

Defendant - Appellee, *
Patrick Hentges; Charles Kewatt; *
Lowell Demars; Evelyn Nygaard; *
Gary Gorman; Matthew Field, *
Defendants. *

Submitted: March 14, 2001

Filed: June 22, 2001

Before BYE, LAY, and JOHN R. GIBSON, Circuit Judges.

PER CURIAM.

The City of Columbia Heights appeals from an order of the district court¹ awarding attorneys' fees to the Stauchs. The City claims that the district court erred in awarding \$275,000 in attorneys' fees in this action where plaintiffs recovered only \$120,000 in damages. See *Stauch v. City of Columbia Heights*, 212 F.3d 425 (8th Cir. 2000) (affirming judgment). We affirm the judgment of the district court.

The order of the district court contains a very detailed recitation of the facts. The City did not dispute fee rates of \$200 and \$165 per hour for the attorneys, \$80 per hour for a law clerk, and \$80 per hour for legal assistants. The Stauchs claimed that 2,074.95 hours were spent prosecuting the action, and they sought a total fee award of \$350,662.25. The court held that certain categories of tasks, such as photocopying,

¹The Honorable John R. Tunheim, United States District Judge for the District of Minnesota.

picking up documents, or delivering documents, are frequently done by outside vendors for much less than a paralegal's hourly rate. The court eliminated these items or allowed messenger rates for them. Other specific items were also deducted from the time. The court rejected the City's argument that the plaintiffs had obtained only a technical or pyrrhic victory and held that the victory served the important public purpose of encouraging the City to take seriously its obligation to properly notify citizens of their procedural rights before depriving them of property. The court also rejected the City's argument that the fee award should be reduced by seventy-five percent because the Stauchs only succeeded on twenty-five percent of their claims. The court found that it could not extract from the billing records what time was spent on the unsuccessful claims and reduced the award by twenty percent, resulting in a fee award of \$275,580.70. The court rejected plaintiffs' request for an enhancement based on risk and awarded costs in the amount of \$22,477.90, but denied prejudgment interest.

The district court has thoroughly and in detail analyzed the issues supporting the award of fees and costs. Its discussion indicates convincingly that no error of law or abuse of discretion infects the proceedings, nor are the court's findings of fact clearly erroneous.

We affirm the judgment of the district court in all respects on the basis of its carefully reasoned opinion.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.