

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL L. SHWARTZ

PLAINTIFF

VS.

CIVIL ACTION NO. 4:16-cv-115-MPM-JMV

HICHAM KHODR

DEFENDANT

ORDER

This matter is before the court on the Defendant's submission of its itemized fees and expenses incurred by Defendant with respect to his counsel investigating the origination of a purported order and his counsel's legal and ethical obligations with respect thereto, as well as preparation for and attending the recent hearing ordered by the court in connection with this matter. The court has considered the itemization of fees submitted by the Defendant, the opposition thereto, and the applicable law, and awards fees and expenses as detailed herein.

The court, having reviewed the itemization submitted by Defendant, declines to find that the fees claimed are unreasonable, but does note unnecessary duplication and/or expenditure of time. "Although duplication of effort is not per se unreasonable, '[i]f more than one attorney is involved, the possibility of duplication of effort along with the proper utilization of time should be scrutinized.'" *Luv N' Care, Ltd v. Groupo Rimar*, 2015 WL 9463189, at *10 (W.D. La. Dec. 28, 2015) (citing *Walker v. United States HUD*, 99 F.3d 761, 768 (5th Cir. 1996)). Accordingly, the court will reduce the total of Defendant's fees and expenses to \$1700.00.

PLAINTIFF IS, THEREFORE, ORDERED to pay Defendant's fees and expenses in the amount detailed above, which were incurred in investigating the origination of a purported order and his counsel's legal and ethical obligations with respect thereto, as well as preparation for and attending the hearing ordered by the court in connection with this matter.

SO ORDERED this, the 11th day of October, 2016.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE