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United States District Court, D. Puerto Rico.

Carlos Morales FELICIANO, et al., Plaintiffs,  
v.  
Carlos Romero BARCELO, et al., Defendants.

Civ. No. 79-4(PG). | March 21, 1986.

**Attorneys and Law Firms**

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Marcos Ramírez, Hato Rey, P.R., Department of Justice, Commonwealth of Puerto Rico, San Juan, P.R., for defendants.

**Opinion**

**MEMORANDUM AND ORDER INTERIM ATTORNEYS' FEES**

PEREZ-GIMENEZ, Chief Judge.

\*1 The Court has today entered an Order of Reference appointing two monitors in this action which will delay the entry of a final judgment in the case. The Court is seriously concerned that such delay will work to plaintiffs' disadvantage in one respect which can be remedied before the final disposition of the case. Plaintiffs have been ably represented by counsel who have spent substantial amounts of time in the prosecution of their clients' claims. The record eloquently speaks for the time consumed, the complexity of the issues litigated and the success of counsel's endeavors. The plaintiffs have obtained a preliminary injunction which the defendants have not appealed. Some substantial, if temporary, relief has resulted in the delivery of health services, and that has only happened because of the success of plaintiffs. It is clear to the Court, and it appears from the Memorandum Opinion which has been entered that beyond even the relief and the results which have been obtained so far, plaintiffs have more than a substantial likelihood to prevail on a broad spectrum of issues. The longstanding and continuing violation of the

constitutional rights of the plaintiff class has been established beyond any doubt.

It is inequitable to delay at this point the award of attorneys' fees to counsel for the plaintiff class. Defendants have been represented by law firms here and on the Mainland who have been and continue to be paid for their services. It is onerous to allow the plaintiffs' attorneys to continue in their work without at least partial compensation.

Under 42 U.S.C. § 1988 interim attorneys' fees may be awarded to a party at any stage of the proceedings in the trial court's discretion. There is no doubt that plaintiffs have already prevailed on the merits of their central claims. *Hanrahan v. Hampton*, 446 U.S. 754 (1980); *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983), *citing*, *Nadeau v. Helgemoe*, 581 F.2d 275, 278-9 (1st Cir.1978); *Frazier v. Board of Trustees*, 765 F.2d 1278, 1292-5 (5th Cir.1985).

The Court must exercise its discretion and consider that the time to enter an interim award of attorneys' fees is now.

Counsel for all the parties are reminded that a reasonable settlement of this matter is one thing that the courts can expect able lawyers to deal with. *White v. New Hampshire Dept. of Empl. Sec.*, 455 U.S. 445, 453 (1982); *Henley*, 461 U.S. at 437.

Without in any way judging any issue about the rate of compensation or the time for which plaintiffs' attorneys have a right to be compensated, the Court is nevertheless, on this record, prepared to intimate that substantial amounts of time have been and will be spent in the litigation of difficult issues by able counsel of recognized standing in and beyond the Puerto Rican legal community.

It is therefore ORDERED that all the parties shall brief within the next fifteen (15) days after entry of this Order the issue of an award of interim attorneys' fees for plaintiffs' attorneys.

\*2 It is FURTHER ORDERED that, if no reasonable agreement is reached by the parties, attorneys for the plaintiffs shall move the Court for interim attorneys' fees at any time after thirty (30) days from the entry of this Order.

IT IS SO ORDERED.

