

2-27-2009

Harrison v. Certain Underwriters at Lloyd's Order Granting Motion Dckt. 35678

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"Harrison v. Certain Underwriters at Lloyd's Order Granting Motion Dckt. 35678" (2009). *Idaho Supreme Court Records & Briefs*. 137. https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/137

This Court Document is brought to you for free and open access by Digital Commons @ UIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIdaho Law.

In the Supreme Court of the State of Idaho

LAW CLERK

H. RAY HARRISON and JULIE HARRISON, husband)
and wife,)
)
Plaintiffs-Appellants,)
v.)
)
CERTAIN UNDERWRITERS AT LLOYD'S)
LONDON SUBSCRIBING TO POLICY NO. 200567)
ISSUED TO JEFFREY HARTFORD, M.D.)
EFFECTIVE FROM JUNE 1, 2004 TO JUNE 1, 2005)
WITH AN RETROACTIVE EFFECTIVE DATE OF)
JUNE 1, 2003; NAS)
INSURANCE SERVICES INC., a California)
corporation,)
)
Defendants-Respondents.)

ORDER RE: STIPULATION
TO AUGMENT RECORD AND REPORTER'S
TRANSCRIPT

Supreme Court Docket No. 35678-2008
Ada County District Court No.
2006-15687

A STIPULATION TO AUGMENT RECORD AND REPORTER'S TRANSCRIPT with attachments was filed by counsel for the parties on February 20, 2009. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the parties' STIPULATION TO AUGMENT RECORD as to the Reporter's Transcript of the hearing listed below be, and hereby is, DENIED WITHOUT PREJUDICE for the reason the Reporter's Transcript submitted with the Stipulation to Augment Record, does not comply with I.A.R. 24(a) *i.e. original plus one copy* and I.A.R. 26(1) *i.e. each copy of the transcript shall be bound*. Further, the transcript listed below must first be lodged with the District Court. (See I.A.R. 24(a)).

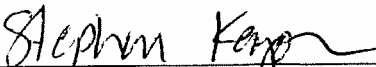
1. Transcript of the hearing held on Defendants' Motion for Attorney Fees held on October 3, 2008.

IT FURTHER IS ORDERED that the parties' Stipulation to Augment Record as to the document listed below be, and hereby is, GRANTED and the augmentation record shall include the document listed below, a file stamped copy of which accompanied the Stipulation to Augment Record:

1. Order re: Attorney Fees, file stamped October 10, 2008.

DATED this 27th day of February 2009.

For the Supreme Court



Stephen W. Kenyon, Clerk

cc: Counsel of Record
District Court Reporter
District Court Clerk

AUGMENTATION RECORD

In the Supreme Court of the State of Idaho

H. RAY HARRISON and JULIE HARRISON, husband)
 and wife,)
)
 Plaintiffs-Appellants,)
 v.)
)
 CERTAIN UNDERWRITERS AT LLOYD'S)
 LONDON SUBSCRIBING TO POLICY NO. 200567)
 ISSUED TO JEFFREY HARTFORD, M.D.)
 EFFECTIVE FROM JUNE 1, 2004 TO JUNE 1, 2005)
 WITH AN RETROACTIVE EFFECTIVE DATE OF)
 JUNE 1, 2003; NAS)
 INSURANCE SERVICES INC., a California)
 corporation,)
)
 Defendants-Respondents.)

ORDER RE: STIPULATION
 TO AUGMENT RECORD AND REPORTER'S
 TRANSCRIPT

Supreme Court Docket No. 35678-2008
 Ada County District Court No.
 2006-15687

A STIPULATION TO AUGMENT RECORD AND REPORTER'S TRANSCRIPT with attachments was filed by counsel for the parties on February 20, 2009. Therefore, good cause appearing,

IT HEREBY IS ORDERED that the parties' STIPULATION TO AUGMENT RECORD as to the Reporter's Transcript of the hearing listed below be, and hereby is, DENIED WITHOUT PREJUDICE for the reason the Reporter's Transcript submitted with the Stipulation to Augment Record, does not comply with I.A.R. 24(a) *i.e. original plus one copy* and I.A.R. 26(1) *i.e. each copy of the transcript shall be bound*. Further, the transcript listed below must first be lodged with the District Court. (See I.A.R. 24(a)).

1. Transcript of the hearing held on Defendants' Motion for Attorney Fees held on October 3, 2008.

IT FURTHER IS ORDERED that the parties' Stipulation to Augment Record as to the document listed below be, and hereby is, GRANTED and the augmentation record shall include the document listed below, a file stamped copy of which accompanied the Stipulation to Augment Record:

1. Order re: Attorney Fees, file stamped October 10, 2008.

DATED this 27th day of February 2009.

For the Supreme Court



 Stephen W. Kenyon, Clerk

cc: Counsel of Record
 District Court Reporter
 District Court Clerk

COPY

NO. _____ FILED _____
A.M. _____ P.M. _____

OCT 10 2008

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

J. DAVID NAVARRO, J
By INGA JOHNSON
DEPUTY

H. RAY HARRISON and JULIE
HARRISON, husband and wife,

Plaintiffs,

vs.

CERTAIN UNDERWRITERS AT
LLOYD'S LONDON SUBSCRIBING TO
POLICY NO. 20056 ISSUED TO JEFFREY
HARTFORD, M.D. EFFECTIVE FROM
JUNE 1, 2004 TO JUNE 1, 2005 WITH AN
RETROACTIVE EFFECTIVE DATE OF
JUNE 1, 2003; NAS INSURANCE
SERVICES, INC., a California corporation,

Defendants.

Case No. CV PI 0615687

ORDER RE: ATTORNEY FEES

COPY

This matter came before the Court on October 3, 2008, at 4 p.m. The Court considered the pleadings filed in support and in opposition of the Defendants' Memorandum of Attorney Fees as well as the arguments made during the hearing. The Court made findings on the record during the hearing. The Court's findings are hereby incorporated herein as if set forth in writing in this Order.

The Court hereby grants Defendants' request for attorney fees in the amount of Eleven Thousand Two Hundred Forty Five Dollars and Fifty Cents (\$11,245.50). The Court, acting within the discretion afforded under Idaho Code § 7-914 and I.R.C.P. 54(e), finds that Defendants are entitled to the requested attorney fees. I.C. § 7-914 permits the Court to award costs and disbursements to a party that successfully confirmed an arbitration award. The Idaho

ORDER RE: ATTORNEY FEES - 1

Supreme Court has held that disbursements include attorney fees. *Driver v. SI Corp.*, 139 Idaho 423, 429-30, 80 P.3d 1024, 1030-31 (2003) (holding that attorney fees are considered “disbursements” under § 7-914). The Defendants are the prevailing party by virtue of the Court’s previous order confirming the arbitration award entered on July 28, 2008. The Court understands that it has the discretion to award attorney fees to Defendants pursuant to I.C. § 7-914 and considered all of the legal and factual arguments when exercising that discretion in favor of Defendants by granting their request for attorney fees.

The Court considered each of the factors enumerated in I.R.C.P. 54(e)(3) and finds that the amount requested by Defendants in attorney fees is a reasonable amount.

For the reasons enumerated above the Court GRANTS Defendants’ request for attorney fees pursuant to Idaho Code § 7-914 and Rule 54(e).

DATED this 9 day of October, 2008.

RONALD J. WILPER

Honorable Ronald J. Wilper
Ada County District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of October, 2008, I caused a true and correct copy of the foregoing document to be served as follows:

Eric S. Rossman
Erica S. Phillips
ROSSMAN LAW GROUP, PLLC
737 North 7th Street
Boise, ID 83702

U.S. Mail
 Hand Delivery
 Federal Express
 Facsimile

James A. McGuire
MENDES & MOUNT, LLP
750 Seventh Avenue
New York, NY 10019-6829

U.S. Mail
 Hand Delivery
 Federal Express
 Facsimile

Jeffrey A. Thomson
Matthew C. Parks
ELAM & BURKE, P.A.
P.O. Box 1539
Boise, ID 83701

U.S. Mail
 Hand Delivery
 Federal Express
 Facsimile

J DAVID NAVARRO
INGA JOHNSON

SEAL

Deputy Clerk