

SCANNED 4

FILED  
IN OPEN COURT

APR 24 2026

WHATCOM COUNTY CLERK

25-2-02688-37  
ORGMT 39  
Order Granting Motion Petition  
20847213



WASHINGTON STATE SUPERIOR COURT

WHATCOM COUNTY

MJ Management, LLC, a Washington Limited  
Liability Company

Plaintiffs,

v.

KAREN KELLY, an individual

Defendants.

Case No.: 25-2-02688-37

**ORDER GRANTING MJ'S MOTION FOR  
PREVAILING PARTY ATTORNEYS'  
FEES.**

THIS MATTER came before the Court on MJ's Motion for Prevailing Party Attorneys' Fees. The court heard oral argument where counsel for both parties were present on April 17 and April 24, 2026.

The Court has considered:

1. MJ's Motion for Prevailing Party Attorneys' Fees
2. Declaration of Ian Ducey in Support of MJ's Motion for Prevailing Party Attorneys' Fees.
3. Ms. Kelly's Response and Supporting Declaration(s);
4. MJ's Reply;
5. Ms. Kelly's Supplemental Response;
6. MJ's Supplemental Reply.

The Court has also reviewed the files and records, and considers itself fully appraised of the matter.

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2  
3 THE COURT FINDS:

4 1.1 MJ filed this lawsuit on December 1, 2025.

5 1.2 MJ served Ms. Kelly with the complaint, and Requests for Admissions on December  
6 18, 2025.

7 1.3 Ms. Kelly filed an answer on January 2, 2026, and appeared via counsel on January 12,  
8 2026.

9 1.4 MJ moved for summary judgment on January 23, 2026.

10 1.5 Defendant Kelly's Counsel deposed MJ's business representative on February 5, 2026.

11 1.6 The Court heard oral argument on the motion for summary judgment on February 26  
12 and took the motion under advisement.

13 1.7 On March 18, 2026, the Court granted MJ's Motion for Summary Judgment including  
14 an award of the reasonable legal fees that MJ Management incurred in the litigation as  
15 they were the prevailing party, and ordered MJ Management to file a motion to set the  
16 amount of attorney fees within fourteen days of the order.

17 1.8 MJ timely moved for prevailing party attorneys' fees based on the Court's Order  
18 granting Summary Judgment.

19 1.9 The Court finds Possinger Law Group's hourly rates are reasonable, based on Mr.  
20 Ducey's Declaration and considering his and his staff's experience, skill level, and  
21 reputation and customary rates in the locality.

22 1.10 Ms. Kelly gave no specific objections to the hourly rates of Mr. Ducey and staff and  
23 also did not make any specific objections to the number of hours spent on each legal  
24 service/time entry billed.

25 1.11 The court reviewed each individual time entry/billing entry for Possinger Law Group's  
26 work on this matter. Possinger Law Group spent 79.10 hours in this case (plus time for

1 drafting the reply and arguing the MJ's motion for prevailing party attorneys' fees), at  
2 rates between \$165.00 – \$305.00 an hour totaling \$21,365.50,

3  
4 1.12 Possinger Law Group also spent 6 hours at \$305 per hour drafting two separate  
5 replies and attending two hearings on this motion to determine attorney fees. Thus, the  
6 total attorney fees billed by Possinger Law Group, including for this motion, total  
7 \$23,195.50 in legal fees.

8 1.13 The Court finds that 11.6 hours of the time billed by Possinger Law Group (totaling  
9 \$3,538.00 in fees), which are the hours that Mr. Ducey spent conducting basic research  
10 into plat maps, declarations of condominium, is not reasonable and deducts these hours  
11 from the Lodestar calculation.

12 1.14 MJ also incurred \$395.06 in costs in this lawsuit, which are also reasonable.

13 1.15 The legal services/fees billed and costs were all necessary to prevail in this lawsuit.

14 THE COURT CONCLUDES:

15 2.1 Deducting the 11.6 hours spent by Mr. Ducey doing research, and looking at the  
16 Lodestar factors, the Court finds that 19,657.50 is a reasonable amount of legal  
17 fees to be charged for legal services and these were necessary in order to prevail in this  
18 action. The court also finds that \$395.06 in costs in this lawsuit are reasonable and were  
19 necessary.

20 2.2 MJ is entitled to \$ 20,052.56 as an award for MJ's reasonable legal fees and  
21 costs for Possinger Law Group's work and expenses in this litigation.

22 Therefore, THE COURT ORDERS that Ms. Karen Kelly must pay MJ Management (c/o  
23 Possinger Law Group) \$ 20,052.56, in reasonable legal fees and costs. Ms. Kelly must pay  
24 this amount within 30 days following the date the Court enters this Order.

25  
26 Dated April 24, 2026



The Honorable Jennifer Slattery  
Whatcom County Superior Court

Copy Received:  
POSSINGER LAW GROUP, PLLC

*Present via Zoom*

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