

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JO ANN HOWARD &	)	
ASSOCIATES, P.C., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:09CV01252 ERW
	)	
J. DOUGLAS CASSITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court for consideration of Plaintiffs’ “Statement of Plaintiffs’ Attorney Fees & Expenses Pursuant to Court Order [ECF No. 1520]” [ECF No. 1620].

On April 30, 2014, this Court issued a Memorandum and Order [ECF No. 1520], granting, in part, “Plaintiffs’ Motion to Compel Production of Documents from Defendant Brown Smith Wallace” [ECF No. 1473]. That part of Plaintiffs’ Motion requesting the Court to order Brown Smith Wallace to produce certain requested documents was denied, as moot. However, the Court ordered Brown Smith Wallace to make auditors Matthew Powell and Larry Pevnik available for additional deposition testimony; and, in response to Plaintiffs’ requests for sanctions, the Court directed Plaintiffs to produce, for its review, a statement of attorney fees in bringing the motion to compel, as well as the fees incurred in preparing for and taking the second Powell and Pevnik depositions.

Plaintiffs have submitted their “Statement of Plaintiffs’ Attorney Fees & Expenses Pursuant to Court Order [ECF No. 1520],” seeking a total of \$29,499.26. The Court has

thoroughly reviewed each of the fees and expenses requested by Plaintiffs to determine if the time claimed for fees was appropriate and reasonable. The Court finds that the following listed charges should be reduced, by the indicated percentages:

<u>Date of Entry</u>	<u>Attorney</u>	<u>Value</u>	<u>Reduction</u>
3/21/2014	Wendy B. Fisher	\$936.21	50% (\$468.11)
3/21/2014	Michael P. Robertson	\$724.50	25% (\$181.13)
3/22/2014	Michael T. Kotlarczyk	\$525.00	25% (\$131.25)
3/23/2014	Wendy B. Fisher	\$760.67	25% (\$190.17)
3/24/2014	Wendy B. Fisher	\$1228.77	50% (\$614.39)
3/24/2014	Michael T. Kotlarczyk	\$425.00	25% (\$106.25)
3/25/2014	Wendy B. Fisher	\$760.67	25% (\$190.17)
4/3/2014	Michael T. Kotlarczyk	\$575.00	50% (\$287.50)
4/4/2014	Michael T. Kotlarczyk	\$550.00	50% (\$275.00)
4/4/2014	Michael P. Robertson	\$1417.50	25% (\$354.38)
4/5/2014	Michael T. Kotlarczyk	\$325.00	50% (\$162.50)
4/6/2014	Michael T. Kotlarczyk	\$275.00	25% (\$68.75)
4/7/2014	Wendy B. Fisher	\$526.62	25% (\$131.66)
4/8/2014	Michael T. Kotlarczyk	\$175.00	50% (\$87.50)
4/11/2014	Mitzi Burkitt	\$285.00	50% (\$142.50)
4/24/2014	Mitzi Burkitt	\$665.00	50% (\$332.50)
4/25/2014	Michael P. Robertson	\$1575.00	25% (\$393.75)
4/28/2014	Michael P. Robertson	\$1102.50	50% (\$551.25)

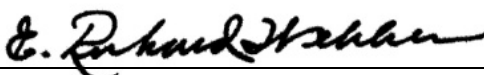
6/19/2014	Michael P. Robertson	\$3307.50	50% (\$1653.75)
6/20/2014	Michael P. Robertson	\$2929.50	50% (1464.75)

Accordingly, of the \$29,499.26 in fees and expenses that Plaintiffs have requested, this Court will allow \$21,712.00. Defendant Brown Smith Wallace shall reimburse Plaintiffs the amount of \$21,712.00, as their fees and costs incurred in bringing their motion to compel, and as fees and costs incurred in preparing for and taking the second Pevnick deposition.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Brown Smith Wallace shall reimburse Plaintiffs the amount of \$21,712.00, as their fees and costs incurred in bringing their motion to compel, and as the fees and costs incurred in preparing for and taking the second Pevnick deposition.

So Ordered this 13th day of August 2014.

  
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**E. RICHARD WEBBER**  
**SENIOR UNITED STATES DISTRICT JUDGE**