

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, ET AL.

vs.

RICK PERRY, GOVERNOR OF TEXAS
ET.AL.

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CIVIL ACTION NO. 2:03-CV-354

Consolidated

ORDER GRANTING REASONABLE ATTORNEY FEES AND COSTS

Plaintiffs League of United Latin American Citizens (LULAC), et. al. has moved this Court for an award of attorneys' fees and costs of litigation pursuant to 42 U.S.C. §§ 19731(e) and 1988. In support of their motion, Plaintiffs have shown the following:

1. The Plaintiffs brought this action on November 3, 2003, pursuant to the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, seeking declaratory relief under 28 U.S.C. §§ 2201 and 2202 and injunctive relief. Plaintiffs challenged the Texas Congressional Redistricting Plan, 1374C, used by the State of Texas for the 2003 elections as dilutive of the voting strength of the Latino community in south and west Texas.
2. In June 2006, the United State Supreme Court found that Plan 1374C violated Section 2 of the Voting Rights Act, 42 U.S.C. 1973c because it diluted the voting strength of the Latino Community in south and west Texas by taking away their ability to elect candidates of their choice, *LULAC v. Perry*, 126 S. Ct. 2594.
3. Plaintiffs are the prevailing party in this litigation. This case involved two trips to the Supreme Court and resulted in a Supreme Court holding in favor of the LULAC. Plaintiffs achieved their objectives in the litigation by securing a Congressional Plan ordered by this court, in which the violation declared by the Supreme Court was remedied and the congressional district in south and west Texas had to be redistricted.

4. LULAC retained counsel to prosecute this case. In order to obtain the results in the litigation, Plaintiffs' counsel had to commit reasonable time and expenses, which are reflected in the filed affidavits.

5. As reflected in the affidavits of attorneys Rios, Garza, Korbel, Vera, M. Castro and J. Castro the following is a summary of fees and costs sought for compensation in this action at the prevailing market rates indicated:

Attorney	Hours	Rate	Amount
Rolando L. Rios	953.6	\$375.00 \$	357,600.00
Melissa Castro	228	\$195.00 \$	44,460.00
Jose Garza	610.8	\$375.00 \$	229,050.00
George Korbel	600.9	\$375.00 \$	225,337.50
Luis Vera	345	\$215.00 \$	74,175.00
Judith Castro	26	\$300.00 \$	7,800.00
Paralegal	89.9	\$85.00 \$	7,641.50
total hours & fees	2854.2		\$946,064.00

6. Plaintiffs also produced the affidavit of their expert on attorney fees Mr. Rick Gray documenting the prevailing rate for this type of litigation. In addition, a stipulation entered by the State of Texas, through their counsel of record during the state redistricting case heard by this court, *Balderas v. State of Texas*, No. 6:01-cv-158, stipulated that a fee of \$325.00 was a reasonable fee for attorneys Rios and Garza in 2001. Since this stipulation was entered five (5) years ago and as supported by Mr. Gray's testimony, this Court finds the request of \$375.00 in today's market is reasonable.

7. Plaintiffs seek compensation for the following costs and expenses as detailed in the filed affidavits:

Expenses

Rios Firm	\$10,263.09
Garza Firm	\$2,470.52
LULAC National	\$19,095.28
Korbel Firm	\$2,911.00
Total Expenses	\$34,739.89

The Court finds that these costs, as supported by the affidavits, to be reasonable.

8. Accordingly, Plaintiffs are awarded attorneys' fees, expenses and costs for the services provided in the amount of **\$980,803.89**

9. **MULTIPLIER ON FEES:** LULAC also seeks a multiplier of the fee request. In extraordinary circumstances, such as the ones presented in this case, the courts have allowed for a multiplier of the final fees awarded. The Supreme Court has at least twice stated that "in some cases of exceptional success an enhanced award may be justified." *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983); and *Blum v. Stenson*, 465 U.S. 886, 897 (1984). The Court finds that this case warrants an upward adjustment to the loadestar because of the exceptional results obtained in this case. Therefore the Court finds that an upward adjustment of 1.5 to the loadestar is appropriate. Therefore, with the multiplier of 1.5 the Court awards a total fee of **\$1,419,096** plus expenses of **\$34,739.89** which totals **\$1,453,835.89**.

10. Interest on fees: The law allows interest to occur from the time of entitlement to fees, *Jenkins v. Missouri*, 931 F. 2d 1273, (8th Cir.) *cert denied*, 502 U.S. 925 (1991). Plaintiff LULAC became prevailing party in this case when it was decided by the Supreme Court on June

28, 2006. Therefore, this Court awards LULAC's request for interest to be assessed as of the Supreme Court decision. The interest rate should be based on the rate established for Treasury Bills set by the United States Treasury Department.

It is so ORDERED on this the ____ day of _____, 2006.

United States District Judge