

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOEL Q. HACK, an individual, and
WREN BEAULIEU-HACK, an individual,

Plaintiffs,

Case No.: 2:18-cv-13330
Hon. Marianne O. Battani

v.

THE CHARTER TOWNSHIP OF MILFORD,
a Michigan municipal corporation, **TOWNSHIP
OF MILFORD BOARD**, a public body, **DONALD
D. GREEN**, in his personal capacity and in his
official capacity as Supervisor of Milford Township,
and **TIMOTHY C. BRANDT**, in his personal capacity
and in his official capacity as Building and Zoning
Administrator of Milford Township,

Defendants.

**PLAINTIFFS' MOTION FOR ATTORNEY FEES AND COSTS
PURSUANT TO 42 U.S.C. § 1988 AND FED. R. CIV. P. 54(d)(2)**

Plaintiffs, through their counsel, for their Motion for Attorney Fees and Costs pursuant to 42 U.S.C. § 1988 and Federal Rule of Civil Procedure 54(d)(2), request the Court to order Defendants to pay \$209,903.50 in attorney's fees, \$7,365.98 in costs, and \$9,246.25 in expert fees and costs, for the following reasons, and as stated more fully in Plaintiffs' accompanying Brief in Support:

1. On August 5, 2019, this Court entered an Injunction and Declaratory Judgment against Defendants (Dkt. No. 76) as well as a money judgment in the

amount of \$400,000.00 pertaining to Defendants' deprivation of Plaintiffs' substantive due process rights acting under color of state law in violation of 42 U.S.C. § 1983. (Dkt. No. 78.)

2. Pursuant to 42 U.S.C. § 1988, a prevailing plaintiff in an action brought under 42 U.S.C. § 1983 is entitled to an award of reasonable attorney's fees and expert fees. 42 U.S.C. § 1988(b) and (c).

3. Plaintiffs seek payment of \$209,903.50 in attorney's fees, which reflects reimbursement for 571.60 hours in attorneys' time spent by R.J. Cronkhite, David E. Hart, Steven D. Sallen, Michelle C. Harrell, and Stephanie C. Mellin for research; investigation; drafting papers including the complaint, motions, proposed orders, responses to Defendants' motions; discovery; and preparing for and trying this jury case to a successful outcome. It also reflects 76.80 hours of time of paralegal time (Pamela M. Shaw) and law clerk time (Victoria C. Bellamy) conducting research; preparing and responding to discovery; drafting legal memoranda; and trial preparation. *See* Maddin Hauser Billing Statements attached as **Exhibit 1**.

4. Specifically, the payment of fees are shown in the following table:

2018			
Attorney/Paralegal/ Law Clerk	Hourly Rate	Hours	Total
R.J. Cronkhite	\$300.00	71.20	\$21,360.00

Steve D. Sallen	\$425.00	1.50	\$637.50
Pamela M. Shaw	\$200.00	2.40	\$480.00
Michelle C. Harrell	\$400.00	7.00	\$2,800.00
TOTAL		82.10	\$25,277.50

2019			
Attorney/Paralegal/ Law Clerk	Hourly Rate	Hours	Total
R.J. Cronkhite	\$325.00	402.40	\$130,780.00
David E. Hart	\$425.00	76.20	\$32,385.00
Steven D. Sallen	\$450.00	6.20	\$2,790.00
Michelle C. Harrell	\$400.00	4.10	\$1,681.00
Stephanie C. Mellin	\$250.00	3.00	\$750.00
Pamela M. Shaw	\$220.00	68.00	\$14,960.00
Victoria C. Bellamy	\$200.00	6.40	\$1,280.00
TOTAL		566.30	\$184,626.00

5. Plaintiffs also incurred \$7,365.98 in litigation costs, as set forth in **Exhibit 1**, and are entitled to the same pursuant to 42 U.S.C. § 1988(b).

6. Plaintiffs also seek payment of expert fees and costs of \$9,246.25, as set forth below:

Expert	Fees	Costs	Total
Brent LaVanway	\$8,154.39	\$191.86	\$8,346.25
Bernie Les, PhD	\$900.00	\$0.00	\$900.00
Total	\$9,054.39	\$191.86	\$9,246.25

7. Attached as **Exhibit 4** are supporting invoices and billing detail for witness and preparation fees charged by professional engineer Brent LaVanway and psychologist Bernie Les, PhD.

8. “Where a plaintiff has obtained excellent results, his attorney should recover a full compensatory fee.” *Northeast Ohio Coalition for the Homeless v. Husted*, 831 F.3d 686, 703 (6th Cir. 2016).

9. Plaintiffs’ counsel obtained full and complete relief on Plaintiffs’ claims for declaratory and injunctive relief, and prevailed on both its due process claim and its 1983 claim—against all defendants; Plaintiffs’ legal victory was accompanied by a sizeable monetary judgment of \$400,000.00.

10. Further, the above hourly rates charged by Plaintiffs’ counsel are consistent with those in the most recent Economics of Law Practice survey for Michigan, which was conducted in 2017 and based on reported 2017 billing rates. A copy of The 2017 Economics of Law Practice Attorney Income and Billing Rate Summary Report is attached as **Exhibit 2**.

11. The attorney fees and costs through entry of the Judgment on August 5, 2019, also constitute a fair and reasonable claim for attorney fees and costs under 42 U.S.C. § 1988(b) and (c) based on the depth of each of the attorney’s experience, as well as the complexity of this litigation, which included complex questions involving constitutional law, as well as highly-technical facts involving

engineering and building construction. *See* Attorney and Paralegal Biographies attached as **Exhibit 3**.

12. Plaintiffs are also entitled to a future award of attorney's fees for work performed by Plaintiffs' counsel after August 5, 2019. *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546, 561 (1986).

13. Plaintiffs' counsel will submit periodic billing statements to Defendants for the activities set forth below, with the first such periodic billing statement to be submitted within 30 days after the Court enters an order pursuant to this Motion.

14. In the first periodic billing statement, Plaintiffs shall seek reimbursement from Defendants for their reasonable time and expenses in the following:

- (a) Work related to preparing, negotiating and obtaining Court approval of the payment of fees and costs in this case;
- (b) Monitoring Defendants' compliance with the Court's Injunction and Declaratory Judgment (Dkt. No. 76); and
- (c) Work related to Defendants' payment of the Judgment in full (Dkt. No. 78).

15. In subsequent periodic billings, Plaintiffs may seek reimbursement for the activities set forth in Paragraphs 11(b) and 11(c), *supra*, depending on the circumstances: Plaintiffs contemplate that such activities will continue until construction of Plaintiffs' driveway is complete; Plaintiffs obtain a certificate of

occupancy; reimbursement by Defendants for the periodic billings; and the Judgment is paid in full by Defendants.

16. For the periodic billings, Plaintiffs will use reimbursement at the rates of:

- a. \$325.00 per hour for R.J. Cronkhite, \$425.00 per hour for David E. Hart, and \$450.00 for Steven D. Sallen.
- b. The mean rate for any other attorney's time based on his or her years of experience, as set forth in the most recent Michigan Economics of Law Practice Survey Report available, which is currently 2017. **Ex. 2.**
- c. \$220.00 per hour for paralegals.

17. On August 13, 2019, undersigned counsel sought concurrence in the relief sought in this Motion by contacting and speaking with Defendants' counsel, Richard V. Stokan, who denied concurrence.

ACCORDINGLY, Plaintiffs respectfully request that this Court grant its Motion for Attorney Fees and Costs in its entirety.

Respectfully submitted,

/s/ R.J. Cronkhite

R.J. Cronkhite (P78374)

Maddin, Hauser, Roth & Heller, P.C.

Attorneys for Plaintiffs

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(248) 354-4030

Dated: August 13, 2019

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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WREN BEAULIEU-HACK, an individual,

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and in his official capacity as Building and Zoning
Administrator of Milford Township,

Defendants.

**BRIEF IN SUPPORT PLAINTIFFS' MOTION
FOR ATTORNEY FEES AND COSTS PURSUANT TO
42 U.S.C. § 1988 AND FED. R. CIV. P. 54(d)(2)**

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QUESTION PRESENTED

Are Plaintiffs entitled to their attorney fees and costs sought in this Motion?

Plaintiffs answer: “Yes.”

Defendants answer: “No.”

CONTROLLING OR MOST APPROPRIATE AUTHORITY

42 U.S.C. § 1988

Northeast Ohio Coalition for the Homeless v. Husted, 831 F.3d 686 (6th Cir. 2016)

Bldg. Serv. Local 47 Cleaning Contractors Pension Plan v. Grandview Raceway,
46 F.3d 1392 (6th Cir. 1995)

Barnes v. City of Cincinnati, 401 F.3d 729 (6th Cir. 2005).

INDEX OF EXHIBITS

- EXHIBIT 1:** Maddin Hauser Billing Statements
- EXHIBIT 2:** State Bar of Michigan, 2017 Economics of Law Practice Summary Report
- EXHIBIT 3:** Maddin Hauser Attorney and Paralegal Biographies
- EXHIBIT 4:** Invoices provided by Engineer Brent LaVanway and Psychologist Bernie Les, Ph.D.
- EXHIBIT 5:** Affidavits of R.J. Cronkhite and David E. Hart

I. STATEMENT OF FACTS

Plaintiffs Joel Hack and Wren Beaulieu-Hack brought this case against Defendants asserting that Defendants, without lawful authority, unconstitutionally interfered with, and imposed requirements in connection with, improvements of the Plaintiffs' property, specifically involving construction of Plaintiffs' driveway and retention area. Plaintiffs asserted that Defendants actions, taken under color of state law, deprived Plaintiffs of their constitutional rights in violation of 42 U.S.C. § 1983. (Dkt. No. 1 at ¶¶ 109–122.). Plaintiffs also sought injunctive and declaratory relief, asking the Court to 1) declare Defendants' actions unlawful and without authority; and 2) enjoin Defendants' further unlawful interference with completion of improvements to Plaintiffs' property, specifically involving construction of Plaintiffs' driveway and retention area. (Dkt. No. 1 at ¶¶ 84–96.)

After a nine-day trial in this case, the jury returned a jury verdict form by which the jury unanimously found in Plaintiffs' favor on all questions put to the jury. The jury awarded Plaintiffs \$194,000.00 in compensatory damages and \$206,000.00 in punitive damages, for a total judgment of \$400,000.00 (Dkt. No. 78.)

Plaintiffs incurred \$209,903.50 in attorney's fees, \$7,365.98 in costs, and \$9,246.25 in expert fees and costs, to achieve this result, as set forth in the attached billing statements (**Exhibit 1**) and averred to by attorneys R.J. Cronkhite and

David E. Hart (**Exhibit 5**). The attorney's fees comprise 571.60 hours in attorneys' time spent by R.J. Cronkhite, David E. Hart, Steven D. Sallen, Michelle C. Harrell, and Stephanie C. Mellin for research; investigation; drafting papers including the complaint, motions, proposed orders, responses to Defendants' motions; discovery; and preparing for and trying this jury case to a successful outcome for Plaintiffs. The fee request also reflects 76.80 hours of time of the paralegal's (Pamela M. Shaw) and law clerk's (Victoria C. Bellamy) time conducting research; discovery; drafting legal memoranda; and trial preparation. Maddin Hauser's Billing Statements are attached as **Exhibit 1; Exhibit 5**.

18. Specifically, the payment of attorney's fees are shown in the following table:

2018			
Attorney/Paralegal/ Law Clerk	Hourly Rate	Hours	Total
R.J. Cronkhite	\$300.00	71.20	\$21,360.00
Steve D. Sallen	\$425.00	1.50	\$637.50
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Victoria C. Bellamy	\$200.00	6.40	\$1,280.00
TOTAL		566.30	\$184,626.00

Plaintiffs also incurred \$7,365.98 in costs, as set forth in **Exhibit 1**, as well as expert fees and expert costs of \$9,246.25, as set forth below:

Expert	Fees	Costs	Total
Brent LaVanway	\$8,154.39	\$191.86	\$8,346.25
Bernie Les, PhD	\$900.00	\$0.00	\$900.00
Total	\$9,054.39	\$191.86	\$9,246.25

Attached as **Exhibit 4** are supporting invoices and billing detail for witness and preparation fees charged by professional engineer Brent LaVanway and psychologist Bernie Les, PhD.

Maddin Hauser's hourly rates are consistent with those in the most recent Economics of Law Practice survey for Michigan, which was conducted in 2017 and reports Michigan attorney's 2017 billing rates. A copy of The 2017 Economics of Law Practice Attorney Income and Billing Rate Summary Report is attached as **Exhibit 2**.

II. ARGUMENT

A. Standard of Review.

Chapter 42 U.S.C. § 1988 allows a prevailing plaintiff in an action brought under various federal civil rights statutes, including 42 U.S.C. 1983, to obtain an award of reasonable attorney fees and costs. 42 U.S.C. § 1988(b) provides that in an action for attorney’s fees, the court may grant “the prevailing party, other than the United States, reasonable attorney’s fees as part of the costs” 42 U.S.C. § 1988(c) provides that “in awarding an attorney’s fee under subsection (b) . . . the court, in its discretion, may include expert fees as part of the attorney’s fee.”

B. Reasonableness of attorney fees based on the outcome of the case.

In deciding whether the fees sought are reasonable, “the most critical factor is the degree of success obtained. . . . Where a plaintiff has obtained excellent results, his attorney should recover a full compensatory fee.” *Northeast Ohio Coalition for the Homeless v. Husted*, 831 F.3d 686, 703 (6th Cir. 2016). “A court should compensate the plaintiff for the time his attorney reasonably spent in achieving the favorable outcome. . . District courts may deny fee awards only for work performed on claims ‘that bore no relation to the grant of relief’ or were otherwise ‘frivolous.’” *Hescott v. City of Saginaw*, 757 F.3d 518, 526 (6th Cir. 2014) (citation omitted).

Here, Plaintiffs prevailed on all of their Counts—against all Defendants—with the exception of Plaintiffs’ inverse condemnation count (Count III), which was dismissed without prejudice due to prematurity. Plaintiffs received declaratory, injunctive, and substantial monetary relief. (Dkt. Nos. 76 and 78.) The Court’s permanent injunction and declaratory judgment awarded Plaintiffs’ complete relief as to construction of their driveway and retention area.

C. The attorney fees sought are reasonable under 42 U.S.C. §1988.

Once the Court determines that Plaintiffs prevailed in an action under 42 U.S.C. §1983, the Court must determine a reasonable fee, i.e., “one that is adequately compensatory to attract competent counsel yet which avoids producing a windfall for lawyers.” *Reed v. Rhodes*, 179 F.3d 453, 471 (6th Cir. 1999). The Court must “provide an adequate explanation of the reasons for its award and the manner in which that award was determined.” *Geier v. Sundquist*, 372 F.3d 784, 791 (6th Cir. 2004). However, “[i]n assessing fees, district courts are not required to act as ‘green-eyeshade accountants’ and ‘achieve auditing perfection’ but instead must simply to do ‘rough justice.’... This means that the court can rely on estimates based on its ‘overall sense of a suit.’” *Husted*, 831 F.3d at 703.

The “lodestar” approach is the proper method for determining the amount of reasonable attorney’s fees. *Bldg. Serv. Local 47 Cleaning Contractors Pension Plan v. Grandview Raceway*, 46 F.3d 1392, 1401 (6th Cir. 1995), citing

Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, 478 U.S. 546, 563 (1986). In making the “lodestar” calculation, “[t]he most useful starting point . . . is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Delaware Valley*, 478 U.S. at 563. (citation omitted). When “the applicant for a fee has carried his burden of showing that the claimed rate and number of hours are reasonable, the resulting product is presumed to be the reasonable fee to which counsel is entitled.” *Id.* at 564, quoting *Blum v. Stenson*, 465 U.S. 886, 897 (1984).

A reasonable hourly billing rate is generally calculated according to the prevailing market rates for lawyers of comparable skill and experience in the same venue. *Blum*, 465 U.S. at 897. “To inform and assist the court in the exercise of its discretion, the burden is on the fee applicant to produce satisfactory evidence—in addition to the attorney’s own affidavits—that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.” *Blum*, 465 U.S. at 896 n.11.

In determining the reasonableness of an attorney’s fee award, the Court may consider the following 12 factors:

1. the time and labor involved;
2. the novelty or difficulty of the questions;
3. the skill needed to properly handle the case;

4. the other employment precluded by the attorneys' acceptance of the case;
5. the customary fee;
6. whether the fee is fixed or contingent;
7. time limitations imposed by the client or the circumstances;
8. the amount involved and results obtained;
9. the experience, reputation, and ability of the attorneys;
10. the undesirability of the case;
11. the nature and length of the professional relationship with the client; and
12. awards in similar cases.

Barnes v. City of Cincinnati, 401 F.3d 729, 745–46 (6th Cir. 2005).

Here, all factors support Plaintiffs' requested fees.

Plaintiffs' counsel spent significant time and labor to prevail in this matter.

- Plaintiffs were forced to oppose three omnibus motions for summary judgment. (Dkt. Nos. 42, 52, and 72.)
- The case involved eleven depositions, one of which was conducted over two sessions (Michael Darga) and three of which involved third-parties and additional coordination with two separate attorney's offices.
- Three of the depositions involved highly technical testimony from professional engineers Michael Darga and Brent LaVanway and builder William Rogers; the technical nature of this testimony required additional skill and preparation to adequately depose these

individuals.

- Plaintiffs were forced to file multiple motions to obtain relief, including a motion to compel critical email communications (Dkt. No. 63) and a motion for entry of a qualified protective order to prevent Defendants from conducting *ex parte* interviews with Plaintiffs' medical providers. (Dkt. No. 28). Defendants opposed these motions and lost. (Dkt. No. 65).
- The case was document heavy, involving over 150 trial exhibits.
- Plaintiffs had to respond to four motions in limine. (Dkt. Nos. 44-47.)

This case involved complex factual and legal issues, including the interplay between engineering questions and legal questions of property access. As ruefully noted by the Sixth Circuit, “[t]he substantive due process analysis, as always, is more complicated.” *Megenity v. Stenger*, 27 F.3d 1120, 1124 (6th Cir. 1994). Indeed, over one hundred pages of briefing and the Court’s 23-page Opinion and Order (Dkt. No. 43) demonstrate the parties’ zealous advocacy and in-depth analysis of both U.S. and Michigan constitutional law, including analysis of substantive due process rights and the appropriate standard of liability thereunder. The degree of legal and factual complexity demanded counsel’s skillful attention, a fact corroborated by defense counsel assigning two counsel from a well-established civil rights defense firm: O’Connor, DeGrazia, Tamm & O’Connor, P.C. Attorneys Tamm (licensed since 1985) and Stokan (licensed since 2000) have over half a century of experience in “municipal law; land use and zoning . . . and

civil rights.”¹ Defendants did not take this case or its complex issues lightly and, accordingly, assigned highly-skilled, experienced counsel to defend it. Plaintiffs did the same.

Undersigned counsel devoted significant time to litigating against skilled counsel, developing the factual record, researching and arguing the appropriate applicable law, and ultimately trying the case. This naturally limited undersigned counsel’s ability to pursue other work.

Exhibit 2 illustrates that Plaintiffs’ attorney’s fees are within the customary range. The mean billing rate for a civil rights attorney in Michigan is \$290 per hour. **Ex. 2** at p. 5. For the 75th percentile, that hourly rate moves to \$400. *Id.* Undersigned counsel’s time accounts for over 80% of Plaintiffs’ attorney time. Undersigned counsel’s hourly rate varied between \$300 per hour and \$325 hour, which is well within the 50th to 75th percentile of billing customary for this type of matter. **Ex. 2** at p. 2. In *Potter v. Blue Cross Blue Shield of Mich.*, 10 F. Supp. 3d 737, 747 (E.D. Mich. 2014), this Court upheld \$425 per hour for trial counsel’s hourly rate based on the complexity of the case and trial counsel’s ability despite counsel not providing “information regarding their experience.”

The fact that this is an hourly fee case also weighs in favor of awarding attorney fees. Unlike a contingency fee case, the Hacks paid the hourly fees billed

¹ <https://www.odtlegal.com/attorney/james-e-tamm/>.
<https://www.odtlegal.com/attorney/richard-v-stokan/>.

to obtain the judgments and orders entered in this case. Less than a full attorney's fee award will force the Hacks to bear this cost—a cost they were already forced to bear throughout the pendency of this lawsuit, against a municipality and an insurance company.

This case was very quick moving based on the safety risks Defendants imposed on the Hacks and the need for resolution as quickly as the facts could be developed. This required more skillful attention under tight deadlines and extra resources to be brought to bear in order to favorably resolve this case within an expedited timeframe. Thus, the seventh factor also weighs in favor of the requested attorney's fees.

The eighth factor—the result obtained—also supports Plaintiffs' requested attorney fees. As addressed above, Plaintiffs received declaratory, injunctive, and substantial monetary relief. (Dkt. Nos. 76 and 78.) In effect, Plaintiffs prevailed on all of their Counts—against all Defendants—with the exception of Plaintiffs' inverse condemnation count (Count III), which was dismissed without prejudice due to prematurity. The Sixth Circuit holds that it is not appropriate to reduce total attorney fees simply because a “related” and “inseparable” legal theory is dismissed. *Barnes*, 401 F.3d at 745. Count III is related and inseparable because it involved a claim with the same common core of facts as Plaintiffs' other claims, including deprivation of Plaintiffs' constitutional rights. *Id.* Further, Plaintiffs

expended no additional or unique fees or costs pursuing its inverse condemnation count, which was pursued in tandem with Plaintiffs' other claims. For instance, there is no separate billing, motion practice, or discovery for Plaintiffs' inverse condemnation claim. Accordingly, Count III is related to, and inseparable from, Plaintiffs' prevailing claims; it would be inappropriate to reduce Plaintiffs' attorney fees based on dismissal of this one count. *Id.*

R.J. Cronkhite and David E. Hart tried this case, with support from Steven D. Sallen, Stephanie C. Mellin, and Pamela Shaw.² The Attorney and Paralegal Biographies attached as **Exhibit 3** speak to the experience, reputation, and ability of each of these attorneys. David E. Hart is Chair of Maddin Hauser's Real Property Litigation Group. Steven D. Sallen is CEO of Maddin Hauser and Chair of Maddin Hauser's Real Estate Practice Group. Michelle C. Harrell is the Chair of Maddin Hauser's Complex Litigation Group. Each of these aforementioned practice areas directly bore on the issues in this case. R.J. Cronkhite is an

² Fees for paralegals are recoverable as part of the attorney fee provisions so long as the paralegals are performing work ordinarily done by an attorney and billed to the client in the ordinary course of business. *Missouri v. Jenkins by Agyei*, 491 U.S. 274, 287-288 (1989); *Northcross v. Bd. of Educ.*, 611 F.2d 624, 639 (6th Cir. 1979); *Lensing v. Potter*, 2015 WL 10892073 at *5 (W.D. Mich Aug. 20, 2015); *Knopp v. Johnson*, 712 F.Supp. 571 (W.D. Mich 1989); *Richlin Security Service Co. v. Chertoff*, 553 U.S. 571 (2008); *Litt v. Portfolio Recovery Associates, LLC*, 2015 WL 1849267 at *4 (E.D. Mich. Apr. 22, 2015) ("Courts in this district has approved paralegal fees in the amount of \$140 per hour and more."); *Atallah v. Law Office of Timothy E. Baxter, P.C.*, 2013 WL 866477 at *4 (E.D. Mich. Mar. 7, 2013) (Paralegal fees are not excessive and having paralegals perform some of the work actually help keep fees down.). See **Ex. 1** and **Ex. 3**.

experienced commercial litigator and the incoming chair of the State Bar of Michigan's 2,300-member Litigation Section.

D. The hourly rates for ongoing work are reasonable.

Time reasonably expended on the litigation includes not only time spent obtaining a judgment on the merits and time spent on appeal, *Kelley v. Metropolitan County Bd. of Educ.*, 773 F.2d 677 (6th Cir. 1985), but also hours spent pursuing an award of attorney fees, *Husted*, 831 F.3d at 722-725. It also includes time spent on post-judgment work that is necessary to protect the “full scope of relief” conferred by the court. Courts have discretion to award fees for time spent on activities that are “crucial to the vindication of [the prevailing parties’] rights.” *Delaware Valley*, 478 U.S. at 561. It is appropriate to award fees for time spent on monitoring and other post-judgment activities that are necessary to effectuate the court’s orders. *Northcross v. Board of Education*, 611 F.2d 624, 637 (6th Cir. 1979) (holding that “services devoted to reasonable monitoring of the court’s decrees, both to insure compliance and to ensure that the plan is indeed working to desegregate the school system, are compensable services”). Hours are compensable under §1988 for post-judgment monitoring work that is “as necessary to the attainment of adequate relief for [the]...client as ...earlier work in the courtroom which secured [the client’s] initial success in obtaining” the decree or judgment. *Delaware Valley*, 478 U.S. at 558-59; *see also Northcross, supra*, 611

F.2d at 637 (fees awarded for monitoring that was “essential to the long-term success of the plaintiff’s suit”).

Accordingly, Plaintiffs are entitled to an order permitting Plaintiffs to seek future attorney’s fees related to pursuing this Motion as well as enforcing, and receiving the benefits of, the relief granted by this Court.

III. CONCLUSION

For the reasons state above, the Court should grant Plaintiffs’ Motion for Attorney Fee and Costs in its entirety.

Respectfully submitted,

/s/ R.J. Cronkhite

R.J. Cronkhite (P78374)

Maddin, Hauser, Roth & Heller, P.C.

Attorneys for Plaintiffs

28400 Northwestern Hwy., Second Floor

Southfield, MI 48034-1839

(248) 351-7017

Dated: August 13, 2019

CERTIFICATE OF SERVICE

I hereby certify that on **August 13, 2019**, I electronically filed the above document(s) and this Certificate of Service with the Clerk of the Court using the ECF system, which will send notification of such filing to those who are currently on the list to receive e-mail notices for this case.

I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

By: /s/ R.J. Cronkhite

R.J. Cronkhite (P78374)