

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division**

MICHELLE PAPANICOLAS SIPE,

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Plaintiff,

v.

Civil Action No.: CBD-12-1579

**PROJECT EXECUTION AND
CONTROL CONSULTING, LLC
D/B/A PEAC CONSULTING, LLC, et
al.,**

Defendants.

MEMORANDUM OPINION

On March 9, 2016, the Court issued an order granting in part Plaintiff Michelle Papanicolas Sipe’s (“Plaintiff”) motion for attorneys’ fees, awarding Plaintiff’s counsel \$313,792.00 in reasonable attorneys’ fees and \$7,759.75 in costs (“the Order”). ECF No. 249. Upon review of the case, the United States Court of Appeals for the Fourth Circuit vacated and remanded the order to the Court, finding error with the calculation of the attorneys’ fees. ECF No. 255. The Court now makes the necessary adjustments to Plaintiff’s attorneys’ fees in accordance with the ruling of the Fourth Circuit.

Plaintiff filed a complaint (ECF No. 4) and an amended complaint (ECF No. 32) against Defendants Barrington Cromuel and his company Project Execution and Control Consulting, LLC (together “Defendants”), alleging unlawful sexual harassment and retaliatory discharge. ECF No. 32, p. 14-15. Defendants removed the case to this Court from Prince George’s County Circuit Court. *Id.* at 14. On November 2, 2015, on the eve of trial before this Court, the parties

entered into a dismissal of all claims, except for the right of any party to file a petition for attorneys' fees and costs. *See* ECF Nos. 221, 223.

Plaintiff filed a motion for attorneys' fees and costs, seeking \$357,092 in attorneys' fees and \$7,759.75 in costs. ECF No. 228. This Court issued the Order, granting in part and denying in part Plaintiff's motion, awarding her \$313,792 in reasonable attorneys' fees and \$7,759.75 in costs. ECF No. 249. In determining the reasonable costs, the Court relied on Appendix B of the Local Rules for the District of Maryland and applied the rates Appendix B deemed acceptable. *Id.* p. 10. By applying those rates, however, the Court awarded Plaintiff fees higher than those charged by her attorneys, specifically for time kept by Michael Brody, Jamera Cherry, Jessica Richardson, and William Fuller. ECF 255, p. 3. Defendants appealed. ECF No. 251.

The Fourth Circuit reviewed the appeal and in an unreported opinion reversed and remanded the Order. ECF No. 255 p.4. The Fourth Circuit determined that the Court overcompensated Plaintiff by awarding her \$150 per hour, as listed in Appendix B, for the hours worked between July 2014 through 2015 by the individuals listed above. *Id.* at 3. This rate, however, was \$20 per hour in excess to the \$130 per hour Plaintiff's attorneys charged for the work done by those individuals. *Id.* As a result, the Fourth Circuit remanded with direction "to recalculate the fees generated by Brody, Cherry, Richardson, and Fuller." *Id.* at 4. The Fourth Circuit rejected Defendants other arguments made in support of reducing the Order. *Id.*

The chart below recalculates the rates charged for the hours worked by Mr. Brody, Ms. Cherry, Ms. Richardson, and Mr. Fuller, and reduces their awarded hourly rate by \$20 per hour, from \$150 per hour to \$130 per hour, pursuant to the Fourth Circuit's instruction.

Timekeeper	Timekeeper's Initials on Billing Statement	Hourly Rate and Compensable Hours	Total Number of Billable Hours	Total Fees	Recalculated Total Fees
Michael Brody (Law Clerk)	MAB	Jan-June 2014: \$115 x 0.3 hours July-Dec 2014: \$150 x 55.65 hours	55.95	\$8,382.00	\$7,269.00 (\$115 x .3) + (\$130 x 55.65)
Jamera Cherry (Paralegal)	JJC	Jan-June 2014: \$115 x 18.3 hours July 2014-2015: \$150 x 58.7 hours	77	\$10,909.50	\$9,735.50 (\$115 x 18.3) + (\$130 x 58.7)
William Fuller	WJF	2015: \$150 x 3.8 hours	3.8	\$570.00	\$494.00 (\$130 x 3.8)
Jessica Richardson (Paralegal)	JAR	2015: \$150 x 47.3 hours	52.8	\$7,920.00	\$6,864.00 (\$130 x 52.8)
TOTALS				\$27,781.50	\$24,362.50

Based on the above recalculations, the Court reduces Plaintiff's reasonable attorneys' fees by \$3,419.00, the difference between the previous total of \$27,781.50, based on the \$150 per hour billing rate, and the new recalculated total of \$24,362.50, based on the \$130 per hour billing rate. Thus, Plaintiff's total award of \$313,792.00 in attorneys' fees is reduced to \$310,373.00, along with \$7,759.75 in costs.

I. Conclusion

For the foregoing reasons, Plaintiff's counsel is awarded \$310,373.00 in reasonable attorneys' fees and \$7,759.75 in costs.

May 31, 2017

CBD/xl

/s/
Charles B. Day
United States Magistrate Judge