

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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SANDRA YOUNG, et al.

Plaintiffs,

v.

VIABLE COMMUNICATIONS,
INC, et al.

Defendants.

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Civil No.: **PJM 09-2250**

MEMORANDUM OPINION

On August 15, 2011, the Court entered Judgment in favor of Plaintiffs and against Defendants Viable Communications, Inc., John Yeh, and Joseph Yeh, jointly and severally, in the amount of \$1,134,886.86. Plaintiffs have now filed a Petition for Award of Attorneys' Fees and Costs [Paper No. 156]. Defendant Viable Communications, Inc. takes no position as to the amount of fees and costs sought by Plaintiffs. Defendants John and Joseph Yeh have not filed any response to Plaintiffs' Petition. For the reasons that follow, the Court will **GRANT** the petition.

I.

Under the Fair Labor Standards Act, Plaintiffs are entitled to an award of reasonable attorneys' fees and costs. *Lyle v. Food Lion, Inc.*, 954 F.2d 984, 986 (4th Cir. 1992). The Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424, noted that the "most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate." *Id.* at 433. This calculation, the "lodestar" fee, can then be adjusted based on several factors to ensure its reasonableness. *See Barber v. Kimbrell's, Inc.*, 577 F.2d 216, 226 n.28 (4th Cir. 1978).

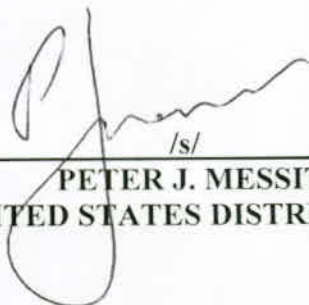
In this case, Plaintiffs submitted ample evidence to support the number of hours they claim were reasonably expended on the litigation and to establish the reasonableness of the hourly rates of their attorneys. The Court therefore finds that the resulting lodestar fee of \$126,747.00 is reasonable, and there is no need to adjust it. The Court also finds that Plaintiff have provided ample evidence of costs reasonably incurred in prosecuting this action and are entitled to recover \$7,085.89. The Court awards Plaintiffs the total sum of \$133,832.89 in attorneys' fees and costs.

II.

For the foregoing reasons, Plaintiffs' Petition for Award of Attorneys' Fees and Costs [Paper No. 156] is **GRANTED**.

A separate Order will **ISSUE**.

November 10, 2011


/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE