

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

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KOLBE & KOLBE HEALTH AND  
WELFARE BENEFIT PLAN and  
KOLBE & KOLBE MILLWORK CO., INC.,

Plaintiffs,

v.

THE MEDICAL COLLEGE OF  
WISCONSIN, INC. and CHILDREN'S  
HOSPITAL OF WISCONSIN, INC.,

Defendants.  
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ORDER

09-cv-205-bbc

This case is before the court for determination of attorney fees owed to defendants The Medical College of Wisconsin, Inc. and Children's Hospital of Wisconsin, Inc. by plaintiffs Kolbe & Kolbe Health and Welfare Benefit Plan and Kolbe & Kolbe Millwork Co., Inc. In an order entered on June 17, 2010, I found that defendants were entitled to reasonable attorney fees for their defense of the first and third claims that plaintiffs advanced in this litigation. I directed defendants to submit an itemization of the fees they had incurred and gave plaintiffs an opportunity to file objections to the request, which they have done.

Defendants have asked for fees of \$86,424.67, plus \$1500. Plaintiffs contend that the request should be reduced to \$62,149.93. They argue that defendants' original fee request included work on the state court case and other matters that are not subject to reimbursement and that the amounts sought for work on various aspects of the litigation are excessive. From my own review of the amounts sought, I agree with plaintiffs that their proposed reductions are appropriate. Defendants have explained that they deducted all of the charges relating to the state court action and not just those charged by KJE. If so, this would mean that the amount calculated by plaintiffs should be \$945 greater. However, plaintiffs have identified an additional difference (in defendants' favor) of \$1500, which is unexplained. I, too, found a difference in defendants' favor in the calculations that I could not explain. Rather than continue to fuss with the numbers, I will simply leave the fee award at the \$62,149.93 calculated by plaintiffs. It is a fair and reasonable amount for the time that defendants' counsel devoted to the defense of the first and third claims.

## ORDER

IT IS ORDERED that defendants Children's Hospital of Wisconsin, Inc The Medical College of Wisconsin, Inc. are entitled to attorney fees in the amount of \$62,149.93 for work done in defense of the first and third claims of the amended complaint. Plaintiffs Kolbe & Kolbe Health and Welfare Benefit Plan and Kolbe & Kolbe Millwork Co. may have

until October 1, 2010 in which to pay \$62,149.93 to defendants.

Entered this 26th day of August, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge