

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-03113-DME-BNB

CAROL STERLING,

Plaintiff,

v.

AMERICAN CREDIT & COLLECTIONS, LLC,

Defendant.

**ORDER REGARDING PLAINTIFF'S MOTION FOR
COSTS AND ATTORNEYS' FEES**

This matter comes before the Court on Plaintiff Carol Sterling's Motion for Costs and Reasonable Attorneys' Fees (Doc. 17), made pursuant to 15 U.S.C. § 1692k(a) and Fed. R. Civ. P. 54(d). Upon consideration therefore, the Court GRANTS that motion in part.

I. Attorneys' fee

Section 1692k(a) permits Sterling, who prevailed on her claims asserted under the Fair Debt Collection Practices Act, to recover "a reasonable attorney's fee." The court calculates that fee using the lodestar method, which "is the number of hours reasonably expended on the litigation multiplied by the reasonable hourly rate." Anchondo v. Anderson, Crenshaw & Assocs., LLC, 616 F.3d 1098, 1101 (10th Cir. 2010) (applying Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)). The reasonableness of the hourly rate is based on "the prevailing market rates in the relevant community."

Perdue v. Kenny A ex rel. Winn, 130 S. Ct. 1662, 1672 (2010) (internal quotation marks omitted).

Sterling requests an award based upon 19.7 hours expended, at an hourly rate of \$335. But the District of Colorado has held, in a number of recent cases, that the reasonable hourly rate for FDCPA cases in this community is \$250. See Nuanes v. NCC Bus. Servs., Inc., No. 12-cv-0228-WJM-MJW, 2012 WL 5464598, at *2 (D. Colo. Nov. 9, 2012) (citing cases). Therefore, the Court reduces the requested hourly rate from \$335 to \$250. Having reviewed the billing records submitted in support of the claimed 19.7 hours worked on this case, the Court finds those hours were reasonably expended litigating this case. Therefore, the Court awards attorney's fees for 19.7 hours at a rate of \$250, for a total of \$4,925.

II. Costs and interest

The Court has previously determined that Sterling is also entitled to an award of costs, as well as pre- and post-judgment interest on the statutory damages awarded to her in this case. Sterling calculates the total interest to be \$0.55. Sterling further asserts that she has filed a Bill of Costs with the clerk, who will tax those costs. See D.C.Colo.LCivR 54.1.

VI. CONCLUSION

For the foregoing reasons, the Court ORDERS that Sterling recover the following:

1. attorney's fees in the amount of \$4,925;
2. interest in the amount of \$0.55; and

3. costs as taxed by the Clerk of the Court.

Dated this 3rd day of January, 2013.

BY THE COURT:

s/ David M. Ebel

U. S. CIRCUIT COURT JUDGE