

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

CAPITAL DEVELOPMENT AFFILIATES
LLC,

Plaintiff,

vs.

ZEALAND BENJAMIN THIGPEN, III,

Defendant.

Case No. 17-CV-426-CVE-FHM

OPINION AND ORDER

Plaintiff's Motion for Attorney Fees, [Dkt. 50] is before the court. Defendant objects to the motion on the basis that the billing records are redacted and cannot be properly evaluated.

In the Tenth Circuit the number of hours for which an attorney fee award is requested must be proven "by submitting meticulous, contemporaneous time records that reveal, for each lawyer for whom fees are sought, all hours for which compensation is requested and how those hours were allotted to specific tasks." *Case v. Unified School District No. 233, Johnson County, Kansas*, 157 F.3d 1243,1250 (10th Cir. 1998) citing *Ramos v. Lamm*, 713 F.2d 546, 552 (10th Cir. 1983). Plaintiff's redacted billing entries fail to meet this standard. Defendant and the court are entitled to review the billing entries for which compensation is requested.

On or before October 15, 2018, Plaintiff is required to submit an amended Motion for Attorney Fees which either omits the redacted entries from the fee request or contains an explanation of the activity performed and how the time was allotted to specific tasks. To the extent the legal theories and mental impressions of counsel have not been revealed in this litigation, Plaintiff may redact those portions of billing entries which unnecessarily

reveal the legal theories and mental impressions of counsel. However, each redaction should be carefully considered in light of the requirements cited above. Furthermore, even if some of the descriptive text is redacted, the attorney name, time spent, and hourly rate must be provided if Plaintiff is seeking a fee award for the time.

Defendant's response to the amended motion is due on or before October 29, 2018. Plaintiff may file a reply on or before November 5, 2018.

The request contained in Defendant's objection filed April 23, 2018, [Dkt. 80], that the application for fees be held in abeyance until the appeal to the Tenth Circuit has been heard is denied.

SO ORDERED this 1st day of October, 2018.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE