

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

TIMM ADAMS, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 4:03-CV-049-BLW

**MEMORANDUM DECISION AND
ORDER RE U.S. BANK MOTION
FOR ATTORNEY FEES**

The Court has before it a motion by third party U.S. Bank seeking attorney fees of \$1,673.50 incurred in responding to DuPont's third-party subpoena for bank records. The motion is based on Rule 45(c)(1), which requires U.S. Bank to show that it incurred fees because DuPont imposed upon it an "undue burden or expense." That showing has not been made. The record shows DuPont took extensive steps to avoid undue expenses and to take upon itself the costs of compliance. U.S. Bank also argues that an agreement was reached, but there is no evidence that the agreement on expenses included attorney fees. For these reasons, the motion will be denied.

ORDER

In accordance with the Memorandum Decision above,

NOW THEREFORE IT IS HEREBY ORDERED, that the U.S. Bank motion for attorney fees (docket no. 1785) is DENIED.

Memorandum Decision & Order – page 1



DATED: **January 20, 2011**

B. Lynn Winmill

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