

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 10-cv-00576-PAB-KMT

STATES RESOURCES CORP., an Iowa corporation,

Plaintiff,

v.

NATURE'S WAY DAIRY LLC, a Colorado Limited Liability Company, and  
GEORGE T. COOK, also known as George Trent Cook,

Defendants.

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**ORDER**

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This matter is before the Court on plaintiff's Postjudgment Motion for Attorneys Fees [Docket No. 51].

In this case, plaintiff sought to enforce a promissory note against defendant Nature's Way Dairy, LLC ("Nature's Way") and a guaranty of that note by defendant George T. Cook ("Cook"). The Clerk of the Court entered default pursuant to Rule 55(a) against Cook on July 30, 2010, see Docket No. 17, and Nature's Way on February 4, 2011, see Docket No. 41. Plaintiff filed then filed a motion for entry of default judgment pursuant to Rule 55(b) against Nature's Way and Cook. See Docket No. 44. The Court granted in part and denied in part that motion [Docket No. 47] and entered judgment [Docket No. 48] in favor of plaintiff and against defendants Nature's Way and Cook for unpaid indebtedness consisting of principal in the amount of \$183,948.83, and interest in the amount of \$26,147.39 as of January 12, 2011 and

interest after January 12, 2011 at the rate of 9.25% per annum, being \$47.26463 per day. The Court also granted plaintiff leave to file the present post-judgment motion for attorney's fees.

By the terms of the promissory note, defendants agreed to pay the expenses incurred by plaintiff to collect the debt owed under the note, including reasonable attorney's fees. See Docket No. 1-1 at 3, ¶ 15. Plaintiff seeks an award of attorney's fees in the amount of \$3,256.00. Plaintiff asserts that its counsel has charged a reasonable rate for time reasonably expended in seeking default judgment against Nature's Way and Cook. See *United States ex rel. Maxwell v. Kerr-McGee Oil & Gas Corp.*, No. 04-cv-01224-MSK-CBS, --- F. Supp. 2d ---, 2011 WL 2174413, at \*2 (D. Colo. June 2, 2011) ("The 'lodestar' — the reasonable number of hours spent multiplied by a reasonable hourly rate — is the 'presumptively reasonable' attorneys' fee.") (quoting *Homeward Bound, Inc. v. Hissom Mem'l Ctr.*, 963 F.2d 1352, 1355 (10th Cir. 1992)). The Court finds that plaintiff has demonstrated that it has charged a reasonable rate. See Docket No. 51 at 2, ¶ 5.

Plaintiff seeks to recover for 15.5 hours of work. The Court concludes, upon review of plaintiff's billing records and in light of plaintiff's representation that it reduced the request to account for unrelated or duplicate efforts, that this constitutes a reasonable amount of time for prosecuting this action against these two defendants. Therefore, it is

**ORDERED** that plaintiff's Postjudgment Motion for Attorneys Fees [Docket No. 51] is GRANTED. The Court awards plaintiff the amount of \$3,256.00 in attorney's fees

against defendants Nature's Way Dairy, LLC and George T. Cook.

DATED November 17, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge