



District Court considered and denied Plaintiff's request for supplemental fees, finding that entry of judgment had occurred on May 1, 2009 and that Plaintiff's request was filed more than 14 days after that time. (D.E. 142). Accordingly, it found that Plaintiff's request for supplemental fees was untimely.

However, after that entry of judgment Defendant filed a Rule 59(e) Motion. An Order denying Defendant's 59(e) Motion was entered on August 10, 2009. The Sixth Circuit has held that "because a timely filed Rule 59(e) motion destroys the finality of judgment, a motion for attorney fees filed pursuant to Federal Rule of Civil Procedure 54(d)(2)(B) is timely if filed within fourteen days of the order disposing of the Rule 59(e) motion." *Sales v. Int'l Rectifier, Inc.*, 412 F.3d 685, 687 (6th Cir. 2005). Here, the Court denied Defendant's Rule 59(e) Motion on August 10, 2009. (D.E. 142). Because the instant Motion was filed on August 11, 2009, it was timely filed.

The Court must also consider whether the fees sought are reasonable. As noted in Judge Cohn's Order Granting in Part and Denying in Part Plaintiff's Motion for Attorneys' Fees (D.E. 120), to determine the amount of a reasonable attorneys' fee award, the Court must calculate the number of hours reasonably expended on the litigation, which should not include any excessive, redundant, or otherwise unnecessary hours, and multiply the total reasonable hours expended by a reasonable hourly rate. *Jordan v. City of Cleveland*, 464 F.3d 584, 602 (6th Cir. 2006).

Regarding the number of hours expended, the "party seeking an award of fees should submit evidence supporting the hours worked and rates claimed." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). Here, attorney Justin Gilbert has submitted his

affidavit, along with a detailed billing statement setting forth the number of hours spent. The billing statement describes in great detail the work performed, who performed it, and the date and amount of time spent on the task. The Court is of the opinion that the time submitted by Plaintiff's attorney's is reasonable, especially given the volume of post-trial motions filed in this case.

The second consideration is whether the hourly rate sought is reasonable. Here, Judge Cohn has previously found all rates requested reasonable other than Mr. Carson's, and this Judge adopts Judge Cohn's finding of reasonableness with regard to those rates. As far as the rate requested for Mr. Carson, a third year law student at the time of performing the work, the rate requested is roughly one-fourth the lead attorney's hourly rate in this case, and the Court finds that the rate sought is reasonable given the time spent and the nature of the issues researched by Mr. Carson. For these reasons, Plaintiff's Motion for Supplemental Attorney's Fees is GRANTED.

IT IS SO ORDERED.

**s/ Edward G. Bryant**  
EDWARD G. BRYANT  
UNITED STATES MAGISTRATE JUDGE

**December 7, 2009**  
Date