

CITY OF CHICAGO
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, Third Floor, Chicago, Illinois 60610
(312) 744-4111 (Voice) (312) 744-1088 (TDD)

IN THE MATTER OF:

Tiffany Manning)	
)	
Complainant,)	
v.)	CCHR No. 06-E-17
)	
AQ Pizza LLC, d/b/a Pizza Time &)	Date of Ruling: March 19, 2008
Ayman Alhakim)	Date Mailed: April 18, 2008
)	
Respondents.)	

FINAL ORDER ON ATTORNEY FEES

To: Robert Hodge	David Richardson	Ayman Alhakim
Law Office of Robert Hodge	Nery & Richardson	c/o AQ Pizza Time LLC
36 S. Wabash, Room 1310	4124 W. 63 rd Street	1903 W. 87 th Street
Chicago, IL 60603	Chicago, IL 60629	Chicago, IL 60620

YOU ARE HEREBY NOTIFIED that, on March 19, 2008, the Chicago Commission on Human Relations issued a final ruling in favor of Complainant in the above-captioned matter. The Commission ordered Respondents to pay attorney fees, jointly and severally, to Complainant in the total amount of \$4,303.75. The findings and specific terms of the ruling are enclosed.

Pursuant to Commission Regulations 100(15) and 250.150, a party may obtain review of this order by filing a petition for a common law *writ of certiorari* with the Chancery Division of the Circuit Court of Cook County according to applicable law at this time. Compliance with this Final Order shall occur no later than 31 days from the date of mailing of this order.¹ Reg. 250.210

CHICAGO COMMISSION ON HUMAN RELATIONS
Dana V. Starks, Chair and Commissioner

¹ Payments of attorney fees are to be made to Complainant through her attorney of record. See Reg. 250.220 for information on seeking enforcement of an award of relief.

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FINAL RULING ON ATTORNEY FEES

A. Introduction

On September 19, 2007, the Commission issued a Final Ruling in favor of Complainant Tiffany Manning on her claims of sex and race discrimination as well as retaliation. The Commission ordered Respondents to pay damages, jointly and severally, to Manning in the amount of \$15,500 plus interest; Respondent Alhakim to pay punitive damages in the amount of \$30,000 plus interest; and each Respondent to pay the City of Chicago \$1,000 in fines. The Commission also awarded Manning attorney fees and associated costs. *Manning v. AQ Pizza LLC, et al.*, CCHR No. 06-E-17 (Sept. 19, 2007).

Complainant filed a Statement of Attorneys Fees And Costs seeking the sum of \$4,303.75 in attorney fees. Complainant did not request any costs. Respondents failed to file any response to the Statement. No objections were filed to the Hearing Officer's First Recommended Decision on Attorney's Fees and Costs, which was issued on December 3, 2008.

B. Sufficiency of Fee Statement

A prevailing complainant is entitled to an award of reasonable attorney fees. See *Goddard v. McConnell*, CCHR No. 97-H-64 (Jan. 17,2001); *Sullivan-Lackey v. Godinez*, CCHR No. 99-H-89 (Oct. 17, 2001). It is, therefore, the burden of the prevailing complainant to present evidence from which the Commission can determine whether the fee requested is reasonable. *Griffiths v. DePaul Univ.*, CCHR No. 95-E-224 (Oct. 18, 2000); *Hall v. Becovic*, CCHR No. 94-H-39 (Jan. 10, 1996); *Ordon v. Al-Rahman Animal Hosp.*, CCHR No. 92-E-139 (Nov. 17,1993). In making that determination, the time expended, as shown by detailed records maintained as the activities took place, is of great importance. See *Janicke v. Badrov*, CCHR No. 93-H-46 (June 21, 1995).

Complainant's statement is verified and provides sufficient detail as to the work done. The Commission finds, therefore, that Complainant's Statement of Attorneys Fees And Costs is sufficient to warrant an attorney fee award for the work as stated.

C. Method of Calculation

The Commission uses the lodestar method of calculating attorney fees. See, e.g., *McCutchen v. Robinson*, CCHR No. 95-H-84 (Oct. 21, 1998). In using the lodestar method, "the Commission

multiplies the number of hours reasonably expended on the case by the hourly rate customarily charged for individuals for whom compensation is sought.” The Commission is under no requirement to award attorney fees in “an amount proportional to the amount of damages received.” See *Wright v. Mims*, CCHR No. 93-H-12 (Sept. 17, 1997).

D. Reasonableness of Hourly Rates and Hours Expended

Complainant seeks fees for the services of Robert Hodge at a rate of \$275 per hour. The Commission bases its awarded rates on a number of factors, including experience, expertise in the subject matter at issue, and the reasonable market rates typically charged by the attorney. See, e.g., *Ordon v. Al-Rahman Animal Hosp.*, CCHR No. 92-E-139 (Nov. 17, 1993) and *Barnes v. Page*, CCHR No. 92-E-1 (Jan. 24, 1994).

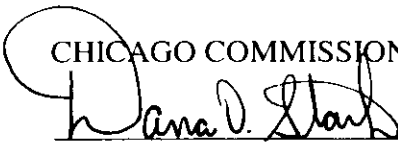
Robert Hodge has been licensed to practice law since 1975, or 33 years, is admitted to the bar in Illinois and Pennsylvania, and is licensed to practice before the Fourth and Seventh Circuit Courts of Appeals. While Hodge could have been more specific in his Statement that \$275 is the hourly rate he regularly charges to clients, the Commission adopts the Hearing Officer’s finding that his hourly rate of \$275 per hour is reasonable. Hodge is not employed by a public law office and was not required to provide documentation of the rates of attorneys in the same locale with comparable experience and expertise. See Commission Regulation 240.630(a)(1).

Also, this rate is in line with previous Commission decisions awarding \$250 per hour to attorneys with slightly less time in practice. See *Brooks v. Hyde Park Realty*, CCHR No. 02-E-116 (June 16, 2004) (\$250 per hour awarded to attorney with 29 years of experience); *Leadership Council for Metro. Open Communities v. Souchet*, CCHR No. 98-H-107 (May 16, 2001) (\$250 per hour granted to attorney with 23 years of experience); *Nash/Demby v. Sallas Realty & Sallas*, CCHR No. 92-H-128 (Nov. 15, 1995) (\$250 per hour awarded to attorney with 19 years of experience). See also *Sellers v. Outland*, CCHR No. 02-H-37 (Mar. 17, 2004), awarding \$350 per hour to an attorney in a non-profit civil rights program who had 25 years of experience and \$275 per hour to co-counsel with 12 years of experience.

Furthermore, the Commission finds that the 15.65 hours expended to pursue Complainant’s case are reasonable in light of the details provided in Complainant’s Statement.

E. Conclusion

For the reasons discussed above, the Commission awards Complainant attorney fees in the amount of \$4,303.75, jointly and severally.

By:  CHICAGO COMMISSION ON HUMAN RELATIONS
Dana V. Starks, Chair and Commissioner