

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

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CHRISTOPHER J. MCMAHON,  
Plaintiff,

v.

MEMORANDUM and ORDER  
06-C-285-S

JOHN KINDLARKSI, JOHN NIEBUHR,  
RONALD DeBRUYNE, SR., JUDITH DeBRUYNE  
KRISTEN DeBRUYNE and WISCONSIN COUNTY  
MUTUAL INSURANCE COMPANY,

Defendants.

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On November 20, 2006 judgment was entered in the above entitled action in favor of defendants against plaintiff dismissing all federal law claims with prejudice and all state law claims without prejudice. Pursuant to 42 U.S.C. §1988 defendant Ronald DeBruyne and intervenor Wisconsin County Mutual Insurance Corporation (WCMIC) requested an award of attorney fees and costs that they incurred after November 5, 2006.

WCMIC submitted an itemized list of fees incurred after November 5, 2006 of \$7,730.00 supported by an affidavit of Gesina M. Seiler. Defendant Ronald DeBruyne submitted an itemized list of fees incurred after November 5, 2006 supported by an affidavit of Andrew P. Smith.

Plaintiff filed an untimely motion to strike WCMIC's itemized list of fees because Attorney Seiler provided no foundation and none of the attorneys listing time in the bills submitted affidavits establishing that they actually expended the time

billed. WCMIC responded to this motion claiming that it was untimely and supplemented the request with the affidavit of Lori M. Lubinsky.

Plaintiff objected to the lack of affidavits in support of the list of itemized fees. The affidavits have now been submitted.

The Court has reviewed the itemized lists of fees submitted by defendant Ronald De Bruyne and intervenor WCMIC. Plaintiff has not objected to any specific items. The Court finds the fees requested to be reasonable and will award the reasonable and necessary fees.

ORDER

IT IS ORDERED that attorney fees in the amount of \$11,820.00 are awarded defendant Ronald De Bruyne and fees to intervenor WCMIC in the amount of \$7,730.00.

IT IS FURTHER ORDERED that judgment be AMENDED accordingly.

Entered this 15<sup>th</sup> day of March, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ  
District Judge