

STATE OF VERMONT

SUPERIOR COURT
Windsor County

CIVIL DIVISION
Docket No. 580-8-08 Wrcv

Thomas Schreck and Gaspare Buscaglia
Plaintiffs

v.

Martin Nitka, Esq.
Defendant

Entry Order re: Attorneys' Fees

Plaintiffs Thomas Schreck and Gaspare Buscaglia seek an award of attorneys' fees on their successful claim for consumer fraud. Defendant Martin Nitka has requested a hearing on the issue of reasonableness. Both parties have submitted affidavits from their expert witnesses.

It is apparent from the pleadings that one of the contested issues will be the extent to which the fee award is sought for work that was done on this case, as opposed to work that was done on the companion cases. On this point, the court appreciates the concession by plaintiffs that they are entitled only to reasonable fees for work done on the *Nitka* case. That is the appropriate standard.

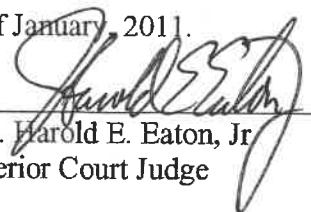
At the same time, plaintiffs have represented that the work on the *Nitka* case overlapped to some extent with the work done on the companion cases. It appears from the briefing that one of the major issues at the evidentiary hearing will be the extent to which the overlap should be compensated as part of this fee award. For purposes of the hearing, it would be helpful if the parties could agree in advance, as much as possible, on the portion of the request that are appropriate for inclusion in the fee award, and focus their presentations solely upon the contested entries. An evidentiary hearing of one half day will be scheduled for determination of all issues pertaining to the fee award.

ORDER

(1) Plaintiff's Motion for Attorneys' Fees and Costs (MPR #14), filed Sep. 21, 2010, shall be **set for an evidentiary hearing** of one half day in length;

(2) Defendant's Request to File Adversary Submissions to Legal Fees (MPR #18), filed Oct. 7, 2010, is **granted**, and Defendant's Request for a Full Day Hearing (MPR #19), filed Oct. 7, 2010, is **granted in part**.

Dated at Chelsea, Vermont this 19 day of January, 2011.


Hon. Harold E. Eaton, Jr.
Superior Court Judge

FILED

JAN 24 2011

VERMONT SUPERIOR COURT
WINDSOR UNIT