

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

PATRICIA GARNER,

Plaintiff,

vs.

Case No. 16-1352-JTM

MERLE L. PIERCE,

Defendant.

MEMORANDUM AND ORDER

By its prior Order, the court found that plaintiff Patricia Garner had ignored clearly established law in removing the present action, and granted defendant Merle Pierce's Motion for Remand and accompanying request for attorney fees. (Dkt. 7). The court directed defendant to make a showing as to the amount of any requested fees within ten days, and defendant has submitted a Motion for Attorney Fees (Dkt. 8), which seeks a total award of \$1,536, reflecting 5.7 hours of attorney time (billed at \$266 per hour), and 0.3 hours of administrative assistant time (billed at \$85 per hour).

"The first step in calculating fee awards is to determine the number of hours reasonably spent by counsel for the party seeking the fees." *Ramos v. Lamm*, 713 F.2d 546, 553 (10th Cir. 1987). The Court must then determine whether the hourly rate charged by counsel is reasonable in the context of "what lawyers of comparable skill and experience

practicing in the area in with the litigation occurs would charge for their time." *Id.*, at 555. The plaintiff has filed no objection to the amount of fees requested, and the court finds that defendant's submission is reasonable as to the time incurred and requested professional rate.

IT IS ACCORDINGLY ORDERED this 13th day of December, 2016, that the defendant's Motion for Attorney Fees (Dkt. 8) is granted in the amount of \$1,536.00.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE