

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 14-cv-00919-CMA-MJW

KELLIE RHODES, on behalf of herself and others similarly situated,

Plaintiff,

v.

OLSON ASSOCIATES, P.C., d/b/a OLSON SHANER,

Defendant.

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR RELIEF FROM
FINAL JUDGMENT**

Pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, Plaintiff's Unopposed Motion for Relief from Final Judgment requests an additional award of attorney fees in the amount of \$8,435.00. (Doc. # 48.)

In the Final Order and Judgment, issued the same date as the Final Approval Hearing in the instant matter (August 28, 2015), the Court declined to award attorney fees for additional time class counsel Michael Greenwald estimated it would take to bring this case to its completion (30 hours), on the grounds that there were no time records before the Court to substantiate Mr. Greenwald's estimated figure and such records are required.¹ Accordingly, in support of the instant Motion, Mr. Greenwald has submitted detailed and contemporaneous time records indicating that he spent an additional 24.1

¹ Because Plaintiff's final approval papers were due on August 18, 2015, they necessarily did not include any attorney time spent on this case after that date.

hours working on this matter, from August 19, 2015 through August 28, 2015. The Court has reviewed these records and being satisfied that these hours were reasonable and necessary to obtaining final approval of the settlement,² and within the terms of the Settlement Agreement (which provided for a total recovery of \$75,000 in attorney fees and expenses), it finds that good cause exists to modify the final judgment. As such, Plaintiff's Motion (Doc. # 48) is hereby GRANTED.³ It is

FURTHER ORDERED that the Final Order and Judgment (Doc. # 47) is amended as follows:

PAGE THREE: "10) The reasonable attorney fees and expenses in this matter, to be awarded pursuant to 15 U.S.C. § 1692k, are \$70,675.28 (representing \$69,375.14 in attorney fees and \$1300.14 in reimbursable expenses)."


PAGE FOUR: "2) Plaintiff's Unopposed Motion for an Award of Attorneys' Fees and Reimbursement of Expenses (Doc. # 45) is GRANTED IN PART, and Plaintiff's counsel is awarded a total of \$70,675.28 (representing \$69,375.14 in attorney fees and \$1300.14 in reimbursable expenses)."

² The Court notes that, in the exercise of billing discretion, class counsel has indicated that it does not seek reimbursement for any time spent on this case by the other partners of Mr. Greenwald's firm between August 19, 2015 and August 28, 2015, nor does class counsel seek reimbursement for the time preparing the instant Motion and the declaration attached thereto.

³ In its findings at the Final Fairness Hearing on August 28, 2015, the Court determined that a reasonable billing rate for Mr. Greenwald in this matter is \$350/hour. Accordingly, this rate is applied to the additional attorney time, resulting in a total fee of \$8,435.00 (24.1 hours multiplied by \$350 an hour).

DATED: September 11, 2015

BY THE COURT:

A handwritten signature in black ink that reads "Christine M. Arguello". The signature is written in a cursive style with a large, looped initial "C".

CHRISTINE M. ARGUELLO
United States District Judge