

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**HYUNDAI MOTOR FINANCE COMPANY**

**PLAINTIFF**

**VS.**

**4:06CV01714-WRW**

**MCKAY MOTORS I, LLC &  
JOHN P. MCKAY, JR.**

**DEFENDANT/COUNTER-CLAIMANTS  
THIRD-PARTY PLAINTIFFS**

**HYUNDAI MOTOR AMERICA, INC.**

**THIRD-PARTY DEFENDANT**

**ORDER**

Pending is Plaintiff's Motion for Attorney's Fees (Doc. No. 129). Defendants have responded<sup>1</sup> and Plaintiff has replied.<sup>2</sup>

Plaintiff's motion for attorney's fees and costs requested \$325,000.<sup>3</sup> In a September 3, 2008, letter order, I directed Plaintiff to file a supplemental itemization of fees and costs which would assist me when considering the issue.<sup>4</sup> Plaintiff filed the addendum on September 17, 2008.<sup>5</sup> The addendum included fees and costs incurred by Plaintiff through July 3, 2008, and the new figure, when calculated, amounts to \$262,796.75.<sup>6</sup>

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<sup>1</sup>Doc. No. 133.

<sup>2</sup>Doc. No. 135.

<sup>3</sup>Doc. No. 129. The original amount only included an "estimate" of the amount of attorney's fees and costs for June of 2008. I now have a itemized list of fees and costs for that month. See Doc. No. 141.

<sup>4</sup>Doc. No. 139.

<sup>5</sup>Doc. No. 141.

<sup>6</sup>*Id.*

In an October 2, 2008, letter order, I allowed Defendants until 5:00 p.m. on Monday, October 6, 2008 to file objections to Plaintiff's addendum.<sup>7</sup> Defendants did not respond, so Plaintiff's motion will be granted as the "prevailing party" under Arkansas statutory law.<sup>8</sup>

However, Plaintiff's latest submission<sup>9</sup> includes time spent preparing post-trial motions and lunch expenses at The Little Rock Club during trial. I do not believe that time spent on post-trial motions -- other than the motion for attorney's fees -- or lunch is recoverable.<sup>10</sup>

Accordingly, since Defendants have not objected and the time for doing so has passed, I find that Plaintiff is entitled to reasonable attorney's fees and costs in the amount of \$260,390.29.

IT IS SO ORDERED this 8<sup>th</sup> day of October, 2008.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>7</sup>Doc. No. 145.

<sup>8</sup>See Ark. Code Ann. § 16-22-308.

<sup>9</sup>Doc. No. 141.

<sup>10</sup>I am referring to \$2,076.59 in attorney's fees for preparing post-trial motions (excluding the motion for attorney's fees) and \$329.87 for lunch at The Little Rock Club. As a result, \$2,406.46 will be subtracted from the total amount awarded to Plaintiff.