

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Herrington v. County of Sonoma

655 F. Supp. 1111 (N.D. Cal. 1987) · No. C-80-2227-CAL · Decided March 9, 1987

SUMMARY

The court awards plaintiffs attorneys' fees and expenses under 42 U.S.C. § 1988 after a jury verdict finding that Sonoma County violated plaintiffs' federal constitutional rights in connection with their 540 acres of real estate. The court finds the requested attorney hours and rates generally reasonable, awards \$363,832.70 in fees and \$42,692.12 in expenses, and permits postjudgment interest. The court denies a further fee application for time spent preparing the fee motion.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Legge, District Judge
JURISDICTION	California
DECIDED	March 9, 1987
DOCKET	C-80-2227-CAL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under 42 U.S.C. § 1988 for attorneys' fees, litigation expenses, postjudgment interest, and permission to seek additional fees for preparing the fee motion after prevailing at trial on § 1983 constitutional claims. The motion was opposed by the County.
STANDARD OF REVIEW	The district court exercised discretion under 42 U.S.C. § 1988 to determine a reasonable attorneys' fee and award of costs, applying the factors identified in Hensley, Blum, Riverside, and Ninth Circuit precedent.
PRECEDENTIAL VALUE	Published federal district court opinion
PARTIES	John S. Herrington, et al. v. County of Sonoma

TOPICS

- section 1983
- civil rights
- remedies
- damages
- constitutional law

PRACTICE AREAS

civil rights litigation

constitutional law

attorneys' fees

remedies

real estate litigation

QUESTIONS PRESENTED

1. Whether plaintiffs were prevailing parties entitled to an award of attorneys' fees under 42 U.S.C. § 1988.
2. Whether the requested hours and hourly rates were reasonable under the governing fee-award standards.
3. Whether the court should reduce the fee award because plaintiffs abandoned an inverse-condemnation theory before submission to the jury or because of alleged duplication of work.
4. Whether plaintiffs were entitled to recover litigation expenses and postjudgment interest on the fees and expenses.
5. Whether plaintiffs could file a subsequent application for fees incurred in preparing the fee motion.

HOLDINGS

1. Plaintiffs were prevailing parties and were entitled to recover reasonable attorneys' fees and costs under 42 U.S.C. § 1988.
2. The court awarded the requested fees except that one attorney's hourly rate for June 1, 1985, through October 1, 1986, was reduced from \$250 to \$200 per hour.
3. No reduction was warranted for time spent on plaintiffs' inverse-condemnation theory, which plaintiffs abandoned before the case was submitted to the jury.
4. Plaintiffs were entitled to recover their claimed expenses and postjudgment interest on the attorneys' fees and expenses from the date of entry of judgment.
5. Plaintiffs could not file a further application for fees and expenses incurred in connection with preparing the fee motion.

KEY QUOTATIONS

“fee awards are an integral part of the remedies necessary to obtain ... compliance” (655 F. Supp. at 1114)

“punishment for too much success” (655 F. Supp. at 1114)

FACTUAL BACKGROUND

Plaintiffs owned approximately 540 acres of real estate in Sonoma County and prevailed at trial on claims that their federal constitutional rights had been violated. A jury returned a verdict of approximately \$2.5 million in their favor, followed by entry of judgment after post-trial proceedings. Plaintiffs sought \$363,832.70 in attorneys' fees, expenses, postjudgment interest, and fees associated with preparing the fee motion.

PROCEDURAL HISTORY

The action began in 1980 and was initially dismissed by another judge of the district court. The Court of Appeals reversed and remanded. After a jury trial before Judge Stanley Weigel, plaintiffs obtained a verdict of

approximately \$2.5 million based on violations of their federal constitutional rights, judgment was entered, and the case was on appeal when the district court decided the fee motion.

DISPOSITION

other

CASES CITED

- Hensley v. Eckerhart, 461 U.S. 424, 103 S. Ct. 1933, 76 L. Ed. 2d 40 (1983)
- Blum v. Stenson, 465 U.S. 886, 104 S. Ct. 1541, 79 L. Ed. 2d 891 (1984)
- Smith v. Robinson, 468 U.S. 992, 104 S. Ct. 3457, 82 L. Ed. 2d 746 (1984)
- Riverside v. Rivera, 477 U.S. 561, 106 S. Ct. 2686, 91 L. Ed. 2d 466 (1986)
- Kerr v. Screen Extras Guild, Inc., 526 F.2d 67 (9th Cir. 1975)
- Manhart v. City of Los Angeles, Department of Water and Power, 652 F.2d 904 (9th Cir. 1981)
- Hamner v. Rios, 769 F.2d 1404 (9th Cir. 1985)
- Chalmers v. City of Los Angeles, 796 F.2d 1205 (9th Cir. 1986)
- Duncan v. Poythress, 777 F.2d 1508 (11th Cir. 1985)
- Milwe v. Cavuoto, 653 F.2d 80 (2d Cir. 1981)
- Rutherford v. Pitchess, 713 F.2d 1416 (9th Cir. 1983)
- Teitelbaum v. Sorenson, 648 F.2d 1248 (9th Cir. 1981)
- Hall v. Bolger, 768 F.2d 1148 (9th Cir. 1985)
- Mantole v. Bolger, 791 F.2d 784 (9th Cir. 1986)

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