SUPERIOR COURT OF THE STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE 1 THE CIRCLE, SUITE 2 GEORGETOWN, DE 19947 (302) 856-5257

September 4, 2012

Anthony M. Frabizzio. Esquire John J. Ellis, Esquire Heckler & Frabizzio 800 Delaware Avenue, Suite 200 P.O. Box 128 Wilmington, Delaware 19899 Walt F. Schmittinger, Esquire Schmittinger & Rodriguez, P.A. 414 South State Street P.O. Box 497 Dover, Delaware 19903

RE: Perdue Farms v. Rogers C.A. No. S11A-09-003

Dear Counsel:

It is not disputed that claimant's counsel is entitled to attorney's fees for successfully defendant his client's award. The dispute is always as to the dollar amount.

The fees awarded are to be reasonable. 19 *Del.C.* §2350(f). Reasonableness is guided by *General Motors Corp. V. Cox*, 304 A.2d 55 (Del. 1973).

Claimant's counsel seeks \$7,200.62. This is for 1.8 hours for work by an associate at \$250.00 per hour and 14.6 hours by counsel at \$340.00 per hour. This totals \$5,414.00. This is a reasonable amount for this Superior Court appeal. I do not find the request for an additional one third to be reasonable, as there was nothing unique or complex in this case.

Therefore, claimant's attorney's fees in the amount of \$5,414.00 are awarded.

IT IS SO ORDERED.

Very truly yours,

/s/ T. Henley Graves

THG/jfg

oc: Prothonotary