

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

MICHAEL E. SAMUELS,	:	APPEAL NO. C-220596
Plaintiff-Appellee,	:	TRIAL NO. 22CV-05087
	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
	:	
DORIS ROBINSON,	:	
Defendant-Appellant.	:	

The court sua sponte removes this case from the regular calendar and places it on the court's accelerated calendar, 1st Dist. Loc.R. 11.1(C)(1), and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.

From August to December 2021, plaintiff-appellee Michael E. Samuels represented defendant-appellant Doris Robinson in litigation against her homeowner's association. After she declined to pay his bill, Mr. Samuels filed a complaint in the Hamilton County Municipal Court in March 2022 for attorney fees owed to him by Ms. Robinson. The magistrate issued a decision in favor of Mr. Samuels in the amount of \$2,370, representing the fees he incurred while working on her case that she failed to pay, less \$200 for a duplicative charge. Ms. Robinson filed objections to the magistrate's decision, but the trial court overruled the objections, determining the magistrate properly resolved the factual issues and appropriately followed the law in awarding the fees. The trial court adopted the magistrate's decision as its judgment.

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Ms. Robinson now appeals, arguing the amount of attorney fees awarded to Mr. Samuels is excessive and violates the terms of their contract. “ ‘As long as sufficient evidence is presented to allow the trial court to arrive at a reasonable attorney fee award,’ ” this court will not disturb the amount of the award in an action to recover attorney fees absent an abuse of discretion. *See Fanger & Assocs. L.L.C. v. Abuaun*, 8th Dist. Cuyahoga No. 106805, 2018-Ohio-4795, ¶ 36, quoting *R.C.H. Co. v. 3-J Machining Serv., Inc.*, 8th Dist. Cuyahoga No. 82671, 2004-Ohio-57, ¶ 25.

Following our review of the record, we find that the trial court did not abuse its discretion in awarding fees to Mr. Samuels. In an action to recover attorney fees based on a fee agreement specifying an hourly rate, the attorney has the burden of proving “ ‘the time was fairly and properly used’ ” and “ ‘the reasonableness of [the] work hours devoted to the case.’ ” *See id.* at ¶ 35, quoting *Koblentz & Koblentz v. Ferrante*, 8th Dist. Cuyahoga No. 86969, 2006-Ohio-1740, ¶ 24. A review of this record shows the trial court carefully examined the itemized statement of fees, finding that, besides one item that had been billed twice, the fees were appropriate and otherwise complied with the law. Ms. Robinson fails to point out any specific error in the trial court’s judgment, nor does she identify any line-items of time that were not incurred or duplicative.

Therefore, we overrule Ms. Robinson’s assignment of error and affirm the judgment of the trial court.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs should be taxed under App.R. 24.

**CROUSE, P.J., BERGERON and KINSLEY, JJ.**

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To the clerk:

Enter upon the journal of the court on September 13, 2023,  
per order of the court\_\_\_\_\_.

Administrative Judge