

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRACIE HUNTER, <i>et al.</i> ,	:	
	:	Case No. 1:10cv820
Plaintiffs,	:	
	:	Chief Judge Susan J. Dlott
v.	:	
	:	SUPPLEMENTAL ORDER ON
HAMILTON COUNTY BOARD OF	:	MOTION FOR ATTORNEY FEES
ELECTIONS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

On September 30, 2013, this Court entered an order granting, with modifications, Plaintiffs’ motion for attorney fees brought pursuant to the Civil Rights Attorney’s Fees Awards Act, 42 U.S.C. § 1988. *See* Doc. 227. That Act provides that “[i]n any action or proceeding to enforce a provision of [§] 1983 . . . the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs.” 42 U.S.C. § 1988(b). In addition to attorney fees, § 1988(b) authorizes the district court to award costs to prevailing parties in civil rights litigation.

In the September 30, 2013 order, the Court granted Plaintiffs’ request for reasonable attorney fees for the work done in this case but not in *Painter v. Brunner*, a related but separate case brought in state court. The Court also granted Plaintiffs’ request for their costs, minus certain specified miscellaneous costs and meals. However, the Court denied Plaintiffs’ request to enhance the attorney fees award with a multiplier.

Plaintiffs’ original request for fees and expenses encompassed work done through April 5, 2012. *See* Doc. 210. After that date, Plaintiffs’ counsel performed additional necessary work

on the case, including attempting to mediate a settlement, attending meetings at the Board of Elections where final vote counts were tallied, defending the case against an appeal filed by the Board, and finalizing briefing on the motion for fees. For the same reasons that Plaintiffs are entitled to an award of attorney fees and costs incurred in this case prior to April 5, 2012, they are entitled to fees and costs incurred through the completion of the case. Plaintiffs' Supplemental Fee Submission and Declarations, Doc. 228, include sufficient detail to enable the Court to conclude that the hours recorded after April 5, 2012 were actually and reasonably expended in this action.

Plaintiffs' original motion for fees and expenses requested a grand total of \$1,465,161.80 for work performed through April 5, 2012. Plaintiffs' supplemental fee submission, which reflects the deductions and modifications required by this Court's September 30, 2013 order and includes hours worked subsequent to April 5, 2012, calculates Plaintiffs' total fees and expenses as \$920,501.22.

For the reasons set forth herein and in the September 30, 2013 order, the Court finds that Plaintiffs are prevailing parties entitled to fees pursuant to 42 U.S.C. § 1988, that the hours spent by Plaintiffs' counsel on this matter were reasonably expended, and that the hourly rates previously approved reflect the market rate of competent counsel in the Southern District of Ohio. Accordingly, the Court AWARDs attorney fees and expenses to Plaintiffs in the amount of \$920,501.22 and ORDERS payment consistent with this opinion.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court