

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

**MARY WILLIAMS and
LESLIE BROWN**

PLAINTIFFS

v.

CASE NO. 4:08-CV-04157 BSM

**DOLGENCORP, INC., d/b/a DOLLAR
GENERAL CORPORATION; TOM
O'CONNELL, individually and in his official
capacity as District Manager; and SHEILA
PADELLA, individually and in her official
capacity as Store Manager on behalf of
Dolgencorp Corporation**

DEFENDANTS

ORDER

On August 13, 2009, the court granted defendant's motion for contempt and dismissed plaintiffs' complaint without prejudice for failure to prosecute and failure to comply with the court's order dated June 25, 2009. In so doing, the court granted defendants' request for attorney's fees against plaintiffs' counsel, Alvin Leonard Simes, and directed defendants to file a declaration setting forth the fees incurred.

Defendants state that they have incurred \$4355.50 in fees addressing plaintiffs' discovery deficiencies and abuses in this matter, and submit an explanation of those fees. Alvin Leonard Simes has not responded to the declaration. Although the court accepts Mr. Simes's silence as an agreement as to the reasonableness of the fees requested, the court finds that \$4355.50 is unreasonable.

Accordingly, the court awards \$3000 in attorney's fees to defendants against Alvin Leonard Simes.

IT IS SO ORDERED THIS 8th day of October, 2009.

Brian S. Miller

UNITED STATES DISTRICT JUDGE