

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

People for the Ethical Treatment of)
Animals, Inc)
)
Plaintiff)
)
v.)
)
Oregon Health & Science University)
Defendant.)
)

Case No. 20CV15874

ORDER

The court has reviewed plaintiff's statement of costs and attorney fees, the supporting documentation, and defendant's objections. Defendant's objections are sustained in part and overruled in part. In sum, the court awards the following to plaintiff: (1) costs (including the prevailing-party fee), payable by defendant, in the amount of \$1,143; and (2) attorney fees, payable by defendant, in the amount of \$432,990.

The court respectfully denies defendant's request to direct payment from former defense counsel rather than from defendant. Payment shall be defendant's responsibility rather than that of counsel. Moreover, the court finds that plaintiff's concession at oral argument is well-founded regarding the initially requested \$9,550.57 for expert fees. Therefore, the court declines to award those fees. The court also declines to award the plaintiff's requested \$6000 for projected post-judgment attorney fees.

The court concludes that the hourly rates charged by plaintiff's attorneys and staff are reasonable given their experience and skill. The court also concludes that the number of hours billed are generally reasonable pursuant to the factors that ORS 20.075 provides. The court declines to reduce the amount awarded based on the relatively low monetary amount that plaintiff recovered—two statutory penalties. Despite the low amount in controversy, both sides

devoted extensive efforts and expense to litigate this case, demonstrating the importance to the parties of the underlying factual and legal issues. Moreover, the public also has a substantial interest in how those same issues are resolved by the court.

The sole basis on which the court reduces the fees awarded to plaintiff is the degree to which plaintiff has failed in its burden to demonstrate that certain billed hours pertained either solely to successful claims or were necessary to those same claims despite also relating to unsuccessful claims. It is on that basis alone that the court sustains several of defendant's objections to plaintiff's statement of costs and fees.

Specifically, the court sustains defendant's objections to the following billed hours:

- 11.2 hours related to the plaintiff's motion to compel, filed on 12/11/20.
- 14.5 hours related to the Third Amended Complaint.
- 8.5 hours related to plaintiff's opposition to defendant's motion for judgment of the pleadings.
- 36.6 of the hours related to RFPs.

Defendant's remaining objections are respectfully overruled.

After deducting those hours, the court reduces the amount of fees requested in plaintiff's statement by \$19,470. Accordingly, the court awards \$432,990 of the \$452,460 that plaintiff requests.

Counsel for plaintiff may prepare a final judgment for the court's signature that reflects these amounts.

Andrew M. Lavin, Circuit Court Judge