

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 2:06-CV-14324-JEM

**MELANIE BECKFORD, SUSAN
BLACK, TITA DE LA CRUZ,
CHARLENE FONTNEAU, LINDA
JONES, PAULA LACROIX, JOYCE
MEYER, SUSHMA PAREKH,
DONNA PIXLEY, VESNA POIRIER,
MICHELLE POLLOCK, LOURDES
SILVAGNOLI, JANET SMITH
and LEE WASCHER,**

Plaintiffs,

-v.-

**DEPARTMENT OF CORRECTIONS,
STATE OF FLORIDA,**

Defendant.

_____ /

**PLAINTIFFS' REQUEST TO COURT TO DETERMINE
AMOUNT OF FEES ON REMAND FROM COURT OF APPEALS**

The Plaintiffs request that the Court determine the amount of attorney's fees and costs on appeal of the Plaintiffs on remand from the Court of Appeals:

1. On September 13, 2011, the Court of Appeals denied the Defendant's motion for rehearing en banc of the decision affirming the Court's judgments in the case.

2. On September 26, 2011, in accordance with Fed.R.App.P. 39 and 11th Cir. R. 39-2 and 42 U.S.C. § 2000e-5(k) and § 760.11(5), Florida Statutes, the Plaintiffs' filed in the Court of Appeals their petition for attorney's fees and costs on appeal. A copy of the Plaintiff's petition filed in the Court of Appeals is attached hereto as Exhibit A.

3. On October 21, 2011, Defendant filed its response in the Court of Appeals to the Plaintiff's petition. A copy of the Defendant's response filed in the Court of Appeals is attached hereto as Exhibit B.

4. On October 26, 2011, Plaintiffs' counsel filed its reply to Defendant's response. A copy of the Plaintiffs' Reply filed in the Court of Appeals is attached hereto as Exhibit C.

5. On November 29, 2011, the Court of Appeals enter its order granting the Plaintiff's petition for attorney's fees and costs on appeal as to entitlement, but remanded the matter to this Court "with instructions to determine the reasonable attorney's fee to be awarded." A copy of the order of the Court of Appeals is attached hereto as Exhibit D.¹

6. The matter of the attorney's fees and costs on appeal is ready for decision. As reflected in the petition, response and reply attached, there are disputes over the number of hours requested. Specifically, the Defendant has objected to payment of any time expended by Plaintiff's counsel C. Wes Pittman and to several hours of time expended by Plaintiff's counsel John C. Davis in preparing the petition for filing with the Court of Appeals, and the Defendant has objected to the hourly rates sought by Plaintiffs' counsel.

WHEREFORE, Plaintiff's request that the Court in accordance with the instructions of the Court of Appeals determine the amount of attorney's fees and costs on appeal and enter such other relief as is equitable and just.

s/C. Wes Pittman
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¹ The order of the Court of Appeals was filed in this Court on December 6, 2011 (doc. 449).

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s/ John C. Davis
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 21, 2011, I filed the foregoing document with the Clerk of Court using the CM/ECF and it is being served this day on all counsel on the attached service list via transmission of Notices of Electronic Filing generated by CM/ECF.

s/ John C. Davis
JOHN C. DAVIS

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