

No. 20-3240

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 12, 2021
DEBORAH S. HUNT, Clerk

MANALAPAN MINING COMPANY, INC.;)
CONNECTICUT INDEMNITY COMPANY, c/o)
Arrowpoint Capital,)
)
Petitioners,)
)
v.)
)
DIRECTOR, OFFICE OF WORKERS')
COMPENSATION PROGRAMS; U.S.)
DEPARTMENT OF LABOR; RUDY J.)
BURKHART, on behalf of and Widow of Lloyd)
Burkhart,)
)
Respondents.)

ORDER

Before: NALBANDIAN, Circuit Judge.

Respondent Ruby J. Burkhart,¹ on behalf of her attorney, Evan Barrett Smith, has applied for an award of attorney fees under section 28 of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. § 928, as incorporated into the Black Lung Benefits Act, as amended, 30 U.S.C. § 932(a). Mr. Smith has requested a total of \$9,090, which includes 30.3 hours of his time at the hourly rate of \$300. Mr. Smith's request is itemized and complete, and the petitioners have not objected to it.

Upon review of the application, the court finds that the request is justified by the qualifications of counsel and his experience in the area of black-lung law. *See* 20 C.F.R. § 725.366(b). The court has also considered the rate that lawyers of comparable skill and

¹ Because of an error at the Department of Labor, Mrs. Burkart's name in the record and our caption appears as "Rudy." But her name is "Ruby."

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experience can reasonably expect to command within this court's venue. *See B & G Mining, Inc. v. Dir., OWCP*, 522 F.3d 657, 663 (6th Cir. 2008).

Accordingly, the court **AWARDS** fees in the amount of \$9,090.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk