

**Fifth Circuit Court of Appeal**  
**State of Louisiana**

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No. 25-CA-249

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JASON P. FRANCO

*versus*

WRIGHT & GRAY, LLC

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ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, STATE OF LOUISIANA  
NO. 843-585, DIVISION "L"  
HONORABLE DONALD A. ROWAN, JR., JUDGE PRESIDING

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March 27, 2026

**TIMOTHY S. MARCEL**  
**JUDGE**

Panel composed of Judges John J. Molaison, Jr.,  
Scott U. Schlegel, and Timothy S. Marcel

**AFFIRMED**

**TSM**  
**JJM**  
**SUS**

TRUE COPY  
  
JALISA WALKER  
DEPUTY CLERK

COUNSEL FOR PLAINTIFF/APPELLEE,  
PHILIP A. FRANCO, IN HIS CAPACITY AS INDEPENDENT  
ADMINISTRATOR OF THE SUCCESSION OF JASON PHILIP  
FRANCO

P. M. Donovan  
Scott E. Delacroix  
David I. Courcelle  
Scott C. Stansbury

COUNSEL FOR DEFENDANT/APPELLANT,  
WRIGHT & GRAY, LLC

W. J. LeBlanc, Jr.

**MARCEL, J.**

This appeal involves attorney fees awarded pursuant to the Louisiana Wage Payment Act in which defendant, Wright & Gray, LLC, challenges the trial court's March 24, 2025 judgment, awarding plaintiff \$105,000.00 in attorney fees following its judgment awarding Philip A. Franco, as independent administrator of the succession of Jason Franco, unpaid wage damages, and statutory penalties. For the following reasons, we affirm the judgment of the trial court.

**FACTS AND PROCEDURAL BACKGROUND**

The underlying action was filed by Jason Franco (plaintiff) under the Louisiana Wage Payment Act. The facts and procedural background of this case are set forth in this Court's opinion in 25-CA-233. In addition to rendering judgment in favor of Philip A. Franco, as independent administrator of the succession of Jason P. Franco, and against Wright & Gray LLC for unpaid wage damages and statutory penalties, the trial court's January 30, 2025 judgment also states that Wright & Gray, LLC shall be ordered to pay Philip A. Franco, in his capacity as independent administrator of the succession of Jason P. Franco, attorney's fees and costs in an amount to be fixed after contradictory hearing.

On March 24, 2025, the case was before the trial court for contradictory hearing for the purpose of setting attorney's fees and costs based on the judgment rendered on January 30, 2025. After denying a motion to continue the hearing from defense counsel, the court proceeded with receiving unsworn statements from plaintiff's attorneys, Paul M. Donovan and Scott Delacroix, as to the estimated number of hours each devoted to prosecution of the claim, their respective legal experience, and the complexities of the case.

Mr. Donovan explained he became involved in the matter in August 2023 on a contingency basis and estimated that he spent 50 hours on the case. His services included preparing for and successfully arguing a venue exception at the trial court

on November 27, 2023, opposing defendant's writ applications from that judgment to the Louisiana Fifth Circuit and the Louisiana Supreme Court, responding to defendant's motion for new trial and request for protective order, prosecuting a motion to compel, and preparing for trial on the merits in December 2024. He acknowledged he did not keep time sheets because he was working the case as a plaintiff case.

Mr. Delacroix, an experienced attorney of 44 years, estimated about 160 hours on the case, which included meeting extensively with Jason Franco to develop the facts and draft the original petition. In addition, he spent significant time assembling a legal team with Mr. Donovan and developing the evidentiary record which included locating a former employee of the defendant. He reiterated the contentious nature of the proceedings stating the parties "fought on everything" from the initial lawsuit, the exception on venue, and discovery. Mr. Delacroix also emphasized the difficulties they experienced as trial counsel following the death of Jason Franco, explaining that his death added a degree of complexity to the case because they lost their main witness who had not yet been deposed. Mr. Delacroix also explained that he did not keep time sheets on the matter because his services were performed on a contingency fee agreement.

Following the hearing, the trial court issued a written judgment awarding attorney's fees to plaintiff in the amount of \$105,000.00 to be paid within thirty days of judgment. According to the written judgment, the award was based on 160 hours of work by Mr. Delacroix at the rate of \$500.00 per hour and 50 hours of work by Mr. Donovan, also at the rate of \$500.00. From this judgment, defendant Wright & Gray, LLC timely appeals.

## ASSIGNMENT OF ERROR

In its single assignment of error, Wright & Gray, LLC (W&G) contends the trial court erred when it awarded plaintiff \$25,000.00 of attorney's fees to attorney Paul M. Donovan and awarded \$80,000.00 of attorney's fees to attorney Scott Delacroix, because these amounts are unreasonably excessive, not based on the *Williamson* factors, and are unsupported by the record.

## LAW AND DISCUSSION

The Louisiana Wage Payment Act mandates that a prevailing employee in a suit for unpaid wages recover attorneys' fees and costs from his employer, in addition to recovering the unpaid wages. La. R.S. 23:632, in pertinent part, states:

C. Reasonable attorney fees shall be allowed the laborer or employee by the court which shall be taxed as costs to be paid by the employer, in the event of a well-founded suit for any unpaid wages whatsoever be filed by the laborer or employee....

Suits in which the recovery of unpaid wages is granted are considered "well-founded." *Cleary v. LEC Unwired, L.L.C.*, 00-2532 (La. App. 1 Cir. 12/28/01), 804 So.2d 916, 923. An award of attorney fees is "mandatory in the event of a 'well-founded' suit," which occurs when "the employee recovers contested wages." *Caldwell v. Louisiana Energy Sols., LLC*, 21-0667 (La. App. 4 Cir. 4/20/22), 338 So.3d 117, 124. The trial court rendered judgment awarding plaintiff unpaid wages in this case, hence plaintiff is entitled to an award of attorney's fees. The issue on appeal is the reasonableness of the award.

### *Standard of Review*

This Court reviews the trial court's award of attorney fee awards under the abuse of discretion standard. *Harrelson v. UTC Laboratories, LLC*, 23-64 (La. App. 5 Cir. 11/2/23), 376 So.3d. 1038, 1042; *Covington v. McNeese State Univ.*, 12-2182 (La. 5/7/13), 118 So.3d 343, 348; *Barre-Williams v. Ware*, 20-0665 (La. App. 4 Cir. 4/28/21), 365 So.3d 760, 768. The role of the reviewing court is not to

determine what it considers to be an appropriate award, but rather to review the exercise of discretion by the trier of fact. *Covington*, 118 So.3d at 351. Factual findings of the trial court in reaching an award of costs are reviewed pursuant to the manifest error or clearly wrong standard of review. *Barre-Williams*, 365 So.3d at 768.

A reasonable attorney's fee is determined by the facts of an individual case. *Filson v. Windsor Court Hotel*, 07–0755 (La. App. 4 Cir. 07/23/08), 990 So.2d 63, 67; *Gottsegen v. Diagnostic Imaging Servs*, 95–977 (La. App. 5 Cir. 03/13/96), 672 So.2d 940, 943, *writ denied*, 96–0707 (La. 04/26/96), 672 So.2d 909. The trial court has discretion to determine the amount of an attorney's fee based upon the court's own knowledge, the evidence, and the court's observation of the case and the record. *Custom–Bilt Cabinet & Supply, Inc. v. Quality Built Cabinets, Inc.*, 32,441 (La. App. 2 Cir. 12/08/99), 748 So.2d 594, 602; *Filson, supra*. In fact, a court does not have to hear evidence concerning time spent or hourly rates charged in order to make an award since the record will reflect much of the services rendered. *Filson, supra*; *Burford v. Burford*, 95–2318 (La. App. 1 Cir. 06/28/96), 677 So.2d 722, 725. When the nature and extent of the services of an attorney are shown by the record, it is the duty of the court to bring to bear its knowledge of the value of the services of counsel and to fix the value even in the absence of expert testimony. *Mitchell v. Turner*, 588 So.2d 1305, 1308 (La. App. 2 Cir. 1991). Where the record does not detail time and costs of an attorney's services, the court may nonetheless fix the fee. *Cochran v. Am. Advantage Mortg. Co., Inc.*, 93-1480 (La. App. 1 Cir. 6/2/94), 638 So. 2d 1235, 1240; *Chesterfield v. Genesis Hospice, L.L.C.*, 13-0179 (La. App. 1 Cir. 12/19/13), 137 So.3d 22, 25.

The Louisiana Supreme Court articulated ten factors to be considered in determining the reasonableness of an award of attorney fees: (1) the ultimate result obtained; (2) the responsibility incurred; (3) the importance of the litigation; (4)

amount of money involved; (5) extent and character of the work performed; (6) legal knowledge, attainment and skill of the attorneys; (7) number of appearances made; (8) intricacies of the facts involved; (9) diligence and skill of counsel; and (10) the court's own knowledge. *State, Dep't. of Transp. & Dev. v. Williamson*, 597 So.2d 439, 442 (La.1992).

Though it presents a single assignment of error, W&G raises three issues with the trial court's judgment awarding attorney's fees. First, W&G alleges there was insufficient evidence supporting the amount of fees awarded. Second, W&G contends the trial court erred by failing to recite the *Williamson* factors in its analysis supporting the award. Third, W&G argues the amount of attorney's fees awarded by the trial court was unreasonably excessive. We will address these issues sequentially.

*Lack of Evidence Supporting Award of Attorney Fees*

W&G asserts that the trial court erred in awarding attorney fees without evidence of hours billed or the hourly rate charged by counsel, arguing the trial court arbitrarily set a \$500.00 per hour rate for each attorney based solely on unsupported rough estimates and without considering the nature of the underlying lawsuit. W&G points out that the only documentary evidence presented at hearing was an illegible contingency agreement, the plaintiff submitted no additional briefing or documentation, and the only testimony offered regarding the number of hours spent on the case was unsworn and vague, and neither attorney testified as to their typical hourly rate.

The trial court presided over both the pre-trial and trial proceedings and was well acquainted with the record and the contentious nature of the matter. Prior to rendering judgment, the trial court conducted an evidentiary hearing on the issue at which both Mr. Donovan and Mr. Delacroix, as officers of the court, provided detailed statements to the trial court, describing a venue dispute requiring writs to

this Court and the Louisiana Supreme Court, discovery disputes, the contentiousness of litigation, and unique challenges presented by the death of their primary client, Jason Franco, prior to trial. The record also reflects that counsel engaged in time consuming trial preparations, including preparation of memoranda, assembling documentary evidence, and locating and securing an affidavit from a former associate attorney of the defendant.

Given the trial court's first-hand knowledge of the record and personal observations of counsels' skill in pursuing plaintiff's claim, we find the trial court's factual determination of hours spent was not manifest error nor clearly wrong. Counsels' statements, as officers of the court, and the trial court's general knowledge of legal rates, in conjunction with its observations of counsels' skill and experience, provided a reasonable basis for determining hours spent and hourly rate. Both *Filson* and *Burford* establish that courts do not require documentary evidence of time spent when the record itself reflects the services rendered. See also, *Monster Rentals, LLC v. Coonass Const. of Acadiana, LLC*, 14-1200, (La. App. 3 Cir. 4/01/15), 162 So.3d 1264. The trial court has discretion to determine the amount of attorney fees based upon the court's own knowledge, the evidence, and the court's observation of the case and the record. Specific evidence of the hours worked, or hourly rates charged is not required, because the trial court often knows or has a good idea of the time spent on pre-trial issues and the record indicates the services rendered by counsel. Stated succinctly, the absence of documentary evidence does not invalidate the award in this case.

*Failure to Apply or Discuss the Williamson Factors*

Next, W&G contends the trial court failed to properly consider the ten *Williamson* factors in awarding attorney fees in this case, asserting the trial court did not mention or analyze the *Williamson* factors in its oral or written ruling, nor

did the trial court ask follow-up questions, or engage in any discussion of *Williamson* at the hearing.

After review, we are not convinced that the trial court failed to review or thoughtfully consider the *Williamson* factors when determining its award. As previously discussed, the record supports the conclusion that the factors objectively weigh in favor of plaintiff, considering the result obtained, the extent of the legal work performed, the attorneys' experience, the case's factual and legal complexity, and the trial court's knowledge of the contentious nature of the pre-trial litigation in this case. Although the trial court's judgment does not specifically enumerate the factors, the resulting decision aligns with our review of the record.

#### *Excessive Award*

And finally, W&G contends the award was unreasonably excessive considering the underlying lawsuit was a routine summary proceeding with limited appearances, no depositions or expert witnesses, and the legal question involved was a simple determination of whether plaintiff was paid what he was owed under the terms and conditions of his employment. We disagree. The record of this case does not reflect a routine summary proceeding.

A reasonable attorney's fee depends on the specific facts of each case. The trial court has discretion to decide the fee based on its knowledge, evidence, and observations of the case and the record. *Custom-Bilt Cabinet, supra*. Our role is to review whether the trial court exercised proper discretion. After reviewing the record, we find no abuse of discretion in the trial court's attorney's fee award.

The venue exception combined with the vigorous defense to the merits presented, discovery obstructions, and untimely death of plaintiff Jason Franco converted a routine wage claim into complex litigation. These unforeseen factual and legal challenges, in what may have otherwise been a routine summary

proceeding, required additional time and legal expertise. We do not find the trial the amount of the fee award is unreasonable in light of the complexity of this case.

REQUEST FOR ATTORNEY'S FEES FOR  
DEFENSE OF APPEAL AND COSTS

An increase in attorney's fees is usually awarded when a party appeals, obtains no relief, and the appeal has necessitated additional work on the opposing party's counsel. *Becht v. Morgan Buildings & Spas, Inc.*, 01–1091 (La. App. 1 Cir. 6/21/02), 822 So.2d 56, 59, *writ granted sub nom. Becht v. Morgan Bldgs. & Spas, Inc.*, 02–2047 (La. 11/8/02), 828 So.2d 1117, and *aff'd sub nom. Becht v. Morgan Bldg. & Spas, Inc.*, 02–2047 (La. 4/23/03), 843 So.2d 1109; *Stutes v. Rossclaire Const., Inc.*, 575 So.2d 466, 471 (La. App. 3 Cir.1991). However, generally, the appellate court will not consider the appellee's arguments for modification of the judgment, absent appeal, or answer to the appeal. La C.C.P. art. 2133; *King v. Sewerage and Water Bd. of New Orleans*, 99–0382 (La. App. 4 Cir. 11/24/99), 747 So.2d 200, 203, *writ denied* 99–3588 (La. 2/18/00), 754 So.2d 967; *Taylor v. BASF Wyandotte*, 01–0328 (La. App. 1 Cir. 9/28/01), 805 So.2d 235, 239 n. 3, *writ denied sub nom. Taylor v. Wyandotte*, 01-2835 (La. 1/4/02) 805 So.2d 206.

In this matter, plaintiff's request for attorney fees and costs for defending this appeal is included in his response. However, without an appeal or an answer to the appeal filed by plaintiff, his request for additional attorney's fees for the appeal cannot be considered. See La. C.C.P. art. 2133; *Saacks v. Mohawk Carpet Corp.*, 03-0386 (La. App. 4 Cir. 8/20/03), 855 So.2d 359, 375-76, *writ denied*, 03-2632 (La. 12/12/03), 860 So.2d 1158. We therefore decline to award any additional attorney's fees in connection with this appeal.

**DECREE**

For the foregoing reasons, we affirm the trial court's judgment in favor of Philip A. Franco, as independent administrator of the succession of Jason A. Franco, and against Wright & Gray, LLC, awarding attorney's fees the amount of \$105,000.00. Costs of appeal are assessed against the defendant.

**AFFIRMED**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



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**NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **MARCH 27, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**25-CA-249**

**E-NOTIFIED**

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE DONALD A. ROWAN, JR. (DISTRICT JUDGE)

P. M. DONOVAN (APPELLEE)

SCOTT C. STANSBURY (APPELLEE)

SCOTT E. DELACROIX (APPELLEE)

W. J. LEBLANC, JR. (APPELLANT)

**MAILED**

DAVID I. COURCELLE (APPELLEE)

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