

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

William J. Bedell v. Arizona Pre-Owned Auto Sales LLC, et al.

No. CV-25-00275-TUC-RCC (D. Ariz. Apr. 6, 2026) · No. No. CV-25-00275-TUC-RCC · Decided April 8, 2026

SUMMARY

The United States District Court for the District of Arizona grants William J. Bedell leave to file a late application for attorney’s fees and costs based on excusable neglect. The court awards Plaintiff \$7,166.50 in attorney’s fees and \$425.53 in costs against defaulted Defendant Arizona Pre-Owned Auto Sales LLC, but otherwise grants the fee application only in part. The order applies federal and Arizona fee-shifting provisions and evaluates the requested lodestar, hours, rates, and costs.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 8, 2026
DOCKET	No. CV-25-00275-TUC-RCC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 6(b)(1)(B) for leave to file a late application for attorney's fees and costs after obtaining default judgment against Arizona Pre-Owned Auto Sales LLC. Plaintiff also lodged the fee application. The court granted leave and granted the fee application in part.
STANDARD OF REVIEW	Excusable neglect under Federal Rule of Civil Procedure 6(b)(1)(B) is evaluated under the equitable Pioneer factors. The reasonableness of requested attorney's fees and costs was evaluated under the lodestar framework, applicable fee-shifting statutes, and Federal Rule of Civil Procedure 54(d)(1).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	William J. Bedell v. Arizona Pre-Owned Auto Sales LLC, et al.

TOPICS

- attorney fees
- costs
- default judgment
- civil procedure
- consumer protection

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established excusable neglect warranting an extension of the expired deadline to seek attorney's fees and costs under Federal Rule of Civil Procedure 6(b)(1)(B).
2. Whether Plaintiff was a prevailing party entitled to attorney's fees under the Magnuson-Moss Warranty Act and A.R.S. § 12-341.01(A).
3. What amount of attorney's fees was reasonable under the lodestar method.
4. Whether Plaintiff was entitled to recover the requested litigation costs under Federal Rule of Civil Procedure 54(d)(1).

HOLDINGS

1. The court may extend an expired deadline under Federal Rule of Civil Procedure 6(b)(1)(B) when the party's failure to act resulted from excusable neglect. Plaintiff established excusable neglect because the delay caused no prejudice or impact on the proceedings, counsel offered a reasonable explanation, and counsel acted in good faith.
2. A plaintiff who obtains default judgment against the defendant is a prevailing party entitled to seek reasonable attorney's fees under the Magnuson-Moss Warranty Act and A.R.S. § 12-341.01(A), subject to the applicable statutory requirements.
3. The reasonable fee award is calculated using the lodestar—reasonable hours multiplied by a reasonable hourly rate—with appropriate reductions for unsupported, excessive, unnecessary, or clerical work. Plaintiff was entitled to \$7,166.50 in attorney's fees.
4. A prevailing party is presumptively entitled to recover allowable costs under Federal Rule of Civil Procedure 54(d)(1), and Plaintiff was entitled to recover the documented \$425.53 in requested costs.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 6(b)(1)(B), a court may extend a deadline after its expiration “if the party failed to act because of excusable neglect.”” (at 1)

““The most useful starting point for determining the amount of a reasonable [attorney’s] fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.”” (at 3)

““Unless a federal statute, [the Federal Rules of Civil Procedure], or a court order provides otherwise, costs – other than attorney’s fees – should be allowed to the prevailing party.”” (at 8)

FACTUAL BACKGROUND

Plaintiff obtained default judgment against Arizona Pre-Owned Auto Sales LLC after the defendant failed to appear. Plaintiff's counsel missed the deadline to file the fee application because of inadvertent calendaring and communication problems with a legal assistant, while intending to consolidate post-judgment enforcement costs into one application. Plaintiff supported the fee and cost request with billing records, affidavits, and receipts.

PROCEDURAL HISTORY

The action was removed to the United States District Court for the District of Arizona. Arizona Pre-Owned Auto Sales LLC failed to appear and was subject to default judgment. After the deadline for seeking fees expired, Plaintiff moved for leave to file late and submitted an application for fees and costs. The court found excusable neglect, allowed the late filing, and awarded \$7,166.50 in attorney's fees and \$425.53 in costs.

DISPOSITION

other

CASES CITED

- Iopa v. Saltchuk-Young Bros., Ltd., 916 F.3d 1298, 1301 (9th Cir. 2019)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395 (1993)
- Ocwen Loan Servicing, LLC v. Akbari, No. 2:11-CV-01781-LRH-VCF, 2013 WL 5596661, at *1 (D. Nev. Oct. 10, 2013)
- Nilson v. La. Hydrolec, 854 F.2d 1538, 1546 (9th Cir. 1988)
- Buckhannon Bd. and Care Home, Inc. v. W. Virg. Dep't of Health and Human Res., 532 U.S. 598, 603 (2001)
- McGilvra v. Abbott & Rose Assocs., LLC, No. 1:19-CV-00106-SAB, 2019 WL 5557273, at *2 (E.D. Wash. Oct. 28, 2019)
- Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)
- Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542, 553-54 (2010)
- Vargas v. Howell, 949 F.3d 1188, 1194 (9th Cir. 2020)
- Blum v. Stenson, 465 U.S. 886, 895 (1984)
- Carter v. Caleb Brett LLC, 757 F.3d 866, 869 (9th Cir. 2014)
- Med. Protective Co. v. Pang, 25 F. Supp. 3d 1232, 1242 (D. Ariz. 2014)
- Fierros v. Quebedeaux Buick GMC Inc., No. CV-20-00245-TUC-RM (MSA), 2022 WL 3648028, at *1-*2, *4 (D. Ariz. Aug. 24, 2022)
- Barrio v. Gisa Invs. LLC, No. CV-20-00991-PHX-SPL, 2021 WL 1947507, at *2-*3 (D. Ariz. May 14, 2021)
- Orman v. Cent. Loan Admin. & Reporting, No. CV-19-04756-PHX-DWL, 2020 WL 919302, at *2 (D. Ariz. Feb. 26, 2020)
- Stokes Trust v. Franzheim, No. CV-21-00538-TUC-JGZ, 2022 WL 11276488, at *2 (D. Ariz. Oct. 18, 2022)
- BoxNic Anstalt v. Gallerie degli Uffizi, No. CV-18-1263-PHX-DGC, 2020 WL 2991561, at *2 (D. Ariz. June 4, 2020)
- In re Nucorp Energy, Inc., 764 F.2d 655, 662 (9th Cir. 1985)
- Moshir v. Automobili Lamborghini Am. LLC, 927 F. Supp. 2d 789, 797 (D. Ariz. 2013)
- Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210 (9th Cir. 1986)
- Stanley v. Univ. of S. Cal., 178 F.3d 1069, 1079 (9th Cir. 1999)

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