

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
VISION ENTERTAINMENT WORLDWIDE, LLC,

Plaintiff,

-against-

MARY JANE PRODUCTIONS, INC. and MARY JANE
BLIGE,

Defendants.

ANALISA TORRES, District Judge:

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13 Civ. 4215 (AT)(JCF)

ORDER

By order dated October 17, 2014, the Court granted summary judgment in favor of Defendants, Mary Jane Productions, Inc. (“MJP”) and Mary Jane Blige, and directed MJP to submit an application for attorney’s fees and costs. Oct. 17, 2014 Order, ECF No. 42. MJP complied on November 20, 2014. Davis Decl., ECF No. 43. On December 9, 2014, the Court ordered Plaintiff, Vision Entertainment Worldwide, LLC, to respond. Dec. 9, 2014 Order, ECF No. 44. Instead of opposing the application, Plaintiff requested discovery. Pl. Produc. Req., ECF No. 45; Pl. Letter, ECF No. 46.

To resolve applications for attorney’s fees, district courts must “calculate a lodestar figure based upon the number of hours reasonably expended by counsel on the litigation multiplied by a reasonable hourly rate.” *DLJ Mortgage Capital, Inc. v. Sunset Direct Lending, LLC, et al.*, No. 07 Civ. 1418, 2008 WL 4489786, at *9 (S.D.N.Y. Oct. 6, 2008) (quoting *Reiter v. MTA New York City Transit Auth.*, 457 F.3d 224, 232 (2d Cir. 2006)). The reasonable hourly rate is the rate a reasonable, paying client would be willing to pay to attract competent counsel to effectively litigate her case. *See Arbor Hill Concerned Citizens Neighborhood Ass’n v. County of Albany*, 522 F.3d 182, 193 (2d Cir. 2008). Once the initial lodestar is computed, district courts may consider other factors, including: “(1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of employment by the attorney due to the acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the ‘undesirability’ of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.” *Hensley v. Eckerhart*, 461 U.S. 424, 430 n.3 (1983). Although the lodestar may be adjusted upward or downward, “there is [a] strong presumption that the lodestar figure . . . represents a reasonable fee.” *United States Football League v. Nat’l Football League*, 887 F.2d 408, 413 (2d Cir. 1989) (internal quotation marks and citation omitted).

MJP has submitted evidence documenting that it incurred legal fees and costs totaling \$218,079.05. *See* Def. Letter 4, ECF No. 49; Davis Decl. Specifically, MJP has propounded detailed invoices containing contemporaneous time records, which “indicat[e], for each attorney, the date, the hours expended, and the nature of the work done.” *New York State Ass’n for*

Retarded Children, Inc. v. Carey, 711 F.2d 1136, 1148 (2d Cir. 1983). In addition, MJP has provided declarations describing the experience and qualifications of the lawyers who worked on the case. See Davis Decl.; Davis Decl. Exs. A-E, ECF Nos. 43-1-43-7. Having thoroughly reviewed the submissions, the Court finds that the attorneys' hourly rates, time expended, and costs incurred are reasonable. Moreover, the Court concludes that Plaintiff is not entitled to the discovery it seeks. Indeed, the "relevant, non-privileged documents" MJP has already produced suffice to support the fee application. Def. Letter 3; see *New York State Ass'n for Retarded Children, Inc.*, 711 F.2d at 1148.

Accordingly, MJP's application is GRANTED, and Plaintiff's discovery requests are DENIED. Plaintiff shall pay MJP \$218,079.05 by **May 7, 2015**.

SO ORDERED.

Dated: April 7, 2015
New York, New York



ANALISA TORRES
United States District Judge