

**FILED**  
**JAN 29 2021**  
**KIMBERLY A. ALLEN**  
**GRANT COUNTY CLERK**  
**HOLLY HINTZ**

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SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

VANDYKE & CEDERGREEN FARMS, ) NO. 19-2-00744-13  
LLC, a Washington limited liability company, )  
Plaintiff, ) **[PROPOSED] ORDER AWARDING**  
 ) **ATTORNEY FEES AND COSTS**  
vs. )  
 )  
DALLAS HINTZ FARMS, INC., a )  
Washington corporation, and DALLAS )  
HINTZ, an individual, )  
Defendants. )

**I. BASIS**

This matter came before the Court on Defendants' motion for attorney fees and costs under CR 54(d) and RCW 64.12.020. The Court held a hearing via Webex on January 29, 2021, at 9:00 a.m. The Court considered the argument of counsel and the following pleadings:

1. Motion for Attorney Fees and Costs;
2. Declaration of George M. Ahrend Re: Defendants' Motion for Fees;
3. Declaration of Shari M. Canet Re: Defendants' Motion for Attorney Fees;
4. Hintz Cost Bill;

- 1 5. Plaintiff's Response in Opposition to Defendants' Motion for Attorney Fees and Costs;
- 2 6. Defendants' Reply Re: Motion for Fees;
- 3 7. Second Declaration of George M. Ahrend Re: Defendants' Motion for Fees;
- 4 8. Declaration of David C. Whisenand Re: Defendants' Motion for Fees; and
- 5 9. Other:

6 **II. FINDINGS AND CONCLUSIONS**

7 Based on the argument of counsel and the pleadings herein, the Court finds:

- 8 1. Defendants sought attorney fees and costs in answer to Plaintiff's complaint.
- 9 2. On January 5, 2021, the Court granted summary judgment in favor of Defendants on  
10 all claims. The principal claim was for statutory waste under 64.12.020. A secondary  
11 claim was made for negligence, which overlaps completely with statutory waste. The  
12 remaining claims alleged by Plaintiff against Defendants were not defended in response  
13 to Defendants' motion for summary judgment.
- 14 3. Pursuant to the fee agreement between Defendants and Ahrend Law Firm, Defendants  
15 were billed for and paid attorney fees in the amount of \$32,497.50, excluding fees  
16 incurred in connection with the motion for fees.
- 17 4. The foregoing fees are based on the "lodestar" calculation, multiplying hourly rates by  
18 the time spent. The hourly rates are based on reasonable hourly rates for Defendants'  
19 lawyers and paralegal in this locality over the life of this case. The amount of time spent  
20 was reasonable and excludes clerical time. The fees requested are otherwise consistent  
21 with RPC 1.5.

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5. Pursuant to their fee agreement, Defendants were billed for and paid costs in the amount of \$2,832.90, consisting primarily of deposition fees and consulting expert witness fees. The amount of costs is also reasonable.

6. Other:

**III. ORDER**

The Court hereby orders the following for good cause shown:

- 1. Defendants' motion is GRANTED.
- 2. Defendants are awarded attorney fees in the amount of \$32,497.50.
- 3. Defendants are awarded costs in the amount of \$2,832.90.
- 4. Other:

DONE this 29th day of January, 2021.

  
 \_\_\_\_\_  
 Judge/Court Commissioner

PRESENTED BY:  
AHREND LAW FIRM PLLC  
Attorneys for Defendants

By:   
 \_\_\_\_\_  
 George M. Ahrend, WSBA #25160

COPY RECEIVED, APPROVED FOR ENTRY:  
JEFFERS, DANIELSON, SONN & AYLWARD, PS  
Attorney for Plaintiff

By: \_\_\_\_\_  
 Matthew S. Hitchcock, WSBA #51492