

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-018443

06/17/2014

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
J. Polanco
Deputy

ANDREW KUHN

JONATHAN A DESSAULES

v.

SOUTHERN VILLAGE ESTATES
CONDOMINIUM ASSOCIATION, et al.

NIKITA VERMA PATEL

RULING

The Court received and considered the briefing submitted by these parties on Plaintiff's application for attorney fees and costs. The parties have not requested oral argument. In addition, the Court also finds that the parties' briefing is comprehensive and sufficient, and that oral argument would not add to the Court's consideration of the issues presented. Accordingly, oral argument is waived pursuant to Ariz. R. Civ. P. Rule 7.1[c][2] to expedite the business of the Court. The Court issues the following ruling.

General Background. Briefly stated, the Court awarded Plaintiff attorney fees pursuant to Ariz. R. Civ. P. Rule 37. These fees were awarded as a result of Defendants failing to provide a knowledgeable Rule 30[b][6] witness for deposition. Plaintiff's firm had two attorneys bill time on this discovery motion and herein seeks fees totaling \$8,527.50 and costs totaling \$12. Defendants re-argue the Court's decision to award fees in the first instance and in addition allege that the fees are excessive, entailed legal services that were duplicative, and should be substantially reduced.

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Discussion. As ruled, the Court finds that Plaintiff is entitled to fees as a sanction pursuant to Rule 37. Having reviewed Plaintiff's application for fees, considering the totality of these circumstances and the factors set forth in *Schweiger w. China Doll Restaurant, Inc.*, 138 Ariz. 183 [App. 1983], the Court finds that the amount of attorneys' fees requested are duplicative and excessive. Attorneys' fees must bear a direct relationship to the nature of the legal dispute and the quality, kind and extent of services reasonably rendered in such matters. The amount of time expended on the claim must also be reasonable.

It is clear under the circumstances of this case, that there existed duplication of effort by the attorneys assigned to this matter and that the matter was overstaffed. The Court will not pass on or shift these duplicative expenses to this sanctioned party.

In the exercise of its discretion, the Court finding duplication and excessive time expended by multiple attorneys on this matter, herein reduces the amount of fees requested. The Court herein awards Plaintiff reasonable fees in the sum of \$4,500 and costs of \$12.

IT IS ORDERED awarding Plaintiff reasonable attorney fees against Defendants in the sum of \$4,500 and costs in the sum of \$12.