

PA Superior Court (UNREPORTED)

Case: *Snyder v. Bong Thi Ngo*, 2013 WL 11282816

Judges: Panella, Allen*, Platt

Date: March 20, 2013

Tags: Attorney fees, Loan Interest and Protection Law (PA), calculating “reasonable”

Facts: Snyder loaned lots of dollars to Ngo, and sought repayment when it was not forthcoming. She also sought recovery of itemized attorney’s fees (\$14,502.32) pursuant to the Loan Interest and Protection Law.

Relevant Gravamen/Question(s) at issue: Did lower court err re. calculation of award of attorney’s fees?

Holdings: Lower court is affirmed re. attorney fees.

Rationale: Lower court made a reasonable calculation, and it didn’t matter how much time the attorney ACTUALLY spent working on this case.

Trial Court Input:

- “costs and expenses reasonably incurred, plus attorneys fee, should equal the sum of half the time spent in court, plus an hour of preparation for each hour of that time, multiplied by a reasonable hourly attorneys fee of \$200. This calculation, (3+6+3+6)(\$200), results in a sum of \$1440.” (5)

Dicta/Discussion:

- Amount initially requested included both prosecution of appellant’s counterclaim and defense of Snyder’s complaint. LIPL only allows recovery of fees associated with the prosecution.
- “As the accounting of fees incurred is not necessary for the determination of costs and expenses reasonably incurred, and as we find that the trial court made a reasoned independent calculation, we find no merit in Appellant’s second issue on appeal.” (5)

Appeals to Statute & Precedent:

- **41 P.S. §§ 101-605 (Loan Interest and Protection Law, LIPL):** “If a borrower or debtor, including but not limited to a residential mortgage debtor, prevails in an action arising under this act, he shall recover the aggregate amount of costs and expenses determined by the court to have been reasonably incurred on his behalf in connection with the prosecution of such action, together with a reasonable amount for attorney’s fee.” (41 P.S. § 503(a))
- ***Croft v. P & W Foreign Car Service, Inc.*, 557 A.2d 18, 20 (Pa.Super.1989):** Determining amount of fee under P.S. § 503: consider time & labor, novelty & difficulty, skill needed, customary rate, amount of recovery and benefits, contingency of compensation.