

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00198-MSK-MEH

SUN RIVER ENERGY, INC.,

Plaintiff,

v.

ERIK S. NELSON,
STEVE STEPHENS, and
CORAL CAPITAL PARTNERS, INC.,

Defendants.

ORDER RE: AWARD OF ATTORNEY'S FEES

Michael E. Hegarty, United States Magistrate Judge.

Pursuant to this Court's order granting in substantial part the Defendants' Motion to Compel Insurance Policies ("Motion") [docket #250], defense counsel, Gabriel McFarland, has timely filed an affidavit [docket #253] setting forth his years of experience and a description of the services rendered, the amount of time spent, the hourly rate, and the total amount of attorney's fees claimed for Defendants' preparation of the Motion. The Court notes that counsel also includes time spent and fees claimed for services not approved by the Court, including correspondence and review of documents regarding the insurance policies, as well as for preparation of the affidavit. The Court specifically ordered "costs and attorney's fees reasonably incurred in *filing* the present motion." Docket #250 at 3 (emphasis added). It appears that defense counsel drafted and filed the motion and reply brief between October 5, 2012 and November 13, 2012; thus, the Court will consider time spent and fees claimed during this time period only.

Plaintiff timely filed objections to the affidavit.¹ The Court sustains Plaintiff's objection that the affidavit contains no information concerning qualifications and experience for either "CAH" (Cyd Hunt) or "AKB" (unknown) and, thus, the time spent and fees claimed for these persons will not be awarded. *See* D.C. Colo. LCivR 54.3.

However, the Court finds that defense counsel "MGM's" (Mr. McFarland) hourly rate (\$365.00) and the time he spent preparing and filing the motion and reply brief (1.9 hours) are reasonable.

WHEREFORE, the Court ORDERS that Defendants be awarded the amount of \$693.50, to be paid to counsel for Defendant as a reasonable sanction of attorney's fees. Plaintiff shall pay this amount no later than January 21, 2013. Counsel for Plaintiff shall file a Notice of Compliance with this Order re: Sanctions **on or before January 31, 2013**.

Dated at Denver, Colorado this 2nd day of January, 2013.

BY THE COURT:



Michael E. Hegarty
United States Magistrate Judge

¹The Court notes that Defendants filed a "response" to Plaintiff's objections on December 28, 2012. The filing of such response brief was not authorized by the Court, and the Defendants failed to seek permission to file such brief.