

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

GERALD E. KOLLMAN	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 03-2944
HEWITT ASSOCIATES, LLC	:	

MEMORANDUM

Baylson, J.

January 27, 2006

On December 20, 2005, this Court filed a Memorandum and Order concerning Plaintiff's Petition for Counsel Fees and Costs on November 7, 2005 (Doc. No. 84), which required Plaintiff to submit an Amended Fee Petition and giving Defendant an opportunity to file exceptions thereto. These documents have been filed as of January 20, 2006.

The Court has reviewed the Plaintiff's Amended Fee Petition and finds that the Plaintiff followed the Court's directions, as set forth in the Memorandum dated December 20, 2005. The Defendant's exceptions are overruled for the following reasons:

1. The travel time of Mr. Hirsch is properly recovered because the Court required him to cut short his vacation so that the trial could proceed as scheduled. Mr. Hirsch's travel time to Court for the trial will be allowed based on his Declaration that this time was part of the services to his client, and were not part of the ordinary working day.

2. The Court will allow time claimed for attorney conferences within the law firm of Plaintiff's counsel. ERISA cases are challenging, and as the Court has previously noted, Defendant's strategy made this case even more challenging. It is common for a senior lawyer to have the assistance of a junior lawyer to perform research, work on discovery, and generally

assist the senior lawyer in the presentation of the case at trial. The Court finds that time for these two lawyers to confer with each other is a natural and reasonable outgrowth of this preparation which has worked well for many years in numerous law firms.

3. The time for Mr. Utain at trial on August 24, 2005 will be allowed in that he had been present at most hearings in this case, was familiar with the case as assisting Mr. Hirsch, and participated in the overall case in a constructive way.

Some of the exceptions that were taken by defense counsel were adopted by Plaintiff in the Amended Fee Petition, and therefore, the Court need not rule on the remaining exceptions.

An appropriate Order follows.

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

GERALD E. KOLLMAN	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 03-2944
HEWITT ASSOCIATES, LLC	:	

ORDER

AND NOW, this 27th day of January, 2006, it is hereby ORDERED that Plaintiff's Amended Fee Petition (Doc. No. 103) is GRANTED and the Court awards attorneys fees to Plaintiff, to be paid by Defendant, in the amount of \$40,652.28.

The Clerk shall mark this case closed.

BY THE COURT:

s/Michael M. Baylson

Michael M. Baylson, U.S.D.J.