

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

COUNTRYWIDE HOME LOANS,

Plaintiff,

v.

KIM D. DOUGLAS,

Defendant.

1:07-cv-93

TO: Nycole A. Thompson, Esq.

**REPORT AND RECOMMENDATIONS REGARDING PLAINTIFF'S
MOTION FOR AWARD OF COSTS AND ATTORNEYS' FEES**

THIS MATTER came before the Court upon Plaintiff's Motion For Award of Costs and Attorneys' Fees (Docket No. 28). Senior District Judge Finch referred the matter to the undersigned for a report and recommendation by Order (Docket No. 29), entered July 31, 2009.

Being thus advised in the premises and upon due consideration thereof, the undersigned proposes the following findings:

1. In the event the Court enters the default judgment as requested, Plaintiff will be the prevailing party in this matter.

Countrywide Home Loans v. Douglas

1:07-cv-93

Report and Recommendations

Page 2

2. As the prevailing party, Plaintiff is entitled to an award of attorney's fees and costs, pursuant to V.I. Code Ann. tit. 5 § 541.
3. However, the amount of attorneys' fees requested by Plaintiff is excessive.
4. The Court will reduce the number of hours and corresponding fees charged, specifically, the hours expended:
 - a. edit; organize package for filing charged by Attorney Norkaitis on 10/25/2004 reduced to 0.50 hours;
 - b. research and draft motion to extend time for service charged by Attorney Stone on 10/9/2006 reduced to 2 hours.
 - c. draft proposed order and affirmation of counsel for motion to extend service period; file same charged by Attorney Stone on 10/10/2006 reduced to 1.0 hours;
 - d. continue drafting complaint charged by Attorney Stone on 7/19/2007 reduced to 1.0 hour;
 - e. draft motion for default judgment charged by Attorney Thompson on 12/15/2007 reduced to 0.50 hours;
 - f. review file and draft motion for substitution of counsel; Westlaw research on Federal Practice & Procedure for substitution of parties

Countrywide Home Loans v. Douglas

1:07-cv-93

Report and Recommendations

Page 3

when interest transferred during litigation; teleconference with Althea Pedro of the Recorder of Deeds regarding status of assignment charged by Attorney Thompson on 8/1/2008 reduced to 2.5 hours;

g. draft notice to the court charged by Attorney Thompson on 8/8/2008 reduced to 0.50 hours; and

h. edit affirmation in support of motion for fees and costs charged by Attorney Thompson on 7/8/2009 reduced to 1.0 hours.

Based upon the proposed findings, the undersigned makes the following recommendations:

1. That, in the event the Court grants Plaintiff's motion for default judgment, Plaintiff's Motion For Award of Attorney's Fees and Costs be **GRANTED**.
2. That Defendant be ordered to pay to Plaintiff: \$12,453.31. in attorney's fees charged by Attorney Thompson; \$956.25 in attorney's fees charge by Attorney Norkaitis; \$3,418.75 in attorney's fees charged by Attorney Stone; \$437.50 in fees charge by Carol Hart, and \$652.08 in costs; the total amount of \$17,917.89.

Countrywide Home Loans v. Douglas

1:07-cv-93

Report and Recommendations

Page 4

ENTER:

Dated: August 28, 2009

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.

U.S. MAGISTRATE JUDGE