

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

JOHN LEY, an individual, et al.,
Plaintiffs,

v.

CLARK COUNTY PUBLIC
TRANSPORTATION BENEFIT AREA,
dba C-TRAN, a Washington Public
Transportation Benefit Area, et al., et al.,
Defendants.

No. 15-2-01144-1

DECLARATION OF MICHAEL K.
RYAN IN SUPPORT OF CERTAIN
DEFENDANTS' SUPPLEMENTAL
MOTION FOR ATTORNEYS'
FEES AND COSTS UNDER CIVIL
RULE 11

I, Michael K. Ryan, do hereby declare as follows:

1. I make this declaration of my own personal knowledge, and I am over the age of 18 and competent to testify to the matters set forth below. I am a resident of Seattle, Washington.

2. I am a former partner with K&L Gates LLP and former counsel of record in this action for defendants C-TRAN, the individual Board members (and alternate Board member Connie Jo Freeman), and Jeff Hamm ("Defendants") (the individual Board members and Mr. Hamm are referred to collectively as the "individual defendants"). I have personal knowledge of the facts discussed in this declaration and, if called as a witness, I could and would testify to such facts.

1 3. I had primary responsibility for managing this litigation on behalf of K&L
2 Gates LLP and for preparing K&L Gates LLP's invoices for services rendered in this
3 matter, from receiving the complaint through September 18, 2015.

4 3. I have practiced law for 13 years and have represented municipal entities
5 throughout my career.

6 4. Attached as **Exhibit A** are true and correct copies of K&L Gates LLP's
7 monthly invoices for work it performed in this matter through September 2015. These
8 invoices contain attorneys' fees and costs. This exhibit was prepared as part of K&L Gates
9 LLP's normal business practices. Certain entries have been highlighted to indicate which
10 time entries related to work performed related to the claims brought against the individual
11 defendants.

12 5. Each timekeeper entry contains a narrative explanation of the work
13 performed. The cost entries contain descriptions of the costs incurred. The fees and costs
14 were necessary, reasonable, and appropriate for the evaluation, preparation, and defense of
15 the claims against the individual Board members and Mr. Hamm. This includes time
16 spent on defendants' motion to dismiss and defendants' reply in support of the motion to
17 dismiss. This also includes the time necessary to address the settlement offers from
18 plaintiffs that impacted the individual defendants.

19 6. Time and effort was required to untangle the frivolous claims brought
20 against the individual defendants. Defendants were essentially required to articulate what
21 they believed plaintiffs' theory of the case was with respect to the individual defendants in
22 order to address the claims that the Court ultimately determined violated Rule 11.

23 7. The hourly rates for partners ranged from \$386.75 to \$541.45, which is less
24 than the typical rate these partners charge other clients of K&L Gates LLP.

25

1 8. The hourly rates for associates ranged from \$236.60 to \$263.90 per hour,
2 which is less than the typical rates these associates charge other clients of K&L Gates
3 LLP.

4 9. As of the date I left K&L Gates LLP, K&L Gates LLP had invoiced C-
5 TRAN for \$22,499.68 in attorneys' fees and costs related to the claims that plaintiffs
6 brought against the individual defendants. At that time, I personally reviewed all of the
7 billing statements to date to determine which entries related to representing the individual
8 defendants as opposed to C-TRAN. Since that time, I have personally reviewed the
9 chargers for September and agree that the highlighted portions are for work associated
10 with the individual defendants.

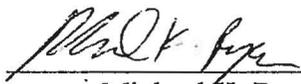
11 10. For those time entries where multiple tasks are listed and not all of the
12 tasks relate to defending the claims against the individual defendants, the fee request is for
13 only those fees incurred on behalf of the individual defendants. An analysis of the motion
14 to dismiss shows that approximately 28 percent of the argument section was dedicated to
15 dealing with claims related solely to the individual defendants. Consequently, for any
16 non-segregated time entries, the reasonable fees incurred related to the individual
17 defendants are approximately 28 percent. This estimate is most likely less than the actual
18 work attributable to the individual defendants but is a reasonable and principled method of
19 calculating the work performed.

20 11. The total work invoiced to C-TRAN for work through September was
21 \$67,151.60. The amount of time related to mixed time entries is \$62,016.56. The amount
22 of time dedicated to solely to the individual defendants was \$5,135.04.

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

DATED this 22nd day of January, 2016 at Seattle, Washington.



Michael K. Ryan

1 CERTIFICATE OF SERVICE

2 Benita G. Gould declares as follows:

3 1. I am and at all times hereinafter mentioned was a citizen of the United
4 States, a resident of the State of Washington, over the age of 21 years, competent to be a
5 witness in the above action, and not a party thereto.

6 2. On January 22, 2015, I caused a true and correct copy of the foregoing
7 document to be served in the manner indicated:

8
9 Damien R. Hall
Adele J. Ridenour
10 Kamille Samper
Ball Janik LLP
11 101 SW Main Street, Suite 1100
Portland, OR 97204
12 dhall@balljanik.com
aridenour@balljanik.com
13 ksamper@balljanik.com

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via certified mail
- via email
- via electronic court filing
- via hand delivery

14 Christopher Horne
15 Clark County Prosecuting
Attorney
16 Civil Division
17 1300 Franklin St., Suite 380
P.O. Box 5000
18 Vancouver, WA 98666-5000
chris.horne@clark.wa.gov
19

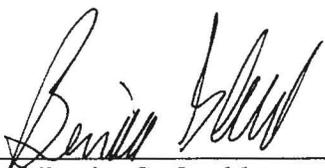
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David Madore
17401 NE Stoney Meadows Dr.
Vancouver, WA 98682-5614

- via facsimile
- via overnight courier
- via first-class U.S. mail
- via certified mail
- via email
- via electronic court filing
- via hand delivery

I declare under penalty of perjury under the laws of the State of Washington that
the foregoing is true and correct:

Dated January 22, 2015, at Seattle, Washington.



Benita G. Gould

EXHIBIT A

K&L GATES

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WA 98104-1158
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Tax ID No. 25 0921018

C-Tran
Attn: Mr. Jeff Hamm
P. O. Box 2529
Vancouver, WA 98668-2529

Invoice Date : May 19, 2015
Invoice Number : 3098982
Services Through : April 30, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

Fees	\$ <u>6,565.24</u>	
Total Amount Due This Matter		\$ 6,565.24

CURRENT INVOICE DUE - All Matters

\$ 6,565.24

Clark County - Open Public Meeting Act Issue (00031)

\$6,565.24

FEES

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
04/24/15	A. E. Millstein	4.20	Obtain copy of complaint from taxpayers; review complaint and discuss strategies regarding potential response; review prior legal work concerning issues identified in the complaint; telephone call with client regarding same; telephone call with WSTIP regarding insurance coverage; draft e-mail to Board regarding the recently filed lawsuit; determine judge assigned to case	1,108.38
04/24/15	M.K. Ryan	4.40	Review and analyze Complaint filed against C-TRAN regarding OPMA issues; phone conferences with T. Wolfendale, T. Kelly and A. Millstein regarding the same and representation issues; phone conference with client regarding the same; phone conference with insurer regarding the suit	1,701.70
04/24/15	T.H. Wolfendale	2.00	Preliminary review of new lawsuit complaint; consult with client regarding the same and assist client formulating a response plan; work with client regarding communication to Board on lawsuit	790.00
04/25/15	T.H. Wolfendale	0.40	Work on potential responses to Ley, et lawsuit	158.00
04/27/15	A. E. Millstein	1.90	Review recent Washington State Supreme Court decision concerning public agencies and open government; confer with T. Wolfendale and M. Ryan regarding response to lawsuit; confer regarding matters of	501.41

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Invoice # 3098982
 2049134
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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
04/27/15	M.K. Ryan	2.60	representation Conference with T. Wolfendale and A. Millstein regarding lawsuit; legal and factual research for the same; respond to client inquiries regarding the same; conference with client regarding insurance	1,005.55
04/27/15	T.H. Wolfendale	1.40	Work on legal strategies for Ley, et al OPMA lawsuit	553.00
04/28/15	M.K. Ryan	0.40	E-mail to client regarding representation issue; review e-mail from opposing counsel and respond to the same	154.70
04/29/15	T.H. Wolfendale	1.50	Work on case representation issues and call and e-mail with J. Hamm regarding same issues and internal conference regarding the same	592.50
TOTAL FEES			18.80 hrs	\$ <u>6,565.24</u>

TIMEKEEPER SUMMARY

A. E. Millstein	6.10 hrs at	\$ 263.90 / hr	1,609.79
M.K. Ryan	7.40 hrs at	\$ 386.75 / hr	2,861.95
T.H. Wolfendale	5.30 hrs at	\$ 395.00 / hr	2,093.50
TOTAL FEES			\$ <u>6,565.24</u>

MATTER SUMMARY

Fees	\$ <u>6,565.24</u>
MATTER TOTAL	\$ <u>6,565.24</u>

K&L GATES

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Tax ID No. 25 0921018

C-Tran
Attn: Mr. Jeff Hamm
P. O. Box 2529
Vancouver, WA 98668-2529

Invoice Date : July 8, 2015
Invoice Number : 3114171
Services Through : May 31, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

Fees	\$ <u>28,538.08</u>	
Total Amount Due This Matter		\$ 28,538.08

CURRENT INVOICE DUE - All Matters

\$ 28,538.08

Clark County - Open Public Meeting Act Issue (00031)

\$28,538.08

FEES

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
04/29/15	M.K. Ryan	0.90	E-mail to Plaintiffs' counsel regarding service; phone conferences with T. Wolfendale and T. Kelly regarding representation issues; review insurance e-mails	348.08
05/01/15	T.H. Wolfendale	0.80	Work on insurance coverage assessment; work on communication to Board regarding new lawsuit	323.27
05/04/15	D.C. Kelly-Stallings	2.30	Legal research regarding statutory requirements applicable to CTRAN BCRC	544.18
05/04/15	M.K. Ryan	1.50	Conference with D. Kelly-Stallings regarding issues of whether Committee complied with statute; legal research on OPMA issues	580.13
05/05/15	D.C. Kelly-Stallings	3.50	Legal research regarding statutory requirements applicable to CTRAN BCRC	828.10
05/05/15	D.C. Kelly-Stallings	1.20	Draft memo regarding statutory requirements applicable to CTRAN BCRC	283.92
05/05/15	D.C. Kelly-Stallings	0.40	Additional legal research regarding statutory requirements applicable to BCRC and strategy for lawsuit	94.64
05/05/15	M.K. Ryan	0.40	Conference with D. Kelly-Stallings regarding legal research; legal research regarding defendant countersuit options	154.70
05/05/15	T.H. Wolfendale	0.10	Work on insurance coverage issue	40.41
05/06/15	C.K. Carlson	0.90	E-mail exchange with T. Wolfendale; review statutory provisions	606.06

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Invoice # 3114171
2049134
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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
05/06/15	K. Drake	2.00	Research Attorney General opinion regarding officers of irrigation districts; check status of cases and statutes therein; research Washington cases dealing with indemnification of officers of public agencies for Tom Wolfendale.	482.30
05/06/15	D.C. Kelly-Stallings	3.80	Additional research and draft memo regarding statutory requirements applicable to BCRC	899.08
05/06/15	M.K. Ryan	0.60	Review memorandum regarding statutory claims; legal research regarding defendant countersuit options; phone conference with T. Wolfendale and K. Carlson regarding indemnity issues	232.05
05/06/15	T.H. Wolfendale	1.00	Work potential representation issues; work on defense considerations and potential motion; email to J. Hamm regarding the same	404.09
05/07/15	D.C. Kelly-Stallings	0.50	Preliminary research and confer with M. Ryan regarding legal research regarding defendant countersuit options	118.30
05/07/15	M.K. Ryan	1.90	Legal research regarding defendant countersuit options; conference with D. Kelly-Stallings regarding the same; phone conference with client regarding case strategy	734.83
05/07/15	T.H. Wolfendale	1.90	Call with client regarding litigation issues; follow up litigation actions	767.77
05/08/15	D.C. Kelly-Stallings	1.30	Legal research regarding response to OPMA complaint	307.58
05/08/15	M.K. Ryan	0.90	Call with T. Wolfendale regarding e-mails to Board and Clark County Commissioners; review the same; legal research on OPMA issues	348.08
05/08/15	T.H. Wolfendale	0.70	Work on e-mails to board and Clark County regarding pending lawsuit; transmit	282.86
05/11/15	D.C. Kelly-Stallings	2.20	Legal research regarding response to citizen lawsuit	520.52

K&L GATES

Invoice # 3114171
2049134
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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
05/11/15	D.C. Kelly-Stallings	2.30	Draft memo to M. Ryan regarding response to citizen lawsuit	544.18
05/11/15	M.K. Ryan	2.00	Conference with D. Kelly-Stallings regarding memorandum; legal research regarding the same; begin preparing for Board Meeting	773.50
05/12/15	D.C. Kelly-Stallings	0.30	Draft memo regarding response to citizen lawsuit	70.98
05/12/15	M.K. Ryan	8.80	Prepare for Board Meeting; conferences with T. Wolfendale and client regarding the same; attend and participate in Board Meeting	3,403.40
05/13/15	M.K. Ryan	3.90	Review video of Board Meeting; conference with client and T. Wolfendale regarding strategy for case; conference with D. Kelly-Stallings regarding motions; begin preparing answer	1,508.33
05/13/15	T.H. Wolfendale	0.70	Call with client regarding case issues	282.86
05/13/15	T.H. Wolfendale	0.30	Call with C. Horne regarding OPMA case issues and follow up e-mail	121.23
05/14/15	D.C. Kelly-Stallings	1.60	Draft motion to strike; legal research regarding same	378.56
05/15/15	D.C. Kelly-Stallings	0.50	Draft motion to strike	118.30
05/16/15	D.C. Kelly-Stallings	2.50	Draft motion to strike	591.50
05/18/15	D.C. Kelly-Stallings	3.10	Draft motion to strike; legal research and discussions with M. Ryan regarding same	733.46
05/18/15	M.K. Ryan	4.50	Conference with D. Kelly-Stallings regarding legal research regarding defendant countersuit options; draft and prepare Answer; draft and prepare Motion to Dismiss; legal research for the same	1,740.38
05/19/15	D.C. Kelly-Stallings	1.10	Draft motion to strike	260.26

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Invoice # 3114171
2049134
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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
05/19/15	M.K. Ryan	6.00	Draft and prepare Motion to Dismiss; legal research regarding defendant countersuit options; conference with D. Kelly-Stallings regarding strategy; conference with T. Wolfendale regarding strategy	2,320.50
05/19/15	T.H. Wolfendale	0.90	Work on representation and motion issues	363.68
05/20/15	D.C. Kelly-Stallings	0.40	Legal research and drafting for motion to strike	94.64
05/20/15	M.K. Ryan	3.50	Conference with T. Kelly regarding representation issues; conference with D. Kelly-Stallings regarding legal research regarding defendant countersuit options; draft and prepare engagement letters	1,353.63
05/20/15	T.H. Wolfendale	0.10	E-mail to C. Horne regarding county representation requesting call; internal communications regarding representation issues	40.41
05/20/15	T.H. Wolfendale	0.80	Work on motion and strategy options	323.27
05/21/15	D.C. Kelly-Stallings	2.20	Factual and legal research regarding motion to strike; draft motion to strike	520.52
05/21/15	M.K. Ryan	1.40	Work on issues regarding engagement letters; research on OPMA and legal research regarding defendant countersuit options	541.45
05/21/15	T.H. Wolfendale	0.90	Work on representation issues; read and respond to citizen e-mail regarding the case	363.68
05/22/15	D.C. Kelly-Stallings	2.60	Draft motion to strike; legal research regarding same	615.16
05/22/15	M.K. Ryan	1.30	Work on engagement letters; e-mail regarding the same; update and edit Motion to Dismiss	502.78
05/22/15	T.H. Wolfendale	0.10	Work on procedural issues	40.41
05/26/15	M.K. Ryan	1.60	Work on issues relating to engagement letters; legal research on OPMA issues; update and edit Motion to Dismiss	618.80

K&L GATES

Invoice # 3114171
2049134
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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
05/26/15	T.H. Wolfendale	0.00	Work on representation issues (no charge .1 hours)	0.00
05/27/15	T.H. Wolfendale	0.00	Prepare for call with C. Horne, who was unable to join call (no charge .2 hours)	0.00
05/28/15	D.C. Kelly-Stallings	1.00	Assist with drafting motion to dismiss	236.60
05/28/15	M.K. Ryan	0.80	Review and analyze new Washington State Supreme Court decision regarding potential defendant counter claims	309.40
05/28/15	T.H. Wolfendale	0.70	Work on potential motions and representation issues; e-mail to C. Horne regarding county councilor representations	282.86
05/29/15	D.C. Kelly-Stallings	0.50	Assist with preparation of motion to dismiss	118.30
05/29/15	M.K. Ryan	1.20	Phone conference with J. Hamm and J. McDaniel; phone conference with opposing counsel; work on Motion to Dismiss; e-mail to Board regarding engagement letters	464.10
TOTAL FEES			86.40 hrs	\$ 28,538.08

TIMEKEEPER SUMMARY

C.K. Carlson	0.90 hrs at	\$ 673.40 / hr	606.06
K. Drake	2.00 hrs at	\$ 241.15 / hr	482.30
D.C. Kelly-Stallings	33.30 hrs at	\$ 236.60 / hr	7,878.78
M.K. Ryan	41.20 hrs at	\$ 386.75 / hr	15,934.14
T.H. Wolfendale	9.00 hrs at	\$ 404.09 / hr	3,636.80
TOTAL FEES			\$ 28,538.08

MATTER SUMMARY

Fees	\$ 28,538.08
MATTER TOTAL	\$ 28,538.08

K&L GATES

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C-Tran
Attn: Mr. Jeff Hamm
P. O. Box 2529
Vancouver, WA 98668-2529

Invoice Date : July 22, 2015
Invoice Number : 3124409
Services Through : June 30, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

Fees	\$	20,265.93	
Disbursements and Other Charges	\$	<u>36.90</u>	
Total Amount Due This Matter			\$ 20,302.83

CURRENT INVOICE DUE - All Matters

\$ 20,302.83

Clark County - Open Public Meeting Act Issue (00031)

\$20,302.83

FEES

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
06/01/15	M.K. Ryan	5.20	Draft and prepare e-mails regarding representation issues; phone conference with T. Wolfendale and T. Kelly regarding inquiry from client; draft and prepare Motion to Dismiss	2,011.10
06/01/15	T.H. Wolfendale	2.00	Work on representation issues	808.18
06/02/15	D.C. Kelly-Stallings	1.70	Legal research for motion to dismiss; assist with drafting motion to dismiss	402.22
06/02/15	M.K. Ryan	5.30	Draft and prepare Motion to Dismiss; legal and factual research regarding the same; pull minutes and agendas from past BCRC meetings	2,049.78
06/03/15	D.C. Kelly-Stallings	0.20	Assist with drafting motion to dismiss	47.32
06/03/15	M.K. Ryan	3.30	Draft and prepare Motion to Dismiss; legal research regarding the same; review and respond to client e-mails; conference with T. Wolfendale regarding strategy	1,276.28
06/03/15	T.H. Wolfendale	0.10	Prepare for board meeting on executive session issues	40.41
06/04/15	M.K. Ryan	2.80	Phone conference with T. Wolfendale regarding strategy; review and sign acceptances of service; e-mail to Board regarding service of summons and complaint; draft and prepare Motion to Dismiss	1,082.90
06/05/15	M.K. Ryan	2.10	E-mails to and from client; call to Court regarding scheduling; update and edit Motion to Dismiss; e-mail to Plaintiffs' counsel regarding scheduling	812.18
06/05/15	T.H. Wolfendale	0.40	Work on board issues and case strategies	161.64

K&L GATES

Invoice # 3124409

2049134

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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
06/08/15	M.K. Ryan	4.00	Prepare outline regarding executive session; conference with T. Kelly and T. Wolfendale regarding executive session; update and edit Motion to Dismiss; e-mail to opposing counsel	1,547.00
06/08/15	T.H. Wolfendale	0.90	Prepare for board meeting regarding this lawsuit	363.68
06/09/15	M.K. Ryan	7.80	Meet with T. Wolfendale and J. Hamm to prepare for Board meeting; meet with the same and J. Irish to prepare for Board meeting; attend and participate in Board meeting	3,016.65
06/10/15	M.K. Ryan	1.40	E-mails to opposing counsel regarding scheduling; e-mails to clients; update and edit Motion to Dismiss	541.45
06/11/15	M.K. Ryan	0.80	Coordinate filing of Notice of Appearance; review videos of past C-TRAN Board Meetings	309.40
06/11/15	T.H. Wolfendale	0.10	Review opposing counsel e-mails regarding scheduling of hearing	40.41
06/16/15	M.K. Ryan	2.30	Update and edit Motion to Dismiss; e-mails to opposing counsel	889.53
06/16/15	T.H. Wolfendale	0.10	Review scheduling issues	40.41
06/17/15	A. E. Millstein	0.30	Confer with M. Ryan regarding opposing counsel	79.17
06/17/15	M.K. Ryan	1.30	E-mails to Court regarding scheduling; phone conference with Plaintiffs' counsel regarding the same	502.78
06/17/15	T.H. Wolfendale	0.20	Consult regarding case motion issues	80.82
06/22/15	A. E. Millstein	0.10	Review settlement offer	26.39
06/22/15	T.H. Wolfendale	0.20	Review plaintiff settlement offer and assess	80.82
06/23/15	M.K. Ryan	2.50	E-mails to opposing counsel regarding settlement agreement; phone conference with S. Thomas regarding recall standards; legal research on interaction between OPMA and recall statutes	966.88

K&L GATES

Invoice # 3124409
2049134
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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
06/23/15	T.H. Wolfendale	0.30	Consult regarding settlement offer	121.23
06/24/15	M.K. Ryan	2.70	Draft and prepare e-mail to individual defendants; send the same; review and respond to responses	1,044.23
06/24/15	T.H. Wolfendale	0.20	Consult regarding pending case and settlement offer	80.82
06/25/15	A. E. Millstein	0.20	Confer with M. Ryan regarding status of settlement offers and status of case	52.78
06/25/15	M.K. Ryan	1.00	Conference with T. Wolfendale regarding strategy; draft and prepare e-mails to clients	386.75
06/25/15	T.H. Wolfendale	0.30	Consult regarding settlement offer issues	121.23
06/26/15	M.K. Ryan	0.40	E-mails to clients regarding proposed offer	154.70
06/29/15	M.K. Ryan	0.50	Review and analyze e-mails regarding settlement proposal	193.38
06/30/15	M.K. Ryan	2.10	Review and analyze Amended Complaint; e-mail to Plaintiffs' counsel regarding the same; e-mails to client regarding the same	812.18
06/30/15	T.H. Wolfendale	0.30	Confer regarding plaintiff amended complaint	121.23
TOTAL FEES			53.10 hrs	\$ <u>20,265.93</u>

TIMEKEEPER SUMMARY

D.C. Kelly-Stallings	1.90 hrs at	\$ 236.60 / hr	449.54
A. E. Millstein	0.60 hrs at	\$ 263.90 / hr	158.34
M.K. Ryan	45.50 hrs at	\$ 386.75 / hr	17,597.17
T.H. Wolfendale	5.10 hrs at	\$ 404.09 / hr	2,060.88
TOTAL FEES			\$ <u>20,265.93</u>

DISBURSEMENTS & OTHER CHARGES

DATE	DESCRIPTION	AMOUNT
06/02/15	Other - CourtTrax Corporation - 04302015	36.90
	DISBURSEMENTS & OTHER CHARGES	\$ <u>36.90</u>

MATTER SUMMARY

Fees	\$ 20,265.93
Disbursements and Other Charges	\$ <u>36.90</u>
MATTER TOTAL	\$ <u>20,302.83</u>

K&L GATES

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Tax ID No. 25 0921018

C-Tran
Attn: Mr. Jeff Hamm
P. O. Box 2529
Vancouver, WA 98668-2529

Invoice Date : August 18, 2015
Invoice Number : 3136163
Services Through : July 31, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

Fees	\$ 30,824.61	
Disbursements and Other Charges	\$ <u>64.95</u>	
Total Amount Due This Matter		\$ 30,889.56

CURRENT INVOICE DUE - All Matters

\$ 30,889.56

K&L GATES

Invoice # 3136163
 2049134
 Page 2 of 6

Clark County - Open Public Meeting Act Issue (00031)

\$30,889.56

FEES

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
07/01/15	M.K. Ryan	0.40	Review statutes regarding composition of Board	154.70
07/01/15	T.H. Wolfendale	0.20	Work on latest amendment pleading assessment	80.82
07/09/15	M.K. Ryan	4.70	Update and edit Motion to Dismiss; phone conference with client, T. Wolfendale and A. Millstein regarding case	1,817.73
07/10/15	A. E. Millstein	0.10	Confer with M. Ryan regarding legal strategy	26.39
07/10/15	M.K. Ryan	3.20	Update and edit Motion to Dismiss; send the same for review	1,237.60
07/10/15	T.H. Wolfendale	0.30	Work on case theory issues	121.23
07/13/15	A. E. Millstein	1.50	Review and revise draft motion to dismiss	395.85
07/17/15	A. E. Millstein	0.30	Review and revise motion to dismiss	79.17
07/17/15	R.B. Mitchell	3.50	Research, review, and revise draft motion to dismiss; draft e-mail to M. Ryan, et. al., regarding same	1,895.08
07/17/15	M.K. Ryan	1.80	Work on Motion to Dismiss; e-mail to opposing counsel regarding the same; e-mail to J. Hamm regarding service	696.15
07/20/15	A. E. Millstein	0.50	Confer with M. Ryan regarding the motion to dismiss; review revisions to same	131.95
07/20/15	M.K. Ryan	2.90	Phone conference with Ridgefield City Attorney; phone conference with J. Hamm; e-mail to plaintiffs' counsel; conference with T. Wolfendale; update and edit Motion to Dismiss	1,121.58
07/20/15	T.H. Wolfendale	2.30	Work on motion; call with Ball Janik regarding service of process and follow up action on that information	929.41

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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
07/21/15	M.K. Ryan	3.40	Update and edit Motion to Dismiss; review letter regarding service from Ridgefield City Attorney	1,314.95
07/21/15	T.H. Wolfendale	0.10	Consult regarding motion and issues	40.41
07/22/15	D.C. Kelly-Stallings	1.80	Assist with drafting motion to dismiss and preparing for filing	425.88
07/22/15	M.K. Ryan	1.90	Update and edit Motion to Dismiss	734.83
07/22/15	T.H. Wolfendale	0.30	Consult regarding motion and representation issues	121.23
07/23/15	D.C. Kelly-Stallings	3.00	Assist with drafting motion to dismiss and prepare for filing	709.80
07/23/15	A. E. Millstein	0.30	Confer regarding litigation strategy in lawsuit	79.17
07/23/15	M.K. Ryan	1.30	Phone conference with C. Horne regarding representation issues; conference with T. Wolfendale regarding the same; phone conference with T. Wolfendale and Washougal City Attorney regarding representation issue	502.78
07/23/15	T.H. Wolfendale	0.80	Consult on representation issues and work on the same	323.27
07/24/15	D.C. Kelly-Stallings	1.00	Assist with drafting motion to dismiss	236.60
07/24/15	M.K. Ryan	2.60	Update and edit Motion to Dismiss; circulate the same for review	1,005.55
07/24/15	T.H. Wolfendale	0.60	Work on motion brief	242.45
07/25/15	T.H. Wolfendale	0.30	Review Port of Vancouver ruling on OPMA and assess the same	121.23
07/27/15	D.C. Kelly-Stallings	0.50	Assist with drafting motion to dismiss; prepare for roundtable discussion of motion	118.30
07/27/15	A. E. Millstein	0.80	Review and revise draft motion to dismiss; confer with M. Ryan regarding motion practice	211.12
07/27/15	R.B. Mitchell	2.50	Review and revise draft motion to dismiss; conference with M. Ryan and exchange e-mail regarding same	1,353.63

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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
07/27/15	M.K. Ryan	3.40	Draft and prepare Proposed Order; update and edit Motion to Dismiss; legal research for the same; e-mails with opposing counsel	1,314.95
07/27/15	T.H. Wolfendale	0.50	Work on motion brief	202.05
07/28/15	D.C. Kelly-Stallings	2.30	Assist with preparing motion to dismiss and developing arguments; confer with M. Ryan, R. Mitchell, A. Millstein, and T. Wolfendale regarding same	544.18
07/28/15	A. E. Millstein	1.40	Conference with M. Ryan and others regarding motion to dismiss	369.46
07/28/15	R.B. Mitchell	1.30	Meet with M. Ryan, T. Wolfendale regarding arguments in motion to dismiss and strategy vis-a-vis potential questions from the bench	703.89
07/28/15	M.K. Ryan	6.10	Conference with T. Wolfendale, A. Millstein, R. Mitchell and D. Kelly-Stallings to prepare for filing of motion and oral argument; update and edit Motion to Dismiss; coordinate filing; legal research for the same; e-mails to and from opposing counsel; review Requests for Admissions to D. Madore; call with C.J. Freeman; calls with T. Wolfendale; e-mails to C.J. Freeman's counsel	2,359.18
07/28/15	T.H. Wolfendale	1.60	Work on motion	646.54
07/29/15	D.C. Kelly-Stallings	0.50	Assist with drafting and preparing motion to dismiss	118.30
07/29/15	M.K. Ryan	2.90	Finalize Motion to Dismiss; prepare the same for filing	1,121.58
07/29/15	T.H. Wolfendale	0.70	Work on motion and RFA issues	282.86
07/30/15	D.C. Kelly-Stallings	0.20	Preliminary research for response to motion to continue	47.32
07/30/15	A. E. Millstein	0.20	Work on addressing comments raised by opposing counsel related to motion to dismiss	52.78
07/30/15	R.B. Mitchell	0.20	Conference with M. Ryan and exchange e-mail regarding hearing schedule	108.29

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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
07/30/15	M.K. Ryan	2.70	Coordinate filing of Motion to Dismiss; e-mails to clients regarding the same; phone conference with opposing counsel regarding continuance; e-mails regarding the same; phone conference with J. Hamm	1,044.23
07/30/15	T.H. Wolfendale	1.20	Work on motion issues	484.91
07/31/15	D.C. Kelly-Stallings	4.50	Legal research for response to motion to continue; assist with drafting same	1,064.70
07/31/15	A. E. Millstein	0.70	Work on issues related to motion for continuance filed by Plaintiffs	184.73
07/31/15	R.B. Mitchell	1.70	Review and respond to e-mail regarding Rule 12(b)(6) procedures and conversion rules; review and revise draft opposition to plaintiffs' motion to convert our motion to dismiss or, in the alternative, for more time	920.47
07/31/15	M.K. Ryan	7.30	Draft and prepare Opposition to Motion to Continue; update and edit the same; phone conferences with plaintiffs' counsel; e-mail to clients regarding the same; e-mail to D. Madore regarding requests for admission	2,823.28
07/31/15	T.H. Wolfendale	0.50	Review draft response regarding continuance and 12(b)(6) motions	202.05
TOTAL FEES			82.80 hrs	\$ 30,824.61

TIMEKEEPER SUMMARY

D.C. Kelly-Stallings	13.80 hrs at	\$ 236.60 / hr	3,265.08
A. E. Millstein	5.80 hrs at	\$ 263.90 / hr	1,530.62
R.B. Mitchell	9.20 hrs at	\$ 541.45 / hr	4,981.36
M.K. Ryan	44.60 hrs at	\$ 386.75 / hr	17,249.09
T.H. Wolfendale	9.40 hrs at	\$ 404.09 / hr	3,798.46
TOTAL FEES			\$ 30,824.61

DISBURSEMENTS & OTHER CHARGES

DATE	DESCRIPTION	AMOUNT
07/09/15	Local Courier - 6/11 PU at ABC & Dlvr to Clark Co. Superior Court in Vancouver, WA - ABC-Legal Services Inc. - 06182015	64.95
	DISBURSEMENTS & OTHER CHARGES	\$ <u>64.95</u>

MATTER SUMMARY

Fees	\$ 30,824.61
Disbursements and Other Charges	\$ <u>64.95</u>
MATTER TOTAL	\$ <u>30,889.56</u>

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C-Tran
Attn: Mr. Jeff Hamm
P. O. Box 2529
Vancouver, WA 98668-2529

Invoice Date : September 22, 2015
Invoice Number : 3150631
Services Through : August 31, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

Fees	\$ 11,917.03	
Disbursements and Other Charges	\$ <u>118.00</u>	
Total Amount Due This Matter		\$ 12,035.03

CURRENT INVOICE DUE - All Matters **\$ 12,035.03**

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Invoice # 3150631
2049134
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Clark County - Open Public Meeting Act Issue (00031)

\$12,035.03

FEES

<u>DATE</u>	<u>NAME</u>	<u>HOURS</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
08/02/15	A. E. Millstein	0.10	Work on declaration for M. Ryan in opposition to motion to continue	26.39
08/02/15	M.K. Ryan	0.70	Update and edit Opposition to Motion to Continue	270.73
08/03/15	D.C. Kelly-Stallings	0.50	Assist with preparing response to motion to continue	118.30
08/03/15	M.K. Ryan	3.10	Update and finalize opposition to Motion to Continue; prepare for hearing; e-mail to D. Madore regarding discovery	1,198.93
08/04/15	A. E. Millstein	0.50	Confer with M. Ryan regarding motion for continuance and impacts on discovery	131.95
08/04/15	M.K. Ryan	4.60	Prepare for hearing; attend and argue continuance motion; meet with J. Hamm regarding the same; e-mail to clients regarding the same; conference with opposing counsel and review proposed order; phone conference with J. Hamm regarding indemnification and defense	1,779.05
08/04/15	T.H. Wolfendale	0.10	Work on motion and post motion issues	40.41
08/05/15	M.K. Ryan	1.20	Review and comment on resolution and report regarding defense and indemnity; legal research regarding OPMA; conference with T. Wolfendale regarding hearing; e-mail to Freeman's counsel	464.10
08/05/15	T.H. Wolfendale	0.40	Planning on next steps with motion and case	161.64
08/06/15	A. E. Millstein	0.20	Confer with M. Ryan regarding strategy moving forward; draft engagement letter for C. Freeman	52.78

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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
08/06/15	M.K. Ryan	0.80	Legal research regarding various entity tests	309.40
08/07/15	M.K. Ryan	0.40	Phone conference with J. Parker regarding status of case	154.70
08/11/15	M.K. Ryan	0.40	Conference with T. Wolfendale and A. Millstein regarding Board meeting	154.70
08/13/15	T.H. Wolfendale	0.20	Review Ball Janik request to The Columbian and confer regarding the same and review and comment on other discovery subpoenas	80.82
08/25/15	A. E. Millstein	1.00	Review Plaintiffs' opposition to motion to dismiss; e-mail M. Ryan regarding same; review follow-up e-mails regarding opposition brief	263.90
08/25/15	R.B. Mitchell	0.50	Review and comment on plaintiffs' response to our motion to dismiss	270.73
08/26/15	D.C. Kelly-Stallings	0.90	Review response brief and correspond regarding counter arguments	212.94
08/30/15	M.K. Ryan	7.90	Draft and prepare Reply on Motion to Dismiss; legal research regarding the same; review and analyze plaintiffs' Response	3,055.33
08/30/15	T.H. Wolfendale	0.70	Work on reply brief to plaintiffs' response brief	282.86
08/31/15	D.C. Kelly-Stallings	1.80	Assist with drafting reply brief for motion to dismiss	425.88
08/31/15	A. E. Millstein	0.70	Review and revise reply in support of motion to dismiss; confer with M. Ryan regarding same	184.73
08/31/15	R.B. Mitchell	1.40	Review and revise draft reply in support of motion to dismiss	758.03
08/31/15	M.K. Ryan	3.30	Draft and prepare Reply; update and edit the same; finalize the same	1,276.28
08/31/15	T.H. Wolfendale	0.60	Work on reply brief	242.45
		TOTAL FEES	32.20 hrs	\$ <u>11,917.03</u>

TIMEKEEPER SUMMARY

D.C. Kelly-Stallings	3.20 hrs at	\$ 236.60 / hr	757.12
A. E. Millstein	2.50 hrs at	\$ 263.90 / hr	659.75
R.B. Mitchell	1.90 hrs at	\$ 541.45 / hr	1,028.76
M.K. Ryan	22.40 hrs at	\$ 386.75 / hr	8,663.22
T.H. Wolfendale	2.00 hrs at	\$ 404.09 / hr	808.18
TOTAL FEES		32.20 hrs	\$ <u>11,917.03</u>

DISBURSEMENTS & OTHER CHARGES

<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
08/07/15	Local Courier - MercuryPDX LLC - 07312015 - Hand Deliveries to/from Clark County Superior Court on 7-30-15	38.26
08/25/15	Local Courier - MercuryPDX LLC - 08152015 - Roundtrip Courier to/from Clark County Superior Court on 8-3-15	43.22
08/25/15	Local Courier - MercuryPDX LLC - 08152015 - Roundtrip Courier to/from Clark County Superior Court on 8-4-15	36.52
DISBURSEMENTS & OTHER CHARGES		\$ <u>118.00</u>

MATTER SUMMARY

Fees	\$ 11,917.03
Disbursements and Other Charges	\$ <u>118.00</u>
MATTER TOTAL	\$ <u>12,035.03</u>

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C-Tran
Attn: Mr. Jeff Hamm
P. O. Box 2529
Vancouver, WA 98668-2529

Invoice Date : October 9, 2015
Invoice Number : 3161270
Services Through : September 30, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

Fees	\$	5,843.38	
Disbursements and Other Charges	\$	<u>130.55</u>	
Total Amount Due This Matter			\$ 5,973.93

CURRENT INVOICE DUE - All Matters

\$ 5,973.93

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Invoice # 3161270
 2049134
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Clark County - Open Public Meeting Act Issue (00031)

\$5,973.93

FEES

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
09/01/15	M.K. Ryan	0.30	Review settlement offer from plaintiff	116.03
09/02/15	R.B. Mitchell	0.20	Conference with M. Ryan regarding plaintiffs' "settlement offer" and potential sanctions	108.29
09/02/15	T.H. Wolfendale	0.70	Consult on settlement offer issues	282.86
09/03/15	A. E. Millstein	0.40	Confer with M. Ryan regarding strategy moving forward in the event the motion to dismiss is not granted in full	105.56
09/03/15	R.B. Mitchell	1.00	Meet with M. Ryan and T. Wolfendale; conduct "moot court" session in preparation for oral argument before Judge Gregerson	541.45
09/03/15	M.K. Ryan	2.20	Prepare for oral argument; update and edit proposed order	850.85
09/03/15	T.H. Wolfendale	1.20	Consult regarding motion argument	484.91
09/04/15	A. E. Millstein	0.40	Confer with M. Ryan regarding court's ruling dismissing plaintiffs' claims and potential motion for sanctions	105.56
09/04/15	R.B. Mitchell	0.30	Conference with M. Ryan regarding arguments on motion to dismiss and strategy vis-a-vis order, sanctions, and possible appeal	162.44
09/04/15	M.K. Ryan	3.10	Prepare for oral argument; attend and argue Motion to Dismiss; conference with client; e-mail to clients regarding the same; e-mail to opposing counsel regarding order	1,198.93
09/09/15	T.H. Wolfendale	0.50	Work on post motion issues and options in consultation with M. Ryan	202.05

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DATE	NAME	HOURS	DESCRIPTION	AMOUNT
09/10/15	M.K. Ryan	0.30	Finalize order and prepare the same for filing with the Court	116.03
09/16/15	A. E. Millstein	0.50	Call with Clark County attorney regarding a Public Records Act request for communications that relate to this lawsuit	131.95
09/18/15	A. E. Millstein	0.40	Confer with M. Ryan regarding outline for Rule 11 sanctions motion and strategy for potential appeal	105.56
09/23/15	A. E. Millstein	1.20	Contact Clark County Superior Court regarding status of order dismissing claims; obtain copy of order; e-mail T. Wolfendale regarding status of settlement offer and timing of any appeal	316.68
09/23/15	R.B. Mitchell	0.50	Conference with A. Millstein regarding finality and appeal issues; review and respond to question regarding Civil Rule 54(b)	270.73
09/23/15	T.H. Wolfendale	0.40	Confer regarding outstanding settlement offer	161.64
09/28/15	R.B. Mitchell	1.00	Telephone conference with D. Hall; review Order of Dismissal; draft e-mail to J. Hamm, et. al.; exchange e-mail with J. Hamm; follow up with D. Hall regarding potential motion for sanctions	541.45
09/28/15	T.H. Wolfendale	0.10	Confer regarding potential resolution of the case	40.41
TOTAL FEES			14.80 hrs	\$ <u>5,843.38</u>

TIMEKEEPER SUMMARY

A. E. Millstein	2.90 hrs at	\$ 263.90 / hr	765.31
R.B. Mitchell	3.00 hrs at	\$ 541.45 / hr	1,624.36
M.K. Ryan	5.90 hrs at	\$ 386.75 / hr	2,281.84
T.H. Wolfendale	2.90 hrs at	\$ 404.09 / hr	1,171.87
TOTAL FEES			\$ <u>5,843.38</u>

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2049134
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DISBURSEMENTS & OTHER CHARGES

DATE	DESCRIPTION	AMOUNT
09/11/15	Court Fee - Ex Parte fee for Order GrantinQ Motion to Dismiss - Clark County Clerk's Office - 09112015	30.00
09/17/15	Local Courier - MercuryPDX LLC - 08312015 - Hand Delivery to/from Clark County Superior Court	52.76
09/23/15	Local Courier - MercuryPDX LLC - 09152015 - Hand Delivery to/from Clark County Superior Court on 9-4-15	38.79
09/28/15	Misc. Expenses - Millstein, Aaron - Miscellaneous - 2015-09- 23 - Clark County Superior Court - Certified Copy of Order	9.00
	DISBURSEMENTS & OTHER CHARGES	\$ <u>130.55</u>

MATTER SUMMARY

Fees	\$ 5,843.38
Disbursements and Other Charges	\$ <u>130.55</u>
MATTER TOTAL	\$ <u>5,973.93</u>