

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

VILLAGE OF OAKCREEK
ASSOCIATION,

Plaintiff/Appellant,

v.

LANCE E. BONHAM,

Defendant/Appellee.

Court of Appeals Division One
No. 1 CA-CV 22-0780

Yavapai County Superior Court
Case No. V1300-CV2022-80081

**REPLY IN SUPPORT OF APPLICATION FOR ATTORNEY’S FEES AND
COSTS
OF DEFENDANT/APPELLEE LANCE E. BONHAM**

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Defendant/Appellee Lance E. Bonham (“Defendant” or “Bonham”) hereby submits this Reply in Support of Application for Attorney’s Fees and Costs on appeal pursuant to ARCAP 21(b).

Six Thousand, Four Hundred, Eighty-Six Dollars and No Cents (\$6,486.00) in attorney’s fees and One Hundred, Fifty-Four Dollars and Eighty-One Cents (\$154.81) in costs is more than reasonable to successfully defeat an appeal.

Defendant’s billing is not duplicative. The simple fact that various documents were drafted on different days and billed accordingly does not mean that the work was duplicative. For example, upon initially receiving the Association’s brief, it was reviewed briefly on March 23, 2023 for one half hour. Additional analysis and thought were put into the arguments (without billing) over the course of a week and a half and then counsel formally turned back to the review, including a review of all the cases cited in the opening brief. None of the billing entries are redundant. The billing entries provide the required information to inform the Court what actions were being performed and the time spent on each task.

Plaintiff’s general allegation that too much time was spent analyzing and drafting response briefs is legally insufficient to justify the requested reduction in fees. The naked assertion that the 11.6 hours spent drafting and revising an appellate brief should be reduced to 4.2 hours is absurd.

There is no hardship to the Association as the requested reduction is minimal, especially considering it is spread among all members of the Association. On the other hand, Mr. Bonham is financing his efforts without the financial support of hundreds of others. Mr. Bonham’s fees were reduced by close to \$2,000.00 by the trial court. An additional reduction here is unwarranted and unfairly shifts the burden of attorney’s fees onto the prevailing party. Finally, Mr. Bonham is not supplementing his application with the fees associated with reviewing and replying to the Association’s half-hearted attempt to reduce the fees.

CONCLUSION

Pursuant to Section 9.05 of the Declaration and A.R.S. §12-341, both upon compliance with ARCAP 21, it is proper for the Court to award Defendant his incurred (and reasonable) attorney's fees and costs.

Defendant thus hereby requests attorney's fees and costs on appeal against Plaintiff in the amount of Six Thousand, Four Hundred, Eighty-Six Dollars and No Cents (\$6,486.00) in attorney's fees and One Hundred, Fifty-Four Dollars and Eighty-One Cents (\$154.81) in costs, for a total recovery of Six Thousand, Six Hundred, Forty Dollars and Eighty-One Cents (\$6,640.81).

RESPECTFULLY SUBMITTED this 2nd day of November, 2023.

THE BAINBRIDGE LAW FIRM, L.L.C.

/s/ Mark J. Bainbridge
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