


AUG 15 2016

TONY R. MOORE CLERK
BY  DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

c

CLARESE WIDER, ET AL.,
Plaintiffs

CIVIL ACTION NO. 1:15-CV-02635

VERSUS

CHIEF JUDGE DRELL

RUE 21 INC,
Defendant

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

On July 26, 2016, following briefing and a hearing, the Court granted in part and denied in part Defendant's Motion to Compel Discovery and for Civil Contempt. (Doc. 29). The Court granted Defendant's request for attorney fees under Fed. R. Civ. P. 37 and ordered that Defendant submit competent and adequate evidence of attorney's fees and costs incurred in the filing of the Motion to Compel.

Counsel for Defendant filed an affidavit seeking a total of \$1,250.00 for 10 hours of work. (Doc. 31). That figure is based upon a total of 8.9 hours of work drafting documents, analyzing, reviewing and preparing a legal memorandum and research, an additional 8/10 of an hour for preparation for the hearing, and an additional 30 minutes for attendance at the hearing. (Doc. 31). Although Defendant did not request a specific hourly rate, based upon the number of hours worked and the amount requested, Defendant is requesting \$125.00 per hour.

In fixing reasonable attorney's fees, the Court must determine the reasonable number of hours expended on the litigation and the reasonable hourly rate to be assigned each hour. See La. Power & Light Co. v. Kellstrom, 50 F.3d 319, 323-24 (5th

Cir. 1995). Attorney's fees must be calculated at the "prevailing market rates in the relevant community for similar services by attorneys of reasonably comparable skills, experience, and reputation." Adams v. City of New Orleans, No. CIV.A. 13-6779, 2015 WL 4606223, at *3 (E.D. La. July 30, 2015).

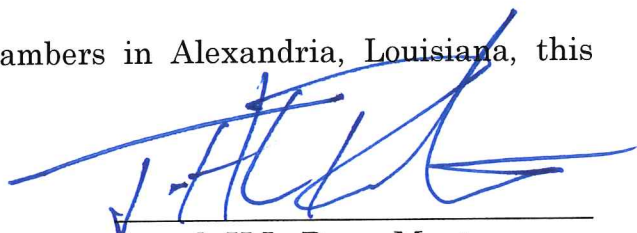
Recent attorneys' fees awards in this district include: \$160.00 (Pitre v. City of Eunice, No. 6:14-CV-02843, 2015 WL 4459964 (W.D. La. July 21, 2015)); \$275.00 (Dugas v. Mercedes-Benz USA, LLC., No. 6:12-CV-02885, 2015 WL 1198604 (W.D. La. March 16, 2015)); \$225.00 (Campbell v. Harold Miller, Jr. Trucking & Paving, LLC, Civ. No. 6:13 2840, 2014 WL 6389567 (W.D. La. Nov. 13, 2014)); and \$200.00 and \$185.00 (Cash v. Unocal Corp., Civ. No. 6:04-1648, 2014 WL 2980589 (W.D. La. May 27, 2014)). Defendant's suggested hourly rate of \$125.00 falls well within the range of rates normally awarded in this community. The rate is reasonable.

Recent hours awards in this district include: 3.3 hours to prepare and argue a motion to compel (Pitre, 2015 WL 4459964); 9.5 hours to prepare two "fairly routine" motions to compel (Dugas v. Mercedes-Benz USA, LLC, 2015 WL 1198604); and 7.5 hours to prepare a Motion to Compel and attend a hearing (Kelso v. Butler, No. 12-CV-2756, 2013 WL 3894439 (W.D. La. July 25, 2013)). Here, Defendant seeks fees for ten hours to prepare and prosecute the motion to compel.

The Court finds that minor adjustments to Defendant's requested hours are warranted to more closely approximate awards from other courts for similar motions. The Court awards Defendant attorney's fees for 8 hours to prepare and prosecute the Motion to Compel Discovery.

Accordingly, IT IS ORDERED that on or before September 30, 2016, counsel for Plaintiff shall remit \$1,000.00 to counsel for Defendant, representing attorney's fees incurred in preparing and prosecuting the Motion to Compel Discovery.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 15th day of August, 2016.



Joseph H.L. Perez-Montes
United States Magistrate Judge