

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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|------------------------------|---|------------------------|
| HOUSTON CASUALTY COMPANY, | § | |
| <i>Plaintiff,</i> | § | |
| | § | |
| vs. | § | CIVIL ACTION H-05-1804 |
| | § | |
| LEXINGTON INSURANCE COMPANY, | § | |
| <i>Defendant.</i> | § | |

ORDER

This dispute involving reinsurance is before the court on plaintiff Houston Casualty Company's (HCC's) motion to alter or amend the final judgment entered on July 27, 2007. HCC seeks to include in the final judgment awards for attorneys' fees of \$212,980.00, pre-judgment interest of \$313,641.39 plus \$133.35 per day since July 27,2007, and \$594.15 in costs. The court requires supplementation of HCC's attorneys' fees evidence before making its recommendation.

It appears to the court that HCC has not segregated fees expended on its art. 21.55 claim.¹ *Stewart Title Guar. Co. v. Sterling*, 822 S.W.2d 1, 11 (Tex. 1991). Moreover, Antweil's affidavit does not set forth the rates charged by legal professionals and the number of hours worked, or an itemized list of expenses, so that the court can determine whether the fees were reasonable and necessary. It is therefore

¹ For instance, HCC represents that it continued to incur fees until three weeks before entry of final judgment. HCC's reply, at 5. However, the district court granted HCC summary judgment on its breach of contract claim on July 11, 2006, and it is unlikely much work after that date related to the breach of contract claim.

ORDERED that HCC shall have ten days from the date of this order to submit more detailed evidence in support of its attorneys' fees claim. Lexington shall have ten days to respond to HCC's new submission. After that, the court will issue a Memorandum and Recommendation addressing attorneys' fees, pre-judgment interest, and costs..

Signed at Houston, Texas on September 14, 2007.



Stephen Wm Smith
United States Magistrate Judge