

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CRIMINAL DIVISION**

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|----------------------------------|---|-----------------------------------|
| PEOPLE OF THE STATE OF ILLINOIS, | ) |                                   |
|                                  | ) | Fee Petition                      |
| Plaintiff-Petitioner,            | ) | Case Nos. 17-CR-0970001           |
|                                  | ) | 17-CR-0970002                     |
| vs.                              | ) | 17-CR-0970003                     |
|                                  | ) |                                   |
| DAVID MARCH,                     | ) |                                   |
| JOSEPH WALSH, and                | ) |                                   |
| THOMAS GAFFNEY                   | ) | Honorable Domenica A. Stephenson, |
|                                  | ) | Judge Presiding                   |
| Defendants.                      | ) |                                   |

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**ORDER**

This matter comes to be heard upon the Petition for Fees and Expenses by Patricia Brown Holmes, Assistant Special State’s Attorney. The petition requests payment of \$73,027.58 in the instant matter, for the period between June 1, 2017, and January 31, 2018. Petitioner seeks \$57,702.50 in fees for 320.90 hours: 20.60 hours at a rate of \$250.00 per hour, and 300.30 hours at a rate of \$175.00 per hour. Additionally, petitioner seeks \$15,325.08 for expenses/costs: \$75.00 for a Garrity Consultant; \$96.00 for Court Reporter fees; and \$15,154.08 for eDiscovery Processing and Hosting services. Of the eDiscovery Processing and Hosting service expenses, petitioner seeks \$1,793.75 for 9.25 hours of product management services: 7.50 hours at a rate of \$175.00 per hour, and 1.75 hours at a rate of \$275.00 per hour.

Fees are appropriate if they are reasonable based upon the services rendered. *In re Estate of Healy*, 137 Ill. App. 3d 406, 409-10 (2d Dist. 1985). The party seeking fees bears the burden of presenting sufficient evidence from which the trial court can render a decision as to their reasonableness. *Pietrzyk v. Oak Lawn Pavilion, Inc.*, 329 Ill. App. 3d 1043, 1046 (1st Dist.

2002). This is true whether the party seeks fees on its own behalf or that of its client. *First National Bank v. Barclay*, 111 Ill. App. 3d 162, 163 (1982).

Pursuant to Chapter 4, Article 4, Division 9 of the Code of Ordinances of Cook County, the range of rates for Special Prosecutors is as follows: partner hourly rate (\$170.00-\$185.00); associate hourly rate (\$140.00-\$155.00); and paralegal/law clerk hourly rate (\$65.00). The judge in this case has determined the maximum hourly rate for Special Prosecutors will be: \$180.00 per hour for partners and \$150.00 per hour for associates. Having reviewed the petition, this Court finds 208.00 hours to be reasonable. This Court finds the following dates and billable hours or rates unreasonable. They have been adjusted accordingly:

| <b>Date</b> | <b>Requested Hours</b> | <b>Requested Rate</b> | <b>Total Fees Requested</b> | <b>Allowed Hours</b> | <b>Allowed Rate</b> | <b>Total Allowed Fees</b> |
|-------------|------------------------|-----------------------|-----------------------------|----------------------|---------------------|---------------------------|
| 7/05/17     | 6.50                   | \$175.00              | \$1,137.50                  | 2.50                 | \$150.00            | <b>\$375.00</b>           |
| 7/06/17     | 5.60                   | \$175.00              | \$980.00                    | 2.40                 | \$150.00            | <b>\$360.00</b>           |
| 7/07/17     | 2.20                   | \$175.00              | \$385.00                    | 0.00                 | \$150.00            | <b>\$0.00</b>             |
| 7/10/17     | 5.70                   | \$175.00              | \$997.50                    | 3.70                 | \$150.00            | <b>\$550.00</b>           |
| 7/18/17     | 6.40                   | \$175.00              | \$1,120.00                  | 4.40                 | \$150.00            | <b>\$660.00</b>           |
| 8/6/17      | 5.00                   | \$175.00              | \$875.00                    | 2.00                 | \$150.00            | <b>\$300.00</b>           |
| 8/8/17      | 3.00                   | \$175.00              | \$525.00                    | 0.00                 | \$150.00            | <b>\$0.00</b>             |
| 8/9/17      | 7.70                   | \$175.00              | \$1,347.50                  | 2.30                 | \$150.00            | <b>\$345.00</b>           |
| 8/19/17     | 4.20                   | \$175.00              | \$735.00                    | 2.00                 | \$150.00            | <b>\$300.00</b>           |
| 8/25/17     | 4.20                   | \$175.00              | \$735.00                    | 2.80                 | \$150.00            | <b>\$420.00</b>           |
| 8/28/17     | 7.50                   | \$175.00              | \$1,312.50                  | 4.40                 | \$150.00            | <b>\$660.00</b>           |
| 8/29/17     | 4.90                   | \$175.00              | \$857.50                    | 3.00                 | \$150.00            | <b>\$450.00</b>           |
| 9/11/17     | 1.80                   | \$175.00              | \$315.00                    | 0.00                 | \$150.00            | <b>\$0.00</b>             |
| 9/13/17     | 0.40                   | \$175.00              | \$70.00                     | 0.00                 | \$150.00            | <b>\$0.00</b>             |
| 9/16/17     | 0.60                   | \$175.00              | \$105.00                    | 0.00                 | \$150.00            | <b>\$0.00</b>             |
| 9/19/17     | 2.20                   | \$175.00              | \$385.00                    | 1.80                 | \$150.00            | <b>\$270.00</b>           |
| 9/20/17     | 1.80                   | \$175.00              | \$315.00                    | 1.00                 | \$150.00            | <b>\$150.00</b>           |
| 10/22/17    | 3.00                   | \$250.00              | \$750.00                    | 1.50                 | \$180.00            | <b>\$270.00</b>           |
| 10/23/17    | 3.40                   | \$175.00              | \$595.00                    | 2.00                 | \$150.00            | <b>\$300.00</b>           |
| 10/26/17    | 7.80                   | \$175.00              | \$1,365.00                  | 4.70                 | \$150.00            | <b>\$705.00</b>           |
| 10/26/17    | 4.20                   | \$250.00              | \$1,050.00                  | 3.50                 | \$180.00            | <b>\$630.00</b>           |
| 10/27/17    | 4.40                   | \$175.00              | \$770.00                    | 2.10                 | \$150.00            | <b>\$315.00</b>           |
| 10/29/17    | 1.80                   | \$175.00              | \$315.00                    | 1.10                 | \$150.00            | <b>\$165.00</b>           |
| 10/31/17    | 7.80                   | \$175.00              | \$1,365.00                  | 6.20                 | \$150.00            | <b>\$930.00</b>           |
| 11/1/17     | 8.90                   | \$175.00              | \$1,557.50                  | 5.00                 | \$150.00            | <b>\$750.00</b>           |

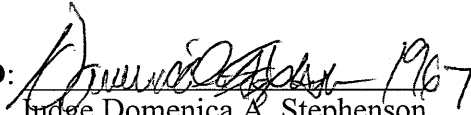
| <b>Date</b> | <b>Requested Hours</b> | <b>Requested Rate</b> | <b>Total Fees Requested</b> | <b>Allowed Hours</b> | <b>Allowed Rate</b> | <b>Total Allowed Fees</b> |
|-------------|------------------------|-----------------------|-----------------------------|----------------------|---------------------|---------------------------|
| 11/2/17     | 4.20                   | \$175.00              | \$735.00                    | 2.00                 | \$150.00            | \$300.00                  |
| 11/5/17     | 0.90                   | \$175.00              | \$157.50                    | 0.00                 | \$150.00            | \$0.00                    |
| 12/6/17     | 2.70                   | \$175.00              | \$472.50                    | 0.50                 | \$150.00            | \$75.00                   |
| 12/7/17     | 3.90                   | \$175.00              | \$682.50                    | 2.00                 | \$150.00            | \$300.00                  |
| 12/8/17     | 2.40                   | \$175.00              | \$420.00                    | 1.00                 | \$150.00            | \$150.00                  |
| 12/10/17    | 1.40                   | \$175.00              | \$245.00                    | 1.00                 | \$150.00            | \$150.00                  |
| 12/11/17    | 8.90                   | \$175.00              | \$1,557.50                  | 6.30                 | \$150.00            | \$945.00                  |
| 12/12/17    | 10.40                  | \$175.00              | \$1,820.00                  | 6.00                 | \$150.00            | \$900.00                  |
| 12/13/17    | 11.50                  | \$175.00              | \$2,012.50                  | 8.00                 | \$150.00            | \$1,200.00                |
| 12/14/17    | 5.40                   | \$175.00              | \$945.00                    | 3.70                 | \$150.00            | \$555.00                  |
| 12/15/17    | 10.80                  | \$175.00              | \$1,890.00                  | 7.00                 | \$150.00            | \$1,050.00                |
| 12/17/17    | 3.20                   | \$175.00              | \$560.00                    | 2.40                 | \$150.00            | \$360.00                  |
| 12/18/17    | 11.60                  | \$175.00              | \$2,030.00                  | 6.10                 | \$150.00            | \$915.00                  |
| 12/22/17    | 2.10                   | \$175.00              | \$367.50                    | 1.50                 | \$150.00            | \$225.00                  |
| 1/8/17      | 0.25                   | \$275.00              | \$68.75                     | 0.25                 | \$180.00            | \$45.00                   |
| 1/8/18      | 0.40                   | \$175.00              | \$70.00                     | 0.00                 | \$150.00            | \$0.00                    |
| 1/9/18      | 1.60                   | \$175.00              | \$280.00                    | 0.00                 | \$150.00            | \$0.00                    |
| 1/10/18     | 9.00                   | \$175.00              | \$1,575.00                  | 5.00                 | \$150.00            | \$750.00                  |
| 1/11/18     | 3.60                   | \$175.00              | \$630.00                    | 2.00                 | \$150.00            | \$300.00                  |
| 1/11/18     | 0.70                   | \$250.00              | \$175.00                    | 0.00                 | \$150.00            | \$0.00                    |
| 1/16/18     | 2.60                   | \$175.00              | \$455.00                    | 2.00                 | \$150.00            | \$300.00                  |
| 1/17/18     | 0.25                   | \$275.00              | \$68.75                     | 0.25                 | \$180.00            | \$45.00                   |
| 1/17/18     | 4.80                   | \$175.00              | \$840.00                    | 3.10                 | \$150.00            | \$465.00                  |
| 1/18/18     | 0.75                   | \$275.00              | \$206.25                    | 0.75                 | \$180.00            | \$135.00                  |
| 1/18/18     | 11.60                  | \$175.00              | \$2,030.00                  | 4.50                 | \$150.00            | \$675.00                  |
| 1/19/18     | 0.50                   | \$275.00              | \$137.50                    | 0.50                 | \$180.00            | \$90.00                   |
| 1/19/18     | 6.80                   | \$175.00              | \$1,190.00                  | 5.00                 | \$150.00            | \$750.00                  |
| 1/20/18     | 2.50                   | \$175.00              | \$437.50                    | 1.50                 | \$150.00            | \$225.00                  |
| 1/21/18     | 3.50                   | \$175.00              | \$612.50                    | 2.40                 | \$150.00            | \$360.00                  |
| 1/22/18     | 9.30                   | \$175.00              | \$1,627.50                  | 8.20                 | \$150.00            | \$1,230.00                |
| 1/23/18     | 0.70                   | \$175.00              | \$122.50                    | 0.30                 | \$150.00            | \$45.00                   |
| 1/25/18     | 4.60                   | \$175.00              | \$805.00                    | 3.00                 | \$150.00            | \$450.00                  |
| 1/26/18     | 3.30                   | \$175.00              | \$577.50                    | 2.50                 | \$150.00            | \$375.00                  |
| 1/29/18     | 3.80                   | \$175.00              | \$665.00                    | 3.00                 | \$150.00            | \$450.00                  |
| 1/31/18     | 7.50                   | \$175.00              | \$1,312.50                  | 7.50                 | \$150.00            | \$1,125.00                |
| 1/31/18     | 2.20                   | \$175.00              | \$385.00                    | 1.00                 | \$150.00            | \$150.00                  |

Accordingly, this Court will award \$31,731.00 for billed time. Additionally, this Court will award \$14,971.33 for expenses/costs: \$75.00 for a Garrity Consultant; \$96.00 for Court Reporter fees; and \$14,800.33 for eDiscovery Processing and Hosting services.

**IT IS HEREBY ORDERED:**

That the Petition for Attorney's Fees is allowed as stated and the Comptroller of Cook County is ordered to pay Patricia Brown Holmes, Assistant Special State's Attorney, 70 West Madison Street, Suite 2900, Chicago, IL 60602, the sum of \$46,702.33 (Forty Six Thousand Seven Hundred Two Dollars and Thirty Three Cents).

ENTERED:

  
Judge Domenica A. Stephenson  
Circuit Court of Cook County  
Criminal Division

DATED:

8-14-18

