

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS

Does, C.B. and J.B. v. Pulaski County Special School District

No. 4:23-cv-1039-DPM · No. No. 4:23-cv-1039-DPM · Decided January 15, 2026

SUMMARY

The United States District Court for the Eastern District of Arkansas partially grants and partially denies the parents’ motion for attorney’s fees and costs. Applying the lodestar method and reducing the requested time for double billing, block billing, cumulative work, and partial success, the Court awards \$46,229.34 in attorney’s fees and \$1,282.94 in costs, for a total of \$47,512.28.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas
WRITING FOR THE COURT	D.P. Marshall Jr.
JURISDICTION	United States District Court for the Eastern District of Arkansas
DECIDED	January 15, 2026
DOCKET	No. 4:23-cv-1039-DPM
DISPOSITION	other
PROCEDURAL POSTURE	The court resolved the parties' dispute over plaintiffs' motion for attorney's fees and costs after the underlying litigation and administrative claims.
STANDARD OF REVIEW	The court determined the reasonable attorney's fee by calculating the lodestar and applying adjustments for billing issues, cumulative work, and partial success; costs were evaluated under Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. § 1920.
PRECEDENTIAL VALUE	unpublished

TOPICS

- attorney fees
- costs
- civil procedure
- administrative law

PRACTICE AREAS

- attorney's fees
- costs
- special education law
- administrative law
- civil procedure

QUESTIONS PRESENTED

1. What hourly rates and lodestar amount constituted a reasonable attorney's fee?
2. What reductions were appropriate for double billing, block billing, cumulative testimony, unsuccessful briefing, and partial success?
3. Which requested litigation costs were recoverable under Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. § 1920?

HOLDINGS

1. The court calculated the reasonable attorney's fee using the lodestar method, applying hourly rates of \$275 for Theresa Caldwell, \$250 for Clay Fendley, and \$100 for Darlene Hogancamp's paralegal work.
2. The court properly reduced the lodestar by fifteen percent to account for double billing, block billing, cumulative testimony, and related billing and litigation issues, and applied an additional ten-percent reduction because plaintiffs achieved only partial success.
3. Copies and the filing fee were recoverable costs, while binders and FedEx fees were not; the court awarded \$1,282.94 in costs.

KEY QUOTATIONS

“The Court must calculate the lodestar—those rates multiplied by the hours reasonably spent.” (-2-)

“Motion for attorney’s fees and costs, Doc. 29, partly granted and partly denied as specified.” (-3-)

FACTUAL BACKGROUND

Plaintiffs sought attorney's fees and costs after litigation involving due process hearings and administrative claims. The court found the case fact-intensive, spanning several years and involving numerous exhibits and witnesses, but identified double billing, block billing, cumulative testimony, and unsuccessful mootness briefing. Plaintiffs also did not prevail on all of their administrative claims.

PROCEDURAL HISTORY

The parties had not resolved the fees-and-costs issue. Plaintiffs moved for attorney's fees and costs under 20 U.S.C. § 1415(i)(3)(B)(i). The court partly granted and partly denied the motion, awarding \$46,229.34 in attorney's fees and \$1,282.94 in costs, and directed that an amended judgment taxing the entire award as costs would issue.

DISPOSITION

other

CASES CITED

- Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)
- Hensley v. Eckerhart, 461 U.S. 424, 434-37 (1983)

- Jacksonville North Pulaski School District v. D.M., No. 4:20-cv-256-BRW (E.D. Ark. July 20, 2021)

OPINION

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION DOES, C.B. and J.B. PLAINTIFFS/ COUNTER-DEFENDANTS v. No.
4:23-cv-1039-DPM PULASKI COUNTY SPECIAL SCHOOL DEFENDANT/ DISTRICT
COUNTER-CLAIMANT ORDER The parties have not resolved the fees/costs issue.

The Court must decide it. The big issue is the attorney's fee. Given counsel's experience, and the nature of the issues presented in this case, the reasonable hourly rate for Ms. Caldwell is \$275. Considering these same factors, \$250 is a reasonable hourly rate for Mr. Fendley. And \$100 is reasonable for Ms. Hogancamp's paralegal work.

The Court must calculate the lodestar—those rates multiplied by the hours reasonably spent. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). Here is the request with the revised rates: Theresa Caldwell 168.92. x \$275/hour = \$46,453.00 Clay Fendley 52.19 x \$250/hour = \$13,047.50 Darlene Hogancamp 9.30 x \$100/hour = \$930.00 \$60,430.50 Doc. 29-1 & 29-3.

To fix the lodestar, and the bottom-line reasonable fee, some adjustments are needed. *Hensley*, 461 U.S. at 434-37. The Court commends Fendley's self-trim of his mootness briefing. That motion didn't succeed. This case was fact-intensive, spanned several years, and involved many exhibits and witnesses. Doc. 30 at 5-8. But Ms. Caldwell double-billed some hours; the Court calculates 7 hours and 20 minutes of this.

Doc. 29-1. This Court has also repeatedly disfavored her block billing practice, which makes the fee evaluation difficult. E.¢., Doc. 73 at 6 in *Jacksonville North Pulaski School District v. D.M.*, No. 4:20-cv-256-BRW (E.D. Ark. 20 July 2021). And there was some cumulative testimony that occurred while litigating both of L.B.'s due process hearings.

The District objected to this. To account for all these things, the Court makes a fifteen percent adjustment in the time. The lodestar is \$51,365.93. The parents also did not prevail on all of their administrative claims. Doc. 32 at 5-7.

The partial success requires a further ten percent discount. *Hensley*, 461 U.S. at 434-37. All these trims result in a \$46,229.34 fee. The secondary issue is costs. The Court reduces the proposed amount. Fed. R. Civ. P. 54(d)(1).

The copies and filing fee are recoverable. 28 U.S.C. § 1920. The binders and FedEx fees are not. The Court awards \$1,282.94 in costs. -2- Motion for attorney's fees and costs, Doc. 29, partly granted and partly denied as specified.

The Court awards a reasonable attorney's fee of \$46,229.34 and costs of \$1,282.94 for a total of \$47,512.28. An amended Judgment, taxing the entire award as costs, will issue. 20 U.S.C. §

1415(i)(3)(B)(i). So Ordered. wnt, Mb. D.P. Marshall Jr. United States District Judge (Ss poe iy 2-02 bo -3-

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