

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

GREATAMERICA LEASING CORP.,

Plaintiff,

vs.

WAHOO PRODUCTIONS OF FLORIDA,
INC.

Defendant.

No. 1:09-CV-00137

ORDER

The matter before the court is Plaintiff GreatAmerica Leasing Corp.'s ("GreatAmerica") Motion for Award of Attorneys' Fees and Interest ("Motion") (docket no. 50).

On April 21, 2011, the undersigned directed the Clerk of Court to enter judgment in GreatAmerica's favor in the amount of \$123,290.34. Order (docket no. 47). That same date, the Clerk of Court entered Judgment (docket no. 48) in accord with the Order.

The contract underlying the instant dispute provides: "if [Plaintiff] refer[s] this Agreement to an attorney for enforcement or collection, you agree to pay our reasonable attorney's fees of at least 20% of the remaining balance of all the rental payments, plus our actual costs." See Notice of Filing of Exhibits (docket no. 23-1, at 3). The court has discretion to enter an award of attorneys' fees pursuant to such a lease provision. *GreatAmerica Leasing Corp. v. Cool Comfort Air Conditioning & Refrigeration, Inc.*, 691 N.W.2d 720, 732 (Iowa 2005); *EFCO Corp. v. Norman Highway Constructors, Inc.*, 606 N.W.2d 297, 301 (Iowa 2000).


In light of the argument and authorities stated in the Motion, as well as the parties' notice that they have consented to the entry of the instant Order, the court **GRANTS** the Motion, and

DIRECTS the Clerk of Court to amend its earlier judgment and enter judgment in favor of Plaintiff as follows:

- (1) An award of \$62,973.50 in attorneys' fees and in Plaintiff's favor, payable by Defendant, pursuant to the lease provision in the agreement underlying the instant action; and
- (2) Interest in Plaintiff's favor, calculated at the rate of 18% per annum from August 28, 2009, the date Plaintiff commenced the instant action.

IT IS SO ORDERED.

DATED this 17th day of July, 2011.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA