

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
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MAR 20 2007
U.S. DISTRICT COURT E.D.N.Y.
★ BROOKLYN OFFICE ★

-----X
SHARWLINE NICHOLSON, *et al.*,

Plaintiffs,

- against -

NAT WILLIAMS, *et al.*,

Defendants.

**ORDER & JUDGMENT
ON ATTORNEYS' FEES**

CV 00-2229 (JBW) (CLP)

-----X
EKAETE UDOH, *et al.*,

Plaintiffs,

- against -

NICHOLAS SCOPPETTA, *et al.*,

Defendants.

CV 00-5155 (JBW) (CLP)

-----X
SHARLENE TILLET, *et al.*,

Plaintiffs,

- against -

NICHOLAS SCOPPETTA, *et al.*,

Defendants.

CV 00-6885 (JBW) (CLP)

-----X
WHEREAS the City defendants and Plaintiff Subclasses A and B in these consolidated actions entered into a Stipulation and Order of Settlement, "so ordered" by the Court on December 17, 2004 ("Date of Judgment") and entered as a judgment by the Clerk of the Court on January 3, 2005 ("Date of Entry"); and

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WHEREAS the Stipulation and Order of Settlement provided that Plaintiff Subclasses A and B in the above-captioned actions were prevailing parties and entitled to fees pursuant to 42 U.S.C. §1988; and

WHEREAS Plaintiff Subclass A (“the Subclass”) submitted a motion for fees for work performed by Lansner & Kubitschek, Sanctuary for Families, and the National Coalition for Child Protective Reform (“NCCPR”), seeking payment of fees by City and State defendants; and

WHEREAS the City defendants resolved the fee claims of Subclass B and of those fees of Subclass A apportionable to attorneys for Sanctuary for Families; and

WHEREAS, on or about October 17, 2005, City defendants paid interim fees to Subclass A for work apportionable to Lansner & Kubitschek, in the amount of \$250,000.00 with interest of 2.60% from January 3, 2005 to the date of payment; and

WHEREAS, on or about December 18, 2006, City defendants paid additional interim fees to Subclass A for work apportionable to Lansner & Kubitschek, in the amount of \$1,400,000.00, without interest; and

WHEREAS Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation dated December 22, 2006 (“Report”), recommending that City defendants pay the following amounts (before reductions for interim fees already paid):

To Lansner & Kubitschek:

\$592,220.14, with interest, pursuant to 28 U.S.C. § 1961(a),
from December 17, 2004

\$1,328,194.09, without interest

To NCCPR:

\$8,8342.75

WHEREAS the Report further recommended that State defendants pay Subclass A fees and costs totaling \$43,632.41; and

WHEREAS Subclass A and the State defendants filed objections to the Report; and

WHEREAS, at a hearing on the objections held on January 19, 2007, the Court (per Hon. Judge Jack B. Weinstein) rejected that portion of the Report concerning the State defendants and held that the State defendants had no liability for fees and costs in these actions, and otherwise affirmed the recommendations of the Report; it is hereby

ORDERED AND ADJUDGED as follows:

1. Subclass A shall recover nothing from the State defendants for attorneys' fees and costs in these actions, and its claim for such relief as against the State defendants is denied, without costs.

2. City defendants shall pay Subclass A the following amounts, reflecting reductions for the prior interim fee payments of \$250,000.00 with interest, and \$1,400,000.00 without interest, recited above:

To Lansner & Kubitschek, as attorneys for Subclass A:

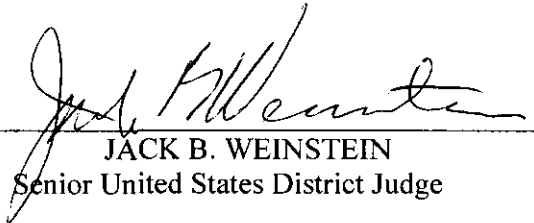
(a) Interest, pursuant to 28 U.S.C. § 1961(a), on the previously paid principal of \$342,220.14, at a rate of 2.60%, from December 17, 2004 through December 18, 2006;

(b) Interest, pursuant to 28 U.S.C. § 1961(a), on the previously paid principal of \$250,000, at a rate of 2.60%, from December 17, 2004 through January 3, 2005; and

(c) \$270,414.23, without interest, constituting the remainder of the fees and costs owed to Subclass A after reductions for the \$1,650,000.00 in interim fees previously paid by the City to the Subclass

To National Coalition for Child Protective Reform: \$8,342.75, without interest.

Dated: Brooklyn, New York
March 16, 2007



JACK B. WEINSTEIN
Senior United States District Judge