

1
2
3
4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,

7 Plaintiff,

8 v.

9 TRI-STATE CONSTRUCTION INC,

10 Defendant.

C13-1901 TSZ

MINUTE ORDER

11
12 The following Minute Order is made by direction of the Court, the Honorable
Thomas S. Zilly, United States District Judge:

13 (1) Plaintiff's Motion for Summary Judgment Regarding Indemnity for
14 \$31,160 of Costs and Expenses Above Settlement, docket no. 64, is DENIED. The party
15 seeking recovery of attorney fees as damages bears the burden of presenting evidence as
16 to the reasonableness of the amount of fees claimed. *Jacob's Medow Owners Ass'n v.*
17 *Plateau 44 II, LLC*, 162 P.3d 1153, 1164 (Wash. Ct. App. 2007). Plaintiff concedes that
18 it must submit evidence to determine if the \$31,160 represents a reasonable sum.
19 Plaintiff's Reply, docket no. 67 at 1-2. Travelers has presented no evidence as to whether
20 the claimed fees and costs are reasonable, and thus, a genuine issue of material fact
21 remains. The Court also concludes that expert testimony is not required to prove the
22 reasonableness of the fees and costs claimed by Travelers.

23 (2) The Court schedules a telephonic status conference for Thursday, February
12, 2015, at 2:30 p.m. to determine how to address the remaining issues in the case.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

1 Dated this 4th day of February, 2015.

2 William M. McCool
3 Clerk

4 s/Claudia Hawney
5 Deputy Clerk

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23