

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

THE TRUSTEES OF THE )  
EIGHTH DISTRICT )  
ELECTRICAL PENSION FUND, )  
DELINQUENCY COMMITTEE )  
OF THE EIGHTH DISTRICT )  
ELECTRICAL PENSION FUND, )  
 )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
 )  
CRAFT ELECTRIC COMPANY, )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civ. No. 09-0184-S-BLW

MEMORANDUM DECISION

The Court has before it the Trustees’ motion for attorney fees under 29 U.S.C. § 1132. That statute allows an award of fees and costs to a fiduciary who prevails in an action to recover payments due to a pension plan. There is no dispute that the Trustees are entitled to fees and costs under this statute; defendant Craft simply disputes two line items on the billing sheets.

Craft disputes the 10 minutes spent by plaintiffs’ counsel reviewing the Court’s Memorandum Decision and Judgment, and the one-an-a-half hours

preparing a reply to Craft's sur-reply brief. The latter was a legitimate response to Craft's briefing while the former was a necessary predicate to counsels' advice.

The Ninth Circuit has laid out the standards governing an award of fees in pension cases in *Trustees of Const. Industry Laborers Health and Welfare Trust v. Redland Insurance Company*, 460 F.3d 1253 (9<sup>th</sup> Cir. 2006). The request by the Trustees for \$20,553.50 meets the standards set out in the *Trustees* case.

The Court will prepare a separate Judgment as required by Rule 58.



DATED: **May 24, 2010**

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable B. Lynn Winmill  
Chief U. S. District Judge