

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VAN DE YACHT & ASSOCIATES, INC.,

Plaintiff,

v.

JUNEAU COUNTY ECONOMIC
DEVELOPMENT CORPORATION,

Defendant.

MEMORANDUM AND ORDER
06-C-194-S

Plaintiff Van De Yacht & Associates commenced this action for copyright infringement and unjust enrichment alleging that defendant Juneau County Economic Development Corporation improperly used a logo plaintiff designed. Notwithstanding that plaintiff knew its federal copyright claim was not viable and intended to abandon it by April 30, 2006, based on a letter it received from the Copyright Office, plaintiff delayed until August 21 to move for a voluntary dismissal under Rule 41. In the intervening period defendants prepared a motion for summary judgment on the copyright claim. On September 18, 2006, the Court granted plaintiff's motion for voluntary dismissal subject to the condition that plaintiff pay costs and defendant's attorney's fees for the preparation of its motion for summary judgment. The matter is presently before the Court on the determination of the fee amount.

Defendant has provided an itemization of fees in the total amount of \$5723.50. The fees include 20.65 hours billed at the lead attorney's rate of \$190 per hour and 24 hours billed at a law clerk or paralegal rate of \$75.00 per hour. Plaintiff does not contest the reasonableness of the hourly rates. Plaintiff generally contests the total number of hours spent in preparing the motion, challenges any claim for recovery of the law clerk fees, and objects specially to several entries.

Concerning the general objection to the amount of time spent preparing the motion brief and supporting affidavits, the Court finds that the overall time is not unreasonable in light of the scope of the motion and nature and extent of the materials submitted. The Court also rejects plaintiff's suggestion that fees cannot be recovered unless performed by an attorney. Fees for work by a paralegal are recoverable as part of attorney's fees provided that they are for tasks which are legal in nature and not merely administrative tasks which could have been performed by someone without legal training. Spegon v. Catholic Bishop of Chicago, 175 F.3d 544, 553 (7th Cir. 1999).

Turning to plaintiff's specific objections, the July 26, 2006, \$28.50 entry for drafting a letter relating to discovery is unrelated to the summary judgment motion and unrecoverable. The Court further concludes that the August 1, 2006 \$375 entry for transporting documents for filing is merely administrative and not

recoverable as attorney's fees. The Court rejects the balance of plaintiff's objections, awarding fees in the total amount of \$5320.

ORDER

IT IS ORDERED defendant is awarded fees in the total amount of \$5320.00 and that judgment be amended accordingly.

Entered this 18th day of October, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge