

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

Civil Action No. 14-cv-01788-MSK-CBS

TWIN BUTTES WIND, LLC,

Plaintiff,

v.

**BLESSED ENERGY, LLC and
MARION SUMMERS,**

Defendants,

v.

**GREAT HARVEST, LLC and
FRITZ STURGES,**

Third Party Defendants
and

BLESSED ENERGY, LLC

Crossclaim Defendant.

ORDER RE: MOTION FOR ATTORNEY FEES

This matter comes before this Court upon Plaintiff's Motion for Attorney Fees (Docket No. 40). Having considered the Motion, all briefing, and otherwise being fully advised, the Motion is GRANTED IN PART and DENIED IN PART as follows. Plaintiff is awarded \$5,987.50 in fees and \$65.74 in costs from Defendant Blessed Energy, LLC. Plaintiff is awarded \$5,080.00 in fees and \$65.74 in costs from Defendant Marion Summers. The motion is denied as to the balance of the requested fees and costs. It is hereby ORDERED that awarded fees and costs shall be paid as follows:

Twin Buttes shall deduct \$6,053.24, representing the fees and costs payable by Blessed Energy, from any portion of the 2015 Q1 royalty payment made directly to Blessed Energy. Twin Buttes shall deduct \$5,145.74, representing the fees and costs payable by Ms. Summers, from any portion of the 2015 Q1 royalty payment deposited into this Court's registry.¹ If it is determined that Blessed Energy is entitled to the funds held in this Court's registry, then it shall recoup \$6,053.24 directly from Ms. Summers. Alternately, within seven (7) business days from this Order, Blessed Energy will tender \$6,053.24 to Twin Buttes as payment in full for the attorneys fees and costs, and if paid, then Blessed Energy shall be entitled to its full portion of the 2015 Q1 royalty payment.

DATED at Denver, Colorado, on February 19, 2015.

BY THE COURT:

s/Craig B. Shaffer
Craig B. Shaffer
United States Magistrate Judge

¹ If a determination is made as to who is entitled to the disputed funds before the 2015 Q1 royalty payment is issued, Twin Buttes may deduct \$5,145.74 from any payments it makes to Ms. Summers or she shall pay that amount directly to Twin Buttes.