

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

Tekstrom, Inc.,	:	C.A. No. 03-06-0033
A Delaware Corporation,	:	
	:	
Plaintiff/Counterdefendant,	:	
	:	
vs.	:	
	:	
Sameer K. Savla,	:	
	:	
Defendant/Counterclaimant,	:	
	:	
vs.	:	
	:	
Charan Minhas,	:	
	:	
Individually,	:	
Counterdefendant.	:	

On this 1st day of June, 2007 the Court concludes as follows:

1. On September 9, 2005, this Court entered judgment in behalf of Savla and against Tekstrom and Minhas for \$91,200.00, plus prejudgment interest and reasonable attorney's fees.
2. After a hearing held on November 21, 2005, on November 22, 2005, I rendered an opinion and granted Savla interest on the unpaid wages and liquidated damages at the rate of 7.25% from May 2003, interest on \$28,800.00 at 8.25% from January 1, 2004, and attorney's fees in the amount of \$73,711.25, plus allowable court costs.
3. On appeal to the Superior Court, the Superior Court affirmed this Court's

opinion in part and reversed in part. The Superior Court, among other things, reversed this Court's finding that Minhas was personally liable as an employer under the Delaware and Federal Minimum Wage Statutes for unpaid wages and other damages arising under those statutes.

4. The Superior Court's holding was affirmed by the Delaware Supreme Court in a subsequent appeal.

5. The Superior Court opinion eliminated Minhas's liability for \$22,400.00 of the \$91,200.00 in damages for which this Court found Minhas jointly and severally liable. Therefore, the judgment against Minhas is reduced to \$68,800.00.

6. Savla has filed a motion with this Court for an award of attorney's fees incurred in connection with the appeals to the Superior Court and Supreme Court.

7. Savla is only entitled to an award of attorney's fees for reimbursement to the extent he was successful on his claims under the Delaware and Federal Wage Laws. *Hensley v. Eckerhart*, 461 U.S. 424 (1983), *McDonald v. Doe*, 748 F.2d 1055, 1057 (5th Cir. 1984) *rehearing denied*, 753 F.2d 1075 (5th Cir. 1985).

8. The rationale for the assessment of attorney's fees against Minhas was based on 19 *Del. C. Sec. 1113(c)*. That statute provided that any judgment entered for Savla shall include an award of the cost of this action, plus reasonable attorney's fees. Since the judgment entered against Minhas under this statute was reversed by the Superior Court and the reversal was affirmed by the Delaware Supreme Court, there is no basis for the award of attorney's fees against Minhas in connection with the appeal. There is also no basis for the award of attorney's fees against Minhas in connection with the

trial proceedings. The award of attorney's fees against Minhas for the trial proceedings is vacated.

Tekstrom does not dispute Savla's additional request for attorney's fees against Tekstrom in connection with the appeal to the Superior Court and Supreme Court.

Accordingly, those additional attorney's fees are granted. Savla is awarded attorney's fees against Tekstrom in connection with the appeals in the amount of \$16,580.78. The application for additional court costs in the amount of \$463.25 is granted.

IT IS SO ORDERED.

Merrill C. Trader
Judge