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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Elegant Custom Homes, Inc., et al., )

No. CV-06-2574-PHX-DGC

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Plaintiff, )

**ORDER**

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vs. )

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Elaine M. Dusharm, )

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Defendant. )

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Appellee has filed a motion for attorneys’ fees. Dkt. #40. Appellants have filed an objection. Dkt. #44. Appellee has replied. Dkt. #45. For the reasons that follow, the Court will grant the motion.

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Appellee requests an award of the attorneys’ fees incurred in Appellants’ appeal from the judgment of the United States Bankruptcy Court for the District of Arizona. Dkt. #40 at 2. The judgment was affirmed by this Court as well as the Ninth Circuit Court of Appeals. *Id.* Appellee has filed this motion pursuant to Local Rule 54.2 and followed the guidelines set out by the rule, including discussing the 13 factors required to demonstrate the reasonableness of the requested award and attaching both a Statement of Consultation and a Task-Based Itemized Statement of Fee. *Id.*

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Appellants do not dispute that Appellee is entitled to attorneys’ fees, but argue that 9.2 hours of interviews/conferences and 28.9 hours to prepare the fee application is

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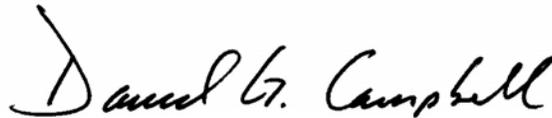
1 excessive. Dkt. #44. Appellants do not provide any citations to where these numbers can  
2 be found in Appellee's materials. Appellants argue that no more than 19 hours is reasonable  
3 based on the necessary tasks. *Id.* They provide no authority or explanation for this assertion.

4 Having reviewed the motion, the Court determines that the requested award for  
5 attorneys' fees is reasonable. Contrary to Appellants' assertion, Appellee only requests 3.3  
6 hours for preparation of the motion for attorneys' fees. Dkt. #45 at 2. The 9.2 hours billed  
7 for conferences is reasonable as more than half of the work performed on the appeal was  
8 performed by an associate attorney or paralegal in order to keep costs low. Dkt. #40 at 3-4.  
9 The Court also notes that Appellee is requesting an award at the deeply discounted rates of  
10 \$125.00 for lead counsel, \$75.00 for associate counsel, and \$70.00 for paralegal.

11 **IT IS ORDERED:**

- 12 1. Appellee's motion for attorneys' fees is **granted**.
- 13 2. The Clerk shall enter **judgment** in favor of Appellee and against  
14 Appellants in the amount of **\$13,866.00**.

15 DATED this 23<sup>rd</sup> day of April, 2009.

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David G. Campbell  
United States District Judge