

c

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FILED
DATE: 6/19/13 TIME: 4 am/pm
By: _____ *mcf*
**CLERK, FSM SUPREME COURT
CHUUK
TRIAL DIVISION**

ATTORNEYS FOR PLAINTIFFS ERSIN RUBEN AND MORIA RUBEN

**IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION - CHUUK STATE**

ERSIN RUBEN AND MORIA RUBEN,)	CIVIL ACTION NO. 2012-1032
)	
)	
Plaintiff,)	MOTION FOR ATTORNEYS' FEES
)	AND COSTS
vs.)	
)	MOTION TO FILE BY FACSIMILE
STATE OF CHUUK,)	
AND ITS DEPARTMENT OF)	
EDUCATION,)	
)	
Defendants.)	
_____)	

TO THE HONORABLE COURT:

Per the Court's order of June 3, 2013, plaintiff submits this motion for attorneys' fees based on the violations shown of the FSM Civil Rights statute, 11 FSMC 701, et seq. This motion is supported by the attached Memorandum of Points and Authorities and the affidavit of Stephen V. Finnen.

The plaintiffs, by and through counsel, hereby move for an order of the Court to allow filing by facsimile. Pursuant to General Court Order, 1990-1, defendants move the Court to be allowed to file this Motion for attorney's fees

FILED

DATE: _____

By: _____

**TRIAL DIVISION
CLERK FOR SUPREME COURT**

Lawrence H. ...
 ...
 ...
 ...

ATTORNEYS TO BE PLACED UPON ROSTER AND NOTED AS SUCH

IN THE SUPREME COURT OF THE
 STATE OF MICHIGAN
 TRIAL DIVISION - CHURCH STATE

<p style="text-align: right;">GIVE TO YOU YOUR OWN ...</p> <p style="text-align: right;">ACTION FOR ...</p> <p style="text-align: right;">ACTION TO THE ...</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p style="text-align: left;">... </p>
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The Court's order of July 3, 2013, granting ...

... and the ...

... is hereby ...

... and the ...

... and the ...

and costs by facsimile, on the basis that the Court might not receive a filing by mail in time prior to the due date for the filing of such a motion.

MEMORANDUM OF POINTS AND AUTHORITIES

This motion for attorneys' fees is made jointly and severally against the defendants ultimately found liable for a violation of 11 FSMC section 701.

This Motion for Attorneys' Fees contains the entire billing for costs and attorneys' fees since the commencement of the action.

It is this office's policy and procedure to bill clients for off-island travel for actual expenses incurred for lodging, car rental and meals, and then pro-rate the expenses proportionally to each client for the amount of time and/or hearings concerning their cases while in Chuuk. Ersin Ruben and Moria Ruben were off-island clients. No travel expenses have been incurred thus far, but may be incurred in post judgment enforcement proceedings.

Plaintiff hired counsel at the hourly rate of \$100.00 per hour, plus costs.

The totals sought in this matter are outlined as follows for costs:

Service expenses	\$ 61.85
Telephone Expenses	\$ 28.09

These costs are itemized more fully in Exhibit A.

Plaintiff's counsel has spent the following number of hours of attorney time working on this case, which is itemized in the affidavit of Stephen V. Finnen.

This office was retained at the fee rate of \$100.00 per hour.

The hours sought in this manner consists of 18.5 hours at \$100.00 per

hour, totaling \$1,850.00. These figures are supported by the attached affidavit and Exhibit B. Additionally, plaintiff's counsel will incur additional costs, including travel, and attorneys' fees to enforce payment of the eventual judgment in this matter.

Dated: 6-17-13

Respectfully submitted,



Stephen V. Finnen
A Law Corporation
Attorneys for Plaintiffs
ERSIN RUBEN and
MORIA RUBEN

**IN THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION - CHUUK STATE**

ERSIN RUBEN AND MORIA RUBEN,))	CIVIL ACTION NO. 2012-1032
)	
Plaintiff,))	
)	
vs.))	AFFIDAVIT OF
)	STEPHEN V. FINNEN
STATE OF CHUUK,))	
AND ITS DEPARTMENT OF))	
EDUCATION,))	
)	
Defendants.))	
_____))	

I, Stephen V. Finnen, duly sworn, depose and state:

1. I am the attorney for Ersin Ruben and Moria Ruben in this matter, and I have personal knowledge of the facts stated herein. I could and would competently testify to these facts in a court of law.
2. I instructed my office to prepare an itemization of all costs incurred in this matter. This itemization is attached to my affidavit as Exhibit A. The itemization provides the following breakdown of expenses, service of process, \$; 61.85, and \$28.09 for telephone expenses for a telephonic hearing on January 22, 2013.
3. Attached as Exhibit B is an itemization of the hours spent on this case by the attorneys who worked on it. Affiant spent all of the attorney time on this case preparing it for pre-trial and trial.
4. The total breakdown of hours is as follows:
 - a. Stephen Finnen 18.50 hours

5. Between plaintiff and this attorneys' office there was an agreement to pay counsel at \$100.00 per hour, totaling \$1,850.00

FURTHER AFFIANT SAYETH NAUGHT:

Dated: 6-19-13

[Signature]
Stephen V. Finnen

Subscribed to and sworn before me this 14 day of June, 2013.

**UTA KRAUSE, NOTARY PUBLIC
POHNPEI STATE
FEDERATED STATES OF MICRONESIA**
My Commission Expires on the 14th day of Jun, 2013

[Signature]
Notary Public **UTA KRAUSE
NOTARY PUBLIC
POHNPEI STATE
Federated States of Micronesia**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 14th day of June, 2013, I caused to have a copy of plaintiff's motion for costs and attorneys' fees served on the parties by having the same delivered to the parties, at the following address in the manner specified, this date.

Sabino Asor
Attorney General
State of Chuuk
P.O. Box 1050
Weno, Chuuk, FM 96942

FIRST CLASS MAIL

Dated: June 14, 2013

[Signature]

Between plaintiff and this attorney's office there was an agreement to pay

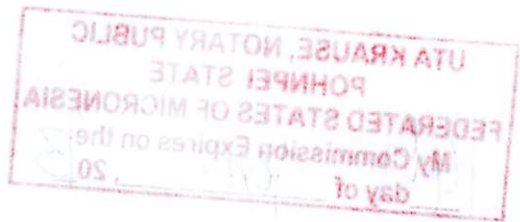
counsel at \$100.00 per hour, totaling \$1,850.00

FOR THE AFFAIRANT SAYETH NAUGHT

Dated: 6-11-2013

Stephen V. Finnen

subscribed to and sworn before me this 11 day of June 2013



WITNESSETH

I, the undersigned, hereby certify that on this 11 day of June

2013, I caused to have a copy of plaintiff's motion for costs and attorney's fees

served on the parties by having the same delivered to the parties at the

following address in the manner specified, this date.

FIRST CLASS MAIL

Sabino Aor
Attorney General
State of Chuuk
P. O. Box 1080
Weno, Chuuk, FM 96842

Dated June 11, 2013

[Handwritten signature]

EXHIBIT B

BILLING FOR STEPHEN V. FINNEN Ruben /Department of Education

DATE		TIME
9/8/2011	Meet clients	0.30
9/14/2011	Letter to Joses Gallen regarding Department of Education	0.40
12/8/2011	Meet Hersin and Moria; Meet Joses Gallen regarding Department of Education	0.90
4/2/2012	Amend draft lease, letter to Gallen	0.50
4/11/2012	Meet Joses Gallen, AG	0.20
4/20/2012	Email Gallen	0.20
7/25/2012	Meet Joses Gallen	0.20
7/30/2012	Email Joses Gallen	0.20
9/24/2012	Meet Bravo, Ass't AG	0.20
10/1/2012	Letter to Gardina Walter regarding Department of Education	0.40
10/26/2012	Start complaint	1.00
10/29/2012	Prepare letter for Gardenia Walter, start preparing motion for Preliminary injunction	1.20
11/14/2012	Finish motion for preliminary injunction and complaint	1.50
11/19/2012	Prepare documents for filing, review email, letter to Court clerk	0.30
11/24/2012	Email client proof of services	0.20
12/10/2012	Letter to client, review opp. Prelim Injunction Motion, Prepare reply	1.20
12/11/2012	Meet Sabino Asor, AG	0.20
12/12/2012	Meet Bravo	0.20
12/13/2012	Meet clients	0.20
1/16/2013	Email client(2), email Sabino Asor	0.30
1/22/2013	Prepare for and attend hearing	1.00
2/7/2013	Email Bravo, meet Hersin, email Hersin	0.50
2/8/2013	Review email from Bravo, email client	0.20
2/11/2013	Review order, email client	0.30
3/11/2013	Email Bravo	0.20
3/20/2013	Letter to Sabino Asor	0.20
4/3/2013	Meet Bravo, Asor	0.30
4/4/2013	Meet Hersin, Moria	0.20
4/11/2013	Meet Bravo	0.20
4/19/2013	Email Bravo	0.20
4/24/2013	Start Summary Judgment Motion	2.00
4/25/2013	Research and prepare Summary Judgment Motion	2.00
4/29/2013	Finalize Summary Judgment Motion and Affidavits	0.30
6/3/2013	Review order, email client	0.30
6/14/2013	Prepare motion for costs and fees	0.80
TOTAL		18.50

EXHIBIT B

Costs in Ruben v. State of Chuuk, et. al, Civil Action No. 2012-1032

1.	Proofs of service (3) Summons and complaint, and application for Preliminary Injunction.	Amount billed to client	\$61.85
2.	Telephone charges, Telephonic Hearing January 22, 2013		
	Amount billed to client		\$28.09
	Total		\$89.94