

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BANK OF AMERICA N. A., :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 11-445-RGA
 :
 SEA-YA ENTERPRISES LLC., et al., :
 :
 Defendants. :

MEMORANDUM

The only remaining disputed and unresolved issue is the amount of attorney’s fees. The contract provided that the Bank’s remedies included “reasonable fees for any attorney” representing the Bank in a court action. (D.I. 1-1, at 7). The Bank has submitted a Declaration and billing records showing that the Plaintiff has \$282,595.58 of attorney’s fees. (D.I. 86-2). It has submitted a proposed judgment including “attorney’s fees, expenses, and court costs in the amount of \$278,418.08.” (D.I. 86-3, at 2). The Defendants have objected. (D.I. 88). The objection does not go into detail, as “Defendants . . . do not believe that such an endeavor would be a valuable use of their time.” *Id.* It may be true that detailed objections would not be a valuable use of the Defendants’ time. Performing a detailed review without detailed objections is similarly not a sensible use of the Court’s time. Indeed, the Court could construe Defendants’ position as a waiver.

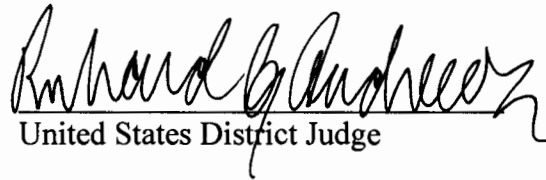
The Court has reviewed the docket in this case. Taking the “thirty thousand feet view,” the Court notes that the attorney’s fees are almost exactly 5% of the total judgment; the case, although a “collection matter,” was robustly litigated by both sides, including, by the Court’s

count, eleven court proceedings (three in-person (D.I. 8, 41, 87), eight by telephone (D.I. 12, 16, May 17, 2012, 47, 53, October 19, 2012, October 31, 2012, February 11, 2013), seven distinct motions (D.I. 19, 27, 29, 59, 60, 62, 65), four depositions (D.I. 26, 55, 57, 58), and a pretrial order (D.I. 79). The parties were two days from trial when the Court concluded that it could grant summary judgment on the remaining issue. (December 17, 2012).

The Court views the Bank as having established the amount and reasonableness of its attorney's fees. Thus, the Court will grant the final judgment in the amounts and form proposed by the Bank.

3-4-13

Date


United States District Judge