

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELIZABETH GONZALEZ and MICHAEL FYVIE,

Plaintiffs,

- against -

CIVIL JUDGMENT

Civil Action No. 00-CV-0824
Hon. Thomas J. McAvoy

THE CITY OF SCHENECTADY, THOMAS MATTICE, MICHAEL GLASSER, MARISELA MOSHER, WILLIAM LACHANSKI, and ERIC HESCH, Individually and as Agents, Servants and/or Employees and Police Officers of the City of Schenectady and the City of Schenectady Police Department, and "JOHN DOE" and "JANE DOE", Individually and being Unnamed Agents, Servants and/or Employees and Police Officers of the City of Schenectady and the City of Schenectady Police Department,

Defendants.

186
U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
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LAWRENCE K. BAERMAN, CLERK
ALBANY

Plaintiffs Elizabeth Gonzalez and Michael Fyvie, having moved this court on January 15, 2003 seeking an order directing the defendants to pay the attorneys' fees incurred on behalf of the plaintiffs in the litigation of the above-captioned 42 U.S.C 1983 civil rights action, pursuant to 42 U.S.C. 1988;

AND, the plaintiffs having submitted, in support of their motion, the following: (1) Notice of Motion for Legal Fees; (2) Affidavit of Kevin A. Luibrand, with detailed time entries annexed thereto; (3) Affidavit of Adrienne Kerwin, with detailed time entries annexed thereto; (4) Affidavit of Elizabeth Gonzalez; (5) Affidavit of Michael Fyvie; and (6) Plaintiffs' Memorandum of Law;

AND, the defendants having submitted a letter from counsel dated February 13, 2003 stating that the defendants would not be submitting any opposition to plaintiffs' motion;

AND, the motion having been returnable February 28, 2003 without oral argument;

IT IS ORDERED AND ADJUDGED

That the court finds that plaintiffs Elizabeth Gonzalez and Michael Fyvie are prevailing plaintiffs pursuant to 42 U.S.C. §1988;

That the court finds that, as prevailing parties, plaintiffs Elizabeth Gonzalez and Michael Fyvie are entitled to the payment of the attorneys' fees incurred on their behalf in connection

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with the above-captioned action, by the defendants City of Schenectady, Thomas Mattice, Marisela Mosher, William Lachansky and Eric Hesch pursuant to 42 U.S.C. §1988;

That, based on the application of plaintiffs Elizabeth Gonzalez and Michael Fyvie, including affidavits of plaintiffs' attorneys and detailed documented time records, and the lack of opposition by the defendants, the attorneys fees incurred by plaintiffs Elizabeth Gonzalez and Michael Fyvie total the amount of Ninety-Four Thousand One Hundred Thirty-Eight Dollars and Eighty-Three Cents (\$94, 138.83).

That, the sum of Ninety-Four Thousand one Hundred Thirty-Eight Dollars and Eighty-Three Cents (\$94, 138.83) in legal fees in this action is reasonable pursuant to 42 U.S.C. 1988;

That the court awards attorneys fees to plaintiffs Elizabeth Gonzalez and Michael Fyvie in the amount of Ninety-Four Thousand one Hundred Thirty-Eight Dollars and Eighty-Three Cents (\$94, 138.83).

JUDGMENT IS HEREBY ENTERED in favor of plaintiffs Elizabeth Gonzalez and Michael Fyvie against defendants City of Schenectady, Thomas Mattice, Marisela Mosher, William Lachansky and Eric Hesch in the amount of Ninety-Four Thousand One Hundred Thirty-Eight Dollars and Eighty-Three Cents (\$94,138.83).

Dated: 4/4/03

HON. THOMAS J. MCAVOY



Handwritten signature of Thomas J. McAvoy in cursive script, positioned below the printed name and underlined.