

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TINA M. VARLESI,

Plaintiff,

v.

Case No. 10-14793

Honorable Denise Page Hood

WAYNE STATE UNIVERSITY,
THE SALVATION ARMY, CAROL
PREMO, ANWAR NAJOR-DURACK,
PHYLLIS I. VROOM, SHAWN J. LEE,
ANTONIO GONZALES-PRENDES,
MARGARET BRUNHOFER and
JOYCE STEFANSKI,

Defendants.

ORDER ACCEPTING IN PART REPORT AND RECOMMENDATION
AND
ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR ATTORNEY FEES, COSTS AND INTEREST

This matter is before the Court on Magistrate Judge Michael Hluchaniuk's Report and Recommendation filed August 14, 2013 (**Doc. No. 163**) on Plaintiff's Motion for Attorney Fees, Costs and Interest. (**Doc. No. 145**) Defendants timely filed Objections to the Report and Recommendation raising five specific objections. (**Doc. No. 164**) Plaintiff filed a response to the Objections. (**Doc. No. 167**)

The standard of review by the district court when examining a Report and

Recommendation is set forth in 28 U.S.C. § 636. This Court “shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). The Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file Objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the Magistrate Judge’s Report and Recommendation and the Objections filed to the Report and Recommendation, the Court finds that Magistrate Judge’s findings and conclusions are correct, except for the following issues addressing the specific objections.

Objection No. 1 that the Court should stay a ruling on the motion pending the ruling on Defendants’ post-trial motions and appeals is sustained as to the post-trial motion, but overruled as to the appeal period for the reasons set forth by the Magistrate Judge. Objection No. 2 regarding Plaintiff’s counsels’ hourly rates is

overruled, the Court adopting the Magistrate Judge's recommendation. Objection No. 3 as to the details of the billing records is overruled, the Court finding that the Magistrate Judge's reduction of 10% is sufficient. Objection No. 4 regarding the attorney fees for claims that were lost is overruled, the Court accepting the Magistrate Judge's findings on this issue that the lost claims arose from a common core of facts and related legal theories. As to Objection No. 5, the Court sustains the objections as to the amount of costs to be set at \$5,898.22 (not \$6,483.64), deducting the \$757.50 for computerized legal research and deducting \$750 for attempts to recover emails on Plaintiff's computer since Plaintiff has not shown the forensic requirement, for additional costs beyond the costs taxed by the Clerk at \$4,390.72. The objection relating to reduction of copying costs is overruled and the Court adopts the Magistrate Judge's 10% reduction.

As noted by the Magistrate Judge, Defendants have not objected to the request for pre-judgment interest under state law and post-judgment interest under state and federal law. The Court finds Plaintiff is entitled to pre- and post-judgment interest.

For the reasons set forth above,

IT IS ORDERED that the Report and Recommendation (**Doc. No. 163**) is ACCEPTED and ADOPTED IN PART as this Court's findings of fact and

conclusions of law, except for the findings noted above.

IT IS FURTHER ORDERED that Plaintiff's Motion for Attorney Fees, Costs and Interest (**Doc. No. 145**) is GRANTED IN PART and DENIED IN PART as more fully set forth above.

IT IS FURTHER ORDERED that Plaintiff's Motion for Entry of an Order Accepting the Magistrate Judge's Report and Recommendation Regarding Plaintiff's Motion for Attorney Fees, Costs and Interest (**Doc. No. 198**) is now rendered MOOT.

IT IS FURTHER ORDERED that Plaintiffs are entitled to the following fees and costs through the date of the filing of the instant Motion for Attorney Fees and Costs and Interest:

Attorney Fees:	\$404,757.00
Copying costs:	3,468.20
Additional costs:	4,390.72

(in addition to the clerk's taxation)

s/Denise Page Hood
DENISE PAGE HOOD
Chief U.S. District Judge

DATED: July 21, 2017

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective emails or First Class U.S. Mail addresses disclosed on the Notice of Electronic Filing on July 21, 2017.