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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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ZURICH AMERICAN INSURANCE  
COMPANY AND FIDELITY AND  
DEPOSIT COMPANY OF MARYLAND,

Plaintiff,

v.

ASCENT CONSTRUCTION, INC.;  
BRADLEY LEWIS KNOWLTON;  
SHONDELL SWENSON; J. SCOTT  
JOHANSEN; and MARLAINE JOHANSEN,

Defendants,

MATT RASBAND; and HOLLY  
RASBAND,

Intervenors.

**MEMORANDUM DECISION AND  
ORDER GRANTING IN PART [123]  
MOTION FOR ATTORNEY FEES**

Case No. 1:20-cv-00089-DBB-CMR

District Judge David Barlow

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In the court's decision granting Matt and Holly Rasband's motion to intervene and motion to release lis pendens, the court determined that the Rasbands were entitled to attorney fees and costs.<sup>1</sup> Before the court is the Rasbands' motion for fees.<sup>2</sup> Having considered the motion, declaration of counsel, billing ledger, and relevant law, the court rules as follows.<sup>3</sup>

Having determined that the Rasbands are entitled to costs and fees, the court must determine whether the requested amounts are reasonable.<sup>4</sup> "The most useful starting point for

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<sup>1</sup> Memorandum Decision and Order Granting Motion to Intervene and Granting Motion to Release Lis Pendens, ECF No. 121.

<sup>2</sup> Motion for Attorney's Fees, ECF No. 123.

<sup>3</sup> See Declaration in Support of Motion for Attorney's Fees (Crook Decl.), ECF No. 124.

<sup>4</sup> See *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983) ("It remains for the district court to determine what fee is 'reasonable.'"). The court awarded costs and fees as required by Utah Code Ann. § 78B-6-1304(8). See ECF No. 121.

determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.”<sup>5</sup>

In his declaration in support of fees, counsel for the Rasbands identifies the legal personnel who worked on this matter, including their background and experience.<sup>6</sup> Counsel also states the legal personnel’s respective hourly rates and time spent working on this case.<sup>7</sup> In total, two attorneys and a paralegal spent 43.9 hours on this matter and collectively billed \$9,320.<sup>8</sup> With the exception of \$192.50, for which the court cannot clearly determine connection to the Rasbands’ motion, the court approves the billing rates and time spent as reasonable under the circumstances and in light of the experience of the legal personnel. Accordingly, the court awards the Rasbands attorney fees in the amount of \$9,127.5.

**ORDER**

For the reasons stated in this Memorandum Decision and Order, the court GRANTS IN PART the Rasbands’ Motion for Attorney Fees.<sup>9</sup> The Rasbands are awarded attorney fees in the amount of \$9,127.5.

Signed July 9, 2021.

BY THE COURT



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David Barlow  
United States District Judge

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<sup>5</sup> *Id.*

<sup>6</sup> *See generally* ECF No. 124.

<sup>7</sup> *Id.*

<sup>8</sup> ECF No. 124; *see* Ex. A to Crook Decl.

<sup>9</sup> ECF No. 123.