

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-00265-H

MICHAEL BATEMAN, VIRGIL GREEN,)
FORREST MINGES, JR., GRNC/FFE, INC.,)
and SECOND AMENDMENT FOUNDATION,)
INC.,)

Plaintiffs,)

v.)

BEVERLY PERDUE, REUBEN F. YOUNG,)
STOKES COUNTY, and CITY OF KING,)

Defendants.)

**ORDER AND JUDGMENT FOR FEES
AND COSTS**

THIS MATTER came to be heard and was heard on plaintiffs' Motion for Attorneys' Fees and Costs, filed pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, Federal Rule of Civil Procedure 54(d) and Local Rule 54.1. In support of the motion, plaintiffs filed the declarations of Alan Gura, counsel for plaintiffs, and Kearns Davis, local counsel for plaintiffs, together with supporting documents concerning fees and costs.

For good cause shown, and with the consent of the parties, the undersigned finds and concludes as matters of fact and law that an award of costs and attorneys' fees is reasonable given the totality of the facts and circumstances of this case and that the costs and fees sought by plaintiffs in their motion, and in supplemental documentation provided to defendants showing \$4,818.00 in fees related to the Motion for Attorneys' Fees and Costs, are likewise reasonable and should be awarded in their entirety, with the exception of \$787.87 in costs attributable to travel and related expenses and to overhead.

It is, therefore, **ORDERED** as follows:

1. Plaintiffs' Motion for Attorneys' Fees and Costs is **ALLOWED**; and
2. Attorneys' fees in the amount of Fifty-Three Thousand Six Hundred and Ninety-Seven and 50/100 Dollars (\$53,697.50) and costs in the amount of Three Hundred and Fifty Dollars (\$350.00) are taxed against defendants .

This the _____ day of _____, 2012.

Malcolm J Howard
Senior United States District Judge

WE DO NOT OPPOSE:

Dated: August 3, 2012

GURA & POSSESSKY, PLLC

/s/ Alan Gura

Alan Gura
101 N. Columbus Street, Suite 405
Alexandria, VA 22314
Telephone: 703.835.9085
Facsimile: 703.997.7665

Counsel for Plaintiffs

Dated: August 3, 2012

BROOKS, PIERCE, MCLENDON, HUMPHREY
& LEONARD, L.L.P.

/s/ Kearns Davis

Kearns Davis
State Bar No. 22014
P.O. Box 1800
Raleigh, NC 27602
Telephone: 919.839.0300
Facsimile: 919.839.0304
kdavis@brookspierce.com

Local Rule 83.1 Counsel for Plaintiffs

Dated: August 3, 2012

North Carolina Department of Justice

/s/ Alexander McC. Peters

Alexander McC. Peters

Special Deputy Attorney General

State Bar No. 13654

Post Office Box 629

Raleigh, NC 27602

Telephone: 919.716.6900

Facsimile: 919.716.6763

apeters@ncdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Wes J. Camden
Kearns Davis
BROOKS, PIERCE, McLENDON
HUMPHREY & LEONARD, L.L.P.
P.O. Box 1800
Raleigh, NC 27602

Henry W. Jones, Jr.
Lori P. Jones
JORDAN PRICE WALL GRAY JONES &
CARLTON, PLLC
1951 Clark Avenue
P.O. Box 10669
Raleigh, NC 27605

Walter W. Pitt, Jr.
Kevin G. Williams
BELL, DAVIS & PITT
P.O. Box 21029
Winston-Salem, NC 27120

and via U.S. mail, first-class postage paid thereon, addressed to:

Alan Gura
GURA & POSSESSKY, PLLC
101 N. Columbus Street, Suite 405
Alexandria, VA 22314

This the 3rd day of August, 2012.

/s/ Alexander McC. Peters
Alexander McC. Peters
Special Deputy Attorney General