

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROGER WALLACE,

Plaintiff,

vs.

WILLIAM R. MATHIAS and
HERINGTON LIVESTOCK
MARKET, INC.,

Defendants.

4:12-CV-3011

ORDER

This matter is before the Court on the plaintiff's Motion for Interest, Attorney's Fees and Costs (filing [45](#)). The plaintiff seeks \$28,920.64 in prejudgment interest, attorney's fees in the amount of \$9,015.00, and costs in the amount of \$820.00. Filing [45](#). The defendants have not replied to the motion, and thus have not objected to the plaintiff's calculation of interest or his evidence of costs and attorney's fees.

For the reasons discussed in the Court's memorandum and order (filing [43](#)) of March 21, 2013, the plaintiff is entitled to prejudgment interest from August 9, 2000, until the date of judgment. As the defendants have not objected to the plaintiff's determination of the amount due, the Court will grant the plaintiff's request. See, *Farmers Coop. Co. v. Senske & Son Transfer Co.*, 572 F.3d 492, 501 (8th Cir. 2009); *Schaefer v. Spider Staging Co.*, 275 F.3d 735, 740 (8th Cir. 2002). The Court has also reviewed the costs requested by the plaintiff, and will grant that request, having found that the costs are properly chargeable to the defendants, and again noting the defendants' failure to object. See, Fed. R. Civ. P. 54(d)(1); NECivR 54.1; *Smith v. American Airlines*, 414 F.3d 949, 954 (8th Cir. 2005); *Martin v. DaimlerChrysler Corp.*, 251 F.3d 691, 695-96 (8th Cir. 2001).

The Packers and Stockyards Act, 7 U.S.C. § 181 *et seq.*, also provides that upon prevailing in an enforcement action under the Act, a petitioner "shall be allowed a reasonable attorney's fee to be taxed and collected as a part of the costs of the suit." 7 U.S.C. § 210(f). This section authorizes the award of legal expenses incurred as part of the cost of the suit in district court to enforce the reparation order. *Rowse v. Platte Valley Livestock, Inc.*, 597 F. Supp. 1055, 1062 (D. Neb. 1984); see also *Hays Livestock Comm'n Co., Inc. v. Maly Livestock Comm'n Co., Inc.*, 498 F.2d 925, 933 (10th Cir. 1974).

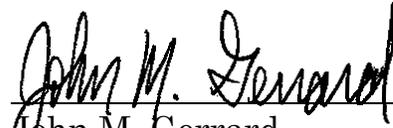
In support of his motion, the plaintiff has presented detailed records of the hours spent on this enforcement action, and his attorneys' hourly rates. Filing 46; see *Farmers Coop. Co.*, 572 F.3d at 500. The Court, having reviewed the record, finds those hours and hourly rates to be reasonable, and will grant the plaintiff's request. See *Farmers Coop. Co.*, 572 F.3d at 500; see also NECivR 54.4.

IT IS ORDERED:

1. The plaintiff's Motion for Interest, Attorney's Fees and Costs (filing 45) is granted.
2. Pursuant to the award made in the Court's Judgment (filing 44), the plaintiff is awarded \$28,920.64 in prejudgment interest, attorney's fees in the amount of \$9,015.00, and costs in the amount of \$820.00, and those amounts are made part of that judgment.

Dated this 2nd day of May, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge