

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 12-cv-01140-RPM

KELLY NUANES,

Plaintiff,

v.

NATIONS RECOVERY CENTER, INC.,

Defendant.

ORDER AWARDING ATTORNEY'S FEES

Pursuant to an Order of Reference, United States Magistrate Judge Kathleen M. Tafoya on February 21, 2013, filed a recommendation for an award of attorney's fees of \$2,900.00 for 11.6 hours of services at an hourly rate of \$250.00 per hour. The Magistrate Judge recommended denial of the supplemental motion, seeking 3.9 hours of service in litigating the dispute concerning attorneys fees generated by defendant's response to the plaintiff's motion for fees. On March 7, 2013, the plaintiff filed objections to the recommendation pursuant to Fed.Civ.P. 72(b)(2), objecting only to the denial of supplemental fees which now seeks the addition of 3.9 hours at \$250.00 per hour for a total of \$975.00. The Magistrate Judge recommended denial of the supplemental motion on the ground that the plaintiff was not successful in the dispute. Compared to the defendant's response, the plaintiff was successful even though the hourly rate and number of hours were not allowed as claimed. It is now

ORDERED that the award of \$2,900.00 recommended by the Magistrate Judge is increased by \$975.00, based on the hourly rate of \$250.00 for 8.9 hours in the fee contest. Accordingly, it is

ORDERED that the Clerk shall enter an addition to the judgment of June 21, 2012, of \$3,875.00 as attorney's fees to the plaintiff.

DATED: March 12th, 2013

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge