

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**KEARNEY MACHINERY &
SUPPLY, INC.,**)

Plaintiff,)

v.)

**SHENYANG MACHINE TOOL CO.
LTD., et al.,**)

Defendants.)

Case No.: 2:19-cv-1828-ACA

MEMORANDUM OPINION

The court previously entered a memorandum opinion granting in part and denying in part Plaintiff Kearney Machinery & Supply, Inc.’s motion for sanctions and explaining that the court would enter a default judgment as a sanction under Federal Rules of Civil Procedure 16 and 37 against Defendants Shenyang Machine Tool Co., Ltd.; Shenyang Machine Tool (Group) Co., Ltd.; and Shenyang Machine Tool Import & Export Co., Ltd. (collectively “Shenyang Defendants”). (Doc. 52).

The court also indicated that it would grant Kearney’s request for reasonable attorney’s fees and expenses due to the Defendants’ failures under Rules 16 and 37. (*Id.* at 12–13). Because the record did not contain sufficient information for the court to evaluate Kearney’s request for attorney’s fees and expenses, the court

ordered Kearney to supplement the record with affidavits or other admissible evidence establishing the reasonableness of the expenses and fees. (*Id.* at 13, 15).

Kearney filed a response to the court's order in which it seeks \$6,150.00 in attorney's fees that it incurred because of the Defendants' failures under Rules 16 and 37. (Doc. 53 at 1–3). Kearney supports its request with declarations from its two attorneys, James H. White, IV and Sylvion S. Moss. (*Id.* at 6–9, 11–13). Mr. White attests that he performed 4.1 hours of work at a rate of \$250.00 per hour (for a total of \$1,025.00) due to the Shenyang Defendants' failures under Rules 16 and 37. (Doc. 53 at 6–9). Ms. Moss attests that she performed 20.5 hours of work at a rate of \$250.00 per hour (for a total of \$5,125.00) due to the Shenyang Defendants' failures under Rules 16 and 37. (*Id.* at 11–13).

Based on the evidence before the court, including counsel's expertise, the time for which they seek reimbursement, and their hourly rate, the court finds that the request for \$6,150.00 in attorney's fees is reasonable. Therefore, the court **WILL AWARD** \$6,150.00 in attorney's fees as part of its final default judgment which the court will enter by separate order.

DONE and **ORDERED** this August 2, 2022.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE