

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

PATRICIA A. DORTCH,

Plaintiff,

v.

Case No. 2:10-cv-02697-JPM-cgc

**KINDERCARE LEARNING CENTERS,
INC., d/b/a PLEASANT VIEW
KINDERCARE,**

Defendant.

ORDER AWARDING DEFENDANT’S ATTORNEYS’ FEES

On January 4, 2012, Defendant Kindercare Learning Centers, Inc., d/b/a Pleasant View Kindercare (“Defendant”) filed a Motion to Compel Plaintiff Patricia A. Dortch (“Plaintiff”) to produce her initial disclosures pursuant to Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure. (Docket Entry “D.E.” #25). Defendant additionally requested an award of attorneys’ fees and expenses incurred in the filing of the motion. The Motion to Compel was referred to the United States Magistrate Judge for determination. (D.E. #27).

On January 25, 2012, the Magistrate Judge granted Defendant’s Motion to Compel and awarded Defendant its reasonable attorneys’ fees and expenses. (D.E. #28). The Magistrate Judge instructed Defendant to file an affidavit of its fees and expenses within fourteen days of the entry of the order, and the Magistrate Judge permitted Plaintiff seven days in which to file any response indicating why payment of the fees and expenses was not warranted.

On February 7, 2012, Defendant timely filed the Affidavit of Attorney Kristy L. Gunn in

Support of Attorneys' Fees. Gunn, an associate attorney at the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. in Memphis, Tennessee, states that she expended 4.4 hours researching and drafting the Motion to Compel and 1.1 hours drafting and finalizing the Motion to Compel for a total of 5.5 hours. Gunn states that her hourly rate for this case is \$295.00 per hour, which is less than her standard rate of \$320.00 per hour. Gunn States that her time and fees are reasonable for attorneys of her position, experience, and skill in Memphis and similar communities. Ultimately, Gunn requests an award of attorneys' fees in the amount of \$1,622.50. To date, Plaintiff has not responded to Gunn's request.

Upon review, the Court finds that Gunn's request for attorneys' fees is reasonable and appropriate. Accordingly, the Court awards Defendant \$1,622.50 in attorneys' fees incurred in filing the Motion to Compel.

IT IS SO ORDERED this 18th day of April, 2012.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE