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

8 THE BANK OF NEW YORK
9 MELLON AS TRUSTEE FOR THE
10 BENEFIT OF THE CERTIFICATE
11 HOLDERS OF THE CWABS, INC.,
12 ASSET-BACKED CERTIFICATES,
13 SERIES 2007-SD1 FKA THE BANK
14 OF NEW YORK,

Plaintiff,

v.

13 KAREN D SMITH,

14 Defendant.

C18-764 TSZ

MINUTE ORDER

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

17 (1) Defendant's Motion for Attorney's Fees, docket no. 17, is GRANTED with
18 modifications proposed in Defendant's reply brief. Under Washington law, the
19 prevailing party in a contract dispute "shall be" entitled to reasonable attorney's fees and
20 costs, if the contract in dispute specifically provides for the award of fees and costs. *See*
21 *RCW 4.84.330; see also Merrell v. Renier*, 2007 WL 1058726, at *2 (W.D. Wash.
22 Apr. 5, 2007). The term "prevailing party" refers to the party in whose favor final
23 judgment is rendered. *RCW 4.84.330*. Here, the underlying deed of trust provides for
the recovery of attorneys' fees and costs, docket no. 11-5 at 27, and Defendant is the
prevailing party in this lawsuit in light of the order of dismissal with prejudice entered on
October 17, 2018, docket no. 16. The Court finds that the time expended and the
amounts charged are reasonable and therefore recoverable. Plaintiff concedes that

1 attorneys' fees are justified, and only objects as to the amount. Plaintiff, however, fails to
2 identify any time entries or charges that it contends are duplicative or unreasonable.
3 Accordingly, it is hereby ORDERED that attorneys' fees in the amount of \$15,165.00
4 and costs in the amount of \$400 shall be awarded to Defendant.

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

7 Dated this 20th day of November, 2018.

8 William M. McCool
9 Clerk

10 s/Karen Dews
11 Deputy Clerk