

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LORETTA WASHINGTON,	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
PHILADELPHIA HOUSING,	:	NO. 03-5767
AUTHORITY, et al.,	:	
Defendants.	:	

MEMORANDUM AND ORDER

Schiller, J.

January 25, 2005

Plaintiff Loretta Washington commenced this action seeking to enforce various public and subsidized housing rights pursuant to 42 U.S.C. § 1437 and 42 U.S.C. § 1983. Plaintiff sought to enforce a grievance arbitration award that required Defendants to repair numerous problems in her rental unit and that awarded Plaintiff a rent abatement. A default judgment was entered against the Defendants on January 13, 2004, and Defendants finally completed the repairs to Plaintiff's rental unit in August of 2004. Defendants have yet to pay the rent abatement.

On December 17, 2004, this Court entered an Order granting Plaintiff's motion for summary judgment, ordering Defendants to pay the rent abatement plus interest, and directing Plaintiff to file a motion to determine the amount of reasonable attorney's fees if the parties failed to reach an agreement on that issue. Plaintiff's motion to determine the amount of attorney's fees, presently before the Court, indicates that Michael Donahue, Plaintiff's counsel, sent a letter to counsel for Defendants proposing a settlement. (Mot. to Determine Fees ¶ 8.) As of January 8, 2005, Defendants had not responded to that letter. (*Id.* ¶ 9.)

I. DISCUSSION

A. Plaintiff is a Prevailing Party

“Title 42 U.S.C. § 1988 provides that in federal civil rights actions, ‘the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs.’” *Hensley v. Eckerhart*, 461 U.S. 424, 426 (1983) (quoting 42 U.S.C. § 1988(b)). Plaintiff is clearly a prevailing party in this action. See *Truesdell v. Phila. Hous. Auth.*, 209 F.3d 159, 163 (3d Cir. 2002) (noting the Supreme Court’s generous formulation of the term “prevailing party” and stating that a party is a prevailing party for attorney’s fees purposes “if they succeed on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit”). “To be considered a prevailing party within the meaning of § 1988, the plaintiff must be able to point to a resolution of the dispute which changes the legal relationship between itself and the defendant.” *Id.* (quoting *Texas State Teachers Ass’n v. Garland Indep. School Dist.*, 489 U.S. 782, 792 (1989)). This Court entered judgement in favor of Plaintiff and against Defendants in the amount of \$590.60, representing a 10% rent abatement plus interest. Plaintiff has thus succeeded on a significant issue in the litigation and the resolution of this dispute has changed her legal relationship with the Defendants.

B. The Amount of Hours Expended was Reasonable

In cases seeking attorneys fees under § 1988, courts use the “lodestar” formula, which requires multiplying the number of hours reasonably expended by a reasonable hourly rate. *Maldonado v. Houstoun*, 256 F.3d 181, 184 (3d Cir. 2001). When calculating the reasonable number of hours expended, a court should examine the time charged and decide whether those hours were reasonably expended. *Id.* (citations omitted). Excessive, redundant, or otherwise unnecessary time

is to be excluded. *Id.*

I have carefully reviewed the detailed records that Mr. Donahue submitted with the Motion. (*See* Mot. to Determine Fees Ex. C). The time that he spent litigating this matter is entirely reasonable. Over a fourteen-month period, Mr. Donahue spent only 39.1 hours on this matter. This included drafting the complaint, conducting discovery and inspections, a status conference with the Court, and drafting a summary judgment motion. I find nothing excessive, redundant or unnecessary in the amount of time he spent on successfully litigating this matter.

C. The Rate Requested by Plaintiff is Reasonable

Generally, the prevailing market rates in the relevant community determine the reasonable hourly rate calculation. *Maldonado*, 256 F.3d at 184. “The court ‘should assess the experience and skill of the prevailing party’s attorneys and compare their rates to the rates prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.’” *Id.* (*quoting Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990)). In this District, the fee schedule established by Community Legal Services is considered “a fair reflection of the prevailing market rates in Philadelphia.” *Maldonado*, 256 F.3d at 187; *see also Rainey v. Phila. Hous. Auth.*, 832 F. Supp. 127, 129 (E.D. Pa. 1993).

Mr. Donahue requests \$300 an hour based on the hourly rate that the Attorney’s Fee Committee of Community Legal Services has established for him. (*See* Mot. to Determine Fees Ex. B5.) Mr. Donahue has successfully prosecuted approximately 300 housing cases involving federal regulations, a testament to his extensive litigation experience in federal court. (*See* Donahue Aff. ¶¶ 5-6 & Mot. to Determine Fees Ex. A.) He is a staff attorney at Community Legal Services with twenty-five years of legal experience and considerable expertise in consumer, housing and federal

litigation matters. (White Decl. ¶ 11.) Based upon his responsibilities and experience, the Community Legal Services Attorney's Fee Committee has determined his hourly rate to be \$300.00. (*Id.* ¶ 12 & Mot. to Determine Fees Ex. B5.) For an attorney with Mr. Donahue's experience, this rate is well within the range set forth by the Community Legal Services' Schedule of Hourly Rates. (*See* Mot. to Determine Fees, Ex. B2.) Mr. Donahue has met his burden of proving the reasonableness of the requested fees. *See Rode*, 892 F.2d at 1183.

II. CONCLUSION

This Court has determined that 39.1 hours was a reasonable amount of time to spend on this matter and that \$300 an hour is a reasonable rate for Mr. Donahue's services. Accordingly, the hours expended multiplied by the hourly rate produces a figure of \$11,730.00, which shall be this Court's award of attorney's fees.¹ An appropriate order follows.

¹ This Court takes judicial notice that counsel for Defendants has been non-responsive, both in terms of the merits of this litigation and the determination of reasonable attorney's fees. Counsel has been provided with numerous opportunities to respond to Plaintiff's motion, but this Court's patience has worn thin. Counsel's behavior is inexplicable. Nevertheless, this Court has undertaken the required analysis in determining the reasonableness of the requested fees. Although not a basis for the Court's holding, I take Counsel's silence to mean that Defendants also find the requested fees reasonable.

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ORDER

AND NOW, this 25th day of **January, 2005**, upon consideration of Plaintiff's unopposed Motion to Determine the Amount of Attorney's Fees, it is hereby **ORDERED** that the Motion (Document No. 16) is **GRANTED** and Plaintiff is awarded attorney's fees in the amount of \$11,730.00.

BY THE COURT:

/s/ Berle M. Schiller

Berle M. Schiller, J.