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Valentin v. Dormeus

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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: HOUSING PART C

-----X
MARIE VALENTIN,

Index No. HP 245/22

Petitioner,

-against-

**DECISION/ORDER AFTER
ATTORNEY'S FEES HEARING**

ROGER DORMEUS,

Respondent,

-and-

DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT (DHPD),

Respondent.

-----X

Present:

Hon. CLINTON J. GUTHRIE
Judge, Housing Court

On May 31, 2022, this court issued a Decision/Order after inquest finding that respondent Roger Dormeus had engaged in harassment against petitioner under the Housing Maintenance Code. In addition to other statutory relief granted in the May 31, 2022 Decision/Order, the court set the matter down for a hearing on attorney's fees, as per NYC Admin. Code § 27-2115(o).

Following various adjournments of the fees hearing, the court conducted the hearing on default on September 12, 2022. Petitioner's attorney, Holli McClean, Esq., testified at the hearing. Admitted as petitioner's Exhibit 1 at the hearing was Ms. McClean's affirmation, which included an annexed resume and time records for work on this proceeding. Ms. McClean testified that the records came from Legal Server, the database used by NYLAG (New York

Legal Assistance Group) and were imputed within 24 hours of the services rendered, to the best of Ms. McClean's recollection.

After considering Ms. McClean's testimony, her affirmation, and the annexed supporting documents, the court hereby finds that the reasonable attorney's fees total \$980.00. This amount represents 4.9 hours (including 0.5 hours appearing at the fees hearing on September 12, 2022) at a rate of \$200.00 per hour. The rate of \$200.00 is reasonable in light of Ms. McClean's level of experience and is comparable with the rate charged by attorneys with similar experience levels in the community. *See e.g. Gamache v. Steinhaus*, 7 AD3d 525, 527 [2d Dept 2004]; *Matter of Klenfner (Shahid)*, 71 Misc 3d 130[A], 2021 NY Slip Op 50298[U] [App Term, 2d Dept, 2d, 11th & 13th Jud Dists 2021]; *S.B.H. Realty v. Santana*, 57 Misc 3d 1205[A], 2017 NY Slip Op 51280[U] [Civ Ct, Bronx County 2017]; *Drapala v. Pasan*, 55 Misc 3d 1222[A], 2017 NY Slip Op 50738[U] [Civ Ct, Kings Count 2017]. Moreover, the 4.9 hours spent by Ms. McClean on the case reasonably reflects the difficulty of the issues involved, the skill required, and the result obtained by petitioner. *See Diaz v. Audi of Am., Inc.*, 57 AD3d 828, 830 [2d Dept 2008] [Listing factors to be considered in determining fees award].


The court therefore awards \$980.00 in attorney's fees to petitioner's attorneys pursuant to NYC Admin. Code § 27-2115(o). The clerk shall enter a judgment in the amount of \$980.00 in favor of New York Legal Assistance Group and against respondent Roger Dormeus. *See Maplewood Management, Inc. v. Best*, 143 AD2d 978, 979 [2d Dept 1988] [Court may award legal fees to a provider of free legal services].

A copy of this Decision/Order will be emailed to the attorneys for petitioner and DHPD. Petitioner's attorneys shall serve a copy of this Decision/Order upon respondent Roger Dormeus

at the address stated in the petition by first class mail on or before September 19, 2022. Proof of service shall be filed with the court.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

Dated: Queens, New York
September 12, 2022



HON. CLINTON J. GUTHRIE
J.H.C.

SÔ ORDERED - HON. CLINTON J. GUTHRIE