

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

DIRECTV, INC.

Plaintiff,

v.

Civil Action No. 3:03-cv-2390

GREGORY T. HOWELL,

Defendant.

ORDER

On December 16, 2004, this court held a hearing at which discovery infractions by Defendant and his counsel, Edward M. Hall, Esq. were reviewed upon Plaintiff's Motion to Compel (docket #29) and upon Order of the Honorable Joseph R. Goodwin (docket #39). Defendant attended the hearing in person with counsel.

Among other discovery infractions, Judge Goodwin's Order pointed to Mr. Hall's failure to attend the pretrial conference on December 6, 2004 (docket #39). Upon questioning in open court on December 16, 2004, defendant's counsel offered no viable excuse for his failure to appear. Plaintiff's counsel prepared for and attended the conference, which had to be cancelled on account of Mr. Hall's absence. Because Plaintiff incurred unnecessary expenses and fees, the court determined that Mr. Hall should

51

reimburse these.

Plaintiff's counsel filed a verified statement of these costs and fees on January 3, 2005, as requested by the court. The court allotted Mr. Hall seven (7) days from his receipt of the statement in which to file any objections (docket #48), and none has been filed. The court has reviewed the statement and finds the costs and fees represented therein to be reasonable. Accordingly, it is now **ORDERED** that attorney's fees and costs in the amount of \$3,411.38 are awarded, payable by Edward M. Hall, Esq. to the law firm of Williams Mullen, in accordance with the invoice.

The Clerk is instructed to send copies of this Order to counsel of record and to Gregory T. Howell, 4137 Little Cabell Creek Road, Ona, WV 25545 by U.S. mail.

**ENTER** this 18 day of January, 2005.

*Mary E. Stanley*  
\_\_\_\_\_  
Mary E. Stanley  
United States Magistrate Judge