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9 and Lien Claimants, LDI Mechanical, Inc., Chaparral
10 Contracting, Inc., and San Gabriel Construction, Inc.

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF NEVADA

10 McKIMMEY ELECTRIC, INC., a Nevada
11 Corporation,

12 Plaintiff, CASE NO. 2:10-cv-00382

13 v.
14 FLAMINGO/TC, LLC, a Nevada limited
15 Liability company; IOTA INDIGO, LLC, a
16 Nevada limited liability company; HIGHLAND
17 DEVELOPMENT CO. dba WESTMARK
18 HOMES, a Nevada corporation; FEDERAL
19 DEPOSIT INSURANCE CORPORATION as
20 Receiver for AMTRUST BANK f/k/a OHIO
SAVINGS BANK, a federal savings bank;
ASPEN FINANCIAL SERVICES, LLC, a
Nevada limited liability company; and DOES
1-500 inclusive,

21 Defendants.
22

23 AND RELATED INTERVENTION ACTIONS
24

25 **ORDER AWARDING INTEREST, COSTS AND ATTORNEY'S FEES**

26 Plaintiff's Motion for Interest, Costs and Attorney's Fees having come on before this
27 Court and the Court having reviewed the Motion, Opposition and Reply thereto, as well as all
28

1 exhibits attached thereto, and having heard the argument of counsel, the Court FINDS that the
2 attorney's fees charged by Plaintiff's counsel were reasonable both in their hourly rate, and the
3 total fees expended. The Court notes that, as acknowledged by counsel at the hearing, there was
4 a two-hour inadvertent overbilling which amount is deducted from the specific award set forth
5 herein.

6 The Court further FINDS that due to the nature and complexity of the case, the results
7 obtained and the experience of Plaintiff's counsel both the hourly rate requested for attorney's
8 fees, and the contingency requested for attorney's fees are reasonable.

9
10 The Court further FINDS that statutory interest is due on the Plaintiff's various
11 mechanic's liens from the date each amount was due to the lien claimants as set forth in
12 Plaintiff's Reply Brief.

13
14 Based upon the foregoing, it is hereby ORDERED, ADJUDGED and DECREED,

15 That McKimmey Electric, Inc., recover the sum of ONE HUNDRED FORTY-EIGHT
16 THOUSAND TWO HUNDRED FIFTY-SIX AND 02/100 DOLLARS (\$148,256.02) in
17 attorney's fees,¹ the sum of SEVEN THOUSAND SIX HUNDRED FIFTY-SIX AND 02/10
18 DOLLARS (\$7,656.02) in costs and the sum of ONE HUNDRED FOURTEEN THOUSAND
19 SIX HUNDRED SIXTY-SEVEN AND 03/100 DOLLARS (\$114,667.03) in pre-judgment
20 interest.

21
22 It is further ORDERED, ADJUDGED and DECREED that San Gabriel Construction, Inc.
23 is awarded SEVENTY THOUSAND FIVE HUNDRED SEVENTY-EIGHT AND 35/100
24 DOLLARS (\$70,578.35) in attorney's fees, EIGHT HUNDRED FORTY-EIGHT AND 62/100
25 DOLLARS (\$848.62) in costs, and pre-judgment interest in the amount of SEVENTY-SEVEN
26 THOUSAND FORTY-NINE AND 75/100 DOLLARS (\$77,049.75).

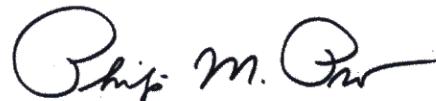
27
28 ¹ This amount is two hours less than requested in Plaintiff's Motion.

1 It is further ORDERED, ADJUDGED and DECREED that LDI Mechanical, Inc. is
2 awarded FORTY THOUSAND THREE HUNDRED FIFTY-EIGHT AND 62/100 DOLLARS
3 (\$40,358.62) in attorney's fees, NINE HUNDRED FIFTY-THREE AND 35/100 DOLLARS
4 (\$953.35) in taxable costs, and pre-judgment interest in the amount of SEVENTY-THREE
5 THOUSAND FOUR HUNDRED FIFTY-ONE AND 39/100 (\$73,451.39).
6

7 It is further ORDERED, ADJUDGED and DECREED that Chaparral Contracting, Inc., is
8 awarded TWO HUNDRED SEVENTY-THREE THOUSAND TWO HUNDRED SEVENTY-
9 FIVE AND 05/100 DOLLARS (\$273,275.05) in attorney's fees, EIGHT HUNDRED TWENTY-
10 SIX AND 29/100 DOLLARS (\$826.29) in taxable costs, and pre-judgment interest in the amount
11 of SEVENTY-THREE THOUSAND SIX HUNDRED TWENTY-NINE AND 17/100
12 DOLLARS (\$73,629.17).
13

14 It is further ORDERED, ADJUDGED and DECREED that all of the amounts awarded
15 herein, together with the amounts awarded to the lien claimants in the Order granting Plaintiff's
16 Motion for Partial Summary Judgment, shall bear statutory interest until satisfied.
17

18 DATED: September 7, 2010.



19 PHILIP M. PRO
20 UNITED STATES DISTRICT JUDGE
21

22 RESPECTFULLY SUBMITTED:
23

24 McCULLOUGH & ASSOCIATES, LTD.
25

26 By: */s/ Christopher R. McCullough*
27 CHRISTOPHER R. McCULLOUGH, ESQ.
28

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32 Attorneys for Plaintiffs, McKIMMEY ELECTRIC, INC,
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35

1 **PROOF OF SERVICE**

2 I hereby certify that I am a citizen of the United States and am employed in Clark County,
3 where this mailing occurs. I am over the age of eighteen years and not a party to the within
4 entitled action; my business address is 601 So. Rancho Drive, #A-10, Las Vegas, NV 89106.

5 On April 20, 2010, I served the document described as ORDER AWARDING
6 INTEREST, COSTS AND ATTORNEY'S FEES, on the interested party(ies) in this action as
7 follows:

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29 //

30 //

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10 **Via U.S. Mail Only**

11 Gerald Wade Donaldson
12 Total Sign Systems
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15 Lien Claimant

16 **BY MAIL:** I am “readily familiar” with the firm’s practice of collection and
17 processing correspondence for mailing. Under that practice it would be deposited
18 with the U.S. Postal Service on that same day with postage thereon fully prepaid at
Las Vegas, NV, in the ordinary course of business.

19 **BY ELECTRONIC SERVICE:** I served a true copy, with all exhibits,
20 electronically on designated recipients via electronic transmission of said
document(s) as provided under Federal Rules of Civil Procedure.

22 */s/ Willa Pettice*

23 Employee of McCullough, Perez & Associates, Ltd.

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