

SCIOTO COUNTY
OHIO
FILED

IN THE COURT OF COMMON PLEAS OF SCIOTO COUNTY, OHIO

2007 NOV 28 PM 1:29

TERESA MOLLETTE, ET AL.,
:
:
PLAINTIFFS,
:
:
V.
:
:
CITY OF PORTSMOUTH, ET AL.,
:
:
DEFENDANTS.

Case No. 04 CIH -110
JUDGE MARSHALL

Sharon E. Thompson
CLERK OF COURTS

AGREED JUDGEMENT ENTRY

Plaintiffs and Defendants hereby stipulate to the following Agreed Judgement Entry and the Court approves same concerning the issue of Plaintiff's motion for attorneys fees .

1. On December 2, 2005, the court granted Plaintiff's Motion for Attorneys fees, awarding Plaintiff's fees based upon the following formula: 84.3 hours of attorney Joe Griffith at \$150.00 per hour totaling \$12,645.00; 55.5 hrs of law clerk time at \$65.00 per hour totalling \$3,610.75 and a reimbursement of expenses of \$2,061.95 for a total award of \$18,317.70.

2. Since the trial courts entry of December 2, 2005, Plaintiff's have incurred additional expenses of \$653.90, and Plaintiff's counsel has 58.3 hours of additional work on behalf of Plaintiff's; being 41 hours of work performed by attorney Joe Griffith and 17.3 hours of work performed by law clerks, which using the courts prior formula would be an additional \$7,274.50 of attorney fees. Counsel for Defendants stipulates the time spent is reasonable and that the prior hourly rates applied by the Court is reasonable.

3. Plaintiff's preserve their objection that the \$150.00 hour rate as applied by the trial court is below the median rate paid of attorneys with the experience of Plaintiff's counsel and state that said rate should be \$240.00, per hour as set forth in the Ohio State Bar Association survey which was introduced into evidence at the prior hearing.

4. Defendants preserve their objection as to Plaintiff's entitlement to attorneys fees as set

forth in the previous memorandums filed with the court and would reiterate that the fee sought by Plaintiffs counsel is in excess of the fees usually charged by attorneys practicing in Scioto County, Ohio as testified to by attorney Steve Mowrey at the previous hearing.

5. The parties desire to avoid further expenses and attorneys fees and wish to avoid a formal hearing on the attorneys fees issue and request the court base it's ruling on the prior testimony of witnesses and updating the previous decision with consideration of additional worked performed by Plaintiff's counsel since December 2, 2005.

6. The Court after consideration of same hereby grants Plaintiff's motion for attorneys fees and awards Plaintiff's attorneys fees of Twenty Five Thousand Five Hundred Ninety Two Dollars (\$25,592.00) and expenses in addition to a \$500.00 civil forfeiture required pursuant to section 121.22, plus costs.

There be no just reason for delay, this is a final appealable order.

SO ORDERED.



Judge William T. Marshall

SUBMITTED AND APPROVED:

D. Joe Griffith (0055499)
Attorney for Plaintiff

Per telephone authorization

David W. Kuhn (0001392)
Attorney for City of Portsmouth

Per telephone authorization

Lawrence E. Barbieri (0027106)
Attorney for Portsmouth City Council