

## **SUMMARY STATEMENT**

*The Watkins Company, LLC v. Estate of Michael Storms*, Docket No. 43649

In an appeal from Bonneville County, the Supreme Court affirmed the award of attorney fees to the Estate of Michael Storms (Storms) and Brownstone Companies, Inc. (Brownstone). The Watkins Company, LLC (Watkins) initiated this action alleging that Storms and Brownstone had breached a commercial lease and seeking a temporary restraining order (TRO) to prevent Storms and Brownstone from removing property from the leased space. Storms and Brownstone counterclaimed for damages resulting from the TRO. Storms and Brownstone prevailed at trial and were awarded attorney fees in the amount of \$72,312.36. Watkins appealed, arguing that the award of attorney fees was not supported by substantial and competent evidence as Storms and Brownstone had not distinguished between recoverable and unrecoverable attorney fees and that the district court erred when it apportioned fees based on its experience and familiarity with the case. The Supreme Court found that Watkins had failed to properly preserve the issue for appeal because Watkins did not raise it before the district court. The Supreme Court awarded Storms and Brownstone attorney fees and costs on appeal.