

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**LUIS GALLEGOS,**

**Plaintiff,**

**vs.**

**LVNV FUNDING LLC;  
CONSTANTINO LAW OFFICE P.C.;**  
**and GREGORY CONSTANTINO,**

**Defendants.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:14-CV-516-DAK**

**Judge Dale A. Kimball**

---

This matter is before the court on Plaintiff Luis Gallegos’s Motion for Attorney’s Fees and Costs. Plaintiff seeks attorney’s fees as the prevailing party in this Fair Debt Collection Practices Act (FDCPA) case and in accordance with the agreement of the parties. The FDCPA provides that “in the case of any successful action to enforce the foregoing liability, [the defendant is liable for] the costs of the action, together with a reasonable attorney’s fee as determined by the court.” 15 U.S.C. § 1692k(a)(3). In this case, Plaintiff reached a settlement with Defendants, in which Defendants agreed to pay Plaintiff’s attorney’s fees, and Defendants do not dispute that the FDCPA mandates an award of attorney’s fees.

In awarding attorney fees under the FDCPA, a court applies “the lodestar amount pursuant to *Hensley v. Eckerhart*, 461 U.S. 424 (1983).” *Anchondo v. Anderson, Crenshaw & Assocs., LLC*, 616 F.3d 1098, 1102 (10th Cir. 2010). The lodestar “is the ‘number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.’” *Id.* (quoting *Hensley*, 461 U.S. at 433).

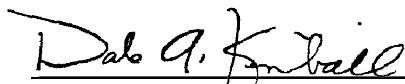
Plaintiff has submitted an affidavit of counsel in accordance with DUCivR 54-2(f) as to Plaintiff's attorney's fees and the costs of litigation. Defendants did not file an opposition to dispute the reasonableness of Plaintiff's counsel's hourly rate or the number of hours Plaintiff's counsel expended on the litigation, and the time for filing an opposition has passed.

The court finds Plaintiff's fees and costs to be reasonable, appropriate, and consistent with the rates prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Attorney's Fees and Costs under the FDCPA is GRANTED in the amount of \$63,024.00 in attorney's fees and \$1,662.42 in costs, for a total award of \$64,686.42.

DATED this 26th day of October, 2016.

BY THE COURT:



---

DALE A. KIMBALL

United States District Judge