

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CERTAINTEED CORPORATION,

Plaintiff,

v.

SEATTLE ROOF BROKERS, et al.,

Defendants.

CASE NO. C09-563RAJ

ORDER

This matter comes before the court on the motion of Plaintiff CertainTeed Corporation (“CertainTeed”) for an award of attorney fees and litigation expenses against Plaintiff James Garcia. Dkt. # 104. CertainTeed requested \$114,681.50, a sum which includes fees for expert witness Robert Metz and for the services of a company who tracked the changes to Mr. Garcia’s website. The court notes that Mr. Garcia did not oppose the motion.

The court has reviewed the motion. CertainTeed, as the prevailing party in this action, is entitled to attorney fees via the Washington Consumer Protection Act. The court need not decide whether this case is “exceptional” within the meaning of the Lanham Act’s attorney fee provision. 15 U.S.C. § 1117.

The court notes that CertainTeed has not attempted to claim fees for much of the time its attorneys expended in this litigation. This is in part because CertainTeed

1 acknowledges that it did not prevail on every claim or every request for relief from the  
2 court. In part, however, CertainTeed declined to claim certain fees simply to ensure that  
3 its overall fee request was reasonable. The court finds that CertainTeed could have  
4 reasonably claimed an award higher than the one it requested.

5 Accordingly, the court GRANTS the motion (Dkt. # 104) and awards CertainTeed  
6 \$114,681.50 in attorney fees and expenses.

7 DATED this 8th day of July, 2011.

8  
9 

10 The Honorable Richard A. Jones  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27