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IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

MAARTEN KALWAY,

Appellant,

v.

CALABRIA RANCH HOA, LLC, *et al.*,

Appellees.

No. 2 CA-CV 2019-0106

Pima County Superior Court
No. C20181284

**OBJECTION TO STATEMENT
OF COSTS AND ATTORNEY
FEES**

Appellant objects to Appellees' Statement of Costs and Attorney Fees, specifically the reasonableness of the amount of the fees sought.

The itemization attached to the affidavit of appellees' counsel includes the following categories of work and show the hours spent in each:

Review of opening brief	3.5
Review of cited case law	2.9
Drafting answering brief	<u>21.8</u>
Total related to brief	28.2
Preparation for oral argument, including attendance	19.2

1 Appellant submits that those hours and the resulting fees are unreasonable.

2 As to the time spent in briefing, this case was decided below on cross-
3 motions for summary judgment. The issues and arguments were the same on
4 appeal. Appellees' appellate counsel was the same as in the trial court, and
5 therefore already familiar with the issues and arguments. The answering brief
6 was little more than 6,000 words. In those circumstances, spending 28.2 hours to
7 produce the answering brief is not reasonable. No more than 20 hours was
8 reasonably necessary.

9 Likewise unreasonable is the time spent in preparing for and attending oral
10 argument. The time spent in attending the argument is not separately stated in the
11 block-billed entry of February 5, 2020. If one hour is allowed for the argument
12 and one hour for travel to and from court, the remaining 17.2 hours for
13 preparation of a less than 20 minute argument, including about 11.6 hours after
14 receiving the favorable draft decision, and without conducting a moot court, is
15 excessive. Five hours, at most, was adequate to prepare for argument, aside for
16 time for the actual court appearance.

17 Therefore, appellees' requested fees should be reduced accordingly.

18 Respectfully submitted on March 27, 2020.

19 GUST ROSENFELD P.L.C.

20 By: /s/ Charles W. Wirken – 004276

21 Charles W. Wirken
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1 Copy of the foregoing
2 mailed and emailed on March 27, 2020 to:

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