

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 11-cv-01486-RPM

HERMES CONSOLIDATED, INC., a Delaware corporation,
d/b/a Wyoming Refining Company,

Plaintiff,

vs.

RED EAGLE OIL, INC., a Wyoming corporation,
f/k/a Hinze, Inc., d/b/a Hinze Oil Company, and
BRAD HINZE, an individual,

Defendants.

**ORDER AWARDING ATTORNEY'S FEES, FOR ENTRY OF FINAL JUDGMENT UNDER
RULE 54(b) AND FOR ADMINISTRATIVE CLOSURE**

Upon consideration of the plaintiff's motion for attorney's fees, with attachments, filed October 12, 2011 and the defendant Brad Hinze's opposition, filed November 2, 2011, the Court finds and concludes that pursuant to the terms of the Guaranty Agreement, providing that the plaintiff shall recover reasonable attorney's fees in legal actions to collect on the indebtedness of Red Eagle Oil, Inc., which includes the efforts made by participating in the bankruptcy proceedings in the Bankruptcy Court In The District Of Wyoming and that the amounts claimed are reasonable and necessary entitling Hermes Consolidated, Inc. to recover attorney's fees in the amount of \$69,224.50. The out of pocket expenses asked for in the motion have already been awarded in the Clerk's Bill of Costs.

Because the bankruptcy proceeding for Red Eagle Oil, Inc. as debtor is continuing and because there is no just reason for delay in making final the judgment against the defendant Brand Hinze and also because it is unlikely that further proceedings in this civil action as to defendant Red Eagle Oil, Inc. will be conducted, it is now

ORDERED that the plaintiff Hermes Consolidated, Inc. is awarded attorney's fees in the amount \$69, 224.50 in addition to the amount of the amended judgment as to defendant Brand Hinze, entered

October 11, 2011, and it is

FURTHER ORDERED that the amended judgment as to defendant Brad Hinze is directed to be entered as a final judgment under Fed.R.Civ.P. 54(b) and it is

FURTHER ORDERED that the remaining defendant Red Eagle Oil, Inc. being a debtor in ongoing bankruptcy proceedings in the Bankruptcy Court for the District of Wyoming, this case is directed to be closed pursuant to DCColoCivR 41.2.

DATED: November 3rd, 2011.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge