Consolidated Appeal Nos. 24-3849, 25-2135, 25-2137, 25-3454

In The United States Court Of Appeals For The Ninth Circuit

HEATHER TURREY, OLIVER FIATY, JORDAN HERNANDEZ, and JEFFREY SAZON, individually, and on behalf of all others similarly situated,

Plaintiffs-Appellees.

v.

VERVENT, INC.; ACTIVATE FINANCIAL, LLC; and DAVID JOHNSON,

Defendants-Appellants

Appeal From the United States District Court
for the Southern District of California
No. 3:20-cv-00697-DMS-AHG, Hon. Dana M. Sabraw

APPELLEES' UNOPPOSED REQUEST TO TRANSFER MOTION FOR ATTORNEY FEES ON APPEAL

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INTRODUCTION

Appellees and Plaintiffs, Heather Turrey, Oliver Fiaty, Jordan Hernandez and Jeffery Sazon, have contemporaneously filed a motion seeking attorney fees and non-taxed expenses incurred in successfully opposing Appellants' consolidated appeals. Here, as permitted by Circuit Rule 39-1.8, Appellees request that their motion for attorney fees be transferred to Judge Dana M. Sabraw of the Southern District of California, the court from which the consolidated appeals were taken.

This request to transfer is timely under Circuit Rule 39-1.8 because it is filed not later than 14 days after the expiration of the period within which Appellants could have filed a petition for rehearing.

ARGUMENT

A successful party on appeal may, if legally entitled, request attorney fees for the work done on appeal. Circuit Rule 39-1.6. That party may also ask that the motion for attorney fees be transferred to the district court from which the appeal was taken. Circuit Rule 39-1.8.

Here, Plaintiffs request that their motion for attorney fees on appeal be transferred to the district court from which the appeals were taken. Judge Sabraw presided over the trial, pre-trial motions and post-

trial motions from which the appeals were taken. He also ruled on Plaintiffs' motions for attorney fees following trial in accordance with the attorney fees and costs provisions in RICO, 18 U.S.C. section 1964(c), which law is also applicable to Plaintiffs' motion for attorney fees and costs on appeal. Judge Sabraw is familiar with this litigation and the attorneys representing Plaintiffs/Appellees, and thus well suited to resolve the instant motion for fees and expenses on appeal. *See Legal Voice v. Starmans, Inc.*, 757 F.3d 1015, 1016 (9th Cir. 2014) (transferring determination of attorney fees on appeal to the district court). Appellants/Defendants do not oppose this motion to transfer.

CONCLUSION

Appellees/Plaintiffs respectfully request that their motion for attorney fees and non-taxed costs on appeal be transferred to the district court from which the appeals were taken.

Respectfully Submitted,

Dated: September 9, 2026

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By: *s/ Timothy G. Blood*
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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 9, 2026 By: *s/ Timothy G. Blood*
TIMOTHY G. BLOOD