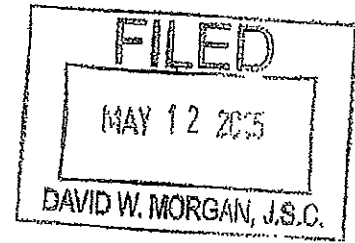


LAW OFFICES OF
GINA MENDOLA LONGARZO, LLC

400 MAIN STREET
CHATHAM NEW JERSEY 07928.
973.635.2901

Kara A. MacKenzie, Esq.
Attorney ID No. 005241999

Attorneys for Plaintiffs
LYNN WHELING
Our File No. 30.04.359



<p>LYNN WHELING, Plaintiff, vs. CUMBERLAND COUNTY, CUMBERLAND COUNTY BOARD OF CHOSEN FREEHOLDERS, CUMBERLAND COUNTY PROSECUTOR'S OFFICE, and JOHN AND JANE DOES 1-10 Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MERCER COUNTY DOCKET NO. CUM-L-534-13 Civil Action ORDER FOR FEES AND COSTS</p>
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THIS MATTER having been brought before the Court upon the application of the Plaintiff Lynn Wehling through her attorney, Kara A. MacKenzie, Esq., of the Law Offices of Gina Mendola Longarzo, LLC, for an Order awarding costs and fees, and good cause appearing,

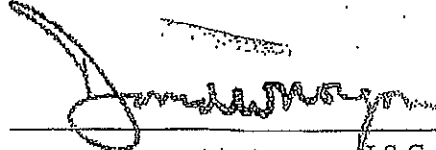
It is on this 12 day of May, 2015,

ORDERED, that pursuant to this Court's March 6, 2015 Order, and the Certification of Services submitted by Plaintiff, all costs and fees associated with Plaintiff's motion to extend the discovery end date and to compel discovery from Defendants in the amount of \$ 1,185.07 are to be paid to Plaintiff by Defendants within ~~twenty (20)~~ 50 days of the entry of this Order; and it is further,

ORDERED that a copy of this Order be served on all interested parties within

7 days of its entry.

Determination Attached



David W. Morgan, J.S.C. J.S.C.

Papers filed with the Court:

- Answering papers (Affidavit, Brief)
- Notice of Motion
- Movant's Brief
- Reply papers
- Movant's Affidavit
- Cross Motion
- Other

Wehling v Cumberland
CUM L 534 13
Determination on award of fees

By order of March 6, 2015, this court awarded plaintiff counsel fees for motion to enforce prior order to compel production of discovery. A fee certification was subsequently provided which the court has now reviewed and makes the following findings:

1. The fees is awarded per R. 1:10-3 and R. 4: 23-1, 2 based on defendant's failure to comply with order to provide discovery. As a result, only time associated with subsequent application to enforce the order is includable.
2. Time reviewing prior order and e-mailing defense counsel would not be included in time to enforce order to compel.
3. On defendant's failure to comply with order, plaintiff was placed in position of filing to enforce. Total time associated with that motion is 5.4 hours for counsel and .6 hours for paralegal to copy documents and distribute motion. While the court does not doubt the time indicated was spent, the amount of time expended would appear in excess of what would normally be expected for a motion to enforce discovery requests.
4. The form of order and motion are each two page documents, noting the particulars of what is being requested. However, the documents themselves are not overly complicated.
5. The certification is 12 pages and contains a detailed procedural history of discovery sent, demands made, the consent order entered and the default in compliance. The process would involve a recitation of what took course shown by a review of the file. It is not clear why that would take 3.2 hours plus another .4 hours to finalize.
6. There is no brief, but there was no need for one.
7. The court finds more reasonable time of 1.5 hours to prepare a motion to enforce prior order to compel.
8. The time reviewing e mail from client and telephone call re: same regarding discovery is not includable as relates the motion to enforce. The time for contact with clerk also is not included since the reasons for the communication by an attorney as opposed to administrative staff are not indicated.
9. The court has included the .4 hours time spent in conference with the court.
10. Time spent preparing the current application of 1.9 hours which includes the procedural history, CV information and recitation of time spent is reduced to 1.5 hours.
11. Costs for service and copying are included.

12. As to hourly rate, the \$340 would appear in order for an attorney with Ms. MacKenzie's credentials. At the same time, the type of work performed is fairly routine, and involved tasks which could have been performed by a less accomplished practitioner at a lower hourly rate. The \$340 is generally a higher rate in this community. Based on the routine nature of the services performed, the court has reduced the rate to \$275 per hour.

13. Total legal time for Ms. MacKenzie is 3.4 hours at \$275 = \$935 and .6 for paralegal at \$100 = \$60 plus costs of \$190.07, with a total of \$1185.07.

DAVID W. MORGAN, JSC