

Steven W. Cheifetz (011824) [swc@cimlaw.com](mailto:swc@cimlaw.com)  
**CHEIFETZ IANNITELLI MARCOLINI, P.C.**  
111 West Monroe Street, 17<sup>th</sup> Floor  
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Attorneys for Plaintiff/Appellant  
Colette McNally

**IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE**

COLETTE MCNALLY,

Plaintiff/Appellant,

-vs-

SUN LAKES HOMEOWNERS  
ASSOCIATION #1, INC., an  
Arizona non-profit corporation,

Defendant/Appellees.

COURT OF APPEALS

CASE NO.: 1 CA-CV-15-0744

MARICOPA COUNTY SUPERIOR  
COURT NO. CV2014-009496

JUDGE: Honorable James T. Blomo

**AFFIDAVIT OF STEVEN W.  
CHEIFETZ IN SUPPORT OF  
APPELLANT'S APPLICATION  
FOR AWARD OF ATTORNEYS'  
FEES AND COSTS ON APPEAL  
PURSUANT TO ARCAP 21(a)**

STATE OF ARIZONA            )  
  ) ss.  
COUNTY OF MARICOPA    )

STEVEN W. CHEIFETZ, ESQ., being first duly sworn upon his oath,  
deposes and says:

1. I am the principal attorney representing the Appellant Colette McNally in the prosecution of this appeal (1 CA-CV 15-0744). In such capacity, I have personal knowledge of facts underlying the above-captioned action and make this Affidavit in support of the Application for Award of Attorneys' Fees and Costs in favor of Appellant McNally and against Appellee Sun Lakes Homeowners Association #1, Inc.

2. On behalf of McNally, we prepared and filed a Verified Complaint seeking declaratory and injunctive relief.

3. Following an evidentiary hearing, the superior court denied McNally's request for preliminary injunction.

4. Given the approaching expiration of McNally's term on the Board, and to hasten the unauthorized Association actions, McNally filed a Petition for Special Action on October 23, 2015. The Petition for Special Action required legal research and writing concerning the questions that would be presented to the Court of Appeals.

5. This Court declined to accept McNally's Petition for Special Action.

6. In light of the Association's allegations that McNally had disclosed confidential information, we thought it prudent to avoid

additional allegations by the Association. Accordingly, we prepared a Motion to File Under Seal, which the Court granted.

7. We prepared McNally's Opening Brief, which incorporated most of the substantive arguments that had been researched for Appellant's Petition for Special Action.

8. To address the time sensitive nature of McNally's remedy we filed the first of two Motions to Expedite Appeal. Although this Court denied the first Motion to Expedite the Appeal, once the parties had fully briefed the appeal, McNally filed a second Motion to Expedite Appeal, which the Court granted.

9. This Court heard oral argument on September 14, 2016.

10. On October 13, 2016, this Court published an Opinion in *McNally v. Sun Lakes Homeowners Association #1, Inc.*, 1 CA-CV 15-0744, finding that the superior court erred in denying Appellant's Application for Preliminary Injunction.

11. Appellant respectfully requests an award of McNally's attorneys' fees and costs incurred in pursuing the successful appeal of the superior court's denial of Appellant's Application for Preliminary Injunction.

12. I am a partner of the law firm Cheifetz Iannitelli Marcolini, P.C. I have reviewed the files maintained by Cheifetz Iannitelli Marcolini, P.C., and the records maintained in the ordinary course of business concerning the attorneys' fees and taxable costs incurred in the prosecution of this appeal.

13. I am a member of the Arizona State Bar. I was admitted to practice law in the state of Arizona in May 1988, and have actively practiced law since that time.

14. I have extensive experience handling matters and advising clients in commercial litigation matters, including the law governing homeowner associations.

15. I personally attest that the hourly fees charged to the Appellant were in accordance with what other similarly experienced civil commercial litigation law firms in the Phoenix area might charge. The hourly rates charged to the Appellant were between \$235.00 and \$300.00 for attorney time, depending on the level of attorney experience, and \$85.00 and \$125.00 for paralegal time.

16. I submit that our law firm considers these billing rates to be reasonable given due consideration to the attorneys' ability, training,

education, experience, skill and professional standing, intricacy and difficulty of the work performed, the time and skill required, the responsibility imposed, and the ultimate result obtained.

17. I attest that attached to this Affidavit as **Exhibit 1** is a detailed Professional Services Statement reflecting an itemization of legal services and expenses incurred in connection with this appeal (1 CA-CV 15-0744), which has been redacted to protect attorney-client and work product privileged matters. However, in the event the Court so requests, Appellant will submit under seal an unredacted copy for *in camera* review.

18. Collette McNally entered into a Legal Services Agreement with the law firm and has paid or has agreed to pay the total charges for the itemized services set forth in **Exhibit 1**.

19. Ms. McNally has agreed to pay this law firm's hourly billing rates set forth in the Legal Services Agreement.

20. The billing rates for each attorney is based on the individual's years of professional experience.

21. I am familiar with the billing rates in this case for each attorney and paralegal whose time was charged to the Appellant in connection with this appeal, and they are as follows:

Steven W. Cheifetz, Esq.	\$300.00 per hour
Jacob A. Kubert, Esq.	\$235.00 per hour
Cynthia R. Estrella, Esq.	\$275.00 per hour
Kelle J. Winter (paralegal)	\$125.00 per hour
Lisa A. Guthrie (paralegal)	\$125.00 per hour

22. I have reviewed the time spent by all attorneys and paralegals with our firm, and the attorneys' fees incurred as a result thereof as to this appeal (1 CA-CV 15-0744), and attest that it is itemized as follows:

Attorney/Paralegal	Hours Charged*	Hourly Rate	Total Fees
Steven W. Cheifetz, Esq.	30.00	\$300.00	\$9,000.00
Jacob A. Kubert, Esq.	192.80	\$235.00	\$45,308.00
Cynthia R. Estrella, Esq.	28.20	\$275.00	\$7,755.00
Kelle J. Winter, paralegal	.8	\$125.00	\$100.00
Lisa A. Guthrie, paralegal	.3	\$125.00	\$37.50
<b>TOTAL ATTORNEYS' FEES</b>			<b>\$62,200.50</b>

\* The time reflected here are the hours actually charged to McNally. There is time reflected on the itemized bill that were not charged. These entries are reflected as "No charge" on the itemized bill.

...

...

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23. In addition to the fees incurred in the appeal, McNally incurred costs totaling \$1,144.23:

Description	Amount
Clerk of Appellate Court: Filing Fee Petition for Special Action	\$280.00
Petition for Special Action (copies and binding)	\$137.94
Clerk of Appellate Court: Filing Fee for Opening Brief	\$280.00
Appellant's Opening Brief (copies and binding)	\$116.29
Arizona TurboCourt electronic filing fees (12 filings @ \$6.00 each)	\$72.00
Reporter's Transcript:	\$258.00
<b>TOTAL COSTS:</b>	<b>\$1,144.23</b>

24. I respectfully submit that the costs and professional legal services set forth in **Exhibit 1** were actually, reasonably and necessarily incurred in the litigation of this appeal. I respectfully submit that no time spent was wasted, inappropriate or unnecessary. Further, I respectfully submit that the attorneys' fees charged are reasonable under the relevant considerations as set forth in E.R. 1.5 of the Arizona Rules of Professional Conduct, Supreme Court Rule 42, as adopted by the Arizona Supreme Court.

25. The total attorneys' fees and costs actually and necessarily incurred in the Appeal is **\$63,344.73**.


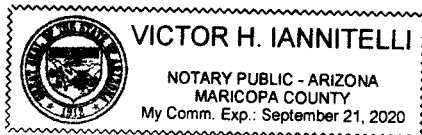
FURTHER AFFIANT SAYETH NOT.



Steven W. Cheifetz

SUBSCRIBED AND SWORN TO before me this 27<sup>th</sup> day of October,

2016.

  
\_\_\_\_\_  
Notary Public

**ORIGINAL** of the foregoing e-filed  
with the Court of Appeals and a **COPY**  
mailed and e-mailed this 21<sup>st</sup> day of October, 2016, to:

Robert Grasso, Jr., Esq.  
[rgrasso@grassolawfirm.com](mailto:rgrasso@grassolawfirm.com)  
GRASSO LAW FIRM, P.C.  
2121 West Chandler Boulevard, Suite 100  
Chandler, Arizona 85224  
Attorneys for Defendant/Appellee

By:     /s/ Lisa Guthrie    

N:\CLIENTS\McNally\Sun Lakes HOA 3172-4\Appeal Case 10 28 15\Pleadings\161018 McNally Applicax for fees.doc

Exhibit 1

Exhibit 1

Cheifetz Iannitelli Marcolini, PC  
111 West Monroe Street, 17th Floor  
Phoenix, Arizona 85003

## HISTORY BILL

Page No. 1

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

<b>Date</b>	<b>Description</b>	<b>Hrs/Qty Rate/Price</b>	<b>Amount</b>
8/12/2015		1.00	\$258.00
	EXP TRANS	\$258.00	B
	Jeanne A Kappedal - Cost of transcripts for testimony of Scott Carpenter, Janice Cournoyer, and Rick Schwartz.		
10/23/2015		1.00	\$280.00
	EXP FF	\$280.00	B
	Arizona Court of Appeals - Division One - Petition For Special Action.		
10/23/2015		1.00	\$6.00
	EXP FF	\$6.00	B
	AZ Turbo / Arizona Court of Appeals - Division One - Petition For Special Action.		
10/23/2015		1.00	\$137.94
	EXP FEE	\$137.94	B
	Quick & Confidential - Legal binding covers.		
10/26/2015		1.00	\$6.00
	EXP FF	\$6.00	B
	AZ Turbo / Arizona Court of Appeals - Division One - Amended Certificate of Service with Certificate of Service Dated October 23, 2015.		
11/10/2015		4.00	\$24.00
	EXP FF	\$6.00	B
	AZ Turbo / Arizona Court of Appeals - Division One - Motion To Expedite; Case Management Statement; Motion To File Under Seal; Notice of Payment.		

Cheifetz Iannitelli Marcolini, PC  
111 West Monroe Street, 17th Floor  
Phoenix, Arizona 85003

## HISTORY BILL

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Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

11/10/2015	1.00	\$280.00
EXP FF	\$280.00	B
Arizona Court of Appeals - Division One - Motion To Expedite.		
12/01/2015	1.00	\$6.00
EXP FF	\$6.00	B
AZ Turbo / Arizona Court of Appeals - Division One - Certified Transcript and Notice of Filing Certified Transcript.		
1/20/2016	1.00	\$116.29
EXP FEE	\$116.29	B
Quick & Confidential - Opening Brief Appendix legal binding covers.		
1/20/2016	1.00	\$6.00
EXP FF	\$6.00	B
AZ Turbo / Arizona Court of Appeals - Division One - Appellant's Request For Oral Argument.		
3/25/2016	1.00	\$6.00
EXP FF	\$6.00	B
AZ Turbo / Arizona Court of Appeals - Division One - Appellant's Reply Brief; Certificate of Compliance and Certificate of Service.		
3/29/2016	1.00	\$6.00
EXP FF	\$6.00	B
AZ Turbo / Arizona Court of Appeals - Division One - Appellant's Motion To Accelerate Appeal Pursuant To ARCAP 29(a)(2) and Certificate of Service.		
4/29/2016	1.00	\$6.00
EXP FF	\$6.00	B
AZ Turbo/Court of Appeals - Appellant's Reply in Support of Motion to Accelerate Appeal Pursuant to ARCAP 29(a)(2), and Certificate of Service.		

Cheifetz Iannitelli Marcolini, PC  
 111 West Monroe Street, 17th Floor  
 Phoenix, Arizona 85003

**HISTORY BILL**

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Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

8/17/2016		1.00	\$6.00
EXP AZ TURBO		\$6.00	B
AZ Turbo/ Court of Appeals - Filing Fee: Return receipt for Notice of Oral Argument.			

**Subtotal: [ 17.00 \$1,144.23 ]**

Date	Description	Hrs/Qty Rate/Price	Amount
9/01/2015		0.20	\$0.00
	JAK PREP	\$235.00	N
	Received and reviewed e-mail from C. McNally [REDACTED]; draft e-mail to C. McNally [REDACTED]		
9/08/2015		0.40	\$120.00
	SWC PREP	\$300.00	B
	conference with associate about [REDACTED]		
9/14/2015		4.00	\$940.00
	JAK PREP	\$235.00	B
	Begin drafting appellate brief for special action; review deposition transcripts in further preparation of same		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

9/15/2015		2.80	\$658.00
JAK PREP		\$235.00	B
Conduct legal research to find case law where [REDACTED] [REDACTED]; review deposition transcripts of Rick Schwartz and C. McNally in further preparation of appellate brief			
9/15/2015		2.20	\$517.00
JAK PREP		\$235.00	B
Continued drafting appellate brief			
9/17/2015		0.20	\$60.00
SWC PREP		\$300.00	B
conference with associate about [REDACTED] [REDACTED]			
9/17/2015		0.40	\$0.00
JAK PREP		\$235.00	N
Case development meeting with Steven W. Cheifetz discussing [REDACTED]			
9/18/2015		1.30	\$305.50
JAK PREP		\$235.00	B
Begin drafting additional argument for special action that [REDACTED]			
9/21/2015		2.90	\$681.50
JAK PREP		\$235.00	B
Continued drafting Legal Argument for Special Action			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

9/22/2015		2.30	\$540.50
JAK PREP		\$235.00	B
Completed drafting Legal Arguments for Special Action; begin revising same			
9/23/2015		3.50	\$822.50
JAK PREP		\$235.00	B
Begin drafting Introduction and Statement of Issues; review trial exhibits in further preparation of revisions to brief; continued revising brief			
9/24/2015		3.00	\$705.00
JAK PREP		\$235.00	B
Revised legal arguments in appellate brief; case development meeting with Steven W. Cheifetz discussing revisions to same; begin revising brief accordingly			
9/24/2015		0.50	\$0.00
SWC PREP		\$300.00	N
reviewed portion of new draft of Special Action Brief prepared by associate and met with associate and discussed [REDACTED] [REDACTED]			
9/25/2015		4.20	\$987.00
JAK PREP		\$235.00	B
Conferences with Steven W. Cheifetz (x2) discussing [REDACTED] [REDACTED]; continued research in further preparation of appeal; drafted Introduction and continued revising legal arguments; case development meeting with K. Winter re: trial transcript; drafted e-mail to court reporter demanding preparation of transcripts; case development meeting with Claudio E. Iannitelli discussing [REDACTED] [REDACTED]			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

9/25/2015		0.50	\$0.00
SWC PREP		\$300.00	N
	phone call and e mails with associate about [REDACTED] [REDACTED]		
9/28/2015		2.40	\$564.00
JAK PREP		\$235.00	B
	Exchange e-mails with court reporter to obtain trial transcripts; case development meeting with assistant and L. Guthrie discussing [REDACTED]; case development meeting with Steven W. Cheifetz discussing [REDACTED] issue; review and analyze transcripts for S. Carpenter; J. Cournoyer and R. Schwartz in further preparation of special action brief		
9/28/2015		0.70	\$0.00
LAG PREP		\$125.00	N
	Conference with Jacob A. Kubert regarding [REDACTED] [REDACTED]; telephone call and discussion with Clerk of Court of Appeals regarding filing under seal, other required documents and number of copies; discussion documents will need to be filed at the counter not e-filed; conference with Jacob A. Kubert regarding same.		
9/28/2015		0.50	\$0.00
SWC PREP		\$300.00	N
	repeated conferences with associate about [REDACTED] [REDACTED]		
9/29/2015		3.60	\$846.00
JAK PREP		\$235.00	B
	Complete initial draft of Introduction, Statement of Facts, Jurisdictional Statement and Statement of Issues; review trial transcripts, deposition transcripts and trial exhibits for citations to record		

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Date: 10/27/2016

9/29/2015		0.90	\$270.00
SWC PREP		\$300.00	B
	repeated conferences with associate about [REDACTED]		
	[REDACTED]		
	reviewed cases about [REDACTED]		
	[REDACTED]		
9/30/2015		3.50	\$822.50
JAK PREP		\$235.00	B
	Continued revising Introduction, Statement of Facts and Statement of Issues		
9/30/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	repeated conferences with associate about [REDACTED]		
	[REDACTED]		
10/01/2015		4.30	\$1,010.50
JAK PREP		\$235.00	B
	Continued revising Appellate Brief including Statement of Facts, Statement of Issues and Legal Argument		
10/01/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED]		
10/02/2015		4.80	\$1,128.00
JAK PREP		\$235.00	B
	Completed revising second draft of appellate brief; case development meeting with Steven W. Cheifetz re: same		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/06/2015		0.40	\$0.00
SWC PREP		\$300.00	N
	phone call with Colette McNally about [REDACTED]		
10/07/2015		0.80	\$0.00
SWC PREP		\$300.00	N
	reviewed draft of special action brief and noted needed revisions and additions		
10/12/2015		2.70	\$0.00
JAK PREP		\$235.00	N
	Case development meeting with Steven W. Cheifetz discussing [REDACTED] revised accordingly		
10/12/2015		0.50	\$0.00
SWC PREP		\$300.00	N
	met with associate and discussed [REDACTED]		
10/13/2015		3.90	\$916.50
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued revising brief per meeting with Steven W. Cheifetz		
10/13/2015		0.90	\$270.00
SWC PREP		\$300.00	B
	reviewed rest of first draft of special action brief and made extensive notations [REDACTED] and met with associate and discussed [REDACTED]		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/15/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED] [REDACTED]		
10/15/2015		3.00	\$705.00
JAK PREP		\$235.00	B
	Continued revising Statement of Facts; conduct further legal research in support of arguments that [REDACTED] [REDACTED]		
10/15/2015		3.30	\$0.00
JAK PREP		\$235.00	N
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued revising Introduction, Basis for Special Action Jurisdiction and Jurisdictional Statement		
10/16/2015		5.00	\$1,175.00
JAK PREP		\$235.00	B
	Completed additional revisions to legal arguments including [REDACTED] [REDACTED] [REDACTED] review record for citing supporting facts.		
10/16/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED] [REDACTED]		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/19/2015		5.80	\$1,363.00
JAK PREP		\$235.00	B
	Case development meetings with Steven W. Cheifetz discussing [REDACTED]		
10/19/2015		1.00	\$300.00
SWC PREP		\$300.00	B
	reviewed draft of portions of brief and noted needed revisions and discussed [REDACTED],		
10/20/2015		6.90	\$0.00
JAK PREP		\$235.00	N
	Case development meetings with Steven W. Cheifetz discussing [REDACTED]		
10/20/2015		1.60	\$480.00
SWC PREP		\$300.00	B
	redrafted introductory statement to brief, repeatedly revised same, reviewed statement of facts and noted [REDACTED] [REDACTED] met with associate and discussed [REDACTED] [REDACTED] received and reviewed settlement conference memorandum submitted by Homeowners Association,		
10/21/2015		6.20	\$1,457.00
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]; revise accordingly and begin inserting citations to appendix		
10/21/2015		1.00	\$300.00
SWC PREP		\$300.00	B
	reviewed revised version of brief and noted [REDACTED] [REDACTED] and met with associate [REDACTED]		

Regarding: McNally adv. Sun Lakes HOA

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10/22/2015		7.50	\$0.00
JAK PREP		\$235.00	N
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; revised and finalized accordingly; completed inserting references to Appendix; review Special Action rules to confirm filing and service procedure; draft Certificate of Compliance, Certificate of Service and Motion to File Under Seal; finalize Appendix; draft Index and prepare Appendix cover page; case development meeting with K. Winter discussing [REDACTED] confirm procedure for filing under seal with Court of Appeals			
10/22/2015		0.80	\$240.00
SWC PREP		\$300.00	B
reviewed revisions to special action brief and noted [REDACTED] met with associate and discussed same, reviewed additional paragraph and red lined changes to brief prepared by associate and noted minor revisions needed,			
10/23/2015		2.80	\$658.00
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; revised and finalized Motion accordingly; check case citations for brief, revised and finalized Index to Appendix, Table of Contents and Table of Authorities; case development meeting with K. Winter discussing final filing issues; revise Certificate of Service to reflect electronic filing of Motion to Seal; draft e-mail to Judge Beyers providing Petition for Special Action in lieu of settlement memorandum; telephone C. McNally discussing [REDACTED]; draft e-mail to J. Winkler providing Petition in lieu of settlement memorandum			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/23/2015		0.30	\$0.00
SWC PREP		\$300.00	N
reviewed draft motion about filing special action under seal and noted needed revisions, reviewed revised version of motion to allow filing brief and appendix under seal,			
10/26/2015		1.80	\$423.00
JAK PREP		\$235.00	B
Received and reviewed e-mail from J. Winkler re: service of Special Action; received and reviewed Order scheduling Special Action conference; case development meeting with K. Winter re: service of petition; drafted Amended Certification of Service; case development meeting with Steven W. Cheifetz discussing [REDACTED]; begin legal research same; draft e-mails to J. Winkler re: service of appendix.			
10/26/2015		0.80	\$240.00
SWC PREP		\$300.00	B
received and reviewed e mail form court of appeals setting forth dates regarding special action, received and reviewed e mail from opposing counsel about concerns over appendix of special action brief, conference with associate about [REDACTED], received and reviewed e mail indicating special action jurisdiction was not granted, discussed with associate [REDACTED], conference with associate about [REDACTED]			
10/28/2015		2.20	\$517.00
JAK PREP		\$235.00	B
Revised Civil Appeals Docketing Statement; draft Motion to Expedite Appeal pursuant to ARCAP 3			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

11/02/2015		0.20	\$0.00
SWC PREP		\$300.00	N
conference with associate about [REDACTED]			
11/02/2015		2.00	\$470.00
JAK PREP		\$235.00	B
Received and reviewed e-mail from Court Reporter re: cost to complete transcript; case development meeting with Steven W. Cheifetz re: [REDACTED]			
[REDACTED] draft e-mail to J. Kappedal re: hearing transcript; perform additional revisions to Civil Appeal Docketing Statement; revised Motion to Expedite Appeal pursuant to ARCAP 3(a)			
11/03/2015		3.00	\$705.00
JAK PREP		\$235.00	B
Legal research [REDACTED]; begin drafting appellate brief by conforming existing Special Action petition to appellate briefing requirements			
11/04/2015		1.50	\$352.50
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]			
[REDACTED] revised Civil Appeals Docketing Statement; telephone Court of Appeal Clerk to confirm filing procedure for docketing statement and need to file Case Management Statement and Transcript Ordering Statement; case development meeting with K. Winter to prepare Case Management Statement; conduct legal research to [REDACTED]			
11/04/2015		0.70	\$210.00
SWC PREP		\$300.00	B
reviewed draft of motion to Expedite Appeal and noted [REDACTED]			
[REDACTED] met with associate and discussed [REDACTED]			
[REDACTED] reviewed docketing statement and [REDACTED]			

Regarding: McNally adv. Sun Lakes HOA

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noted needed revisions to same, discussed [REDACTED]  
with associate,

11/05/2015		2.50	\$587.50
JAK PREP		\$235.00	B
Continued legal research to support [REDACTED] [REDACTED] revised Motion pursuant to case development meeting with Steven W. Cheifetz; reviewed Appellate Court Rules to confirm additional prerequisite filings necessary to perfect appeal; drafted Notice of Transcript Order and Motion to File Appeal Under Seal; case development meeting with K. Winter discussing [REDACTED] [REDACTED]			
11/06/2015		0.40	\$0.00
SWC PREP		\$300.00	N
conference with associate about [REDACTED] [REDACTED] [REDACTED] received and reviewed [REDACTED] by associate and responded to same,			
11/06/2015		0.40	\$0.00
JAK PREP		\$235.00	N
Revise Motion to Expedite Appeal to incorporate [REDACTED] [REDACTED]			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

11/06/2015		3.80	\$893.00
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED] [REDACTED] continued legal research re: [REDACTED] draft Statement of Case pursuant to ARCAP 13; continued revising appellate brief			
11/09/2015		1.20	\$0.00
JAK PREP		\$235.00	N
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; case development meeting with K. Winter [REDACTED] [REDACTED] revised Case Information Statement, Motion to Expedite Appeal, Notice of Transcript Order and Motion to File Under Seal; revised and finalized Certificates of Service of all pleadings			
11/09/2015		1.30	\$0.00
KJW PREP		\$125.00	N
Conference with Jacob A. Kubert regarding filing Motion to Expedite, Motion to file under seal, and Case Management Statement with Court of Appeals, and Notice of Order of Transcript with Superior Court; continued conference with Jacob A. Kubert and office filing clerk regarding instructions on filing with Court of Appeals and needed preparation of Certificates of Service; prepared Certificates of Service of filing Motion to Expedite, Motion to file under seal, and Case Management Statement with Court of Appeals; Updated and finalized Appellant's Notice of Transcript Order, Motion to Expedite, Motion to file under seal, and Case Management Statement; prepared check request for filing fee with Superior Court; prepared check request for filing fee in Court of Appeals.			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

11/09/2015		0.50	\$0.00
SWC PREP		\$300.00	N
	reviewed Appellants notice of transcript order, motion to file brief and reply under seal, and motion to expedite appeal, and discussed same with associate,		
11/11/2015		0.30	\$70.50
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]		
11/16/2015		0.20	\$0.00
KJW PREP		\$125.00	N
	Reviewed Arizona Rules of Civil Appellate Procedure to confirm additional critical deadlines with the Court of Appeals.		
11/19/2015		0.10	\$0.00
KJW PREP		\$125.00	N
	Received and reviewed e-mail correspondence between Jacob A. Kubert and court reporter Jeanne Kappedal regarding status and cost of full-transcript.		
11/20/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED] [REDACTED] e mailed associate about same,		
11/30/2015		1.80	\$423.00
JAK PREP		\$235.00	B
	Drafted e-mail to opposing counsel providing complete transcript of preliminary injunction hearing; case development meeting with K. Winter discussing [REDACTED]; continued extensive legal research re: [REDACTED]		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

[REDACTED]; begin review of complete hearing transcript and changing citations in brief to deposition testimony to testimony during hearing

12/01/2015		3.90	\$916.50
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]		
	[REDACTED] finalize Notice of Transcript Filing and Certification of Service; continued legal research [REDACTED]; continued drafting appellate brief accordingly		
12/01/2015		0.40	\$0.00
SWC PREP		\$300.00	N
	conferences with associate about [REDACTED]		
	[REDACTED] reviewed [REDACTED] and discussed same with associate,		
12/02/2015		2.70	\$634.50
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]		
	[REDACTED] continued drafting appellate brief including [REDACTED]		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

12/07/2015		0.30	\$0.00
SWC PREP		\$300.00	N
received and reviewed response to motion to expedite appeal and discussed with associate [REDACTED]			
12/07/2015		2.40	\$564.00
JAK PREP		\$235.00	B
Received and reviewed Defendant's Response to Plaintiff's Motion to Expedite Appeal; and Electronic Index of Record; case development meeting with Steven W. Cheifetz discussing [REDACTED]; review Electronic Index of Record; begin drafting Reply in Support of Motion to Expedite			
12/11/2015		0.10	\$0.00
JAK PREP		\$235.00	N
Received and reviewed Court of Appeals' Order granting Motion to File Under Seal			
12/11/2015		0.30	\$0.00
SWC PREP		\$300.00	N
received and reviewed order from court of appeals about filing under seal, conference with associate about [REDACTED]; discussed strategy for same with associate,			
12/14/2015		1.50	\$0.00
JAK PREP		\$235.00	N
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; revised Reply accordingly; further case development meeting with Steven W. Cheifetz discussing [REDACTED]; completed revising Reply; case development meeting with K. Winter discussing [REDACTED]; reviewed Order to file under seal; drafted Certification of Service			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

12/14/2015		1.80	\$423.00
JAK PREP		\$235.00	B
Continued drafting Reply in Support of Motion to Expedite Appeal; completed initial draft of same			
12/14/2015		0.80	\$240.00
SWC PREP		\$300.00	B
Conference with associate about [REDACTED], received and reviewed draft of reply memorandum and noted [REDACTED] and met with associate [REDACTED] received and reviewed revised version of reply memorandum and discussed with associate minor revisions needed,			
12/15/2015		3.30	\$775.50
JAK PREP		\$235.00	B
Continued drafting Appellate Brief and revising existing legal arguments [REDACTED]			
12/17/2015		2.90	\$681.50
JAK PREP		\$235.00	B
Completed initial revisions to Appellate Brief; continued supplementing facts with citations to hearing transcript rather than deposition testimony			
12/17/2015		1.70	\$399.50
JAK PREP		\$235.00	B
Conduct additional legal research in support of argument that [REDACTED] continued revising argument accordingly			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

12/17/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	received and reviewed order from court of appeals denying motion to expedite appeal, exchanged e mails with associate about same,		
12/21/2015		0.20	\$0.00
JAK PREP		\$235.00	N
	Drafted e-mail to C. McNally [REDACTED]		
12/23/2015		3.10	\$728.50
JAK PREP		\$235.00	B
	Continued revising Appellate Brief including citations to relevant trial testimony and revision of legal arguments		
12/23/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED]		
12/24/2015		0.20	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED]		
12/28/2015		2.50	\$587.50
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued revising brief accordingly		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

12/28/2015		0.70	\$0.00
SWC PREP		\$300.00	N
	reviewed draft of appellate brief and noted [REDACTED] [REDACTED]		
1/04/2016		2.80	\$658.00
JAK PREP		\$235.00	B
	Review McNally deposition transcript and Association meetings admitted into evidence in further preparation of Statement of Facts; continued revising accordingly to incorporate [REDACTED] [REDACTED]		
1/05/2016		3.40	\$799.00
JAK PREP		\$235.00	B
	Continued revising Statement of Facts for Appellate Brief to include [REDACTED] [REDACTED]		
1/06/2016		4.10	\$963.50
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued revising same accordingly		
1/06/2016		0.30	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED] [REDACTED]		
1/07/2016		2.90	\$681.50
JAK PREP		\$235.00	B
	Continued revising Appellate Brief legal arguments [REDACTED] [REDACTED]		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

1/11/2016		5.90	\$0.00
JAK PREP		\$235.00	N
Complete revising Statement of Facts for Appellate Brief, inserting citations to transcript, trial exhibits and deposition transcripts			
1/12/2016		0.80	\$240.00
SWC PREP		\$300.00	B
reviewed argument section of legal brief and noted [REDACTED] [REDACTED] met with associate and discussed [REDACTED]			
1/12/2016		4.20	\$987.00
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued revising same accordingly			
1/13/2016		5.10	\$1,198.50
JAK PREP		\$235.00	B
Continued revising Appellate Brief per case development meeting with Steven W. Cheifetz			
1/14/2016		5.30	\$1,245.50
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; case development meeting with K. Winter discussing [REDACTED] [REDACTED] conduct additional legal research to determine [REDACTED] [REDACTED] shepardized law previously found to confirm whether additional support exists; confer with Westlaw representative R. Mansouri to determine [REDACTED] [REDACTED] continued revising brief			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

1/14/2016		0.70	\$0.00
SWC PREP		\$300.00	N
	conference with paralegal about [REDACTED] [REDACTED] reviewed fact section of brief and noted [REDACTED],		
1/15/2016		0.40	\$0.00
SWC PREP		\$300.00	N
	conference with associate about [REDACTED] [REDACTED]		
1/17/2016		0.40	\$0.00
SWC PREP		\$300.00	N
	briefly reviewed revised brief and noted [REDACTED] [REDACTED] discussed [REDACTED] with associate,		
1/17/2016		6.10	\$1,433.50
JAK PREP		\$235.00	B
	Completed revising Appellate Brief; forward same for review		
1/19/2016		0.70	\$210.00
SWC PREP		\$300.00	B
	reviewed introduction and discussed [REDACTED] reviewed brief in detail and marked [REDACTED] [REDACTED] and met with associate to discuss same,		
1/19/2016		0.80	\$100.00
KJW PREP		\$125.00	B
	Conference with Jacob A. Kubert regarding [REDACTED] [REDACTED] prepared Certificate of Compliance, Request for Oral Argument, and Certificate of Service.		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

1/19/2016	6.90	\$0.00
JAK PREP	\$235.00	N
Completed drafting Appellate Brief, revise and finalize same; revise Table of Contents and Table of Authorities; case development meetings with K. Winter discussing [REDACTED]; revise and finalize Certification of Compliance; Certificates of Service and Request for Oral Argument		
3/01/2016	0.10	\$0.00
JAK PREP	\$235.00	N
Review Court of Appeals website to confirm due date for Response Brief and to determine whether it was filed		
3/08/2016	3.20	\$752.00
JAK PREP	\$235.00	B
Review and analyze the Association's Response Brief; take notes regarding [REDACTED]; case development meeting with Steven W. Cheifetz discussing [REDACTED]; review record in preparation of Reply [REDACTED]; begin drafting Reply		
3/08/2016	0.60	\$0.00
SWC PREP	\$300.00	N
received and reviewed responsive brief submitted by Homeowners Association counsel. repeatedly discussed with associate [REDACTED],		
3/09/2016	2.60	\$611.00
JAK PREP	\$235.00	B
Continued drafting Reply Brief		
3/10/2016	4.70	\$1,104.50
JAK PREP	\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued drafting same		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

3/10/2016		0.20	\$0.00
SWC PREP		\$300.00	N
conference with associate about [REDACTED] [REDACTED]			
3/11/2016		3.40	\$799.00
JAK PREP		\$235.00	B
Completed initial draft of Reply Brief; begin revising same			
3/14/2016		3.10	\$728.50
JAK PREP		\$235.00	B
Conduct additional legal research in further preparation of Reply Brief; continued revising same			
3/15/2016		2.90	\$681.50
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued drafting Reply Brief pursuant to case development meeting with Steven W. Cheifetz			
3/15/2016		0.40	\$0.00
SWC PREP		\$300.00	N
conference with associate about [REDACTED] [REDACTED] [REDACTED]			
3/16/2016		3.90	\$916.50
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; continued revising same per meeting			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

3/16/2016		0.60	\$0.00
SWC PREP		\$300.00	N
	reviewed draft of reply memorandum prepared by associate and noted [REDACTED], met with associate and discussed [REDACTED],		
3/17/2016		2.20	\$517.00
JAK PREP		\$235.00	B
	Continued revising Reply Brief		
3/17/2016		0.40	\$0.00
SWC PREP		\$300.00	N
	conferences with associate about [REDACTED]		
3/18/2016		2.40	\$564.00
JAK PREP		\$235.00	B
	Completed revisions to recent draft of Reply Brief		
3/21/2016		0.70	\$210.00
SWC PREP		\$300.00	B
	reviewed latest draft of appellate brief reply memorandum and noted [REDACTED] met with associate to discuss [REDACTED]		
3/21/2016		3.10	\$728.50
JAK PREP		\$235.00	B
	Case development meeting with Steven W. Cheifetz discussing [REDACTED]; review trial transcript, McNally deposition transcript and Martens deposition transcript in further preparation of revisions to Reply; revised Reply accordingly		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

3/22/2016		4.20	\$987.00
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; review Answering Brief, trial transcript and deposition testimony to support further revisions; revised Brief accordingly			
3/22/2016		0.30	\$0.00
SWC PREP		\$300.00	N
conference with associate about [REDACTED]			
3/23/2016		5.10	\$1,198.50
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; revised accordingly			
3/24/2016		4.00	\$0.00
JAK PREP		\$235.00	N
Case development meeting with Steven W. Cheifetz discussing [REDACTED]; revised and finalized Brief; case development meeting with paralegal re: [REDACTED]; case development meeting with K. Winter discussing [REDACTED]; conducted legal research in preparation of Motion to Accelerate Appeal pursuant to ARCAP 29; determine whether legal research for previously filed motion to expedite pursuant to ARCAP 3 is applicable to motions under ARCAP 29; review prior motion in preparation of Motion to Accelerate			
3/24/2016		0.80	\$0.00
SWC PREP		\$300.00	N
reviewed and revised final draft of brief [REDACTED] and discussed same with associate, discussed with associate need for [REDACTED]			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

3/25/2016		2.20	\$517.00
JAK PREP		\$235.00	B
Case development meeting with Steven W. Cheifetz discussing [REDACTED] [REDACTED] finalized Reply Brief, Table of Contents and Table of Authorities; drafted Certificate of Compliance and Certificate of Service; begin drafting Motion to Accelerate Appeal			
3/28/2016		0.80	\$188.00
JAK PREP		\$235.00	B
Complete drafting Motion to Accelerate Appeal			
3/29/2016		0.40	\$120.00
SWC PREP		\$300.00	B
received and reviewed motion to accelerate appeal prepared by associate and noted [REDACTED]			
4/19/2016		0.40	\$0.00
JAK PREP		\$235.00	N
Review Association's Response to Motion to Expedite; case development meeting with Steven W. Cheifetz discussing [REDACTED] [REDACTED]			
4/25/2016		0.40	\$94.00
JAK PREP		\$235.00	B
Draft Reply in Support of Motion to Accelerate Appeal			
4/28/2016		0.40	\$120.00
SWC PREP		\$300.00	B
reviewed draft of reply memorandum in support of motion for expedited relief and noted [REDACTED] and met with associate to discuss same,			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

4/29/2016	0.30	\$90.00
SWC PREP	\$300.00	B
reviewed revised reply memorandum and made final revisions to same,		
5/03/2016	0.50	\$150.00
SWC PREP	\$300.00	B
received and reviewed e mail from the court of appeals indicating motion to expedite appeal was granted, phone call with associate about [REDACTED] began preparation for oral argument,		
5/04/2016	0.40	\$120.00
SWC PREP	\$300.00	B
conference with associate about [REDACTED] [REDACTED] met with associate [REDACTED] [REDACTED] to prepare for oral argument,		
5/05/2016	1.00	\$300.00
SWC PREP	\$300.00	B
reviewed opening appellate brief and made notes for upcoming oral argument,		
5/08/2016	1.40	\$420.00
SWC PREP	\$300.00	B
reviewed response and reply briefs and prepared outline of argument [REDACTED]		
5/11/2016	0.50	\$150.00
SWC PREP	\$300.00	B
continued with preparation for oral argument and outline for same,		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

5/15/2016		0.70	\$210.00
SWC PREP		\$300.00	B
continued with preparation for upcoming oral argument and noted [REDACTED]			
8/12/2016		0.20	\$60.00
SWC PREP		\$300.00	B
received and reviewed notice of oral argument and return receipt for same, conference with paralegal about [REDACTED] [REDACTED]			
8/28/2016		0.60	\$180.00
SWC PREP		\$300.00	B
worked on outline for upcoming appeal oral argument,			
9/05/2016		0.80	\$240.00
SWC PREP		\$300.00	B
continued preparation of outline for upcoming oral argument [REDACTED]			
9/09/2016		2.80	\$770.00
CRE PREP		\$275.00	B
Research cases that consider [REDACTED] [REDACTED] Confer with Attorney Cheifetz regarding [REDACTED] [REDACTED]			
9/11/2016		2.50	\$750.00
SWC PREP		\$300.00	B
received and reviewed memorandum from associate about [REDACTED] [REDACTED] added introduction and conclusion to outline for upcoming oral argument and added additional arguments through out outline for each subpart, reviewed case law cited in [REDACTED] and revised argument [REDACTED]			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

[REDACTED],

9/12/2016		1.50	\$450.00
SWC PREP		\$300.00	B
Met with associate [REDACTED] [REDACTED] dictated new outline for upcoming oral argument, received and reviewed additional case provided by associate, reviewed Homeowners Association responsive appellate brief and added arguments to outline for upcoming oral argument,			
9/12/2016		0.60	\$165.00
CRE PREP		\$275.00	B
Meeting with Attorney Cheifetz to [REDACTED] [REDACTED] follow up research of [REDACTED] [REDACTED]			
9/13/2016		1.80	\$540.00
SWC PREP		\$300.00	B
continued preparation for oral argument of appeal, researched judge panel for case, made revisions to outline for oral argument, reviewed applicable case law,			
9/14/2016		1.80	\$540.00
SWC PREP		\$300.00	B
prepared for and participated in oral argument before the court of appeals, met with client following argument.			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/13/2016		0.50	\$150.00
SWC PREP		\$300.00	B
	received and reviewed opinion of the court of appeals, phone calls with co-counsel and client about same, conference with associate about [REDACTED] [REDACTED]		
10/13/2016		0.20	\$0.00
CRE PREP		\$275.00	N
	Meeting with Attorney Cheifetz regarding [REDACTED] [REDACTED]		
10/17/2016		0.20	\$60.00
SWC PREP		\$300.00	B
	Prepared notes for call to Robert Grasso, left detailed phone message with Robert Grasso.		
10/18/2016		0.30	\$37.50
LAG PREP		\$125.00	B
	Review and analyze Court of Appeal's docketing page; conference with Cynthia R. Estrella regarding [REDACTED] [REDACTED]		
10/18/2016		0.50	\$150.00
SWC PREP		\$300.00	B
	received and reviewed e mail from Homeowners Association attorney about scheduling phone call and respond to same, participate in phone call with Homeowners Association attorney and discuss Homeowners Association threat to appeal to Supreme Court and exploring settlement and potential for mediation, phone call with client about [REDACTED] [REDACTED]		

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/19/2016		1.30	\$357.50
CRE PREP		\$275.00	B
Meeting with Attorney Cheifetz regarding [REDACTED]			
[REDACTED] Continue to draft Application for attorneys' fees.			
10/19/2016		0.30	\$90.00
SWC PREP		\$300.00	B
conference with associate about [REDACTED]			
[REDACTED]			
10/20/2016		0.60	\$180.00
SWC PREP		\$300.00	B
provided memorandum to associate with [REDACTED]			
[REDACTED] e mailed client about [REDACTED]			
[REDACTED] left message with Homeowners Association attorney to explore settlement, phone call with Homeowners Association attorney discussing fees incurred and potential for settlement,			
10/21/2016		2.60	\$715.00
CRE PREP		\$275.00	B
Confer with Attorney Steven W. Cheifetz regarding [REDACTED]			
[REDACTED] Research procedure for filing motion to file expedited mandate to Court of Appeals.			
10/21/2016		0.90	\$270.00
SWC PREP		\$300.00	B
reviewed e mail to client [REDACTED]			
[REDACTED] draft letter to Homeowners Association attorney offering settlement, revise and final draft of letter to Homeowners Association attorney offering settlement,			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/22/2016		4.30	\$1,182.50
CRE PREP		\$275.00	B
Draft application for attorneys' fees.			
10/24/2016		5.20	\$1,430.00
CRE PREP		\$275.00	B
Continue to work on Fee application, statement of costs, redact legal bills for privileged information. Research on [REDACTED] [REDACTED]			
10/25/2016		0.60	\$180.00
SWC PREP		\$300.00	B
reviewed fee applications draft, noted [REDACTED], e mailed associate about [REDACTED] conference with associate about same and [REDACTED] [REDACTED]			
10/25/2016		6.80	\$1,870.00
CRE PREP		\$275.00	B
Confer with Attorney Cheifetz regarding [REDACTED] [REDACTED] Revise Application for fees. Research [REDACTED] and incorporate argument [REDACTED] [REDACTED]			
10/25/2016		0.30	\$0.00
SLE PREP		\$125.00	N
Received and reviewed Defendant's Reply In Support of Motion for Summary Judgment; duplicate same to system; forward to Steven W. Cheifetz for review.			
10/25/2016		0.30	\$90.00
SWC PREP		\$300.00	B
received and reviewed reply to Motion for Summary Judgment, phone call to Homeowners Association attorney about settlement letter and left message,			

Regarding: McNally adv. Sun Lakes HOA

Date: 10/27/2016

10/26/2016		3.60	\$990.00
CRE PREP		\$275.00	B
	Meeting with Attorney Cheifetz regarding [REDACTED] [REDACTED] Update and revise Affidavit of Steven Cheifetz. Redact billing history statement for attorney client privilege.		
10/26/2016		0.00	\$0.00
SWC PREP		\$300.00	N
	reviewed revised draft of fee application and noted [REDACTED] [REDACTED],		
10/27/2016		1.00	\$275.00
CRE PREP		\$275.00	B
	Work with Attorney Cheifetz to finalize affidavit in support of Fee and cost application. Complete redaction of billing statements to redact privilege information. Finalize Application for fees and costs for filing.		

**Subtotal:** [ 309.60 \$62,200.50 ]

**History Bill Total:** [ \$63,344.73 ]