

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Ashley Imming v. Osvaldo De La Vega, Mesilla Capital Investments, LLC, Southwest Health Services, P.A., and Mesilla Capital Investments de Mexico, S. DE. R.I.

Imming · No. Civ. No. 23-378 GJF/DLM; 2:23-cv-00378 · Decided December 19, 2025

SUMMARY

The United States District Court for the District of New Mexico partially grants Plaintiff Ashley Imming’s motion for attorneys’ fees and costs following a bench trial. Applying New Mexico law and the lodestar method, the Court awards \$312,392.20 and reduces the requested hours and rates for redundant, excessive, or otherwise unreasonable work, while rejecting a requested fee multiplier.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Gregory J. Fouratt
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	December 19, 2025
DOCKET	Civ. No. 23-378 GJF/DLM; 2:23-cv-00378
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorneys' fees and costs after prevailing at a bench trial in a federal enforcement action. The court considered the motion under the New Mexico Human Rights Act, Federal Rule of Civil Procedure 54(d), 28 U.S.C. § 1920, and applicable New Mexico fee principles.
STANDARD OF REVIEW	Awards of attorneys' fees and the amount awarded are reviewed for abuse of discretion; fee determinations are upheld unless arbitrary, capricious, whimsical, manifestly unreasonable, based on clearly erroneous factual findings, or without a rational evidentiary basis.
PRECEDENTIAL VALUE	unpublished district-court order; persuasive authority only

TOPICS

- attorney fees
- costs
- civil procedure
- commercial litigation
- corporate law

PRACTICE AREAS

attorneys' fees

costs

civil procedure

commercial litigation

corporate law

QUESTIONS PRESENTED

1. Whether Plaintiff qualified as a prevailing party entitled to attorneys' fees under the New Mexico Human Rights Act.
2. What number of attorney and paralegal hours were reasonably expended and what hourly rates were reasonable under New Mexico law.
3. Whether Plaintiff was entitled to a multiplier or fee enhancement in addition to the lodestar amount.
4. Which litigation costs were taxable under Federal Rule of Civil Procedure 54(d)(1), 28 U.S.C. § 1920, and applicable local law.

HOLDINGS

1. Plaintiff was a prevailing party in a proceeding under the New Mexico Human Rights Act and was entitled to an award of reasonable attorneys' fees under N.M.S.A. § 28-1-13(D), including fees incurred in this federal collection action.
2. Reasonable statutory attorneys' fees are calculated using the lodestar method, multiplying reasonably expended hours by reasonable hourly rates, with adjustments for excessive, redundant, unnecessary, or otherwise unreasonable work.
3. Plaintiff was not entitled to a multiplier or fee enhancement because the reduced lodestar amount adequately compensated counsel under the circumstances.
4. Plaintiff was entitled to \$4,669.20 in taxable costs, but not to costs for certified copies of the Findings of Fact and Conclusions of Law, recording fees, or Federal Express expenses.

KEY QUOTATIONS

"As set forth below, the Court will GRANT IN PART AND DENY IN PART Plaintiff's Motion by awarding Plaintiff \$312,392.20 in fees and costs." (at 1)

"Under the circumstances of this case, the Court is satisfied that the lodestar amount, even as reduced herein, constitutes sufficient and reasonable fees for litigating this federal enforcement action without any need to enhance those fees through application of a multiplier." (at 17)

"IT IS THEREFORE ORDERED that Plaintiff's Motion for Attorney's Fees and Costs (Dkt. No. 262) is GRANTED IN PART AND DENIED IN PART" (at 19)

FACTUAL BACKGROUND

Plaintiff litigated a federal enforcement action involving alleged asset transfers and collection of a state-court judgment against Osvaldo De La Vega and related corporate entities. After a bench trial, Plaintiff prevailed on the claims in her Second Amended Complaint, obtaining relief including voided asset transfers, joint and several liability against Mesilla Capital Investments, LLC for \$867,971.07, and a default judgment against Mesilla

Capital Investments de Mexico, S. de R.L. for \$1,449,392.79, with post-judgment interest. Plaintiff's counsel submitted declarations, time records, and receipts seeking fees, a multiplier, New Mexico gross receipts tax, and costs.

PROCEDURAL HISTORY

The case proceeded through more than thirty months of litigation, including discovery, motions to dismiss, motions for partial summary judgment, motions to compel, and a two-day bench trial. The Court's Findings of Fact and Conclusions of Law determined that Plaintiff prevailed on the claims in her Second Amended Complaint and qualified as a prevailing party under the New Mexico Human Rights Act. Plaintiff then sought \$976,302.72 in fees, a multiplier, gross receipts tax, and costs; the Court awarded \$312,392.20 in fees and costs and denied the motion in all other respects.

DISPOSITION

other

CASES CITED

- Chieftain Royalty Co. v. Enervest Energy Institutional Fund XIII-A, L.P., 888 F.3d 455, 461 (10th Cir. 2018)
- Key v. Chrysler Motors Co., 998 P.2d 575, 581 (N.M. Ct. App. 2000)
- Schroeder v. Memorial Medical Center, 945 P.2d 449, 451 (N.M. 1997)
- Mountain Highlands, LLC v. Hendricks, No. Civ 08-0239 JB/ACT, 2010 WL 1631856, at *3–4 (D.N.M. Apr. 2, 2010)
- Rivera-Platte v. First Colony Life Insurance Co., 173 P.3d 765, 791 (N.M. Ct. App. 2007)
- In re New Mexico Indirect Purchasers Microsoft Corp. Antitrust Litigation, 149 P.3d 976, 1004 (N.M. Ct. App. 2007)
- Hensley v. Eckerhart, 461 U.S. 424, 434 (1983)
- Calderon v. Navarette, 800 P.2d 1058, 1059–60 (N.M. 1990)
- Xlear, Inc. v. Focus Nutrition, LLC, 893 F.3d 1227, 1233 (10th Cir. 2018)
- Fox v. Vice, 563 U.S. 826, 838 (2011)
- Thames v. Evanston Insurance Co., 665 F. App'x 716, 723 (10th Cir. 2016)
- Malloy v. Monahan, 73 F.3d 1012, 1018 (7th Cir. 1996)
- Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, 478 U.S. 546, 565 (1986)
- Klein v. Grynberg, 44 F.3d 1497, 1506 (10th Cir. 1995)
- Gabbo Farms & Orchards v. Pode Chem. Co., 81 F.3d 122, 124 (10th Cir. 1996)
- MVT Services, LLC v. Great West Casualty Co., No. 18-1128 GJF/GBW, 2023 WL 2743531, at *8–9 (D.N.M. Mar. 31, 2023)
- Escano v. Innovative Financial Partners, LLC, No. 23-277 MLG/GJF, 2024 WL 243558, at *17 (D.N.M. Jan. 23, 2024)
- Blum v. Stenson, 465 U.S. 886, 895 n.11 (1984)

- Case v. Unified School District No. 233, 157 F.3d 1243, 1255–56 (10th Cir. 1998)
- Lippoldt v. Cole, 468 F.3d 1204, 1225 (10th Cir. 2006)
- Puma v. Wal-Mart Stores East, LP, 523 P.3d 589, 606 (N.M. Ct. App. 2023)
- Utah Animal Rights Coalition v. Salt Lake County, 566 F.3d 1236, 1245 (10th Cir. 2009)
- Mares v. Credit Bureau of Raton, 801 F.2d 1197, 1208 (10th Cir. 1986)
- Stender v. Archstone-Smith Operating Trust, 958 F.3d 938, 941 (10th Cir. 2020)
- Carleton v. Wal-Mart Stores, Inc., No. Civ 99-965 MV/DJS, 2001 WL 37125271, at *3 (D.N.M. Feb. 6, 2001)
- Daniel & Max, LLC v. BAB Holding Co., No. 19-173 GJF/GBW, 2019 WL 3936865, at *1 (D.N.M. Aug. 20, 2019)

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