

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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)
In re: BRIDGESTONE/FIRESTONE, INC.,) Master File No. IP 00-9374-C-B/S
TIRES PRODUCTS LIABILITY) MDL No. 1373
LITIGATION) (centralized before Hon. Sarah Evans
Barker, Judge)

)
LAHANIATIS, et al., Plaintiffs,)
v.) Individual Case No. IP 00-5071-C-B/S
BRIDGESTONE/FIRESTONE, INC., et al.,)
Defendants.)
)
PATTERSON, et al., Plaintiffs,)
v.) Individual Case No. IP 00-5074-C-B/S
BRIDGESTONE/FIRESTONE, INC., et al.,)
Defendants.)
)
LUJICK, et al., Plaintiffs,)
v.) Individual Case No. IP 00-5073-C-B/S
BRIDGESTONE/FIRESTONE, INC., et al.,)
Defendants.)
)
BRETT, et al., Plaintiffs,)
v.) Individual Case No. IP 01-5217-C-B/S
BRIDGESTONE/FIRESTONE, INC., et al.,)
Defendants.)

AWARD OF ATTORNEY FEES AND COSTS

This matter is before the Court on Plaintiffs' Petition for Attorney Fees and Costs, filed by the plaintiffs as a result of the Court's Order of April 11, 2003, which awarded them their fees and costs incurred as a result of the defendants' removal of the above

cases, as provided by 28 U.S.C. § 1447(c).

The Court has reviewed the plaintiffs' submission, the defendants' opposition to the petition, and the plaintiffs' reply,¹ which includes additional documentation of attorney time spent. Based on that review, the Court determines that the hourly rate sought by the plaintiffs is reasonable, as are the hours expended,² except for time devoted to work on the *Agrella* case, which was not the subject of the remand motions before the Court or of the fee award.³ The Court hereby awards the plaintiffs twenty-seven thousand fifty-nine dollars and fifty cents (\$27,059.50) for their attorney fees and one thousand one hundred fifty-nine dollars and 47 cents (\$1159.47) for costs,⁴ to be paid by the defendants on or before December 15, 2003.⁵

¹The Court GRANTS the plaintiffs leave to file their reply.

²The defendants criticize the request because it seeks fees for the preparation of papers in multiple cases that were very similar. The Court finds that the papers prepared in connection with the later removed cases were substantially similar to those filed in the earlier cases. However, counsels' expenditures of time in connection with the later filings were modest and reasonably required to adapt and update their earlier work.

³The Court has since ruled on the remand motion in *Agrella*, but made no award of fees and costs. Although the Court is awarding fees for work on the other later cases, that work should have diminished dramatically by the time *Agrella* was briefed. Plaintiffs' counsel has represented that *Agrella* presented identical remand issues. Moreover, it was inappropriate for counsel to include in their petition fees and costs incurred in connection with a motion on which the Court had not even ruled.

⁴This figure represents the total fees and costs sought except for those incurred from August 2002, through November, 2002, in connection with *Agrella*.

⁵Unless the defendants otherwise agree, each shall pay half of this award.

It is so ORDERED this ____ day of November, 2003.

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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