

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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JAMES MCCARTHY, Conservator of the Estate of  
LOUIS DUPREE,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 189268  
Wayne Circuit  
LC No. 92-234926-NF

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant-Appellant.

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Before: Holbrook, Jr., P.J. and White and R. J. Danhof,\* JJ.

White, J. (concurring in part and dissenting in part)

The trial court found that “at least with a portion of [plaintiff’s claim], it was not a bona fide dispute.” Having in mind that defendant did not pay one of the bills until shortly before trial and that the jury awarded one hundred percent of another bill, I conclude that this determination was not clearly erroneous. I conclude, however, that the court abused its discretion in determining<sup>1</sup> the amount of the fee. Considering the results obtained, the fee was excessive.<sup>2</sup>

I would remand with instructions to reconsider the amount of the fee.

/s/ Helene N. White

<sup>1</sup> It is unclear from the record whether the court actually set the figure.

<sup>2</sup> Counsel submitted a bill documenting a total of 289.72 hours and claiming an hourly rate of \$190. The court reduced the hourly rate to \$125 per hour, as it had with defense counsel’s bill in awarding

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\* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

mediation sanctions. The order granting no-fault attorney fees awarded \$35,922.50, corresponding to 287.38 hours, just 2.34 hours less than the total hours claimed.