

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03373-RM-MEH

GAYLA BARDEN,

Plaintiff,

v.

KING SOOPERS, a Colorado corporation,

Defendant.

ORDER RE: ATTORNEY'S FEES

Michael E. Hegarty, United States Magistrate Judge.

This matter comes before the Court on Defendant's Application for Attorney Fee Award Pursuant to Court Order of March 6, 2014 [filed March 10, 2014; docket # 51]. At the March 6, 2014 motion hearing in this case, the Court granted in part and denied in part as moot Defendant's Motion to Compel. [Docket # 50.] The Court directed Defendant's counsel to file an affidavit of attorney's fees and costs incurred for filing the Motion to Compel. [*Id.*] Defense counsel timely filed an affidavit setting forth a summary of their relevant qualifications and experience, a description of the services rendered, the amount of time spent, the hourly rate, and the total amount of attorney's fees claimed for Defendant's preparation of the motion to compel, correspondence with Plaintiff's counsel, and preparation for the motion hearing. [Docket ## 51-1; 51-2.]

The Court finds that the following time spent by Ms. Hinde was reasonable: 2.7 hours drafting letters to Plaintiff's counsel regarding the discovery dispute; 6.1 hours drafting the motion to compel; 3.2 hours drafting the reply in support of the motion to compel; and 5.8 hours related to the March 6, 2014 motion hearing. [See Affidavit of Margaret Parnell Hogan, Exhibit A-1, docket # 51-2.] However, in the Court's view, 3.1 hours is not a reasonable amount of time for Ms. Hogan

to have spent reviewing and revising the letters to Plaintiff's Counsel and the reply in support of the motion to compel. [*See id.*] Instead, the Court finds that 2 hours would have been a reasonable amount of time for Ms. Hogan to complete those tasks. Thus, the reasonable amounts of time spent by Ms. Hinde and Ms. Hogan are 17.8 hours and 2 hours, respectively.

Defendant's counsel also submitted the following hourly rates: \$305.00 for Ms. Hogan, who is a shareholder with a national law firm and has practiced labor and employment law since graduating from law school in 1999; and \$290.00 for Ms. Hinde, who is an associate with the same firm and has fewer than three full years of experience, including a federal district court clerkship, since graduating from law school in 2011. Considering these counsels' background and experience, the Court further finds that Ms. Hogan's hourly rate is reasonable but that Ms. Hinde's rate is not. Instead, in the Court's view, \$200.00 is a reasonable hourly rate for an attorney with Ms. Hinde's background and experience. This amounts to \$610.00 in reasonable fees for Ms. Hogan's time and \$3,560.00 in reasonable fees for Ms. Hinde's time

Moreover, in light of the Defendant's degree of success on the Motion to Compel, the Court will limit Defendant's award to 20% of the reasonable fees incurred. Consequently, pursuant to Fed. R. Civ. P. 37(a)(5)(A), the Court will award \$122.00 for Ms. Hogan's time and \$712.00 for Ms. Hinde's time for the reasons stated on the record in the March 6, 2014 motion hearing in this case.

THEREFORE, the Court ORDERS that Plaintiff shall pay a total of \$834.00 to counsel for Defendant in light of the attorney's fees expended drafting correspondence regarding the discovery dispute, preparing the motion to compel and reply in support, and preparing for the motion hearing. This amount shall be paid no later than April 3, 2014. Counsel for Plaintiff shall file a Notice of Compliance with this Order **on or before April 17, 2014.**

Dated at Denver, Colorado this 20th day of March, 2014.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large, looped initial "M".

Michael E. Hegarty
United States Magistrate Judge