

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 04-cv-00243-REB-BNB

ROBERTA FOLKS,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, an Illinois corporation,

Defendant.

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**ORDER TO DISCLOSE FEE AGREEMENT**

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**Blackburn, J.**

This matter is before me on the **Motion To Require Disclosure of Fee Agreement; and Request for Expedited Ruling** [#299]<sup>1</sup> filed November 14, 2013. The plaintiff filed a response [#305] and the defendant filed a reply [#308]. I grant the motion in part.

Pending before the court is **Plaintiff's Motion for Attorney Fees** [#280]. The plaintiff, Roberta Folks, seeks to recover attorney fees under §10-4-708(1.7), C.R.S., repealed by §10-4-726, C.R.S. (2002), effective July 1, 2003. That statute permits recovery only of reasonable attorney fees actually incurred by the plaintiff. **Brody v. State Farm Mut. Auto. Ins. Co.**, 194 P.3d 459, 461 (Colo. App. 2008). To resolve the motion [#280] of the plaintiff for an award of attorney fees, the court must review the fee

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<sup>1</sup> “[#299]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

agreement between Ms. Folks and her counsel to determine the reasonable attorney fees actually incurred by Ms. Folks in this case. Ms. Folks contends the fee agreement is “proprietary” and opposes disclosure of the fee agreement to opposing counsel. *Response* [#305], p. 3. The court will review the fee agreement *in camera* to resolve the motion for attorney fees.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Motion To Require Disclosure of Fee Agreement; and Request for Expedited Ruling** [#299] filed November 14, 2013, is **GRANTED** in part;
2. That by August 13, 2014, the plaintiff **SHALL FILE** with the court a copy of the attorney fee agreement between Ms. Folks and her counsel, as described in **Plaintiff's Motion for Attorney Fees** [#280];
3. That under D.C.COLO.LCivR 7.2, the plaintiff **SHALL FILE** the attorney fee agreement between Ms. Folks and her counsel under a Level 2 restriction, which limits access to the filing party and the court;
4. That otherwise, the **Motion To Require Disclosure of Fee Agreement; and Request for Expedited Ruling** [#299] filed November 14, 2013, is **DENIED**.

Dated August 5, 2014, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge