

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Y.S., individually and on behalf of
D.F., a child with a disability,

Plaintiff,

Case No.: 1:21-cv-02159(RA)

-against-

NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendant.

**PROPOSED JUDGMENT AWARDING PLAINTIFF'S ATTORNEYS FEES AND
COSTS WITH MODIFICATIONS CONSISTENT WITH MEMORANDUM OPINION &
ORDER**

The Court GRANTS Plaintiff's motion for summary judgment, as well as post-judgment interest, WITH MODIFICATIONS as set forth in the Court's Memorandum Opinion and Order dated September 6, 2022:

For the administrative component:

1. Plaintiff is entitled to an hourly rate of \$400.00 for Andrew Cuddy who billed a total of 7.8 hours for the administrative and federal action. A 20% reduction in time billed brings Mr. Cuddy's billable time to 6.2 hours. Therefore, Plaintiff is entitled to \$2,496.00 in attorneys' fees for Mr. Cuddy.
2. Plaintiff is entitled to an hourly rate of \$300.00 for Kevin Mendillo. Mr. Mendillo billed a total of 57.3 hours for the administrative and federal action exclusive of travel time. A 20% reduction in hours billed brings Mr. Mendillo's total billable time exclusive of travel to 45.8 hours. Therefore, Plaintiff is entitled to \$13,740.00 in attorneys' fees for Mr. Mendillo.

3. Plaintiff is entitled to an hourly rate of \$200.00 for Erin Murray. Ms. Murray billed a total of 52.8 hours for the federal action and did not bill any time on the administrative proceeding. A 20% reduction in hours billed brings Ms. Murray's total billable time to 42.2 hours. Therefore, Plaintiff is entitled to \$8,448.00 in attorneys' fees for Ms. Murray.
4. Plaintiff is entitled to an hourly rate of \$200.00 for Benjamin Kopp. Mr. Kopp billed a total of 0.5 hours for the federal action and did not bill any time on the administrative proceeding. A 20% reduction in hours billed brings Mr. Kopp's total billable time to 0.4 hours. Therefore, Plaintiff is entitled to \$80.00 in attorneys' fees for Mr. Kopp.
5. Plaintiff is entitled to an hourly rate of \$125.00 for senior paralegal Shobna Cuddy who billed a total of 6.0 hours for the administrative and federal action. A 20% reduction in time billed brings Mrs. Cuddy's billable time to 4.8 hours. Therefore, Plaintiff is entitled to \$600.00 in fees for Mrs. Cuddy.
6. Plaintiff is entitled to an hourly rate of \$100 for paralegals/non-attorney staff Allison Bunnell, Amanda Pinchak, Khrista Smith, Cailin O'Donnell, Burhan Meghezzi, Sarah Woodard, and ChinaAnn Reeve. The total time billed for these paralegal/non-attorney staff for work on the administrative and federal action was 17.1 hours. A 20% reduction brings the total paralegal/non-attorney hours to 13.7 hours. Therefore, Plaintiff is entitled to \$1,370.00 in fees for paralegal/non-attorney time.
7. Plaintiff is entitled to recover one hour of travel time each way for Mr. Mendillo's travel to hearings at an hourly rate of \$150.00. As Mr. Mendillo traveled to and from

New York City for one hearing, Plaintiff is entitled to \$300.00 in travel time for Mr. Mendillo.


8. Plaintiff's costs for printing are reduced to .10 cents per page. This reduces Plaintiff's printing (copying) costs from \$233.00 to \$46.60.
9. Plaintiff is awarded costs for postage totaling \$2.92.
10. Plaintiff's recovery for faxing (\$70.00), lodging (\$126.29), meals (\$45.47), mileage (\$31.06), parking (\$16.00), and transportation (\$187.52) is denied, reducing Plaintiff's costs for the administrative component by \$476.34.
11. Plaintiff is awarded costs in the federal matter for the filing fee of \$402.00.
12. The total attorneys' fees Plaintiff is entitled to is \$27,034.00.
13. The total costs Plaintiff is entitled to is \$451.52.

ORDERED that Plaintiff's Motion for Summary Judgement is hereby GRANTED WITH MODIFICATIONS; and it is further;

ORDERED that Plaintiff is hereby awarded attorneys' fees in the amount of \$27,018.00 and costs in the amount of \$451.52, with post-judgment interest thereon.

SO ORDERED.

Dated: 9/15/2022
New York, New York



HONORABLE RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK