

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-008033

05/21/2008

HON. EDWARD O. BURKE

CLERK OF THE COURT
L. Nixon
Deputy

UNITED METRO MATERIALS INC

FRANCES J HAYNES

v.

REQUIP L L C, et al.

REQUIP L L C
NO ADDRESS ON RECORD

WILLIAM J SIMON
SEAN P ST CLAIR

MINUTE ENTRY

The Court has received and reviewed the Supplemental Reply in Support of Motion for Award of Attorneys' Fees and Taxable Costs or in the alternative Motion for Reconsideration filed by Plaintiff.

The Motion for Reconsideration is GRANTED. Plaintiff is correct in pointing out that the Court's ruling although made on the same day that the Supplemental Reply was filed, was made without benefit of reviewing the Supplemental Reply.

The Court spent a substantial amount of time reviewing the "block billing" time entries made by Plaintiff's counsel because of Defendant's citation to the 9th Circuit's opinion in Welch v. Metropolitan Life Ins. Co., 480 F.3d 942 (9th Cir. 2007). Neither side initially cited the Court to Orfaly v. Tucson Symphony Society, 209 Ariz. 260, 99 P.3d 1030 (App. 2004) or State v. Gravano, 210 Ariz. 101, 108 P.3d 251 (App. 2005), in which both Divisions One and Two of our Court of Appeals found that the "block billing" did not run afoul of Schweiger v. China Doll Restaurant, Inc., 138 Ariz. 183, 673 P.2d 927 (App. 1983).

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Defendants Response to the Motion for Reconsideration shall be filed no later than June 6, 2008, and shall specifically address the issue of block billing in light of the Gravano and Orfaly opinions.