

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

SHERYL P. BROADNAX, : 3:98CV807 (WWE)  
Plaintiff, : 3:02CV123 (WWE)  
 :  
v. :  
 :  
CITY OF NEW HAVEN, :  
Defendant :

**RULING ON PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS**

This matter came to trial before a jury in this Court on September 22, 2003. After deliberation, the jury returned a verdict on October 3, 2003, in favor of plaintiff Sheryl Broadnax in the amount of \$1,446,772.00. Pending before the Court is the plaintiff's motion for attorneys' fees and costs.

**Attorney's Fees**

The Civil Rights Attorney's Fees Awards Act of 1976, codified at 42 U.S.C. § 1988, states in pertinent part that in any action or proceeding to enforce a provision of §§ 1981, 1981a, 1982, 1983, 1985, and 1986 of Title VII of the Civil Rights Act of 1964, the Court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs. In the present case, plaintiff Broadnax was the prevailing party on her claims arising under 42 U.S.C. § 1983 and Title VII.

The defendant complains, *inter alia*, that the hourly rate and the number of hours expended on this case by Attorney John Williams are excessive; that the hours expended by Attorney Norm Pattis are excessive; that Attorney Dawn Westbrook's time was not documented; and that an attorney's travel time should be billed at a substantially lower rate. As a preliminary matter, the Court has reviewed the attorneys' fees submitted by the plaintiff and notes that many hours expended were not billed, including time for the many status conferences held in the Court's chambers over the almost six years that this case has been pending.

It is well settled law that the district court is afforded broad discretion in determining a reasonable fee award based on the circumstances of the case. Reasonable attorney's fees are arrived at by multiplying the number of hours reasonably expended in the litigation by a reasonable hourly rate. Another factor used in determining the reasonableness of the fee is the degree of success obtained. Further, in order to provide adequate compensation where the services were performed many years before, current rather than historic hourly rates should be used. Tsombanidis v. City of West Haven, 208 F.Supp.2d 263, 270-271 (D.Conn. 2002).

In the present case, the plaintiff was the prevailing

party on five discrete claims. Consequently, the high degree of success realized by the plaintiff's attorneys is unquestioned. As stated above, the Court also finds that the hours expended on a case of this duration, originally filed in April of 1998, is also reasonable. If there were errors in the computation of billed hours, the Williams firm erred on the side of caution.

The defendant complains that Attorney Westbrook's hours were not documented. In this instance, given that only the five hours expended for jury selection were billed, the Court will allow these hours, as well as the hourly rate assigned to Attorney Westbrook. The defendant does not object to Attorney Pattis' hourly rate, but objects to the hours billed. Again, given the complexity and duration of the case, and the fact that Attorney Pattis was called on to try the case in the eleventh hour, constituting an urgent need for him to prepare witnesses and familiarize himself with depositions taken in the case, the Court finds that Attorney Pattis' hours are reasonable. The defendant also asserts that nonlegal travel time should be compensated at substantially less than the full hourly rate. Attorney travel time may be billed at 100% of the hourly rate when the hours are few, and the representation is able and successful. Rose v. Heintz, 671 F.Supp.901, 906

(D.Conn. 1987). Attorney Pattis has submitted only 12 hours of travel time for compensation, consisting exclusively of travel time to and from the trial. No other attorney from the Williams and Pattis law firm has submitted travel time over the lengthy duration of this case.

Regarding Attorney John Williams' hourly rate, this Court finds that \$300.00 is a reasonable fee for an attorney with his experience and expertise in the field of civil rights, and is consistent with fees other district court judges have allowed in recent years. As stated above, current attorney rates as opposed to historic rates are warranted to adequately compensate the attorney for work performed in years past.

**Costs**

Plaintiff has submitted a total of \$3,448.00 for costs for, in her counsel's words, such things as filing fees, expense of depositions, subpoenas, copying and other litigation-related expenses. Costs are to be taxed by the Clerk of the Court. Plaintiff is directed to submit an itemized Bill of Costs to the Clerk of the Court for consideration. Any objections to the costs taxed by the Clerk may be made to the Court.

**Conclusion**

For the reasons set forth above, the Court awards attorney's fees to the plaintiff, calculated as follows: Attorney John Williams, 16.6 hours at \$300.00 per hour, or \$4,980.00; Attorney Norman Pattis, 144.5 hours at \$250.00 per hour, or \$36,125.00; and Attorney Dawn Westbrook, 5 hours at \$175.00 per hour, or \$875.00, for a total of \$41,980.00. The Court instructs the plaintiff to provide an itemized Bill of Costs to the Clerk of the Court within ten days of the filing of this ruling.

SO ORDERED this 3rd day of March, 2004, at Bridgeport, Connecticut.

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WARREN W. EGINTON, Senior U.S. District Judge