

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas

United States of America, et rel.,  
Richard Drummond

Plaintiffs,

versus

BestCare Laboratory Services, Inc., et al.,

Defendants.

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**ENTERED**

September 14, 2020

David J. Bradley, Clerk

Civil Action H-08-2441

### Opinion on Fees

1. *Introduction*

On behalf of the United States, Relator Drummond sued BestCare Laboratory Services, Inc. for submitting false Medicare claims for exaggerated mileage charges. This court decided that the scheme was not publically disclosed and held BestCare liable.

2. *Fee Calculation*

To determine the attorney’s fees, the court examines the productive number of hours spent on the case and the rate charged.

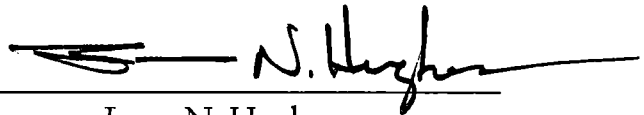
The court began with the 2007 National Law Journal’s Survey of Billing Rates for comparable Texas law firms and removed the highest as an outlier. The average of the remaining sample for partners was \$511 per hour. Using the average compensation inflation rate for the Houston area over the last two years of 2.15%, the court adjusted the 2007 base rate to the current year taking into consideration the downturn of the 2008 market crash. An adjusted rate of \$520.54 per hour resulted. Multiplying the adjusted hourly rate by the productive number of hours worked of 707 hours results in attorney’s fees of \$368,170.00.

This fee calculation is reasonable because of the difficulty and complexity of the case, highlighted by the need for multiple defense attorneys throughout the nearly 12 year litigation.

3. *Conclusion*

BestCare must pay to Relator Drummond \$368,170.00 in attorney's fees and \$4,336.00 in costs.

Signed on September 14, 2020, at Houston, Texas.

A handwritten signature in black ink, appearing to read "L. N. Hughes", written over a horizontal line.

Lynn N. Hughes  
United States District Judge