

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>BRIAN A., et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>NO. 3:00-cv-0445</b>
	)	<b>CHIEF JUDGE CRENSHAW</b>
<b>BILL HASLAM, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Plaintiffs have moved for approval of attorneys’ fees and expenses in this matter for the period from November 1, 2016 to July 18, 2017. (Doc. No. 590.) Plaintiffs’ counsel seek a total of \$226,428.63 for reasonable post-judgment attorneys’ fees and litigation expenses. Defendants have agreed to the amount of requested fees and expenses after arm’s length negotiations between the parties and have not opposed Plaintiffs’ motion. In reaching this settlement of attorneys’ fees for the instant time period, the parties expressly agree that the parties respectively are reserving, and do not through this agreement waive, Plaintiffs’ right to seek fees in future requests, and Defendants’ right to contest and oppose any aspect of any future requests by Plaintiffs.<sup>1</sup>

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<sup>1</sup> This unopposed motion is presented in accordance with the Joint Motion for an Order Partially Terminating Jurisdiction and Partially Dismissing Case with Prejudice (Doc. No. 587), granted by this Court by Order dated July 18, 2017 (Doc. No. 589): “At the June 8, 2017 status conference, the Court inquired regarding any attorney’s fees. If the Court grants this Joint Motion, Plaintiffs will present to Defendants a request for fees and expenses for the most recent period from November 1, 2016 to the date partial exit is granted, to the extent authorized by 42 U.S.C. § 1988. . . . The parties will attempt to resolve this request for fees and expenses through negotiation as they have done repeatedly over the years of this action . . . and will either present an unopposed motion for this Court to consider or a disputed motion in the event agreement cannot be reached. If the Court grants this Joint Motion, any subsequent request for fees and expenses related to the remaining Section XIX will be addressed in similar fashion.” (Doc. No. 587 at 22 n.17.)

Even though this Motion is unopposed, the Court has reviewed the request. The Court finds that the hours for which the Plaintiffs seeks reimbursement are well-documented and reasonable. The Court further finds that the rates supporting the full request (before the proposed negotiated settlement) are reasonable and comparable to those of attorneys and paralegals in the relevant “out-of-town specialist” district in New York at their current levels of experience. The expense requests by Plaintiffs are also reasonable. Finally, the Court is convinced that the parties engaged in good faith settlement negotiations concerning Plaintiffs’ request for fees and expenses and have reached an arm’s length agreement on the fees and expenses submitted in this unopposed motion; as a result, they have avoided the time, expense, and judicial resources of a fully contested fee dispute.

Having previously found that application of Rule 23(h) does not require approval of notice, publication, and a hearing in connection with each of Plaintiffs’ periodic requests for fees (see Doc. No. 241), the Court finds that that notice, publication, and a hearing are not required in connection with this motion.

Having duly considered all papers submitted in connection with Plaintiffs’ motion for approval of attorneys’ fees and expenses, the Court hereby **GRANTS** Plaintiffs’ Unopposed Motion (Doc. No. 590) pursuant to Section XX of the April 2017 Modified Settlement Agreement and Exit Plan (Doc. No. 588), Federal Rule of Civil Procedure 23(h), Local Civil Rule 54.01(b), and 42 U.S.C. § 1988. Within thirty days of the entry of this Order, Defendants shall pay a total of \$226,428.63 to Children’s Rights, in complete payment and settlement of all attorneys’ fees and expenses for the period from November 1, 2016 to July 18, 2017.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE