

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TRACY TREVILLYAN REVOCABLE) CIVIL NO. 07-00527 SOM-KSC
TRUST,)
Plaintiff,) AMENDED FINDINGS AND
vs.) RECOMMENDATION REGARDING
SUZANNE FARROW; DEUTSCHE) PLAINTIFF'S REQUEST FOR
BANK NATIONAL TRUST) ATTORNEYS' FEES
COMPANY)
Defendants.)

)

AMENDED FINDINGS AND RECOMMENDATION REGARDING
PLAINTIFF'S REQUEST FOR ATTORNEYS' FEES

As a preliminary matter, the Court hereby incorporates by reference its Findings and Recommendation Regarding Plaintiff's Request for Attorneys' Fees ("F&R"), and issues this Amended F&R for the purpose of adjusting the hourly rate for Mr. Chuck Choi and Mr. Neil Verbrugge and the resulting recommended fee award.

On January 18, 2008, this Court issued its F&R. That same day, Plaintiff's counsel filed the Affidavit of Neil J. Verbrugge in Response to Magistrate Judge's Findings and Recommendation

Regarding Plaintiff's Request for Attorneys' Fees ("Affidavit").

On February 7, 2008, United States District Judge Susan Oki Mollway remanded the matter to this Court for a determination of what effect, if any, the Affidavit has on the F&R. The Court finds this matter suitable for disposition without a hearing pursuant to Local Rule 7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawaii ("Local Rules"). After reviewing the Affidavit the Court amends its F&R and recommends that the district court award Plaintiff \$3,151.83 in fees.

In the Affidavit, Mr. Verbrugge represents that he and Mr. Chuck Choi had been admitted to practice in other states prior to their admission to the Hawaii Bar. See Affidavit at ¶¶ 5-6. Because this information was not included in the affidavit previously submitted by Mr. Verbrugge in support of Plaintiff's request for attorneys' fees, the Court based counsel's hourly rates on the number of years they had been admitted to practice in Hawaii.

Mr. Verbrugge now clarifies that he was admitted to practice law in the State of Iowa in 1996 and that he has approximately 10 years of legal experience.¹ Id. at ¶ 6. The Affidavit also reveals that prior to his admission to the Hawaii Bar, Mr. Choi was admitted to practice law in the State of California in 1988 and that he has approximately 19 years of experience.² Id. at ¶ 5.

Counsel should have submitted this information for the Court's consideration in the original affidavit. The Court will adjust counsel's hourly rates in light of this new information. Based on this Court's knowledge of the prevailing rates in the community and the submissions in this case, this Court finds that an hourly rate of \$230 is reasonable for Mr. Choi, who has approximately 19 years of experience, and \$170 for Mr. Verbrugge, who has approximately 10 years

¹ The Court made its previous findings based on 7 years of experience.

² The Court made its previous findings based on 12 years of experience.

of experience. Given these hourly rates, the lodestar calculations and total fee award are as follows:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>LODESTAR</u>
Chuck Choi	0.30	\$230	\$69.00
Neil Verbrugge	17.30	\$170	<u>\$2,941.00</u>
		Subtotal:	\$3,010.00
		Tax:	<u>\$ 141.83</u>
		Total:	\$3,151.83

In accordance with the foregoing, the Court FINDS and RECOMMENDS that the district court award Plaintiff \$3,151.83 in attorneys' fees. The F&R is not amended in any other respect.

IT IS SO FOUND AND RECOMMENDED.

DATED: Honolulu, Hawaii, February 7, 2008.





Kevin S.C. Chang
United States Magistrate Judge

TRACY TREVILLYAN REVOCABLE TRUST V. FARROW, ET AL., CV 07-00527 SOM-KSC; AMENDED FINDINGS AND RECOMMENDATION REGARDING PLAINTIFF'S REQUEST FOR ATTORNEYS' FEES