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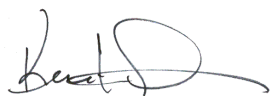
- 2. Pursuant to Federal Rule of Civil of Civil Procedure 68 and NRS 68, Defendant served an offer of judgment for dismissal of the action in exchange of a waiver of costs on Plaintiff; Plaintiff allowed the offer to expire by its own terms;
- 3. Defendant has been adjudicated as the prevailing party on each of Plaintiff's asserted claims – Judgment has been entered in favor of Defendant on each of the claims;
- 4. Defendant's request for attorney's fees is reasonable (the number of hours and hourly rate charged by counsel are reasonable) given the nature of the proceedings and the fact that Defendant prevailed on all claims; and
- 5. Plaintiff has filed no opposition o Defendant's opposition.

Based on the foregoing findings, the Court orders as follows:

Defendant's Motion (No. 101) shall be GRANTED, attorney's fees in the amount of \$116,696.25, shall be awarded to Defendant as the prevailing party in this action and against Plaintiff; and an amended judgment reflecting the award of attorney's fees shall be entered in favor of Defendant accordingly.

IT IS SO ORDERED.

DATED this 13th day of September, 2010



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Kent J. Dawson  
United States District Judge