

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

J&J SPORTS PRODUCTIONS,
INC.,

Plaintiff

Case No. 2:17-cv-11314
District Judge David M. Lawson
Magistrate Judge Anthony P. Patti

v.

BRAD'S, INC., d/b/a "East
English Village Bar and Grill,"
and WILLIAM BRADLEY,

Defendants.

ORDER REGARDING PLAINTIFF'S BILL OF COSTS (DE 43)

A. Background

On March 21, 2018, Plaintiff J&J Sports Productions, Inc.'s (J&J Sports) filed its motion to compel all Defendants to make initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A) and respond to Plaintiff's first set of interrogatories, requests for production of documents, and requests to admit, which was referred to me. (DEs 31 and 32.) Defendants did not file a response to the motion, but Plaintiff nevertheless timely filed a statement of unresolved issues on April 30, 2018. (DE 42.) Counsel for Plaintiff appeared at the scheduled May 3, 2018 hearing in this Court, but counsel for Defendants did not.

On May 8, 2018, the Court entered an order granting as unopposed Plaintiff's motion to compel discovery and deeming admitted Plaintiff's December 1, 2017 requests to admit, and granting costs. (DE 44.) In part, that Order provided:

Plaintiff is awarded its reasonable "expenses incurred in making this motion, including attorney's fees[,]" pursuant to Fed. R. Civ. P. 37(a)(5). In support of this award, and as directed by the Court from the bench, counsel for Plaintiff submitted a bill of costs, supported by a declaration. (DE 43.) Defendants may file specific objections as to the claimed expenses and attorney's fees, if any, by **MONDAY, MAY 14, 2018, AT 5:00 p.m.**

(DE 44 at 6.) To date, Defendants have not filed any objections to Plaintiff's bill of costs.

B. Discussion

A district court has broad discretion with respect to the imposition of sanctions under Fed. R. Civ. P. 37. *See Smith v. Botsford General Hosp.*, 419 F.3d 513, 517 (6th Cir. 1999). If an underlying discovery motion is granted, the applicable rule provides for payment of "the movant's reasonable expenses incurred in making the motion, including attorney's fees." Fed. R. Civ. P. 37(a)(5)(A). Even though Defendants have not filed objections to Plaintiff's bill of costs, the Court has reviewed the application in detail and concludes that the costs are reasonable and should be awarded. The hourly rate charged (\$245) is a reasonable rate for counsel for Plaintiff and in line with fees customarily charged

in the Eastern District of Michigan for similar legal services, and the number of hours expended in making the motion and expenses charged are also reasonable under the facts and circumstances of this case.

C. Order

Accordingly, the Court awards Plaintiff its costs and fees in the total amount of **\$2,527.96**. Within ten (10) days of the date of this Order, Defendants and their counsel are held jointly responsible for these costs and fees and shall reimburse Plaintiff in the amount of **\$2,527.96**.

IT IS SO ORDERED.

Dated: May 23, 2018

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on May 23, 2018, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti