IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

GLADYS BOLES, HERK BOLTON, HARRIET S. BOLTON, KEVIN CAMPBELL, C. PAUL CHISENA, BERTHA B. CHISENA, LENA B. COOK, JEWELL COX, RUTH COX, STEVEN W. KARKS, W.D. DARKS, RUBY DARKS, PATRICIA K. FULLER, JOSEPH A. FULLER, DOUG GENTILE, BARBARA KENEDY, GLENNELLA KEY, THOMAS A. KRUKOW, JUDITH M. KRUKOW, HERMAN L. ROGERS, MARY M. ROGERS, JAMES WADDEY, IMMOGENE WADDEY, DON G. WARD, BETTE M. WARD, for themselves and all other similarly situated, Plaintiffs, vs. MARY SIOBHAN ENGLE, CLYDE ENGLE, JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE CORPORATIONS 1-10; DOE NON-PROFIT CORPORATIONS 1-10; AND DOE GOVERNMENTAL ENTITIES 1-10, Defendants.	CIVIL NO. 08-00438 ACK-KSC FINDINGS AND RECOMMENDATION REGARDING AMOUNT OF ATTORNEYS' FEES AWARD

FINDINGS AND RECOMMENDATION REGARDING AMOUNT OF ATTORNEYS' FEES AWARD

On July 28, 2009, the Court held a hearing on

Plaintiffs' Motion for Order to Show Cause Regarding Contempt and orally ruled that the motion should be granted in part and denied in part. Counsel prepared the Findings and Recommendation ("F&R"), filed on September 15, 2009. At the hearing and as memorialized in the F&R, the Court instructed Plaintiffs' counsel to submit declarations concerning the attorneys' fees and costs incurred in bringing the Motion for OSC. On October 6, 2009, Plaintiffs' counsel submitted their declarations.

On October 8, 2009, Senior United States District Judge Alan C. Kay issued an Order Adopting the F&R.

On October 9, 2009, Defendants filed an Opposition to the declarations.

Plaintiffs request $3,185.20[1] in attorneys' fees. Defendants argue that the fee award should be

[1] Plaintiffs requested $2,944.17 in fees. However, there are several calculation errors in the tables submitted by counsel. It appears that the actual amount of requested fees totals $3,185.20, and the Court will rely on its calculations in making the fee recommendation.

reduced by $1,500-$2,000 because Plaintiffs did not prevail on all of their requested relief and they expended a great deal of time seeking overly harsh remedies that the Court denied. The Court declines to reduce the hours requested based on Plaintiffs' failure to prevail on all the requested relief. The Court already determined that Plaintiffs could seek the fees and costs *incurred in bringing* the Motion for OSC. Thus, whether or not they successfully obtained all relief sought is immaterial. Defendants' inaction necessitated the Motion for OSC and the Court finds that Plaintiffs should be compensated accordingly.

The Court previously determined the reasonableness of counsel's hourly rates, and finds it unnecessary to reassess the same here. However, there are two individuals - John Dobrovich, Esq. and Lolly Anderson (paralegal) - who worked on the Motion for OSC, and whose hourly rate the Court has yet to establish. Given that Mr. Dobrovich is a fourth year associate (same as Erika Lewis), the Court finds an hourly rate of $165 to be reasonable. Having

previously determined that $80 is a reasonable hourly rate for a paralegal, the Court will apply the same to the hours reasonably expended by Ms. Anderson.

After carefully reviewing the time entries submitted by counsel, the Court finds that all of the hours were reasonably incurred, with the exception of 4.7 hours (1.9 hours by Ms. Lewis and 2.8 hours by Ms. Anderson) incurred in preparing the declarations and corresponding exhibits. Accordingly, under Hensley v. Eckerhart, 461 U.S. 424, 433 (1983), the Court's lodestar calculations are as follows:

NAME	**HOURS**	**RATE**	**TOTAL**
George L. Grumley	1.7	$280.00	$476.00
Craig G. Nakamura	0.4	$250.00	$100.00
Erika L. Lewis	6.8	$165.00	$1,122.00
John P. Dobrovich	5.1	$165.00	$841.50
Lolly B. Anderson	0	$80.00	$0.00
TAX (4.16%)			$85.84

TOTALS	14		$2,625.34

CONCLUSION

In accordance with the foregoing, the Court HEREBY FINDS AND RECOMMENDS that the district court award Plaintiffs **$2,625.34** in attorneys' fees (and tax) reasonably incurred in bringing the Motion for OSC.

IT IS SO FOUND AND RECOMMENDED.

DATED: HONOLULU, HAWAII, October 13, 2009.

Kevin S.C. Chang
United States Magistrate Judge