IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JEMAL AHMED,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO.
	:	1:12-CV-02697-SCJ
v.	:	
	:	
ELIAS KIFLE and ETHIOPIAN REVIEW, INC.,	:	
	:	
Defendants.	:	

ORDER

This matter appears before the Court on Plaintiff's Motion for Default Judgment against Ethiopian Review, Inc. (Doc. No. [74]), damages related to Plaintiff's Motion for Default Judgment against Elias Kifle which the Court previously granted (Doc. No. [70]), and Plaintiff's Application for Attorneys' Fees and Costs (Doc. No. [87]).

I. BACKGROUND

Magistrate Judge E. Clayton Scofield explained the relevant facts behind this Court's entry of default judgment against Defendant Elias Kifle in his Final Report and Recommendation. Doc. No. [68]. This Court adopted Judge Scofield's Report and Recommendation on December 19, 2014, and scheduled a damages

hearing for January 29, 2015. Doc. No. [70]. In the order adopting the Report and Recommendation, the Court ordered Plaintiff to file any and all appropriate motions to dispose of the action against Ethiopian Review, Inc. within twenty days. Id. at p. 2. On January 7, 2015, Plaintiff timely filed a Motion for Default Judgment against Ethiopian Review. Doc. No. [74].

Plaintiff's Motion for Default Judgment against Ethiopian Review incorporated by reference the arguments contained in its original motion filed on October 29, 2012. See Doc. Nos. [14]; [74], p. 2. Judge Carnes, who presided over this action at the time, denied Plaintiff's original motion for default judgment against Ethiopian Review without prejudice. Doc. No. [15], p. 2–3. She stated,

> But for the pending action against co-defendant Kifle, a hearing on the motion for default judgment to establish damages would be appropriate . . . Given the pendency of the case against defendant Kifle, however, the Court declines to hold a hearing now as to the claimed damages against defendant Ethiopian Review, for two reasons. First, any hearing on damages against Ethiopian Review will likely replicate the same inquiry that will occur as to damages against defendant Kifle, should the case against him proceed to trial and should he be found liable. Holding duplicate hearings on the same issue is wasteful of the Court and the parties' resources. Second, litigating to judgment the case against the defaulted defendant prior to resolution of the case against the remaining defendant creates the

> possibility of inconsistent results based on the same alleged conduct.

Id. Defendant Ethiopian Review never filed an answer to Plaintiff's complaint and never filed a response to Plaintiff's Motion for Default Judgment against it.

At the damages hearing on January 29, 2015, the Court heard oral argument on damages related to the Court's entry of default against Defendant Kifle, Plaintiff's Motion for Default Judgment against Ethiopian Review, and damages related to an entry of default against Defendant Ethiopian Review. Defendant Kifle represented himself, and Ethiopian Review went unrepresented. Because liability was previously established against Defendant Kifle, the Court ordered him to remove the defamatory content regarding Plaintiff by 4:00 PM on January 30, 2015.[1] The Court informed Defendant Kifle that it intended to grant Plaintiff's Motion for Default Judgment against Ethiopian Review (Doc. No. [74]). The Court took the issue of damages against Defendants Kifle and Ethiopian Review under advisement. Finally, the Court ordered Plaintiff to submit its costs and fees by 12:00 PM on February 2, 2015, which it did. Doc. No. [87].

[1] The Court appreciates Defendant Kifle's Notice of Compliance to remove the defamatory content which he filed on February 2, 2015. Doc. No. [89].

II. DISCUSSION

A. Default Judgment Against Ethiopian Review

Defendant Ethiopian Review failed to respond to Plaintiff's complaint or Plaintiff's motion for default judgment against it.[2] When ruling on Plaintiff's original motion for default judgment against Ethiopian Review, Judge Carnes noted that, "[b]ut for the pending action against co-defendant Kifle, a hearing on the motion for default judgment [against Ethiopian Review] to establish damages would be appropriate." Doc. No. [15], p. 2. "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). "While 'a default is not treated as an absolute confession by the defendant of his liability and of the plaintiff's right to recover,' a defaulted defendant is deemed to 'admit[ ] the plaintiff's well-pleaded

[2] Ethiopian Review also went unrepresented at the damages hearing on January 29, 2015. Although Defendant Kifle is permitted to represent himself *pro se*, he may not represent a corporation without a license to practice law. See Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir. 1985) ("Corporations and partnerships, both of which are fictional legal persons, obviously cannot appear for themselves personally. With regard to these two types of business associations, the long standing and consistent court interpretation of § 1654 is that they must be represented by licensed counsel . . . .The general rule applies even where the person seeking to represent the corporation is its president and major stockholder.") (citations omitted).

allegations of fact.'" Tyco Fire & Sec., LLC v. Alcocer, 218 F. App'x 860, 863 (11th Cir. 2007) (citations omitted). After reviewing Plaintiff's complaint, this Court agrees that liability is established against Ethiopian Review by deeming admitted Plaintiff's well-pleaded allegations of fact. Thus, the Court enters default judgment against Defendant Ethiopian Review for defamation under O.C.G.A. § 51-5-1 *et seq.* and turns to the issue of damages.

B. Damages Against Defendants Kifle and Ethiopian Review

The Court heard oral argument from Plaintiff and Defendant Kifle regarding damages on January 29, 2015. Plaintiff testified and also presented an expert on damages. Defendant Kifle testified on his own behalf.

1. Compensatory Damages

Plaintiff is entitled to compensatory damages for Defendants' defamatory statements. See O.C.G.A. § 51-12-1 *et seq.* Because Defendants' defamatory statements constitute libel *per se*, "the law infers an injury to the reputation without proof of special damages." Riddle v. Golden Isles Broad., LLC, 292 Ga. App. 888, 891, 666 S.E.2d 75, 78 (2009) (citing O.C.G.A. § 51-5-4 (2012)).[3] "Such an

[3] "Although O.C.G.A. § 51-5-4 refers to slander and not libel, '[t]he definition of slander in Georgia has been incorporated into the definition of libel.' Therefore, that which is slander per se can also become libel per se under the aegis of O.C.G.A. § 51-5-4." Lucas v. Crenshaw, 289 Ga. App. 510, 515, 659 S.E.2d 612, 616 (2008) (quoting Hayes

injury falls within the category of general damages, 'those which the law presumes to flow from any tortious act; they may be recovered without proof of any amount.'" Id. (quoting O.C.G.A. § 51-12-2(a) (2012)). Actual damage "is not necessarily limited to pecuniary loss, or loss of ability to earn money . . . Indeed, the more customary types of actual harm inflicted by defamatory falsehood include impairment of reputation and standing in the community, personal humiliation, and mental anguish and suffering." Id.

Although the law presumes damage to the reputation in the case at bar, Plaintiff testified on his own behalf and presented an expert to establish special damages and a total amount that would compensate him. Plaintiff testified that his reputation was impaired, he was humiliated, he suffered mental anguish, and he lost income and business opportunities as a result of the defamatory statements made by Defendant Kifle and published on the Ethiopian Review. Plaintiff's expert estimated that, using all necessary resources, the cost to repair Plaintiff's reputation will be between $125,210.00 and $145,210.00. The expert estimated that the process to repair Plaintiff's reputation will take approximately eight to twelve months. After reviewing the record, including the testimony and

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v. Irwin, 541 F. Supp. 397, 431 n.34 (N.D. Ga. 1982)).

exhibits admitted at the damages hearing, the Court agrees with Plaintiff's expert's assessment. The Court **ORDERS** Defendants to pay Plaintiff $145,210.00 in compensatory damages.

2. ***Punitive Damages***

Punitive damages may be awarded in a default judgment. Earthlink, Inc. v. Log On America, Inc., No. 1:02-CV-1921-JOF, 2006 WL 1835426, at *4 (N.D. Ga. June 30, 2006). Such damages may be awarded if Plaintiff proves "by clear and convincing evidence that the defendant's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences." O.C.G.A. § 51-12-5.1(b). Punitive damages must be specifically prayed for in the complaint. § 51-12-5.1(d)(1). They are not meant "as compensation to a plaintiff but solely to punish, penalize, or deter a defendant." § 51-12-5.1(c). If Plaintiff proves that Defendants acted with the specific intent to cause harm, there is no cap on the amount of punitive damages that may be awarded. § 51-12-5.1(f).

Plaintiff specifically requested punitive damages in his complaint. Doc. No. [1], p. 13. Plaintiff's complaint states that Plaintiff, through counsel, advised Defendants that the initial article spurring this litigation was false, defamatory,

and damaging. Id. at p. 8. Plaintiff demanded a retraction and apology within seven days. Id. at p. 8-9. Defendants did nothing to remove the defamatory article. In fact, Defendant Kifle actually dared Plaintiff to sue him. Id. at p. 9. Defendant Kifle published the full letter from Plaintiff's counsel on the Ethiopian Review and stated, "Where are you going to sue me this time? In Timbuktu? Bring it on please. Sincerely, Elias Kifle." Id. The Court believes Defendant Kifle's actions in response to a letter requesting that defamatory content be taken down from his website amount to clear and convincing evidence of willful misconduct. Defendant Kifle's conduct certainly demonstrates, by clear and convincing evidence, that entire want of care that raises the presumption of conscious indifference to the consequences. He refused to remove defamatory content from his website, and he dared Plaintiff to sue him. Moreover, throughout this entire action, he never once offered to remove the article and disregarded Court orders and the very process of litigation he brought upon himself. The Court **ORDERS** Defendants to pay Plaintiff $50,000.00 in punitive damages.

3. Retraction

In his complaint, Plaintiff requested a "declaration that the statements by Defendants Kifle and the Ethiopian Review set forth in the Ethiopian Review

Article and herein are false and defamatory." Id. at p. 13. At the damages hearing, Plaintiff requested a full retraction and apology. The Court **ORDERS** the following retraction message to be placed in a conspicuous location on Defendant Ethiopian Review's website from February 6, 2015 to February 27, 2015:

> The statements made regarding Jemal Ahmed in the article entitled "Al Amoudi's Human Trafficker in Ethiopia Identified," originally published on March 29, 2012, are false and defamatory. I hereby retract my false and defamatory comments regarding Jemal Ahmed in this article.

C. ***Attorneys' Fees and Costs***

"A court may award attorney's fees in a default judgment action." Earthlink, Inc., 2006 WL 1835426, at *4 (citing Fresh Floors, Inc. v. Forrest Cambridge Apartments, L.L.C., 257 Ga. App. 270, 570 S.E.2d 590 (2002)). Georgia Code section 13-611 states that although expenses of litigation normally are not allowed as part of a plaintiff's damages, they may be awarded "where the plaintiff has specially pleaded and has made prayer therefor and where the defendant has acted in bad faith, has been stubbornly litigious, or has caused the

plaintiff unnecessary trouble and expense." O.C.G.A. § 13-6-11 (2012).[4] The element of bad faith contained in code section 13-6-11 "must relate to the acts in the transaction itself prior to the litigation, not to the motive with which a party proceeds in the litigation." David G. Brown, P.E., Inc. v. Kent, 274 Ga. 849, 850, 561 S.E.2d 89, 90–91 (2002). "[S]tatutory recovery for stubborn litigiousness or causing unnecessary trouble and expense is authorized if there exists no bona fide controversy or dispute regarding liability for the underlying cause of action." Id.; see also Kroger Co. v. Walters, 319 Ga. App. 52, 58, 735 S.E.2d 99, 105 (2012) ("[E]vidence of events occurring 'after a cause of action in tort arises may be admissible to demonstrate that [the defendant] caused the plaintiff unnecessary trouble and expense.'") (quoting Brown v. Baker, 197 Ga. App. 466, 468, 398 S.E.2d 797, 800 (1990)). But if the plaintiff puts the defendant on notice that it is seeking attorneys' fees and expenses as part of the relief prayed for, "and if a default judgment is subsequently entered against the defendant for failing to answer the complaint, then the plaintiff is entitled to an award of attorney fees and expenses as a matter of law from the defendant having caused

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[4] This statute is located in the Contracts title of the Georgia Code, but it applies to both contract and tort claims. LaRoche Indus., Inc. v. AIG Risk Mgmt., Inc., 959 F.2d 189, 193 (11th Cir. 1992); Trust Co. Bank of Augusta N.A. v. Henderson, 185 Ga. App. 367, 372, 364 S.E.2d 289, 293 (1987).

unnecessary trouble and expense." Water's Edge Plantation Homeowner's Ass'n, Inc. v. Reliford, 315 Ga. App. 618, 620, 727 S.E.2d 234, 237 (2012).

The Court finds that Defendants acted in bad faith, were stubbornly litigious, and caused Plaintiff unnecessary trouble and expense. Plaintiff demanded a retraction and told Defendant Kifle that the comments he posted about Plaintiff were false and defamatory. Defendant Kifle did not respond with sources or any verification for his article. He responded by republishing Plaintiff's demand letter and daring Plaintiff to sue him again. Defendant Kifle's bad faith caused Plaintiff to resort to the courts to vindicate his rights.[5] Defendant Kifle's actions throughout the litigation demonstrate that a bona fide controversy never existed. As detailed in Judge Scofield's Report and Recommendation, which this Court adopted (Doc. No. [70]), Defendant Kifle consistently failed to

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[5] The Georgia Court of Appeals explained,

> Where [no bona fide controversy] exists, then forcing a plaintiff to resort to the courts in order to collect is plainly causing him unnecessary trouble and expense. Such a "so sue me" attitude authorizes the imposition of fees . . . A defendant without a defense may still gamble on a person's unwillingness to go to the trouble and expense of a lawsuit; but there will be, as in any true gamble, a price to pay for losing.

Kroger Co., 319 Ga. App. at 58, 735 S.E.2d at 105 (internal citations and quotations omitted).

obey court orders or otherwise properly defend himself in this action. Defendant Ethiopian Review never filed an answer to Plaintiff's complaint and never responded to Plaintiff's motion for default judgment against it. Thus, both Defendants' conduct amounts to stubborn litigiousness and caused Plaintiff unnecessary trouble and expense. Both Defendants' conduct provides ample proof that there was never a serious dispute over whether the subject article was false and defamatory. An award for attorneys' fees and expenses is proper under O.C.G.A. § 13-6-11.

Although the Court finds for Plaintiff under Georgia Code section 13-6-11, his petition for fees fails to conform to the requirements set forth in Norman v. Housing Authority, 836 F.2d 1292 (11th Cir. 1988), and ACLU v. Barnes, 168 F.3d 423 (11th Cir. 1999). See Earthlink, Inc., 2006 WL 1835426, at *4 (requiring a petition for attorneys' fees under O.C.G.A. § 13-6-11 to comply with Norman and Barnes). The starting point for awarding fees is to determine the lodestar. Barnes, 168 F.3d at 427. The lodestar "is properly calculated by multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate." Id. (internal quotations omitted). "A reasonable hourly rate is the prevailing market rate in the relevant legal community for similar services by lawyers of

reasonably comparable skills, experience, and reputation." Norman, 836 F.2d at 1299. With regards to a reasonable number of hours, fee applicants must exercise "billing judgment." Id. at 1301. This means that a reasonable number of hours "cannot include 'those that would be unreasonable to bill to a client and therefore to one's adversary irrespective of the skill, reputation, or experience of counsel.'" Frazier v. Wurth Indus. of N. Am., LLC, No. 1:08-cv-01634-JOF, 2009 WL 3277635, at *2 (N.D. Ga. Oct. 7, 2009) (quoting Norman, 836 F.2d at 1301).

After the lodestar is determined, the court must next consider an adjustment for results obtained. Norman, 836 F.2d at 1302. The Eleventh Circuit stated,

> [i]f the result was excellent, then the court should compensate for all hours reasonably expended . . . If the result was partial or limited success, then the lodestar must be reduced to an amount that is not excessive . . . In doing so, the court may attempt to identify specific hours spent in unsuccessful claims or it may simply reduce the award by some proportion . . . A reduction is appropriate if the relief, however significant, is limited in comparison to the scope of the litigation as a whole.

Id.

"The fee applicant bears the burden of establishing entitlement and documenting the appropriate hours and hourly rates." Id. at 1303. The applicant

must supply the Court with sufficient evidence to determine the reasonable hourly rate. Id. "Satisfactory evidence at a minimum is more than the affidavit of the attorney performing the work. Id. at p. 1299. "Further, fee counsel should have maintained records to show the time spent on the different claims, and the general subject matter of the time expenditures ought to be set out with sufficient particularity so that the district court can assess the time claimed for each activity." Id. at 1303. "A well-prepared fee petition also would include a summary, grouping the time entries by the nature of the activity or stage of the case." Id.

"There is nothing inherently unreasonable about a client having multiple attorneys." Id. at 1302. But the Court may reduce the hours claimed "if the attorneys are unreasonably doing the same work. An award for time spent by two or more attorneys is proper as long as it reflects the distinct contribution of each lawyer to the case and the customary practice of multiple-lawyer litigation." Barnes, 168 F.3d at 432 (quoting Johnson v. Univ. Coll. of Univ. of Ala. in Birmingham, 706 F.2d 1205, 1208 (11th Cir. 1983)).

When an applicant claims fees for an unreasonable number of hours or where there is a lack of documentation or support for the fee request, "the court

may make an award on its own experience." Norman, 836 F.2d at 1303.[6] The Court need not order further pleadings or hold an evidentiary hearing because "[i]t is perfectly proper to award attorney's fees based solely on affidavits in the record." Id. In the end, the Court must bear in mind that "[a] request for attorney's fees should not result in a second major litigation." Hensley v. Eckerhart, 461 U.S. 424, 437 (1983).

Plaintiff lists five "timekeepers" in its application for fees. Doc. No. [87], p. 4. The application states that Plaintiff used the blended rate of $400 per hour applied by Magistrate Judge Scofield for each timekeeper, "which he found to be reasonably in line with attorney rates in general in Atlanta." Id. at p. 3 (internal quotations omitted). Normally, the Court would require a description of the skills, experience, and reputation of the five timekeepers. But in light of the Court's own experience with attorneys of an international law firm located in Atlanta, Georgia, Magistrate Judge Scofield's previous determination, and

[6] The Eleventh Circuit in Norman noted that, for centuries, the Court has been recognized as an expert on attorneys' fees. Id. "The court, either trial or appellate, is itself an expert on the question and may consider its own knowledge and experience concerning reasonable and proper fees and may form an independent judgment either with or without the aid of witnesses as to value." Id. (quoting Campbell v. Green, 112 F.2d 143, 144 (5th Cir. 1940)).

having personally viewed two of the timekeepers' work at the damages hearing, the Court finds $400.00 per hour to be reasonable for these five attorneys.

The Court finds that Plaintiff failed to carry its burden of establishing entitlement to the documented hours expended. A shortfall with this application for fees is that Plaintiff's counsel aggregates the total number of hours without any evidence whatsoever describing each attorney's contribution to the case. Next to each timekeeper, Plaintiff lists a total number of hours expended on this action and then a total amount of fees requested. Doc. No. [87], p. 4. "[T]he general subject matter of the time expenditures [is not] set out with sufficient particularity so that the district court can assess the time claimed for each activity." Norman, 836 F.2d at 1303. The petition does not "include a summary, grouping the time entries by the nature of the activity or stage of the case." Id. In fact, the petition states nothing about the actual work, other than a sum total of hours, that each timekeeper put into the case. Another problem is that Plaintiff's counsel claims to have expended a total of 1,167 hours on this case, but when the Court multiplies that number by $400.00, Plaintiff's stated reasonable hourly rate, the total yields $466,800.00 in fees. The application, however, claims a total of

$469,000.00. Doc. No. [87], p. 4. The $2,200.00 difference is unaccounted for throughout the petition.

Although the fee petition falls short of Norman and Barnes, the Court declines to order further briefing on fees. Because the Court is recognized as an expert on attorneys' fees and because a fee request should not result in a second major litigation, the Court will determine the reasonable amount of fees on its own.

The Court finds that 1,167 total hours expended in this action is unreasonable. This action began when Plaintiff filed his complaint on August 6, 2012. Doc. No. [1]. Although it ends over two years later with this order, the nature of the litigation focused more on discovery disputes than serious, substantive legal arguments. The Court already noted that Defendants were stubbornly litigious and caused Plaintiff unnecessary trouble and expense. Plaintiff defended itself against many meritless motions. Plaintiff also moved for default three times against one of the Defendants. Defendant Kifle dared Plaintiff to sue him, so it was clear from the beginning that he would likely be uncooperative if Plaintiff followed through on this invitation. But Plaintiff won on default judgment against both Defendants. The default judgment against

Defendant Kifle was based on violations of court orders. The default judgment against Defendant Ethiopian Review was based on its never defending itself in the case. Once Plaintiff secured orders from the Court, which obviously required him to make motions, Defendants either did not respond or violated the orders to the point where the Court granted default judgment. Plaintiff then was required to make more motions to notify the Court that Defendants were violating court orders. The Court, however, does not agree that it should take five attorneys 1,167 hours to make these motions and win on default judgments.

In the Court's view, Plaintiff's attorneys should have expended, at most, 583 hours on this case. Mr. Lehman, who prepared the fee application, stated, "I have worked on this matter since March, 2012—before the lawsuit was filed . . . I have been involved with each and every step taken by Mr. Ahmed to litigate this matter." Doc. No. [87], p. 1. Mr. Lehman, however, claims he expended 139 hours for a total of $55,600 on this action. Id. at p. 4. Between the four other attorneys, for whom there is no description of the type of work, the length of work, or the amount of work they conducted on this case, Plaintiff requests fees for 1,028 hours. Id. Two attorneys claim they spent 206 and 209 hours, respectively, working on the case. Id. Another attorney claims she spent 275

hours working on the case. Id. The final attorney claims she spent 338 hours working on the case. Id. The Court understands that Plaintiff had to make numerous motions and defend himself against others to secure two default judgments, but it does not understand, and Plaintiff's fee application does not help it understand, why it took five attorneys so many hours to do so. A reduction is appropriate here because the relief, default judgments based on discovery violations and a failure to answer the complaint, are certainly "limited in comparison to the scope of the litigation as a whole." Norman, 836 F.2d at 1302. A reduction is appropriate because Plaintiff failed to carry its burden and did not supply the Court with any evidence as to the reasonableness of the massive number of hours expended or the distinct contribution of each attorney to the case. A reduction is appropriate because once Plaintiff filed his motions for default judgment or motions to compel, he could repackage them to file again, rather than start from scratch, when Defendants resisted complying with the orders of this Court. The Court finds that the maximum amount of reasonable hours that should have been expended on this case is 583 hours.

Plaintiff also requests costs for a total of $39,725.60. Doc. No. [87], p. 4–5. Federal Rule of Civil Procedure 54(d)(1) states, "[u]nless a federal statute, these

rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party." Fed. R. Civ. P. 54(d)(1). This rule creates "a presumption that costs are to be awarded to a prevailing party, but vests the district court with discretion to decide otherwise." Chapman v. AI Transp., 229 F.3d 1012, 1038-39 (11th Cir. 2000). Section 1920 of the United States Code allows costs, in part, for, "[f]ees of the clerk[,]" "[f]ees and disbursements for printing and witnesses[,]" and "[f]ees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case." 28 U.S.C. § 1920(1), (3), (4) (2012).

Plaintiff first requests costs in the amount of $12,604.00 for computerized legal research. Doc. No. [87], p. 4. The Court finds that this is not taxable under § 1920. See Duckworth v. Whisenant, 97 F.3d 1393, 1399 (11th Cir. 1996). Plaintiff next requests $500.00 in filing fees. Doc. No. [87], p. 4. The Court finds that this is taxable under § 1920(1). Plaintiff requests $2,590.00 for "duplicating." Doc. No. [87], p. 5. The Court finds that this is not taxable under § 1920 because the affidavit in support of these costs, or any other evidence in the record, fails to demonstrate that such duplication was "necessarily obtained for use in the case." 28 U.S.C. § 1920(4); Gary Brown & Assocs., Inc. v. Ashdon, Inc., 268 F. App'x 837,

845–46 (11th Cir. 2008). Finally, Plaintiff requests $24,031.60 for expert witness fees. Doc. No. [87], p. 5. The Court finds that this is not taxable under § 1920. See Gary Brown & Assocs., Inc., 268 F. App'x at 845–46; Duckworth, 97 F.3d at 1399.

Plaintiff's total award for attorneys' fees is 583 hours multiplied by $400.00 per hour for a total of $233,200.00. Plaintiff's total award for costs is $500.00. Defendants are **ORDERED** to pay Plaintiff $233,700.00 in reasonable attorneys' fees and costs.

CONCLUSION

Plaintiff's Motion for Default Judgment against Ethiopian Review (Doc. No. [74]) is **GRANTED**. Defendants are **ORDERED** to pay Plaintiff $145,210.00 in compensatory damages and $50,000.00 in punitive damages. Defendant Kifle is **ORDERED** to post the retraction message (*supra*, p. 9) in a conspicuous location on Defendant Ethiopian Review's website from February 6, 2015 to February 27, 2015. Defendants are **ORDERED** to pay Plaintiff $233,700.00 in reasonable attorneys' fees and costs.

IT IS SO ORDERED, this 6th day of February, 2015.

Steve C. Jones

HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE