

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JASON J. FRANKS,	)	4:10CV3158
	)	
Plaintiff,	)	MEMORANDUM
v.	)	AND ORDER
	)	
PEAK CREDIT SERVICES, LLC,	)	
	)	
Defendant.	)	

Following the entry of an order granting the plaintiff a default judgment for statutory damages in the amount of \$400.00, the plaintiff has filed a motion for an award of reasonable attorney’s fees as authorized by the Fair Debt Collection Practices Act, [15 U.S.C. § 1692k\(a\)\(3\)](#). The plaintiff requests an award of \$1,500.00.

Attached to the motion is an unauthenticated “work-in-process report” which indicates that the plaintiff’s “lead attorney performed two hours of work at the rate of \$175.00 per hour[, an] associate attorney performed 16.65 hours of work at the rate of \$100.00 per hour, and [a] paralegal performed 2.8 hours of work at the rate of \$60.00 per hour” for “total billable fees” of \$2,183.00. (Filing [11](#), ¶ 6 and Exhibit 1.) Without an affidavit to authenticate the document and to establish the reasonableness of the reported hourly rates and hours, this attachment does not provide “appropriate and reliable evidence” in support of the plaintiff’s motion. *See* [NECivR 54.3\(b\)](#); *see also* [NECivR 54.4\(c\)](#) (“[A]ttorneys must file affidavits or other evidence in support of claimed hourly rates and hours.”).

In my estimation, a reasonable fee for the services of the plaintiff’s attorneys in drafting a fairly simple complaint and obtaining a default judgment against the defendant should not exceed the sum of \$750.00, which is the amount I will award.

Accordingly,

IT IS ORDERED:

1. The plaintiff's motion for attorney's fees (filing [11](#)) is granted in part, and the plaintiff is awarded attorney's fees in the amount of \$750.00. In all other respects, the motion is denied.
2. Final judgment shall be entered by separate document.

December 14, 2010.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge

---

\* This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.