

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KERTHA D. ADAMS

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V.

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CIVIL NO. WDQ-11-2408

MARYLAND MANAGEMENT COMPANY

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MEMORANDUM OPINION AND ORDER

By Order dated June 7, 2012, the Court granted defendant's motion to compel deposition of plaintiff (ECF No. 15) and invited defendant to submit documentation of its attorneys' fees and costs by June 15, 2012, and further invited plaintiff to file any opposition by June 29, 2012. In that Order the Court stated that "[I]n light of the facts set forth in the defendant's memorandum it appears that the defendant is clearly entitled to an award of its reasonable fees and costs but the court shall consider any information plaintiff wishes to provide." Defendant made its submission. Plaintiff filed an opposition stating that she could not afford to pay any legal fees (and the Court notes that plaintiff was permitted to proceed in forma pauperis) and further contested defendant's version of what happened on April 13, but did not contest her several failures of communication to reschedule the deposition thereafter.

Pursuant to Fed. R. Civ. P. 37(a)(5)(A), the Court finds that an award is due as there was no justification for plaintiff's failures to make herself available for deposition and no circumstances making an award unjust. Moreover, the Court has reviewed the defense counsel's submission and finds that the amount of time expended to be reasonable but that the hourly rate, given the defense counsel's limited experience at the bar, too high under Appendix B-3 of the Local Rules (D. Md.). Accordingly, an award of \$405.00 (2.7 hours X \$150) would be appropriate; however, given plaintiff's limited financial circumstances, the Court shall award only a lesser amount - \$200.00 - this time, to be paid within 60 days from the date of this Order. Plaintiff's limited financial circumstances do not excuse plaintiff from compliance with her obligations under the Federal Rules of Civil Procedure, nor, of course, address defendant's expenditure of fees to defend the action that plaintiff voluntarily filed.

Date: 10/12/12 _____

/s/
Susan K. Gauvey
United States Magistrate Judge