

Chau Van CONG, Leopoldo Rivera, Kikiham Souk,
Bun Chande, Loc Phan and Tuan Nguyen

v.

Charles C. FOTI, Criminal Sheriff **Orleans Parish**, Mary Baldwin Kennedy and **Orleans Parish** Sheriff's Office

No. CIV. A. 98–3286. | April 12, 1999.

Opinion

ORDER AND REASONS

VANCE, District J.

*1 Plaintiffs Chau Van Cong, et al. motion this court for an interim award of attorneys' fees and costs pursuant to the Civil Rights Attorney's Fees Awards Act, [42 U.S.C. § 1988\(b\)](#). The Court awards attorneys' fees and costs as follows.

I. Background

Plaintiffs are all detainees of the Immigration and Naturalization Service (INS) housed at the **Orleans Parish Prison** Facility. On November 6, 1998, plaintiffs filed a complaint alleging that deputies and criminal inmates in cooperation with deputies engaged in beatings and other abuse against plaintiffs. Plaintiffs also filed a motion for a Temporary Restraining Order (TRO) to enjoin defendants from illegally denying plaintiffs access to counsel. On January 7, 1999, this Court issued a TRO ordering defendants to grant plaintiffs' counsel immediate access to any inmate or detainee who signed a contract of representation or who requested a visit with counsel. It further ordered defendants to allow counsel to photograph any inmate or detainee who had signed a proper contract of representation, subject to proper and reasonable scheduling. On January 12, 1999, this Court issued a Preliminary and Permanent Injunction containing the same terms as the TRO.

Plaintiffs now move this Court for attorneys' fees in connection with their efforts to obtain the injunction and the restraining order pursuant to [42 U.S.C. § 1988\(b\)](#). The parties stipulate that plaintiffs are "prevailing parties" under [§ 1988](#), but only with regard to the specific issue addressed by the restraining order: denial of plaintiff's

access to counsel. Defendants object to all time submissions that do not concern this issue.

II. Discussion

Under [42 U.S.C. § 1988](#), a district court may award attorney's fees to the prevailing party in federal civil rights litigation. By enacting [§ 1988](#), Congress intended to encourage private enforcement of federal civil rights statutes:

Congress recognized that private-sector fee arrangements were inadequate to ensure sufficiently enforcement of civil rights. In order to ensure that lawyers would be willing to represent persons with legitimate civil rights grievances, Congress determined that it would be necessary to compensate lawyers for all time reasonably expended on a case.

Riverside v. Rivera, 477 U.S. 561, 578, 106 S.Ct. 2686, 2686, 91 L.Ed.2d 466 (1986) (footnote omitted). In cases in which the plaintiff is the "prevailing party," attorney's fees should be awarded to the prevailing plaintiff in all but special circumstances. *White v. South Park Indep. Sch. Dist.*, 693 F.2d 1163, 1169 (5th Cir.1982). Here, defendants concede that plaintiffs are the "prevailing party" in connection with their efforts to obtain an injunction against defendants; thus, plaintiffs are entitled to a reasonable fee for their efforts to obtain the injunction.

In the Fifth Circuit, to determine a reasonable fee, the district court must consider the twelve factors enumerated in *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir.1971), in a three-step process. Under that process the Court must

*2 (1) ascertain the nature and extent of the services supplied by the attorney; (2) value the services according to the customary fee and quality of the legal work; and (3) adjust the compensation on the basis of the other Johnson factors that may be of significance in the particular case.

Alberti v. Klevenhagen, 896 F.2d 927, 930 (5th Cir.1990) (quoting *Leroy v. Houston*, 831 F.2d 576, 583 n. 11 (5th Cir.1987)).

A. Reimbursable Hours

In the first step, the district court determines the compensable hours from the attorney's time records, allowing compensation only for time reasonably spent. *See id.* (citing *Hensley v. Eckerhart*, 461 U.S. 424, 434, 103 S.Ct. 1933, 1939, 76 L.Ed.2d 40 (1983)). Counsel is required to "exclude from a fee request hours that are excessive, redundant, or otherwise unnecessary, just as a lawyer in private practice ethically is obligated to exclude such hours from his fee submission." *Hensley*, 461 U.S. at 434, 103 S.Ct. at 1939. Billing judgment should be demonstrated in the fee application by showing not only hours claimed, but also hours written off. *See Leroy*, 831 F.2d at 576. "[P]laintiffs do not have the right to bill for ... time on issues on which they do not prevail." *Walker v. United States Dept. of Housing and Urban Development*, 99 F.3d 761, 769 (5th Cir.1996) (citing *Texas State Teachers Ass'n v. Garland Ind. Sch. Dist.*, 489 U.S. 782, 784, 109 S.Ct. 1486, 103 L.Ed.2d 866 (1989)). The burden is on the fee petitioner to show that the claimed time was reasonably spent. *See id.* at 586.

connection with his work on plaintiffs' motions for a restraining order and injunction, claiming 90.3 total hours. Defendants object to 51.2 of plaintiffs' claimed hours, alleging that plaintiffs were not prevailing parties on the matters in which the time was spent. Defendants argue that plaintiffs are entitled to recover attorney's fees only for time dedicated to obtaining the injunction against defendants. This court agrees.

Plaintiffs' lawsuit regarding alleged physical abuse has yet to be tried on the merits; thus, plaintiffs are not the "prevailing party" with regard to that issue. Any time devoted to the factual or legal issues surrounding the lawsuit should not be allocated to plaintiffs' attorney's efforts to obtain injunctive relief.

Upon review of plaintiffs' time records, it is apparent from the following entries that plaintiffs' attorney seeks to recover for time he spent speaking directly to his clients and reviewing correspondence from them:

Here, plaintiffs' attorney submitted time records in

DATE	DESCRIPTION	HOURS
10/28/98	Receive and review Tuan Nguyen letter	.3
10/28/98	Conference with Michelle Gaudin re: letter	.5
10/29/98	Templeman Visit saw only Tuan; not allowed to see others (Salvador Longoria and Michelle Gaudin)	1.25 ¹
11/03/98	Telephone conference with detainee client re: developments in facility	.3
11/03/98	Review more correspondence received from detainees	.8
11/03/98	Telephone conference with detainee client	.2
11/04/98	Telephone conference with detainee client re: developments and status	.2
11/06/98	Interview with 5 detainees (Michelle Gaudin for 1 hour)	4.5

11/09/98	Telephone conference with detainee clients re: developments	.3
11/11/98	Templeman visit; pictures of Bun Chande & Chau Van Cong (Salvador Longoria and Michelle Gaudin)	1.5
11/12/98	Review correspondence from detainee requesting visit	.2
11/17/98	Detainee interviews	3.0
11/18/98	Telephone conference with 2 detainee clients	.2
11/18/98	Telephone conference with detainee client re: transfer of witness out of facility	.2
11/19/98	Review correspondence from detainee client	.2
11/19/98	Interviews of detainees Templeman	2.5
11/23/98	Telephone conference with detainee client	.2
11/24/98	Interview detainees	3.0
11/30/98	Correspondence to Usry; Review correspondence from 3 detainee clients	0.25 ²
12/01/98	Telephone conference with detainee client	.2
12/02/98	Interviews HOD/OPP	3.0
12/03/98	Telephone conference with detainee client re: developments	.2
12/07/98	Interview detainees OPP & TP3	3.5
12/09/98	Review detainee correspondence	.3

12/14/98	Review correspondence from detainee client; Draft correspondence to 2 detainee clients	.3
12/16/98	Telephone conference with detainee client	.2
12/16/98	Telephone conference with detainee client re: pictures and fingerprints	.2
12/22/98	Interview detainees	2.0
12/28/98	Review correspondence from 4 client detainees	.5
01/04/99	Telephone conference with detainee client transferred to other facility	.3
01/04/99	Telephone conference with detainee client re: 4 detainees transferred out of hole into maximum security side	.3
01/06/99	Review detainee client correspondence	.2
01/08/99	Telephone conference with two detainee clients	.3
01/12/99	Interview detainees	2.0
01/13/99	Review detainee correspondence	.2
01/19/99	Telephone conference with detainee clients re: status and issues, re: fees & complaint (3 Telephone Conferences)	.5
TOTAL		33.8

*3 This time appears to have involved preparation of the lawsuit against defendants, not the injunction, because the entries involve actual communication between plaintiffs and their attorney. The nature of the injunctive relief sought by plaintiffs involved the unconstitutional restrictions placed on the plaintiffs' access to counsel. If

plaintiffs and their attorney communicated via written correspondence, telephone or actual visits, the time spent on these communications is not recoverable because access to counsel was unimpeded. This time is not recoverable in connection with the injunction.

Additionally, plaintiffs request reimbursement for attorney time spent speaking with government agencies

and other organizations regarding plaintiffs' allegations of physical abuse and access issues:

DATE	DESCRIPTION	HOURS
10/29/98	Telephone Conference with Mike Chapman FBI re: Tuan letter and allegations	.3
10/29/98	Telephone conference with Mike Chapman FBI re: interview with Tuan	.3
10/29/98	Telephone conference with Allison Collins (HRW) re: Situation and Justice Contacts	.5
10/29/98	Telephone conference with U.S. Attorney Eddie Jordan's office	.4
10/29/98	Telephone conference with Kelly Bryson (FBI) and fax	.3
10/29/98	Fax package to Justice Department	.2
10/29/98	Draft correspondence to Justice Department	.3
10/30/98	Telephone conference with Jim Mahoney (FBI)	.3
10/30/98	Telephone conference with Rich Higgins (FBI)	.2
10/30/98	Telephone conference with Walter Becker U.S. Attorney re: FBI	.5
10/30/98	Telephone conference with Rich Higgins FBI re: investigation	.3
10/30/98	Telephone conference with Jim Mahoney re: investigation, FBI	.2
11/02/98	Review fax from Human Rights Watch re: More detainee letters mailed to them	.5
11/05/98	Telephone conference with Jim Mahoney (FBI) re: his	.2

interview schedule

11/06/98	Telephone conference with Melanie Nezer U.S. Comm. for Refugees	.5
11/06/98	Fax to Nezer	.2
11/09/98	Draft correspondence & fax to Sue Weisher (Catholic Charities) re: lawsuit and access	.3
11/11/98	Draft correspondence to U.S. Attorney; FBI & Justice re: Cameras & preservation of evidence	.2
11/12/98	Telephone conference with Department of Justice re: B. Bernstein voicemail & information	.2
11/13/98	Telephone conference with said counsel re: preservation of evidence	.3
11/16/98	Telephone conference with Bobbie Bernstein (Justice Department) re: status	.3
12/14/98	Telephone conference with Jim Mahoney FBI	.2
12/14/98	Draft correspondence to Bobbie Bernstein Department of Justice	.2
TOTAL		6.9

Plaintiffs submit that their attorney was forced to contact these government agencies so that the agencies could gain access and investigate the allegations of physical abuse. Plaintiffs characterize the various agencies as “adjuncts” to their attempts to gain access and obtain information. This time is not recoverable not only because of the unspecific language used to describe the attorney’s activities, but also because it appears that plaintiffs’ attorney solicited the help of government agencies to verify plaintiffs’ allegations, not to help plaintiffs’ attorney gain access. True, it might have been

unnecessary to contact these agencies had access been provided, but the contacts were made for the purpose of gathering factual information regarding plaintiffs’ allegations of physical abuse. This time is not recoverable because it was not dedicated to the purpose of providing plaintiffs with access to counsel.

*4 Similarly, plaintiffs seek reimbursement for time expressly described as dedicated to the substantive issue:

DATE	DESCRIPTION	HOURS
11/05/98	Telephone conference with Larry Fabacher re: Immigration law and research/ access issues	0.25 ³
11/11/98	Buy cameras & film	.5
11/11/98	Drop off pictures to develop	.5
12/10/98	Research re: civil Rights lawsuit/detainees	2.0
TOTAL		3.25

inadequately described:

This time is not recoverable because it was not dedicated to the issue of plaintiffs right of access to counsel.

Plaintiffs also seek reimbursement for time that is

DATE	DESCRIPTION	HOURS
11/11/98	Conference with Michelle Gaudin re: strategy and procedures	1.0
11/12/98	Draft file memo re: consultation with local civil rights counsel	.5
TOTAL		1.5

The description field of the time report is ambiguous as to the precise nature of the activity for which plaintiffs seek reimbursement. This time is not recoverable because plaintiffs have not met their burden of showing that the time was reasonably spent on the issue of access to counsel.

The remaining 44.85 hours requested by plaintiffs is recoverable because plaintiffs have made the requisite showing that it was dedicated to the access to counsel issue:

DATE	DESCRIPTION	HOURS
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10/29/98	Templeman Visit saw only Tuan; not allowed to see others (Salvador Longoria and Michelle Gaudin)	1.25 ⁴
10/29/98	Telephone conference with Coroner's office re: Chau Van Cong inquiry	.3
10/29/98	Telephone conference with Charity hospital re: Chau Van Cong inquiry	.2
10/29/98	Telephone conference with University Hospital re: Chau Van Cong inquiry	.2
10/30/98	Draft correspondence to Usry and fax re: Request to see detainees	.3
10/30/98	Telephone conference with client detainee's brother re: Chau Van Cong inmate number	.2
10/30/98	Visit to jail to see Chau Van CongRefused (Salvador Longoria and Michelle Gaudin)	1.5
10/30/98	Telephone conference with detainee client re: witness transfers; still trying to see me	.3
11/02/98	Telephone conference with Usry's office re: attempts to visit (3)	.5
11/02/98	Telephone conference with Kennedy's office re: attempts to visit (3)	.5
11/03/98	Attempts to contact Usry and/or Kennedy	1.0
11/04/98	Attempts to contact Usry and/or Kennedy	1.0
11/05/98	Telephone conference with Larry Fabacher re: Immigration law and research/ access issues	0.25 ⁵

11/05/98	Prepare draft complaint/TRO/Memo	3.0
11/06/98	File complaint & TRO; conference with Judge; Telephone conference with Usry (Salvador Longoria and Michelle Gaudin)	2.0
11/06/98	Fax to Usry re: complaint	.2
11/07/98	Conference with Debbie Lepow re: Access Detention and Constitutional Rights	1.0
11/08/98	Telephone conference with mother of detainee client ⁶	.3
11/09/98	Draft correspondence & fax to Usry re: pictures and more detainee visits	.3
11/09/98	Prepare TRO # 2	2.0
11/09/98	Telephone conference with Judge Vance clerk re: TRO # 2	.2
11/09/98	Telephone conference with Mother of detainee client	.3
11/09/98	Telephone conference with detainee clients grandmother & nephew	.5
11/10/98	Final Draft TRO # 2 (Salvador Longoria and Michelle Gaudin)	1.5
11/10/98	File 2nd TRO Federal Court; Conference with lawclerk; Telephone conference with Usry	2.0
11/10/98	Fac Usry TRO # 2 (sic)	.2

11/11/98	Fax correspondence to Usry re: requested visits again	.2
11/11/98	Review Usry fax re: TRO time conflict	.2
11/11/98	Telephone conference with mother of detainee clients/ gave me her number	0.3
11/11/98	Review fax from Usry	.2
11/12/98	Telephone conference with Uncle of detainee client re: Status	.3
11/12/98	Telephone conference with Kristen (lawclerk) Judge Vance re: hearing on 2nd TRO	.2
11/12/98	Telephone conference with Michelle Gaudin re: 4:30 appearance today before Judge Vance on 2nd TRO Motion	.2
11/12/98	Telephone conference with Court lawclerk re: Meeting with Judge Vance	.2
11/12/98	Prepare for conference re: 2nd TRO 4:30pm.; Conference with Judge, Michelle Gaudin and Usry; Conference with Michelle Gaudin, Draft correspondence to detainees & Mr. Usry	1.5
11/16/98	Telephone conference with Chang Vu; uncle of detainee client re: beating and desire to see counsel	.2
11/16/98	Telephone conference with Corporal Verret re: seeing detainees; knows nothing	.2
11/16/98	Telephone conference with Ms. Kennedy re: seeing detainees; told to call Usry	.2
11/16/98	Telephone conference with Usry's office; will call back	.2
11/16/98	Telephone conference with Usry re: tomorrow's visits	.2

11/18/98	Fax to Usry & FBI	.2
11/20/98	Dictate correspondence to Usry	.2
11/30/98	Correspondence to Usry; Review correspondence from 3 detainee clients	0.25 ⁷
12/01/98	Telephone conference with Alan Usry; re: visits	.2
12/03/98	Telephone conference with detainee client re: intimidation	.2
12/07/98	Telephone conference with Michelle Gaudin; Draft correspondence to Usry re: intimidation	.3
12/07/98	Draft correspondence to H.R. Watch re: support on access issues	.2
12/14/98	Telephone conference with Penny Veritis (Rutgers) re: forms & law	.3
12/28/98	Correspondence to Usry	.2
12/30/98	Attempted conference with detainees (4) OPP–Not allowed to see them because “being transferred out of OPP”	1.0
01/01/99	Travel to HOD to see same 4 detainees not allowed as per Foti memo	1.0
01/05/99	Preparation of TRO re: photos, visits, Foti memo	1.0
01/05/99	Preparation of Motion for Fees–1st draft	.5
01/06/99	Review and revise 1st draft of Motion for Fees and Time Report	.5

01/06/99	Review and revise Motion for TRO; Correspondence to Allen Usry	.5
01/07/99	Filing TRO; Conference with Judge Fallon	2.0
01/08/99	Draft Injunction papers; Conclusions of Law, Findings of Fact; Telephone conference re: Bond & Affidavit	3.0
01/08/99	Filing of Bond; Review & revise Affidavit, conclusions of law, findings of fact; Telephone conference with Judge Vance's office	2.0
01/11/99	Review correspondence from Usry re: Contract clients	.2
01/11/99	Telephone conference with Judge Vance's office re: filings and conflict re: hearing	.2
01/11/99	Filing of Findings of Fact; Affidavit	.5
01/11/99	Telephone conference with Judge Vance's office re: scheduling	.2
01/11/99	Telephone conference with Judge Vance's office and letter to Usry	.2
01/13/99	Receipt and Review of Preliminary & Permanent Injunction	.2
01/15/99	Meeting with Civil Rights counsel re: prep of Motion for fees	1.5
01/18/99	First Draft Motion for Fees, Memo & Affidavit	1.0
01/19/99	Review and Revise Motion for fees	.5
01/20/99	Revisions to Motion for Fees	1.5
TOTAL		44.85

B. The “Lodestar”

*5 In step two, the court selects “an appropriate hourly rate based on prevailing community standards for attorneys of similar experience in similar cases.” *Alberti v. Klevenhagen*, 896 F.2d 927, 930 (5th Cir.1990) (quoting *Sims v. Jefferson Downs Racing Ass’n*, 778 F.2d 1068, 1084 (5th Cir.1985)). The reasonableness of the requested rate can be proved by evidence “that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.” *Blum v. Stenson*, 465 U.S. 886, 895 n. 11, 104 S.Ct. 1541, 1547 n. 11, 79 L.Ed.2d 891 (1984). The hourly rate is then multiplied by number of compensable hours to produce the “lodestar.” *Id.*

Plaintiffs submit that a reasonable per hour rate is \$150.00 for the legal services provided in connection with the injunction. Plaintiff supports the \$150.00 per hour fee with an affidavit signed by plaintiffs’ counsel, stating that his customary fee is \$150.00 per hour. Plaintiff’s counsel also notes his impressive educational background, professional legal experience and awards from legal societies. Additionally, plaintiffs submit affidavits from two respected members of the New Orleans legal community, stating that \$150.00 per hour is well within the market rate in New Orleans area for this type of work.

Defendants argue that any fee award that exceeds \$125 per hour is unreasonable. The case law cited by defendants reveals that recent decisions have awarded less than \$150.00 per hour, but in those cases, the lawyers requested less than \$150.00 per hour because that was their regular hourly rate. Here, plaintiffs’ attorney stated that his regular hourly rate is \$150.00.

This court finds that plaintiff has established the reasonableness of an hourly rate of \$150.00. Hence, plaintiffs’ attorney is entitled to the lodestar amount of 44.85 hours times \$150.00 (44.85 x \$150), or \$6,727.50.

C. Enhancement

In the third and final step, “the district court may, in appropriate circumstances, adjust the lodestar up or down in accordance with relevant Johnson factors not already included in the lodestar.” *Alberti v. Klevenhagen*, 896

F.2d 927, 930 (5th Cir.1990). “[T]he ‘novelty [and] complexity of the issues,’ ‘the special skill and experience of counsel,’ the ‘quality of representation,’ and the ‘results obtained’ from the litigation are presumably fully reflected in the lodestar amount, and thus cannot serve as independent bases for increasing the basic fee award.” *Id.* (citing *Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 565, 106 S.Ct. 3088, 3098, 92 L.Ed.2d 439 (1986)). The lodestar is presumed to be a reasonable fee, and it should not be adjusted upwardly unless rare and exceptional circumstances exist. *See id.*

Here, plaintiffs argue that the circumstances of the case justify an upward adjustment of the lodestar. Taking into consideration all twelve of the *Johnson* factors, this court disagrees. There are no remarkable facts in this case to warrant an upward adjustment of the lodestar. The court evaluates the *Johnson* factors as follows:

*6 The time and labor required have already been considered in reaching the lodestar. The legal questions involved in prosecuting this action were neither novel nor difficult. The skill required to perform the legal services properly is connected to the second factor and has already been taken into account in the attorney’s hourly rate. Although this case may have precluded plaintiffs’ attorney from taking other cases, he is being reasonably compensated for the time he spent on this case; thus, this factor does not require an adjustment. Whether the fee charged is the customary fee has already been considered. There is no evidence whether the fee in this case is fixed or contingent. The circumstances of the case did impose time restrictions upon plaintiffs’ counsel, but the amount of work (*i.e.*, 44.85 hours) over the course of almost three months does not indicate that enhancement is warranted.

The relief sought was injunctive relief; thus, no amount of money was involved. Plaintiff was successful in obtaining the injunction, but the scope of the injunction was limited to a specific class of persons. The injunction does not “correct[] across-the-board discrimination” affecting a large class of prisoners, only those that have a contract with plaintiff’s attorney, or requested to see him. The experience, reputation and ability of the attorney have already been considered in determining the lodestar, and the case was not notably undesirable. The length of professional relationship is not a factor. Finally, fee awards in similar cases have already been considered in determining the lodestar.

III. Costs

totaling \$478.25:

Plaintiffs submitted a request for reimbursement of costs

COSTS

Filing fee	\$150.00
Polaroid Camera & Film	\$57.20
Film Developing	\$23.64
Copies	\$15.00
Speed Wheels Courier	\$13.00
Postage	\$10.44
Long Distance Faxes	\$21.00
Postage	\$1.51
Copies	\$6.30
Long Distance Faxes	\$7.00
TRO Bond	\$100.00
Courier	\$12.00
Kinko's	\$75.16
TOTAL	\$478.25

The ambiguous nature of some of the cost descriptions precludes this Court from awarding those costs to the plaintiffs. For example, a more detailed description than “Kinko’s” is necessary to determine whether the cost involved was incurred in connection with the injunction.

The generic description provided does not indicate precisely why this cost was necessary to obtaining the injunction; thus, it is not recoverable. The same is true for “long distance faxes.”

The costs associated with the camera, film and film

development are not recoverable in connection with the injunction because those items will be used by the plaintiffs to prosecute their lawsuit.

Subject to the foregoing deductions, plaintiffs are entitled to costs of \$307.81.

IV. Conclusion

For the above stated reasons, pursuant to [42 U.S.C. § 1988](#), the plaintiffs are entitled to \$6727.50 in attorney's fees and \$307.81 in costs.

Footnotes

- 1 1.25 hours represents one-half of the time requested for reimbursement. The time not recoverable was spent with a plaintiff; thus, denial of access did not occur. The remaining time is recoverable because it was spent as a result of defendants' denial of access.
- 2 .25 hours represents one-half of the time requested for reimbursement. Reviewing correspondence from detainee clients is not properly billed to the client in connection with the injunction, however, the time spent drafting correspondence to Mr. Usry is recoverable.
- 3 .25 hours represents one-half of the time requested for reimbursement. Only half of the requested time is not recoverable because the time was spent in discussions of immigration law. This time is not properly billed to the client in connection with the injunction.
- 4 1.25 hours represents one-half of the time requested for reimbursement. The time not recoverable was spent with a plaintiff; thus, denial of access did not occur. The remaining time is recoverable because it was spent due to defendants' denial of access.
- 5 .25 hours represents one-half of the time requested for reimbursement. The time not recoverable was spent in discussions of immigration law. This time is not properly billed to the client in connection with the injunction.
- 6 Time spent talking with detainees' family members is recoverable because plaintiffs allege that contacting family members was made necessary by defendant's denial of access in order to confirm inmate folder numbers and locations. This information was necessary to obtain access to plaintiffs.
- 7 .25 hours represents one-half of the time requested for reimbursement. The other half of the requested time is not recoverable because the description indicates that it was spent reviewing detainee client correspondence. This time is not properly billed to the client in connection with the injunction.