

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FISK ELECTRIC COMPANY

CIVIL ACTION

VERSUS

NO. 13-86

WOODROW WILSON CONSTRUCTION COMPANY, INC.  
and HANOVER INSURANCE COMPANY

SECTION "N" (1)


**ORDER**

The Court has carefully considered the Report and Recommendation of the United States Magistrate Judge (Rec. Doc. 105), Defendant Woodrow Wilson Construction Company, Inc.'s Objections to the Report and Recommendation (Rec. Doc. 106), Plaintiff Fisk Electric Company's response thereto (Rec. Doc. 110), the remainder of the record in this matter, and applicable law. Concurring with, and finding no error in, the result reached by the United States Magistrate Judge relative to the appropriate amount of attorney's fees to be awarded to Plaintiff, the Court hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter.

In short, the Court finds Defendant's objections to the Report and Recommendation fail to acknowledge that Louisiana Revised Statute 9:2784 (C) imposes liability for *all* reasonable attorney's fees incurred "for the collection of the payments due the subcontractors and suppliers," rather than limiting such an award to a particular stage of the litigation. See La. R.S. 9:2784 (C). Further, the Court is not persuaded that the percentage discount applied by the Magistrate Judge insufficiently accounts for the lack of segregation of certain attorney time expenditures between Plaintiff's subcontract claim and Plaintiff's "delay" claim.

Accordingly, **IT IS ORDERED** that: (1) Plaintiff Fisk Electric Company's motion for attorneys' fees (Rec. Doc. 88) be and hereby is **GRANTED IN PART** and **DENIED IN PART**; and (2) that Plaintiff Fisk Electric Company be and hereby is awarded attorneys' fees in the amount of \$55,920.00 from Defendant Woodrow Wilson Construction Company, Inc.

New Orleans, Louisiana, this 29th day of June 2015.



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**KURT D. ENGELHARDT**  
**United States District Judge**