

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RYAN KOENIG, JAMES KOENIG, II,)
on behalf of themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
v.)
)
BOURDEAU CONSTRUCTION LLC,)
)
Defendant.)

Case No. 4:13CV477 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs’ verified request for attorneys’ fees and costs pursuant to this Court’s Order of March 26, 2015. In the Order, this Court granted plaintiffs’ motion to compel with regard to a Rule 69 deposition for the purpose of discovering assets to satisfy the judgment against defendants. Further, the Court stated it would consider plaintiffs’ request for reasonable attorneys’ fees and expenses incurred with regard to the Rule 69 deposition and the motion to compel. The Court permitted plaintiffs’ counsel to submit verified documentation of the expenses and attorneys’ fees incurred. Defendant was provided with an opportunity to file a written response to be heard on the matter. Plaintiffs timely filed their verified documentation seeking attorneys’ fees in the amount of \$3,290.00. Defendant has failed to respond, and the deadline for responding has passed.

Upon granting a motion to compel, Rule 37(a)(5)(A), authorizes the Court to award “reasonable expenses incurred in making the motion, including attorney’s fees.” Fed.R.Civ.P. 37(a)(5)(A); *E.E.O.C. v. McConnell*, 4:12CV1498 JAR, 2013 WL 1867580, at *1 (E.D. Mo. May 3, 2013). “The party seeking litigation fees bears the burden to provide ‘evidence of the hours worked and the rate claimed.’” *E.E.O.C. v. McConnell*, at *2 (quoting *Saint Louis University v. Meyer*, 4:07CV1733 CEJ, 2009 WL 482664, at *1 (E.D. Mo. Feb. 25, 2009)).

Plaintiffs seek attorneys’ fees as follows: for attorney James Nowogrocki, 5.4 hours at \$350.00 per hour for a total of \$1,890.00 and for attorney Richard Worth, 5.6 hours at \$250.00 per hour for a total of \$1,400.00. The total amount of attorneys’ fees requested by plaintiffs is \$3,290.00. This Court has previously determined in this case that an hourly rate of \$350.00 for Mr. Nowogrocki and \$250.00 for Mr. Worth is reasonable based on their experience and expertise. Plaintiffs have submitted a detailed billing of the hours worked by counsel with regard to the Rule 69 deposition and the motion to compel, which is reasonable. The Court finds that plaintiffs have met their burden and will award reasonable attorneys’ fees in the amount of \$3,290.00.

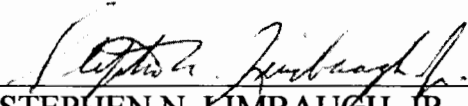
Accordingly,

IT IS HEREBY ORDERED that plaintiffs’ verified request for attorneys’ fees and costs (ECF #50) is **GRANTED** and plaintiffs are awarded attorneys’ fees in the amount of \$3,290.00.

IT IS FURTHER ORDERED that defendant shall pay the sum of \$3,290.00 within fourteen days of the date of this Order. Defendant shall make the check payable to plaintiffs and their counsel of record and mail it to plaintiffs' counsel of record.

IT IS FURTHER ORDERED that defendant shall promptly notify the Court that it has complied with this Order. Failure to comply may result in sanctions.

Dated this 10th day of April, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE