

DOCKET NO: HHBCV136021904S

SUPERIOR COURT

REDDING LIFE CARE LLC  
V.  
TOWN OF REDDINGJUDICIAL DISTRICT OF NEW BRITAIN  
AT NEW BRITAIN

5/21/2021

ORDER

## ORDER REGARDING:

04/23/2021 241.00 MEMORANDUM IN OPPOSITION TO MOTION

The foregoing, having been considered by the Court, is hereby:

## ORDER:

By memorandum of decision dated April 7, 2021, the court awarded the plaintiff attorney's fees as a sanction for the defendant's noncompliance with a scheduling order concerning the expert disclosure of real estate appraisals. Specifically, the court awarded the plaintiff its reasonable fees incurred in drafting and prosecuting a motion to preclude the defendant's expert. The court ordered the plaintiff to give the defendant an itemization of the time incurred in connection with that motion and the hourly rates charged by the attorney(s) who prepared and argued the motion.

The plaintiff complied with the 4/7/21 court order and submitted an invoice to the defendant seeking attorney's fees in the amount of \$16,359. The defendant has paid \$9,255, but contends that any amount above that is unreasonable. Significantly, the defendant does not challenge the amount of time the plaintiff expended on the motion, but instead challenges the average hourly rate of \$790.30 and the overall amount of the fees. The plaintiff submitted a memorandum in support of its total fee request. The parties agreed that the court could decide the matter on the papers, without further oral argument.

Given the significant experience of the plaintiff's attorney, the court cannot say that his hourly rate is unreasonable. But the court's purpose in imposing a monetary sanction on defendant for its noncompliance with the expert disclosure order, rather than precluding the defendant's expert entirely, was to impose a "lesser sanction" pursuant to Practice Book § 13-4 (h). The court intended to use the plaintiff's attorney's fees as a measure for determining the appropriate amount of the sanction. But the precise amount of the sanction ultimately remains within the court's discretion.

Accordingly, the court concludes that an attorney's fee award of \$13,000 is a reasonable and appropriate sanction under the facts and circumstances of this case, and given the relative complexity (or lack thereof) of the motion to preclude the defendant's expert. The defendant shall pay this amount, less amounts already paid, within 5 business days of the date of this order.

Judicial Notice (JDNO) was sent regarding this order.

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Judge: DANIEL JOSHUA KLAU

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