

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

NANCY ZYZEK, ET AL * **CIVIL ACTION NO. 15-1891**

VERSUS * **JUDGE S. MAURICE HICKS**

AMERICAN SECURITY INSURANCE * **MAG. JUDGE KAREN L. HAYES**
CO.

MEMORANDUM ORDER

On December 2, 2015, pursuant to FED. R. CIV. P. 37(a)(5) of the Federal Rules of Civil Procedure, the undersigned magistrate judge ordered plaintiffs to pay the reasonable expenses and attorney fees of defendant, American Security Insurance Company (“American Security”), incurred in connection with the filing of its motion to compel discovery. American Security was ordered to file a motion and affidavit of fees and costs incurred in filing the motion to compel, and it did so on December 9, 2015. [doc. # 23] Plaintiff does not oppose the motion, nor challenge the affidavit in support thereof, and the matter is now ripe.¹

Rule 37(a)(5)(A) FED. R. CIV. P. provides that when a motion to compel is granted the court shall require the party whose conduct necessitated the motion to pay to the moving party the reasonable expenses incurred in making the motion, including reasonable attorneys’ fees. Reasonable attorneys’ fees are determined by multiplying the reasonable hours expended by a reasonable hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The calculation of reasonable hours requires a determination of whether the total number of hours claimed were

¹ As this motion is not one of the motions excepted in 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this ruling is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and LR 74.1(W).

reasonable and whether specific hours claimed were reasonably expended. *League of United Latin American Citizens No. 4552 (LULAC) v. Rosco Independent Sch. Dist.*, 119 F.3d 1228, 1232 (5th Cir. 1997). A reasonable hourly billing rate is based on the “prevailing market rates in the relevant community.” *Blum v. Stenson*, 465 U.S. 886, 895 (1984).

Defendant seeks an award of \$1,305.00 in attorney’s fees, based on 8.7 hours billed by attorney Gordon Serou at a rate of \$150.00 per hour. After reviewing the affidavit and the underlying discovery dispute, and noting that the hourly rate sought is actually on the low end for this area, the undersigned concludes that the number of hours expended and the hourly rates sought are reasonable.

IT IS THEREFORE ORDERED that plaintiffs shall forward payment to American Security’s counsel of record the sum of \$1,305.00 within thirty (30) days following receipt of this order, with proof of payment filed in the record of this case within seven (7) days thereafter.

In Chambers, Monroe, Louisiana, this 29th day of December, 2015.


KAREN L. HAYES
UNITED STATES MAGISTRATE JUDGE