

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Susan N. Patrick v. Jonathan Brogan, et al.

Susan N. Patrick v. Jonathan Brogan, et al. · No. 2:25-cv-00048-JAW · Decided May 4, 2026

SUMMARY

The United States District Court for the District of Maine reconsidered its stay of a sanctions-related attorney's-fee motion while the plaintiff's appeal was pending. The court lifted the stay, awarded defendants \$20,133 in attorney's fees as a sanction, reduced the hourly rate for work devoted to pursuing the fee award, and denied the plaintiff's motion for reconsideration.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	John A. Woodcock, Jr.
JURISDICTION	United States District Court for the District of Maine
DECIDED	May 4, 2026
DOCKET	2:25-cv-00048-JAW
DISPOSITION	other
PROCEDURAL POSTURE	After the court dismissed Patrick's wrongful-use-of-civil-proceedings complaint and imposed sanctions requiring payment of defendants' reasonable costs, expenses, and attorney's fees, Patrick appealed. The court considered defendants' motion for reconsideration and to lift a stay on the fee motion, defendants' application for attorney's fees, and Patrick's motion for reconsideration.
STANDARD OF REVIEW	The court reviewed its prior stay decision for reconsideration based on an asserted manifest error of law and independently determined the reasonableness of the requested attorney's fees under the lodestar method.
PRECEDENTIAL VALUE	unpublished
PARTIES	Susan N. Patrick v. Jonathan Brogan, Norman, Hanson & DeTroy

TOPICS

- motion for reconsideration
- attorney fees
- sanctions
- appellate procedure
- civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

sanctions

attorney fees

remedies

QUESTIONS PRESENTED

1. Whether a district court retains jurisdiction during a pending merits appeal to adjudicate and fix the amount of attorney's fees imposed as a sanction.
2. Whether defendants established a reasonable attorney's-fee award under the lodestar method.
3. Whether the hourly rates for time spent pursuing the attorney's-fee award should be reduced.
4. Whether Patrick demonstrated a cognizable basis for reconsideration of the court's prior order.

HOLDINGS

1. A district court retains jurisdiction during a pending merits appeal to adjudicate a sanctions-related attorney's-fee application and fix the amount of the sanction.
2. The defendants established a reasonable lodestar fee, and the court awarded the requested attorney's fees except for a reduction in the hourly rate applied to time spent pursuing the fee award.
3. The hourly rate for time spent pursuing the attorney's-fee award should be reduced to \$100 per hour, resulting in a total award of \$20,133.
4. Patrick's motion for reconsideration was denied because she did not present a cognizable legal basis showing that the prior order was erroneous.

KEY QUOTATIONS

"The court agrees that it erred when it concluded that the Defendants' motion for attorney's fees must be stayed pending resolution of the merits of Ms. Patrick's appeal." (III.A)

"Because litigating a fee petition is typically an uncomplicated exercise, fees for such work are often calculated at lower rates than those deemed reasonable for the main litigation" (III.B.2)

"The Court hereby AWARDS Defendants Jonathan Brogan and Norman, Hanson & DeTroy a total sanction of \$20,133 against Plaintiff Susan N. Patrick." (IV)

FACTUAL BACKGROUND

Patrick brought a federal wrongful-use-of-civil-proceedings action against Jonathan Brogan and Norman, Hanson & DeTroy. The court previously found that she lacked a good-faith basis in fact or law to initiate the action and sanctioned her by ordering payment of defendants' reasonable costs, expenses, and attorney's fees. Defendants submitted a fee application seeking \$22,254, supported by counsel's declaration and billing records; the court found the requested fees reasonable except for the hourly rates charged for preparing the fee application.

PROCEDURAL HISTORY

On March 26, 2026, the court dismissed Patrick's complaint and granted defendants' motion for sanctions, ordering Patrick to pay defendants' reasonable costs, expenses, and attorney's fees. Patrick filed a notice of appeal before defendants submitted their fee application, and the court initially stayed consideration of the fee motion. The court granted defendants' motion for reconsideration, lifted the stay, awarded \$20,133 in attorney's fees as a sanction, and denied Patrick's motion for reconsideration.

DISPOSITION

other

CASES CITED

- Roger Edwards, LLC v. Fiddes & Son, Ltd., 437 F.3d 140, 144 n.2 (1st Cir. 2006)
- Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 396-97 (1990)
- Val-Land Farms, Inc. v. Third Nat'l Bank, 937 F.2d 1110, 1117 (6th Cir. 1991)
- Mary Ann Pensiero v. Lingle, 847 F.2d 90, 97 (3d Cir. 1988)
- In re NASDAQ Market-Makers Antitrust Litig., 187 F.R.D. 124, 129 (S.D.N.Y. 1999)
- G.C. & K.B. Invs., Inc. v. Wilson, EDCV 00-00148-VAP (Mcx), 2001 U.S. Dist. LEXIS 26633, at *5 (C.D. Cal. May 17, 2001)
- Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, 478 U.S. 546, 562 (1986)
- Hutchinson ex rel. Julien v. Patrick, 636 F.3d 1, 13 (1st Cir. 2011)
- Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)
- TD Bank, N.A. v. Estate of Woodman, No. 2:17-cv-00163-JAW, 2019 U.S.
- Torres-Rivera v. O'Neill-Cancel, 524 F.3d 331, 340 (1st Cir. 2008)
- Brewster v. Dukakis, 3 F.3d 488, 494 (1st Cir. 1993)
- Saldivar v. Rodela, 894 F. Supp. 2d 916, 939 (W.D. Tex. 2012)
- Moss v. Moss (In re SKM), No. 13 CIV. 4167 (ALC), 2014 U.S. Dist. LEXIS 207584, at *15-16 (S.D.N.Y. Apr. 16, 2014)
- Gabriele v. Southworth, 712 F.2d 1505, 1507 (1st Cir. 1983)
- Powell v. Powell, No. 2:25-cv-00641-JAW, 2026 U.S. Dist. LEXIS 87208, at *10-13 (D. Me. Apr. 24, 2026)
- Pierce v. Renaldi