

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

STEPHANIE BIEDIGER, KAYLA LAWLER
ERIN OVERDEVEST, KRISTEN
CORINALDESI, and LOGAN RIKER,
individually and on behalf of all
those similarly situated;
and
ROBIN LAMOTT SPARKS, individually,
Plaintiffs,
v.
QUINNIPIAC UNIVERSITY,
Defendant.
CIVIL ACTION NO.
3:09-cv-00621-SRU
August 4, 2010

PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS FEES AND COSTS

Plaintiffs respectfully move this Court for an award of attorneys' fees and costs pursuant to Rule 54 of the Federal Rules of Civil Procedure and Title 42 U.S.C. § 1988.

Rule 54(d) provides in relevant part as follows:

(d) Costs; Attorney's Fees.

(2) Attorney's Fees.

(A) Claim to Be by Motion. A claim for attorney's fees and related nontaxable expenses must be made by motion unless the substantive law requires those fees to be proved a trial as an element of damages.

(B) Timing and Contents of the Motion. Unless a statute or a court order provides otherwise, the motion must:

(i) be filed no later than 14 days after the entry of judgment;

(ii) specify the judgment and the statute, rule, or other grounds entitling the movant to the award;

(iii) state the amount sought or provide a fair estimate of it; and

(iv) disclose, if the court so orders, the terms of any agreement about fees for the services for which the claim is made.

Title 42 U.S.C. § 1988 provides that “[i]n any action or proceeding to enforce a provision of . . . title IX . . . the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs . . .”

On July 21, 2010, this Court entered its Memorandum of Decision (Doc. # 171) and on July 22, it entered its Injunction Order (Doc. #180) finding that defendant Quinnipiac University violated Title IX as alleged by the Plaintiffs in Count One of their December 9, 2009 First Amended Class Action Complaint and, *inter alia*, enjoining the University from discriminating against female students on the basis of sex by failing to provide equal athletic participation opportunities. Plaintiffs are prevailing parties within the meaning of 42 U.S.C. § 1988, entitling them to an award of costs and attorney’s fees. This Motion is filed not later than 14 days after the Court entered its decision and order.

Plaintiffs’ counsel fairly estimate that they have, to date, incurred costs in excess of \$50,000.00, and attorney fees in excess of \$800,000.00. There are additional counts in the Plaintiffs’ First Amended Class Action Complaint which have not been litigated to conclusion. Accordingly, the Plaintiffs reserve the right to supplement the instant motion for costs and attorneys’ fees or file additional motions as may be required. Plaintiffs’ counsel will substantiate their calculations of fees and costs, provide evidence of the

reasonableness of their fees, and file a supporting Memorandum of Law when directed to do so by the Court.

Respectfully submitted,

THE PLAINTIFFS

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Their Attorneys

CERTIFICATION OF SERVICE

I hereby certify that on August 4, 2010 a copy of the foregoing *MOTION FOR AWARD OF ATTORNEYS FEES AND COSTS* was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Jonathan B. Orleans _____
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