

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

EL ESCORIAL OWNERS'
ASSOCIATION et al.,

Appellants,

v.

DLC PLASTERING, INC., et al.,

Appellants.

2d Civil No. B173829
(Super. Ct. No. 1003147)
(Santa Barbara County)

**ORDER MODIFYING OPINION AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed on September 6, 2007, be modified as follows:

1. On page 6 the fourth paragraph should read as follows.

The Driscoll & Reynolds law firm represented Mid-Cal. They requested \$519,109 in attorney fees. The court awarded them \$75,000. The Hardin & Coffin law firm, which represented Mid-Cal, Coastline, and Pyramid sought \$897,287 for representing Mid-Cal and Coastline, and \$901,065 for representing Pyramid. The court awarded Hardin & Coffin a total fee of \$325,000. The court said it had reduced the amount requested by the parties for fees. It found that fees should be apportioned because, "the far majority of attorney time and costs was related to the issues involved in the tort action and thus non-compensable."

2. On page 31 the third and fourth paragraphs should read as follows:

The trial court noted that two law firms represented Mid-Cal. It found this amounted to a "considerable overlap and therefore there is considerable reduction in the fees awarded to each." Two law firms had also represented Coastline for a substantial period. A court may substantially reduce fees where multiple counsel represent a party leading to a duplication of effort. (*California Common Cause v. Duffy* (1987) 200 Cal.App.3d 730, 753-754.)

The trial court also found that the hourly rates counsel sought were twice the amount they billed the insurance company. Moreover, from its vantage point of presiding over a trial, which lasted several months, the court was in the best position to determine the amount of hours reasonably necessary for this case. Appellants have not shown that reducing the fees was an abuse of discretion. (*Meister v. Regents of University of California* (1998) 67 Cal.App.4th 437, 452, 455-456; *Levy v. Toyota Motor Sales, U. S. A., Inc., supra*, 4 Cal.App.4th at p. 816.) Our decision to uphold the trial court is not a reflection on the competence or integrity of counsel.

There is no change in judgment.

Appellants Coastline Painting & Drywall, Inc., Mid-Cal Painting & Drywall, Inc., and Pyramid Tile Company's petition for rehearing is denied.