

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THE MEHNER FAMILY TRUST;
RAYMOND H. MEHNER; MARK A.
MEHNER; ANDREA L. MEHNER;
ANTHONY Q. MEHNER; and
DANIELLE N. MEHNER,

Plaintiffs,

vs.

U.S. BANK NATIONAL ASSOCIATION;
KOZENY & MCCUBBIN, L.C.; WELLS
FARGO BANK, N.A.; and REO ASSET
MANAGEMENT COMPANY LLC,

Defendants.

8:16CV367

ORDER

This matter is before the Court on defendant Kozeny & McCubbin, L.C.'s ("K&M") Motion for Sanctions (Filing No. 96). In an August 3, 2017, Memorandum and Order, the Court granted K&M's Motion, allowing K&M to recover, as sanctions, attorney fees related to preparing its Motion to Dismiss (Filing No. 32). Each of the named plaintiffs and Christopher Pfaniestiel ("Pfaniestiel"), the plaintiffs' attorney primarily responsible for the sanctionable filings, would be jointly and severally liable for any attorney fees awarded. The Court gave K&M fourteen days to submit affidavits and a statement of costs and fees related to preparing its Motion to Dismiss. The named plaintiffs and Pfaniestiel were given seven days after K&M's filing to respond to the calculated sums.

On August 17, 2017, K&M filed two affidavits (Filing Nos. 109-1 and 109-2) as well as a statement of costs and fees (Filing No. 109-3). Plaintiff Raymond H. Mehner responded on August 23, 2017 (Filing No. 110), and Pfaniestiel on August 24, 2017 (Filing No. 111). The Court has reviewed K&M's statement of costs and fees as well as the

responses of Raymond H. Mehner and Pfanstiel.¹ Some entries are duplicative and others are not sufficiently related to preparing the Motion to Dismiss. After deducting those amounts, the Court determines the appropriate amount of attorney fees is \$6,544.50. This amount and the rates charged are reasonable.

Accordingly, each of the defendants is jointly and severally liable to K&M for sanctions in the amount of \$6,544.50, which represent attorney fees K&M reasonably incurred in preparing its Motion to Dismiss.

IT IS SO ORDERED.

Dated this 30th day of August, 2017.

BY THE COURT:

s/ Robert F. Rossiter, Jr.
United States District Judge

¹The majority of the responses are arguments against the award of sanctions and not the amount of the sanctions.