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Judge rules Prosser owes man's attorney fees

By John Trumbo, Tri-City Herald

PROSSER -- Larry Loges of Prosser has won a \$51,486 judgment against the city for his attorney fees in a years-old battle with city hall over the seizing and impounding of a semi-trailer he had on his property.

District Court Judge Rosanna Malouf Peterson, chief of the Eastern District of the U.S. Courts in Spokane, ruled Tuesday that Loges should be reimbursed \$49,815 for his attorney, Timothy Carlson of Yakima, plus \$1,670 in costs to be returned to Loges.

It is the second time Loges has forced Prosser into a financial corner.

In July 2009, Prosser also paid Loges \$175,000 for attorneys fees to settle a 2007 public records lawsuit that claimed the city delayed, ignored or improperly filed 41 public records requests Loges made in 2006.

In the most recent litigation this summer, Peterson helped resolve a dispute with a negotiated settlement that requires the city to pay \$15,000 to Loges.

Howard Saxon, Prosser's city attorney, said the city agreed to settle for \$15,000 on Loges' claim that his trailer along Wine Country Road -- impounded by the city in 2006 -- was missing several thousands of dollars worth of construction materials when returned to him.

Loges alleged the city had seized the trailer, which had a political message on it that was critical of the city and its then-mayor, Linda Lusk.

The controversial message on his trailer reportedly featured a blow-up doll meant to depict Lusk.

"When the trailer was returned to Loges, approximately \$12,000 of building materials were missing from the trailer while it was impounded on the city lot," Loges said in a news release issued Wednesday.

Loges said most of the legal fees he incurred were the result of his attorney opposing the city's discovery requests in the litigation involving loss of use of the trailer and interfering with his civil right of free speech.

Saxon said all of the judgments owed by the city will be paid by Prosser's insurance, Canfield Associates.

Saxon said the case was handled not by him but by Canfield lawyer George Fearing of Kennewick.

Peterson noted Carlson's hourly rate of \$225 to \$250 an hour for a total of 246 hours was reasonable.

Fearing had asked the court to approve an award of about half of what Carlson submitted as a bill. Peterson deducted \$5,000 from Carlson's bill, noting the 20 hours it took to prepare the fee request should not be reimbursed.

Read more: <http://www.tri-cityherald.com/2011/12/15/1753781/judge-rules-prosser-owes-mans.html#ixzz1gdqXLsNE>