

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

MD ELTON R. KERR,

Plaintiff,

:

Case No. 3:07-cv-297

-vs-

Magistrate Judge Michael R. Merz

:

MD WILLIAM W. HURD, et al.,

Defendants.

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**ORDER TO SUPPLEMENT RECORD**

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In order for the Court to decide properly the pending Motion for Expert Fees (Doc. No. 69), it is hereby ordered that Plaintiff file an affidavit from the witness setting forth

(1) what his standard hourly fee is and the percentage of his clients or of Brady Ware's clients who are charged that rate;

(2) what he actually did during the time he was preparing for the deposition, in detail sufficient to enable to the Court to determine whether that expenditure of time was reasonably necessary.

July 28, 2009.

s/ **Michael R. Merz**

United States Magistrate Judge