

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

iLOR, LLC,)	
)	
Plaintiff,)	Civil Action No. 5:07-109-JMH
)	
v.)	
)	
GOOGLE, INC.)	MEMORANDUM OPINION AND ORDER
)	
Defendant.)	
)	

** ** ** ** **

On October 15, 2009, this Court entered a Memorandum Opinion and Order in which it granted the Motion for Attorney Fees and Costs filed by Google, Inc. (hereinafter, "Google") [Record No. 93], and provided Google a specified time within which to submit any additional detailed billing records and itemization of costs and expenses associated specifically with the filing of its Motion for Attorney Fees and Costs so that the Court could review those fees in light of the fact that Google had prevailed on its motion. iLOR, LLC (hereinafter, "iLOR") was also provided with an opportunity to object to those itemized costs and expenses, once filed.

Google has now filed its Itemization of Costs, Attorneys' Fees and Expenses [Record No. 95], which largely reproduces the materials offered in support of its Motion for Attorney Fees and Costs. The Court has perused those materials and has found support

for only an additional \$511 in attorney fees associated with the filing of the Motion for Attorney Fees and Costs. These fees were charged by attorney James R. Higgins, Jr., of Middleton & Reutlinger and reflect 1.4 hours of his time spent in receiving, considering, and responding to his client's inquiry concerning filing a motion for attorneys fees and his involvement in securing the filing of that motion [Record No. 95-3 at 35-36].

iLOR has filed a document styled Objections to Google's Itemization of Costs Attorneys' Fees and Expenses [Record No. 96] which, frankly, offers no objection to the specific fees and expenses claimed with regard to filing of Google's Motion for Attorneys Fees and Costs. Rather, iLOR has offered many of the same arguments and objections offered in its Response to the Motion for Attorneys Fees and Costs for a second time. To the extent that iLOR's pleading represents a motion to reconsider the Court's October 15, 2009, decision, iLOR has presented the Court with no reason to consider those arguments again at this time, and the Court declines to do so. *See Rodriguez v. Tennessee Laborers Health & Welfare Fund*, 89 F. App'x 949, 959 (6th Cir. 2004) ("Traditionally, courts will find justification for reconsidering interlocutory orders when there is (1) an intervening change of controlling law; (2) new evidence available; or (3) a need to correct a clear error or prevent manifest injustice.").

Having considered the \$511 in fees charged by Hon. Higgins

with regard to the filing of Google's Motion for Attorney Fees and Costs, the Court concludes that they represent a reasonable number of hours of service at a reasonable rate and, thus, should be included in the lodestar described in the Court's October 15, 2009, Memorandum Opinion and Order, for a total of \$627,039.25 in fees that shall be awarded in this matter. Google has requested no further costs and expenses associated with filing its Motion for Attorneys' Fees, and the Court shall award the \$33,312.68 in costs and expenses as set forth in its October 15, 2009, Order.

IT IS SO ORDERED.

This the 23rd day of December, 2009.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge