

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

SIMMONS BANK, TRUSTEE OF THE  
HEARTLAND BANK LIQUIDATING TRUST  
U/I/D MARCH 8, 2018

PLAINTIFF

v.

No. 4:17-cv-549-DPM

FIRST CAPITAL VICTORIA LLC;  
FIRST CAPITAL JOURDANTON LLC;  
FIRST CAPITAL HOBBS LLC; FIRST  
CAPITAL REAL ESTATE INVESTMENTS LLC;  
FIRST CAPITAL REAL ESTATE ADVISORS LP;  
and SUNEET SINGAL

DEFENDANTS

ORDER

Simmons Bank seeks attorneys' fees and costs from the judgment debtors. Singal and the First Capital entities on the hook promised in the loan-related documents to reimburse Heartland Bank for all costs and expenses incurred in connection with a default on the debt, including lawyers' fees. *No. 81-22 at 6; No. 81-26 at 9*. Arkansas law provides for reasonable fees to a prevailing party in a contract case, and Simmons Bank prevailed here. ARK. CODE ANN. § 16-22-308; *Baptist Health v. Smith*, 536 F.3d 869, 873 (8th Cir. 2008). The fees incurred by Simmons Bank were at reasonable hourly rates and in a reasonable amount, especially as trimmed in the request. The judgment debtors do not oppose the request. *No. 121*. The Court grants the motion,

No 115, as modified. Under FED. R. CIV. P. 54(d)(1) and 28 U.S.C. § 1920, the \$1,590.90 deposition fee for Singal's testimony and the \$7.08 for copies are taxable costs. The other deposition-related travel expenses are not. *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 445 (1987). But, Arkansas lawyers routinely bill clients for necessary travel; Singal insisted on being deposed in New York; and the parties' agreements are broad enough to cover these out-of-pocket dollars. The Court therefore adds them to the fee. The Court awards Simmons Bank reasonable attorneys' fees of \$78,979.75 plus \$3,094.05 in costs. Suneet Singal, First Capital Victoria, First Capital Jourdanton, First Capital Hobbs, and First Capital Real Estate Investments owe Simmons Bank a total of \$82,073.80 more.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*6 May 2019*

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