

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

CHAMBERS OF  
TIMOTHY J. SULLIVAN  
UNITED STATES MAGISTRATE JUDGE  
MDD\_TJSchambers@mdd.uscourts.gov

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
(410) 962-4560  
Fax (410) 962-3630

September 29, 2014

LETTER TO PLAINTIFF AND COUNSEL

RE: Greene v. Tower Federal Credit Union  
Civil No. WDQ-13-1883

Dear Mr. Greene and Counsel:

This case has been referred to me for the resolution of discovery disputes and related scheduling matters. ECF No. 15. In a letter opinion dated August 18, 2014 (ECF No. 16), I granted Defendant Tower Federal Credit Union's ("Defendant") Motion to Compel Responses to Document Requests (ECF No. 14-3). Having granted the Motion to Compel, I went on to find that the circumstances outlined in Fed. R. Civ. P. 37(a)(5)(A) does not apply to preclude an award of attorneys' fees and costs. See ECF No. 16 at 5. I directed Defendant to submit an affidavit in support of its fees and costs in connection with the Motion to Compel, and further directed that Plaintiff could submit its position on the matter on or before September 12, 2014. Defendant filed an affidavit in support of its request for attorneys' fees, but Plaintiff did not submit its position on an award of fees, and the time for doing so has passed.

Defendant requests that the Court require Plaintiff to pay the attorneys' fees Defendant incurred pursuant to Fed. R. Civ. P. 37(a)(5)(A).<sup>1</sup> Under this rule, where a motion to compel is granted, "the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion . . . to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." Fed. R. Civ. P. 37(a)(5)(A). To determine what constitutes reasonable attorneys' fees, the Court calculates the lodestar amount (the product of the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate) and then determines whether an adjustment is warranted by considering the factors enunciated in *Brodziak v. Runyon*, 145 F.3d 194, 196 (4th Cir. 1998). These factors are:

(1) the time and labor expended; (2) the novelty and difficulty of the questions raised; (3) the skill required to properly perform the legal services rendered; (4) the attorney's opportunity costs in pressing the instant litigation; (5) the customary fee for like work; (6) the attorney's expectations at the outset of the litigation; (7) the time limitations imposed by the client or circumstances; (8) the amount in controversy and the results obtained; (9) the experience, reputation and ability of the attorney; (10) the undesirability of the case within the legal community in which the suit arose; (11) the nature and length of the professional relationship between attorney and client; and (12) attorneys' fees awards in

---

<sup>1</sup> Defendant does not request an award of costs.

