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ADV. NUMBER: 96-1093

JUDGE: M. A. Mahoney

PARTIES: Michael A. Pannitti, Norwest Financial Alabama, Inc., Cheryl L. Baggott

CHAPTER: 13

ATTORNEYS:

DATE: 12/11/96

KEY WORDS:

PUBLISHED:

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

In Re

MICHAEL A. PANNITTI

Case No. 96-10772-MAM-13

Debtor.

MICHAEL A. PANNITTI

Plaintiff,

vs.

Adv. No. 96-1093

NORWEST FINANCIAL ALABAMA, INC.
and CHERYL L. BAGGOTT

Defendants.

AMENDED
ORDER AND JUDGMENT FOR PLAINTIFF

This matter is before the Court on the Court's own request for an affidavit and response in regard to the Plaintiff's attorneys fees and expenses in this case. The specific issue of fees and expenses to be awarded as compensatory damages in this proceeding under 11 U.S.C. § 362(h) is a matter over which this Court has jurisdiction pursuant to 28 U.S.C. § 157 and 1334 and the Order of Reference of the District Court. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The Court had previously ruled on the underlying issues in this adversary case on October 18, 1996 and that ruling is incorporated by reference.

The Plaintiff's counsel filed his itemized claim for attorney's fees and expenses by placing it in the mail on November 2, 1996. The Defendants did not file a response by November 19, 1996 as requested. The Court independently reviewed the statement of fees. Some of the time included did not relate directly to the adversary case. Mr. Blair's attendance at

the 341 meeting and the confirmation hearing would have been required regardless of the Norwest claim. However, the time required to handle the first meeting of creditors and the confirmation would have been less if the stay violation issues had not occurred. These entries total 2.1 hours of time.

Conversely, the adversary case would have required more hours if many of the facts pertinent to the stay violation matter had not been testified about at the confirmation hearing. Therefore, only a deduction of 1 hour seems reasonable. This 1 hour would be the necessary amount of time for the typical uncontested 341 meeting and confirmation hearing.

The remaining time appears to have been necessarily expended. The hourly rate of \$125 per hour is reasonable. Expenses of \$60.56 are fair and necessary. Therefore, 8.4 hours at \$125 per hour and \$60.56 will be awarded to the Debtor as reasonable attorney's fees and expenses for pursuit of this adversary case under 11 U.S.C. § 362(h).

THEREFORE IT IS ORDERED AND ADJUDGED that judgment is awarded to the Plaintiff, Michael A. Pannitti, in the amount of \$1,110.56 and all relief requested by the Defendants is denied with prejudice.

Dated: December 11, 1996

MARGARET A. MAHONEY
CHIEF BANKRUPTCY JUDGE