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Rowe v. Rubin

March 21, 2016

A plaintiff who prevailed on a civil complaint pursuant to Connecticut General Statutes §47-75(a) was entitled to reasonable attorney fees. In 2010, plaintiff was represented by the law firm of Ivey, Barnum & O'Mara when she purchased a condominium. Allegedly, defendant boarded over a hatch opening to the attic and blocked plaintiff's access to attic space. In 2013, plaintiff filed a civil complaint to obtain access to the attic, pursuant to C.G.S. §47-75(a). After a two-day trial to the bench in June 2015, the court found that plaintiff was entitled to access the attic, which constituted a common area. The trial court approved hourly rates that ranged between \$224 and \$400 per hour for plaintiff's lead attorneys, Edward Krumeich and Stephen Walko of Ivey, Barnum. Krumeich and Walko were "very experienced," "helpful" and "efficient." The partners made appropriate use of associate attorneys who billed lower rates, and they billed for one attorney's time when two attorneys attended a deposition. The court approved hourly rates of \$189 and \$250 for associate attorneys Carol Flaherty and Andrea Sisca. Flaherty appeared to take responsibility for an objection to a motion to strike, and Sisca tried the case. It was not unreasonable that two attorneys were present during trial. The court rejected defense objections that the value of the suit was significantly less than the attorney fees, and that attorney fees were excessive. It was "not unheard of," wrote the court, "that the expense involved outweighs the ensuing benefits." The court approved attorney fees and expenses of \$100,533, which included expenses of \$9,887 for computer research, court costs, marshal's fees and depositions.

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