

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MICHAEL JAMISON

v.

GORDON T. ALLEN JR. &
GORDON SEVIG TRUCKING CO.

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CIV. NO. 3:11CV1024 (WWE)

RULING ON MOTION TO DETERMINE REASONABLE FEE FOR PLAINTIFF'S
VOCATIONAL EXPERT [DOC. #28]

Defendants move this court for determination of a reasonable fee for plaintiff's vocational expert witness, Dr. Kenneth Reagles, for his time to prepare and attend a deposition. Plaintiff seeks \$5,000 for the deposition and \$500 for expenses. Defendants agree to pay costs in the amount of \$500. At issue is the fee charged for Dr. Reagles to attend the deposition. Defendants paid \$1,500 to Dr. Reagles on November 7, 2012 to assure his attendance at the deposition, but this payment did not resolve the issue of a reasonable fee for the doctor's services.

On November 27, 2012, the Court ordered plaintiff to provide supplemental documentation in support of the fee

request. [Doc. #32]. Plaintiff states that Dr. Reagles spent two hours preparing for the deposition and approximately 3 hours attending the deposition. Rather than charge by the hour, Dr. Reagles charges \$5,000 to attend a deposition of less than four hours in the same day. [Doc. #37 at 4]. Although the Court sought information regarding fees awarded to Dr. Reagles in other cases, this information was not provided. Rather, plaintiff appended Dr. Reagle's fee schedule and a "To Whom It May Concern" letter dated December 5, 2012, in which Dr. Reagles' office manager restates the rates set forth in the fee schedule. Id. at 5. Defendants assert they "have no problem compensating Dr. Reagles for his preparation time (he was prepared and little time was wasted searching for answers or documents), or his time at the deposition." Defendants contend, however, that \$1,000 per hour is an unreasonable rate and ask the Court to set a reasonable hourly fee. [Doc. #39 at 1-2].

After careful consideration, the Court finds that plaintiff has not demonstrated that Dr. Reagles' fee request in the amount of \$5,000 for five hours of work preparing and attending a deposition is reasonable or supported on this record.

Accordingly, defendants' Motion to Determine Fee for plaintiff's vocational expert [Doc. #28] is **GRANTED**. Defendants will pay Dr. Kenneth Reagles for his time preparing and

attending a deposition in the amount of \$2,500 and copy charges
in the amount of \$500.

SO ORDERED at Bridgeport this 7th day of January 2013.

_____/s/_____
HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE