

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TE-TA-MA TRUTH FOUNDATION-)	
FAMILY OF URI, INC.,)	
)	
Plaintiff,)	
)	No. 00 C 2638
THE WORLD CHURCH OF THE)	
CREATOR,)	
)	
Defendant.)	

MEMORANDUM OPINION

SAMUEL DER-YEGHIAYAN, District Judge

This matter is before the court on Plaintiff TE-TA-MA Truth Foundation-Family of URI, Inc.’s (“Foundation”) motion for attorneys’ fees brought pursuant to 15 U.S.C. § 1117(a) (“Section 1117(a)"). For the reasons stated below, we grant the Foundation’s motion in its entirety.

BACKGROUND

The Foundation filed the instant action in May of 2000 against Defendant The World Church of the Creator (“World Church”) alleging trademark infringement under the Lanham Act, 15 U.S.C. § 1051 *et seq.* The prior district court judge in this action granted the World Church’s motion for summary judgment and the

Foundation appealed. The Seventh Circuit reversed the judgment of the district court and remanded the case with instructions to “enter an appropriate judgment in favor of the Foundation.” *TE-TA-MA Truth Foundation-Family of URI, Inc. v. The World Church of the Creator*, 297 F.3d 662, 667 (7th Cir. 2002) Upon remand and entry of a judgment in the Foundations’s favor, the Foundation moved for an award of attorneys’ fees pursuant to Section 1117(a). The prior district court judge in this action denied the Foundation’s motion for attorneys’ fees and the Seventh Circuit reversed the judgment of the district court and concluded that “the World Church’s actions qualify this case as exceptional pursuant to the proper interpretation of § 1117(a).” *TE-TA-MA Truth Foundation-Family of URI, Inc. v. The World Church of the Creator*, 392 F.3d 248, 264 (7th Cir. 2004). In addition, the Seventh Circuit stated that “[i]t now remains for the district court on remand to assess an appropriate award of attorneys’ fees.” *Id.* The Foundation, upon remand to the district court, moved again for attorneys’ fees. On April 18, 2005, the Executive Committee for the Northern District of Illinois reassigned this case to the undersigned district court judge.

DISCUSSION

The Foundation requests an order awarding attorneys’ fees in the amount of \$450,747.05, as well as reasonable interest from the date of such order. (Pl.’s Mot. 2). Pursuant to Section 1117(a), “[t]he court in exceptional cases may award

reasonable attorney fees to the prevailing party.” 15 U.S.C. § 1117(a). Since the Seventh Circuit has already found that this trademark infringement case is considered “exceptional” under Section 1117(a), and has instructed this court to award appropriate attorneys’ fees to the prevailing party, our duty on remand is limited to determining the “appropriate award of attorneys’ fees” in favor of the Foundation as the prevailing party. *TE-TA-MA Truth Foundation-Family of URI, Inc.*, 392 F.3d at 264.

In support of its motion for attorneys’ fees, the Foundation has submitted a declaration by James M. Amend (“James Amend”), one of the counsels from the law firm of Kirkland & Ellis LLP who worked in this case. (Pl.’s Ex. A Par. 1). James Amend declares that the Foundation only seeks to be reimbursed for the work performed by the primary attorneys in this case, namely himself, Paul Steadman, and Kevin O’Shea. (Pl.’s Ex. A Par. 6,7). James Amend further declares that the hourly rates of the Foundation’s attorneys are reasonable and reflect the standard rates that were charged to Kirkland & Ellis LLP’s clients during the same period in question. (Pl.’s Ex. A Par. 5). The Foundation has submitted a billing memorandum which contains the primary attorneys’ hourly rates and a detailed breakdown of the work performed by them. (Pl.’s Ex. B). The Foundation’s billing memorandum of attorneys’ fees, reflects the amount of time each attorney expended working on this case from February 7, 2000, through and including December 18, 2003. (Pl.’s Ex. B). The Foundation, in its motion for attorneys’ fees, states that even though the


Foundation's billing information reflects a total of \$455,578.75 in attorneys' fees, the Foundation is requesting only \$450,747.05. The work delineated in the Foundation's billing memorandum is overwhelming and is attributable to the World Church's conduct during the course of this litigation.

The Seventh Circuit, in reviewing the record in this case, stated that "[b]y any reasonable measure, the World Church's actions were egregious and beyond the pale of acceptable litigation conduct." *TE-TA-MA Truth Foundation-Family of URI, Inc.*, 392 F.3d at 264. The Seventh Circuit further indicated that "the World Church's stated goal was to increase unreasonably the Foundation's costs of prosecuting its meritorious trademark claims, and by all indications it succeeded in this goal." *Id.* We have reviewed the record in its entirety, including the briefs filed by proper parties. Based upon the findings of the Seventh Circuit, and our review of the record in its entirety, including the hours, rates, and fees submitted by the Foundation, we find that the Foundation's request of \$450,747.05 in attorneys' fees is both reasonable and appropriate under Section 1117(a). 15 U.S.C. § 1117(a). This finding is consistent with the lodestar calculation approach. *See Hensley v. Eckerhart*, 461 U.S. 424, 433-35 (1983)(calculating initial lodestar amount). We also note that neither the Foundation nor the World Church has sought to augment or reduce the lodestar amount and we do not find that any adjustment to the above amount is warranted under the lodestar approach explained in *Hensley v. Eckerhart*, 461 U.S. 424, 433-35 (1983).

Therefore, pursuant to Section 1117(a), we award the Foundation \$450,747.05 in attorneys' fees. In regards to the Foundation's request for reasonable interest on the award, the court notes that "a prevailing plaintiff in federal court is automatically entitled to postjudgment interest" and the interest shall be "calculated from the date of entry of the judgment" pursuant to 28 U.S.C. § 1961(a). *Miller v. Artistic Cleaners*, 153 F.3d 781, 785 (7th Cir. 1998); 28 U.S.C. § 1961; *Candlewick Lake Associates v. Continental Illinois Nat. Bank and Trust Co. of Chicago* 1987 WL 9004, at *4 (N.D. Ill. 1987); *Hany v. General Elec. Co.*, 1990 WL 127914, at *10 (C.D. Ill. 1990). In accordance with the Foundation's request, we order the World Church to make the payment of \$450,747.05 in attorneys' fees, plus any accrued interest to Kirkland & Ellis LLP. (Pl.'s Mot. 2).

CONCLUSION

Based on the foregoing analysis, we grant the Foundation's motion for attorneys' fees in its entirety.


Samuel Der-Yeghiayan
United States District Court Judge

Dated: May 23, 2005