

FILED

Case No. 98-CV-0280 NO _____

Dept. No. II '99 DEC 16 P4:55

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DEC 16 1999

DOUGLAS COUNTY
DISTRICT COURT CLERK

BARBARA RILEY
CLERK
BY P. GREGORY DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

HAROLD FEIL,

Plaintiff,

vs.

ORDER

RALPH GRANT and DOES I-V,

Defendants.

THIS MATTER COMES before the Court on Plaintiff's Motion for Attorney Fees filed on October 14, 1999. Defendant filed an Opposition to the Motion on October 27, 1999. Plaintiff filed a Reply in support of his Motion on November 4, 1999.

After due consideration of the papers and pleadings on file herein and good cause appearing therefor,

IT IS HEREBY ORDERED that Defendant's Motion for Attorney Fees is GRANTED in part, as follows:

Ultimately, the greater prevailing party in this matter was the Plaintiff, Mr. Feil. The jury unanimously awarded Mr. Feil \$23,500, and Mr. Grant nothing. However, as explained in this court's Order denying the Defendant's Motion for Judgment N.O.V. or a new trial, the verdicts should have been \$47,000 to Plaintiff and \$23,500 to Defendant. The intent of the jury was clear as expressed in the supplemental verdict. It is

MICHAEL P. GIBBONS
DISTRICT JUDGE
DOUGLAS COUNTY
P.O. BOX 218
MINDEN, NV 89423

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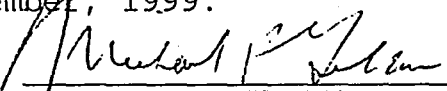
1 acknowledged that there are certain factors in favor of Mr.
2 Grant which the court has taken into consideration. The jury
3 found for Mr. Grant on his claim of intentional
4 misrepresentation and awarded him \$23,500 relief against the
5 \$47,000 owed under the promissory note. This fact, in the
6 opinion of the court, is an appropriate factor when considering
7 the amount of attorney fees to be awarded.

8 Counsel for both parties were diligent in representing
9 their clients. The Plaintiff has requested \$18,200 in
10 attorney's fees. His request is adequately supported by
11 billing receipts and affidavit. The amount of verdict was
12 larger than the amount offered to be received in settlement.
13 See NRCPC 68. The contract and the promissory note provided for
14 attorney's fees. Any party going to trial under these
15 circumstances has adequate notice that substantial attorney's
16 fees could be awarded.

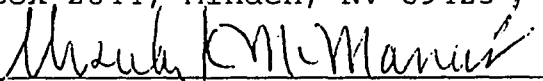
17 Taking in to consideration the unique circumstances in
18 this case, a reasonable amount of attorney's fees to be paid by
19 the defendant is Nine Thousand One Hundred Dollars (\$9,100),
20 and judgment is entered accordingly in favor of Plaintiff.

21 IT IS SO ORDERED.

22 Dated this 16 day of December, 1999.

23
24 
MICHAEL P. GIBBONS
District Judge

25
26 Copies served by mail this 16 day of December, 1999, to:
27 Keith Loomis, Esq., 300 W. Second Street, Carson City, NV
28 89703; James R. Hales, Esq., P.O. Box 2644, Minden, NV 89423


Ursula K. McManus

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: 12/22/99
D. [Signature] of the 1st Judicial District Court
of the State of Nevada, In and for the County of Douglas,

By [Signature] Deputy

SEAL

0483194

BK 1299 PG 4282

REQUESTED BY
Keith Loomis
IN OFFICIAL RECORDS OF
DOUGLAS COUNTY, NEVADA

1999 DEC 22 PM 3:08

LINDA SLATER
RECORDER

\$ 9.00 PAID KD DEPUTY