

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GP INDUSTRIES, LLC, a Nebraska limited liability company, )  
)

Plaintiff, )  
)

vs. )  
)

JAMES E. BACHMAN, )  
)

Defendant, and )  
)

8:06CV50

ERAN INDUSTRIES, INC., a Nebraska corporation, )  
)

ORDER

Defendant, Counter Claimant and Third-Party Plaintiff, )  
)

vs. )  
)

LANCE D. BAILEY, et al., )  
)

Third-Party Defendants. )  
)

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ERAN INDUSTRIES, INC., a Nebraska corporation, )  
)

Plaintiff, )  
)

8:06CV51

vs. )  
)

ORDER

GP INDUSTRIES, LLC, a Nebraska Limited liability company, )  
)

Defendants. )  
)

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This matter is before the court on the Motion for Fees [308] filed by GP Industries, LLC pursuant to the court's Order of April 10, 2008 [296]. Having considered the response of Eran Industries, Inc. [309], the motion will be granted in part.

The April 10, 2008 order authorized GPI to file a motion for fees incurred between December 21, 2007 and April 7, 2008 in conjunction with the "Motion for Sanctions and to Compel" [281] GPI filed on March 10, 2008.

GPI's application requests reimbursement for thousands of dollars in fees and expenses incurred after the April 7, 2008 cutoff. Noting ERAN's objection, the court has disregarded those amounts. The court finds that fees should be awarded to GPI on the following basis:

|                              |                         |               |
|------------------------------|-------------------------|---------------|
| Attorney Todd Zenger         | 4.7 hours @ \$350/hour  | \$ 1,645.00   |
| Attorney Dax Anderson        | 32.6 hours @ \$220/hour | 7,172.00      |
| Attorney Roger Shiffermiller | 1.8 hours @ \$275/hour  | 495.00        |
| Paralegal Margaret Carlson   | 2.8 hours @ \$110/hour  | <u>308.00</u> |
|                              |                         | \$ 9,620.00   |

Pursuant to Fed. R. Civ. P. 37(a)(5)(A),

**IT IS ORDERED** that GPI's Motion for Fees [308] is granted in part, in the amount of \$9,620.00, to be paid by counsel for ERAN Industries, Inc. to counsel for GP Industries, LLC on or before October 20, 2008.

**DATED September 25, 2008.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**