

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-017833

09/09/2013

HON. RANDALL H. WARNER

CLERK OF THE COURT  
K. Ballard  
Deputy

NATIONAL BANK OF KANSAS CITY

LANCE R BROBERG

v.

GOODYEAR NORTH L L C, et al.

THOMAS E LITTLER

SEAN K MCELENNEY

JUDGMENT SIGNED

Before the court are Plaintiff's forms of judgment, applications for attorneys' fees and statements of costs. There is no objection to the forms of judgment.

There is no dispute that attorneys' fees are awardable under the parties' agreements. Defendants' only objection is to the amount of attorneys' fees sought. The court finds that the fees sought by Plaintiff in the CV2011-017833 matter, \$72,684.50, are reasonable.

With respect to the CV2011-015332 matter, the court finds that fees in the amount of \$104,337.50 are reasonable with one exception. Having presided over the fair market value hearing, the court finds that it was unnecessary for Plaintiff to have two law firms representing it there. The court has therefore deducted \$8,075.00 from the fees requested, representing 17 hours of trial and preparation time on May 29 and 30, 2013.

This is not a comment on either Mr. Broberg's work or Mr. McElenney's work, but either of them could have tried this fairly simple appraisal dispute on their own. The court deducts the time from Mr. McElenney's fee application since Mr. Broberg took the laboring oar at trial. Moreover, since the right to fees is the client's, not the lawyer's, this order does not favor one law firm over the other.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2011-017833

09/09/2013

The court further finds that the requested costs are reasonable.

**IT IS ORDERED** awarding Plaintiff attorneys' fees in the amount of \$96,262.50 and costs in the amount of \$9,939.93 in CV2011-015332.

**IT IS FURTHER ORDERED** awarding Plaintiff attorneys' fees in the amount of \$72,684.50 and costs in the amount of \$8,266.21 in CV2011-017833.

**IT IS FURTHER ORDERED** approving and settling the forms of judgment in favor of Plaintiff and against the Defendants, modified consistent with this ruling, and electronically signed by the court on September 9, 2013 (which will be entered (filed) by the clerk on September 10, 2013).

**ALERT:** The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.