

1 **Shaw & Lines, LLC**

2 4523 E. Broadway Road

3 Phoenix, AZ 85040

4 Phone (480) 456-1500

5 Facsimile (480) 456-1515

6 www.shawlines.com

7 Mark E. Lines - #020553

8 Augustus H. Shaw IV - #021593

9 Patrick J. Whelan - #030994

10 Attorneys for Defendant/Respondent

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **IN AND FOR THE COUNTY OF MARICOPA**

13 R.L. WHITMER,

14 Plaintiff/Plaintiff,

15 v.

16 HILTON CASITAS HOMEOWNERS
17 ASSOCIATION, also known as HILTON
18 CASITAS COUNCIL OF
19 HOMEOWNERS, also known as
20 COUNCIL OF CO-OWNERS, also known
21 as HILTON CASITAS COUNCIL OF CO-
22 OWNERS,

23 Defendant/Respondent.¹

Case No. CV2016-055080

**APPLICATION FOR AWARD OF
ATTORNEYS' FEES AND COSTS**

(Assigned to the Hon. Lisa Flores)

24 Pursuant to the Court's July 10th Minute Entry Order and Ruling entered in the above-
25 captioned matter, Defendant/Respondent, Hilton Casitas Homeowners Association, also
26 known as Hilton Casitas Council Of Homeowners, also known as Council Of Co-Owners, also
27 known as Hilton Casitas Council Of Co-Owners (collectively referred to as "Defendant
28 HOA"), by and through undersigned counsel, respectfully requests an award of its attorneys'
fees and costs incurred in this lawsuit. An award of fees in favor of Defendant HOA and
against Plaintiff R.L. Whitmer ("Plaintiff") is mandatory under A.R.S. §12-341.01 as the
prevailing party in this matter.

Defendant HOA also requests an award of its fees pursuant to statutory law under

¹ The caption reflects the Court's Minute Entry Order, dated March 26th, filed April 1st and amended April 8th, 2019, dismissing Michael Bengson from Plaintiff's First Amended Verified Complaint.

1 A.R.S. §§12-349 and 12-350 and procedurally under Rule 11 of Arizona’s Rules of Civil
2 Procedure, as well as, its costs pursuant to A.R.S. §12-341.

3 Since the inception of this action in late 2016 through the date of this filing, Defendant
4 HOA has incurred attorneys’ fees in the amount of **\$105,770.00**,² as supported by (i) the
5 Affidavit of Counsel Augustus H. Shaw IV dated August 8, 2019 (the “Affidavit of Counsel”),
6 attached and incorporated herein as Exhibit A by reference; (2) the Affidavit of Nicole D.
7 Payne dated June 28, 2017 (the “N. Payne Affidavit”), attached and incorporated herein as
8 Exhibit B by reference, (3) the Affidavit of Augustus H. Shaw IV dated April 13, 2017 (the
9 “AHS Affidavit”), attached and incorporated herein as Exhibit C by reference, and (4) the
10 Declaration of Paige A. Martin dated April 12, 2017, and Billing Statement from Clark Hill
11 PLLC (the “P. Martin Declaration”), attached and incorporated herein as Exhibit D by
12 reference. The Affidavit of Counsel, the N. Payne Affidavit³, the AHS Affidavit, and the P.
13 Martin Declaration are submitted in accordance with *Schweiger v. China Doll Rest. Inc.*, 138
14 Ariz. 183, 673 P.2d 927, (App. 1983).⁴ Defendant HOA also requests an award of its after-
15 accruing fees⁵ for 9.0 hours of work in the anticipated sum of \$1,800, for a total fee award of
16 **\$107,570.00**.

16 Additionally, Defendant HOA incurred standard costs totaling **\$524.00**.⁶

17 As set forth in the following Memorandum of Points and Authorities, and as supported
18 by the Affidavit of Counsel, an extraordinary amount of time was expended and a significant
19 amount of fees were incurred in this action as a result of Plaintiff’s decision to advance claims
20 and theories for which it had no factual support. Under the totality of the circumstances, the
21 amount of fees sought herein is both reasonable and appropriate.

22
23 _____
24 2 This amount includes fees incurred through the filing of this Application dated August 8, 2019.

25 3 The total fees referenced in the N. Payne Affidavit, in the amount of \$4,775.00, were awarded by Judge Aimee Anderson
26 and incorporated into the original trial Court’s Judgment dated July 24, 2017, as indicated in the record.

27 4 The total fees referenced in the AHS Affidavit, in the amount of \$15,125.00, and those in the P. Martin Declaration,
28 totaling \$8,051.50, were determined to be reasonable and justified by Judge Aimee Anderson by way of the trial court’s
Judgment dated May 16, 2017, awarding Defendant HOA its attorneys’ fees totaling \$23,176.50, as indicated in the record.

5 The after-accruing fees apply to addressing Plaintiff’s response to this Application, any fee hearing and/or finalizing the
Judgment. If the anticipated fees are less than this anticipated sum, Defendant HOA will reduce the requested amount
accordingly. Nevertheless, Defendant HOA will submit a supplemental fee application reflecting all legal fees and costs
incurred through the date of that filing.

6 The cost details and calculations are provided in Defendant HOA’s separate Statement of Costs.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Summary of Basis for an Attorneys’ Fees Award.**

3 Defendant HOA should be awarded all of its attorneys’ fees because:

- 4 1. Defendant HOA is the prevailing/successful party in this matter and its fees are
5 reasonable for the legal efforts that were required to successfully defend against
6 Plaintiff’s claim(s).
- 7 2. Because the action arises out of “the organic contract between the HOA and the
8 casita/unit owners” – “[t]he Declaration” – an award of all attorneys’ fees are
9 awardable to the successful party under A.R.S. §§12-341.01 and 12-349.
- 10 3. Costs are awardable pursuant to A.R.S. §12-341.
- 11 4. Plaintiff did not have a factual or legal basis to support its initial allegations of
12 contempt when the original Complaint was filed in 2016, or at any time
13 thereafter to support further litigation and the 2018 First Amended Verified
14 Complaint (as Plaintiff stipulated to current compliance for 2019, 2018 and 2017
15 at the Evidentiary Hearing), or that he had sustained any quantifiable damages,
16 but continued to advance nebulous allegations which compelled vigorous efforts
17 of Defendant HOA, and its board president, to defend.
- 18 5. Plaintiff did not have a factual basis for seeking an injunction, but continued to
19 press that claim, which Defendant HOA had to defend.
- 20 6. Plaintiff asserted claims and theories that it could not prove because of a lack of
21 factual support.
- 22 7. Plaintiff asserted claims and theories that it subsequently abandoned after
23 requiring Defendant HOA to spend time and money addressing them.
- 24 8. Plaintiff undertook actions, in contravention of A.R.S. §12-349, that
25 unreasonably expanded the scope of this case and caused Defendant HOA to
26 incur otherwise unnecessary legal fees spanning more than 2 ½ years.
- 27 9. Plaintiff submitted a false Verification to his First Amended Verified Complaint
28 that, as eventually determined by the Court’s Amended Minute Entry Order
dated April 9th and the Court’s Ruling at the July 10th, 2019 Evidentiary Hearing,
to contain misstatements of fact and law.

23 **II. Prefatory Statement.**

24 Now, having prevailed against all allegations and claims as determined at the July 10th
25 Evidentiary Hearing, Defendant HOA requests an award of the attorneys’ fees and costs it
26 incurred defending itself and its board president, Michael Bengson, in this case.

27 As an initial comment, it should be noted that preparing this Application was a
28 monumental undertaking for one simple reason. This case has been litigated extensively for

1 more than 2 ½ years. Plaintiff initiated this litigation by filing his original Verified Complaint
2 in December of 2016, which was eventually dismissed for jurisdictional issues in March of
3 2017. Plaintiff timely appealed that dismissal to the Arizona Court of Appeals. The Arizona
4 Court of Appeals reversed the subject matter jurisdiction dismissal in August of 2018 and
5 remanded the matter back to have this court determine the merits of the case. Prior to the
6 Court of Appeals’ remand, Plaintiff’s irregular motion practice required Defendant HOA to
7 incur almost \$28,000⁷ in legal fees between two (2) law firms.

8 Thereafter, Plaintiff further committed himself to expand the litigation, by seeking
9 amendment to his Complaint more than once, filing erroneous documents that had to be
10 stricken by the Court on more than one occasion, and engaged in extended discovery,
11 including, but not limited to, Plaintiff taking the depositions of three (3) board members.
12 Ultimately, the Court set the matter “for Trial regarding Plaintiff’s First Amended Verified
13 Complaint for the Enforcement of an Administrative Law Order No. 14F-H1415004-BFS
(filed November 5, 2018)” for July 10, 2019.

14 Now, this Application comes in response to, and as permitted by, the Court’s July 10th
15 Order “denying Plaintiff’s complaint and request for finding of contempt[...][b]ased on the
16 testimony and evidence presented” at that July 10th Evidentiary Hearing. Specifically, the
17 Court found “that Plaintiff failed to prove by clear and convincing evidence that Defendant,
18 Hilton Casitas Homeowners Association, violated the Administrative Law Judge Decision
19 dated January 7, 2015.”

20 **III. This was a Significant Matter to Defend.**

21 As discussed above, due to (i) the extensive litigation of this case over the span of more
22 than 2 ½ years, (ii) the sheer volume of activity in this case during that period of time and (iii)
23 the Courts’ rulings and decisions in this case as they pertained to myriad factual and legal
24 issues that affected all of the parties, a summary of the procedural history of this case is critical
25 to the analysis of the propriety and reasonableness of Defendant HOA’s fee request. That
26 history is presented below.

27 _____
28 ⁷ See the trial court’s May 16th award of attorneys’ fees in the amount of \$23,176.50 and its further award of \$4,775.00 pursuant to its order dated July 24, 2017.

1 In 2014, Plaintiff filed an administrative petition alleging that the Defendant HOA had
2 violated statutory provisions governing the procedures for adopting or amending a budget.
3 *See*, A.R.S. §33-1243(D). Specifically, Plaintiff asserted that Defendant HOA had overspent
4 on legal fees without receiving owners' approval of the increase.

5 The dispute went to a hearing before an Administrative Law Judge in the Office of
6 Administrative Hearings ("OAH"), and the Administrative Law Judge issued a decision and
7 Recommended Order directing "Hilton Casitas...to fully comply with the [statutory
8 requirement] in the future." *See* the Recommended Order of the Administrative Law Judge
9 Decision.

10 Two years later, Plaintiff filed this complaint for an order to show cause in superior
11 court alleging that Defendant HOA had failed to comply with the Administrative Law Judge
12 Decision and sought enforcement of the decision by contempt and to "sanction Hilton Casitas
13 and its president, Mr. Bengson". Defendant HOA responded and moved to dismiss as against
14 Mr. Bengson individually, and arguing that the superior court lacked subject matter
15 jurisdiction to consider contempt of the Administrative Law Judge Decision, and that OAH
16 itself was the only proper forum for a proceeding to enforce a prior OAH decision under §32-
2199.02(B).⁸

17 After full briefing, the superior court granted the motion to dismiss, reasoning that the
18 its jurisdiction was limited to judicial review of the Administrative Law Judge Decision and
19 did not include authority to consider an action to enforce an administrative order by contempt.
20 The trial court acknowledged the statutory provision stating that the Administrative Law Judge
21 Decision "is enforceable through contempt of court proceedings," *see* A.R.S. §32-2199.02(B),
22 but concluded that the proper forum for such contempt proceedings "is the Administrative
23 Courts, not the Superior Court."

24 Plaintiff then filed a timely motion for reconsideration with the trial court, attaching
25 Plaintiff's recent correspondence with the OAH as his basis for reconsideration.⁹ After the

26 ⁸ Defendant HOA also moved to dismiss Mr. Bengson, individually, as a clearly designated agent for Defendant HOA and
27 not subject to or even mentioned in the "Recommended Order" of the Administrative Law Judge Decision.

28 ⁹ After the ruling, Plaintiff emailed the OAH and requested information regarding where to file his contempt complaint in
light of the superior court's recent ruling (which he enclosed also). In response, the OAH's acting director stated that "there

1 trial court denied reconsideration, Plaintiff filed a motion for new trial, which the court also
2 denied. The trial court thereafter entered a final judgment dismissing the matter and awarded
3 Defendant HOA all of its incurred attorneys' fees and costs, determining them to be justified
4 and reasonable. Plaintiff timely appealed to the Arizona Court of Appeals.

5 On appeal, Plaintiff challenged the superior court's (i) determination that it lacked
6 subject matter jurisdiction to consider his complaint and (ii) award of attorney's fees in favor
7 of Defendant(s). The Court of Appeals reversed the judgment of dismissal and remanded for
8 further proceedings.¹⁰ And, "[i]n light of this disposition reversing dismissal, [the Court]
9 vacate[d] the superior court's award and d[id] not further address the issue of fees in superior
10 court."

11 On remand, Judge Cynthia Bailey was assigned the matter and set a status conference
12 for October 17, 2018, as per the Court of Appeals' Mandate dated August 28, 2018. At the
13 October 17th status conference, undersigned counsel made it clear to Plaintiff that the
14 Defendant HOA's board president (Michael Bengson) was not a proper party to the suit, as an
15 agent of the entity Defendant HOA, and that counsel planned on filing a motion to dismiss the
16 Complaint, asserting that it violated the basic pleading standards of Rule 8 and was subject to
17 dismissal under Rule 12(b)(6) for failure to state a claim. Discussion was held after Plaintiff
18 disputed that the Complaint was deficient, but posited that he was willing to further discuss
19 the matter with undersigned counsel in an attempt to settle or cure any issues.

20 Judge Bailey suggested that the parties meet and confer to go through the Complaint in
21 detail and look at all of the arguments and matters as set forth by undersigned counsel for
22 Defendant HOA. In doing so, it became clear that the court was skeptical as to Plaintiff
23 maintaining his allegations against Mr. Bengson in the light of agency theory/law limiting

24 is nothing in OAH's enabling statutes (A.R.S. §41-1092 *et. seq.*) that would enable OAH to enforce its own decisions
25 through contempt proceedings that it would hold."

26 10 In its Memorandum Decision, the Court of Appeals "recognize[d] a certain dissonance in the superior court conducting
27 proceedings to consider a party's refusal to follow an order issued by a separate administrative forum. But the statutory
28 schemes governing several administrative bodies allow the superior court to act as a forum for such contempt proceedings."
Accordingly, the Court of Appeals determined that "the superior court erred by concluding that OAH had jurisdiction to
enforce the ALJ's order by contempt, much less *exclusive* jurisdiction (assuming OAH qualifies as "another court")
depriving the superior court of original jurisdiction to consider Whitmer's enforcement action. *See* Ariz. Const. art. 6,
§14(1); *see also* A.R.S. §12-864 (describing civil contempts to include failure to obey the superior court's order as well as
"all other contempts not specifically embraced within this article")."

1 individual liability. Judge Bailey then ordered that the parties had until October 31, 2018 to
2 reach a potential settlement regarding the motion to dismiss with regard to Mr. Bengson.

3 In an abundance of caution, the court did allow Plaintiff to file a motion seeking leave
4 to amend, but warned that any proposed amendments would need to comply with the rules of
5 civil procedure.

6 Notwithstanding the Court’s guidance and numerous “meet and confer” in-person
7 meetings with undersigned counsel, Plaintiff was resolute to include both Defendant HOA and
8 Mr. Bengson in the continued lawsuit.

9 So, on October 22, 2018, Plaintiff requested leave to file his First Amended Verified
10 Complaint (“FAV Complaint”); albeit largely requested the same relief sought in the original
11 complaint – namely, for a finding that “that the HOA and its President [Michael Bengson]
12 willfully and purposely violated the ALJ Order in 2016 by not complying with A.R.S. §33-
13 1243(D)...” That being said, Defendant HOA did not object to the filing of the FAV
14 Complaint, but reiterated its intent to file a motion to dismiss Michael Bengson.¹¹

15 The FAV Complaint was filed on November 5, 2018, in which Plaintiff named
16 “Michael Bengson, **solely in his capacity as** President of the named Respondent, **and not**
17 **personally**” in his amended caption/FAV Complaint (emphasis in original). In response,
18 Defendant HOA filed a motion to dismiss Plaintiff’s First Amended Complaint on November
19 21, 2018. In retort, Plaintiff filed his response to the motion to dismiss the FAV Complaint
20 on December 26th, and also filed a motion to further amend the FAV Complaint on December
21 31st.

22 After review of the filings in support of and in opposition to the motion to dismiss the
23 FAV Complaint, as well as, Plaintiff’s request to further amend the FAV Complaint, the Court
24 set oral argument for March 8, 2019, to address the above-noted filings. *See*, Minute Entry

25 11 As outlined by Judge Bailey in the Court’s Minute Entry Order dated October 25, 2018, “Plaintiff object[ed] to any
26 leave to file a Motion to Dismiss, based on what he describes as this Court’s prior order denying a previous Defendant’s
27 February 28, 2017 Motion to Dismiss Defendant Bengson. The February Motion sought to dismiss the case in its entirety
28 due to this Court’s lack of subject matter jurisdiction and sought the dismissal of Michael Bengson as a defendant. The
Court’s March 20, 2017 ruling dismissed the case based on the subject matter jurisdiction claim, without making any
findings or orders regarding Michael Bengson. Because the Court of Appeals eventually reversed this Court’s dismissal
order, it is appropriate that each party be given leave to litigate unresolved issues.”

1 Order, dated February 22, 2019.¹² After oral argument on March 8th, the Court ordered the
2 following:

3 “denying Plaintiff’s Motion for Leave to File Second Amended Complaint
4 filed December 31, 2018” and

5 “granting Defendant’s Motion to Dismiss Plaintiff’s First Amended Verified
6 Complaint filed November 21, 2018”...“with respect to Michael Bengson
7 only.”

8 *See*, Minute Entry Order dated March 26th, filed April 4th and amended April 9th, 2019. In
9 addition to the above rulings, Judge Bailey also set oral argument for the Evidentiary Hearing
10 for early July. Plaintiff nevertheless filed a motion for reconsideration on April 8, 2019.

11 After the case was reassigned pursuant to the disqualification of Judge Bailey, Plaintiff
12 filed a statement of facts and law on June 25, 2019, pursuant to Judge Bailey’s prior request
13 in anticipation for the Evidentiary Hearing. In reaction to Plaintiff’s filing, Defendant HOA
14 filed its own proposed findings of fact and conclusions of law a day later on June 27th.

15 Not to be outdone, Plaintiff filed separate documents in response to Defendant HOA’s
16 proposed findings of fact and conclusions of law, including: (i) a motion for partial summary
17 judgment on June 28th, and (ii) a separate objection to the “Defendants Uncontested Statement
18 of Facts” on July 1st. Notwithstanding the impropriety of these filings, Defendant HOA
19 considered the timing and efficiency furthered by not responding to Plaintiff’s patently
20 improper filings. To be brief, any additional filings would be contrary to the “proposed
21 findings” intended objective – to assist the Court at the Evidentiary Hearing.

22 At trial, Defendant HOA definitely prevailed on Plaintiff’s ultimate claim by way of
23 the Court denying Plaintiff’s request for an order of contempt. The Court specifically made
24 findings of fact and conclusions of law “based on the testimony and evidence presented,”
25 “Plaintiff failed to prove by clear and convincing evidence that Defendant, Hilton Casitas
26 Homeowners Association, violated the Administrative Law Judge Decision dated January 7,
27 2015” in its July 10th Order “denying Plaintiff’s complaint and request for finding of
28 contempt.”

12 Further note the Court’s separate Minute Entry Order dated February 22nd, which granted Defendant HOA’s January 18th motion to strike Plaintiff’s improper “Surresponse to the Motion to Dismiss” filed January 17, 2019, after review of the same and Plaintiff’s response to the motion to strike filed January 22, 2019.

1 As a result of these narrowed findings, Defendant HOA was determined to be in
2 compliance, at all times, with the Administrative Law Judge Decision and pertinent statute.

3 Based on the above, alone, Defendant HOA asserts that it be entitled to a full award of
4 its incurred attorney's fees pursuant to relevant statutory law and Arizona Rules of Civil
5 Procedure.

6 **IV. Defendant HOA is Entitled to An Award of its Attorneys' Fees as the Successful**
7 **Party, in the Contested Action Arising out of Contract, Under A.R.S. §12-341.01.**

8 As Plaintiff correctly points out in his FAV Complaint, "[t]he Declaration is the organic
9 contract between the HOA and the casita/unit owners." *Id.* at ¶3. Arizona law specifically
10 provides that a contractual obligation exists with respect to the Declaration. *See, Lacer v.*
11 *Navajo County*, 141 Ariz. 392, 394, 687 P.2d 400, 402 (App. 1984); *see also, Pinetop Lakes*
12 *Association v. Hatch*, 135 Ariz. 196, 198, 659 P.2d 1341, 1343 (App. 1983) ("Thus, the grantee
13 who accepts a deed containing restrictive covenants has entered into a contractual
14 relationship.").

15 Since this action arises out of contract – the Declaration – and pursuant to such well-
16 established contractual relationship by and between the parties, the Court is authorized to
17 award attorneys' fees to the successful party pursuant to A.R.S. §12-341.01(A).

18 Plaintiff will undoubtedly argue that because the instant action was based in statutory
19 compliance and not contract, the Declaration is not applicable. However, this argument is
20 wholly without merit. To be clear, the applicability of A.R.S. §33-1243(D) and the
21 Administrative Law Judge Decision, at issue, both rest on the existence of the contractual
22 agreement and relationship between a homeowner and his/her HOA. This underlying
23 contractual relationship is germane and necessary for the above to be applicable. Moreover,
24 an implied contract and/or implicit agreement are sufficient for purposes of awarding fees
25 pursuant to A.R.S. §12-341.01.

26 Accordingly, Defendant HOA's right to recover attorney fees was triggered by Plaintiff
27 having initiated this litigation that is undeniably premised on the underlying understanding,
28 relationship, and agreement (established in contract and principle) between Plaintiff and his
homeowners association.

A.R.S. §12-341.01, provides in pertinent part:

1 A. In any contested action arising out of a contract, express or implied, the court
2 may award the successful party reasonable attorney fees. ... This section shall
3 not be construed as altering, prohibiting or restricting present or future contracts
 or statutes that may provide for attorney fees.

4 **B.** The award of reasonable attorney fees pursuant to this section should be **made**
5 **to mitigate the burden of the expense of litigation** to establish a just claim or
6 a just defense. It need not equal or relate to the attorney fees actually paid or
 contracted, but the award may not exceed the amount paid or agreed to be paid.

7 **C.** The court and not a jury shall award reasonable attorney fees under this
 section.

8 (Emphasis added).

9 Accordingly, Defendant HOA should be awarded its incurred attorneys' fees, not only
10 because it was the successful party in this contentious action, but also because such an award
11 would mitigate the burden of the costly expense of this particular litigation. As evidence of
12 this, Defendant HOA directs the Court to simply consider the following: the sheer time (more
13 than 2½ years of contentious litigation) and cost (as evidenced by the four (4)
14 Affidavits/Declarations [Ex. A – D]) incurred in this litigation.

15 Plaintiff initiated and instigated this protracted litigation leading up to trial, only to
16 eventually concede, and stipulate to, the fact that Defendant HOA is currently in compliance
17 with, and has been since 2017, the Administrative Law Judge Decision at issue. Moreover, at
18 trial, the Court specifically made findings of fact and conclusions of law “based on the
19 testimony and evidence presented,” “Plaintiff failed to prove by clear and convincing evidence
20 that Defendant, Hilton Casitas Homeowners Association, violated the Administrative Law
21 Judge Decision dated January 7, 2015” in its July 10th Order “denying Plaintiff’s complaint
22 and request for finding of contempt.” *See*, Minute Entry Ruling, dated July 10, 2019, at p. 3.
23 Thus, it is clear that, for purposes of A.R.S. §12-341.01(A), Defendant HOA was the
24 successful party in this lawsuit that was predicated on the underlying contractual relationship
 of the parties to the Declaration.

25 Even in the absence of an express contract claim, a statutory claim may itself arise “out
26 of a contract” so as to support an award of attorneys' fees. *See, Sparks v. Republic Nat'l Life*
27 *Ins. Co.*, 132 Ariz. 529, 542-544, 647 P.2d 1127, 1140-1142 (1982). For example, one court
28 stated that attorneys' fees incurred in tort claims may be recovered so long as a contract was

1 “a factor” in causing the dispute. *See, ASH, Inc. v. Mesa Unified Sch. Dist. No. 4*, 138 Ariz.
2 190, 192, 673 P.2d 934, 936 (1983). In applying the *Sparks* test, a court is not limited to the
3 form of the pleadings, but should look to “the nature of the action and the surrounding
4 circumstances to determine whether the claim is one ‘arising out of a contract.’” *Marcus v.*
5 *Fox*, 150 Ariz. 333, 335, 723 P.2d 682, 684 (1986) (holding that “arising out of a contract”
6 language “is not limited to only those cases in which a contract is entered into and subsequently
7 breached.”). Thus, attorneys’ fees may be awarded under §12-341.01(A) if the Court finds
8 that the underlying contract was enough of a factor in the dispute to establish the “requisite
9 causal link” to the tort theories. *Id.*

10 Additional support is provided in *Caruthers v. Underhill*, 230 Ariz. 513, 287 P.3d 807
11 (App. 2012). Like *Caruthers*, Plaintiff’s claims against Defendant HOA were predicated on
12 the well-established understanding that “but for” the underlying contract between Plaintiff (as
13 a homeowner) and his HOA, Plaintiff would not have had standing to even bring the
14 administrative law action. Further worth mentioning is that the Administrative Law Judge
15 Decision was based on a statutory provision that only applies to homeowners associations via
16 Arizona’s Condominium Act (A.R.S. §33-1201, *et seq.*).

17 The Administrative Law Judge Decision expressly acknowledges this underlying
18 relationship in that “[t]he Department of Fire, Building and Life Safety (the “Department”) is
19 authorized by statute to receive Petitions for Hearings from members of homeowners’
20 associations and from homeowners’ associations in Arizona.” *Id.* at ¶1. That authorizing
21 statute, A.R.S. §41-2198.01, permits an owner or a planned community organization to file a
22 petition with the Department for a hearing concerning violations of planned community
23 documents or violations of statutes that regulate planned communities.” What is more,
24 according to A.R.S. §32-2199.02(A), “[t]he administrative law judge may [only] order any
25 party to abide by the statute, condominium documents, community documents or contract
26 provision at issue and may levy a civil penalty on the basis of each violation.”

27 Thus, because both the Administrative Law Judge Decision and statutory duties of
28 A.R.S. §33-1248(D), at issue, were so intrinsically related to the established relationship and
contractual agreement between the parties pursuant to the Declaration, the contempt claim is

1 one “arising out of a contract” within the meaning of A.R.S. §12-341.01(A). Accordingly,
2 Arizona law supports a finding that Defendant HOA is entitled to an award of fees for
3 successfully defending against Plaintiff’s contempt claims based on the underlying contract
4 and relationship between the parties.

5 **The Warner factors establish the reasonableness of the attorneys’ fees incurred.**

6 Upon the determination that an award of attorney fees is appropriate, the Court should
7 be guided by the considerations set forth in *Associated Indem. Corp. v. Warner*, 143 Ariz. 567,
8 694 P.2d 1181 (1985). The *Warner* factors are addressed in *seriatim* below and as further
9 discussed in the accompanying Affidavits/Declarations (Exs. A – D).

10 In brief though, Plaintiff’s claim and legal position was not meritorious or supported by
11 Arizona case law; the legal question presented was not novel; the litigation could have been
12 avoided; and not awarding the association its incurred fees and costs would cause an extreme
13 hardship of the membership (petitioner’s neighbors).

14 Moreover, an attorney fee award would discourage further vexatious litigation by
15 Plaintiff. In converse, holding Plaintiff accountable for his actions here would not discourage
16 other community homeowners or associations with tenable claims or defenses from litigating
17 or defending legitimate statutory compliance issues for fear of incurring liability for substantial
18 amounts of attorneys’ fees.

19 **V. Additionally, Defendant HOA is Entitled to An Award of its Attorneys’ Fees**
20 **Pursuant to A.R.S. §§12-349 and 12-350.**

21 As a starting point, it is important to note that *pro per* litigants, such as the Petitioner,
22 are held to the same standards as attorneys regarding procedures, statutes, rules, and legal
23 principles. *Higgins v. Higgins*, 194 Ariz. 266, 270, ¶12, 981 P.2d 134, 138 (1999). As such,
24 Plaintiff should be held responsible for knowing and understanding the relevant statutes and
25 rules of civil procedure regarding an award of attorney’s fees and costs.

26 Arizona Revised Statute §12-349 provides, in pertinent part:

27 **A.** Except as otherwise provided by and not inconsistent with another statute, in
28 any civil action commenced or appealed in a court of record in this state, **the court shall assess reasonable attorney fees, expenses and, at the court’s discretion, double damages of not to exceed five thousand dollars** against an attorney or party, including this state and political subdivisions of this state, **if**

1 **the attorney or party does any of the following:**

- 2 1. Brings or defends a claim without substantial justification.
- 3 2. Brings or defends a claim solely or primarily for delay or harassment.
- 4 3. Unreasonably expands or delays the proceeding.

5 ...

6 **F.** For the purposes of this section, “without substantial justification” means that the claim or defense is groundless and is not made in good faith.

7 As applied, the statute provides that, “if the attorney or party ... [u]nreasonably expands or delays the proceedings,” the superior court “**shall** assess reasonable attorney fees, expenses and, at the court’s discretion, double damages of not to exceed five thousand dollars.” A.R.S. §12-349 (emphasis added). Under this portion of A.R.S. §12-349, “the fee award is mandatory. The judge must award fees” where factually supported. *Phoenix Newspapers, Inc. v. Dep’t of Corrs.*, 188 Ariz. 237, 243, 934 P.2d 801, 807 (App. 1997).

8 Arizona case law makes it clear that the statutory language of the subsection is to be interpreted according to its terms. When analyzing a claim under section 12-349(A)(3), “the relevant question is whether a party’s actions caused unreasonable delay or expansion of the proceedings.” *Solimeno v. Yonan*, 224 Ariz. 74, 81, 227 P.3d 481, 488 (App. 2010). Actions will have significantly delayed and expanded the litigation where the time devoted to an issue or event “was largely wasted.” *Id.*

9 Under A.R.S. §12–349(A)(1), a court **shall** assess an award of fees against a party who brings a claim without substantial justification. Under A.R.S. §12–349(F), a claim brought “without substantial justification” is one that “is groundless and is not made in good faith.” Here, there is sufficient evidence to support the finding of a frivolous claim or defense. *See, Phoenix Newspapers*, 188 Ariz. at 243, 934 P.2d at 807 (the standard applied under A.R.S. §12-349 is a “preponderance of evidence”).

10 Here, Plaintiff sent Defendant HOA on repeated follies to investigate, evaluate, and unnecessarily litigate issues for which Plaintiff had no facts or law to support. In short, Plaintiff’s irregular motion practice and extensive discovery methods undoubtedly expanded and/or delayed the proceedings, resulting in unnecessary fees and expense to Defendant HOA.

11 Therefore, as an additional basis for awarding attorneys’ fees and costs, under the

1 theories discussed above, the Court should also award Defendant HOA its unnecessarily-
2 incurred legal fees and costs pursuant to A.R.S. §12-349 because Plaintiff: (i) brought and
3 maintained claims without substantial justification, and (ii) unreasonably expanded the
4 proceedings in this case. In short, Plaintiff made unsupportable allegations which
5 unnecessarily protracted and expanded the proceedings, as discussed below. Specifically,
6 Plaintiff's efforts to continue, further, and unreasonably expand, the litigation from 2018 to
7 present.

8 Point in fact, all of Plaintiff's erroneous and unsupported filings after the matter was
9 remanded back to the superior court by the Arizona Court of Appeals from October of 2018
10 to present. Plaintiff continued and expanding the litigation, knowing full well (and stipulating
11 to such at the July 10th Evidentiary Hearing) that Defendant HOA was currently in compliance
12 with the Administrative Law Judge Decision and A.R.S. §33-1243(D). Finally, Plaintiff's
13 Verification to the FAV Complaint contained misstatements as to the factual and legal basis,
14 and all such erroneous filings thereafter, that undoubtedly and unreasonably expanded the
15 proceedings.

15 **Plaintiff's allegations were unsupported.**

16 As evidenced by the record, Plaintiff continued with litigation, expanded the scope of
17 litigation, and made frivolous allegations unsupported in fact or law, all of which required
18 Defendant HOA to needlessly defend and incur legal costs. Further, the crux of Plaintiff's
19 grievance was based on unsupported contentions to re-define the term "budget" as provided
20 for in A.R.S. §33-1243(D) and central the Administrative Law Judge Decision. Yet, despite
21 perpetuating these unsupported allegations for 2½ years, Plaintiff ultimately stipulated to the
22 fact that Defendant HOA was currently in compliance with the Administrative Law Judge
23 Decision and A.R.S. §33-1243(D) and had been since 2017.

24 This alone displays a lack of candor towards the tribunal. Plaintiff had accurate
25 information at hand, and did not bring that to the attention of either Defendant HOA or the
26 Court in any responsive filing or oral argument prior to the Evidentiary Hearing. Such conduct
27 by Plaintiff supports Defendant HOA's assertion that Plaintiff "unreasonably expanded the
28 proceedings and caused Defendant HOA to spend many hours and thousands of dollars as a

1 result. The record alone after remand in August of 2018 amply supports a finding and
2 imposition of sanctions under A.R.S. §12-349(A)(3).

3 Notwithstanding, an alleged contemnor's obedience of the order of the court is an
4 absolute defense to a contempt claim and negates a finding and order for contempt relief. *See,*
5 *United States v. Powers*, 629 F.2d 619, 627 (9th Cir. 1980). Further, "[a]ny sanction that is
6 imposed for civil contempt must be designed to coerce the person to do or to refrain from
7 doing some act", so if compliance is current and undisputed, then no relief can be granted.
8 *Stoddard v. Donahoe*, 224 Ariz. 152, 157, 228 P.3d 144, 149 (App. 2010).

9 Since remanded back, Plaintiff's furtherance of the contempt order evidences his bad
10 faith. Point in fact, Plaintiff knew Defendant HOA was in compliance, and even stipulated to
11 such, at the Evidentiary Hearing. Plaintiff attempted to expand the litigation based on his
12 subjective analysis rather than clear legal authority. To be clear, the multiple judicial findings,
13 over a course of years, that Plaintiff's various allegations underlying his contempt claim were
14 frivolous, groundless, and/or made in bad faith, are relevant to establish that Plaintiff had
15 notice that some of his theories may not have been considered objectively reasonable or well-
16 founded.

17 Accordingly, the foregoing reasons hereby confirm that Plaintiff brought the FAV
18 Complaint without substantial justification and erroneously continued with the same and
19 litigation in bad faith.

20 **Plaintiff unreasonably expanded the proceedings, thereby forcing Defendant**
21 **HOA to incur legal fees that otherwise could have been avoided.**

22 Based on Plaintiff's failure to establish the criteria required for a finding of contempt
23 and injunctive relief and his failure to disclose the admitted current compliance determinative
24 in this action, this case should have never been filed or amended thereafter. In short, Plaintiff
25 made misleading representations, misled the Court and/or ignored his actual knowledge in his
26 pleadings. The Court's factual findings are fully supported by the record. Several examples
27 prove that point.

28 Pursuant to A.R.S. §12-350, in awarding attorneys' fees pursuant to §12-349, a court
may include the following factors, as relevant, in its consideration:

1. The extent of any effort made to determine the validity of a claim before the

1 claim was asserted.

2 2. The extent of any effort made after the commencement of an action to reduce
3 the number of claims or defenses being asserted or to dismiss claims or defenses
4 found not to be valid.

5 3. The availability of facts to assist a party in determining the validity of a claim
6 or defense.

7 4. The relative financial positions of the parties involved.

8 5. Whether the action was prosecuted or defended, in whole or in part, in bad
9 faith.

10 6. Whether issues of fact determinative of the validity of a party's claim or
11 defense were reasonably in conflict.

12 7. The extent to which the party prevailed with respect to the amount and number
13 of claims in controversy.

14 8. The amount and conditions of any offer of judgment or settlement as related
15 to the amount and conditions of the ultimate relief granted by the court.

16 Plaintiff ignores completely the fact that the lawsuit was the one-sided result of
17 Plaintiff's unilateral decision to actively litigate. Consequently, Defendant HOA was forced
18 to engage legal counsel, respond accordingly, and prepare the case to be litigated and
19 eventually adjudicated. As such, Plaintiff should bear the consequences for his actions.

20 **VI. The FAV Complaint Was Untruthfully Verified in 2018, Violating Rule 11(a) and**
21 **(b), Ariz. R. Civ. P.**

22 Plaintiff included a Verification to his FAV Complaint, as required under Rule 65(f),
23 Ariz. R. Civ. P., and pursuant to Ariz. R. Civ. P. 11(b) and (c). Under penalty of perjury,
24 Plaintiff's Verification stated that the contents of his FAV Complaint were true and correct.¹³
25 The undisputed facts determined at the July 10th Evidentiary Hearing (and as noted herein)
26 confirm that his Verification was indeed false as to the allegations noted therein. Had the
27 untruthful Verification not been made, the FAV Complaint lawsuit would not have continued
28 (or at a minimum, the issues would have been significantly narrowed) and Defendant HOA
would not have incurred significant attorneys' fees, costs or expenses.

Plaintiff's FAV Complaint, and his Verification included therein, was dated November

13 Rule 11, subsections (b) and (c), requires a verification by a person knowledgeable of the facts and avowing that the content of the complaint is true in substance and in fact.

1 5, 2018. Notwithstanding the fact that Plaintiff continuously asserted that Defendant HOA
2 was in contempt of court, Plaintiff nevertheless conceded, at the July 10th Evidentiary Hearing,
3 that Defendant HOA was in current compliance with Administrative Law Judge Decision and
4 had been since 2017. This fact, had it been stipulated to or even acknowledged prior, would
5 have significantly lessened the scope of litigation, and thus, the incurred fees and costs.

6 There must be a consequence for submitting a false Verification to the Court, for
7 untruthfully swearing, under oath, and perpetuating false allegations. Equitable discretion
8 should not be used to protect an intentional wrongdoer. *See, Decker v. Hendricks*, 97 Ariz.
9 36, 41-42, 396 P.2d 609, 612 (1964). Pursuant to practical reasoning and public policy
10 considerations, Plaintiff should now indemnify and hold [his] Defendant HOA harmless from,
11 any and all costs, damages, expenses and/or liabilities whatsoever incurred in wrongfully
12 prosecuting this contempt action, including, without limitation, reasonable attorneys' fees and
13 court costs at all trial and appellate levels for his continued misuse and misplacement of the
14 judicial system.

15 Both A.R.S. §12-349 and Rule 11 sanctions are designed to discourage wasteful
16 litigation. *Phoenix Newspapers*, 188 Ariz. at 244, 934 P.2d at 808. Rule 11(a), Ariz. R. Civ.
17 P., dictates that:

18 "The signature ...of a party constitutes a certificate by the signer that the signer
19 has read the pleading, motion, or other paper; that to the best of the signer's
20 knowledge, information, and belief formed after reasonable inquiry it is well
21 grounded in fact... and is not interposed for any improper purpose, such as to
22 harass or to cause unnecessary delay or needless increase in the cost of
23 litigation."

24 Based on the undisputed facts and Plaintiff's only eventual-stipulation at the
25 Evidentiary Hearing to the dispositive compliance with the Administrative Law Judge
26 Decision for 2019, 2018 and 2017, the sworn Verification clearly violated Rule 11(a), Ariz.
27 R. Civ. P. When such a violation occurs, Rule 11(a) provides that the court:

28 "**shall** impose upon the person who signed it, a represented party, or both, an
appropriate sanction, which may include an order to pay to the other party or
parties the amount of the reasonable expense incurred because of the filing of
the pleading, including a reasonable attorney's fee."

(Emphasis added).

1 Rule 11 is violated by the filing of a pleading when the party knew, or should have
2 known by such investigation of fact and law as was reasonable and feasible under all the
3 circumstances, that the claim was insubstantial, groundless, frivolous, or otherwise unjustified.
4 It is also violated by the filing of pleadings for an improper purpose such as those intended to
5 harass, coerce, extort, or delay.

6 The foregoing reasons and violations support an award of *all* fees and costs incurred by
7 Defendant HOA to be imposed upon the offending party – Plaintiff – as sanctions provided
8 under Rule 11, Ariz. R. Civ. P.

9 **VII. Defendant HOA is Entitled to an Award of its Costs Pursuant to A.R.S. §12-341.**

10 A.R.S. §12-341 provides that “[t]he successful party to a civil action **shall** recover from
11 his adversary all costs expended or incurred therein unless otherwise provided by law.”
(emphasis added).

12 **VIII. Conclusion.**

13 Defendant HOA should be should be awarded all of its attorneys’ fees and costs
14 because:

- 15 1. As the prevailing party in this action that arises out of contract (the Declaration),
16 Defendant HOA is entitled to its reasonable fees as incurred for the legal efforts
17 that were required.
- 18 2. The action arises out of a contract – the Declaration – which provides for a
19 mandatory award of all attorneys’ fees incurred by the prevailing party.
- 20 3. Alternatively, fees are also awardable under A.R.S. §§12-341.01, 12-349 and/or
21 Rule 11 Ariz. R. Civ. P.
- 22 4. Costs are a mandatory award under A.R.S. §12-341.
- 23 5. Plaintiff did not have sufficient support, either in fact or law, to continue with
24 that litigation pursuant to the FAV Complaint, at the time of its filing, or any
25 time after remand, but continued to expand and advance baseless allegations that
26 compelled Defendant HOA to investigate and defend and which unreasonably
27 expanded the scope of this case and caused Defendant HOA to incur otherwise
28 unnecessary legal fees and avoidable costs.
6. Plaintiff’s Verification was untruthful, and thus, in violation of Rule 11 and
A.R.S. §12-349.

Based on the foregoing, Defendant HOA respectfully requests an award of its (i)
incurred attorneys’ fees in the sum of **\$105,770.00**, as of the date of this Application and its

1 anticipated fees of prosecuting this matter to a final judgment of **\$1,800**, for a total fee award
2 of **\$107,570.00**; and (ii) standard costs of **\$524.00**.

3 DATED this 7th day of August 2019.

4 **SHAW & LINES, LLC**
5
6 /s/ Augustus H. Shaw IV
7 Augustus H. Shaw IV
8 Patrick J. Whelan
9 4523 E. Broadway Road
Phoenix, Arizona 85040
Attorneys for Defendant/Respondent

10 ORIGINAL submitted for electronic filing
11 this 8th day of August, 2019, with:

12 Clerk of the Maricopa County Superior Court

13 ORIGINAL hand-delivered
14 this 8th day of August 2019, to:

15 Hon. Lisa Flores
16 Maricopa County Superior Court,
17 Northeast Regional Court Center
18 18380 North 40th Street
Phoenix, Arizona 85032

19 COPY of the foregoing mailed
20 this 8th day of August 2019, to:

21 R.L. Whitmer
22 6333 North Scottsdale Road, Casita 21
23 Scottsdale, Arizona 85250
Plaintiff, Pro Per

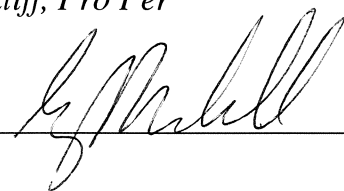
24 By: 
25 _____
26
27
28

EXHIBIT A

1 **Shaw & Lines, LLC**

2 4523 E. Broadway Road

3 Phoenix, AZ 85040

4 Phone (480) 456-1500

5 Facsimile (480) 456-1515

6 www.shawlines.com

7 Mark E. Lines - #020553

8 Augustus H. Shaw IV - #021593

9 Patrick J. Whelan - #030994

10 *Counsel for Respondent/Defendant*

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **IN AND FOR THE COUNTY OF MARICOPA**

13 R.L. WHITMER,

14 Petitioner/Plaintiff,

15 v.

16 HILTON CASITAS HOMEOWNERS
17 ASSOCIATION, also known as HILTON
18 CASITAS COUNCIL OF
19 HOMEOWNERS, also known as
20 COUNCIL OF CO-OWNERS, also known
21 as HILTON CASITAS COUNCIL OF CO-
22 OWNERS,

23 Respondent/Defendant.¹

Case No. CV2016-055080

**AFFIDAVIT OF COUNSEL
IN SUPPORT OF ATTORNEYS'
FEE APPLICATION**

(Assigned to the Hon. Lisa Flores)

24 STATE OF ARIZONA)
25 County of Maricopa)ss.
26)

27 Augustus H. Shaw IV, being first duly sworn upon his oath, deposes and says:

28 1. I am an attorney and managing partner at the law firm of Shaw & Lines, LLC (hereinafter, the "Law Firm") and counsel for the Respondent/Defendant² Hilton Casitas Homeowners Association ("Defendant") in the above-entitled action. The Law Firm's practice is dedicated exclusively to the representation of community associations, including assessment collection and general litigation. All attorneys from the Law Firm

¹ The caption reflects the Court's Minute Entry Order, dated March 26th, filed April 1st and amended April 8, 2019, dismissing formerly-named Defendant/Respondent Michael Bengson from Petitioner/Plaintiff's First Amended Verified Complaint.

² See Footnote No. 1, *supra*.

1 that worked on this matter are in good standing with the Arizona State Bar and have
2 several years of collective experience dedicated in the area of community association
3 law and litigation.

4 **2.** I am the managing partner at the Law Firm and am licensed to practice law
5 in Nebraska as well as Arizona. The various attorney's fees and staff rates reflects the
6 standard hourly fee consistent with such rates charged by insurance defense law firms in
7 Phoenix, Arizona similar to the Law Firm for similar legal services. Additional rates for
8 Law Firm personnel are indicated in the chart below.

9 **3.** Based upon the records maintained by my Law Firm, legal services have
10 been rendered, or will be rendered, for Defendant in the amount of **\$105,770.00**,³ as
11 supported by (1) this Affidavit of Counsel Augustus H. Shaw IV dated August 8, 2019
12 (the "Affidavit of Counsel"); (2) the Affidavit of Nicole D. Payne dated June 28, 2017
13 (the "N. Payne Affidavit"), attached and incorporated herein as **Exhibit A** and
14 incorporated herein by reference; (3) the Affidavit of Augustus H. Shaw IV dated April
15 13, 2017 (the "AHS Affidavit"), attached and incorporated herein as **Exhibit B**
16 incorporated herein by reference; and (4) the Declaration of Paige A. Martin dated April
17 12, 2017, and Billing Statement from Clark Hill PLLC (the "P. Martin Declaration"),
18 attached and incorporated herein as **Exhibit C** by reference. All affidavits and exhibits
19 provide the identifying initials of each attorney and/or paralegal who performed any
20 such legal services, including hourly rates, time billed and a detailed description of the
21 work performed as legal services for Defendant in this action. This document is
22 presented solely for the purpose of this Court's consideration of the Defendant's
23 application for attorneys' fees and is submitted without waiving any attorney-client
24 privilege or work product protection.

25 **4.** The charges incurred on behalf of Defendant were incurred pursuant to a
26 fee agreement between Defendant and the Law Firm, the amounts were charged in
27 accordance therewith; and all amounts charged have been paid, or continue and remain
28 the obligation of Defendant to pay.

³ This amount includes fees incurred through the filing of this Application dated August 8, 2019.

1 5. I have reviewed the records and file maintained by the Law Firm, as well
2 as the substantive pleadings and legal services necessary in order to prosecute this
3 matter, and I avow to this Court that the total charges incurred, as set forth above, as and
4 for attorney fees constitutes a fair and reasonable fee, and in compliance with the
5 requisite elements set forth in *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183,
6 673 P.2d 927 (App. 1983).

7 6. The character of the work performed, billing rates, time billed, requisite
8 billing discretion, the intricacy of legal work performed, importance, and required skill
9 is duly reflected in this document and accompanying exhibits hereto, detailing all work
10 performed in the prosecution of this action.

11 7. My professional opinion regarding the application of the factors
12 established in E.R. 1.5(a) of the Rules of Professional Conduct in determining the
13 reasonableness of the attorneys' fees to the unique facts of this case is as follows:

14 a. "The time and labor it required, the novelty and difficulty of the
15 questions involved, the skill requisite to perform the legal services
properly."

16 b. "The likelihood, if apparent to the client, that the acceptance of the
17 particular employment would preclude other employment by the lawyer."

18 c. "The fee customarily charged and the locality for similar legal
19 services."

20 d. "The amount involved and the results obtained."

21 e. "The time limitations imposed by the client or the circumstances."

22 f. "The nature and length of the professional relationship with the client."

23 g. "The experience, reputation and ability of the lawyer or lawyers
24 performing the services."

25 h. "Whether the fee is fixed or contingent."

26 8. In my professional opinion, an award of **\$105,770.00** in attorneys' fees to
27 Defendant in this case would be reasonable and consistent with Arizona law.

28 9. I have also reviewed the records and files in the above-referenced action
with respect to the advancement and payment of costs and disbursements, and avow that
costs of \$524.00 have been expended on behalf of Defendant, all of which is billed to

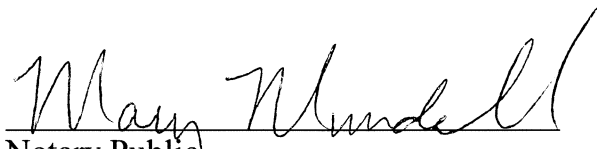
1 Defendant, and is Defendant's obligation to pay pursuant to the fee agreement between
2 Defendant and the Law Firm.

3 DATED this 7th day of August 2019.



4
5
6 Augustus H. Shaw IV
7 *Counsel for Respondent/Defendant*

8 SUBSCRIBED AND SWORN to before me this 7th day of August, 2019, by
9 Augustus H. Shaw IV.

10
11 
12 Notary Public
13



14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2 DATE TIME ATTORNEY DESCRIPTION OF ATTORNEY FEES
INCURRED

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

09/12/2018	0.1	AHS	Review/analyze; review e-mail from client regarding when to submit payment for fees ordered by the Court of Appeals.
09/12/2018	0.1	AHS	Draft/revise; draft response to client regarding when to submit payment for fees ordered by the Court of Appeals.
09/20/2018	0.2	AHS	Review/analyze; review Order of the Court setting Status Conference; calendar same.
09/24/2018	0.2	AHS	Draft/revise; draft e-mail to client regarding the scheduling of a Status Conference regarding this matter.
09/25/2018	0.7	PJW	Draft/revise; draft litigation memorandum and budget regarding preliminary issues and analysis for insurance carrier representative approval.
10/10/2018	0.2	AHS	Review/analyze; review e-mail from Plaintiff Whitmer regarding his personal appearance at the upcoming Telephonic Status Conference Hearing.
10/10/2018	0.2	PJW	Communicate (other outside counsel); contact the Court to determine whether Plaintiff Whitmer may personally appear at the upcoming Telephonic Status Conference.
10/10/2018	0.8	PJW	Review/analyze; conference with Association manager regarding documents provided by property manager regarding the voting documents ratifying the Association's annual budgets.
10/10/2018	1.0	PJW	Review/analyze; review file and documents to determine theories for potential Motion to Dismiss.
10/15/2018	1.0	AHS	Review/analyze; review file to determine the documents to be requested from the Association regarding required disclosure.
10/15/2018	3.0	PJW	Draft/revise; draft Motion to Dismiss Complaint to Dismiss Board Member Michal Bengson.
10/15/2018	0.5	AHS	Draft/revise; draft e-mail to client requesting certain documents required for Disclosure.
10/15/2018	0.2	AHS	Draft/revise; respond to e-mail from Plaintiff Whitmer regarding his personal appearance at the upcoming Telephonic Status Conference Hearing.
10/15/2018	0.4	PJW	Review/analyze; receive and review e-mail from property manager responding to e-mail seeking further information and documents as to ratification of annual budgets and draft e-mail seeking further clarification with particular statutory requirements.

1	10/16/2018	0.2	AHS	Review/analyze; review e-mail from client regarding documents required to be disclose.
2	10/16/2018	0.2	AHS	Draft/revise; respond to e-mail from client regarding documents required to be disclosed.
3	10/16/2018	0.5	PJW	Draft/revise; draft e-mail to client requesting additional information and documents for discovery; provide list of documents needed.
4	10/16/2018	0.5	AHS	Plan and prepare for; prepare for Telephonic Status Conference Hearing.
5	10/16/2018	0.4	PJW	Plan and prepare for; review file and procedural history in preparation for upcoming Telephonic Status Conference Hearing.
6	10/17/2018	0.5	AHS	Appear for/attend; attend Telephonic Status Conference Hearing.
7	10/17/2018	0.5	PJW	Appear for/attend; appear Telephonically for Status Conference Hearing.
8	10/18/2018	0.5	AHS	Review/analyze; review scheduling Order Minute Entry promulgated by the court.
9	10/18/2018	0.2	AHS	Review/analyze; review e-mail from Plaintiff Whitmer regarding setting up Court Ordered conference regarding Motion to Dismiss Defendant Bengson.
10	10/18/2018	0.1	AHS	Draft/revise; draft response to e-mail from Plaintiff Whitmer regarding setting up Court Ordered conference regarding Motion to Dismiss Defendant Bengson.
11	10/18/2018	0.2	AHS	Review/analyze; review subsequent e-mail from Plaintiff regarding setting up court Ordered conference regarding Motion to Dismiss Defendant Bengson
12	10/18/2018	0.8	AHS	Draft/revise; draft e-mail to Plaintiff Whitmer regarding suggested procedures to address the Court ordered Conference regarding Motion to Dismiss Defendant Bengson.
13	10/18/2018	0.2	AHS	Review/analyze; review third e-mail from Plaintiff regarding suggested procedures to address the Court ordered conference regarding Motion to Dismiss Defendant Bengson
14	10/18/2018	0.4	AHS	Draft/revise; draft response to third e-mail from Plaintiff Whitmer regarding suggested procedures to address the Court ordered conference regarding Motion to Dismiss Defendant Bengson
15	10/22/2018	0.9	AHS	Review/analyze; review and analyze Petitioner's Motion for Leave to file First Amended Complaint.

1	10/22/2018	0.9	AHS	Review/analyze; review and analyze Petitioner's Proposed First Amended Complaint.
2	10/22/2018	0.8	AHS	Review/analyze; review and analyze Exhibits to Petitioner's proposed First Amended Complaint.
3	10/23/2018	0.4	AHS	Communicate (with client); conference with client regarding Motion for Leave to File First Amended Complaint and proposed First Amended Complaint.
4	10/23/2018	0.3	AHS	Review/analyze; review and analyze e-mail from Petitioner Whitmer regarding Petitioner's Motion for Leave to file First Amended Complaint and potential settlement.
5	10/23/2018	0.1	AHS	Draft/revise; response to e-mail from Petitioner Whitmer regarding Petitioner's Motion for Leave to file Amended Complaint and potential settlement.
6	10/23/2018	1.0	AHS	Draft/revise; draft Response to Petitioner's Motion for Leave to File First Amended Complaint and potential Settlement.
7	10/23/2018	1.2	PJW	Review/analyze; review and analyze Petitioner's Proposed First Amended Verified Complaint to prepare summary analysis of argument and distinguishing cited case law as to officer liability for corporation's compliance with judicial orders.
8	10/23/2018	1.0	PJW	Draft/revise; comprehensive review of file to draft Respondent's List of Exhibits and Witnesses for contempt hearing.
9	10/24/2018	0.2	AHS	Review/analyze; review and analyze e-mail from Plaintiff Whitmer to the Association requesting litigation related documents.
10	10/24/2018	0.2	AHS	Draft/revise; draft e-mail to client regarding e-mail from Plaintiff Whitmer to the Association requesting litigation related documents; request documents.
11	10/24/2018	1.0	AHS	Draft/revise; draft letter to Plaintiff Whitmer responding to e-mail from Plaintiff Whitmer to the Association requesting litigation related documents; send same.
12	10/26/2018	1.0	AHS	Review/analyze; review and analyze Reply in Support of Motion for Leave to File First Amended Complaint.
13	10/26/2018	0.2	AHS	Review/analyze; review and analyze e-mail from client regarding Plaintiff's Reply in Support of Motion for Leave to file first Amended Complaint.
14	10/26/2018	0.1	AHS	Draft/revise; draft response to e-mail from client regarding Plaintiff's Reply in Support of Motion for Leave to file first Amended Complaint.

1	10/29/2018	3.4	AHS	Draft/revise; draft, edit, revise and supplement Initial Rule 26.1 Disclosure Statement.
2	10/29/2018	0.5	AHS	Review/analyze; review and analyze Order allowing Amended Complaint and Allowing the filing of a Motion to Dismiss.
3				
4	10/31/2018	2.9	PJW	Draft/revise; supplement original Motion to Dismiss as to Board Member Michael Bengson to include argument for summary dismissal as to the entire Complaint with respect to the Association for failure to assert a claim upon which the requested relief can be granted.
5				
6	10/31/2018	0.1	AHS	Review/analyze; review e-mail from Mr. Miller requesting status of the case.
7				
8	10/31/2018	0.3	AHS	Draft/revise; draft response to e-mail from Mr. Miller requesting status of the case.
9				
10	11/02/2018	0.5	PJW	Communicate (with client); meet with client and property manager as requested by client to discuss current status of litigation and formulate litigation strategy.
11				
12	11/02/2018	0.3	PJW	Communicate (with client); draft follow-up e-mail to client and property manager pursuant to in person conference discussion providing summary of litigation and discovery strategies and requested documents.
13				
14	11/05/2018	0.6	AHS	Review/analyze; review e-mails from client regarding potential settlement and meeting to discuss potential settlement.
15				
16	11/05/2018	0.2	AHS	Draft/revise; draft response to e-mails from client regarding potential settlement and meeting to discuss potential settlement.
17				
18	11/05/2018	0.7	AHS	Communicate (with client); conference with Board Member Walker concerning potential settlement options.
19				
20	11/05/2018	0.3	PJW	Communicate (with client); conference call with client - Board Member R. Walker regarding recent meeting with Whitmer concerning global settlement.
21				
22	11/06/2018	0.2	AHS	Review/analyze; review e-mail from Plaintiff Whitmer serving Amended Complaint and discussing conflict of interest regarding representation of Association president.
23				
24	11/06/2018	0.4	AHS	Draft/revise; draft response to e-mail from Plaintiff Whitmer serving Amended Complaint and discussing conflict of interest regarding representation of Association President.
25				
26	11/06/2018	0.3	AHS	Review/analyze; review e-mail from Plaintiff Whitmer requesting depositions of certain witnesses and other discovery related topics.
27				
28				

1	11/06/2018	0.4	AHS	Draft/revise; draft response to e-mail from Plaintiff Whitmer requesting depositions of certain witnesses and other discovery related topics.
2				
3	11/06/2018	1.0	AHS	Communicate with client. Conference with the Board regarding potential settlement and mediation options. Provide advice.
4				
5	11/06/2018	0.3	AHS	Review/Analyze. Review e-mail from Plaintiff Whitmer regarding potential depositions and other discovery.
6				
7	11/06/2018	0.5	AHS	Draft/revise. Draft response to e-mail from Plaintiff Whitmer regarding potential depositions and other discovery.
8				
9	11/06/2018	0.2	AHS	Review/analyze. Review e-mail from Board Member Tim regarding availability for depositions.
10	11/06/2018	0.2	AHS	Draft/revise. Respond to e-mail from Board Member Tim regarding availability for depositions.
11	11/06/2018	0.2	AHS	Review/analyze. Review e-mail from Boar Member Mike Bengson regarding availability for Depositions.
12				
13	11/06/2018	0.2	AHS	Draft/revise. Draft response to e-mail from Board Member Mike Bengson regarding availability for Depositions.
14	11/06/2018	2.0	PJW	Review/analyze. Receive and review Petitioner's First Amended Complaint and attached exhibits to outline impropriety of relief sought as to a contempt charge and summarize compliance defense to be included in the Motion to Dismiss with regard to the Association.
15				
16				
17	11/07/2018	1.7	PJW	Draft/revise. Begin drafting memo regarding time line of previous lawsuits including parties involved, claims made, outcomes, and current status of pending litigations in preparation for Initial Rule 26.1 Disclosure Statement.
18				
19				
20	11/08/2018	1.0	AHS	Draft/revise. Draft letter to Whitmer requesting mediation of the current dispute. Send same to client for approval. Receive client approval and send same.
21				
22	11/08/2018	0.3	AHS	Review/analyze. Receive and review e-mail from Mr. Whitmer regarding rejection of offer to mediate and request for settlement conference meeting.
23				
24	11/08/2018	4.9	PJW	Draft/revise. Continue to draft, edit, revise and supplement the Motion to Dismiss to include arguments of substantial compliance with regard to the Association and inability to comply with regard to board president Mike Bengson.
25				
26	11/08/2018	0.3	AHS	Draft/revise. Draft e-mail to client regarding e-mail from Mr. Whitmer regarding and request for settlement conference meeting.
27				
28				

1	11/09/2018	0.4	AHS	Review/analyze. Review e-mails from client regarding email from Mr. Whitmer regarding rejection of offer to mediate and request for settlement conference meeting.
2				
3	11/09/2018	0.4	AHS	Draft/revise. Draft response to e-mails from client regarding e-mail from Mr. Whitmer regarding reject of offer to mediate and request for settlement conference meeting.
4				
5	11/09/2018	0.2	AHS	Review/analyze. Review e-mail from Board Member Walker regarding e-mail from Plaintiff Whitmer regarding additional potential depositions and other discovery.
6				
7	11/09/2018	0.2	AHS	Draft/revise. Draft response to e-mail from Board Member Walker regarding e-mail from Plaintiff Whitmer regarding additional potential depositions and other discovery.
8				
9	11/09/2018	0.3	AHS	Review/analyze. Review e-mails from client agreeing to settlement meeting.
10				
11	11/09/2018	0.2	AHS	Draft/revise. Draft e-mail to client regarding preferred times for settlement meeting.
12				
13	11/09/2018	0.9	AHS	Review/analyze. Review e-mails from Plaintiff Whitmer regarding additional potential depositions and other discovery.
14				
15	11/09/2018	0.9	AHS	Draft/revise. Draft responses to e-mails from Plaintiff Whitmer regarding additional potential depositions and other discovery.
16				
17	11/09/2018	2.6	PJW	Review/analyze. Comprehensive review and analysis of Arizona corporation statutes regarding corporate liability and immunity from director liability, and further research and analyze relevant case law and file documents and pleadings in light of legal standards of review and burdens of proof for contempt charge.
18				
19				
20	11/09/2018	0.8	PJW	Review/analyze. Receive additional documents from Petitioner regarding First Amended Complaint; download documents and review in preparation for disclosure.
21				
22	11/13/2018	0.2	AHS	Draft/revise. Draft e-mail to Mr. Whitmer confirming date, time and location of upcoming settlement meetings.
23				
24	11/13/2018	0.4	AHS	Review/analyze. Review and analyze e-mails from client regarding potential meeting place for settlement meeting.
25				
26	11/13/2018	0.4	AHS	Draft/revise. Draft response to e-mails from client regarding potential meeting place for settlement meeting.
27				
28	11/13/2018	0.2	AHS	Draft/revise. Draft e-mail to Plaintiff Whitmer finalizing location and time for settlement meeting.
	11/13/2018	0.2	AHS	Review/analyze. Review response from Plaintiff Whitmer agreeing to location and time for settlement meeting.

1	11/14/2018	0.4	AHS	Review/analyze. Review and analyze e-mails from client finalizing meeting place for settlement meeting.
2	11/14/2018	0.4	AHS	Draft/Revise. Draft response to e-mails from client finalizing meeting place for settlement meeting.
3	11/14/2018	1.0	AHS	Plan and prepare for settlement conference meeting with the Plaintiff.
4	11/14/2018	1.5	AHS	Appear for/attend. Attend Settlement Conference meeting with Plaintiff.
5	11/14/2018	0.5	AHS	Communicate (with client). Conference with the Board subsequent to Settlement Conference Meeting.
6	11/14/2018	0.7	PJW	Plan and prepare for comprehensive conference with client board to discuss settlement with Petitioner Whitmer.
7	11/14/2018	0.9	PJW	Communicate (with client). Comprehensive conference with client to discuss various issues related to settlement demand, negotiations of any potential settlement and release, liability issues, and other related considerations.
8	11/14/2018	1.8	PJW	Draft/revise. Continue analyzing and formulating legal defenses and theories to finalize draft Initial Rule 26.1 Disclosure Statement.
9	11/14/2018	1.9	PJW	Draft/revise. Additional analysis and review of legal authorities supporting dismissal of entire First Amended Complaint as to both the Association and the board president Michael Bengson to finalize Motion to Dismiss Petitioner's First Amended Complaint.
10	11/16/2018	0.2	AHS	Review/analyze. Review e-mail from client regarding how the status of the other litigation involving Whitmer affect settlement discussions.
11	11/16/2018	0.2	AHS	Draft/revise. Draft response to emails from client regarding how the status of the other litigations involving Whitmer affect settlement discussions.
12	11/16/2018	0.2	AHS	Review/analyze. Review and analyze e-mail from Mr. Whitmer regarding deposition notices and list of witnesses to be deposed.
13	11/16/2018	0.5	AHS	Draft/revise. Draft response to e-mail from Mr. Whitmer regarding deposition notices and list of witnesses to be deposed.
14	11/16/2018	0.2	AHS	Review/analyze. Review e-mail from Board Member Tim Glass regarding potential deposition.
15	11/16/2018	0.2	AHS	Draft/revise. Draft response to e-mail from Bard Member Tim Glass regarding potential deposition.
16	11/16/2018	2.6	PJW	Review/analyze. Comprehensive review and analysis of disclosures exchanged in case, theories of recovery and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

			multiple prior lawsuits filed against or involving client in preparation for drafting litigation and discovery plan to client and deposition preparation.
11/19/2018	0.2	AHS	Draft/revise. Draft e-mail to Board regarding potential deposition dates and times.
11/19/2018	0.1	AHS	Review/analyze. Review e-mail from Mr. Bengson regarding potential deposition dates and times.
11/19/2018	0.1	AHS	Draft/revise. Response to e-mail from Mr. Bengson regarding potential deposition dates and times.
11/19/2018	0.2	AHS	Review/analyze. Review e-mail from Mr. Walker regarding potential deposition dates and times and potential protective order.
11/19/2018	0.2	AHS	Draft/revise. Respond to e-mail from Mr. Walker regarding potential deposition dates and times and potential protective order.
11/19/2018	0.1	AHS	Review/analyze. Review e-mail from Mr. Glass regarding potential deposition dates and times
11/19/2018	0.1	AHS	Draft/revise. Respond to e-mail from Mr. Glass regarding potential deposition dates and times and potential protective order.
11/19/2018	0.5	AHS	Communicate (with client). Conference with Mr. Glass regarding potential deposition dates and times.
11/19/2018	0.4	AHS	Draft/revise. Draft e-mail to Plaintiff Whitmer providing dates when the Board of Directors may be deposed.
11/19/2018	0.8	AHS	Communicate (with client). Meeting with Association manager to obtain documents that may be needed for depositions and to discuss her recollection of events.
11/19/2018	0.4	AHS	Draft/revise. Draft e-mail to client providing documents in preparation for deposition preparation meeting.
11/19/2018	0.1	AHS	Draft/revise. Respond to e-mail from Mr. Huston regarding potential deposition dates and times.
11/19/2018	1.9	AHS	Review/analyze. Review and analyze Plaintiff's Initial Disclosure Statement and exhibits.
11/19/2018	0.2	AHS	Review/analyze. Review e-mail from Mr. Huston regarding potential deposition dates and times.
11/20/2018	0.2	AHS	Review/analyze. Review e0mail from Mr. Glass regarding revised potential deposition dates and times.
11/20/2018	0.2	AHS	Draft/revise. Draft e-mail to Plaintiff Whitmer providing updated date when the Board Member Glass may be deposed.
11/20/2018	0.8	PJW	Review/analyze. Review, search and analyze all recorded documents in Maricopa County including Petitioner's name

			to confirm no ownership of property in state for purposes of lack of Petitioner standing challenge to be included in the Motion to Dismiss.
11/20/2018	0.7	PJW	Review/analyze. Review, search and analyze all recorded documents in Maricopa County including Petitioner's wife's name Colleen London to confirm ownership of subject sublease interest for purposes of lack of Petitioner standing challenge to be included in the Motion to Dismiss.
11/20/2018	0.4	PJW	Communicate (other external). Conference with property manager and CFO from Hilton Hotel regarding right of first refusal of Hotel pursuant to the governing recorded documents to confirm subject sublease interest for purposes of lack of Petitioner standing challenge to be include dint eh Motion to Dismiss.
11/20/2018	0.4	PJW	Communicate (with client). Receive and exchange correspondence with property manager confirming Colleen London owned/owns property interest in Casita 21 in support of Petitioner's lack of standing argument included in the Motion to Dismiss.
11/20/2018	1.9	PJW	Draft/revise. Compile factual summary and supplement legal analysis and basis for defense in drafting First Supplemental Rule 26.1 Disclosure Statement.
11/21/2018	2.2	PJW	Draft/revise. Further supplement Motion to Dismiss with lack of standing argument.
11/21/2018	0.9	PJW	Review/analyze. Review file in preparation for finalizing Motion to Dismiss to be filed.
11/21/2018	2.8	PJW	Draft/revise. Revise, supplemental and finalize Motion to Dismiss.
11/21/2018	0.3	PJW	Draft/revise. Draft Notice of Deposition for Petitioner's spouse Colleen London
11/21/2018	1.9	PJW	Draft/revise. Continue analyzing and formulating legal defenses and theories to finalize First Supplemental Rule 26.1 Disclosure Statement to include revised open meeting minutes, recorded documents and added legal analysis and authorities in response to review of Petitioner's Initial Rule 26.1 Disclosure Statement and disclosed documents.
11/21/2018	0.3	PJW	Draft/revise. Draft Notice of Deposition for Petitioner Whitmer.
11/26/2018	1.0	PJW	Review/analyze. Review and analyze Petitioner's First Amended Disclosure Statement and Exhibits.

1	11/26/2018	0.2	AHS	Review/analyze. Review e-mail from client regarding the Bylaw requirements for annual meetings and how it relates to the current action.
2				
3	11/26/2018	0.5	AHS	Draft/revise. Respond to e-mail from client regarding Bylaw requirements for annual meeting and how it relates to the current action.
4				
5	11/27/2018	0.1	AHS	Communicate (other external). Leave a voicemail message to meet and confer with regarding potential depositions and other discovery issues pursuant to Rule 7.1, Arizona Rules of Civil Procedure.
6				
7				
8	11/27/2018	0.2	AHS	Draft/Revise. Draft e-mail regarding voicemail message left to meet and confer with regarding potential depositions and other discovery issues pursuant to Rule 7.1, Arizona Rules of Civil Procedures.
9				
10				
11	11/27/2018	0.2	AHS	Review/analyze. Review e-mail from Plaintiff Whitmer regarding brief conference to discuss discovery issues.
12	11/27/2019	0.2	AHS	Draft/revise. Respond to e-mail from Plaintiff Whitmer regarding brief conference to discuss discovery issues.
13	11/29/2018	2.9	PJW	Review/analyze. Review, outline and summarize the extensive factual and litigation history involving Petitioner Whitmer the Association and/or the hotel as well as the pleadings filed and theories of recovery to begin preparing for and outlining the pertinent issues and facts to be addressed and asked in the depositions of Petitioner Whitmer and colleen London.
14				
15				
16				
17				
18	11/30/2018	0.2	AHS	Review/analyze. Review and analyze e-mail from Plaintiff Whitmer requesting to extend the discovery schedule in light of the recently filed Motion to Dismiss.
19				
20	11/30/2018	0.2	AHS	Draft/revise. Respond to e-mail from Plaintiff Whitmer requesting to extend the discovery schedule in light of the recently filed Motion to Dismiss.
21				
22	12/03/2018	0.5	AHS	Review/analyze. Review and analyze Whitmer's Proposed Joint Scheduling Order.
23	12/03/2018	0.4	AHS	Draft/revise Draft Motion Stipulating to Joint Scheduling Order.
24	12/03/2018	0.2	AHS	Draft/revise. Draft e-mail to Plaintiff Whitmer regarding scheduling Order and Motion Stipulating to Joint Scheduling Order.
25				
26	12/05/2018	0.2	AHS	Review/analyze. Review e-mail from the Court regarding a request by Mr. Whitmer to extend the time to respond to the Association's Motion to Dismiss.
27				
28				

1	12/05/2018	0.2	AHS	Draft/revise Draft response to e-mail from the Court regarding a request by Mr. Whitmer to extend the time to respond to the Association's Motion to Dismiss.
2				
3	12/10/2018	0.3	PJW	Review/analyze. Receive and review e-mail correspondence from Judicial Assistant regarding and attaching Petitioner's Motion For An Extension of Time to File the Response to the Motion to Dismiss.
4				
5				
6	12/10/2018	1.1	PJW	Draft/revise. Draft Respondents' Response to Petitioner's Motion For An Extension of Time to File the Response to the Motion to Dismiss.
7				
8	12/10/2018	0.2	PJW	Draft/revise. Finalize and file the Respondents' Response to Petitioner's Motion For An Extension of Time to File the Response to the Motion to Dismiss and draft e-mail responding to Judicial Assistant and Petitioner providing electronic courtesy copy of the same.
9				
10				
11	12/10/2018	0.2	PJW	Review/analyze. Receive and review e-mail response from Petitioner regarding Petitioner not needing to file a Reply and assertion of deadline to file Response pursuant to Rule 6(c).
12				
13				
14	12/12/2018	0.2	AHS	Review/analyze. Review e-mail from client requesting the status of the pending Motion to Dismiss.
15	12/12/2018	0.2	AHS	Draft/revise. Draft response to e-mail from client requesting the status of the pending Motion to Dismiss.
16	12/13/2018	0.2	AHS	Review/analyze. Review ruling of the Court extending the time to respond and reply to the Motion to Dismiss.
17				
18	12/14/2018	0.2	AHS	Review/analyze. Review and analyze e-mail from Mr. Whitmer regarding request for a ARCP Rule 11 (c)(2) mandatory consultation and the rationale behind said request.
19				
20	12/14/2018	0.2	AHS	Draft/revise. Draft response to e-mail from Mr. Whitmer regarding request for a ARCP Rule 11 (c)(2) mandatory consultation.
21				
22	12/14/2019	0.1	AHS	Review/analyze. Review e-mail from Mr. Whitmer confirming date, time and location for a ARCP Rule 11 (c)(2) mandatory consultation.
23				
24	12/14/2018	0.1	AHS	Draft/review. Draft response to e-mail from Mr. Whitmer confirming date, time and location for a ARCP Rule 11 (c)(2) mandatory consultation.
25				
26	12/17/2018	0.5	EM	Review/analyze. Review Executed Stipulation and Joint Motion to Adjust Certain Dates Within Pre-Hearing Schedule. Calendar appropriate dates.
27				
28				

1	12/19/2018	0.4	AHS	Plan and prepare for. Prepare for ARCP Rule 11 (c)(2) mandatory consultation.
2	12/19/2018	0.6	AHS	Appear for and attend. Attend ARCP Rule 11 (c)(2) mandatory consultation.
3	12/19/2018	0.9	PJW	Review/analyze. Review basis of Whitmer's dispute of exhibits (ballots) and factual basis (as to standing) pursuant to the ARCP Rule 11 (c)(2) mandatory consultation with regard to the Motion to Dismiss.
4	12/19/2018	1.0	PJW	Communicate (with client). Meet with property manager to discuss Whitmer's dispute as per ARCP Rule 11 (c)(2) mandatory consultation as to the claimed owners of Casitas who cast a vote via written ballot approving the 2016 budget and comprehensive review of recorded documents and chain of title.
5	12/20/2018	0.2	AHS	Review/analyze. Review email from client regarding the results of the ARCP Rule 11 (c)(2) mandatory consultation.
6	12/20/2018	0.2	AHS	Draft/revise. Draft response e-mail to client regarding e-mail from client regarding the results of the ARCP Rule 11 (c)(2) mandatory consultation.
7	12/27/2018	1.0	AHS	Review/analyze. Review and analyze letter from Plaintiff Whitmer regarding ARCP Rule 11 (c)(2) mandatory consultation and a request to withdraw the Association's Motion to Dismiss base on the ARCP Rule 11 (c)(2) mandatory consultation.
8	12/27/2018	1.4	AHS	Draft/revise. Draft a response to a letter from Plaintiff Whitmer regarding ARCP Rule 11 (c)(2) mandatory consultation and a request to withdraw the Association's Motion to Dismiss based on the ARCP Rule 11 (c)(2) mandatory consultation.
9	01/02/2019	0.2	AHS	Communicate (other outside counsel). Confer with opposing counsel and request a stipulation to amend the Notice of Deposition of Tim Glass as Mr. Glass is out of the country.
10	01/02/2019	0.5	AHS	Draft/revise. Draft e-mail to client conveying Notices of Deposition and providing advice regarding same.
11	01/02/2019	0.2	AHS	Review/analyze. Review e-mail from Mr. Bengson regarding Notice of Deposition.
12	01/02/2019	0.2	AHS	Draft/revise. Draft response to e-mail from Mr. Bengson regarding Notice of Deposition.
13	01/02/2019	0.4	AHS	Communicate (with client) Conference with client regarding response to Whitmer's ARCP Rule 11 consultation letter. Provide advice.

1	01/02/2019	0.8	PJW	Draft/revise. Revise response letter regarding Plaintiff Whitmer's ARCP Rule 11 consultation letter as requested by the Association. Send same.
2				
3	01/02/2019	0.1	AHS	Review/analyze. Review e-mail from Richard Walker regarding his inability to attend the currently scheduled deposition.
4				
5	01/02/2019	0.1	AHS	Draft/revise. Draft response to e-mail from Richard Walker regarding his inability to attend the currently scheduled deposition.
6				
7	01/02/2019	0.2	AHS	Communicate (other outside counsel). Confer with opposing counsel and request a stipulation to amend the Notice of Deposition of Richard Walker as Mr. Walker is unavailable for the currently scheduled deposition.
8				
9				
10	01/02/2019	0.1	AHS	Review/analyze. Review e-mail from Richard Walker regarding his inability to attend the currently scheduled deposition
11				
12	01/02/2019	0.1	AHS	Draft/revise. Draft response to e-mail from Richard Walker regarding his inability to attend the currently scheduled deposition.
13				
14	01/02/2019	0.2	AHS	Communicate (outside counsel). Confer with opposing counsel and request a stipulation to amend to the Notice of Deposition of Jack Huston.
15				
16	01/02/2019	0.4	AHS	Draft/revise. Draft letter to opposing counsel regarding amendment of the Notices of Depositions for Mr. Walker, Mr. Huston and Mr. Glass.
17				
18	01/02/2019	0.2	AHS	Review/analyze. Review Notice of Deposition of Michael Bengson.
19				
20	01/02/2019	0.2	AHS	Review/analyze. Review Notice of Deposition of Richard Walker.
21				
22	01/02/2019	0.2	AHS	Review/analyze. Review Notice of Deposition of Jack Huston.
23				
24	01/02/2019	0.1	AHS	Draft/revise. Draft e-mail to Mr. Walker requesting potential deposition dates.
25				
26	01/02/2019	0.1	AHS	Draft/revise. Draft e-mail to Mr. Huston requesting potential deposition dates.
27				
28	01/02/2019	0.1	AHS	Draft/revise. Draft e-mail to opposing counsel providing dates that Mr. Walker.
				Draft/revise. Draft e-mail to opposing counsel providing dates that Mr. Huston may be deposed.

1	01/03/2019	0.9	PJW	Review/analyze. Review Petitioner's Motion For Leave To File Second Amended Complaint.
2	01/03/2019	0.9	PJW	Review/analyze. Review Petitioner's Response to the Motion to Dismiss.
3	01/04/2019	0.2	AHS	Review/analyze. Review Revised Notice of Deposition for Mr. Walker.
4	01/04/2019	0.2	AHS	Review/analyze. Review Revised Notice of Deposition for Mr. Huston.
5	01/04/2019	0.3	AHS	Draft/revise. Draft e-mail to client regarding Revised Notice of Deposition for Mr. Walker and Mr. Huston.
6	01/07/2019	1.9	PJW	Draft/revise. Begin drafting outline for argument of Reply brief in support of the Motion to Dismiss responding to Petitioner's legal conclusions and arguments of the Response to the Motion to Dismiss and draft legal standard argument for dismissal under Rule 12(b)(6), Ariz. R. Civ. P.
7	01/08/2019	0.5	MEL	Review/analyze. Review and analyze arguments in relation to the factual and legal issues presented in Petitioner's Motion For Leave to File Second Amended Complaint with specific regard to the Motion to Dismiss currently pending in order to develop legal strategy and argument with Attorney Whelan.
8	01/08/2019	2.9	PJW	Draft/revise. Draft legal argument of Reply in support of the Motion to Dismiss and in response to Petitioner's Response to the same.
9	01/09/2019	0.2	AHS	Draft/revise. Draft e-mail to client regarding upcoming depositions and meeting to prepare for upcoming depositions.
10	01/09/2019	3.0	PJW	Draft/revise. Drafting Response to Petitioner's Motion For Leave To File Second Amended Complaint.
11	01/10/2019	2.5	PJW	Draft/revise. Continue to draft and formulate legal argument in response to Petitioner's argument and legal conclusions in his Response to the Motion to Dismiss to be included in the Reply in support of the same.
12	01/10/2019	0.9	PJW	Review/analyze. Legal analysis of relief provided for in contempt proceeding under A.R.S. 12-864 to formulate procedural argument to be included in Reply in support of Motion to Dismiss.
13	01/11/2019	0.6	AHS	Plan and prepare for. Prepare for meeting with Mr. Bengson regarding deposition preparation.
14	01/11/2019	0.6	AHS	Plan and prepare for. Prepare for meeting with Mr. Walker regarding deposition preparation.

1	01/11/2019	0.6	AHS	Plan and prepare for. Prepare for meeting with Mr. Huston regarding deposition preparation.
2	01/11/2019	1.2	AHS	Communicate (with client). Conference with Mr. Walker, Mr. Bengson and Mr. Huston regarding deposition preparation.
3	01/11/2019	1.0	AHS	Draft/revise. Finalize Response to Petitioner's Motion For Leave To File Second Amended Complaint.
4	01/14/2019	1.4	AHS	Plan and prepare for. Prepare for deposition of Mr. Bengson.
5	01/15/2019	1.4	PJW	Draft/revise. Draft introduction and conclusion of Reply in support of the Motion to Dismiss and in response to Petitioner's Response to the same.
6	01/15/2019	2.9	PJW	Draft/revise. Continue to draft, edit, revise and supplement the Reply in support of the Motion to Dismiss and in response to Petitioner's Response and finalize the same for filing.
7	01/15/2019	2.2	AHS	Appear for/attend. Attend Deposition of Michael Bengson.
8	01/15/2019	0.4	AHS	Appear for/attend. Attend meeting with Michael Bengson after his deposition.
9	01/16/2019	0.4	AHS	Review/analyze. Review and analyze notice of subsequent Deposition of Michael Bengson as a Rule 30(b)(6) witness to determine whether any legal objection need to be made and to determine how the request will legally affect the current litigation.
10	01/16/2019	0.3	AHS	Draft/revise. Draft e-mail to client regarding notice of subsequent Deposition of Michael Bengson as a Rule 30(b)(6) and provide advice regarding whether any legal objection need to be made and how the request will legally affect the current litigation.
11	01/16/2019	0.4	AHS	Review/analyze. Review and analyze renewed Notice of Deposition of attorney Augustus H. Shaw to determine whether any legal objection need to be made and to determine how the request will legally affect the current litigation.
12	01/16/2019	1.0	AHS	Review/analyze. Review and analyze Plaintiff's Third Supplemental Disclosure Statement to determine whether the disclosure legally affects the case.
13	01/16/2019	0.6	AHS	Review/analyze. Review and analyze documents attached to the Plaintiff's Third Supplemental Disclosure Statement to determine whether said document legally affects the case.
14	01/16/2019	0.8	AHS	Draft/revise. Draft correspondence to Plaintiff regarding Plaintiff's Request for Production of Records, Notice of

			Deposition of Augustus H. Shaw IV, Esq., CCAL and Deposition of Michael Bengson as required by the Arizona Rules of Civil Procedure.
01/16/2019	0.7	AHS	Review/analyze. Review and analyze Plaintiff's January 16th Request for Production of Records to determine whether any legal objection need to be made and to determine how the request will legally affect the current litigation.
01/17/2019	0.8	AHS	Review/analyze. Review and analyze Plaintiff's Request for an Order to Compel The Production of Documents and Scheduling of Depositions.
01/17/2019	1.1	AHS	Draft/revise. Draft Response to Request for an Order to Compel The Production of Documents and Scheduling of Depositions.
01/17/2019	1.0	AHS	Review/analyze . Review and analyze Motion to Strike Surreponse to the Respondents' Motion to Dismiss.
01/17/2019	1.1	AHS	Draft/revise . Draft Motion to Strike Surreponse to the Respondents' Motion to Dismiss.
01/18/2019	0.7	AHS	Communicate (with client). Second Conference with Mr. Walker and Mr. Huston regarding deposition preparation in light of the deposition of Mr. Bengson.
01/21/2019	0.2	PJW	Draft/revise. Revise Notice of Deposition for Whitmer.
01/21/2019	0.7	AHS	Review/analyze. Review Plaintiff's Fourth Supplemental Disclosure Statement and Exhibits to same.
01/21/2019	0.5	AHS	Plan and prepare for. Prepare for deposition of Mr. Walker
01/21/2019	0.5	AHS	Plan and prepare for . Prepare for deposition of Mr. Huston.
01/22/2019	1.0	AHS	Appear for/attend . Attend the deposition of Mr. Huston
01/22/2019	1.5	AHS	Appear for/attend . Attend deposition of Mr. Walker.
01/22/2019	0.5	AHS	Review/analyze . Review and analyze Reply in Support of Request for an Order to Compel The Production of Documents and Scheduling of Depositions.
01/22/2019	0.3	AHS	Review/analyze . Review and analyze Reply in Support Motion for Leave to File Second Amended Complaint.
01/22/2019	0.3	AHS	Review/analyze . Review and analyze Response to the Respondents' Motion to Strike.
01/22/2019	0.3	AHS	Communicate (other outside counsel) . Conference with Plaintiff regarding resolution of discovery dispute.
01/22/2019	0.4	AHS	Draft/revise. Draft Proposed Stipulation Regarding Petitioner's Request for an Order to Compel the Production

			of Documents and Scheduling of Depositions and Stipulation to Revise Scheduling Order in order to resolve discovery disputes.
01/22/2019	0.3	AHS	Draft/revise. Draft Proposed Revised Scheduling Order in order to address discovery disputes.
01/22/2019	0.2	PJW	Draft/revise. Draft revisions to Proposed Revised Scheduling Order in order to address discovery disputes and as requested by the Plaintiff.
01/22/2019	0.5	AHS	Review/analyze. Review recent filings by Petitioner and strategize with A. Shaw regarding subpoenas, scheduling order and discovery issues to evaluate litigation response to the same.
01/28/2019	0.4	AHS	Review/analyze. Review and analyze e-mail send by client regarding request for records sent by Plaintiff directly to client for records involving the current litigation.
01/28/2019	0.7	AHS	Draft/revise. Draft letter to Plaintiff regarding e-mail send by Plaintiff regarding request for records sent by Plaintiff directly to client for records involving the current litigation.
01/28/2019	0.4	AHS	Draft/revise. Draft e-mail to Plaintiff to attempt to resolve discovery disputes regarding deadlines.
01/28/2019	0.3	PJW	Draft/revise. Finalize and schedule subpoena (online issuance by attorney only through State Bar services) and draft cover letter to Colleen London for service of subpoena for deposition appearance.
01/30/2019	0.2	AHS	Review/analyze. Draft e-mail to client requesting client prepare documents regarding the Plaintiff's January 16th Request for Production of Records.
01/30/2019	0.5	AHS	Draft/revise. Draft e-mail to opposing counsel objecting to item 12 of the Plaintiff's January 16th Request for Production of Records.
01/30/2019	0.2	AHS	Review/analyze. Review e-mail from Plaintiff regarding the scheduling of depositions.
01/30/2019	0.2	AHS	Draft/revise. Draft response e-mail to e-mail from Plaintiff regarding the scheduling of depositions.
01/30/2019	0.8	AHS	Review/analyze. Review and analyze Plaintiff's January 24th Request for Production of Records to determine whether the request is legally proper.
01/30/2019	0.3	AHS	Draft/revise. Draft e-mail to Plaintiff objecting to Plaintiff's January 24th Request for Production of Records.
01/30/2019	0.4	AHS	Review/analyze. Review and analyze Plaintiff's January 28th Request for Production of Records to determine whether the request is legally proper.

1	01/30/2019	0.2	AHS	Draft/revise. Draft e-mail to client requesting client prepare documents regarding the Plaintiff's January 28th Request for Production of Records.
2				
3	01/30/2019	0.7	AHS	Review/analyze. Review Plaintiff's Fifth Supplemental Disclosure Statement and Exhibits to same.
4				
5	02/04/2019	0.2	AHS	Review/analyze. Review e-mail from plaintiff regarding required Rule 26(d) and Rule 7.1(h), Arizona Rules of Civil Procedure meeting and conference.
6				
7	02/04/2019	0.2	AHS	Draft/revise. Draft response to e-mail from plaintiff regarding required Rule 26(d) and Rule 7.1(h), Arizona Rules of Civil Procedure meeting and conference.
8				
9	02/04/2019	1.5	PJW	Communicate (other external). Conference with Petitioner as required under the meet and confer requirement of Rule 26 and Rule 7.1, Arizona Rules of Civil Procedure, regarding the objections to Petitioner's improper discovery and deposition requests.
10				
11				
12	02/05/2019	0.5	PJW	Review/analyze. Review file in preparation for meet and confer conference with Petitioner regarding Rule 26(d) and Rule 7.1(h) to discuss procedural, scheduling and discovery matters in case
13				
14	02/05/2019	0.3	PJW	Communicate (with client). Conference with community manager client in preparation for required conference with Petitioner regarding Rule 26(d) and Rule 7.1(h) to discuss procedural, scheduling and discovery matters in case.
15				
16				
17	02/05/2019	1.6	PJW	Review/analyze. Comprehensive review and catalog of documents for legal effect and relevancy requested from client in preparation for discovery process.
18				
19	02/05/2019	1.6	PJW	Draft/revise. Draft initial objections and responses to Petitioner's First Rule 34 Requests for Production of Documents.
20				
21	02/06/2019	1.0	PJW	Draft/revise. Draft First Set of Rule 34 Requests for Production of Documents to Petitioner requesting production of all documents that relate to a possessory or ownership interest in Casitas 21.
22				
23				
24	02/06/2019	2.0	PJW	Draft/revise. Draft Rule 33 Interrogatories to Petitioner for conducting further discovery
25	02/06/2019	0.3	AHS	Communicate (with client). Meet with client to discuss Board Meeting where the 2019 budget will be approved and how said meeting could affect the current lawsuit.
26				
27	02/06/2019	0.4	AHS	Review/analyze. Review and analyze subpoena of Board Member Huston regarding Association records.
28				

02/06/2019	0.4	AHS	Review/analyze. Review and analyze subpoena of property manager regarding Association records.
02/06/2019	0.5	AHS	Communicate (with client). Conference with client regarding subpoenas of Board Member Huston and property manager regarding Association records.
02/06/2019	1.0	PJW	Draft/revise. Draft initial Responses and Objections to Petitioner's Requests for Production of Documents dated January 24, 2019.
02/06/2019	1.6	PJW	Review/analyze. Review and analyze Petitioner's Third and Fourth Supplemented Disclosure Statements and documents produced therein with particular analysis as to Petitioner's recent document requests.
02/07/2019	1.1	PJW	Draft/revise. Draft initial Responses and Objections to Petitioner's Requests for Production of Documents dated January 30, 2019.
02/07/2019	1.0	PJW	Review/analyze. Review Petitioner's subpoenas received by board member J. Huston and community manager E. Potocki regarding request for association documents and communications to be produced by February 21 and review legal authorities to object to the same subpoenas for improper service and use
02/07/2019	1.4	PJW	Review/analyze. Receive, review and analyze Petitioner's Fifth Supplemented Disclosure Statement and documents produced with disclosure relating to board meeting minutes.
02/07/2019	1.2	PJW	Review/analyze. Review and analyze deposition transcript for board member R. Walker and draft summary notes and guidance as to corrections before signing the same and in relation to contested issues.
02/07/2019	1.1	PJW	Review/analyze. Review and analyze deposition transcript of board president Mr. Bengson and draft summary notes and highlights in relation to contested issues and provide advice regarding testimony before finalizing and signing.
02/08/2019	0.2	AHS	Review/analyze. Review e-mail from Mr. Huston regarding responding to his subpoena.
02/08/2019	0.2	AHS	Draft/revise. Draft e-mail responding to e-mail from Mr. Huston regarding responding to his subpoena. Provide advice.
02/08/2019	1.6	PJW	Communicate (with client). Conference with community manager E. Potocki regarding subpoenas, discovery issues and document management in preparation for discovery issues and procedures and to determine the legal effect same may have on the litigation.

1	02/08/2019	0.9	PJW	Draft/revise. Begin drafting, editing and revising formal written objection to Petitioner's subpoenas received by board members and community manager E. Potocki regarding association documents and communications.
2	02/08/2019	0.2	PJW	Review/analyze. Review email from board member R. Walker regarding issues with his deposition transcript and received subpoena to produce documents.
3	02/08/2019	0.2	PJW	Review/analyze. Review email from board member J. Huston regarding issues with his deposition transcript and received subpoena to produce communication documents.
4	02/08/2019	1.2	PJW	Communicate (with client). Receive and review email exchange by and between board members regarding issues with received subpoenas and draft response providing basis for the formal written objection to Petitioner's subpoenas requesting communication documents from individual board members.
5	02/08/2019	0.6	PJW	Review/analyze. Review and analyze deposition transcript of J. Huston with exhibits and draft summary notes and guidance as to corrections before signing the same for finalizing on record.
6	02/08/2019	0.3	PJW	Communicate (with client). Draft correspondence to client board president J. Huston providing copy of deposition transcript to review for possible changes and signing to finalize same and offering specific advice for reviewing and potential changes needed before signing.
7	02/08/2019	0.7	PJW	Review/analyze. Review and analyze deposition transcript of M. Bengson with exhibits and analyze with highlighted notes and guidance as to corrections before signing the same for finalizing on record.
8	02/08/2019	0.3	PJW	Review/analyze. Review email from board president M. Bengson regarding his deposition transcript and issues he has with Petitioner's subpoena to E. Potocki - community manager to produce communication documents.
9	02/11/2019	0.2	AHS	Review/analyze. Review e-mail from Mr. Huston regarding scope of representation and whether he is required to hire his own attorney regarding his subpoena
10	02/11/2019	0.6	AHS	Draft/revise. Draft e-mail to Ms. Potocki, Mr. Walker and Mr. Huston regarding scope of representation and whether they need to obtain counsel regarding the subpoenas served on the,

1	02/11/2019	0.6	AHS	Review/analyze. Review and analyze Plaintiff's Request for Production requesting memorandum of previous attorney to determine the legal effect said document has on the litigation
2				
3	02/11/2019	0.4	AHS	Draft/revise. Draft formal objection to Plaintiff's Request for Production requesting memorandum of previous attorney.
4				
5	02/11/2019	0.1	AHS	Review/analyze. Review e-mail from Plaintiff requesting conference pursuant to pursuant to Rule 26(d) and Rule 7.1(h), Arizona Rules of Civil Procedure regarding objection to discovery request.
6				
7	02/11/2019	0.2	AHS	Draft/revise. Draft response to e-mail from Plaintiff requesting conference pursuant to pursuant to Rule 26(d) and Rule 7.1(h), Arizona Rules of Civil Procedure regarding objection to discovery request and provide available dates.
8				
9				
10	02/11/2019	0.2	AHS	Review/analyze. Review e-mail from client regarding potential settlement of this case.
11	02/11/2019	0.2	AHS	Draft/revise. Draft response to e-mail from client regarding potential settlement of this case.
12				
13	02/11/2019	2.4	PJW	Review/analyze. Review and analyze relevant documents selected by community manager E. Potocki for legal effect of production in response to discovery requests and draft Respondents' Response to Petitioner's Requests for Production of Documents dated January 16, 2019.
14				
15				
16	02/11/2019	0.2	PJW	Draft/revise. Draft follow up email to Petitioner requesting available dates for rescheduling his deposition.
17	02/11/2019	1.1	PJW	Draft/revise. Receive and review email chain from board members regarding issues with the received subpoenas from Petitioner requesting documents from the individual board members relating to each's respective candidacy and communications from 2011 renegotiating the Safeguard contract and draft
18				
19				
20				
21	02/11/2019	1.2	PJW	Draft/revise. Draft, edit and supplement Response to Petitioner's First Rule 34 Requests for Production of Documents.
22				
23	02/11/2019	1.2	PJW	Draft/revise. Continue to draft, edit, revise and supplement Written Objection to the Subpoenas issued by Petitioner to board members and community manager E. Potocki regarding association documents and communications and send to clients for review.
24				
25				
26	02/12/2019	1.3	PJW	Draft/revise. Draft Response/Objections to Petitioner's Second Rule 34 Requests for Production of Documents.
27				
28	02/12/2019	2.6	PJW	Draft/revise. Draft summary of notes, legal effect and highlighted impressions in reviewing deposition transcripts

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

			of board members R. Walker, M. Bengson and J. Huston regarding testimony in relation to contested issues, supplementing disclosure and discovery and preparing for evidentiary hearing.
02/12/2019	0.7	PJW	Review/analyze. Supplemental review of legal authorities regarding standing to object to Subpoenas issued by a party opponent to non-party agents to draft added legal basis and argument for Written Objection to the Subpoenas.
02/13/2019	2.3	PJW	Draft/revise. Continued review, organization and analysis of voluminous documents provided by client manager E. Potocki concerning HOA financial reports from 2016-2018 in preparation for and in response to Petitioner's Third Rule 34 Requests for Production of Documents to ensure that privileged and protected disclosures are either redacted or withheld and prepare privilege log for the same.
02/13/2019	1.4	PJW	Review/analyze. Review and analyze Petitioner's broadly written discovery requests and discovery methods in general thus far and analyze rules and legal authorities to assess issues and basis for a request for a protective order for confidential information and documents for purposes of limiting disclosure and discovery.
02/13/2019	1.4	PJW	Draft/revise. Draft Response/Objections to Petitioner's Third Rule 34 Requests for Production of Documents.
02/13/2019	0.4	PJW	Communicate (with client). Draft correspondence to client board president M. Bengson providing copy of deposition transcript to review for possible changes and signing to finalize same and offering specific advice for reviewing and potential changes needed before signing.
02/14/2019	0.4	PJW	Review/analyze. Review and analyze legal authorities concerning discovery scope, methods and limits in preparation for meet and confer conference with Petitioner required pursuant to Rules 7.1(h) and 26(d), Arizona Rules of Civil Procedure, regarding objection to discovery requests.
02/14/2019	1.5	AHS	Communicate (with client). Conference with client regarding status of litigation and potential settlement of the litigation.
02/14/2019	1.6	PJW	Communicate (other external). Conference with Petitioner as required under the meet and confer requirement of Rule 26 and Rule 7.1, Arizona Rules of Civil Procedure, regarding the objections to Petitioner's written discovery

			requests for privileged documents provided by previous counsel Clark Hill.
02/14/2019	1.5	PJW	Communicate (with client). Conference with the client regarding potential discovery disputes and what legal effect said disputes have on the litigation proceedings before the Judge.
02/14/2019	1.2	PJW	Draft/revise. Draft email to Petitioner memorializing discussions and issues addressed in the meet and confer meeting as required under Rule 26 and Rule 7.1, Arizona Rules of Civil Procedure, regarding the objections to Petitioner's written discovery requests, as well as the scope and limits thereof.
02/15/2019	3.4	PJW	Draft/revise. Continued review, organization and analysis of voluminous documents provided by client manager E. Potocki concerning all HOA meetings from 2016-2018 in preparation for and in response to Petitioner's First Rule 34 Requests for Production of Documents to ensure that privileged and protected disclosures are either redacted or withheld and prepare privilege log for the same.
02/15/2019	1.6	PJW	Draft/revise. Review documents previously disclosed via Initial and First Supplemental Rule 26.1 Disclosure Statements to draft Respondents' Second Supplemental Disclosure Statement and finalize preparation of all documents for production and supplemental disclosure.
02/15/2019	0.3	PJW	Draft/revise. Draft email correspondence to Petitioner requesting brief extension of the weekend to respond to his First Rule 34 Requests and indicate that documents will be disclosed and produced for his review by close of business on 2/18/19.
02/15/2019	0.3	PJW	Draft/revise. Draft email correspondence to client regarding brief extension to respond to the First Rule 34 Requests and indicate that documents must be disclosed and produced by close of business on 2/18/19.
02/15/2019	0.4	PJW	Draft/revise. Revise and supplement Written Objection to Petitioner's Subpoenas received by non-party agents of the Association pursuant to input and edits from client board members.
02/18/2019	0.4	PJW	Review/analyze. Receive and review email from client board member R. Walker regarding revisions and corrections to deposition transcript and review and analyze draft Errata Sheet provided as to the same.

02/18/2019	0.7	PJW	Draft/revise. Draft email to client board member R. Walker regarding corrections and clarifications of Errata Sheet to his deposition transcript.
02/18/2019	0.4	PJW	Review/analyze. Receive, review and exchange email correspondence with client board member R. Walker regarding review of his deposition transcript, his draft Errata Sheet and provided analysis of the same and make mention of attorney client privilege and protections.
02/18/2019	0.8	PJW	Review/analyze. Additional review and analysis of deposition transcript of R. Walker, identify testimony pertinent to contested issues in matter and impeachment issues for further review and analysis in preparing for evidentiary hearing.
02/18/2019	0.7	PJW	Review/analyze. Additional review and analysis of deposition transcript of J. Huston, identify testimony pertinent to contested issues in matter and impeachment issues for further review and analysis in preparing for disclosure of documents.
02/18/2019	3.9	PJW	Draft/revise. Continue review of all file documents provided by client and continue to draft, prepare and finalize responses to Petitioner's written discovery requests pursuant to Rule 34, Arizona Rules of Civil Procedure.
02/19/2019	0.4	PJW	Draft/revise. Draft e-mail correspondence to client board member Mr. Huston responding to client with advice and counsel regarding review of his deposition transcript with advice and counsel regarding the same.
02/19/2019	0.2	PJW	Review/analyze. Receive and review email from client board member J. Huston regarding revisions and corrections to deposition transcript and provide Errata Sheet.
02/19/2019	4.2	PJW	Draft/revise. Continue drafting lists of witnesses and exhibits, finalize copies of exhibits and documents for production, and finalize Second Supplemental Disclosure Statement for service and production to Petitioner.
02/19/2019	1.2	PJW	Draft/revise. Receive and review client's directives and supplement, revise and finalize the Association's Written Objection to the Subpoenas issued by Petitioner on non-party agents of the Association to finalize and provide the same to Petitioner pursuant to Rule 45, Arizona Rules of Civil Procedure.
02/20/2019	0.2	AHS	Review/analyze. Review e-mail from client requesting a status of the litigation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

02/20/2019	0.3	AHS	Draft/revise. Draft response to e-mail from client requesting a status of the litigation.
02/20/2019	0.3	AHS	Communicate (other external). Conference with the Court in order to schedule Hearing on Motion to Dismiss the Plaintiff's Original Complaint and First Amended Complaint and Plaintiff's request to file a Second Amended Complaint.
02/20/2019	0.7	AHS	Plan and prepare for. Begin to formulate arguments for Hearing on Motion to Dismiss the Plaintiff's Original Complaint and First Amended Complaint and Plaintiff's request to file a Second Amended Complaint.
02/20/2019	0.7	PJW	Plan and prepare for. Case development with attorney A. Shaw to evaluate legal standard for contempt to further formulate litigation strategy and arguments for upcoming Hearing on Motion to Dismiss and Petitioner's Request to file a Second Amended Complaint.
02/20/2019	0.2	AHS	Review/analyze. Review order granting Respondent's Motion to Strike Petitioner's Surreponse to the Respondents' Motion to Dismiss filed January 18, 2019.
02/20/2019	0.2	AHS	Review/analyze. Review order Setting Oral Arguments on Motion to Dismiss and Plaintiff's Motion for Leave to File Second Amended Complaint.
02/26/2019	0.2	AHS	Review/analyze. Review Petition e-mail from the Plaintiff to the Court requesting that the March 8th Hearing on the Motion to Dismiss and proposed Amended Compliant be rescheduled.
02/26/2019	0.3	AHS	Draft/revise. Draft Response to Plaintiff's Petition to the Court requesting that the March 8th Hearing on the Motion to Dismiss and proposed Amended Compliant be rescheduled. Provide potential rescheduling dates.
02/28/2019	0.2	AHS	Review/analyze. Review and analyze e-mails from client regarding filing a vexatious litigant motion in the current contempt action.
02/28/2019	0.3	AHS	Draft/revise. Respond to e-mails from client regarding filing a vexatious litigant motion in the current contempt action.
03/04/2019	0.2	AHS	Review/analyze. Review and analyze Plaintiff's Request for Rescheduling Oral Argument regarding Motion to Dismiss and Motion to Amend Complaint.
03/04/2019	0.2	AHS	Review/analyze. Review e-mail from the Court proposing date and time to reschedule Oral Argument regarding Motion to Dismiss and Motion to Amend Complaint.

1	03/04/2019	0.2	AHS	Draft/revise. Respond to e-mail from the Court proposing date and time to reschedule Oral Argument regarding Motion to Dismiss and Motion to Amend Complaint.
2				
3	03/04/2019	0.2	AHS	Draft/revise. Respond to e-mail from the Court proposing date and time to reschedule Oral Argument regarding Motion to Dismiss and Motion to Amend Complaint.
4				
5	03/06/2019	0.2	AHS	Review/analyze. Review Order of the Court resetting the Oral Argument regarding Motion to Dismiss and Motion to Amend Complaint.
6				
7	03/06/2019	0.1	AHS	Draft/revise. Draft e-mail to client regarding Order of the Court resetting the Oral Argument regarding Motion to Dismiss and Motion to Amend Complaint.
8				
9	03/07/2019	0.3	PJW	Review/analyze. Receive, review and exchange correspondence with Petitioner regarding filing a Stipulation to Revise the Scheduling Order for evidentiary hearing and discussing extension for discovery and disclosure deadlines.
10				
11				
12	03/07/2019	0.4	PJW	Draft/revise. Draft Stipulation to Revise Scheduling Order regarding the discovery deadlines and resetting the evidentiary hearing.
13				
14	03/07/2019	0.4	PJW	Draft/revise. Draft proposed Revised Scheduling Order regarding the discovery deadlines and resetting the evidentiary hearing.
15				
16	03/07/2019	0.2	PJW	Draft/revise. Draft correspondence to Petitioner responding to proposed Stipulation to Revise the Scheduling Order for evidentiary hearing and discussing extension for discovery and disclosure deadlines and provide the same for permission to sign on his behalf.
17				
18				
19				
20	03/08/2019	0.3	AHS	Review/analyze. Review correspondence from Board Member Walker regarding subpoena and objection to same.
21	03/08/2019	0.3	AHS	Draft/revise. Draft response to correspondence from Board Member Walker regarding subpoena and objection to same.
22				
23	03/12/2019	0.1	AHS	Review/analyze. Review e-mail from Mr. Miller regarding a status update of the case.
24	03/12/2019	0.1	AHS	Draft/revise. Draft response to e-mail from Mr. Miller regarding a status update of the case.
25	03/14/2019	0.3	PJW	Communicate (other external). Receive phone call from judicial assistant regarding filed stipulation for extension of evidentiary hearing and provide clarification as requested.
26				
27	03/14/2019	0.2	PJW	Communicate (with client). Draft correspondence to client board and property manager providing guidance in preparation for evidentiary hearing.
28				

03/16/2019	0.2	PJW	Draft/revise. Revise Subpoena for Colleen Whitmer
03/18/2019	0.5	AHS	Review/analyze. Review Plaintiff's response to objection to subpoena of Board Member Rick Walker.
03/18/2019	0.7	AHS	Draft/revise. Draft correspondence to client providing advice regarding Plaintiff's response to objection to subpoena of Board Member Rick Walker.
03/18/2019	1.0	PJW	Review/analyze. Analyze whether Procaccianti AZ II, L.P. and Arizona SC Hotel Owner, L.L.C., (collectively the "Hotel"), the landlord under the Plaintiff's sublease should be called as a fact witness based on recent correspondence received.
03/19/2019	0.2	AHS	Review/analyze. Review amended scheduling order provided by the Court
03/25/2019	2.2	AHS	Plan and prepare for. Prepare for Hearing on Oral Arguments for the Motion to Dismiss the First Amended Complaint, the Motion to Dismiss Michael Bengson and Plaintiff's Motion For Leave to file First Amended Complaint.
03/26/2019	2.7	AHS	Appear for/attend. Attend Oral Arguments for the Motion to Dismiss the First Amended Complaint, the Motion to Dismiss Michael Bengson and Plaintiff's Motion For Leave to file First Amended Complaint.
03/26/2019	0.6	AHS	Review/analyze. Analyze applicable law and legal theories in light of the Court's dismissal of Michael Bengson from the First Amended Complaint.
03/26/2019	0.8	AHS	Review/analyze. Analyze applicable law and legal theories in light of the Court's denial of the Motion to Dismiss the First Amended Complaint.
03/26/2019	0.3	AHS	Review/analyze. Analyze applicable law and legal theories in light of the Court's denial of the Plaintiff's Motion For Leave to file Second Amended Complaint.
03/26/2019	0.8	AHS	Review/analyze. Review potential discovery issues in light of the Court's denial of the Motion to Dismiss the First Amended Complaint.
03/26/2019	0.6	AHS	Review/analyze. Review potential discovery issues in light of the Court's denial of Plaintiff's Motion For Leave to file Second Amended Complaint.
03/26/2019	0.8	AHS	Communicate (with client). Communicate with client concerning the Court's ruling regarding Oral Arguments for Motion to Dismiss the First Amended Complaint, Motion to

			Dismiss Michael Bengson and Plaintiff's Motion For Leave to file First Amended Complaint.
03/28/2019	0.2	AHS	Review/analyze. Review e-mail from opposing counsel requesting a stipulation to amend the Complaint to add additional Board Members to the suit.
03/28/2019	0.4	AHS	Draft/revise. Respond to e-mail from opposing counsel requesting a stipulation to amend the Complaint to add additional Board Members to the suit.
03/28/2019	1.0	PJW	Communicate (with client). In-office meeting with Mr. Whitmer (Plaintiff) regarding potential settlement.
04/01/2019	0.4	AHS	Review/analyze. Review and analyze Minute Entry Order from the Court regarding Defendant's Motion to Dismiss Plaintiff's First Amended Complaint filed November 21, 2018, Plaintiff's Motion for Leave to File Second Amended Complaint filed December 31, 2018.
04/01/2019	0.5	AHS	Draft/revise. Draft correspondence to the Court requesting that the Court modify its Minute Entry Order regarding Defendant's Motion to Dismiss Plaintiff's First Amended Complaint filed November 21, 2018, Plaintiff's Motion for Leave to File Second Amended Complaint filed December 31, 2018 to show that Defendant Michael Bengson was dismissed.
04/08/2019	0.2	AHS	Review/analyze. Review and analyze revised Order of the Court dismissing Michael Bengson.
04/09/2019	1.4	AHS	Draft/revise. Begin the process of drafting an Oral Argument Defense Outline in preparation for the upcoming Contempt Hearing.
04/09/2019	1.0	AHS	Review/analyze. Review and analyze Plaintiff's Motion to Reconsider Dismissal of Michael Bengson.
04/09/2019	1.4	PJW	Review/analyze. Comprehensive review of file, pleadings, motions and procedural history as to Judge's orders in preparation for drafting Statements of Fact and Conclusions of Law Memorandum requested by the Court prior to the evidentiary hearing.
04/09/2019	1.4	PJW	Draft/revise. Begin the process of drafting the initial Joint Pre-Trial Statement for the evidentiary hearing as requested by the Court in its Minute Entry Order dated April 1.
04/10/2019	1.0	AHS	Draft/revise. Continue the process of drafting an Oral Argument Defense Outline in preparation for the upcoming Contempt Hearing.
04/10/2019	2.0	PJW	Draft/revise. Begin the process of drafting the initial Statements of Fact and Conclusions of Law Memorandum

			as per the Court's request in its Minute Entry Order dated April 1.
04/11/2019	0.2	AHS	Review/analyze. Review and analyze Court's Ruling Denying Plaintiff's Motion to Reconsider Dismissal of Michael Bengson.
04/12/2019	2.0	PJW	Draft/revise. Draft initial List of Exhibits and Witness for the evidentiary hearing as per the Court's Minute Entry Order dated April 1.
04/16/2019	1.6	PJW	Draft/revise. Continue to draft and edit the Joint Pre-Trial Statement for the evidentiary hearing as requested by the Court in its Minute Entry Order dated April 1.
04/16/2019	1.8	PJW	Draft/revise. Continue to draft, edit, revise and supplement the Proposed Statements of Fact and Conclusions of Law for the evidentiary hearing as requested by the Court in its Minute Entry Order dated April 1.
04/17/2019	0.2	AHS	Review/analyze. Review and analyze Subpoena of Evon Potocki.
04/17/2019	0.2	AHS	Draft/revise. Draft e-mail to Plaintiff regarding Ms. Potocki's inability to attend the Hearing as a witness. Request authority to petition the Court to postpone the Hearing.
04/17/2019	0.2	AHS	Review/analyze. Review/analyze. Review and analyze Subpoena of Michael Bengson.
04/17/2019	1.1	PJW	Draft/revise. Continue to review, draft and supplement the proposed DRAFT Joint Pretrial Statement with Petitioner's additions to initial list of expected witnesses to call, including initial list of potential trial exhibits as well as revisions from Petitioner and potential objections to the same.
04/17/2019	0.8	AHS	Communicate (with client). Conference with Ms. Potocki regarding her Subpoena and her inability to attend the Hearing.
04/17/2019	0.6	AHS	Communicate (with client). Conference with Board President regarding Ms. Potocki's inability to attend the Hearing.
04/17/2019	0.6	AHS	Communicate (with client). Conference with Michael Bengson regarding his Subpoena and his inability to attend the Hearing.
04/18/2019	0.2	AHS	Draft/revise. Draft e-mail to Plaintiff regarding potential Hearing postponement dates.

1	04/18/2019	0.3	EM	Communicate (other outside counsel) . Contact Court to obtain potential dates to postpone upcoming evidentiary hearing.
2				
3	04/19/2019	0.4	AHS	Draft/revise. Draft Stipulation To Vacate And Reset The Order To Show Cause Hearing Currently Scheduled For May 3, 2019 and Third Stipulation To Amend Scheduling Order.
4				
5				
6	04/19/2019	0.4	AHS	Draft/revise. Draft Order Resetting Order To Show Cause Hearing and Third Revised Scheduling Order.
7	04/19/2019	0.2	AHS	Review/analyze. Review e-mail from Plaintiff approving the Order Resetting Order To Show Cause Hearing and Third Revised Scheduling Order. File same.
8				
9	04/23/2019	0.2	AHS	Communicate (other external). Phone call with the Court regarding modifying order concerning upcoming Hearing.
10				
11	04/23/2019	0.6	AHS	Communicate (with client). Correspond with client regarding witness list for upcoming Contempt Hearing.
12	04/26/2019	0.2	AHS	Review/analyze. Review Order of the Court setting the date and time for the Contempt Hearing.
13	05/09/2019	0.2	AHS	Review/analyze. Review e-mail from Board Member Walker regarding preparation for upcoming Contempt Hearing.
14				
15	05/09/2019	0.2	AHS	Draft/revise. Respond to e-mail from Board Member Walker regarding preparation for upcoming Contempt Hearing.
16				
17	05/20/2019	0.2	AHS	Review/analyze. Review e-mail from client regarding certain aspects of Board Member Walker's deposition and how said aspects may affect the current case.
18				
19	05/20/2019	0.4	AHS	Draft/revise. Draft response to e-mail from client regarding certain aspects of Board Member Walker's deposition and how said aspects may affect the current case.
20				
21	05/21/2019	0.2	AHS	Draft/revise. Draft e-mail to Mr. Miller regarding the upcoming Contempt Hearing and the general status of the case.
22				
23	05/28/2019	0.3	AHS	Communicate (other external). Conference with the Court regarding moving the June 28thHearing to July 10th.
24				
25	05/29/2019	0.2	AHS	Review/analyze. Review e-mail from the Court moving the June28th Hearing to July 10th and moving all other discovery dates.
26				
27	05/29/2019	0.6	AHS	Communicate (with client). Conference with client regarding potential witness list for Contempt Hearing and postponement of Contempt Hearing Date.
28				

1	06/05/2019	0.2	AHS	Review/analyze. Review order of the Court rescheduling date and time for the Contempt Hearing.
2	06/05/2019	0.2	AHS	Review/analyze. Review e-mail from Mr. Bengson regarding updated action of Rock Point (Lease Holder/Hotel) and how said action may affect the current litigation.
3	06/05/2019	0.3	AHS	Review/analyze. Review e-mail from Mr. Bengson regarding updated action of Rock Point (Lease Holder/Hotel) and how said action may affect the current litigation.
4	06/05/2019	0.3	AHS	Review/analyze. Review e-mail from Mr. Bengson regarding updated action of Rock Point (Lease Holder/Hotel) and how said action may affect the current litigation.
5	06/07/2019	0.4	AHS	Draft/revise. Draft e-mail to client regarding Order of the Court Vacating the July 10th Hearing and Reassigning the Case to Judge Cohen and how said order will affect the litigation moving forward.
6	06/07/2019	0.2	AHS	Draft/revise. Draft e-mail to Mr. Whitmer regarding dates and times to meet and confer pursuant to the recent Court Order.
7	06/07/2019	0.4	AHS	Review/analyze. Review and analyze Order of the Court Vacating the July 10th Hearing and Reassigning the Case to Judge Cohen and how said order will affect the litigation pleading and scheduling requirements.
8	06/07/2019	0.2	AHS	Draft/revise. Draft e-mail to Mr. Miller of State Farm regarding Order of the Court Vacating the July 10th Hearing and Reassigning the Case to Judge Cohen and how said order will affect the litigation moving forward.
9	06/10/2019	0.2	AHS	Review/analyze. Review e-mail from the Court attempting to schedule the Contempt Hearing.
10	06/10/2019	0.2	AHS	Draft/revise. Draft E-mail to client regarding e-mail from the Court attempting to schedule the Contempt Hearing.
11	06/11/2019	0.3	AHS	Draft/revise. Draft e-mail to the Court seeking clarification on pleading and motion requirements for the July 10th Hearing.
12	06/12/2019	6.6	PJW	Draft/revise. Begin to Draft Proposed Statements of Fact and Conclusions of Law as previously ordered by the Court.
13	06/13/2019	4.0	PJW	Review/analyze. Analyze evidence gathered and disclosed to determine whether said evidence will be required for the Association's list of exhibits for marking with the court and presentation at evidentiary hearing.
14	06/14/2019	0.2	AHS	Review/analyze. Review and analyze Order Setting Evidentiary Hearing and required motions and pleadings regarding same.

1	06/18/2019	0.1	AHS	Review/analyze. Review e-mail from client regarding potential witness Colleen Whitmer and her potential testimony.
2				
3	06/18/2019	0.3	AHS	Draft/revise. Draft response to e-mail from client regarding potential witness Colleen Whitmer and her potential testimony.
4				
5	06/18/2019	5.8	PJW	Draft/revise. Continue drafting Proposed Statements of Fact and Conclusions of Law as previously ordered by the Court.
6				
7	06/19/2019	0.6	PJW	Draft/revise. Review file and draft subpoena (online issuance by attorney only through State Bar services) and draft cover letter to Colleen London to be included with service of subpoena for appearance at evidentiary hearing.
8				
9	06/19/2019	0.4	PJW	Draft/revise. Draft correspondence to Petitioner R.L. Whitmer regarding subpoena issued for Colleen London for her appearance at evidentiary hearing and include courtesy copy of subpoena (online issuance by attorney only through State Bar services).
10				
11				
12	06/20/2019	0.5	PJW	Communicate (with client). Conference with client manager E. Potoki regarding potential testimony and subject matter of relevant questioning from Petitioner at evidentiary hearing.
13				
14				
15	06/21/2019	3.6	PJW	Review/analyze. Review and analyze statements of Evon Patoki, manager of the Association, to prepare Evon Patoki for trial testimony in preparation for evidentiary hearing.
16				
17	06/22/2019	4.1	PJW	Review/analyze. Review and analyze deposition transcripts and prior testimony of Mike Bengson, Association President, to prepare Mike Bengson for trial testimony in preparation for evidentiary hearing.
18				
19				
20	06/23/2019	7.8	PJW	Plan and prepare for evidentiary hearing. Review, manage and prepare final Witness List and List of Exhibits to include corresponding documents as per the Court's express orders to ensure proper delivery to the judicial assistant in anticipation for Contempt Hearing.
21				
22				
23	06/24/2019	4.1	PJW	Review/analyze. Review and analyze deposition transcripts and prior testimony of Rick Walker, Association Board Member, to prepare Rick Walker for trial testimony in preparation for evidentiary hearing.
24				
25				
26	06/25/2019	0.5	AHS	Plan and prepare for. Identify list of final witnesses for July 10 Hearing.
27	06/25/2019	0.3	AHS	Draft/revise. Draft e-mail to client regarding potential list of witnesses for upcoming hearing.
28				

1	06/26/2019	2.8	PJW	Draft/revise. Revise Statements of Fact and Conclusions of Law as previously ordered by the Court based on review of Petitioner's Statements of Fact and Conclusions of Law.
2				
3	06/26/2019	1.3	PJW	Review/analyze. Review and analyze Petitioner's Statements of Fact and Conclusions of Law as previously ordered by the Court.
4				
5	06/26/2019	3.9	PJW	Draft/revise. Finalize Statements of Fact and Conclusions of Law as previously ordered by the Court.
6				
7	06/26/2019	1.0	AHS	Plan and prepare for. Prepare to draft opening statement regarding the upcoming Hearing on Contempt.
8				
9	06/28/2019	3.8	PJW	Review/analyze. Review and analyze deposition transcripts and prior testimony of Jack Huston, Association Board Member, to prepare Jack Huston for trial testimony in preparation for evidentiary hearing.
10				
11	06/28/2019	0.3	AHS	Draft/revise. Begin to draft Evon Patoki witness questions for upcoming hearing.
12				
13	06/28/2019	0.3	AHS	Draft/revise. Draft/revise. Begin to draft Michael Bengson witness questions for upcoming hearing.
14				
15	06/28/2019	0.3	AHS	Draft/revise. Draft/revise. Begin to draft Rick Walker witness questions for upcoming hearing.
16				
17	07/01/2019	2.4	PJW	Review/analyze. Receive and review Petitioner's preliminary Exhibit List and analyze for legal effect and proper disclosure and with regard to stipulation or objection in preparation for evidentiary hearing as per the court's express orders.
18				
19	07/01/2019	1.2	PJW	Review/analyze. Receive review and analyze Petitioner's Motion for Partial Summary Judgment filed on June 28, 2019 and the legal argument and basis for the same.
20				
21	07/02/2019	4.9	PJW	Review/analyze. Comprehensive review of voluminous disclosures and documents produced to isolate specific records regarding notice, disclosure and opportunity to reject proposal of budget to the membership as needed for legal defense and in preparation of providing non redundant Exhibit List for the evidentiary hearing as explicitly required by the Court's Order.
22				
23				
24	07/03/2019	1.0	EM	Appear for/attend. Deliver exhibits to the trial Court for the upcoming evidentiary hearing as ordered by the Court.
25				
26	07/06/2019	3.0	PJW	Draft/revise. Draft witness questions for potential witness E. Potocki for the upcoming Evidentiary Hearing.
27				
28	07/06/2019	3.0	PJW	Draft/revise. Draft witness questions for potential witness M. Bengson for the upcoming Evidentiary Hearing.

1	07/07/2019	1.0	AHS	Review/analyze. Review and analyze Petitioner's Partial Motion for Summary Judgment.
2	07/07/2019	1.0	AHS	Review/analyze. Review and analyze Objection to the Defendant's Uncontested Statement of Case.
3	07/07/2019	1.0	AHS	Draft/revise. Formulate potential draft of Response to Objection to the Defendant's Uncontested Statement of Case.
4	07/07/2019	1.0	AHS	Draft/revise. Formulate potential draft of Response to Petitioner's Partial Motion for Summary Judgment.
5	07/08/2019	0.8	AHS	Communicate (with client). Conference with Mr. Bengson regarding potential testimony at upcoming Hearing.
6	07/08/2019	1.0	AHS	Communicate (with client). Conference with Ms. Patocki regarding potential testimony at upcoming Hearing.
7	07/08/2019	1.0	AHS	Draft/revise. Draft Opening Statement for upcoming Hearing.
8	07/08/2019	1.9	PJW	Communicate (with client). Conference with Michael Bengson and Richard Walker in preparation for testimony at upcoming Evidentiary Hearing.
9	07/09/2019	4.4	AHS	Plan and prepare for. Plan and prepare for upcoming Contempt Hearing.
10	07/09/2019	4.6	AHS	Plan and prepare for. Review and analyze Petitioner's Exhibits for legal effect and to formulate legal defense strategy in preparation for evidentiary hearing.
11	07/09/2019	1.9	JPW	Review/analyze. Review and analyze proposed Exhibit List and corresponding documents from Petitioner (via CD) to ensure compliance with Arizona Rules of Evidence and in anticipation of trial
12	07/09/2019	1.9	JPW	Review/analyze. Review Plaintiff's Disclosure Statements in preparation for disclosing all potential witnesses and prepare for the same as to witnesses called in Petitioner's case in chief.
13	07/09/2019	4.0	JPW	Plan and prepare for. Prepare final legal strategy memorandum and outline for presentation of evidence at the upcoming evidentiary hearing.
14	07/09/2019	1.9	JPW	Communicate (with client). Conference with E. Potocki in preparation for testimony at upcoming Evidentiary Hearing.
15	07/10/2019	2.0	AHS	Draft/revise. Finalize closing statement regarding upcoming Evidentiary Hearing.
16	07/10/2019	5.2	AHS	Appear for/attend. Attend and conduct Evidentiary Hearing.
17	07/10/2019	5.2	PJW	Appear for/attend. Attend and assist with conduction of Evidentiary Hearing.

1	07/10/2019	0.7	PJW	Communicate (with client). Meet with clients before Evidentiary Hearing for additional in person consultation and advice to prepare for expected questioning and testimony.
2				
3				
4	07/10/2019	1.9	PJW	Plan and prepare for. Continued review of all disclosures, pleadings and file documents to analyze evidentiary issues in preparation for Evidentiary Hearing.
5				
6	07/11/2019	0.4	AHS	Draft/revise. Draft e-mail to client regarding results of Evidentiary Hearing and providing advice.
7	07/15/2019	0.3	AHS	Review/analyze. Review Order of the Court Fees denying requested order of contempt.
8				
9	07/15/2019	1.1	PJW	Review/analyze. Review and analyze previous judgments and awards of attorneys fees and copies of all legal invoices from the underlying action including fees paid to the Clark Hill PLC firm from 2017 for purposes of supplementing and supporting application for attorneys fee award.
10				
11				
12	07/15/2019	1.0	PJW	Review/analyze. Review and analyze legal issues and supporting legal authority regarding entitlement and right to request and recover an award of legal fees incurred in defending a civil contempt action under A.R.S. 12-864 to support argument for application for award of attorneys fees and proposed form of judgment.
13				
14				
15				
16	07/19/2019	1.2	PJW	Draft/revise Draft cheat sheet and summary overview of litigation deadlines, timetables, and schedules for administrative staff and firm's scheduling.
17				
18	07/22/2019	1.9	PJW	Draft/revise. Additional review of memorandum decision of Court Fees of Appeals discussing basis for previous awards of attorneys fees and commence drafting Application and Affidavit Supporting the Request for Award of Attorneys' Fees.
19				
20				
21	07/22/2019	0.8	PJW	Draft/revise. Commence drafting Statement of Costs and affidavit of counsel supporting request for award of Respondents' costs.
22				
23	07/24/2019	1.8	PJW	Draft/revise. Continue to draft, supplement and further edit DRAFT Statement of Costs and supporting Affidavit.
24				
25	07/24/2019	1.9	PJW	Review/analyze. Additional review and analysis of legal authorities and case law regarding awarding attorneys fees pursuant to applicable statutes and civil procedure rule 11 for sanctions as basis to recover attorneys fees in preparation for drafting specific findings as necessary in the proposed form of judgment.
26				
27				
28				

07/26/2019	4.9	PJW	Draft/revise. Comprehensive review of extensive procedural history, pleadings and motions filed by Petitioner to draft summary as evidence, detailed findings and argument supporting the Application for an Award of Attorneys' Fees.
07/26/2019	1.2	PJW	Draft/revise. Continue drafting, editing, supplementing and finalize Affidavit Supporting the Request for Award of Attorneys' Fees.
07/29/2019	1.9	PJW	Draft/revise. Continue drafting, supplementing and editing DRAFT Application for Award of Attorneys' Fees outlining statutory basis for award to prevailing party in a contested action.
07/31/2019	2.1	PJW	Draft/revise. Continue drafting, editing, supplementing and finalize proposed Form of Judgment to correlate to basis outlined in application and request for award of attorneys' fees.
08/05/2019	1.0	AHS	Communicate (with client). Meet with the Board of Directors regarding potential settlement options.
08/06/2019	0.3	AHS	Draft/revise. Draft e-mail to Plaintiff regarding potential settlement.
08/06/2019	6.8	PJW	Draft/revise. Continue to draft, edit, supplement and finalize legal argument for an award of attorneys' fees pursuant to A.R.S. 12-341.01, arising out of contract.
08/06/2019	7.7	EM	Draft/revise. Continue to draft attorney fees ledger exhibit for Affidavit of Attorney's Fees to be submitted with Application for Attorney's Fees and Costs.
08/07/2019	4.4	PJW	Draft/revise. Continue to draft, edit, supplement and finalize legal argument for an award of attorney's fees pursuant to A.R.S. 12-349 and 350 for unjustified actions.
08/07/2019	3.0	PJW	Draft/revise. Continue to draft, edit, supplement and finalize legal argument for an award of attorneys' fees pursuant to Rule 11 sanctions for improper pleadings.
08/07/2019	7.7	EM	Draft/revise. Draft attorney's fees ledger exhibit for Affidavit of Attorney's Fees to be submitted with Application for Attorney's Fees and Costs.
08/08/2019	3.8	AHS	Draft/revise. Finalize Affidavit of Attorney's Fees and Costs to be submitted with Application of Attorney's Fees and Costs.
08/08/2019	7.7	EM	Draft/revise. Continue to draft attorney's fees ledger exhibit for Affidavit of Attorney's Fees to be submitted with Application for Attorney's Fees and Costs.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTORNEY	HOURS	RATE	ATTORNEY TOTAL
AUGUSTUS H. SHAW IV (AHS)	150.9	\$180.00	\$27,162.00
PATRICK J. WHELAN (PJW)	268.5	\$180.00	\$48,330.00
MARK E. LINES (MEL)	0.5	\$180.00	\$90.00
ELIZABETH MUNDALL (EM)	24.6	\$90.00	\$2,214.00
ELIZABETH MUNDALL (EM)	0.3	\$75.00	\$22.50

ATTORNEY FEES INCURRED TOTAL: \$77,818.50

EXHIBIT B

1 **Shaw & Lines, LLC**

2 4523 E. Broadway Road

3 Phoenix, AZ 85040

4 Phone (480) 456-1500

5 Facsimile (480) 456-1515

6 www.shawlines.com

7 Augustus H. Shaw, IV -#021593

8 Mark E. Lines - #020553

9 Nicole D. Payne - #031213

10 Attorneys for Respondents

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

12 **IN AND FOR THE COUNTY OF MARICOPA**

13 R.L. WHITMER,

14 Petitioner,

15 v.

16 HILTON CASITAS HOMEOWNERS
17 ASSOCIATION, also known as
18 HILTON CASITAS COUNCIL OF
19 HOMEOWNERS, also known as
20 COUNCIL OF CO-OWNERS, also
21 known as HILTON CASITAS
22 COUNCIL OF CO-OWNERS; and
23 MICHAEL BENGSON, President of the
24 Hilton Casitas Homeowners Association,

25 Respondents.

26 Case No. CV2016-055080

27 **AFFIDAVIT OF**
28 **NICOLE D. PAYNE**
IN SUPPORT OF
APPLICATION FOR AWARD
OF ATTORNEY FEES

STATE OF ARIZONA)
)ss.
County of Maricopa)

Nicole D. Payne, being first duly sworn, says:

1. I am one of the attorneys for Respondents in the above-entitled action. The firm's practice is dedicated exclusively to the representation of community associations in practicing litigation and defense. All attorneys from this firm that worked on this matter are in good standing with the Arizona State Bar.

1 2. Based upon the records maintained by the law firm, legal services have
2 been rendered, or will be rendered, for Respondents in the amount of \$4,775.00, as more
3 fully described in Exhibit "A", attached hereto, which also provides the identifying
4 initials of each attorney who performed any such legal services, including hourly rates,
5 time billed and a detailed description of the work performed as legal services for
6 Respondents in this action.
7

8
9 3. The charges incurred on behalf of Respondents were incurred pursuant to a
10 fee agreement between Respondents and my law firm, the amounts were charged in
11 accordance therewith; and all amounts charged have been paid, or continue and remain
12 the obligation of Respondents to pay.
13

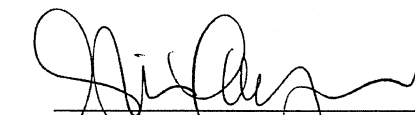
14 4. I have reviewed the records and file maintained by my firm, as well as the
15 substantive pleadings and legal services necessary in order to defend this matter, and I
16 avow to this Court that the total charges incurred, as set forth above, as and for attorney
17 fees constitutes a fair and reasonable fee, and in compliance with the requisite elements
18 set forth in *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183, 673 P.2d 927 (App.
19 1983).
20

21
22 5. The character of the work performed, billing rates, time billed, requisite
23 billing discretion, the intricacy of legal work performed, importance, and required skill
24 is duly reflected in the detailed exhibit attached hereto, detailing all work performed in
25 the defense of this action.
26

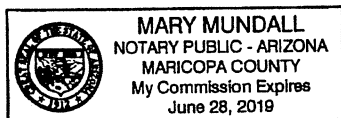
27 6. I have also reviewed the records and files in the above-referenced action
28 with respect to the advancement and payment of costs and disbursements, and avow that

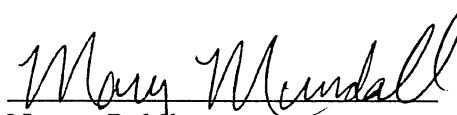
1 costs of \$33.50 have been expended on behalf of Respondents, all of which is billed to
2 Respondents, and is Respondents' obligation to pay pursuant to the fee agreement
3 between Respondents and this law firm.
4

5 DATED this 18th day of June, 2017.

6
7
8 
9 Nicole D. Payne
Attorneys for Defendant

10 SUBSCRIBED AND SWORN to before me this 28th day of June, 2017, by Nicole D.
11 Payne.



13 
14 Notary Public

15 ORIGINAL submitted for electronic filing
16 this 28th day of June, 2017, with:

17 Clerk of the Maricopa County Superior Court

18 ORIGINAL hand-delivered
19 this 28th day of June, 2017, to:

20 Hon. Aimee Anderson
21 Maricopa County Superior Court,
22 Northeast Regional Court Center
18380 North 40th Street
Phoenix, Arizona 85032

23 COPY of the foregoing mailed
24 this 28th day of June, 2017, to:

25 R.L. Whitmer
26 6333 North Scottsdale Road, Casita 21
Scottsdale, Arizona 85250
27 *Petitioner, Pro Per*

28 . . .

1 Lisa Borowski
2 Scottsdale Law Group, P.C.
3 7150 E. Camelback Road, Suite 444
4 Scottsdale, Arizona 85251
5 *Plaintiffs' Counsel*

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
By:  _____

EXHIBIT A

DATE	TIME	ATTORNEY	DESCRIPTION OF ATTORNEY FEES INCURRED
04/19/2017	0.6	NDP	Receive and review Whitmer's Reply in Support of Motion for Reconsideration under Rule 7.1(g). Contemplate same and save to file.
04/27/2017	0.2	NDP	Receive and review Minute Entry denying Plaintiff's Request for Extension of Time to Respond to Association's Application for Award of Attorney Fees and Statement of Costs. Save to file.
04/27/2017	0.3	NDP	Receive and review Plaintiff's Request for Extension of Time to Respond to Association's Application for Award of Attorney Fees and Statement of Costs. Save to file.
05/08/2017	0.5	NDP	Receive and review Plaintiff's Objection to Motion and Application for Award of Attorney Fees and Costs and Proposed form of Judgment.
05/08/2017	1.0	NDP	Draft Reply in Support of Motion and Application for Award of Attorney Fees.
05/16/2017	0.2	NDP	Receive and review Minute Entry denying Mr. Whitmer's Motion for Reconsideration. Save to file.
05/16/2017	0.2	NDP	Receive and review Signed Judgment in favor of the Association. Save to file.
05/16/2017	0.3	NDP	Draft e-mail to client forwarding copy of Signed Judgment and potential for resolution regarding all Whitmer Matters.
05/17/2017	0.2	AHS	Review e-mail from client regarding collections efforts concerning Mr. Whitmer. Respond to same.
05/22/2017	0.6	AHS	Conference with Board regarding Judgment and options for settlement. Provide advice.
05/24/2017	0.7	AHS	Review and analyze Whitmer's Motion to Vacate Judgment and Grant a New Trial. Contemplate same.
05/24/2017	0.2	AHS	Review e-mail from client regarding Whitmer's Motion to Vacate Judgment and Grant a New Trial; respond to same.
05/24/2017	0.2	AHS	Review e-mail from client regarding potential settlement; respond to same and verify desire to settle in light of Whitmer's Motion to Vacate the Judgment and Grant a New Trial.
05/30/2017	0.8	NDP	Review Petitioner's Motion to Vacate Judgment and Grant a New Trial in preparation for drafting Response to same.
05/30/2017	0.3	NDP	Receive and review Whitmer's Letter to the Arizona State Senate President and the Speaker of the House of

1				Representatives; contemplate same; save to file.
2	05/30/2017	0.2	AHS	Review e-mail from client regarding name of Judgment and Complaint; respond to same.
3	06/02/2017	0.3	NDP	Obtain Conformed copy of Motion to Vacate with Exhibits because the copy mailed to the firm did not contain exhibits and the disk supposedly containing said exhibits was cracked.
4				
5				
6	06/02/2017	1.2	NDP	Review file and previously filed Motions, Pleadings and exhibits in preparation for drafting Response to Motion to Vacate Judgment.
7				
8	06/02/2017	2.3	NDP	Draft Response to Motion to Vacate Hearing.
9	06/05/2017	0.6	NDP	Review and revise Response to Petitioner's Motion to Vacate Judgment and Grant a New Trial.
10	06/06/2017	1.0	AHS	Review and finalize Response to Petitioner's Motion to Vacate Judgment and Grant a New Trial.
11	06/13/2017	0.4	NDP	Draft e-mail to client regarding status of matter and confirm understanding regarding proceeding with garnishment on Judgment.
12				
13	06/13/2017	0.6	NDP	Draft e-mail to client regarding option to garnish and procedure regarding same; request authorization to proceed.
14				
15	06/13/2017	0.4	NDP	Meeting with Evon and Mr. Shaw regarding Whitmer delinquent in assessments and Association's options to proceed in collections.
16				
17	06/14/2017	0.5	NDP	Receive e-mail from Board President regarding collection of Judgment and claim tendered to insurance; review and contemplate same; provide response with advice regarding same.
18				
19				
20	06/19/2017	0.1	AHS	Receive message from Thomas Garcia from State Farm regarding status of case; leave message for Thomas Garcia from State Farm.
21				
22	06/19/2017	0.1	AHS	Draft e-mail to client regarding call from Thomas Garcia from State Farm and status of potential garnishment.
23	06/19/2017	0.4	NDP	Telephone conference with insurance adjuster regarding review of lawsuit and court's analysis regarding conclusion of lawsuit; discuss potential settlement options regarding same.
24				
25				
26	06/19/2017	0.5	NDP	E-mail to client regarding conversation with insurance adjuster and request settlement authorization regarding same.
27				
28	06/20/2017	0.4	NDP	Telephone conference with insurance adjuster regarding Board's decision to take no action until the Court rules on

1				Whitmer's Motion to Vacate.
2	06/20/2017	0.2	NDP	E-mails with Board regarding potential settlement offer and decision to hold until court rules on Whitmer's Motion to Vacate.
3				
4	06/21/2017	0.4	AHS	Review and analyze Court's Denial of Whitmer's Motion to Vacate Judgment and Grant New Trial.
5	06/21/2017	0.4	AHS	Draft e-mail to client regarding Court's Denial of Whitmer's Motion to Vacate Judgment and Grant New Trial.
6				
7	06/21/2017	0.2	AHS	Conference with manager regarding Court's Denial of Whitmer's Motion to Vacate Judgment and Grant New Trial.
8				
9	06/21/2017	0.2	NDP	E-mails with Board regarding authorization to proceed with filing fee Application and potential collection options regarding Judgment obtained.
10				
11	06/21/2017	0.2	AHS	Review e-mail from Board Member regarding opportunity for Whitmer to Appeal.
12				
13	06/23/2017	0.2	NDP	Receive e-mails from majority of board approving firm to proceed with drafting and filing attorney fee Affidavit and Application, Statement of Costs and proposed form of Judgment as provided for in Court's Order.
14				
15	06/26/2017	0.5	NDP	Draft Application for Award of Attorney fees.
16	06/26/2017	0.5	NDP	Draft Affidavit in Support of Application for Award of Attorney Fees.
17	06/26/2017	0.3	NDP	Draft Statement of Costs.
18	06/26/2017	0.2	NDP	Draft Notice of Lodging Proposed Form of Judgment.
19	06/26/2017	0.5	NDP	Draft Proposed Form of Judgment pursuant to Court's Minute Entry.
20				

ATTORNEY	HOURS	RATE	ATTORNEY TOTAL
AUGUSTUS H. SHAW IV (AHS)	4.5	\$250.00	\$1,125.00
NICOLE D. PAYNE (NDP)	14.6	\$250.00	\$3,650.00

ATTORNEY FEES INCURRED TOTAL: \$4,775.00

EXHIBIT C

1 several years of collective experience dedicated in the area of community association
2 law and litigation.

3 2. Based upon the records maintained by my law firm, legal services have
4 been rendered, or will be rendered, for Respondents in the amount of \$15,125.00, as
5 more fully described in Exhibit "A", attached hereto, which also provides the identifying
6 initials of each attorney who performed any such legal services, including hourly rates,
7 time billed and a detailed description of the work performed as legal services for
8 Respondents in this action.

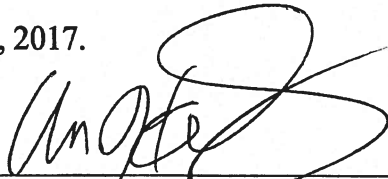
9
10 3. The charges incurred on behalf of Respondents were incurred pursuant to a
11 fee agreement between Respondents and my law firm, the amounts were charged in
12 accordance therewith; and all amounts charged have been paid, or continue and remain
13 the obligation of Respondents to pay.

14 4. I have reviewed the records and file maintained by my firm, as well as the
15 substantive pleadings and legal services necessary in order to prosecute this matter, and I
16 avow to this Court that the total charges incurred, as set forth above, as and for attorney
17 fees constitutes a fair and reasonable fee, and in compliance with the requisite elements
18 set forth in *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183, 673 P.2d 927 (App.
19 1983).

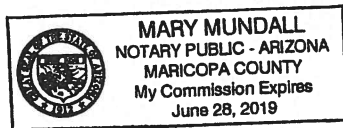
20 5. The character of the work performed, billing rates, time billed, requisite
21 billing discretion, the intricacy of legal work performed, importance, and required skill
22 is duly reflected in the detailed exhibit attached hereto, detailing all work performed in
23 the defense of this action.


24 6. I have also reviewed the records and files in the above-referenced action
25 with respect to the advancement and payment of costs and disbursements, and avow that
26 costs of \$113.70 have been expended on behalf of Respondents, all of which is billed to
27 Respondents, and is Respondents' obligation to pay pursuant to the fee agreement
28 between Respondents and this law firm.

1 DATED this 13 day of April, 2017.

2
3 
4 Augustus H. Shaw IV
5 Attorneys for Defendant

6 SUBSCRIBED AND SWORN to before me this 13 day of April, 2017, by Augustus
7 H. Shaw IV.



9 
10 Notary Public

11 ORIGINAL submitted for electronic filing
12 this 13 day of April, 2017, with:

13 Clerk of the Maricopa County Superior Court

14 ORIGINAL hand-delivered
15 this 14 day of April, 2017, to:

16 Hon. Aimee Anderson
17 Maricopa County Superior Court,
18 Northeast Regional Court Center
19 18380 North 40th Street
20 Phoenix, Arizona 85032

21 COPY of the foregoing mailed
22 this 14 day of April, 2017, to:

23 R.L. Whitmer
24 6333 North Scottsdale Road, Casita 21
25 Scottsdale, Arizona 85250
26 *Petitioner, Pro Per*

27 Paige Martin & Bob Anderson
28 Clark Hill, PLC
14850 North Scottsdale Road, Suite 500
Scottsdale, Arizona 85254
Prior Counsel of Record for Respondents

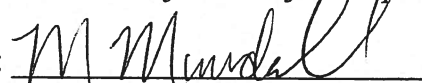
By: 

EXHIBIT A

DATE TIME ATTORNEY DESCRIPTION OF ATTORNEY FEES
INCURRED

02/16/2017	0.4	AHS	Draft e-mails to Michael Bengson and manager regarding representation. Provide advice.
02/16/2017	0.3	AHS	Conference with Mr. Anderson and Ms. Martin regarding transition of representation and requested documents.
02/16/2017	0.3	AHS	Conference with Michael Bengson regarding representation and facts of the case.
02/16/2017	2.4	AHS	Review pleadings and documents sent by client regarding litigation. Contemplate same.
02/16/2017	0.3	AHS	Conference with manager regarding facts of the case. Obtain additional information.
02/17/2017	0.2	NDP	Draft e-mail to Ms. Martin and convey Notice of Appearance and Stipulation for Substitution of Counsel and proposed Order. Review responses to same.
02/17/2017	0.2	NDP	Revise Notice of Appearance of Counsel and Stipulation for Substitution of Counsel and proposed Order as requested by Ms. Martin.
02/17/2017	1.0	AHS	Draft and send Litigation Strategy Letter to client.
02/17/2017	0.4	NDP	Draft Notice of Appearance of Counsel and Stipulation for Substitution of Counsel and proposed Order.
02/17/2017	2.5	NDP	*No Charge Entry – Savings of \$625.00* Review Documents and assist attorney Shaw regarding the litigation.
02/17/2017	0.4	NDP	Obtain copy of Administrative Law Judge Order involved in the litigation; save same to file.
02/17/2017	0.2	NDP	Continue revisions on Stipulation for Substitution of Counsel and proposed Order requested by Ms. Martin.
02/17/2017	0.8	NDP	Draft Expedited Motion to Continue Evidentiary Hearing and Proposed Order.
02/21/2017	0.2	NDP	Receive revised and signed Stipulation to Substitution of Counsel with proposed Order; save to file; electronically file same and send with runner to be hand delivered to judge.
02/22/2017	0.2	NDP	E-mail to Clark Hill requesting copies of the Plaintiff's exhibits for the Evidentiary Hearing set for February 28, 2017; receive response that Plaintiff has not yet submitted his actual exhibits.

1	02/22/2017	0.2	NDP	E-mail to Mr. Whitmer requesting copies of exhibits listed in his Exhibit List for the Evidentiary Hearing set for February 28, 2017; save e-mail to file.
2				
3	02/22/2017	0.2	NDP	Telephone call to Judge Anderson's assistant; no answer; left voicemail requesting call back to confirm expedited motion to continue Evidentiary Hearing has been received and check status of same.
4				
5				
6	02/22/2017	0.4	AHS	Receive e-mail from manager requesting A.R.S. 33-1260(A)(3)(g) Disclosure Statement. Send requested A.R.S. 33-1260(A)(3)(g) Disclosure Statement to manager.
7				
8	02/23/2017	0.2	NDP	Second telephone call to Judge Anderson's assistant; no answer; left voice mail requesting call back to confirm expedited Motion to Continue Evidentiary Hearing has been received and check status of same.
9				
10	02/23/2017	0.5	AHS	Conference with Mr. Whitmer regarding status of case, postponement of upcoming hearing and potential settlement negotiations.
11				
12	02/23/2017	0.4	AHS	Draft e-mail to client regarding conversation with Mr. Whitmer and potential settlement. Provide advice.
13				
14	02/23/2017	0.2	AHS	Draft e-mail to client regarding potential "mini-mediation."
15	02/23/2017	1.0	AHS	Review Whitmer's Evidentiary Hearing Memo. Contemplate same.
16	02/23/2017	0.2	AHS	Review Order to reschedule Hearing. Calendar dates.
17	02/23/2017	0.2	AHS	Draft e-mail to client regarding temporary cancellation of settlement negotiations.
18	02/23/2017	1.0	AHS	Review list of Exhibits for Evidentiary Hearing filed by Mr. Anderson. Contemplate same.
19				
20	02/23/2017	0.3	AHS	Meeting with manager to discuss ratification of 2016 budget and effects on litigation. Provide advice.
21	02/23/2017	1.4	AHS	Review list of Exhibits for Evidentiary Hearing filed by Mr. Whitmer. Contemplate same.
22	02/24/2017	0.5	AHS	Review Casita #21 - Sublease - Whitmer to determine whether Plaintiff Whitmer has standing to assert his claims.
23	02/24/2017	0.2	AHS	Review Special Warranty Deed conveying 1% interests to Whitmer and contemplate whether same conveys a membership interest to Whitmer.
24				
25				
26	02/24/2017	0.3	AHS	Review Association governing documents to determine definition of Member.
27	02/24/2017	0.2	AHS	Draft e-mail to client providing advice concerning the Membership Status of Whitmer.
28				

1	02/24/2017	0.3	AHS	Conference with Mr. Bengson regarding Membership of Whitmer and trial strategy. Provide advice.
2	02/24/2017	0.4	NDP	Conference with manager regarding 2017 ballot cover letter; review cover letter provide recommendation for revisions; discuss same with manager.
3	02/27/2017	0.1	AHS	Conference with Mr. Whitmer regarding Stipulation to Reschedule Evidentiary Hearing. Explain additional rational for extension being considered for settlement offer and vacation of potential witness.
4	02/27/2017	0.3	AHS	Teleconference with Board regarding status of case and how best to move forward. Provide advice.
5	02/27/2017	0.6	AHS	Draft Stipulation and Order to Extend Evidentiary Hearing date to accommodate Bengson. Send same to opposing party for signature.
6	02/27/2017	0.2	AHS	Receive e-mail from Whitmer denying request to execute Stipulation and Order to Extend Evidentiary Hearing date to accommodate Bengson.
7	02/27/2017	1.6	NDP	Review relevant statutes and case law in preparation for drafting Motion to Dismiss.
8	02/28/2017	5.7	NDP	Draft Motion to Dismiss.
9	02/28/2017	1.0	NDP	Review Motion to Dismiss. Finalize same for filing.
10	02/28/2017	0.5	AHS	Review Settlement offer from Whitmer. Discuss same with client. Respond to settlement offer and present counter-offer.
11	02/28/2017	0.2	NDP	E-mail to manager requesting Association governing documents; response from manager providing same; save to file.
12	02/28/2017	0.2	NDP	E-mail from manager providing 2016 financial statement in preparation for ratifying the 2016 budget; save to file.
13	03/01/2017	0.2	AHS	Receive e-mail from Whitmer changing his contact e-mail address. Respond to same and verify contact e-mail address.
14	03/01/2017	0.2	AHS	Receive e-mail from Whitmer regarding witness notification concerning upcoming Hearing. Respond to same.
15	03/02/2017	0.2	NDP	E-mail from previous counsel regarding status of file being sent to firm for takeover of files.
16	03/02/2017	0.3	NDP	E-mails with owner regarding serving the witnesses and clarification regarding same.
17	03/02/2017	0.2	AHS	Review e-mail from Whitmer regarding request for meeting. Respond to same.

1	03/03/2017	0.4	NDP	Review exhibit list from Mr. Whitmer; e-mail Mr. Whitmer requesting actual exhibits filed.
2	03/03/2017	2.7	NDP	Gather documents in preparation for submitting Exhibit list to court and opposing party; draft exhibit list; file same.
3	03/03/2017	1.3	NDP	Meeting with manager regarding status of documents requested and provide specific instructions on what is needed.
4	03/03/2017	0.2	NDP	Telephone conference with Judge Anderson's assistant regarding submission of the Respondents' List of Exhibits.
5	03/03/2017	0.2	NDP	E-mail to Mr. Whitmer forwarding Respondents' List of Exhibits with Exhibits attached; save same to file.
6	03/05/2017	0.2	AHS	Receive e-mail from Owner regarding allegations of Rule 11 violations; contemplate same.
7	03/06/2017	0.2	NDP	Receive and review Minute Entry from the Superior Court Vacating the Evidentiary Hearing regarding the Petition for Order to Show Cause; save same to file.
8	03/06/2017	0.2	NDP	E-mail to Board of Directors and Manager forwarding the Minute Entry from the Superior Court Vacating Evidentiary Hearing regarding the Petition for Order to Show Cause; save to file.
9	03/06/2017	0.2	NDP	E-mail to Mr. Whitmer forwarding the Minute Entry from the Superior Court Vacating Evidentiary Hearing regarding the Petition for Order to Show Cause; save to file.
10	03/06/2017	0.2	NDP	Respond to Owner regarding Rule 11 violation allegations; save same to file.
11	03/06/2017	0.6	NDP	Receive and review Plaintiff's Exhibits for Evidentiary Hearing; save to file.
12	03/06/2017	0.2	NDP	Receive and review letter from the Office of Administrative Hearings to Mr. Whitmer regarding the proper jurisdiction over an enforcement of an Administrative Law Order; contemplate same and save to file.
13	03/06/2017	0.2	NDP	E-mail to client forwarding the letter from the Office of Office of Administrative Hearings to Mr. Whitmer regarding the proper jurisdiction over an enforcement of an Administrative Law Order.
14	03/10/2017	0.2	NDP	Review file and send client e-mail providing case update; save same to file.
15	03/12/2017	1.0	AHS	Review and analyze Response to Motion to Dismiss.
16	03/14/2017	0.2	NDP	Receive and review Notice of Errata filed by Plaintiff regarding his Response to the Motion to Dismiss; contemplate same.

1	03/16/2017	4.4	NDP	Review relevant Arizona Law. Draft Reply in Support of Motion to Dismiss.
2	03/16/2017	1.0	AHS	Review and finalize Reply in Support of Motion to Dismiss. File same.
3	03/20/2017	0.6	AHS	Review e-mails from client regarding potential settlement. Propose a potential settlement to client. Send same.
4	03/20/2017	0.8	AHS	Draft proposed settlement letter for client approval. Receive requests for revisions. Revise same and seek Association approval to convey.
5	03/21/2017	0.2	NDP	Receive authorization from the Board to send Mr. Whitmer the settlement letter; confirm same via e-mail and e-mail settlement letter to Mr. Whitmer.
6	03/21/2017	0.3	AHS	Receive and review Minute Entry Dismissing lawsuit for lack of subject matter jurisdiction; save same to file.
7	03/21/2017	0.2	AHS	Receive and review minute entry regarding the release of exhibits provided for Order to Show Cause Hearing; save same to file.
8	03/21/2017	0.4	AHS	Draft e-mail to client regarding the Order Dismissing the lawsuit and the potential changes to the settlement offer to Whitmer; send same and request conference call with Board as soon as possible.
9	03/21/2017	0.2	NDP	E-mail to Clark Hill regarding the Superior Court Minute Entry Dismissing the lawsuit and requesting an estimate of attorney fees and costs for potential settlement with Mr. Whitmer.
10	03/21/2017	0.2	NDP	Telephone call with Paige Martin of Clark Hill regarding the Superior Court Minute Entry dismissing the lawsuit and requesting an estimate of attorney fees and costs for potential settlement with Mr. Whitmer; Ms. Martin advised this may take some time due to only one billing matter set up for all Whitmer matters.
11	03/21/2017	0.5	NDP	Conference call with attorney Shaw regarding the Dismissal of the Superior Court lawsuit and what settlement steps and continued resolution options the Association has available.
12	03/21/2017	0.2	NDP	Calendar deadline to submit Proposed Form of Order for Superior Court lawsuit.
13	03/21/2017	0.5	AHS	Conference call with Barrie and Steve regarding Dismissal Order. Explain procedure for obtaining attorney fees through the court fees. Discuss potential global settlement options.
14	03/21/2017	0.4	NDP	Revise settlement proposal based on discussion with Board

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

			members and Superior Court case dismissal.
03/21/2017	0.3	NDP	Draft e-mail to Board and manager regarding Mr. Shaw's telephone conference with Board members and options to proceed; save same to file; awaiting Board decision.
03/21/2017	0.2	NDP	Receive e-mail from Mr. Whitmer regarding filing a lawsuit in the Office of Administrative Hearings; save to file.
03/21/2017	0.4	NDP	E-mail to client forward Mr. Whitmer's e-mail to the Office of Administrative Hearings and Association's options to proceed; save to file.
03/22/2017	0.8	AHS	Review various e-mails regarding settlement positions. Respond to same with advised settlement position and provide advice.
03/22/2017	0.5	AHS	Review e-mail from client conveying approval to convey settlement. Revise settlement letter and send same to client. Convey same to opposing party.
03/23/2017	0.4	AHS	Review Whitmer's rejection of the Association's counter-offer. Contemplate same.
03/23/2017	0.4	AHS	Draft e-mail to Association regarding Whitmer's rejection of settlement offer. Provide advice.
03/27/2017	0.2	AHS	Review e-mails from client providing authorization to proceed with Attorney's Fees Application. Respond to same.
03/27/2017	0.2	AHS	Conference with State Farm adjuster regarding potential insurance coverage. Provide summary of court fees case and current status.
03/27/2017	0.3	NDP	E-mail from insurance representative requesting certain pleadings; review file; respond to insurance representative providing documents requested.
03/27/2017	0.4	NDP	Receive and review Plaintiff's Motion to Reconsider with Exhibits, note second page illegible, save to file.
03/29/2017	0.4	NDP	Receive Minute Entry from Court setting briefing deadlines for Motion to Reconsider; calendar same; save to file.
03/29/2017	0.2	NDP	E-mail to manager forwarding Minute Entry from Court setting briefing deadlines for Motion to Reconsider and advising of deadlines to inform the Board of Directors regarding the same.
03/29/2017	0.2	NDP	E-mail to Whitmer requesting legible copy of the Motion to Reconsider; save to file.
03/29/2017	0.2	NDP	Telephone conference with clerk of court regarding online access to court documents.

1	03/29/2017	0.2	NDP	Obtain access to online case filings; retrieve legible Motion to Reconsider; save to file in preparation for drafting response.
2				
3	03/30/2017	2.7	NDP	Review and analyze attorney fees and costs; begin drafting Affidavit in Support of Application for Award of Attorney Fees pursuant to Court's Minute Entry.
4				
5	03/30/2017	0.8	NDP	Draft Application for Award of Attorney fees.
6	04/04/2017	1.0	NDP	Review file and conduct legal research in preparation for drafting Response to Motion to Reconsider.
7				
8	04/05/2017	1.0	AHS	Review and finalize Response to Motion to Reconsider.
9	04/05/2017	1.6	NDP	Draft Response to Motion to Reconsider and verify citations regarding same.
10	04/06/2017	0.2	NDP	E-mail from Paige with Clark Hill advising she is drafting fee Application and Affidavit to send to firm for filing. Responded advising I will follow up next week.
11				
12	04/07/2017	0.3	NDP	Draft Notice of Lodging Proposed Judgment.
13	04/07/2017	0.4	NDP	Draft Statement of Costs.
14	04/07/2017	0.8	NDP	Review and finalize Affidavit of Attorney in Support of Attorney Fees Application.
15	04/07/2017	0.8	NDP	Draft Proposed Form of Judgment.
16	04/11/2017	0.2	NDP	E-mails with previous counsel regarding status of attorney fee application, affidavit and statement of costs.
17	04/12/2017	0.2	NDP	E-mail from Board President forwarding his direct communications with Clark Hill regarding the fee applications and instruction to contact Mr. Anderson directly. Respond to same.
18				
19				
20	04/12/2017	0.2	NDP	E-mails with Paige Martin regarding fee application and pending motion to reconsider.
21				

ATTORNEY	HOURS	RATE	ATTORNEY TOTAL
AUGUSTUS H. SHAW IV (AHS)	22.6	\$250.00	\$5,650.00
NICOLE D. PAYNE (NDP)	37.9	\$250.00	\$9,475.00
NICOLE D. PAYNE (NDP)	2.5	\$0.00	\$0.00

ATTORNEY FEES INCURRED TOTAL: \$15,125.00

EXHIBIT D

1 Robert G. Anderson #004813
Paige A. Martin #013320
2 **CLARK HILL PLC**
14850 North Scottsdale Road, Suite 500
3 Scottsdale, Arizona 85254
Telephone: (480) 684-1100
4 Facsimile: (480) 684-1199
Email: randerson@clarkhill.com
5 pamartin@clarkhill.com

6 *(Former) Attorneys for Defendants*

7 **SUPERIOR COURT OF ARIZONA**

8 **MARICOPA COUNTY**

9
10 R. L. WHITMER,

11 Plaintiff,

12 vs.

13 HILTON CASITAS HOMEOWNERS
14 ASSOCIATION, also known as HILTON
CASITAS COUNCIL OF HOMEOWNERS,
15 also known as COUNCIL OF CO-OWNERS
also known as HILTON CASITAS
16 COUNCIL OF CO-OWNERS, and
MICHAEL BENGSON, President of the
17 Respondent.

18 Defendants.
19

Case No.: CV2016-055080

**DECLARATION OF
PAIGE A. MARTIN
IN SUPPORT OF
DEFENDANTS' MOTION FOR
AWARD OF ATTORNEYS' FEES**

(Assigned to Honorable Aimee Anderson)

20 1. I am one of the attorneys who represented Defendants Hilton Casitas
21 Homeowners Association (and the various "also known as" entities listed in the caption)
22 and Michael Bengson (jointly referred to as the "Association") in the above-referenced
23 matter.

24 2. I have been licensed to practice law in the State of Arizona since October
25 27, 1990. I have worked in litigation during all the years of my practice.

26 3. I spent 10 years as an attorney at Kutak Rock LLP, before I joined Clark
27 Hill PLC as Senior Counsel on August 1, 2016. At Kutak Rock, I was a partner from
28 2008 until my departure in 2016. My hourly rate when I left Kutak Rock was \$400 per

1 hour for private clients and ranged from \$300 to \$350 per hour for government clients.

2 4. This declaration is based upon personal knowledge acquired through
3 representation of the Association and from my personal experience over the last 26 years
4 in litigation.

5 5. This declaration is also based upon document to which I have access and
6 which I have reviewed, including timekeeping and billing records of Clark Hill PLC,
7 which are kept in the ordinary course of our business by persons whose job it is to keep
8 those records, based on entries made into the computer system of our firm at or near the
9 time the work was done.

10 6. The fee agreement with the Association is as follows: The amount of each
11 invoice is determined by multiplying time spent in rendering legal services by an hourly
12 rate applicable to the lawyer or paralegal involved. Payment is due on the submission of
13 the invoices.

14 7. I charged the Association a rate of \$335.00 per hour. This hourly rate is at
15 the low end of the range of hourly rates typical for an attorney of my background and
16 experience, practicing at a national firm in the Phoenix metropolitan area.

17 8. Attorney Robert G. Anderson also performed work on this matter. Mr.
18 Anderson has been licensed to practice law in Arizona since April 30, 1977. I have
19 known Mr. Anderson since June of 2004, when I worked at his former law firm with him.
20 He charged the Association a rate of \$355 per hour. This hourly rate is at the low end of
21 hourly rates typical for an attorney of his background and experience, practicing at a
22 national firm in the Phoenix metropolitan area.

23 9. According to the State Bar of Arizona's 2016 Salary and Economic Survey,
24 the median hourly rate for attorneys in Arizona is \$302 for attorneys licensed 20-29 years
25 and \$320 for attorneys licensed 30-39 years. These figures are without regard to
26 geographic location or whether the attorney is at a solo practice or a law firm. *See*
27 **Exhibit A.**

28 10. Paralegal Andréa Padinha also performed work on this matter. She

1 received an A.S. in Paralegal Studies, *summa cum laude*, from Florida Metropolitan
2 University in 2007. Ms. Padinha is an Advanced Certified Paralegal and Certified
3 eDiscovery Specialist. She charged the Association a rate of \$170 per hour.

4 11. Attached as Exhibit B is a summary of the amounts billed to the
5 Association for services rendered in this matter. Exhibit B accurately reflects the date
6 each service was performed, the name of the individual performing the services, the time
7 incurred in performing it, and describes the legal services rendered. Exhibit B is
8 generated from a computer database into which the billing personal have recorded the
9 stated information. This information is inputted into the computer database at or near the
10 time the legal services were rendered, and that information has been maintained in this
11 firm's records pursuant to its ordinary business practices.

12 12. Exhibit B reflects that 25.2 hours were expended in bringing and
13 maintaining this matter, bringing the total amount of attorneys' fees to \$8,051.50.

14 13. Based upon my experience as an attorney at Clark Hill PLC and Kutak
15 Rock LLP, as well as other local law firms, during my years of practice, I have the
16 personal knowledge sufficient to express an opinion on whether the legal services noted
17 on the attached summary were necessarily incurred for the proper representation of the
18 Association in connection with this matter. Based upon my experience, my knowledge of
19 comparable cases, and my knowledge of the services provided, it is my opinion that the
20 legal services noted on Exhibit B were necessarily rendered for the proper representation
21 of the Association in this matter.

22 14. Because of my experience as a lawyer, which includes negotiating fee
23 arrangements with clients and reviewing fee applications in other cases, I have the
24 personal knowledge sufficient to express an opinion as to whether the following were
25 reasonable: (1) the hourly rates charged, (2) the hours incurred and (3) the total fee.
26 Based upon my experience, my knowledge of comparable cases, and my knowledge of
27 the services provided, it is my opinion that the hourly rates charged, the hours incurred
28

1 and the total fee were reasonable for the proper representation of the Association in this
2 matter.

3 15. Clark Hill does not charge clients for legal research on Lexis, which is
4 subsumed into overhead.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 EXECUTED this 12th day of April, 2017.

7
8 
9 Paige A. Martin

10 Copy of the foregoing mailed
11 this ___ day of April, 2017 to:

12 R. L. Whitmer
13 6333 North Scottsdale Road, Casita 21
14 Scottsdale, AZ 85250
15 *Plaintiff Pro Per*

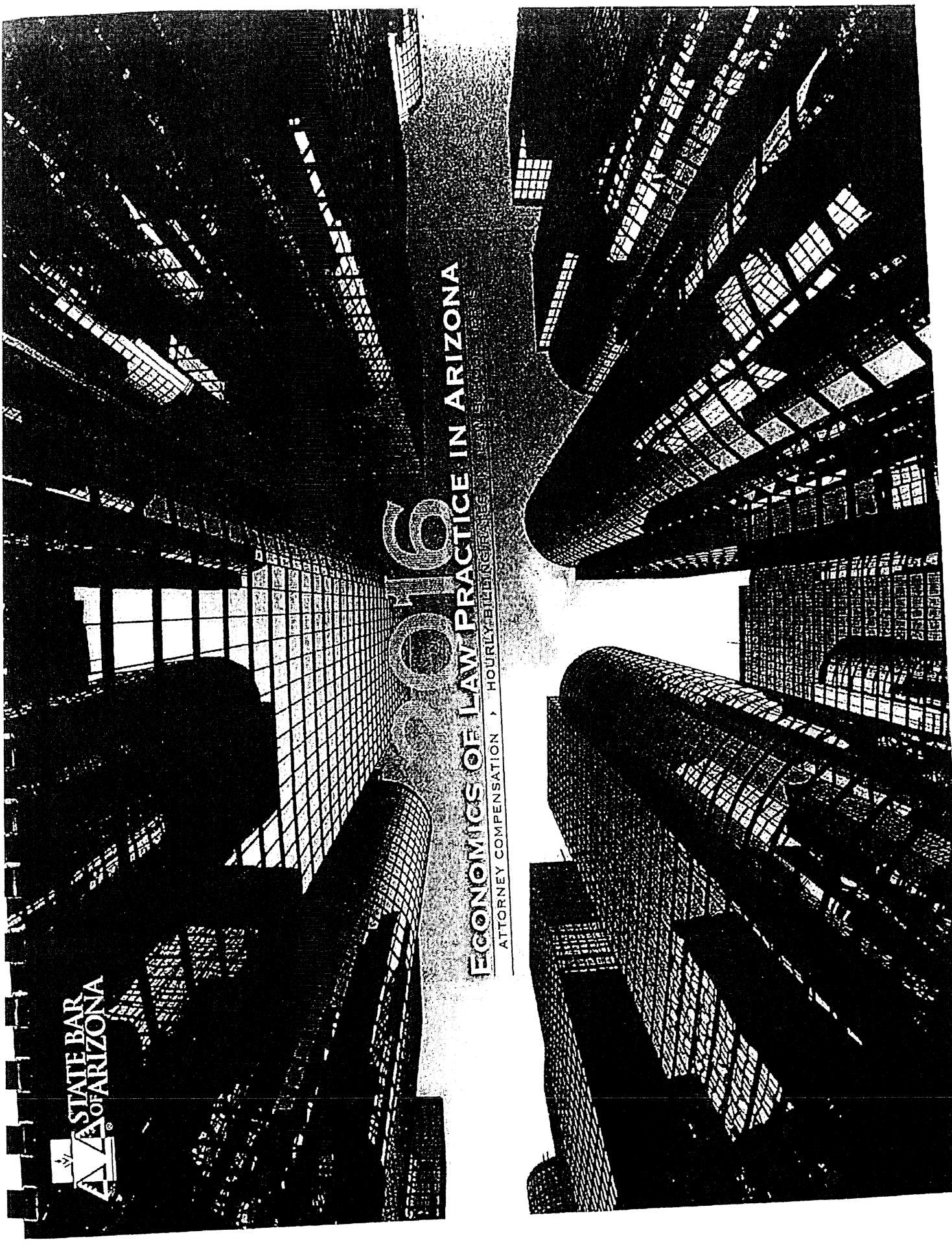
16 By _____

EXHIBIT A

STATE BAR
of ARIZONA

ECONOMICS OF LAW PRACTICE IN ARIZONA

ATTORNEY COMPENSATION • HOURLY BILLING RATES



FINDINGS
About Their Work

**Typical Hourly Rate by
Number of Years Licensed and Primary Practice Area**

What is your typical hourly rate?

		NUMBER OF YEARS LICENSED				
		0-5	6-10	11-15	16-20	21+
median hourly rate	\$275	\$226	\$255	\$279	\$285	\$299
median hourly rate	\$275	\$257	\$259	\$266	\$274	\$289
median hourly rate	\$275	\$200	\$225	\$271	\$282	\$250

= \$260 - \$279 = \$280 \$299 = \$300+

base: 1,335 respondents whose SBA status is active or over 70 as of 12/31/2008 and who are employed as attorneys in private law practices; those in each segment

EXHIBIT B

CLARK HILL PLC

<u>Date</u>	<u>Name / Invoice Number</u>	<u>Hours</u>	<u>Amount</u>	<u>Description</u>
1/3/2017	Robert G. Anderson	0.8	\$284.00	Telephone call from M. Bengson regarding Order to Show Cause.
1/11/2017	Robert G. Anderson	2.2	\$781.00	Prepare answer to Whitmer Compliant
1/18/2017	Robert G. Anderson	2	\$710.00	Review Exhibits to Complaint (.5); review and revise answer to Compliant (.7); meeting with M. Bengson regarding answer (.5); prepare request for continuance of hearing (.3).
1/23/2017	Robert G. Anderson	0.3	\$106.50	Telephone call to M. Bengson regarding affidavit for hearing.
1/25/2017	Robert G. Anderson	2.1	\$745.50	Review Complaint; review 2014 Administrative Order; review 2016 Annual Meeting documents; prepare affidavit for M. Bengson.
1/26/2017	Robert G. Anderson	1.5	\$532.50	Review and revise affidavit of M. Bengson; prepare exhibits; telephone call to M. Bengson regarding Affidavit.
1/27/2017	Robert G. Anderson	1.8	\$639.00	Meeting with M. Bengson regarding hearing and affidavit; revise affidavit; attend hearing.
2/9/2017	Paige A. Martin	0.2	\$67.00	Prepare notice of appearance.
2/14/2017	Paige A. Martin	0.2	\$67.00	Meeting with R. Anderson regarding case status.
2/15/2017	Robert G. Anderson	0.3	\$106.50	Telephone call from M. Bengson regarding subpoenas of Board Members; hearing in Superior Court.
2/15/2017	Paige A. Martin	0.3	\$100.50	Meeting with R. Anderson regarding case background.
2/16/2017	Andrea L. Padinha	1.8	\$306.00	Review and analyze documents for inclusion on Exhibit List for upcoming Evidentiary Hearing (.80); prepare Exhibit List for upcoming Evidentiary Hearing (.40); begin preparation of Exhibits for upcoming Evidentiary Hearing (60).
2/16/2017	Paige A. Martin	3	\$1,005.00	Meeting with A. Padinha regarding exhibits, review file to determine what exhibits should be listed.
2/17/2017	Andrea L. Padinha	1.7	\$289.00	Teleconference with Judge Anderson's chambers regarding Exhibit Marking (.10); prepare correspondence to Pro Per Plaintiff regarding Plaintiff's Exhibit List for upcoming Evidentiary Hearing (.10); review and analyze Plaintiff's Exhibit List for upcoming

CLARK HILL PLC

Evidentiary Hearing (.30); revise Defendants' Exhibit List of upcoming Evidentiary Hearing (.20); revise and finalize exhibits for upcoming Evidentiary Hearing (.40); attend Exhibit Marking with Clerk for Judge Anderson (.70).

2/17/2017	Paige A. Martin	4	\$1,340.00	Prepare exhibit list, review opposing party's list of exhibits, prepare motion for substitution of counsel, exchange multiple correspondence with new counsel and with opposing party regarding exhibit lists and substitution.
2/24/2017	Andrea L. Padinha	0.2	\$34.00	Prepare correspondence to N. Payne at Shaw and Lines, LLC regarding Plaintiff's Evidentiary Hearing Memo.
3/21/2017	Paige A. Martin	0.2	\$67.00	Review correspondence and telephone conference with N. Payne regarding attorneys' fees and costs after motion to dismiss ruling, and forward same to R. Anderson.
4/5/2017	Paige A. Martin	0.2	\$67.00	Exchange correspondence with N. Payne and R. Anderson regarding attorneys' fees application.
4/6/2017	Paige A. Martin	0.3	\$100.50	Review correspondence from N. Payne regarding attorneys' fees application (.10); review invoices forwarded by R. Anderson (.10); exchange correspondence with R. Anderson regarding additional invoices (.10).
4/11/2017	Paige A. Martin	0.1	\$33.50	Meeting with C. Kemper regarding materials for affidavit of attorneys' fees and costs (.10); prepare correspondence to N. Payne regarding same (n/c).
4/12/2017	Paige A. Martin	2	\$670.00	Prepare declaration regarding attorneys' fees and statement of costs
TOTALS: BILL:		25.2	\$8,051.50	