

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

**DENAE WRIGHT**

**PLAINTIFF**

**v.**

**CASE NO. 4:10cv00755 BSM**

**CITY OF NORTH LITTLE ROCK, ARKANSAS**

**DEFENDANT**

**ORDER**

As directed by the April 12, 2011, order granting its motion to compel, defendant City of North Little Rock, Arkansas (“North Little Rock”) has filed a motion for costs. [Doc. No. 13]. While there is “no fixed formula” for determining reasonable attorney fees, factors to consider include: “(1) experience and ability of counsel; (2) the time and labor required to perform the legal service properly; (3) the amount involved in the case and the results obtained; (4) the novelty and difficulty of the issues involved; (5) the fee customarily charged in the locality for similar services; (6) whether the fee is fixed or contingent; (7) the time limitations imposed upon the client or by the circumstances; and (8) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.” *South Beach Beverage Co., Inc. v. Harris Brands, Inc.*, 355 Ark. 347, 356 (2003).

North Little Rock is awarded its fees in the amount of \$366. The time spent preparing the motion to compel is reasonable. The hourly rates claimed by legal counsel are reasonable because they are in line with the prevailing market rate. In support of its request for \$366 in attorney fees, North Little Rock submits the affidavit of Carolyn B. Witherspoon

(“Witherspoon”), counsel for North Little Rock. Witherspoon states that her partner, J.E. Jess Sweere spent 2.8 hours drafting the motion to compel at his hourly rate of \$120 per hour, and Witherspoon herself spent .2 hours finalizing the motion and brief at her hourly rate of \$150.

Accordingly, North Little Rock’s motion for costs [Doc. No. 13] is granted.

IT IS SO ORDERED this 3rd day of May, 2011.

  
UNITED STATES DISTRICT JUDGE