

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

DUSTIN SHANE MARTIN,	)	
	)	Case No. CV-05-156-S-BLW
Plaintiff,	)	
	)	<b>MEMORANDUM DECISION</b>
v.	)	<b>AND ORDER</b>
	)	
INCLUSION, INC.,	)	
	)	
Defendant.	)	
_____	)	

**MEMORANDUM DECISION**

In an earlier Memorandum Decision and Order (docket no. 81) the Court ordered Martin to pay certain fees and costs to Inclusion. Inclusion's counsel has now submitted his fee petition seeking \$5,400 in fees. The Court finds that sum reasonable, and further finds reasonable both the hourly rate upon which it is based and the total hours expended.

The Court is making these findings on an expedited basis because trial in this case is just a week away. Given the past history of this litigation, the Court finds that the fees must be timely paid or this case will be dismissed. Because the trial is rapidly approaching and time is of the essence, the Court has ruled before the time for response has run, and before any response was filed. However, the

Court will give Martin a chance to object before the fees are due.

Accordingly, Martin shall pay the sum of \$5,400 to Inclusion on or before April 4, 2007. If Martin has any objection to the amount of the fees sought by Inclusion, he shall file his objection on or before April 2, 2007, at 11:00 a.m. If an objection is filed, the Court will immediately resolve it, and the fees (whether in the sum of \$5,400 or some modified amount) shall remain due on April 4, 2007, and if not paid by that date, the case will be dismissed.

### **ORDER**

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion for fees (docket no. 84) is GRANTED, and plaintiff is ordered to pay attorney fees to defendant Inclusion in the sum of \$5,400 on or before April 4, 2007.

IT IS FURTHER ORDERED, that any objections to this Order must be filed on or before April 2, 2007, at 11:00 a.m.

IT IS FURTHER ORDERED, that if the fees are not paid by April 4, 2007,  
this case shall be dismissed.



DATED: **March 29, 2007**

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. LYNN WINMILL

Chief Judge

United States District Court