

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Fernando Cabrera, Luis Ledesma, Carlos :
Rivadeneira, Luis Tapia, Romulo Vicuña, and :
Widman Vicuña, :
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Plaintiffs, :
 :
v. : No. 3:05cv812(MRK)(WIG)
 :
G.T. Construction, Jonny Gonzalez, and Segundo :
Vazquez, :
 :
Defendants. :
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RECOMMENDED RULING ON MOTION FOR ATTORNEY’S FEES

As set forth in the Court’s recommended ruling on damages, this Court requested Plaintiffs to submit a motion for attorney’s fees and costs. Plaintiffs’ unopposed motion [Doc. 22] has been filed and reviewed. After careful consideration, the Court recommends the following award of attorney’s fees and costs to the individual Plaintiffs: Fernando Cabrera \$1,152.50 in attorney’s fees and \$53.05 in costs; Luis Ledesma \$1,060.00 in attorney’s fees and \$53.05 in costs; Carlos Rivadeneira \$1,097.50 in attorney’s fees and \$53.05 in costs; Luis Tapia \$1,202.50 in attorney’s fees and \$53.05 in costs; Romulo Vicuña \$1,307.50 in attorney’s fees and \$53.05 in costs; Widman Vicuña \$1,217.50 in attorney’s fees and \$53.05 in costs.

Discussion

The Connecticut wage statute, Conn. Gen. Stat § 31-72, provides for an award of “costs and such reasonable attorney’s fees as may be allowed by the court.” In order to recover attorney’s fees and costs under this statute, the courts have required that the employer acted with

“bad faith, arbitrariness, or unreasonableness.” Schoonmaker v. Lawrence Brunoli, Inc., 265 Conn. 210, 269 (2003). Plaintiffs obtained a default judgment against Defendant, Jonny Gonzalez, on February 9, 2006. After a damages hearing on March 16, 2006, this Court found that Defendant Gonzalez’s conduct with respect to the non- payment of wages constituted bad faith. Therefore, the Court found that Plaintiffs were entitled to an award of reasonable attorney’s fees and costs.

Plaintiffs were represented by Yale law students of the Jerome N. Frank Legal Service Organization. Attorney Stephen Wizner assisted the students and organization in this matter. Plaintiffs are entitled to recover attorney’s fees regardless of the fact that they were represented by nonprofit counsel. Blum v. Stenson, 465 U.S. 886, 895 (1984). Plaintiffs are also entitled to recover reasonable fees for time spent by law student clerks on the litigation. Gibbs v. Southeastern Investment Corp., 705 F. Supp. 738, 745 (D. Conn. 1989); Evans v. State of Connecticut, 967 F. Supp. 673, 691-92 (D. Conn. 1997).

In determining the amount of attorney’s fees, the Court employs the “lodestar method.” The lodestar method calculates the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate. Hensley v. Eckerhart, 461 U.S. 424, 433 (1983); Blum, 465 U.S. at 892 (1984). A “district court has wide discretion in determining the amount of attorneys’ fees to award.” Grant v. Martinez, 973 F.2d 96, 99 (2d Cir. 1992), cert. denied, 506 U.S. 1052 (1993).

Plaintiffs’ counsel has requested an hourly rate of \$60/hour for the law students and \$300/hour for Attorney Wizner. Based on this Court’s familiarity with prevailing rates in the Connecticut legal community for paralegals and law students, and the respected reputation of the

Jerome N. Frank Legal Service Organization, this Court finds that \$60/hour is a reasonable hourly fee for the law students. See Gibbs, 705 F. Supp. at 745 (finding in 1989 that \$50/hour was a reasonable fee for a paralegal or law student clerk). In addition, based upon Attorney Wizner's forty years of legal experience and his expertise as a professor of law at Yale Law School, this Court finds that \$300/hour is a reasonable rate for Attorney Wizner's services. See Goins v. JBC & Associates, No. 3:03 CV 636, 2006 WL 540332 at *2 (D. Conn. March 6, 2006) (finding \$300/hour to be a reasonable fee for an experienced commercial litigation attorney in Connecticut).

This Court also finds that the hours spent by the law students and Attorney Wizner on this matter are reasonable. The itemized time records provided in support of the motion reflect that the law students spent their time researching, drafting pleadings, preparing for and attending the damages hearing at which all six Plaintiffs testified through an interpreter, meeting with their clients, and conducting other aspects of the litigation. The Court was extremely impressed with the law students' thorough preparation and, in particular, would note that law student Alvaro Bedoya did an outstanding job of examining the Plaintiffs and presenting his legal arguments at the damages hearing. The law students' time was spent as follows: Fernando Cabrera - 14.2 hours; Luis Ledesma - 12.7 hours; Carlos Rivadeneira - 13.3 hours; Luis Tapia - 15 hours; Romulo Vincuña - 16.8 hours; Widman Vicuña - 15.3 hours. The time records also indicate that Attorney Wizner spent one hour reviewing the work of the law students for each Plaintiff. These hours are reasonable.

Plaintiffs have also asked this Court for an award of costs in the amount of \$359.10 for the following: the filing fee in the amount of \$250, the cost of serving the complaint on Jonny

Gonzalez in the amount of \$68.30, and the cost of serving the complaint on G.T. Construction in the amount of \$40.80. Plaintiffs are entitled to recover as costs the filing fee and cost of serving Jonny Gonzalez in the amount of \$318.30, which will be divided equally among the six Plaintiffs. Plaintiffs are not entitled to the cost of serving the complaint on G.T. Construction, which remains a defendant in this litigation.

Conclusion

Thus, the Court recommends that Plaintiffs' motion for attorney's fees and costs [Doc. # 22] be granted and that attorney's fees and costs be awarded as follows: Fernando Cabrera \$1,152.50 in attorney's fees and \$53.05 in costs; Luis Ledesma \$1,060.00 in attorney's fees and \$53.05 in costs; Carlos Rivadeneira \$1,097.50 in attorney's fees and \$53.05 in costs; Luis Tapia \$1,202.50 in attorney's fees and \$53.05 in costs; Romulo Vicuña \$1,307.50 in attorney's fees and \$53.05 in costs; Widman Vicuña \$1,217.50 in attorney's fees and \$53.05 in costs. Any objections to this recommended ruling must be filed with the Clerk of the Court within ten (10) days of the receipt of this order. Failure to object within ten (10) days may preclude appellate review. See 28 U.S.C. § 636(b) (1); Fed. R. Civ. P. 72; D. Conn. L. Civ. R. 72 for Magistrate Judges; FDIC v. Hillcrest Assocs., 66 F.3d 566, 569 (2d Cir. 1995).

SO ORDERED, this 8th day of May, 2006, at Bridgeport, Connecticut.

/s/ William I. Garfinkel

William I. Garfinkel,
United States Magistrate Judge