

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 decision, the Court ordered Martin to pay certain fees and costs to Inclusion. *See Memorandum Decision (docket no. 81)*. Inclusion's counsel submitted his fee petition seeking \$5,400 in fees. *See Memorandum (docket no. 85)*. The Court then allowed Martin to object on an expedited basis, *see Memorandum Decision (docket no. 92)*, and the Court has now reviewed that objection.

Martin objects to, among other things, the hourly rate for associate Jacob Deaton. It appears that Deaton has only recently become an Idaho bar member, but is charged out at \$200 an hour, the same rate charged for name-partner Dennis Charney. Deaton's fee is too high; a rate of \$100 per hour is reasonable. That

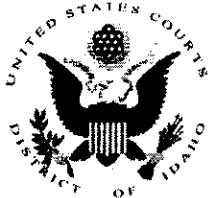
reduces the total fees incurred to \$3,500. The other objections are rejected.

**ORDER**

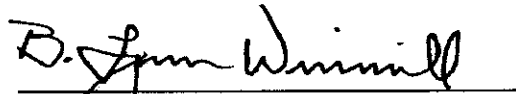
In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that the Order (docket no. 92) is MODIFIED, and the motion for fees (docket no. 84) is GRANTED, and plaintiff is ordered to pay attorney fees to defendant Inclusion in the sum of \$3,500 on or before April 5, 2007, at 4:00 p.m..

IT IS FURTHER ORDERED, that if the fees are not paid by April 5, 2007, at 4:00 p.m., this case shall be dismissed.



DATED: April 4, 2007

  
B. LYNN WINMILL  
Chief Judge  
United States District Court