

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**D.H. and T.H., as parents and next friend  
of their minor daughter, K.H.; and  
B.S. and S.S., as parents and next friend  
of their minor daughter, K.S.,**

**Plaintiffs,**

v.

**Case No. 06-CV-0523-CVE-SAJ**

**Ponca City Independent School District  
No. 71, Kay County, Oklahoma, a/k/a  
Ponca City Public Schools; Dr. David  
Pennington, in his official capacity as  
Superintendent of Ponca City Public  
Schools; and Does 1 through 50,**

**Defendants.**

**ORDER**

This matter comes on for consideration of Magistrate Judge Sam A. Joyner’s report and recommendation on plaintiffs’ Motion for Awarding of Attorney Fees and Costs (Dkt. # 28). Plaintiffs requested compensation for 172.75 hours of attorney fees billed at \$275 per hour, but the magistrate judge recommended that plaintiffs should be awarded 153.50 hours at \$250 per hour. The total amount of attorney fees based on these figures is \$38,375. He also recommended that \$1,590.33 in costs should be awarded to plaintiffs. Objections to the report and recommendation were due on September 25, 2007, and no party has filed an objection. The Court has independently reviewed the report and recommendation, and finds no reason to modify or reject it.

**IT IS THEREFORE ORDERED** that the magistrate judge's report and recommendation (Dkt. # 36) is **accepted** and plaintiffs' Motion for Awarding of Attorney Fees and Costs (Dkt. # 28) is **granted in part** and **denied in part**. Plaintiffs are awarded \$38,375 in attorney fees and \$1,590.33 in costs. A separate judgment concerning the award of attorney fees and costs is entered herewith.

**DATED** this 26th day of September, 2007.

  
CLAIRE V. EAGAN, CHIEF JUDGE  
UNITED STATES DISTRICT COURT