

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

R.H. and T.H., as parents and next friend )  
of their minor daughter, L.H. )

J.R., as parents and next friend )  
of his minor daughter, J.R., )

Plaintiffs, )

v. )

LEWISTOWN COMMUNITY UNIT )  
SCHOOL DISTRICT #97, FULTON )  
COUNTY, ILLINOIS, a/k/a )  
LEWISTOWN SCHOOL DISTRICT; )

WILLIAM KING, in his official capacity )  
as Superintendent of Schools; and )

DOES 1 through 50, )

Defendants. )

No. 07-cv-1262

**OPINION & ORDER**

In this action, Plaintiffs seek relief under Title IX, 20 U.S.C. § 1681 *et seq.*, and the Fourteenth Amendment, pursuant to 42 U.S.C. § 1983, because of alleged gender discrimination in the athletic programs administered by the Lewistown Community Unit School District #97, Fulton County, Illinois. Before the Court today is Plaintiffs' Petition for Attorneys' Fees and Costs, filed on September 22, 2008 (Doc. 19). Defendants responded in opposition on October 23, 2008 (Doc. 22), and thereafter, the parties were allowed leave to file additional submissions related

to the Petition. On February 3, 2009, Magistrate Judge Cudmore issued a detailed Report and Recommendation (R&R) granting the Petition, in part (Doc. 31).

Taking a step back in the chronology for a moment, on May 1, 2008, the parties in this action indicated to the Court, in their Sixth Joint Status Report, that a final settlement had been reached. The Status Report indicated that the only issue on which the parties could not agree was the amount of reasonable attorneys' fees and costs recoverable by Plaintiffs.<sup>1</sup> Accordingly, the parties agreed to submit this narrow issue to the Court for a final determination. The Status Report further indicated that, once the Court decided this issue of reasonable fees and costs, the parties would submit a final settlement agreement with the Court and jointly move for dismissal of the instant action. Plaintiffs' memorandum in support of the fee and cost Petition confirms this planned course of action.

In his R&R, Judge Cudmore conducted a detailed analysis of what fees and costs were reasonably owed to and incurred by Plaintiffs' counsel in the course of litigating this action. Judge Cudmore's analysis was thorough and fair. Unsurprisingly, there are no objections on record to the R&R. After making adjustments for certain billing rates and work-hours found to be excessive, Judge Cudmore recommended that Plaintiffs be awarded: attorneys' fees in the amount of \$28,920; expenses recoverable as attorneys' fees in the amount of \$1,986.38; and \$497.50 in taxable costs. The total of these figures is \$31,403.88.

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<sup>1</sup> For purposes of clarification, Defendants have agreed to pay Plaintiffs' "reasonable" attorneys' fees and costs for services rendered by Plaintiffs' counsel in this litigation. The only dispute is what amount constitutes a "reasonable" award of fees and costs. (Ptf's.' 9/22/2008 Mem. at p. 2).

There being no objections, pursuant to Federal Rule of Civil Procedure 72, the Court ACCEPTS and ADOPTS the February 3, 2009 R&R of the Magistrate Judge in its full scope and detail. Accordingly, what constitutes “reasonable” attorneys’ fees and costs due Plaintiffs’ counsel in this litigation is set forth in the R&R, which this Opinion incorporates. The Court expects that the final settlement agreement and joint motion for voluntary dismissal will be filed within the next thirty (30) days.

ENTERED this 9th day of April, 2009.

s/ Joe B. McDade  
JOE BILLY MCDADE  
United States District Judge