
25 corporation,

25 *Defendants/Counterclaim*
26 *Plaintiffs.*

Case No.: 3:20-CV-07182-JCS

**STIPULATED REQUEST FOR AN
ORDER AWARDING FEES**

28 Stipulated Request For An Order

Case No. 3:20-CV-07182-JCS

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27 *Attorneys for Plaintiff/Counterclaim*
28 *Defendant Meta Platforms, Inc.*

1 Pursuant to Civil Local Rule 7-12 Plaintiff/Counterclaim Defendant Meta Platforms, Inc.
2 (hereinafter “Meta”) and Defendants/Counterclaim Plaintiffs BrandTotal Ltd. and Unimania,
3 Inc., (hereinafter “BrandTotal”) by and through their respective counsel, hereby stipulate to, and
4 respectfully request that the Court issue an order on the value of fees and costs to be awarded
5 pursuant to the Court’s May 27, 2022 Order (ECF No. 339) on Meta’s Motion For Discovery
6 Sanctions (ECF No. 246) (“Sanctions Order”).

7 In its Sanctions Order, the Court found “that an award of attorneys’ fees is appropriate to
8 cure the prejudice to Meta that resulted from BrandTotal’s spoliation of evidence” and directed
9 the parties to meet and confer regarding the amount of fees to be awarded on the sanctions
10 motion and to file either: “(1) a stipulation as to the amount of such fees and costs; or (2) a joint
11 letter brief no longer than five pages laying out their respective positions on the value fees and
12 costs to be awarded.” ECF No. 339. The parties have conferred and have agreed to a sanctions
13 fee amount of \$72,500 (the “Sanctions Fee Amount”).

14 BrandTotal has requested that rather than paying this amount immediately, it be allowed
15 to place the Sanctions Fee Amount in escrow through the date of the parties’ mediation on
16 August 29, 2022.

17 The parties have agreed that prior to August 29, 2022 the Sanctions Fee Amount will
18 only be released to Meta upon joint assent of both parties. Starting on August 30, 2022, Meta
19 will have sole authority to direct the escrow agent to release the funds to Meta. Any fees and
20 costs associated with the maintenance or use of an escrow account will be paid by BrandTotal.

21 **IT IS HEREBY STIPULATED AND AGREED** by Meta and BrandTotal, pursuant to
22 Civil Local Rules 7-12 and this Court’s Sanctions Order ECF No. 339 that:

- 23 1. BrandTotal shall pay Meta \$72,500 in fees and costs pursuant to this Court’s ruling on
24 Meta’s Motion For Discovery Sanctions (ECF No. 339);
- 25 2. BrandTotal shall place this \$72,500 in an escrow account no later than one week after the
26 date of this Order;

- 1 3. The escrow agent will be directed that prior to August 29, 2022 release of the funds to
2 Meta will require joint approval of both BrandTotal and Meta. Starting on August 30,
3 2022, Meta will have sole authority to direct the escrow agent to release the funds; and
4 4. Any fees and costs associated with the use of an escrow account will be paid by
5 BrandTotal.

6
7 Date: July 1, 2022

Respectfully submitted,

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Inc.*

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16 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

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18 Date: July 5, 2022

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21 HONORABLE JOSEPH C. SPERO

22 United States Magistrate Judge
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