

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NEW YORK**

Ryan Lowe v. Capital Link Management LLC

Lowe · No. 21-CV-997-LJV-LGF · Decided January 21, 2026

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK RYAN LOWE, Plaintiff, 21-CV-997-LJV-LGF v. DECISION & ORDER CAPITAL LINK MANAGEMENT LLC, Defendant. On July 14, 2025, this Court granted a motion for a default judgment filed by the plaintiff, Ryan Lowe, and awarded him \$500 in statutory damages under the Fair Debt Collection Practices Act (“FDCPA”).

Docket Item 27. The Court directed Lowe to file a motion for attorneys’ fees, *id.* at 5, which he did, Docket Item 29; see also 15 U.S.C. § 1692k(a)(3) (allowing for reasonable attorneys’ fees in FDCPA cases).¹ The Court has carefully reviewed Lowe’s motion and, for the reasons that follow, grants his request and awards him \$6,570.00 in attorneys’ fees and \$402.00 in costs.

DISCUSSION Under the FDCPA, courts have discretion to award reasonable attorneys’ fees to successful litigants. See 15 U.S.C. § 1692k(a)(3). A court should consider case- specific variables in setting a reasonable hourly rate, which in turn should be used to 1 After Lowe filed his motion for attorneys’ fees, Docket Item 29, this Court referred this case to United States Magistrate Judge Leslie G. Foschio to handle non- dispositive matters under 28 U.S.C. § 636(b)(1)(A), see Docket Item 30.

But because motions for attorneys’ fees at the end of a case are dispositive, see *McConnell v. ABC- Amega, Inc.*, 338 Fed. App’x. 24, 26 (2d Cir. 2009) (summary order), this Court considers Lowe’s motion in the first instance. calculate the “presumptively reasonable fee.” *Arbor Hill Concerned Citizens Neighborhood Ass’n v. County of Albany*, 493 F.3d 110, 111-12 (2d Cir.

2007), amended on other grounds by 522 F.3d 182 (2d Cir. 2008). The hourly rates charged in the reviewing court’s district are presumptively the rates that the court should use. *Simmons v. N.Y.C. Transit Auth.*, 575 F.3d 170, 175-76 (2d Cir. 2009).

Therefore, this Court considers the prevailing market rate in the Western District of New York in determining a reasonable fee here. See *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984) (considering the market rate for “similar services by lawyers of reasonably comparable skill, experience[,] and reputation”).

In support of his motion for attorneys’ fees, Lowe submitted time records indicating that two attorneys—Sergei Lemberg and Jody Burton—spent a cumulative total of 23.9 hours on his case

and that a paralegal spent 3 hours. Docket Item 29-1 ¶ 22; see Docket Item 29-3. Lowe requests hourly rates of \$300 per hour for attorney time and \$100 per hour for paralegal time.

Docket Item 29-1 ¶ 22. Both attorneys have extensive experience in litigating consumer protection cases: Burton has been practicing for more than thirty years and Lemberg for more than twenty. See Docket Item 29-2 at 4-5.

The memorandum of law supporting Lowe's motion for attorneys' fees does not indicate the level of experience of the paralegal who worked on the case. See generally *id.* Given recent case law in this district, the Court finds that Lowe's requested hourly rate of \$300 for his attorneys to be reasonable and appropriate. See, e.g., *McPhaul v. Insight Mgmt. Partners*, 2022 WL 542534, at *4 (W.D.N.Y.

Feb. 23, 2022) (finding \$300 attorney hourly rate reasonable for experienced attorney in FDCPA case); *Welch v. PDL Recovery Grp., LLC*, 2019 WL 4887595, at *3 (W.D.N.Y. Oct. 3, 2019) (same); *Eades v. Kennedy, PC. Law Offs.*, 343 F. Supp. 3d 104, 108 (W.D.N.Y. 2018) (same); *Langhorne v. Takhar Grp. Collection Servs., Ltd.*, 2016 WL 1177980, at *2 (W.D.N.Y. Mar.

28, 2016) (same). Although a closer question, the Court also finds the requested paralegal rate to be reasonable and appropriate for this District. See, e.g., *Warman v. L. Off. of Daniel M. Slane*, 2017 WL 971196, at *4 (W.D.N.Y. Mar. 13, 2017) (this Court's finding nearly nine years ago that "[h]aving received no indication of the experience of the respective paralegals who worked on this case,... an hourly rate of \$90 [wa]s appropriate for their services"); *Douyon v. NY Med.*

Health Care, P.C., 49 F. Supp. 3d 328, 348 (E.D.N.Y. 2014) (finding over a decade ago that "[i]n the Second Circuit, prevailing paralegal, law clerk and legal assistant rates have more recently been found to be anywhere from \$70 to \$100 per hour"). Based on its review of the billing records, the Court finds the 23.9 hours of attorney time and 3 hours of paralegal time to be reasonable.

Using the \$300 hourly rate for the attorneys and the \$100 hourly rate for the paralegal, this Court therefore awards attorneys' fees to Lowe in the amount of \$6,570. The Court also awards the requested \$402 in costs for the filing fee. CONCLUSION For the reasons stated above, this Court GRANTS Lowe's motion, Docket Item 29, and awards him \$6,570 in attorneys' fees and \$402 in costs.

The Clerk of Court shall enter judgment and close this case. SO ORDERED. Dated: January 21, 2026 Buffalo, New York /s/ Lawrence J. Vilardo LAWRENCE J. VILARDO UNITED STATES DISTRICT JUDGE