



In the Matter of:

WIEB VAN DER MEER,

ARB CASE NO.: 98-132

COMPLAINANT,

(formerly ARB NO.: 97-078)

v.

ALJ CASE NO.: 95-ERA-38

WESTERN KENTUCKY UNIVERSITY,

DATE: July 6, 1998

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER AWARDING ATTORNEY'S FEES

This case arises under the employee protection provision of the Energy Reorganization Act of 1974, (ERA) as amended, 42 U.S.C. §5851 (1994).^{1/} On April 20, 1998, we issued a Final Decision and Order (F. D. & O.) in this case awarding Complainant Wieb van der Meer compensatory damages and all costs and expenses, including attorney's fees reasonably incurred by him in connection with this proceeding. F. D. & O. at 10. The Order required Complainant to submit a petition for attorney's fees and expenses employing the lodestar method, which requires multiplying the number of hours reasonably expended in pursuing the litigation by a reasonable hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424 (1983). *Id.* at 9-10.

Complainant's attorney, Zachary M. Kafoglis, has requested that his hourly rate be set at \$110, and submitted an affidavit from another local attorney in support of his request. Claimant's Application for Attorney's Fees at 1. Respondent Western Kentucky University does not dispute the requested hourly rate. Response to Claimant's Application at 1. We find the requested rate to be reasonable.

Respondent objects to the billing by Complainant's attorney for a meeting with a reporter on January 5, 1996. *Id.* We agree that without further explanation such a meeting appears to be ancillary to the legal proceedings necessary to pursue the litigation in this case, and we therefore reject the charge of \$88.00 for that activity. There being no other objection by

^{1/} The ERA was amended by the Comprehensive Energy Policy Act of 1992, Pub.L. No. 102-486, 106 Stat 2776, effective October 24, 1992.

Respondent to Complainant's petition for attorney's fees, our review of the application and attachment finds them to be reasonable.

ORDER

Accordingly, Western Kentucky University is ordered to reimburse the Complainant as follows:

- 1) Attorney's fees for Zachary M. Kafoglis of \$16,214.00 (147.4 hours at \$110/hour).
- 2) Costs and expenses in the amount \$2,508.03.

SO ORDERED.

KARL J. SANDSTROM
Chair

PAUL GREENBERG
Member

CYNTHIA L. ATTWOOD
Acting Member