

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Fumiko Iwasaki v. Breeze Aviation Group Inc.

No. 2:24-cv-00817 (D. Utah Jan. 14, 2026) · No. 2:24-cv-00817 · Decided January 14, 2026

SUMMARY

The United States District Court for the District of Utah partially grants Breeze Aviation Group Inc.'s motion for attorney fees incurred in connection with discovery motions concerning David Neeleman's deposition. Applying Federal Rule of Civil Procedure 37, the court reduces the requested \$14,108.50 by \$1,705.75 and awards Breeze \$12,402.75.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Utah                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Dustin B. Pead                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the District of Utah                                                                                                                                                                                                                                            |
| DECIDED               | January 14, 2026                                                                                                                                                                                                                                                                                 |
| DOCKET                | 2:24-cv-00817                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiff objected to Defendant's request for attorney fees and costs incurred in connection with discovery-related motions. The court considered Plaintiff's objections to fees incurred after withdrawal of a deposition notice and to the amount of attorney time devoted to certain motions. |
| STANDARD OF REVIEW    | The court evaluated whether the requested attorney fees were reasonable under Federal Rule of Civil Procedure 37 and exercised its discretion to reduce unreasonable or duplicative fee amounts.                                                                                                 |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                      |

TOPICS

- attorney fees
- discovery dispute
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery
- attorney fees

## QUESTIONS PRESENTED

1. Whether attorney fees may be awarded under Federal Rule of Civil Procedure 37 when the requested discovery is provided or a deposition is withdrawn after the discovery motion is filed.
2. Whether the amount of attorney fees requested by Breeze was reasonable.

## HOLDINGS

1. Attorney fees may be awarded under Federal Rule of Civil Procedure 37(a)(5)(A) when the requested discovery is provided or a deposition is withdrawn after the discovery motion has been filed, even if the discovery motion is not ultimately granted.
2. Breeze was entitled to reasonable attorney fees, but the amounts attributed to its short-form discovery motion and motion for leave were unreasonable and had to be reduced by one-half.

## KEY QUOTATIONS

*“There is nothing inherently unreasonable about a client having multiple attorneys, and they may all be compensated if they are not unreasonably doing the same work and are being compensated for the distinct contribution of each lawyer”* (Order)

## FACTUAL BACKGROUND

Breeze sought \$14,108.50 for 37 hours of work related to a short-form discovery motion, a motion for leave, and a motion for protective order. Iwasaki did not challenge counsel's hourly rates but objected to fees incurred after she withdrew Neeleman's deposition notice and to the number of attorneys performing similar work. The court found that the deposition was withdrawn only after Breeze filed its motion for protection and determined that the fees attributable to the short-form discovery motion and motion for leave were excessive in light of the straightforward nature and length of those filings.

## PROCEDURAL HISTORY

Magistrate Judge Pead previously ruled that Breeze was entitled to attorney fees and costs incurred in opposing David Neeleman's deposition. Breeze submitted an affidavit supporting its fee request, and Iwasaki objected. After the filing was treated as a motion and briefing was completed, the court granted the motion in part and reduced the requested award.

## DISPOSITION

other

## CASES CITED

- Reid v. LVNV Funding LLC, 2016 U.S. Dist. LEXIS 115932, at \*5 (D. Utah Aug. 29, 2016)
- Norman v. Housing Authority of Montgomery, 836 F.2d 1292, 1302 (11th Cir. 1988)

