

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 Sixth Street P.O. Box 4249, Boulder, CO, 80306-4249	DATE FILED: November 5, 2015 5:04 PM CASE NUMBER: 2013CV31563 <p style="text-align: center;">△ COURT USE ONLY △</p>
Plaintiff(s) KIMBERLY GIBBS et al. v. Defendant(s) MILE HI SKYDIVING CENTER INC	
Order Re: Affidavit of Anthony L. Leffert in Support of Award of Attorneys' Fees incurred by Defendant Mile-Hi Skydiving Center, Inc. with regard to Plaintiffs' Motion to Reconsider Award of Attorneys' Fees.	

THIS MATTER is before the Court on the October 8, 2015 timely submission of the Affidavit of Anthony L. Leffert in Support of Award of Attorneys' Fees incurred by Defendant Mile-Hi Skydiving Center, Inc. with regard to Plaintiffs' Motion to Reconsider Award of Attorneys' Fees. The Court has reviewed the Plaintiff's October 19, 2015 Response and Objection to the Affidavit, as well as the Defendant's October 20, 2015 Reply.

Plaintiff's objection attempts to compare the amount of fees incurred by Defendant to review, research and draft its Response to Plaintiffs' Motion to Reconsider Award of Attorneys' Fees, to the time it took Plaintiff to draft its Opening Brief and Reply. The comparison is not valid and is without merit. The Court instead considers the skill level and experience of the attorneys, the customary fees of attorneys with similar backgrounds, the content and quality of the pleadings and the reasonableness of the time expended in light of these factors.

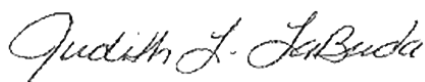
Plaintiff also asserts the pleadings are not reasonable as they represent 1/8 of the fees awarded for the entire two years of litigation. This analysis is misplaced. Though the Court agrees this matter was litigious and involved two years of litigation, the Court did not award attorney fees for two years of litigation in this case. In fact, no attorney fees were awarded for any of the issues that were submitted at trial in this matter.

Plaintiff did not request a hearing and thus the reasonableness of attorney fees is decided on the pleadings.

The Court, being fully advised in the premises and good cause being shown, hereby finds that the fees set forth in the Affidavit are reasonable and justified; are based on the skill and experience of the attorneys; and are based on the customary rates reflected in the Denver and Boulder metropolitan area for attorneys' with comparable backgrounds, experience and skills. The fees requested are also reasonable in light of each of the factors identified in the Colorado Rules of Professional Conduct, Rule 1.5(a)(1)-(8) which I have considered independently.

The Court FURTHER FINDS that Defendant necessarily and reasonably incurred legal fees in connection with the Plaintiffs' Motion to Reconsider Award of Attorneys' Fees in the amount of \$6,277.50, based on the issues raised in the Motion, the manner in which the issues were raised, and the reasonable time necessary to appropriately research and respond to the issues.

Issue Date: 11/5/2015



JUDITH L LABUDA
 District Court Judge