

1 HONORABLE RONALD B. LEIGHTON

2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON

9 ROBERT C. JARVIS and RETHA D. JARVIS,
10 Husband and Wife,

11 Plaintiffs,

12 vs.

13 FEDERAL NATIONAL MORTGAGE
14 ASSOCIATION, a federal corporation; THE
15 BANK OF NEW YORK MELLON, F.K.A. THE
16 BANK OF NEW YORK, AS TRUSTEE FOR
17 CWHEW, INC., HOME EQUITY LOAN ASSET
18 BACKED CERTIFICATES, SERIES 2006-s10;
19 and MORTGAGE ELECTRONIC
20 REGISTRATION SYSTEMS, INC., Delaware
21 corporation

22 Defendants.

Case No. 3:16-CV-05194-RBL

ORDER GRANTING PLAINTIFFS' MOTION
FOR ATTORNEY FEES AGAINST
DEFENDANT FEDERAL NATIONAL
MORTGAGE ASSOCIATION

23 THIS MATTER is before the Court on Plaintiffs' Motion for Attorneys' Fees pursuant to
24 Federal Rule of Civil Procedure 54(d)(2) [Dkt. #50]. The motion was supported by the Declaration of
Gregory F. Amann filed therewith [Dkt. #51]. No opposition to the motion was received by the Court.
In diversity actions, state law governs the recovery of attorneys' fees and related nontaxable expenses
so long as it does not run counter to a valid federal statute or rule of court. *Garcia v. Wal-Mart Stores,
Inc.*, 209 F.3d 1170, 1177 (10th Cir. 2000). As the prevailing party in this action, Plaintiffs are entitled

1 to an award of attorneys' fees pursuant to RCW 4.84.330. Defendant Federal National Mortgage
2 Association's ("Fannie Mae") deed of trust provides that "Lender shall be entitled to recover its
3 reasonable attorneys' fees and costs in any action or proceeding to construe or enforce any term of this
4 Security Instrument."¹ In order for a contractual attorneys' fee provision to apply under RCW
5 4.84.330, the contract containing the attorneys' fee provision must be "central to the controversy."
6 *Hemenway v. Miller*, 116 Wn.2d 725, 742, 807 P.2d 863 (1991). The central issue of this case was the
7 enforceability of Fannie Mae's deed of trust.

8 THEREFORE, Plaintiff's Motion for Attorneys' Fees in the amount of \$11,062.50 against
9 Defendant Fannie Mae is GRANTED. The Clerk shall enter a supplemental judgment awarding
10 Plaintiffs Robert C. Jarvis and Retha J. Jarvis \$11,062.50 in attorneys' fees against Defendant Fannie
11 Mae.

12 Dated this 16th day of May, 2017.

13
14 

15 Ronald B. Leighton
16 United States District Judge

17 Presented by:

18 VSI Law Group, PLLC

19 By: /s/Gregory F. Amann
20 Gregory F. Amann, WSBA No. 24172
21 Attorneys for Plaintiffs Robert C. Jarvis and
22 Retha D. Jarvis
23

24 ¹ [Dkt. #39] (Fannie Mae's Response to Motion for Summary Judgment, Exhibit B at 16).