

1987 WL 25235

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United States District Court, E.D. Pennsylvania.

Terri Lee HALDERMAN, et al.

v.

PENNHURST STATE SCHOOL AND HOSPITAL,  
et al.

Civ. A. No. 74-1345. | Nov. 25, 1987.

## Opinion

### MEMORANDUM

RAYMOND J. BRODERICK, Senior District Judge.

\*1 Counsel for the plaintiff-class seeks an award of attorneys' fees and costs for the period July 1, 1986 through July 27, 1987 for services rendered in the monitoring and enforcement of the settlement agreement pursuant to 42 U.S.C. § 1988, and this Court's equitable powers. The total fees and costs originally sought in the petition were \$37,534.44.

Defendants Commonwealth of Pennsylvania and the City of Philadelphia have voluntarily paid a portion of the fees and costs originally sought in this petition with the understanding that counsel for the plaintiff-class would not seek any further compensation for the services rendered during the relevant period from these defendants. Similarly, counsel for the plaintiff-class has also settled the claim for fees and costs relating to the community placement of R.H., a former Pennhurst resident, with the understanding that no further compensation for the services rendered would be sought from any other defendant. However, this Court must now make a determination under § 1988 with regard to the balance of fees and costs sought in this petition (\$6,763.00) with respect to defendants Bucks, Chester, Delaware and Montgomery Counties. After having reviewed the plaintiffs' petition for fees and costs, along with counsels' affidavits, this Court is unable to make the

determination under § 1988 as to the amount of fees and costs to be paid by each of the county defendants.

Counsel for the plaintiff-class must provide this Court with additional detailed information. For each county defendant from which fees and costs are sought, counsel should provide: (1) a detailed description of the services rendered to the members of the plaintiff-class from that county which services were reasonably necessary for those members; (2) the date the services were rendered; (3) the time expended in performing the services; and (4) the total amount of fees and costs demanded from each county.

With regard to Chester County, counsel for the plaintiff-class must address the contention of Chester County that the jurisdiction of this Court terminated prior to July 1, 1986 pursuant to the terms of the settlement agreement on the ground that the last resident of that county left Pennhurst two years prior to that date.

Accordingly, this Court will dismiss plaintiffs' petition for attorneys' fees and costs for the period July 1, 1986 to July 27, 1987 without prejudice to filing an amended petition including the information detailed in this Memorandum.

### ORDER

AND NOW, this 24 day of November, 1987, upon consideration of plaintiffs' petition for attorneys' fees and costs for the period July 1, 1986 through July 27, 1987; and the responses of Bucks, Chester, Delaware and Montgomery Counties thereto; for the reasons set forth in this Court's Memorandum of November 24, 1987,

IT IS ORDERED: Plaintiffs' petition for attorneys' fees and costs for the period July 1, 1986 to July 27, 1987 is DISMISSED without prejudice to the filing of an amended petition containing the information detailed in this Court's Memorandum of November 24, 1987.