

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 NORTHERN DIVISION

GEORGE ILGENFRITZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:06CV00055 ERW
)	
TOMMY TIPLER, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff’s Appointed Attorney’s Request for Compensation of Services and Reimbursement of Out-Of-Pocket Expenses [doc. #99].

On November 10, 2007, this Court granted Plaintiff’s Motion for Appointment of Counsel, and after several unsuccessful appointments, Jeffrey R. Curl, of Curl & Hark, L.L.C., was appointed to represent Plaintiff. On behalf of Plaintiff, Mr. Curl conducted depositions, successfully opposed Defendant Tommy Tipler’s Motion for Partial Judgment on the Pleadings, filed an amended complaint, and filed appropriate Responses to the various Motions for Summary Judgment filed by Defendants. Mr. Curl now seeks an award of attorney’s fees and expenses incurred in his representation of Plaintiff, pursuant to Local Rule 83-12.03.

Local Rule 83-12.03 provides that “[i]n the Court’s discretion, payment may be made from the [Non-Appropriated Fund] upon motion to reimburse a court-appointed attorney for reasonable expenses and attorney’s fees incurred in a civil matter on behalf of an indigent client.” A January 15, 2008 Administrative Order of this Court provides additional guidelines on how the funds are to be distributed. It provides that “[a] district judge or a magistrate judge may order

disbursement of funds not exceeding \$5,000.00 for reimbursement of out-of-pocket expenses and \$5,000.00 for compensation of appointed attorneys.” Any request for out-of-pocket expenses exceeding \$5,000.00 must be referred to the Non-Appropriated Fund Committee.

Mr. Curl has submitted detailed records documenting fees in the total amount of \$11,762.00, however Mr. Curl has only requested attorney’s fees in the amount of \$5,000.00. The Court concludes that the time expended by Mr. Curl in his representation of Plaintiff, and the hourly rates claimed, are reasonable in light of the procedural history and complexity of the case. As recognized by Mr. Curl, the maximum allowed for disbursement from the Non-Appropriated Fund for attorney’s fees is \$5,000.00, and this limit is not to be exceeded under any circumstances. Accordingly, Mr. Curl shall be awarded \$5,000.00 for attorney’s fees.

Mr. Curl also requests reimbursement for expenses in the amount of \$1,794.00. His documented expenses include \$1,744.00 for depositions and transcripts, and \$50.00 for service of papers/witness fees. The Court has reviewed the submissions for expenses and finds that each is reasonable and proper for reimbursement. As a result, Mr. Curl shall be awarded \$1,794.00 in out-of-pocket expenses.

Accordingly,

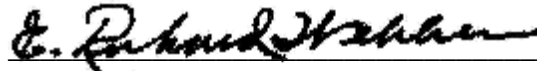
IT IS HEREBY ORDERED that Mr. Jeffrey R. Curl’s Request for Compensation of Services and Reimbursement of Out-Of-Pocket Expenses [doc. #99] is **GRANTED** in the amount of \$5,000.00 for attorney’s fees and \$1,794.00 for out-of-pocket expenses, for a total of \$6,794.00.

IT IS FURTHER ORDERED that the Clerk of the Court shall disburse the sum of \$6,794.00 from the Non-Appropriated Fund, payable to:

Jeffrey R. Curl
Curl & Hark, L.L.C.
999 Broadway
Hannibal, MO 63401

The Court wishes to express its appreciation to Mr. Curl for his efforts on behalf of Plaintiff.

Dated this 7th Day of January, 2010.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE