

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS

Leonard Howard,

Complainant,

v.

Northwest Airlines,

Respondent.

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ORDER DENYING COMPLAINANT'S
MOTION FOR ATTORNEYS FEES

WHEREAS, Complainant maintains in a letter received at the Office of Administrative Hearings on July 8, 1997 that he has submitted a post hearing motion requesting attorneys fees;

WHEREAS, Complainant maintains that his motion for attorneys fees was pending at the time of issuance of the February 26, 1997 Order that denied the attorneys fees request made by Respondent;

WHEREAS, after a review of the post hearing record, it is uncertain to the Judge that Complainant has made a motion requesting attorneys fees and it is questionable whether any such motion is properly pending before the Judge;

WHEREAS, if such motion was made, the record is devoid of any analysis or argument upon which an award of attorney's fees would be based; and

WHEREAS, had the Judge known that a motion by Complainant requesting attorneys fees was pending at the time the February 26, 1997 Order was issued, the February 26, 1997 Order would have denied attorneys fees not only to Respondent, but to Complainant as well.

NOW, THEREFORE, it is reasonable and appropriate to issue the following:

ORDER

Complainant's Motion requesting attorneys fees is DENIED.

Dated this _____ day of July _____ 1997.

ALLEN E. GILES
Administrative Law Judge

MEMORANDUM

This matter arises from Complainant Howard's submission of "Memorandum in Opposition to Respondent's Motion for the Taxation of Costs," a document dated October 23, 1996. In this document, Complainant makes several arguments opposing Respondent Northwest Airlines' request for attorneys fees. In the last sentence of the document in a paragraph headed "Conclusion", Complainant asks for \$1,000 in attorneys fees for having to answer to Respondent's Motion. Other than this statement, there is no argument or analysis connected with the request for \$1,000 in attorneys fees. The Judge does not believe that the attachment of this single sentence without any other documentary support or argument is a serious and reasonable request for attorneys fees.

An Order was issued on February 26, 1997, denying Respondent's request for attorneys fees. During the hearing on Respondent's Motion, Complainant argued that Respondent's request for attorneys fees was frivolous and brought for the purpose of deterring victims of employment discrimination from asserting their civil rights. In the Memorandum attached to the February 26 Order, the Judge referred to this argument while making the following observation:

Actually only Complainant complains that the litigation has been brought in bad faith. For example, Complainant asserts that the instant motion was brought in bad faith to deter victims of discrimination from asserting their rights. The Judge does not believe this to be the case. Although Respondent's claim for attorneys fees is novel, the legal analysis upon which the claim is based is reasonable, but unconvincing to this Judge.

If the Judge had known that Complainant was requesting attorneys fees and that such a motion was pending before the Judge, the motion would have been denied in the

February 26, 1997 Order. Complainant has failed to make an affirmative argument, orally or in writing, that he is entitled to attorneys fees for responding to the motion.

AEG