

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JENNY WILSON, on behalf of herself and others)
similarly situated,)

Plaintiffs,)

v.)

GUARDIAN ANGEL NURSING, INC., a)
Tennessee corporation; GUARDIAN ANGEL)
NURSING, INC., a Mississippi corporation;)
ON-CALL STAFFING OF TENNESSEE, INC.;)
ON-CALL STAFFING, INC.; and)
E.L. "Lee" GARNER, JR.,)
Defendants.)

Civil Action No. 3:07-cv-00069

Judge Thomas A. Wiseman, Jr.

ORDER

Before the Court is Plaintiffs' motion for an award of attorney's fees in the total amount of \$272,125.00. (Doc. No. 547.)¹ The motion is accompanied by a memorandum of law, the declaration of Plaintiffs' counsel R. Scott Jackson, and copies of Mr. Jackson's itemized billing statements. In his affidavit, Mr. Jackson avers that his hourly rate for the services billed is \$350 and that he devoted 777.50 hours to this matter. He also indicates that he has been licensed to practice law and has practiced law exclusively in Tennessee since 1989, and that he has handled over 100 FLSA cases over the years, including other large collective actions. In addition, Plaintiffs submit the affidavit of attorney Trevor W. Howell, who did not participate in this action in any capacity but avers that he is of counsel with the law firm of Gullett, Sanford, Robinson and Martin PLLC in Nashville, that he is familiar with hourly rates for legal services in this community, and that the rate of \$350 per hour is reasonable and within the range of the average prevailing rate in the community for legal services relating to employment law.

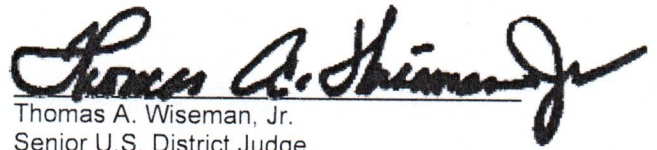
Plaintiffs, having prevailed in their claims under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), are entitled to an award of a reasonable attorney's fee. Although an award of fees is mandatory under the statute, the amount to be awarded is within the Court's discretion. *United State, Local 307 v. G & M Roofing and Sheet Metal Co.*, 732 F.2d 495, 501 (6th Cir. 1984) (citing *Montgomery Ward & Co. v.*

¹ The motion indicates it also seeks costs and expenses, but Plaintiffs filed a separate Bill of Costs, which Defendants did not oppose, and costs have already been taxed in the amount requested.

Antis, 158 F.2d 948, 952 (6th Cir.), *cert. denied*, 331 U.S. 811 (1947)). Defendants do not contest Plaintiffs' entitlement to an attorney's fee award, nor do they dispute the reasonableness of the total fee award sought.²

The Court finds that the hourly rate charged by Plaintiffs' counsel is reasonable and falls within the range of rates customary in this community for comparable services by lawyers of comparable skill, and that the amount of time Mr. Jackson devoted to this matter is likewise very reasonable given the complexity of the issues presented, the number of plaintiffs involved, and the length of the litigation. In addition, the Court observes that the Plaintiffs were nearly completely successful in this litigation and were awarded judgment in their favor in the sum of \$3,196,812.74. Accordingly, the Plaintiffs' motion for an award of attorney's fees in the amount of \$272,125.00 is hereby **GRANTED**.

It is so **ORDERED**.


Thomas A. Wiseman, Jr.
Senior U.S. District Judge

² Defendants have appealed judgment in favor of the Plaintiffs, however.