

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|------------------------------|---|--------------------------|
| JEFFREY HARDIN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:06CV01711 ERW |
| |) | |
| MOKAN ST. LOUIS CONSTRUCTION |) | |
| CONTRACT, 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. #80].

On April 19, 2007, this Court granted Plaintiff’s Motion for Appointment of Counsel, and Mr. Robert L. Jackstadt, of Tueth, Keeney, Cooper, Mohan & Jackstadt, P.C., was appointed to represent Plaintiff. On behalf of Plaintiff, Mr. Jackstadt filed an amended complaint, responded to Defendant Vivian Martain’s Motion to Dismiss Counts I and II, and filed a successful Motion to Strike Defendant Vivian Martain’s Motion for Summary Judgment. The parties were unsuccessful in achieving a settlement through alternative dispute resolution, so Mr. Jackstadt prepared for trial and filed all necessary pre-trial motions and briefs. He continued his representation of Plaintiff throughout a three-day jury trial, which concluded with the jury rendering a verdict in favor of the remaining Defendant. Mr. Jackstadt 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. Jackstadt has submitted detailed records documenting fees in the total amount of \$41,976.00. Of this total, \$36,432.00 is for 165.6 hours of work performed out of court, at an hourly rate of \$220.00. The remaining \$5,544.00 is for 25.2 hours of work performed in court, also at an hourly rate of \$220.00. The Court concludes that the time expended by Mr. Jackstadt in his representation of Plaintiff, and the hourly rates claimed, are reasonable in light of the procedural history and complexity of the case. However, 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. Jackstadt shall be awarded \$5,000.00 for attorney’s fees.

Mr. Jackstadt also requests reimbursement for expenses in the amount of \$1,632.58. His documented expenses include depositions and transcripts; service of papers/witness fees; and photographs, photocopies, telephone toll calls, and telegrams. The Court has reviewed the submissions for expenses and finds that each is reasonable and proper for reimbursement. As a result, Mr. Jackstadt shall be awarded \$1,632.58 in out-of-pocket expenses.

Accordingly,

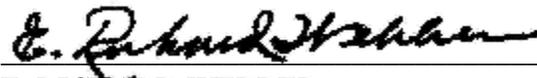
IT IS HEREBY ORDERED that Robert L. Jackstadt's Request for Compensation of Services and Reimbursement of Out-Of-Pocket Expenses [doc. #80] is **GRANTED** in the amount of \$5,000.00 for attorney's fees and \$1,632.58 for out-of-pocket expenses, for a total of \$6,632.58.

IT IS FURTHER ORDERED that the Clerk of the Court shall disburse the sum of \$6,632.58 from the Non-Appropriated Fund, payable to:

Robert L. Jackstadt
Tueth, Keeney, Cooper, Mohan & Jackstadt, P.C.
101 West Vandalia, Suite 210
Edwardsville, IL 62025

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

Dated this 5th Day of January, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE