

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GILBERT PEREZ,

Plaintiff,

v.

SPRINT/UNITED MANAGEMENT
COMPANY,

Defendant.

CIVIL ACTION FILE
NO. 1:12-CV-3161-TWT

ORDER

This is an employment discrimination action. It is before the Court on the Plaintiff's Motion for Attorneys' Fees [Doc. 143]. The Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988 authorizes district courts to award attorney's fees to prevailing parties in actions brought under certain civil rights statutes. Although the decision to award attorney's fees under § 1988 is within the discretion of the district court, attorney's fees generally should be awarded to prevailing plaintiffs absent special circumstances.¹ The starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation

¹ Doe v. Busbee, 684 F.2d 1375, 1378 (11th Cir. 1982).

multiplied by a reasonable hourly rate.² The product of these two figures is the lodestar and there is a strong presumption that the lodestar is the reasonable sum the attorneys deserve.³ When a district court finds the number of hours claimed is unreasonably high, the court has two choices: it may conduct an hour-by-hour analysis or it may reduce the requested hours with an across-the-board cut.⁴ Fee applicants must exercise what the Supreme Court has termed billing judgment. That means they must exclude from their fee applications excessive, redundant, or otherwise unnecessary hours, which are hours that would be unreasonable to bill to a client and therefore to one's adversary irrespective of the skill, reputation or experience of counsel.⁵ Those opposing fee applications have obligations, too. In order for courts to carry out their duties in this area, objections and proof from fee opponents concerning hours that should be excluded must be specific and reasonably precise.⁶

²Mayson v. Pierce, 806 F.2d 1556, 1557 (11th Cir. 1987) (citing Hensley v. Eckerhart, 461 U.S. 424, 433 (1983) and Blum v. Stenson, 465 U.S. 886, 888 (1984)).

³Bivins v. Wrap It Up, Inc., 548 F.3d 1348, 1350 (11th Cir. 2008) (citing Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, 478 U.S. 546, 565 (1986)).

⁴Id.

⁵American Civil Liberties Union of Georgia v. Barnes, 168 F.3d 423, 428 (11th Cir. 1999).

⁶Id.

In this case, there are no special circumstances that preclude a full recovery of attorney's fees by the Plaintiff. The fee request is based upon the hours reasonably expended multiplied by reasonable hourly rates. The Defendant's request to deny the application as untimely is denied. The Defendant has not produced any evidence that the Plaintiff's attorneys are claiming unnecessary or excessive hours. The Defendant has not shown that its attorneys billed substantially less time to defend the case.⁷ Simply listing time entries in a chart and arguing that they are excessive does not rebut the presumption that the lodestar amount is a reasonable fee. The Plaintiff's Motion for Attorneys' Fees [Doc. 143] is GRANTED in the amount of \$374,309.50 in attorneys' fees and \$14,163.17 in expenses.

SO ORDERED, this 21 day of August, 2015.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

⁷It is worthy of note that while accusing the Plaintiff's attorneys of excessive litigiousness, Sprint's attorneys filed a 16 page brief opposing the Plaintiff's Motion for Extension of Time to File Motion for Attorneys' Fees.