

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

LITTLE ROCK SCHOOL DISTRICT, *et al.*

PLAINTIFFS

No. 4:82-cv-866-DPM

PULASKI COUNTY SPECIAL SCHOOL  
DISTRICT, JACKSONVILLE/NORTH  
PULASKI SCHOOL DISTRICT, *et al.*

DEFENDANTS

EMILY McCLENDON, TAMARA EACKLES,  
VALERIE STALLINGS, TIFFANY ELLIS,  
and LINDA MORGAN

INTERVENORS

ORDER

The Court made a mistake about the McClendon Intervenors' position on the payment of attorney's fees over time. This error must be corrected. FED. R. CIV. P. 60(b)(1). The Court is familiar, to some extent, with PCSSD's finances and financial challenges. But the driving reason behind the Court's approval of installment payments was its (mistaken) understanding that this request was unopposed. With that corrected, the Intervenors are entitled to receive the fees awarded now.

The Court pondered the hourly rates, as well as how much of the requested fees (particularly for litigation) should be awarded, considering all the circumstances and the applicable law. *E.g., Jenkins by Jenkins v. Missouri*, 127 F.3d 709, 716-19 (8th Cir. 1997) (en banc);

*Corbett v. Sullivan*, 353 F.3d 628, 631 (8th Cir. 2003). And the Court did the best it could in its 28 January 2022 Order to explain its thinking about what a reasonable fee was. The Court stands by its decision on those issues.

Counsel are not entitled to pre-judgment interest on the fee award. As best it can recall, the Court has never made a specific pre-judgment interest award in connection with an attorney's fee in this case. That circumstance has, instead, been baked in the hourly rates and the overall fee awarded. In general, pre-judgment interest is available when the amount recovered is fixed and ascertainable in advance. That is not the situation presented. In arriving at its decision about a reasonable fee, the Court considered the several-year delay in payment.

Intervenors are entitled to interest on the fee award. Interest will run from 6 May 2021, the date of the Court's Opinion and Order, *Doc. 5730. Jenkins by Agyei v. Missouri*, 931 F.2d 1273, 1277 (8th Cir. 1991). The statutory rate is .054%. 28 U.S.C. § 1961(a).

Motion, *Doc. 5782*, partly granted and partly denied. The Pulaski County Special School District owes the McClendon Intervenors \$324,888.25, less the monthly amounts paid by the District since entry of the Court's January Order, *Doc. 5780*. The full amount is due and payable now. Interest shall accrue at .054% from 6 May 2021 until this fee/expenses award is paid in full.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

8 April 2022