

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-000741

03/08/2018

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
T. DeRaddo  
Deputy

MANISH THAKRAR

GREGORY G MCGILL

v.

SURENDRA PALA

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1601 N SABA ST # 247  
CHANDLER AZ 85225

MINUTE ENTRY - RULING

The Court has considered the Application for Rule 37 fees filed February 20, 2018 and the Affidavit in Support of Attorney Fees. No objection was filed.

The Court previously found Defendant did not timely respond to Plaintiff's discovery request and that a sanction under Rule 37(a)(5), Ariz.R.Civ.P., is appropriate. Plaintiff requests the Court order Defendant to pay attorney fees in the amount of \$1,500.00 as a sanction for the discovery violation.

The Court has considered the reasonableness of the billing rate, the hours expended and the amount of the attorneys' fees requested. See A.R.S. §12-341.01, A.R.S. § 12-349, Rule 54 (g)(2), Ariz. R.Civ.P., *Berry v. 352 E. Virginia, L.L.C.*, 228 Ariz. 9, 13, 261 P.3d 784, 788 (App. 2011), and *ABC Supply, Inc. v. Edwards*, 191 Ariz. 48, 51, 952 P.2d 286, 290 (App. 1996), and *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183, 673 P.2d 927 (App. 1983). The Court has also considered Defendant's lack of objection. See *Geller v. Lesk*, 230 Ariz. 624, 628 (App. 2012) (once the party requesting fees makes a prima facie case the fees are reasonable, the burden shifts to the opposing party to establish the amount requested is clearly excessive), *Canon School Dist. No. 50 v. W.E.S. Constr. Co.*, 177 Ariz. 431, 443, 868 P.2d 1014, 1026 (App. 1993)(opposing party must make specific objections with factual detail pointing out which

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particular billing entries are unreasonable) and *Smith v. American Express Travel Related Servs. Co.*, 179 Ariz. 131, 140, 876 P.2d 1166, 1175 (App. 1994)(an opponent must make more than sweeping and conclusory allegations to demonstrate unreasonableness of a fee request).

The Court finds attorney fees in the amount of \$1500.00 are reasonable and were incurred for the reason stated above and should be awarded pursuant to Rule 37(a)(5), Ariz.R.Civ.P.

Accordingly,

**IT IS ORDERED** Defendant shall pay \$1,500.00 for attorneys' fees incurred in connection with the discovery violation to Plaintiff on or before May 1, 2018.