

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

GREGG CONITZ,

Plaintiff,

vs.

TECK COMINCO ALASKA, INC. and
NANA REGIONAL CORPORATION,

Defendants.

Case No. 4:06-cv-0015-RRB

ORDER REGARDING
PENDING MOTIONS

Before the Court, at **Docket 147**, is Defendant's Motion to Disgorge Fees, which is opposed at Docket 153. The Court finds the motion to be without merit and hereby **DENIES** the same.

Before the Court, at **Docket 156**, is Defendant's Motion for Attorney Fees, which is opposed at Docket 173. While this litigation appears to have been unnecessarily costly and hostile, the legal issues raised were unique and significant and only became clear after substantial discovery and motion practice. Given this, plus the economic disparity between the parties, the Court concludes that only nominal fees should be assessed, and therefore awards attorney fees in favor of Defendant, Teck Cominco Alaska

Inc., and against Defendant in the amount of \$2,500. The Court denies the request that fees be assessed directly against counsel, for his conduct does not appear to have exceeded the bounds of zealous representation.

Before the Court, at **Docket 158**, is intervenor Nana Corporation with a Motion for Attorney Fees which is opposed by Plaintiff. Under the circumstances, Nana's appearance, although helpful, was not necessary to resolve the legal issue raised. Moreover, Nana benefitted from the resolution of this issue. For these reasons, and given the economic disparity between the parties, Nana's Motion for Attorney Fees is hereby **DENIED**.

Before the Court, at **Docket 163**, is Plaintiff's Motion of Court Review of Clerk's Action of Taxation of Costs and the related Motions to Deny Costs at **Dockets 174** and **176**. The Court has reviewed the Clerk's taxation of costs and finds them to be just and reasonable, although the Court is not inclined to award costs in favor of Nana for the reasons previously stated. Therefore Plaintiff's Motion to Deny Costs at **Docket 174** is hereby **DENIED**. Plaintiff's Motion to Deny Costs at **Docket 176** is hereby **GRANTED**.

ENTERED this 16th day of October, 2008.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE