

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LIBERTARIAN PARTY OF
ILLINOIS, *et al.*,

Plaintiffs,

and

KYLE KOPITKE,

Plaintiff-Intervenor,

v.

J.B. PRITZKER, *et al.*,

Defendant.

Case No. 20 C 2112

Judge Harry D. Leinenweber

ORDER

Plaintiff-Intervenor Kyle Kopitke's Motion for Attorneys' Fees (Dkt. No. 101) is granted in part.

STATEMENT

Plaintiff-Intervenor Kyle Kopitke ("Kopitke") requests attorneys' fees pursuant to Local Rule 54.3. (Rule 54.3 Fee Motion, Dkt. No. 101.) The claimant "bears the burden of establishing entitlement to [a fee] award and documenting the appropriate hours expended and hourly rates." *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983). The claimant met this burden. (See Exhibits 1-12, Dkt. No. 101.) His attorney bills at a \$475 hourly rate and tracked

61.98 hours of time on the substantive suit, totaling \$29,440.50. (Exhibit 4, Joint Statement, Dkt. No. 101-4.) Billing at this same rate, he recorded spending 34.7 hours on the fee motion itself, totaling \$16,482.50. (*Id.*) The sum of these requests is \$45,923.00. (*Id.*) The attorney purchased three transcripts for court proceedings in April and May 2020. (*Id.*) The costs were: \$33.60, \$45.60, and \$24.00, totaling \$103.20. (*Id.* at 4.) The grand total of his request amounts to \$46,026.00.

The Court finds that Kopitke's counsel's participation in the case proved meaningful and he thus entitles him to some fees. Yet, most of the intervenor's work was based on a reliance on the previous filed work of Plaintiffs' attorneys. The Court will deduct 50% for redundancy. Half of his request for fees for his legal work for the substantive suit, requested at \$29,440.50, is \$14,720.25.

The Court finds his fees for presenting a fee petition excessive but recognizes his partial success. The Court will deduct 50% of his request for fees related to this Motion. Half of his request of \$16,482.50 is \$8,241.25.

He may be compensated fully for the costs he incurred for transcripts of court records.

The summation of these figures is $\$14,720.25 + \$8,241.25 + \$103.20 = \$23,064.70$.

In total, the Court grants in part Plaintiff-Intervenor Kopitke's Motion for Attorneys' Fees (Dkt. No. 101). Kopitke is entitled to reimbursement in the amount of \$23,064.70.

A handwritten signature in black ink, appearing to read 'Leinenweber', written in a cursive style.

Harry D. Leinenweber, Judge
United States District Court

Dated: 3/31/2023