

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

V.I.P. Mortgage Incorporated v. Jennifer Gates

Gates · No. CV-24-02865-PHX-DWL · Decided April 7, 2026

SUMMARY

The United States District Court for the District of Arizona rules on Jennifer Gates’s motion for attorneys’ fees and costs following confirmation of a \$650,805.41 FLSA arbitration award and the Ninth Circuit’s affirmance. The court applies the lodestar method, approves an hourly rate of \$425 and compensable attorney time totaling \$56,270, and awards an additional \$6,466.63 for post-judgment collection-related expenses. The motion is granted in part and denied in part, with a total award of \$62,736.63 against V.I.P. Mortgage Incorporated.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Dominic W. Lanza
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 7, 2026
DOCKET	CV-24-02865-PHX-DWL
DISPOSITION	other
PROCEDURAL POSTURE	On remand from the United States Court of Appeals for the Ninth Circuit, the district court considered Jennifer Gates's motion for additional attorneys' fees and costs incurred in defending the arbitration award and in post-remand proceedings.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	V.I.P. Mortgage Incorporated v. Jennifer Gates

TOPICS

- attorney fees
- flsa
- employment law
- appellate procedure
- remedies

PRACTICE AREAS

- employment law
- civil procedure
- remedies

QUESTIONS PRESENTED

1. What hourly rate constituted a reasonable prevailing market rate for Gates's appellate and post-remand FLSA representation?
2. Whether the hours billed for appellate, post-remand, fee-petition, settlement, and related work were reasonably expended and compensable.
3. Whether third-party collection expenditures were recoverable as attorneys' fees or costs under the FLSA.
4. Whether Gates could recover additional post-judgment interest first requested in her reply brief.

HOLDINGS

1. Gates failed to establish that \$495 per hour was the prevailing market rate for the work performed by her attorneys. A rate of \$425 per hour was reasonable in light of the record, inflation, market evidence, and the court's familiarity with the District of Arizona legal market.
2. Using a reasonable hourly rate of \$425, Gates was entitled to compensation for 110.9 hours of appellate work and 21.5 hours of post-decision, fee-application, and reply-brief work, resulting in total attorneys' fees of \$56,270.
3. FLSA fee awards may include reasonable fees for appellate and post-remand services, including work on the fee application itself.
4. Gates could recover the additional \$6,466.63 paid to Jaburg Wilk and Counsel Press for reasonable post-judgment collection-related services, increasing the total award to \$62,736.63.
5. The court declined to consider Gates's request for additional post-judgment interest because she raised it for the first time in her reply brief, depriving V.I.P. Mortgage of a fair opportunity to respond.

KEY QUOTATIONS

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

“This “lodestar” approach has “achieved dominance in the federal courts” and is the “guiding light of our fee-shifting jurisprudence.”” (at 3)

“The fee applicant has the burden of producing satisfactory evidence, in addition to the affidavits of its counsel, that the requested rates are in line with those prevailing in the community for similar services of lawyers of reasonably comparable skill and reputation.” (at 8)

“Without such an award, a judgment is a hollow victory for a plaintiff who was improperly paid” (at 10)

FACTUAL BACKGROUND

Jennifer Gates prevailed in arbitration on her FLSA overtime claim against former employer V.I.P. Mortgage, receiving an award totaling \$650,805.41. After the district court confirmed the award and awarded an initial amount of attorneys' fees, V.I.P. Mortgage appealed; the Ninth Circuit affirmed the confirmation and denial of vacatur. On remand, Gates sought \$61,628 in additional attorneys' fees, \$6,466.63 in costs associated with collection efforts, and additional post-judgment interest.

PROCEDURAL HISTORY

Gates had obtained an arbitration award of \$650,805.41 against her former employer for unpaid FLSA overtime, liquidated damages, attorneys' fees, and costs. V.I.P. Mortgage petitioned under the Federal Arbitration Act to vacate or modify the award, while Gates moved to confirm it; the district court denied the petition, confirmed the award, and later awarded Gates \$11,613.73 in fees. The Ninth Circuit affirmed the confirmation and denial of vacatur, then remanded for resolution of attorneys' fees. The district court granted Gates's new fee motion in part and denied it in part, awarding \$62,736.63.

DISPOSITION

other

CASES CITED

- VIP Mortgage Inc. v. Gates, 162 F.4th 1010 (9th Cir. 2025)
- Haworth v. State of Nev., 56 F.3d 1048, 1051 (9th Cir. 1995)
- Newhouse v. Robert's Ilima Tours, Inc., 708 F.2d 436, 441 (9th Cir. 1983)
- Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)
- Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542, 551-53 (2010)
- Gary v. Carbon Cycle Ariz. LLC, 398 F. Supp. 3d 468, 485 (D. Ariz. 2019)
- Roberts v. City of Honolulu, 938 F.3d 1020, 1024 (9th Cir. 2019)
- Schwarz v. Secretary of Health & Human Servs., 73 F.3d 895, 908-09 (9th Cir. 1995)
- United Steelworkers of Am. v. Phelps Dodge Corp., 896 F.2d 403, 407 (9th Cir. 1990)
- Ingram v. Oroudjian, 647 F.3d 925, 928 (9th Cir. 2011)
- Lopez v. Babas Motorsports LLC, 2025 WL 3166859 (D. Ariz. 2025)
- Salgado v. Synergy Payment Solutions Inc., 2024 WL 4751587 (D. Ariz. 2024)
- Dozzi v. On Point Solar Power LLC, 2024 WL 3416097, *6 (D. Ariz. 2024)
- Fritch v. Orion Manufactured Housing Specialists Inc., 2023 WL 8781248, *4 (D. Ariz. 2023)
- Robinson v. Beyond Food LLC, 2024 WL 407377, *2 (D. Ariz. 2024)
- Xalamihua v. GGC Legacy Janitorial Servs. LLC, 2024 WL 942101, *3 (D. Ariz. 2024)
- Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 981 (9th Cir. 2008)
- Nature Conservancy, Inc. v. Sims, 2013 WL 1332445, *1 (E.D. Ky. 2013)
- Alvarez v. Talaveras Renovations LLC, 2024 WL 1195462, *2 (D. Ariz. 2024)
- Van Dyke v. BTS Container Serv., Inc., 2010 WL 56109, *1 (D. Or. 2010)
- Zamani v. Carnes, 491 F.3d 990, 997 (9th Cir. 2007)