

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Stephen Oross, III v. Kutztown University, et al.

Oross · No. 5:21-cv-05032-JLS · Decided December 16, 2025

SUMMARY

The memorandum addresses Stephen Oross III’s motion for attorney’s fees under Section 504 of the Rehabilitation Act after he prevailed against Kutztown University in claims concerning denial of a remote-work accommodation following a heart transplant. The court finds the requested hourly rates reasonable but reduces compensable hours for fee-petition preparation, excessive deposition preparation, certain motion practice, and duplicative communications between counsel. The motion is granted as modified.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Jeffrey L. Schmehl
JURISDICTION	U.S. District Court for the Eastern District of Pennsylvania
DECIDED	December 16, 2025
DOCKET	5:21-cv-05032-JLS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a prevailing party in a Rehabilitation Act action, moved for attorney's fees under 29 U.S.C. § 794a(b). The district court granted the motion in part and awarded a modified lodestar amount.
STANDARD OF REVIEW	The court exercised discretion under the fee-shifting statute and reviewed the requested lodestar for reasonableness, including the reasonableness of counsel's hourly rates, hours worked, and the results obtained.
PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential
PARTIES	Stephen Oross, III v. Kutztown University, Kenneth Hawkinson, Jesus Pena

TOPICS

- disability discrimination
- remedies
- civil rights
- employment law
- section 1983

PRACTICE AREAS

civil rights

disability discrimination

employment law

attorney's fees and costs

remedies

QUESTIONS PRESENTED

1. Whether Oross was entitled to attorney's fees as a prevailing party under 29 U.S.C. § 794a(b).
2. Whether the requested hourly rates for counsel reflected prevailing market rates in the Eastern District of Pennsylvania.
3. Whether the number of hours billed should be reduced for fee-petition preparation, deposition preparation, a motion to strike, inter-counsel communications, or other allegedly excessive work.
4. Whether the lodestar should be reduced because Oross prevailed on only some of his claims.

HOLDINGS

1. A prevailing party in an action enforcing the Rehabilitation Act may receive a reasonable attorney's-fee award under 29 U.S.C. § 794a(b), and Oross qualified as a prevailing party.
2. The reasonable fee is calculated by multiplying the reasonable hours reasonably worked by a reasonable hourly rate, subject to appropriate adjustments.
3. McKinley's rate of \$850 per hour and Lamar's rate of \$825 per hour were reasonable current market rates for attorneys with their experience and expertise in the Eastern District of Pennsylvania.
4. The lodestar should not be reduced by 50 percent merely because Oross prevailed on seven of twelve claims.
5. The court reduced the compensable hours for fee-petition preparation, excessive deposition preparation, excessive motion-to-strike preparation, and duplicative inter-counsel communications, but declined other requested reductions.

KEY QUOTATIONS

“The Court finds that the majority of the hours expended by Attorney McKinley and Attorney Lamar on this case were reasonable as they did a thorough job in securing a judgment in their client’s favor.”

“The fact that Plaintiff was not successful on all of her claims in this particular case is certainly not a reason to make a downward adjustment to the lodestar.”

FACTUAL BACKGROUND

Stephen Oross was a tenured associate professor at Kutztown University and had recently undergone a heart transplant requiring lifelong immunosuppressive medication. He sought a remote-work accommodation for the Fall 2021 semester because those medications increased his risk from COVID-19, but the University applied a general policy treating changes from in-person to remote instruction as an undue hardship without individualized consideration. Oross obtained significant injunctive and monetary relief, including restoration of employment-related benefits and back pay, and then sought attorney's fees for work performed by Lorrie McKinley and Ralph Lamar.

PROCEDURAL HISTORY

Oross sued Kutztown University and individual officials alleging denial of a remote-work accommodation following his heart transplant, discrimination, retaliation, and related constitutional and statutory violations. The court granted a temporary restraining order, later entered partial summary judgment for both sides, and on reconsideration entered judgment for Oross on the disparate-impact claim. The court entered final judgment on January 21, 2025, awarding back pay, retirement-related relief, restored leave and seniority, and injunctive relief. Oross then sought \$896,742.00 in attorney's fees; the court awarded \$789,537.50 after reducing certain hours.

DISPOSITION

other

CASES CITED

- Ward v. Philadelphia Parking Authority, 634 F. App'x 901, 903 (3d Cir. 2015)
- Hensley v. Eckerhart, 461 U.S. 424, 433-35, 434-46 (1983)
- Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542, 551 (2010)
- S.S. Body Armor I, Inc. v. Carter Ledyard & Milburn LLP, 927 F.3d 763, 773 (3d Cir. 2019)
- Rode v. Dellarciprete, 892 F.2d 1177, 1183 (3d Cir. 1990)
- Bell v. United Princeton Properties, Inc., 884 F.2d 713, 720 (3d Cir. 1989)
- Smith v. Philadelphia Housing Authority, 107 F.3d 223, 225 (3d Cir. 1997)
- Interfaith Community Organization v. Honeywell International, Inc., 726 F.3d 403, 413 (3d Cir. 2013)
- Interfaith Community Organization v. Honeywell International, Inc., 426 F.3d 694, 708 (3d Cir. 2005)
- Maldonado v. Houstoun, 256 F.3d 181, 187 (3d Cir. 2001)
- Foley v. Drexel University, 2025 WL 2177808, at *5 (E.D. Pa. July 31, 2025)
- D'Orazio v. other grounds, 501 F. App'x 185 (3d Cir. 2012)
- Lanni v. New Jersey, 259 F.3d 146, 149-50 (3d Cir. 2001)
- Planned Parenthood of Central New Jersey v. Attorney General of the State of New Jersey, 297 F.3d 253, 266, 268 (3d Cir. 2002)
- Trucksess v. Thompson Automotive Group, Inc., 2011 WL 6415047, at *5-6 (E.D. Pa. Dec. 14, 2011)
- Gonzalez v. Bustleton Services, Inc., 2010 WL 3282623, at *3 (E.D. Pa. Aug. 18, 2010)
- Ryan P. ex rel. Christine P. v. School District of Philadelphia, 2008 WL 724604, at *5 (E.D. Pa. Mar. 18, 2008)
- Ridley v. Costco Wholesale Corp., 217 F. App'x 130, 138 (3d Cir. 2007)
- Moffitt v. Tunkhannock Area School District, 2017 WL 319154, at *6 (M.D. Pa. Jan. 20, 2017)
- McKenna v. City of Philadelphia, 582 F.3d 447, 457-58 (3d Cir. 2009)
- Public Interest Research Group of New Jersey v. Windall, 51 F.3d 1179, 1190 (3d Cir. 1995)
- Spencer v. Wal-Mart Stores, Inc., 469 F.3d 311, 318 (3d Cir. 2006)
- Washington v. Philadelphia County Court of Common Pleas, 89 F.3d 1031, 1042 (3d Cir. 1996)

- *Abrams v. Lightolier*, 50 F.3d 1204, 1222 (3d Cir. 1995)
- *Cummings v. Premier Rehab Keller, LLC*, 596 U.S. 212 (2022)
- *Millea v. Metro-North Railroad Co.*, 658 F.3d 154, 169 (2d Cir. 2011)

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