

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CATHERINE BREEN,
Plaintiff,

v.

HOWLAND GREEN and LINDA
GREEN,
Defendants.

C.A. No. 18-315-JJM-PAS

ORDER

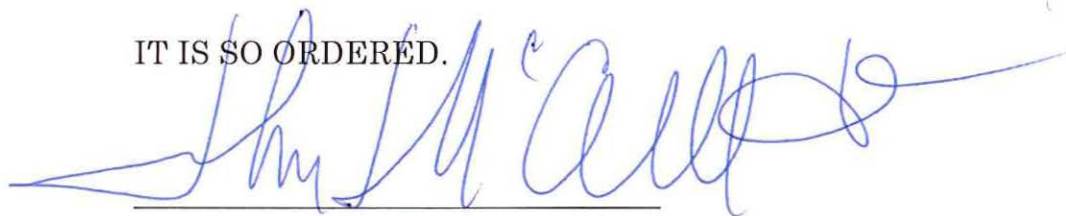
Plaintiff filed a Motion for Attorney Fees (ECF No. 45) under the terms of the Settlement Agreement between the parties. The Court referred the matter to Magistrate Judge Sullivan who issued a Report and Recommendation (ECF No. 48) recommending that the Court grant the motion, but reduce by fifty percent the amount of expenses representing the fee of the independent attorney affiant whose affidavit was submitted to support the reasonableness of the fee petition.

After reviewing the affidavit submitted and relying on the good faith of the attorneys involved, the Court finds sufficient basis for the award of the full \$3,500 as an expense for the affidavit preparation. In the unusual circumstances of this case, the fee for the affidavit is appropriate and Plaintiff as the party entitled to fees and expenses should thus be fully compensated.¹

¹ The Court does not intend to set any precedent in the ordinary and normal case involving a fee petition—where the independent attorney affiant usually provides the affidavit without a charge as a courtesy—but this matter is unique. As

Therefore, the Court accepts and adopts the Report and Recommendation of the Magistrate Judge (ECF No. 48) as modified herein, and GRANTS Plaintiff's Motion for Attorney Fees and Expenses (ECF No. 45) in the amount of \$26,857 (\$23,357 in attorney fees and \$3,500 in expenses).

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

October 9, 2019

the Magistrate Judge noted in the Report and Recommendation, this case has been hard fought and every issue, large and small, has been litigated fiercely.