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*Attorneys for Defendant Hilton Casitas
Homeowners Association*

AFI.HILTONC.01

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

R.L. WHITMER,

Plaintiff,

vs.

HILTON CASITAS HOMEOWNERS
ASSOCIATION, also known as HILTON
CASITAS COUNCIL OF
HOMEOWNERS, also known as HILTON
CASITAS COUNCIL OF CO-OWNERS,

Defendant.

Case No. CV2021-050888

**APPLICATION FOR ATTORNEYS'
FEES AND COSTS**

(Assigned to Honorable Sara Agne)

Pursuant to the Arizona Rules of Civil Procedure 54(g) and the Order for Dismissal filed August 19, 2021, Defendant Hilton Casitas Homeowners Association ("Association") hereby submits its Application for Attorneys' Fees and Costs. The Association requests the Court award \$16,881.50 in attorneys' fees pursuant to Ariz. Rev. Stat. §§ 12-341.01 and 12-349 and \$309.86 in taxable costs pursuant Ariz. Rev. Stat. § 12-341. The Association's Application for Attorneys' Fees and Costs is supported by the following Memorandum of

1 Points and Authorities, the accompanying exhibits filed simultaneously herewith, and the
2 entire record.

3 **MEMORANDUM OF POINT AND AUTHORITIES**

4 **I. Factual Background**

5 Plaintiff initiated the instant action via a Verified Complaint filed on March 22, 2021.
6 At the initial Order to Show Cause Hearing, the Association, through undersigned counsel,
7 notified both Plaintiff and the Court that the Association believed Plaintiff’s claims lacked
8 merit. The Association immediately pursued settlement discussion to see about an early
9 resolution, but Plaintiff would not relent from his claim regarding his interpretation of Ariz.
10 Rev. Stat. § 33-1243(J). *See* email from R.L. Whitmer to Timothy Butterfield dated April 23,
11 2021, attached hereto as Exhibit 1. As this Court noted, Plaintiff’s interpretation of Ariz. Rev.
12 Stat. § 33-1243(J) “is in violation of the statute’s plain language...” Order for Dismissal at
13 3:19-21. Because Plaintiff would not concede on his interpretation of Ariz. Rev. Stat. § 33-
14 1243(J), settlement was untenable.

15 Thereafter, the Association filed its Motion to Dismiss. To the extent possible without
16 prejudicing its defenses, the Association sought to avoid unnecessary litigation and motion
17 practice. *See e.g.*, email from Timothy Butterfield to R.L. Whitmer dated June 9, 2021,
18 attached hereto as Exhibit 2. However, Plaintiff filed numerous motions to which the
19 Association responded in order to preserve its defenses. Ultimately, the Court reviewed all
20 motion practice and disposed of all motions simultaneously when it granted the Association’s
21 Motion to Dismiss.

22 **II. The Association’s Requested Fees Are Reasonable**

23 Arizona courts consider several factors in determining whether a party’s request for
24 attorneys’ fees is reasonable:
25

1 (1) *the qualities of the advocate*: his ability, his training, education, experience,
2 professional standing and skill;

3 (2) *the character of the work to be done*: its difficulty, its intricacy, its importance,
4 time and skill required, the responsibility imposed and the prominence and
5 character of the parties where they affect the importance of the litigation;

6 (3) *the work actually performed by the lawyer*: the skill, time and attention given to
7 the work;

8 (4) *the result*: whether the attorney was successful and what benefits were derived.

9 *Schweiger v. China Doll Rest., Inc.*, 138 Ariz. 183, 187, 673 P.2d 927, 931 (App. 1983)
10 (*citing Schwartz v. Schwerin*, 85 Ariz. 242, 245-46, 336 P.2d 144, 146 (1959)). All of these
11 factors support a finding that the Association’s attorneys’ fees here are reasonable.

12 The qualifications for all attorneys who worked on this matter are provided within the
13 Affidavit in Support of Attorneys’ Fees and Costs (“China Doll Affidavit”) attached hereto as
14 Exhibit 3. The Association’s attorneys are experienced civil litigation attorneys with a focus
15 on community association law. The specific experience and focus on community association
16 law was particularly important in the instant case dealing with the application of an order from
17 the Office of Administrative Hearings and statues within the Arizona Condominium Act
18 (Arizona Revised Statute § 33-1201 et. seq.)

19 As to the character of the work, defending against Plaintiff’s claims required an
20 analysis of six-year-old administrative order and multiple statutes as applied to allegations
21 over multiple years of Association business. Moreover, the Association is the nonprofit
22 corporation tasked with managing all units within the Association. In this position, the
23 Association bears responsibilities to all of the Members in the Association—including
24 defending against claims which seek to impose an excessive burden upon the Association that
25 might lead to increased assessments.

1 The work performed is best shown by the China Doll Affidavit. The work included
2 research into the historical and legal relationship between Plaintiff and the Association and
3 motion practice which was largely driven by Plaintiff’s numerous filings. Further, the
4 Association was completely successful in its defense with all of Plaintiff’s claims being
5 dismissed with prejudice. Ultimately, all attorney time and associated fees resulted in
6 complete victory for the Association.

7 The billing rate in this case are presumptively reasonable. *China Doll Rest., Inc.*, 138
8 Ariz. at 187–88, 673 P.2d at 931–32 (“[I]n corporate and commercial litigation between fee-
9 paying clients, there is no need to determine the reasonable hourly rate prevailing in the
10 community for similar work because the rate charged by the lawyer to the client is the best
11 indication of what is reasonable under the circumstances of the particular case.”). Absent a
12 specific evidentiary showing that the amount requested is unreasonable, and not merely a broad
13 challenge to this Application, the Association is entitled to all of its attorneys’ fees and costs
14 incurred. *State of Arizona, ex rel., Corbin v. Tocco*, 173 Ariz. 587 at 594, 845 P.2d 513 at 520.
15 The rates charged to the Association are the customary rates charged by undersigned
16 counsel’s firm for this type of work. China Doll Affidavit at ¶ 9. Moreover, the rates are also
17 reasonable within the rates customarily charged in this community given the nature and
18 complexity involved in this matter and the training, education, experience, and skill of the
19 attorneys and legal staff. *Id.*

20 Under Arizona law, the prevailing party in a suit where the recovery of fees is
21 permitted and award is “entitled to recover a reasonable attorney’s fee for every item of
22 service which, at the time rendered, would have been undertaken by a reasonable and prudent
23 lawyer to advance or protect his client’s interest in the pursuit.” *China Doll Rest., Inc.*, 138
24 Ariz. at 188, 673 P.2d at 932 (*quoting Twin City Sportservice, Inc. v. Charles O. Finley &*
25 *Co., Inc.*, 676 F.2d 1291, 1313 (9th Cir. 1982)). The Association’s attorneys have kept

1 contemporaneous records of the hourly fees and expenses incurred litigating this case. The
2 Association’s attorneys’ fees are more than reasonable based on the rights to be protected and
3 the manner in which Plaintiff pursued his claims. *See, also, Catalina Foothills Ass’n, Inc. v.*
4 *White*, 132 Ariz. 427, 428, 646 P.2d 312, 313 (App. 1982) (In a contract action, the prevailing
5 party should be awarded fees regardless of who is obligated to pay the fees). Therefore, the
6 Association is entitled to be awarded all fees and costs incurred in establishing the
7 Association’s just defense of the claims in this case.

8 **III. Conclusion**

9 For all of the foregoing reasons, the Association should be awarded the full amount of
10 its request. The Association respectfully requests entry of an award of \$17,191.36, which
11 amount reflects the fair and reasonable amount of attorneys’ fees and costs expended in
12 defending this action.

13 RESPECTFULLY SUBMITTED this 2nd day of September, 2021.

14 **CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP**

15 By: /s/ Timothy D. Butterfield
16 Edith I. Rudder, Esq.
17 Timothy Butterfield, Esq.
18 1400 East Southern Avenue, Suite 400
19 Tempe, Arizona 85282-5691
20 *Attorneys for Defendant*
21
22
23
24
25

1 **ORIGINAL** of the foregoing e-filed
2 this 2nd day of September, 2021.

3 **COPY** of the foregoing mailed/e-mailed
4 this 2nd day of September, 2021, to:

5 R.L. Whitmer
6 6333 N. Scottsdale Road, Casita 21
7 Scottsdale, Arizona 85250
8 rlw@fulcrumgroup.biz

9 *Pro Per*

10 By: /s/ Timothy D. Butterfield

From: [R. L. Whitmer](#)
To: [Timothy Butterfield](#)
Subject: 408 settlement discussions
Date: Friday, April 23, 2021 3:25:30 PM
Attachments: [image002.png](#)

Tim,

It was nice chatting with you and I look forward to hearing back from after you speak with your client.

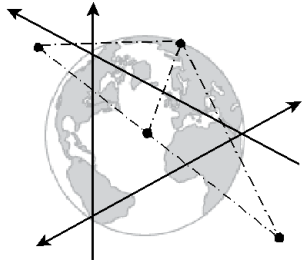
Please send me the court's findings from your case regarding ARS § 33-1243.J.

Regards,

R. L. Whitmer

Fulcrum Group

FORTUNA PREPARATIS - AUDACES FORTUNA IUVAT



Scottsdale, Arizona
602.531.2615

From: [Timothy Butterfield](#)
To: [R. L. Whitmer](#)
Cc: [Eadie Rudder](#); [Suzanne N. Hilborn](#)
Subject: Re: Extension to respond to your motion to dismiss
Date: Wednesday, June 9, 2021 9:18:13 AM
Attachments: [image002.png](#)
[image002.png](#)

Mr. Whitmer,

I disagree with your Motion to Strike and do not think it is proper. I will not stipulate to the requested extension, but if you need a short extension I am willing to consider such a request.

Best,

Timothy Butterfield, Esq.
Sent from my iPhone
Please excuse any typos.

From: R. L. Whitmer <rlw@fulcrumgroup.biz>
Sent: Tuesday, June 8, 2021 5:20 PM
To: 'Timothy Butterfield'
Subject: Extension to respond to your motion to dismiss

Mr. Butterfield.

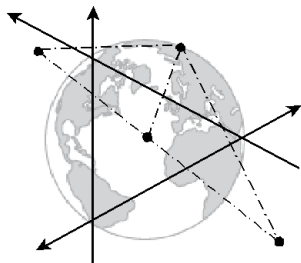
Are you willing to stipulate to an extension to file my response to your motion to dismiss until 10 days after the court rules on my motion to strike, if the court denies the motion to strike?

Please let me know ASAP, as I intend to file for the extension tomorrow,

R. L. Whitmer

Fulcrum Group

Fortuna Preparatis ~ Audaces Fortuna Juvat



Scottsdale, Arizona
602.531.2615

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9 (Timothy D. Butterfield - SBN 026818)
10 tim.butterfield@carpenterhazlewood.com
11 Attorneys for Defendant Hilton Casitas
12 Homeowners Association

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

10 R.L. WHITMER,

11 Plaintiff,

12 vs.

13 HILTON CASITAS HOMEOWNERS
14 ASSOCIATION, also known as HILTON
15 CASITAS COUNCIL OF
16 HOMEOWNERS, also known as HILTON
17 CASITAS COUNCIL OF CO-OWNERS,

18 Defendant.

Case No. CV2021-050888

**AFFIDAVIT IN SUPPORT OF
ATTORNEYS' FEES AND COSTS**

(Assigned to Honorable Sara Agne)

18 Timothy D. Butterfield (TDB) states:

19 1. I am an attorney with the law firm of Carpenter, Hazlewood, Delgado & Bolen,
20 LLP, and I am one of the attorneys of record for Defendant Hilton Casitas Homeowners
21 Association (the "Association") and submit this Affidavit in response to the Order for
22 Dismissal filed August 19, 2021.

23 2. Attached to this Affidavit as Exhibit A is a summary containing a description of
24 the costs incurred on behalf of the Association.

1 3. Attached to this Affidavit as Exhibit B is a summary containing a description of
2 the attorneys' fees on behalf of the Association.

3 4. Exhibit B reflects the time recorded by the staff at Carpenter, Hazlewood,
4 Delgado & Bolen, LLP on behalf of the Association in this litigation measured in tenths of an
5 hour, a brief description of the work performed on a daily basis, and the charges for the work
6 performed.

7 5. I am a 2016 graduate of the James E. Rogers College of Law at the University
8 of Arizona and have been licensed in the State of Arizona since 2016. My practice consists
9 primarily of civil litigation with a focus on community association law. My billing rate on this
10 matter was \$200.00 per hour.

11 6. In addition, Edith I. Rudder (EIR) worked on this case. Ms. Rudder is a 2000
12 graduate of the James E. Rogers College of Law at the University of Arizona and has been
13 licensed in the State of Arizona since 2000. She is admitted to practice in all state and federal
14 courts in Arizona. Ms. Rudder is a partner at Carpenter, Hazlewood, Delgado & Bolen, LLP.
15 Her billing rate on this matter was \$200.00 per hour.

16 7. Suzanne Hilborn (SNH) and Vanessa Fort (VNF) provided paralegal work on
17 this matter. Both are experienced litigation paralegals. The paralegal billing rate was \$95.00
18 per hour.

19 8. I have reviewed the time and billing records maintained by Carpenter,
20 Hazlewood, Delgado & Bolen, LLP, and a true and accurate copy of the billing statements
21 setting forth a description of services, and the amount of the fees charged as attached hereto
22 and incorporated herein.

23 9. Being a member of the State Bar of Arizona, I am familiar with the attorneys'
24 fees customarily charged in this community and in the state for the hourly work of the nature
25 and complexity involved in this matter, taking into account the experience and abilities of

1 each individual attorney involved. Said hourly rates billed to the Association are fair and
2 reasonable under the circumstances and are customarily charged for services rendered by me
3 and my firm. All of the hours expended were necessary and the hourly rates upon which the
4 fees are based are reasonable and have been paid or agreed to be paid by the Association
5 and/or its insurance carrier.

6 10. The billing statements attached reflect the actual amount of time in rendering
7 services to the Association in this case totaling \$16,881.50 in attorneys' fees and \$309.86 in
8 costs.

9 Pursuant to Arizona Rules of Civil Procedure 80(c), I declare under penalty of perjury
10 that the foregoing is true and correct.

11 EXECUTED this 2nd day of September, 2021.

12 By: /s/ Timothy D. Butterfield
13 Timothy D. Butterfield, Esq.
14 1400 East Southern Avenue, Suite 400
15 Tempe, Arizona 85282-5691
16 *Attorneys for Defendant*

EXHIBIT A

Carpenter Hazlewood Delgado & Bolen, LLP
Cost Report

AFI / R. L. Whitmer v Hilton Casitas (AFI-HILTONC.01)

Date	Vendor	Check No.	Check Date	Check Status	Amount	Description
04/29/2021	TurboCourt	5662075	4/29/2021	Cleared	\$259.05	Filing Fee, TurboCourt
05/19/2021	TurboCourt	5725539	5/19/2021	Cleared	\$6.70	Filing Fee, TurboCourt, 5725539
05/26/2021	TurboCourt	57478069	5/26/2021	Cleared	\$6.70	Filing Fee, TurboCourt, 5747806
06/11/2021	TurboCourt	5795191	6/11/2021	Cleared	\$6.70	Filing Fee, TurboCourt, 5795191
06/18/2021	TurboCourt	5816481	6/18/2021	Cleared	\$6.70	Filing Fee, TurboCourt, 5816481
06/23/2021	TurboCourt	5831627	6/23/2021	Cleared	\$10.61	Filing Fee, TurboCourt, 5831627
07/07/2021	TurboCourt	5874185	7/7/2021	Cleared	\$6.70	Filing Fee, TurboCourt, 5874185
07/09/2021	TurboCourt	5881728	7/9/2021	Cleared	\$6.70	Filing Fee, TurboCourt, 5881728

\$309.86

EXHIBIT B

Carpenter Hazlewood Delgado & Bolen, LLP
Time Report

AFI / R. L. Whitmer v Hilton Casitas (AFI-HILTONC.01)

Date	Attorney	Staff Level	Hours	Rate	Amount	Narrative
04/14/2021	EIR	PRTNR	0.30	200.00	60.00	Review initial communication from claims adjuster regarding new assignment.
04/15/2021	TDB	ASSOC	2.80	200.00	560.00	Initial file review and research underlying ADRE action on which Plaintiff bases his claims.
04/16/2021	EIR	PRTNR	0.90	200.00	180.00	Review Complaint packet, including case cited by Plaintiff in support of his position for sanctions and contempt of court.
04/16/2021	TDB	ASSOC	0.90	200.00	180.00	Draft letter to the Association outlining scope of representation and anticipated issues in the case.
04/16/2021	SNH	PRLGL	0.20	95.00	19.00	Prepare initial draft Litigation Hold Letter to opposing counsel for Tim Butterfield review and revision.
04/16/2021	TDB	ASSOC	0.70	200.00	140.00	Draft letter to Association regarding litigation preservation for all information and documentation in possession responsive to pending litigation.
04/16/2021	TDB	ASSOC	0.80	200.00	160.00	Draft letter to Plaintiff Whitmer regarding litigation preservation demand for all information and documentation which may be relevant to the instant case and risk of spoliation inference if not maintained.
04/16/2021	TDB	ASSOC	0.60	200.00	120.00	Draft statutory disclosure memorandum to the Association regarding the new pending litigation to include in resale packets to buyers pursuant to ARS 33-1260.
04/20/2021	EIR	PRTNR	0.30	200.00	60.00	Telephone conference with community manager Linda Diefenderfer regarding [REDACTED].

04/20/2021	EIR	PRTNR	0.90	200.00	180.00	Consider pending issues in light of the efforts the Association already is making to comply with the underlying Administrative Law Judge decision, possible defenses at the Order to Show Cause hearing, possible suggestions/requests to make of the Judge to delay an evidentiary hearing to allow the Association to complete the efforts it currently is making to produce the financial documents.
04/20/2021	EIR	PRTNR	0.20	200.00	40.00	Review proposed communication to claims adjuster regarding pending matter, discussions with community manager and Board President.
04/20/2021	EIR	PRTNR	0.40	200.00	80.00	Research Plaintiff to learn his background, discovering a number of articles about his development and review his own website related to Hilton Casitas.
04/20/2021	EIR	PRTNR	0.30	200.00	60.00	Review several communications from the community manager with background information on the pending matter.
04/20/2021	TDB	ASSOC	1.30	200.00	260.00	Develop legal strategy in light of historical background from Board president.
04/20/2021	TDB	ASSOC	0.30	200.00	60.00	Email to Linda Diefenderfer, community manager, regarding [REDACTED].
04/20/2021	TDB	ASSOC	0.30	200.00	60.00	Call from Linda Diefenderfer, community manager, regarding [REDACTED].
04/20/2021	TDB	ASSOC	0.30	200.00	60.00	Call with Sam Richardson, counsel, regarding [REDACTED].
04/20/2021	TDB	ASSOC	2.50	200.00	500.00	Review website created by Plaintiff regarding the background of his dispute with the Association.
04/20/2021	TDB	ASSOC	0.70	200.00	140.00	Call from Joanna O'Neal, Board President, regarding [REDACTED].

04/23/2021	EIR	PRTNR	0.20	200.00	40.00	Review outcome of the Order to Show Cause hearing, pending schedule, and pending efforts of the Association to produce the information and documentation over which Plaintiff brought this action.
04/23/2021	TDB	ASSOC	0.80	200.00	160.00	Attend return hearing at which the deadlines for motion practice, discovery, and evidentiary hearing were set.
04/23/2021	TDB	ASSOC	0.30	200.00	60.00	Call with Plaintiff Whitmer regarding issues raised during the Return Hearing and whether negotiated resolution is feasible or motion practice will be required.
04/27/2021	EIR	PRTNR	0.40	200.00	80.00	Review outcome of Order to Show Cause and consider options for moving forward, including a Motion to Dismiss and related issues.
04/27/2021	TDB	ASSOC	0.20	200.00	40.00	Review and respond to email from Quentin Phillips, general counsel, regarding [REDACTED].
04/28/2021	EIR	PRTNR	0.30	200.00	60.00	Draft communication to carrier regarding outcome of the Order to Show Cause return hearing and briefing schedule through evidentiary hearing in early June.
04/28/2021	TDB	ASSOC	5.60	200.00	1,120.00	Draft Motion to Dismiss arguing Plaintiff's claims are barred by the statute of limitations, are based on an expired OAH decision which exceed the scope of ADRE/OAH's jurisdiction, and fail to state a claim.
04/28/2021	SNH	PRLGL	0.20	95.00	19.00	Prepare draft Notice of Appearance
04/29/2021	EIR	PRTNR	0.20	200.00	40.00	Review the Court's order issued after the Order to Show Cause return hearing regarding deadlines and procedures for the upcoming evidentiary hearing.
04/29/2021	SNH	PRLGL	0.30	95.00	28.50	Finalize and submit Notice of Appearance for processing with Clerk of Superior Court.
04/29/2021	SNH	PRLGL	0.30	95.00	28.50	Analysis of Minute Entry regarding Order to Show Cause Hearing and determination of additional discovery and preparation of answer to Complaint.

05/04/2021	EIR	PRTNR	0.20	200.00	40.00	Review pending matter and best process within which to defend the Association, including a Motion to Dismiss and the scheduling of same based upon the Court's Order.
05/11/2021	TDB	ASSOC	0.50	200.00	100.00	Analysis of whether to conduct any discovery ahead of the evidentiary hearing or whether the Association's documents are sufficient.
05/11/2021	EIR	PRTNR	0.20	200.00	40.00	Study pending matter to determine next steps in defense and that all deadlines are being met.
05/14/2021	TDB	ASSOC	1.90	200.00	380.00	Draft Initial Rule 26.1 Disclosure Statement including preparation of the anticipated exhibits for the evidentiary hearing.
05/14/2021	EIR	PRTNR	1.40	200.00	280.00	Review and revise the Association's proposed disclosure statement.
05/17/2021	TDB	ASSOC	2.30	200.00	460.00	Continue drafting Motion to Dismiss regarding unconstitutionality of ADRE order as additional argument why the Association is not in contempt of court.
05/18/2021	TDB	ASSOC	0.10	200.00	20.00	Review Plaintiff's request to postpone the evidentiary hearing.
05/18/2021	TDB	ASSOC	0.50	200.00	100.00	Draft Affidavit to support Objection to Plaintiff's Motion to Continue.
05/18/2021	EIR	PRTNR	0.20	200.00	40.00	Consider ramifications of Plaintiff's newly filed request to continue hearing and for a Rule 16 conference to determine next steps.
05/18/2021	SNH	PRLGL	0.50	95.00	47.50	Analysis of Request for Rule 16 Conference and preparation of draft Response and Objection to Motion to Continue
05/18/2021	SNH	PRLGL	0.30	95.00	28.50	Prepare initial draft Objection to Plaintiff's Motion to Vacate Evidentiary Hearing
05/19/2021	TDB	ASSOC	0.30	200.00	60.00	Analysis of settlement potential and whether a settlement is sufficient or Plaintiff will continue bringing similar disputes in the future.

05/19/2021	EIR	PRTNR	0.70	200.00	140.00	Draft objection to Plaintiff's request for Rule 16 conference and to vacate the evidentiary hearing on his Order to Show Cause.
05/19/2021	EIR	PRTNR	0.30	200.00	60.00	Draft form of Order denying Plaintiff's Request for Rule 16 scheduling order and vacating the evidentiary hearing.
05/19/2021	EIR	PRTNR	0.30	200.00	60.00	Review and revise proposed affidavit of Timothy Butterfield regarding Plaintiff's allegations of lack of cooperation.
05/19/2021	SNH	PRLGL	0.20	95.00	19.00	Prepare exhibit to Objection to Plaintiff's Motion to vacate Evidentiary Hearing
05/19/2021	SNH	PRLGL	0.30	95.00	28.50	Finalize and processing of Objection to Plaintiff's Motion to Vacate Evidentiary Hearing and Proposed Order for processing with Clerk of Maricopa County Superior Court.
05/25/2021	EIR	PRTNR	0.50	200.00	100.00	Review Plaintiff's Initial Disclosure Statement and Exhibits thereto (64 pages)
05/25/2021	EIR	PRTNR	1.10	200.00	220.00	Review and revise proposed Motion to Dismiss.
05/25/2021	EIR	PRTNR	0.20	200.00	40.00	Consider issues in pending matter to further the defense of the Association and support the Association's Motion to Dismiss.
05/25/2021	EIR	PRTNR	0.20	200.00	40.00	Review the Court's order denying Plaintiff's request for a Rule 16 conference and affirming the evidentiary hearing.
05/26/2021	TDB	ASSOC	0.60	200.00	120.00	Draft proposed Order to file along with the Motion to Dismiss and finalize both documents.
05/26/2021	EIR	PRTNR	0.20	200.00	40.00	Review and revise proposed form of Order granting the Association's Motion to Dismiss.
05/26/2021	SNH	PRLGL	0.30	95.00	28.50	Finalize Motion to Dismiss and proposed Order and processing of same with Maricopa County Superior Court Clerk
05/28/2021	SNH	PRLGL	0.20	95.00	19.00	Analysis of Motion for Leave to File Amended Complaint

06/01/2021	EIR	PRTNR	0.20	200.00	40.00	Review pending matter to determine proper procedure to follow to move case to resolution and related issues.
06/01/2021	EIR	PRTNR	0.30	200.00	60.00	Review and revise proposed First Supplemental Disclosure Statement in preparation for upcoming evidentiary hearing.
06/01/2021	EIR	PRTNR	0.20	200.00	40.00	Review Plaintiff's list of trial exhibits he intends to introduce despite it not being a consolidated trial on the merits.
06/01/2021	EIR	PRTNR	0.30	200.00	60.00	Review objections to Plaintiff's exhibits, most of which were not previously disclosed and have numerous grounds on which to object.
06/01/2021	TDB	ASSOC	0.30	200.00	60.00	Review documents to ensure all necessary physical evidence is prepared for hearing.
06/01/2021	TDB	ASSOC	0.10	200.00	20.00	Email to Quentin Phillips, Association general counsel, regarding [REDACTED].
06/01/2021	TDB	ASSOC	0.10	200.00	20.00	Review email from Linda Diefenderfer, community manager, regarding [REDACTED].
06/01/2021	TDB	ASSOC	0.20	200.00	40.00	Analysis of ballots received from Linda Diefenderfer, community manager, regarding [REDACTED].
06/01/2021	TDB	ASSOC	0.10	200.00	20.00	Email to Linda Diefenderfer, community manager, advising [REDACTED].
06/01/2021	TDB	ASSOC	0.20	200.00	40.00	Analysis of Plaintiff's Initial Rule 26.1 Disclosure Statement.
06/01/2021	TDB	ASSOC	0.10	200.00	20.00	Review email from Linda Diefenderfer, community manager, regarding [REDACTED].
06/01/2021	TDB	ASSOC	0.30	200.00	60.00	Analysis of ballots for budget ratification and prepare ballots for use as exhibits at the evidentiary hearing.

06/01/2021	TDB	ASSOC	0.30	200.00	60.00 Draft Association's 1st Supplemental Rule 26.1 Disclosure Statement.
06/01/2021	TDB	ASSOC	0.90	200.00	180.00 Draft objections to Plaintiff's hearing exhibits.
06/01/2021	TDB	ASSOC	0.20	200.00	40.00 Review and respond to email from Plaintiff regarding objections to exhibits and request for stipulation to certain documents.
06/01/2021	TDB	ASSOC	0.30	200.00	60.00 Email to Plaintiff regarding objections to exhibits and the additional exhibits that we intend to introduce at the hearing.
06/01/2021	EIR	PRTNR	0.20	200.00	40.00 Review communications from community manager and the Association's General Counsel regarding [REDACTED] g.
06/01/2021	SNH	PRLGL	0.20	95.00	19.00 Analysis of First Supplemental Disclosure Statement and documents for production with disclosure
06/02/2021	TDB	ASSOC	0.20	200.00	40.00 Review minute entry order from the Court vacating the evidentiary hearing in light of the Association's Motion to Dismiss and setting forth additional deadlines for the party to conduct discovery.
06/02/2021	TDB	ASSOC	0.30	200.00	60.00 Email to Joanna O'Neil, Board President, regarding [REDACTED].
06/02/2021	TDB	ASSOC	0.40	200.00	80.00 Review Plaintiff's Motion for Leave to File Amended Complaint.
06/02/2021	TDB	ASSOC	0.30	200.00	60.00 Review and respond to email from Plaintiff regarding intent to file second Motion for Leave to Amend.
06/02/2021	TDB	ASSOC	0.60	200.00	120.00 Call from Bob Westbrook, new Board treasurer, regarding [REDACTED].
06/02/2021	EIR	PRTNR	0.20	200.00	40.00 Review the Court's Minute Entry Order on the procedure to address the Association's Motion to Dismiss.
06/02/2021	SNH	PRLGL	0.20	95.00	19.00 Analysis of Motion for Leave to Amend Complaint and correspondence with counsel and client on seam.

06/02/2021	SNH	PRLGL	0.20	95.00	19.00	Prepare initial draft Objection to Plaintiff's Motion for Leave to Amend Complaint
06/03/2021	EIR	PRTNR	0.20	200.00	40.00	Review communications from Plaintiff regarding the vacated evidentiary hearing and the "meet and confer" ordered by the Court.
06/03/2021	TDB	ASSOC	0.20	200.00	40.00	Review and respond to email from Plaintiff regarding the Court mandated Rule 16 Early Meeting.
06/03/2021	TDB	ASSOC	0.20	200.00	40.00	Review and respond to email from Plaintiff regarding availability for Rule 16 Early Meeting.
06/04/2021	TDB	ASSOC	3.00	200.00	600.00	Draft Litigation Plan setting forth the factual background of claim, procedural status, and evaluation of the Association's legal defenses.
06/04/2021	TDB	ASSOC	0.30	200.00	60.00	Analysis of impact records request has on the current litigation.
06/07/2021	EIR	PRTNR	0.20	200.00	40.00	Review communication from the Association's General Counsel regarding [REDACTED].
06/07/2021	EIR	PRTNR	0.30	200.00	60.00	Draft communication to the Association's General Counsel in response to his communication regarding [REDACTED].
06/07/2021	EIR	PRTNR	0.30	200.00	60.00	Review of Plaintiff's Motion to Strike the Association's Motion to Dismiss on nonsensical grounds.
06/07/2021	SNH	PRLGL	0.20	95.00	19.00	Analysis of Petitioner's Motion to Strike Defendant's Motion to Dismiss.
06/08/2021	EIR	PRTNR	0.50	200.00	100.00	Evaluate the newly filed Motion to Strike the Association's Motion to Dismiss, claiming sanctions for an alleged failure to follow protocol in making a defense of unconstitutionality and how best to defend the Association against same.
06/08/2021	TDB	ASSOC	1.30	200.00	260.00	Review and analysis of Plaintiff's Motion for Leave to Amend Complaint.

06/08/2021	TDB	ASSOC	1.80	200.00	360.00	Review and analysis of Plaintiff's Motion to Strike and authority cited therein.
06/09/2021	TDB	ASSOC	1.40	200.00	280.00	Begin drafting response in opposition to Plaintiff's Motion for Leave to Amend.
06/10/2021	EIR	PRTNR	0.70	200.00	140.00	Review and revise proposed "Response in Opposition to Plaintiff's Motion for Leave to File First Amended Complaint".
06/10/2021	TDB	ASSOC	1.50	200.00	300.00	Continue drafting Response in Opposition to Motion for Leave to Amend.
06/11/2021	TDB	ASSOC	0.30	200.00	60.00	Finalize Response to Motion for Leave.
06/11/2021	SNH	PRLGL	0.30	95.00	28.50	Finalize Response to Motion for Leave to Amend Complaint and processing of same with Maricopa County Clerk of Court.
06/14/2021	EIR	PRTNR	0.20	200.00	40.00	Review Plaintiff's Request for an Extension to Respond to Defendant's Motion to Dismiss, wanting more time for the Court to rule on his Motion to Strike.
06/14/2021	EIR	PRTNR	0.20	200.00	40.00	Draft communication to carrier to provide an update on the pending action primarily regarding Plaintiff's Motion to Strike the Association's Motion to Dismiss.
06/15/2021	EIR	PRTNR	0.20	200.00	40.00	Review pending issues including Plaintiff's multiple Motions (to strike and for more time) in his efforts to throw off the defense and related issues.
06/15/2021	TDB	ASSOC	2.80	200.00	560.00	Draft Response to Plaintiff's Motion to Strike the Association's Motion to Dismiss.
06/15/2021	TDB	ASSOC	0.70	200.00	140.00	Review and analysis of Plaintiff's Motion to Extend requesting to extend the deadline to response to the Motion to Dismiss indefinitely while Plaintiff's Motion to Strike is decided.
06/17/2021	TDB	ASSOC	1.80	200.00	360.00	Draft Response in Opposition to Plaintiff's Motion for Extension.
06/18/2021	EIR	PRTNR	0.40	200.00	80.00	Review and revise proposed response to Plaintiff's Motion to Strike the Association's Motion to Dismiss.

06/18/2021	EIR	PRTNR	0.30	200.00	60.00	Review and revise proposed response to Plaintiff's Motion to Extend the Time to submit his response to the Association's Motion to Dismiss.
06/21/2021	EIR	PRTNR	0.20	200.00	40.00	Review and consider Whitmer's latest motion to strike.
06/22/2021	EIR	PRTNR	0.30	200.00	60.00	Review pending issues in case, including Plaintiff's new Motion to Strike and related issues, including defense of the Motion to Dismiss.
06/22/2021	TDB	ASSOC	2.70	200.00	540.00	Review and analysis of Plaintiff's Notice of Failure to Timely File Response to Motion to Strike and evaluation of the factual background of Plaintiff's motions including the manner and date of which each was served.
06/23/2021	TDB	ASSOC	3.30	200.00	660.00	Draft Response to Plaintiff's Notice of Failure to Timely File including affidavit to support position that Plaintiff did not personally serve any Motions.
06/23/2021	VNF	PRLGL	0.20	95.00	19.00	Finalize Response to Request for an Extension to Respond to Defendant's Motion to Dismiss and submit via TurboCourt with Maricopa County Superior Court.
06/24/2021	TDB	ASSOC	0.40	200.00	80.00	Review Plaintiff's proposed Joint Report and Scheduling Order in preparation for Rule 16 Early Meeting.
06/24/2021	TDB	ASSOC	1.00	200.00	200.00	Participate in telephonic Rule 16 Early Meeting with Plaintiff.
06/27/2021	EIR	PRTNR	0.80	200.00	160.00	Review and revise proposed Litigation Plan to ensure all relevant defenses are reviewed.
06/27/2021	EIR	PRTNR	0.40	200.00	80.00	Review and revise proposed Response to Plaintiff's Notice alleging the Association's failure to file a response to his Motion to Strike.
06/27/2021	EIR	PRTNR	0.20	200.00	40.00	Review and revise proposed Declaration of Timothy Butterfield disputing that Plaintiff hand-delivered anything to counsel.
06/28/2021	TDB	ASSOC	1.10	200.00	220.00	Revisions to the Joint Report and Scheduling Order based upon Rule 16 Early Meeting discussion and preserving defense rights.

06/29/2021	EIR	PRTNR	0.30	200.00	60.00	Review and revise proposed Joint Report.
06/29/2021	EIR	PRTNR	0.40	200.00	80.00	Review and revise proposed Scheduling Order to set the deadlines for the case.
06/29/2021	TDB	ASSOC	0.30	200.00	60.00	Further analysis of Plaintiff's position on financial standard of care expert and anticipate response thereto.
07/07/2021	TDB	ASSOC	1.30	200.00	260.00	Prepare discovery dispute regarding scheduling order issues upon which the parties are unable to agree including a required Rule 7.1 meet and confer certificate.
07/07/2021	SNH	PRLGL	0.50	95.00	47.50	Finalize Declaration of Tim Butterfield and Response to Notice of Failure to Timely File a Response to Plaintiff's Motion to Strike and processing of same with Clerk of the Maricopa County Superior Court.
07/09/2021	EIR	PRTNR	0.20	200.00	40.00	Review several communications from Plaintiff regarding his issues with the proposed Joint Report and Scheduling Order.
07/09/2021	TDB	ASSOC	0.30	200.00	60.00	Revisions to the Joint Report and Scheduling Order to incorporate revisions discussed during meet and confer with Plaintiff.
07/09/2021	TDB	ASSOC	0.20	200.00	40.00	Email exchange with Plaintiff to confirm consent for electronic signature.
07/09/2021	TDB	ASSOC	0.70	200.00	140.00	Multiple calls with Plaintiff to meet and confer regarding disputes with the Joint Report and Scheduling Order.
07/09/2021	SNH	PRLGL	0.30	95.00	28.50	Finalize Joint Report, Good Faith Certificate and Proposed Order and processing of same with Maricopa County Superior Court Clerk
07/13/2021	EIR	PRTNR	0.40	200.00	80.00	Consider pending issues, including Plaintiff's refusal to cooperate with the Association outside of the litigation in an effort to resolve the issues and the Association's [REDACTED].

07/13/2021	EIR	PRTNR	0.50	200.00	100.00	Review correspondence between the Association's General Counsel and Plaintiff regarding continued efforts to persuade Plaintiff that his history of litigation with the Association is unwarranted.
07/20/2021	EIR	PRTNR	0.20	200.00	40.00	Review pending matter, including the outstanding motions before the Court and consider next steps to move case forward.
07/20/2021	TDB	ASSOC	1.10	200.00	220.00	Draft update litigation plan incorporating the recent filings and discovery schedule.
07/21/2021	EIR	PRTNR	0.50	200.00	100.00	Review and revise proposed Litigation Plan.
07/27/2021	EIR	PRTNR	0.20	200.00	40.00	Consider most recent submission from Plaintiff and options for countering same as well as next steps in defense of the Association such as using previous decisions adverse to Plaintiff against him in this case.
07/27/2021	TDB	ASSOC	0.10	200.00	20.00	Review email from Quentin Phillips, Association general counsel, regarding [REDACTED].
07/27/2021	SNH	PRLGL	0.20	95.00	19.00	Analysis and revision of letter to Louis Seletos and processing of same
08/01/2021	EIR	PRTNR	0.30	200.00	60.00	Review numerous prior lawsuits brought against the Association by Plaintiff seemingly in an effort to bankrupt same and judgments obtained therein as Association likely will move forward with vexatious litigant designation.
08/17/2021	EIR	PRTNR	0.20	200.00	40.00	Review pending matter and outstanding motions to determine next steps to obtain a decision from the Court on same.
08/17/2021	EIR	PRTNR	0.30	200.00	60.00	Draft update to carrier regarding pending matter, including the pending motions and efforts to secure a decision from the Court regarding same.
08/19/2021	EIR	PRTNR	0.40	200.00	80.00	Review the Court's order dismissing the lawsuit and allowing the Association to file an application for attorneys' fees and costs along with a proposed form of Judgment awarding same.

08/19/2021	EIR	PRTNR	0.20	200.00	40.00	Draft communication to Quentin Phillips, the Association's General Counsel, with the Court's Order granting the Association's Motion to Dismiss.
08/19/2021	EIR	PRTNR	0.20	200.00	40.00	Draft communication to Louis Seletos, claims adjuster, with the Court's Order dismissing Plaintiff's Complaint with prejudice.
08/19/2021	EIR	PRTNR	0.30	200.00	60.00	Review and respond to follow-up communications from Quentin Phillips, the Association's General Counsel, regarding [REDACTED]
				95.00		Prepare initial draft Application for Award of Attorneys Fees and Costs and Affidavit in Support of Application for Fees for
08/20/2021	SNH	PRLGL	0.60		57.00	EIR review and revision.
				200.00		Draft email to Joanna O'Neal, Board President, regarding [REDACTED]
08/24/2021	TDB	ASSOC	0.80		160.00	[REDACTED]
08/31/2021	EIR	PRTNR	0.20	200.00	40.00	Review pending matter for next steps in defense of the Association.
08/31/2021	TDB	ASSOC	1.30	200.00	260.00	Draft Application for Attorneys' Fees and supporting affidavit.
9/1/2021	TDB	ASSOC	0.20	200.00	40.00	Draft Statement of Costs.
9/1/2021	TDB	ASSOC	0.50	200.00	100.00	Draft proposed Form of Judgment.
9/1/2021	EIR	PRTNR	0.20	200.00	40.00	Review and revise proposed Affidavit in support of Application for an Award of Attorneys' Fees and Costs.
9/1/2021	EIR	PRTNR	0.20	200.00	40.00	Review and revise proposed Application for an Award of Attorneys' Fees.
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