

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**  
SEP 21 2004

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

GARY HARRINGTON, et al., )  
)  
Plaintiffs, )

v. )

NO. 74 C 3290

JUDGE JAMES B. ZAGEL

MICHAEL F. SHEAHAN, Sheriff of )  
Cook County, et al., )


Defendants. )

**DOCKETED**  
SEP 22 2004

**NOTICE OF FILING**

**TO:** Donald J. Pechous  
Assistant State's Attorneys  
Torts/Civil Rights Division  
500 Richard J. Daley Center  
Chicago, IL 60602

**PLEASE TAKE NOTICE** that on Tuesday, September 21, 2004, I filed with the Clerk of the United States District Court for the Northern District of Illinois, United States Court House, 219 S. Dearborn Street, Chicago, Illinois, 60604, the attached PLAINTIFFS' AGREED MOTION FOR ATTORNEYS' FEES AND COSTS, PURSUANT TO THE PRISON LITIGATION REFORM ACT.

  
Robert E. Lehrer  
One of the Attorneys for Plaintiffs

Robert E. Lehrer  
Diane L. Redleaf  
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Attorneys for Plaintiffs

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**CERTIFICATE OF SERVICE**

I, Robert E. Lehrer, certify that I am one of the attorneys for plaintiffs in No. 74 C 3290 (N.D. Ill.) and that on Tuesday, September 21, 2004, a copy of the attached Motion was served upon the attorney for defendants, at the address shown for him on the Notice of Filing. Service was by first class mail, postage prepaid.



Robert E. Lehrer

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Attorneys for Plaintiffs

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**PLAINTIFFS' AGREED MOTION FOR ATTORNEYS' FEES AND COSTS,  
PURSUANT TO THE PRISON LITIGATION REFORM ACT**

Plaintiffs move this Court, pursuant to the Prison Litigation Reform Act of 1996 ("PLRA"), Pub. L. No. 94-134, Title VII (1996) (codified principally at 18 U.S.C. §3626), for an award of attorneys' fees of \$661.89 for work undertaken during calendar 2003 and calendar 2004 (though May 31, 2004 only), the total award to be paid by defendants to the law firm of Lehrer & Redleaf. Plaintiffs also move for an award costs of costs in the amount of \$13.60. Defendants do not object to these awards.

1. The plaintiff class in this long-running case are all mentally ill pre-trial detainees at Cook County Jail (the "Jail"). They challenged conditions at the Jail as violative of their rights under the Eighth and Fourteenth Amendments to the United States Constitution. Defendants are various Cook County officials, including Michael Sheahan, Sheriff of Cook County.

2. The parties entered into a consent decree in 1978 (the "Consent Decree").

3. Until passage of the PLRA, fees were awarded under 42 U.S.C. §1988; since

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enactment of the PLRA fees have been awarded under its provisions, see 42 U.S.C. §1997e(d) and 18 U.S.C. §3006A(d)(1). In any event, fees have regularly been awarded plaintiffs' counsel under 42 U.S.C. §1988 and under the PLRA for their work in helping to resolve post-judgment disputes that have arisen in the case, which work has materially contributed to compliance with the Decree. Defendants agree that the fees that, by this motion, they stipulate should be paid plaintiffs' attorneys is for such work, and that the Consent Decree authorizes fees for such work.

4. In 1996, Robert E. Lehrer and Diane L. Redleaf were substituted as class counsel for plaintiffs.

5. The Court (Zagel, J.) has previously awarded fees to Mr. Lehrer and Ms. Redleaf for their work in this case during calendar years 1996-2002, inclusive, pursuant to the PLRA.

6. Mr. Lehrer and Ms. Redleaf spent 5.88 hours on the litigation of this case during calendar year 2003 and calendar year 2004 (though May 31, 2004 only). Plaintiffs' attorneys have specifically itemized their work on this case by detailed time records submitted to defendants' counsel. Plaintiffs' attorneys also incurred \$13.60 in costs.

7. Under the PLRA, and consistently with the limitations on hourly fee rates that PLRA sets forth, see 42 U.S.C. §1997e(d)(3), plaintiffs' attorneys are entitled to a fee award of \$661.89 for their work on this case during calendar year 2003 and calendar year 2004 (through May 31, 2004 only). They are also entitled to an award of \$13.60 in costs for an overall total of \$675.49.

Respectfully submitted,

  
One of the Attorneys for Plaintiffs

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