

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARIA D. RAMOS,)
)
Plaintiff,)
)
v.)
)
DAVID J. GREENGART, M.D.,)
)
Defendant.)

Case No. 16-cv-1342-TJJ

ORDER APPROVING ATTORNEY’S FEES PURSUANT TO K.S.A. 7-121b

This matter is before the Court on Plaintiff’s Motion to Approve Attorney’s Fees (ECF No. 58). Plaintiff requests, pursuant to K.S.A. 7-121b, the Court enter an order approving as reasonable her attorney’s fees and litigation expenses. On March 27, 2018, the Court conducted a hearing on the motion. Plaintiff appeared at the hearing through counsel, Matthew L. Bretz. Defendant appeared through counsel, Christopher Logan.

K.S.A. 7-121b(a) requires court approval of attorney fees to be paid in medical malpractice cases.¹ Under the statute, the court must consider the following factors when determining whether the attorney fees are reasonable:

- (1) The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the legal service properly.
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the attorney.
- (3) The fee customarily charged in the locality for similar legal services.
- (4) The amount involved and the results obtained.
- (5) The time limitations imposed by the client or by the circumstances.
- (6) The nature and length of the professional relationship with the client.
- (7) The experience, reputation and ability of the attorney or attorneys performing

¹ K.S.A. 7-121b(a) provides that “[w]henver a civil action is commenced by filing a petition or whenever a pleading states a claim in a district court for damages for personal injuries or death arising out of the rendering of or the failure to render professional services by any health care provider, compensation for reasonable attorney fees to be paid by each litigant in the action shall be approved by the judge after an evidentiary hearing and prior to final disposition of the case by the district court.”

the services.

(8) Whether the fee is fixed or contingent.²

Applying the considerations set forth in K.S.A. 7-121b above and after reviewing Plaintiff's motion and supporting exhibit, the affidavit of Plaintiff's counsel, and the document submitted *in camera* showing the amount of attorney's fees to be approved, as well as considering counsel's responses to the Court's questions at the hearing, the Court finds Plaintiff's attorney's fees and litigation expenses in this case to be reasonable and appropriate.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Approve Attorney's Fees (ECF No. 58) is granted. Plaintiff's attorney's fees and litigation expenses are reasonable and appropriate, and are hereby approved pursuant to K.S.A. 7-121b.

IT IS SO ORDERED.

Dated in Kansas City, Kansas, this 28th day of March 2018.



Teresa J. James
U. S. Magistrate Judge

² K.S.A. 7-121b(a)(1)-(8).