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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 IDS PROPERTY AND CASUALTY
9 INSURANCE COMPANY,

10 Plaintiff,

11 v.

12 CHARLES H. FELLOWS,

13 Defendant.

C15-2031 TSZ

MINUTE ORDER

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

15 (1) Defendant Charles H. Fellows's motion for attorney fees and costs, docket
16 no. 206, is RENOTED to May 19, 2017. By Monday, May 8, 2017, defendant shall file
17 a supplemental brief, not to exceed five (5) pages in length, addressing whether
18 defendant's trial attorneys are limited in their recovery from defendant to the greater of
19 the contingency fee or statutory fee. *See Hamner v. Rios*, 769 F.2d 1404 (9th Cir. 1985);
Sullivan v. Crown Paper Board Co., 719 F.2d 667 (3d Cir. 1983); *Wheatley v. Ford*, 679
F.2d 1037 (2d Cir. 1982); *see also Venegas v. Skaggs*, 867 F.2d 527 (9th Cir. 1989). A
copy of the contingency-fee agreement between defendant and Keller Rohrback L.L.P.
shall be attached to such supplemental brief.

20 (2) Plaintiff IDS Property and Casualty Insurance Company's consolidated
21 response to defendant's motion for attorney fees and costs and the supplemental brief
22 required in Paragraph 1 is due on May 15, 2017. Plaintiff's motion for extension of time,
23 docket no. 216, is STRICKEN as moot.

1 (3) Plaintiff's motion, docket no. 219, for leave to file an overlength brief in
2 response to defendant's motion for attorney fees and costs is GRANTED as follows.
3 Plaintiff's consolidated response shall not exceed twenty-four (24) pages. Defendant's
4 reply shall not exceed twelve (12) pages and shall be filed by the new noting date.

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

7 Dated this 28th day of April, 2017.

8 William M. McCool
9 Clerk

10 s/Karen Dews
11 Deputy Clerk