

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALLIED WORLD SPECIALTY INSURANCE
COMPANY,

Plaintiff,

vs.

ABAT LEREW CONSTRUCTION, LLC,
ABAT LEREW, LLC, MICHAEL R. FORD,
and NOEL A. FORD,

Defendants.

8:16CV545

ORDER

This matter is before the Court on Plaintiff's Motion for Attorneys' Fees Relating to Motion for Sanctions for Failure to Attend Depositions. ([Filing No. 60.](#)) The motion will be granted.

BACKGROUND

Plaintiff previously filed a motion for sanctions against Defendants based upon Defendants' failure to attend depositions. (*See* [Filing No. 47.](#)) On March 21, 2018, the Court granted Plaintiff's request for sanctions. ([Filing No. 58.](#)) The Court directed Plaintiff to file a motion seeking an award of expenses and fees incurred in connection with the depositions and Defendants' failure to attend by April 4, 2018. Plaintiff complied with this directive, and filed its Motion for Attorneys' Fees Relating to Motion for Sanctions for Failure to Attend Depositions ([Filing No. 60](#)) on April 3, 2018. Defendants have not responded to Plaintiff's Motion for Attorneys' Fees.

DISCUSSION

Plaintiff seeks an award of \$7,154.00, which represents the amount of expenses and fees Plaintiff claims it incurred in connection with Defendants' failure to attend the depositions, including the preparation of its earlier motion for sanctions. Along with its motion, Plaintiff has

submitted an affidavit signed by its counsel, which sets forth the actions taken by counsel in connection with the depositions and related motion for sanctions. ([Filing No. 61.](#)) The affidavit itemizes the amount of time counsel spent in connection with each task. Counsel avers that the amount of fees requested is based on 29.2 hours of work, at an hourly rate of \$245.00.

Under the circumstances presented in this case, which were outlined in the Court's March 21, 2018 order, and will not be repeated here, the Court finds the requested award amount is fair and reasonable. The Court has reviewed the hours for which payment is sought and concludes that the number of hours billed was not excessive, and that the work performed was reasonable and necessary. The Court further finds that the hourly rate upon which the requested award is calculated is fair, reasonable and customary in the marketplace. Notably, Defendants have not responded to Plaintiff's motion and, thus, have not challenged the work for which recovery is sought or counsel's hourly rate. For these reasons, the Court will award Plaintiff the entire amount requested.

Accordingly,

IT IS ORDERED as follows:

1. Plaintiff's Motion for Attorneys' Fees Relating to Motion for Sanctions for Failure to Attend Depositions ([Filing No. 60](#)) is granted.
2. Plaintiff is hereby awarded the sum of \$7,154.00, which shall be paid by Defendants within ten (10) days of entry of judgment in this action.

Dated this 31st day of May, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge