

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Deborah Malloy v. Trileaf Corporation, et al.

Malloy · No. 4:24 CV 506 CDP · Decided January 29, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri directs defendants to file an amended verified statement of attorney’s fees incurred as sanctions for plaintiff’s discovery misconduct. The court finds the existing fee submission insufficient because it does not identify billing rates, personnel roles, or explain inconsistent billing entries. The order sets deadlines for defendants’ amended submission and plaintiff’s responses.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Catherine D. Perry
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	January 29, 2026
DOCKET	4:24 CV 506 CDP
DISPOSITION	other
PROCEDURAL POSTURE	Following summary judgment for defendants and a separate order granting defendants' motion for sanctions based on plaintiff's discovery misconduct, the court considered defendants' verified request for \$55,104.50 in attorney's fees.
STANDARD OF REVIEW	A district court has wide discretion in determining the amount of reasonable attorney's fees awarded when a party has been sanctioned. Reasonableness is evaluated using the lodestar method, calculated by multiplying the hours reasonably expended by reasonable hourly rates.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court with no reporter citation
PARTIES	Deborah Malloy v. Trileaf Corporation, et al.

TOPICS

attorney fees

sanctions

discovery dispute

costs

civil procedure

PRACTICE AREAS

civil procedure

sanctions

attorney fees

costs

discovery

QUESTIONS PRESENTED

1. Whether defendants' submitted declaration and fee statement provided sufficient information for the court to determine a reasonable attorney's-fee award imposed as a sanction.
2. What additional fee documentation defendants must submit before the court can calculate a reasonable sanctioned fee.

HOLDINGS

1. The submitted declaration and fee statement were insufficient to permit the court to determine a reasonable attorney's fee because they did not adequately identify the timekeepers and their roles, state the applicable hourly rates, or explain discrepancies in the rates charged.
2. Defendants were required to file within seven days an amended verified statement containing sufficient, complete, and accurate information from which the court could calculate a reasonable attorney's fee; fees incurred preparing the amended statement could not be included in the fee request.

KEY QUOTATIONS

“which is calculated by multiplying the hours reasonably expended by the reasonable hourly rates.”

FACTUAL BACKGROUND

Defendants sought \$55,104.50 in attorney's fees incurred because of plaintiff's misconduct during discovery. Their counsel submitted a declaration and fee statement, but the materials did not identify the hourly rates, the names and roles of all timekeepers, or explain apparent inconsistencies in rates charged for the same individuals. The court therefore could not determine a reasonable fee.

PROCEDURAL HISTORY

The court previously granted defendants summary judgment and separately granted their motion for sanctions. It directed defendants to submit a verified statement of reasonable attorney's fees, but determined that the submitted declaration and fee statement lacked sufficient information to evaluate the requested fees. The court ordered an amended verified statement and allowed plaintiff additional time to respond to that statement and defendants' pending bill of costs.

DISPOSITION

other

CASES CITED

- Wescott Agri-Prods., Inc. v. Sterling State Bank, Inc., 682 F.3d 1091, 1094 (8th Cir. 2012)
- Jet Midwest Int'l Co. v. Jet Midwest Grp., LLC, 93 F.4th 408, 420 (8th Cir. 2024)
- Indep. Contractors of Maverick Transp., LLC v. Great W. Cas. Co., No. 4:24-CV-338 HEA, 2025 WL 1423598, at *2 (E.D. Mo. May 16, 2025)

OPINION

Malloy

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

DEBORAH MALLOY,)

) Plaintiff,)) v.) No. 4:24 CV 506 CDP) TRILEAF CORPORATION, et al.,)) Defendants.)

MEMORANDUM AND ORDER

After granting defendants summary judgment in this case, I entered a separate Memorandum and Order granting defendants' motion for sanctions for plaintiff's misconduct committed during the discovery process. In that Order, I directed defendants to file a verified statement of attorney's fees they reasonably incurred on account of plaintiff's misconduct. Defendants have now filed the declaration of their counsel, Joy D. McMillen, seeking \$55,104.50 in fees. Attached to the declaration is a statement describing the work performed and the fees charged, and the initials of the individuals who performed such work. The information provided, however, is insufficient for me to determine whether the requested fees are reasonable. I will therefore direct defendants to file an amended verified statement of attorney's fees that includes information from which I can determine a reasonable fee. I will provide plaintiff an opportunity to respond to defendants' amended statement as well as additional time to respond to defendants' pending bill of costs. A district court has wide discretion in determining the proper amount of reasonable attorney's fees to be awarded in a case where a party has been sanctioned. *Wescott Agri-Prods., Inc. v. Sterling State Bank, Inc.*, 682 F.3d 1091, 1094 (8th Cir. 2012). In evaluating whether a fee award is reasonable, courts begin with the lodestar, "which is calculated by multiplying the hours reasonably expended by the reasonable hourly rates." *Jet Midwest Int'l Co. v. Jet Midwest Grp., LLC*, 93 F.4th 408, 420 (8th Cir. 2024); *Indep. Contractors of Maverick Transp., LLC v. Great W. Cas. Co.*, No. 4:24-CV-338 HEA, 2025 WL 1423598, at

*2 (E.D. Mo. May 16, 2025). Here, neither counsel's declaration nor the statement of fees sets out the hourly rates for the individuals who performed the work described. And the individuals themselves are not fully identified either by name or role (i.e., attorney, paralegal, etc.). Moreover, my initial review of the statement of fees shows that some individuals charged different hourly rates for their work. For example, an entry dated 2/28/25 for "MZH" shows they billed one hour for a total of \$990, whereas another entry that same date for "MZH"

shows they billed 1.2 hours for a total of \$660. (ECF 94-1 at p. 3.) Likewise, an entry dated 2/28/25 for “LMW” shows they billed one hour at \$474, whereas other entries for “LMW” dated 4/24/25 and 4/30/25 show they billed one-hour increments at \$395 each. (/d. at pp. 3,4.) Without any explanation for those discrepancies or any identification of who performed the work and at what rates, I am unable to determine a reasonable fee. I will give defendants seven days to file an amended verified statement of attorney’s fees that includes necessary and accurate information from which I can calculate a reasonable fee. Fees incurred in relation to the amended statement shall not be included in defendants’ request for fees. I will give plaintiff fourteen days to respond to that amended statement as well as additional time to respond to defendants’ pending bill of costs. Accordingly, IT IS HEREBY ORDERED that not later than February 6, 2026, defendants shall file an amended verified statement of attorney’s fees that contains sufficient, complete, and accurate information from which I can calculate a reasonable attorney’s fee, consistent with this Memorandum and Order. Plaintiff shall have to February 20, 2026, to file her response(s) to defendants’ amended verified statement of fees and pending bill of costs.

CATHERINE D.PERRY /#/

UNITED STATES DISTRICT JUDGE

Dated this 29th day of January, 2026. _3-