

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. RICHARD S FIELDS

CASE NO. C20133885

DATE: October 06, 2015

TERRI BENNETT  
Plaintiff

VS.

PIMA COUNTY COMMUNITY COLLEGE DISTRICT,  
ET AL.  
Defendant(s)

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**R U L I N G**

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**M-BOOK RULING**

The Court has reviewed the Application for Attorney's Fees, Plaintiff's Response, and Defendant's Reply and Amended Reply.

The Court is also fully aware of the factors in Associated Indem. Corp. v. Warner, 143 Ariz. 567, 694 P.2d 1181 (1985). While the Court recognizes that Defendant is justified in requesting a full award of attorneys fees, tempered discretion is deemed appropriate considering factors 3, 5, 6 and 7 under Warner. The Court would have appreciated more "peace talks" from both parties but the novelty of the issues and other factors apparently precluded meaningful settlement negotiations.

With all mindful mitigation applied, an award of attorney's fees to the prevailing Defendant is required under the circumstances. The award is not meant to be a slight to the excellent counsel for the defense, and it will certainly not seem slight to the Plaintiff.

IT IS ORDERED that Plaintiff pay to Defendant the sum of \$81,000 (eighty-one thousand dollars) as and for Attorney's fees.

IT IS FURTHER ORDERED awarding taxable costs of \$29,927.38 (twenty-nine thousand, nine hundred and twenty-seven dollars and thirty-eight cents) to Defendant payable by Plaintiff.

Dani DuBois  
Law Clerk

**R U L I N G**

The Court will sign the form of judgment provided by Defendant.

  
**HON. RICHARD S. FIELDS**  
(ID: b2d6751b-9d32-4c5e-aa15-cb24083db037)

cc: Hon. Richard S Fields  
Adriane J Hofmeyr, Esq.  
Andrew H. Barbour, Esq.  
Elizabeth A Gilbert, Esq.  
Georgia Staton, Esq.  
John Munger, Esq.  
Board Of Governors Of Pima County Community College District  
Pima County Community College District  
Terri Bennett  
Clerk of Court - Civil Unit

Dani DuBois  
Law Clerk