

SUPERIOR COURT OF THE STATE OF CALIFORNIA

MAR 11 2009

IN AND FOR THE COUNTY OF MARIPOSA

Catherine M. Cutter
COURT CLERK

LUSHMEADOWS ASSOCIATION, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 EUGENE TAGGS, et al.,)
)
 Defendants.)
 _____)

NO. 9018

This matter came on regularly for hearing on Motion to Strike Costs and Attorney's Fees on March 9, 2009, the Hon. Terry K. Cole presiding. Plaintiff was represented by Ann Rankin, attorney at law. Defendants were represented by Nanette Beaumont of Jamison and Chappel.

After argument and due consideration, plaintiff is awarded \$85,000.00 in attorney fees and \$4,821.92 in costs and for which defendants are jointly and severally liable.

Dated: 3/11/09

Terry K. Cole

 Hon. Terry K. Cole
 Judge of the Superior Court,
 Assigned

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March 19, 2009

Board of Directors
Lushmeadows Association, Inc.
Mr. Larry Wesson
5445 Cloud Rest
Mariposa, CA 95338

Re: **Lushmeadows HOA vs. Taggs**

Dear Larry:

Enclosed please find the court order on the attorneys' fees and costs.

As you can see, the judge cut the requested fees in half, without any explanation. To be honest, I was surprised by the amount by which he reduced the requested fees.

The case law holds that attorneys' fees are in the sound discretion of the trial judge, and courts of appeal do not overturn a trial judge's fee award unless the party challenging the judge's decision can prove that there was an abuse of discretion; this is a very uphill battle.

Please let me know if you have any questions.

Very truly yours,

LAW OFFICES OF ANN RANKIN


Ann Rankin

Enclosure
AR:gr