UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Bertha Steele,	:	Case No. 1:08CV1131
	:	
Plaintiff	:	Judge Lesley Wells
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
City of Cleveland, et al.,	:	**REPORT AND RECOMMENDED DECISION**
	:	
Defendants	:	

Hearing was held on July 30, 2010 on the defendant's "Motion To Be Declared 'Prevailing Parties' And For An Award Of Reasonable Fees, Nontaxable Expenses And Evidence Of Same" (Doc. #26). At that hearing this Court heard from Mr. Scott on behalf of the defendants and Ms. Ranke on her own behalf and on behalf of the plaintiff.

Consistent with this Court's Memorandum Opinion and Order of July 12, 2010 this Court recommends that an award of fees under 42 U.S.C. §1988 be made in favor of the defendants against the plaintiff as prevailing parties in the sum of $11,145.00, the full amount sought by defendants as no challenge was made by Ms. Ranke to the reasonableness of the hours or hourly rates set out in the time logs of Mr. Scott or his associate in this action, Ms. Jennifer Meyer.[1]

Insofar as an award under 28 U.S.C. §1927 against Ms. Ranke is concerned, again consistent with this Court's Memorandum Opinion and Order of July 12th, this Court recommends that such

[1]No evidence of nontaxable costs was presented, and a claim for recovery of taxable costs should first be presented to the Clerk of Courts.

an award be made based upon the fees of defendants' counsel "from the point where plaintiff's response to defendant's motion for summary judgment was due through the prosecution of the pointless appeal." From a review of the time logs of Mr. Scott and Ms. Meyer that amount is $5,830.00.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: August 2, 2010

OBJECTIONS

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within fourteen (14) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).