

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

PROCACCI BROS. SALES CORP.           :           CIVIL ACTION  
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  :  
FOUR RIVERS PACKING CO., INC.       :           NO. 09-cv-04067-JF

MEMORANDUM

Fullam, Sr. J.

May 18, 2010

Procacci Bros. Sales Corp. filed an appeal from an order of the Secretary of Agriculture entered in a reparation proceeding pursuant to the Perishable Agricultural Commodities Act, 7 U.S.C. § 499a *et seq.* After a non-jury trial *de novo* in this Court, the decision of the Secretary was affirmed. The appellee, Four Rivers Packing Co., Inc., has filed an application for counsel fees and costs pursuant to the PACA, which provides that "if appellee prevails he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of his costs." 7 U.S.C. §499g(c). Four Rivers has submitted sufficiently detailed time records, and the hourly rate appears to be reasonable for cases of this sort. However, counsel performed certain tasks that could have been handled by a secretary or paralegal, and I am not persuaded that all of the time expended was necessary, given the development of the record at the administrative level.

Four Rivers also seeks the costs associated with three witnesses attending the trial from Idaho. Although Procacci

Bros. does not dispute that these costs are recoverable, it disputes the need for multiple witnesses to attend the trial, and the high airfare for one of those witnesses. I agree, and will adjust the costs accordingly.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.

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ORDER

AND NOW, this 18<sup>th</sup> day of May 2010, upon consideration of the application for counsel fees and costs and the response thereto, IT IS ORDERED:

That the appellee, Four Rivers Packing Co., Inc. is awarded \$25,000 in counsel fees, \$463.09 in counsel's costs, and \$3,500 in witness costs.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam,                               Sr. J.