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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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CIT Finance LLC,

No. CV-14-00800-PHX-JAT

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Plaintiff/Counter-Defendant,

ORDER

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v.

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Treon, Aguirre, Newman & Norris PA,

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Defendant/Counter-Claimant.

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Treon, Aguirre, Newman & Norris PA,

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Third-Party Plaintiff,

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v.

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Pacific Office Automation Inc., et al.,

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Third-Party Defendants.

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On November 17, 2016, Third-Party Defendants Pacific Office Automation, Inc., Darin DuMolin, and Derek Abert (“Defendants”) filed a Motion for an Award of Attorneys’ Fees. (Doc. 117). On November 21, 2016, the Court ordered Defendants to send to opposing counsel and the Court an e-mail with a spreadsheet containing an itemized statement of legal services. (Doc. 118 at 1). Defendants complied with the Order on November 29, 2016. The Court also ordered Third-Party Plaintiff Treon, Aguirre, Newman & Norris PA to e-mail the Court any objections to Defendants’ billing entries “at the time [Plaintiff’s] Response is due.” (*Id.* at 2). Despite Plaintiff’s response being

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1 due on December 5, 2016, Plaintiff still has failed to file a responsive memorandum or
2 comply with the Court's November 21, 2016 Order.

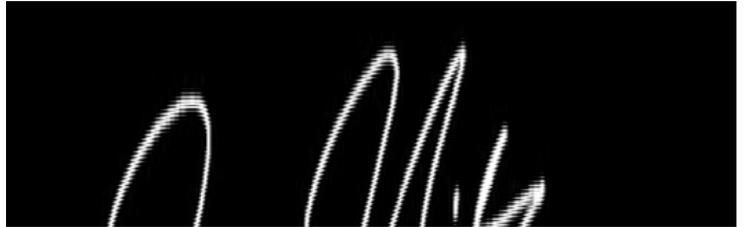
3 LRCiv 7.2(i) provides, in part, "if the unrepresented party or counsel does not
4 serve and file the required answering memoranda, . . . such non-compliance may be
5 deemed a consent to the denial or granting of the motion and the Court may dispose of
6 the motion summarily." (2017). Pursuant to this Court's November 21, 2016 Order and
7 LRCiv 7.2(i), the Court deems Plaintiffs' failure to serve and filed the required answering
8 memorandum a consent to the granting of the Defendants' Motion for Attorneys' Fees.

9 **IT IS ORDERED** granting Defendants Pacific Office Automation, Inc., Darin
10 DuMolin, and Derek Abert's Motion for Award of Attorneys' Fees. (Doc. 117).

11 **IT IS FURTHER ORDERED** that Defendants Pacific Office Automation, Inc.,
12 Darin DuMolin, and Derek Abert are awarded reasonable attorneys' fees in this matter in
13 the sum of \$35,126.77.

14 Dated this 16th day of February, 2017.

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