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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 American Family Mutual Insurance Co., a) No. CV07-2237-PHX-NVW
10 Wisconsin corporation,)

11 Plaintiff,) **ORDER**

12 vs.)

13 National Fire & Marine Insurance Co., a))

14 foreign corporation; et al,)

15 Defendants.)

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18 On January 7, 2010, applications by Defendants National Fire & Marine Insurance
19 Company, American Safety Indemnity Company, Owners Insurance Company, St. Paul
20 Guardian Insurance Company, and Northland Insurance Company for award of attorneys'
21 fees and non-taxable costs were granted in the amounts requested and these Defendants
22 were permitted to claim by January 22, 2010, additional fees and expenses accrued since
23 September 18, 2009. (Doc. # 815.) Supplemental fee claims have been submitted by
24 National Fire and Owners (doc. # 834) and by St. Paul Guardian and Northland (doc.
25 # 835).

26 Plaintiff does not oppose National Fire's and Owners' supplemental claims. (Doc.
27 # 853.) National Fire previously was granted \$14,507.50 in attorneys' fees and
28 additionally will be granted \$2,088.50 in supplemental fees. National Fire has not
claimed any non-taxable costs. Owners previously was granted \$52,364.50 in attorneys'

1 fees and \$596.34 in non-taxable costs and additionally will be granted \$2,218.00 in
2 attorneys' fees.

3 Plaintiff disputes specific billing entries supporting St. Paul Guardian and
4 Northland's supplemental claim, which it contends are related to appeal or a motion to
5 stay pending appeal (\$315.00), unnecessary and unreasonable (\$1,019.), or redacted to the
6 extent it cannot be determined what services were rendered (\$360.00). (Doc. # 852.) St.
7 Paul Guardian and Northland stated they had redacted any fees and costs incurred in
8 relation to the pending Ninth Circuit appeal, but it appears that two billing entries relating
9 to appeal were overlooked. These entries for 10/7/09 and 11/23/09 total \$65.00 and will
10 be excluded; the others identified by Plaintiff (doc. # 852-1, Exh. 1) as recoverable only
11 on appeal will not be excluded. The entries Plaintiff contends are unnecessary and
12 unreasonable relate to monitoring the ongoing district court litigation while the appeal is
13 pending and will not be excluded because they are neither unnecessary nor unreasonable.
14 Finally, all of the redacted billing entries identified by Plaintiff (doc. # 852-1, Exh. 3),
15 which totals \$360.00, will be excluded because no description of services rendered is
16 provided for any of these entries. St. Paul Guardian and Northland previously were
17 granted \$57,328.15 in attorneys' fees and \$655.23 in non-taxable costs and additionally
18 will be granted \$4,122.50 (\$4,547.50 requested less \$425.00) in attorneys' fees.


19 IT IS THEREFORE ORDERED that the supplemental fee claims by National Fire
20 and Owners (doc. # 834) are granted in the amounts requested.

21 IT IS FURTHER ORDERED that the supplemental fee claim by St. Paul Guardian
22 and Northland (doc. # 835) is granted in the amount of \$4,122.50.

23 IT IS FURTHER ORDERED that the Clerk enter judgment pursuant to Fed. R.
24 Civ. P. 54(d) and LRCiv 54.2 against Plaintiff American Family Mutual Insurance
25 Company and in favor of Defendant National Fire & Marine Insurance Company for
26 **\$16,596.00** for attorneys' fees and for **\$0.00** for non-taxable costs, plus interest at the
27 federal rate from the date of judgment until paid; against Plaintiff American Family
28 Mutual Insurance Company and in favor of American Safety Indemnity Company for

1 **\$45,429.50** for attorneys' fees and for **\$803.66** for non-taxable costs, plus interest at the
2 federal rate from the date of judgment until paid; against Plaintiff American Family
3 Mutual Insurance Company and in favor of Owners Insurance Company for **\$54,582.50**
4 for attorneys' fees and for **\$596.34** for non-taxable costs, plus interest at the federal rate
5 from the date of judgment until paid; and against Plaintiff American Family Mutual
6 Insurance Company and in favor of St. Paul Guardian Insurance Company and Northland
7 Insurance Company for **\$61,450.65** for attorneys' fees and for **\$625.23** for non-taxable
8 costs, plus interest at the federal rate from the date of judgment until paid.

9 DATED this 3rd day of March, 2010.

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Neil V. Wake
United States District Judge
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