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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.,
Defendants.

No. 15-2-01144-1

DECLARATION OF THOMAS H.
WOLFENDALE IN SUPPORT OF
CERTAIN DEFENDANTS'
SUPPLEMENTAL MOTION FOR
ATTORNEYS' FEES AND COSTS
UNDER CIVIL RULE 11

I, Thomas H. Wolfendale, 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 of counsel with K&L Gates LLP and counsel of record in this action for 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 have primary responsibility for managing this litigation on behalf of
2 K&L Gates LLP and for preparing K&L Gates LLP's invoices for services rendered in
3 this matter.

4 4. Attached as **Exhibit A** are true and copies of K&L Gates LLP's monthly
5 invoices for work it performed from November 2015 through December 2016. These
6 invoices contain attorneys' fees and costs. This exhibit was prepared as part of K&L Gates
7 LLP's normal business practices. Certain entries have been highlighted to reflect the
8 work specifically related to the individual defendants and the motion for sanctions.

9 5. Each timekeeper entry contains a narrative explanation of the work
10 performed. The cost entries contain descriptions of the costs incurred. The fees and costs
11 were necessary, reasonable, and appropriate for the evaluation, preparation, and defense of
12 the claims against the individual defendants. The services performed from October
13 through December 2015 that are being submitted for recovery relate solely to the Motion
14 for Reasonable Attorneys' Fees and Costs under Civil Rule 11, and defendants' reply in
15 support of the same (collectively referred to as the "Motion for Sanctions").

16 6. The hourly rates for partners ranged from \$404.09 to \$541.45, which is less
17 than the typical rate these partners charge other clients of K&L Gates LLP.

18 7. I have practiced law for over 44 years, 37 of which I have served as either a
19 senior deputy prosecuting attorney in the civil and criminal divisions or a private attorney
20 representing municipal entities.

21 8. Senior partner Robert B. Mitchell has practiced law for over 35 years and
22 has over 30 years representing municipal entities.

23 9. Associate Aaron E. Millstein is a fifth-year associate at K&L Gates LLP
24 and has represented municipal clients since joining K&L Gates LLP in 2013. Mr.
25 Millstein formerly clerked for the Washington Supreme Court.

1 10. Associate Daniel C. Kelly-Stallings is a third-year associate at K&L Gates
2 LLP and has represented municipal clients since joining K&L Gates LLP in 2015. Mr.
3 Kelly-Stallings formerly clerked for both the U.S. District Court for the Western District
4 of Washington and the Washington Supreme Court.

5 11. The hourly rate for the associate working on the Motion for Sanctions was
6 \$263.90, which is less than the typical rate this associate charges other clients of K&L
7 Gates LLP.

8 12. To date, C-TRAN has paid K&L Gates LLP \$9,750.27 in attorneys' fees
9 and \$117.94 in costs related to the Motion for Sanctions.

10 13. For those time entries where multiple tasks are listed and not all of the
11 tasks relate to the Motion for Sanctions, the fee request is for only those fees incurred in
12 connection with the Motion for Sanctions. Specifically, on October 22, 2015, the time
13 entry for Aaron Millstein is 3.4 hours but includes work unrelated to the Motion for
14 Sanctions. Only 1.5 hours of this time entry was related to the Motion for Sanctions. On
15 November 12, 2015, the time entry for Aaron Millstein is 0.50 hours but includes work
16 unrelated to the Motion for Sanctions. Only 0.4 hours of this time entry was related to the
17 Motion for Sanctions. Finally, on December 11, 2015, the time entry for Aaron Millstein
18 is 3.5 hours but includes work unrelated to the Motion for Sanctions. Only 3.0 hours of
19 this time entry was related to the Motion for sanctions.

20 14. The total work invoiced to C-TRAN for work on the Motion for Sanctions
21 was \$9,750.27 in attorneys' fees. The requested attorneys' fees do not include any of the
22 work unrelated to the Motion for Sanctions described above.

23 15. K&L Gates LLP charged C-TRAN two separate messenger fees related to
24 the Motion for Sanctions. The first was for delivery of the opening motion to the Court,
25 and the second was for delivery of the reply in support of the motion. These costs are

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highlighted in the January 2016 invoice for work performed in December and total \$117.94.

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

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


Thomas H. Wolfendale

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

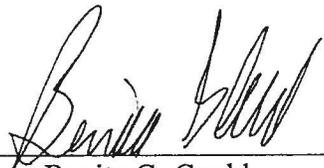
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David Madore
17401 NE Stoney Meadows Dr.
Vancouver, WA 98682-5614

- 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
T 206.623.7580 F 206.623.7022 klgates.com
Tax ID No. 25 0921018

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

Invoice Date : November 6, 2015
Invoice Number : 3172799
Services Through : October 31, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

| | | |
|-------------------------------------|--------------------|--------------------|
| Fees | \$ <u>9,357.83</u> | |
| Total Amount Due This Matter | | \$ 9,357.83 |

| | | |
|--|--|---------------------------|
| CURRENT INVOICE DUE - All Matters | | \$ <u>9,357.83</u> |
|--|--|---------------------------|

Clark County - Open Public Meeting Act Issue (00031)

\$9,357.83

FEES

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|-------------|-----------------|--------------|--|---------------|
| 10/01/15 | A. E. Millstein | 0.30 | Review recent Washington Supreme Court decision on the OPMA; exchange e-mail with R. Mitchell regarding impact of decision on future actions in case | 79.17 |
| 10/01/15 | R.B. Mitchell | 0.90 | Review new Supreme Court OPMA decision; draft e-mail to T. Wolfendale, D. Hall, and J. Hamm regarding same | 487.31 |
| 10/01/15 | T.H. Wolfendale | 0.10 | Study latest state supreme court case addressing OPMA issues | 40.41 |
| 10/06/15 | A. E. Millstein | 0.40 | Confer with R. Mitchell regarding telephone call with D. Hall and status of settlement offer; e-mail T. Wolfendale regarding next steps moving forward | 105.56 |
| 10/06/15 | R.B. Mitchell | 0.70 | Telephone conference with D. Hall regarding our settlement offer; conference with A. Millstein regarding same and next steps | 379.02 |
| 10/07/15 | A. E. Millstein | 2.00 | Confer with T. Wolfendale regarding status of settlement offer to plaintiffs; discuss counter-offer; call with J. Hamm regarding same | 527.80 |
| 10/07/15 | T.H. Wolfendale | 1.90 | Assess plaintiffs' counter-offer, internal consultation regarding the same, call with J. Hamm regarding the same | 767.77 |
| 10/08/15 | A. E. Millstein | 1.10 | Draft e-mail to clients regarding counter-offer from plaintiffs; revise same | 290.29 |
| 10/08/15 | T.H. Wolfendale | 0.40 | Consult regarding information for Board on settlement issues; confer with A. Millstein regarding same | 161.64 |

K&L GATES

Invoice # 3172799

2049134

Page 3 of 5

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|-------------|-----------------|--------------|--|---------------|
| 10/09/15 | A. E. Millstein | 0.30 | Revise e-mail to individual defendants; e-mail same; begin research regarding attorney-client relationship related to individual board members | 79.17 |
| 10/09/15 | T.H. Wolfendale | 0.10 | Work on counter-offer settlement issues | 40.41 |
| 10/11/15 | A. E. Millstein | 0.60 | Conduct legal research regarding attorney-client relationship related to directing litigation | 158.34 |
| 10/12/15 | A. E. Millstein | 0.90 | Continue assessing joint representation concerns; confer with T. Wolfendale regarding same; prepare for executive session regarding OPMA lawsuit update | 237.51 |
| 10/13/15 | A. E. Millstein | 0.30 | Confer with J. Stewart regarding OPMA lawsuit | 79.17 |
| 10/14/15 | R.B. Mitchell | 0.20 | Exchange e-mail with T. Wolfendale and A. Millstein regarding strategy vis-a-vis plaintiffs | 108.29 |
| 10/16/15 | A. E. Millstein | 0.60 | Begin reviewing documents responsive to Public Records Act request | 158.34 |
| 10/20/15 | A. E. Millstein | 0.50 | Confer with R. Mitchell regarding sanctions; draft and send e-mail to J. Stewart concerning settlement offer from plaintiffs | 131.95 |
| 10/20/15 | R.B. Mitchell | 0.50 | Telephone conference with D. Hall regarding settlement offer; conference with A. Millstein regarding client reaction; revise draft message to County Councilor | 270.73 |
| 10/20/15 | T.H. Wolfendale | 0.10 | Review and approve communication to a board member regarding offered settlement | 40.41 |
| 10/21/15 | A. E. Millstein | 1.20 | Continue review of records response to PRA request; review notice of appeal; begin working on motion for sanctions | 316.68 |
| 10/21/15 | R.B. Mitchell | 1.10 | Review Notice of Appeal; exchange e-mail regarding scope of appeal; research and | 595.60 |

K&L GATES

Invoice # 3172799
2049134
Page 4 of 5

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|-------------------|-----------------|-------|---|--------------------|
| | | | draft e-mail to D. Hall regarding appealability issues; conference with T. Wolfendale and write to J. Hamm regarding same; exchange follow-up e-mail with D. Hall | |
| 10/21/15 | T.H. Wolfendale | 0.30 | Review appellants' appeal document and confer regarding the same | 121.23 |
| 10/22/15 | A. E. Millstein | 3.40 | Begin drafting motion for sanctions; conduct legal research in support of same, focusing on standard under Rule 11; continue working on responding to Public Records Act request; create redaction log for same | 897.26 |
| 10/22/15 | T.H. Wolfendale | 0.50 | Confer regarding PRA requests to County | 202.05 |
| 10/23/15 | A. E. Millstein | 0.10 | Review letter from plaintiffs' counsel regarding notice of appeal | 26.39 |
| 10/26/15 | R.B. Mitchell | 0.20 | Telephone conference with Division 2 regarding appealability question; write to T. Wolfendale and A. Millstein regarding results of conversation | 108.29 |
| 10/28/15 | A. E. Millstein | 0.50 | Continue working on responding to PRA request for communications related to the OPMA suit | 131.95 |
| 10/29/15 | A. E. Millstein | 3.80 | Continue drafting motion for sanctions; conduct legal research to support same | 1,002.82 |
| 10/30/15 | A. E. Millstein | 4.20 | Continue drafting motion for sanctions; revise same; e-mail draft document to R. Mitchell | 1,108.38 |
| 10/31/15 | R.B. Mitchell | 1.30 | Review and revise draft motion for sanctions; prepare and send e-mail regarding same | 703.89 |
| TOTAL FEES | | | 28.50 hrs | \$ 9,357.83 |

TIMEKEEPER SUMMARY

| | | | |
|-------------------|------------------|----------------|---------------------------|
| A. E. Millstein | 20.20 hrs at | \$ 263.90 / hr | 5,330.78 |
| R.B. Mitchell | 4.90 hrs at | \$ 541.45 / hr | 2,653.13 |
| T.H. Wolfendale | 3.40 hrs at | \$ 404.09 / hr | 1,373.92 |
| TOTAL FEES | 28.50 hrs | | \$ <u>9,357.83</u> |

MATTER SUMMARY

| | |
|---------------------|---------------------------|
| Fees | \$ <u>9,357.83</u> |
| MATTER TOTAL | \$ <u>9,357.83</u> |

K&L GATES

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WA 98104-1158
T 206.623.7580 F 206.623.7022 klgates.com
Tax ID No. 25 0921018

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

Invoice Date : December 3, 2015
Invoice Number : 3185181
Services Through : November 30, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

| | | |
|-------------------------------------|---------------------|---------------------|
| Fees | \$ <u>12,321.82</u> | |
| Total Amount Due This Matter | | \$ 12,321.82 |

| | | |
|--|--|----------------------------|
| CURRENT INVOICE DUE - All Matters | | \$ <u>12,321.82</u> |
|--|--|----------------------------|

Clark County - Open Public Meeting Act Issue (00031)

\$12,321.82

FEES

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|-------------|-----------------|--------------|---|---------------|
| 11/02/15 | A. E. Millstein | 1.70 | Begin revising motion for sanctions; conduct additional legal research in support of same | 448.63 |
| 11/03/15 | A. E. Millstein | 1.50 | Continue revising motion for sanctions | 395.85 |
| 11/03/15 | R.B. Mitchell | 0.40 | Review and revise draft motion for sanctions; draft e-mail to A. Millstein regarding next steps | 216.58 |
| 11/03/15 | T.H. Wolfendale | 0.50 | Work on sanctions motion | 202.05 |
| 11/04/15 | A. E. Millstein | 0.80 | Confer with R. Mitchell regarding a declaration for the motion for sanctions; work on supporting declaration; draft the proposed order in support | 211.12 |
| 11/04/15 | R.B. Mitchell | 0.10 | Conference with A. Millstein regarding M. Ryan declaration | 54.15 |
| 11/04/15 | T.H. Wolfendale | 0.10 | Review C. Freeman city attorney e-mail and refer to R. Mitchell | 40.41 |
| 11/05/15 | A. E. Millstein | 0.90 | Continue drafting declaration to support motion for sanctions; gather exhibits for same; continue drafting proposed order | 237.51 |
| 11/05/15 | R.B. Mitchell | 0.60 | Review and revise motion for sanctions, Ryan declaration, and proposed order; write to A. Millstein, et. al., regarding same | 324.87 |
| 11/06/15 | A. E. Millstein | 1.10 | Continue working on the motion for sanctions; review prior communications to ensure statements are accurate | 290.29 |
| 11/06/15 | R.B. Mitchell | 0.20 | Exchange e-mail regarding arguments in sanctions motion | 108.29 |
| 11/06/15 | T.H. Wolfendale | 0.40 | Work on sanctions motion | 161.64 |
| 11/08/15 | A. E. Millstein | 0.40 | Continue revising the motion for sanctions | 105.56 |

K&L GATES

Invoice # 3185181
2049134
Page 3 of 6

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|----------|-----------------|-------|---|--------|
| 11/08/15 | R.B. Mitchell | 0.60 | Review and revise draft motion for sanctions; draft e-mail to A. Millstein and T. Wolfendale regarding same | 324.87 |
| 11/09/15 | A. E. Millstein | 0.80 | Draft e-mail to the Board regarding the motion for sanctions; continue revising the motion for sanctions | 211.12 |
| 11/09/15 | T.H. Wolfendale | 0.20 | Work on sanctions motion | 80.82 |
| 11/10/15 | A. E. Millstein | 0.60 | E-mail T. Wolfendale and R. Mitchell regarding whether the Court of Appeals determined that the order dismissing the case was a final judgment; e-mail clients regarding motion for sanctions; e-mail M. Ryan regarding declaration to support motion for sanctions | 158.34 |
| 11/10/15 | T.H. Wolfendale | 0.20 | Confer regarding ripeness of current appeal | 80.82 |
| 11/11/15 | A. E. Millstein | 1.50 | Call with M. Ryan regarding declaration for motion for sanctions; revise motion for sanctions; revise declaration; obtain signed declaration | 395.85 |
| 11/11/15 | R.B. Mitchell | 0.30 | Conference with M. Ryan; review and revise draft motion for sanctions | 162.44 |
| 11/11/15 | T.H. Wolfendale | 0.10 | Further work on sanctions motion | 40.41 |
| 11/12/15 | A. E. Millstein | 0.50 | Work on scheduling for motion for sanctions; work on issues related to the appeal | 131.95 |
| 11/12/15 | R.B. Mitchell | 0.30 | Telephone conference with Cheryl at Division II; draft e-mail to T. Wolfendale and A. Millstein regarding appealability and tactical questions | 162.44 |
| 11/12/15 | T.H. Wolfendale | 0.30 | Work on sanctions motion | 121.23 |
| 11/13/15 | A. E. Millstein | 1.90 | Call with C. Freeman regarding motion for sanctions; review e-mail from D. Madore regarding motion for sanctions; respond to same; file and serve citation for motion for sanctions; revise motion for sanctions to remove individual defendants | 501.41 |
| 11/13/15 | T.H. Wolfendale | 0.30 | Confer regarding sanctions | 121.23 |

K&L GATES

Invoice # 3185181
 2049134
 Page 4 of 6

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|----------|-----------------|-------|--|----------|
| | | | motion | |
| 11/16/15 | A. E. Millstein | 2.80 | Review e-mail from Board member regarding the status of the BRT and OPMA lawsuit against C-TRAN; respond to same; review statement of arrangements and designation of clerk's papers filed in the appeal | 738.92 |
| 11/16/15 | R.B. Mitchell | 0.30 | Review and revise draft messages to clients; exchange e-mail with A. Millstein, et. al., regarding same | 162.44 |
| 11/16/15 | T.H. Wolfendale | 0.70 | Assess motion sanctions issues | 282.86 |
| 11/16/15 | T.H. Wolfendale | 0.30 | Further assessment and consultation regarding sanctions motion | 121.23 |
| 11/17/15 | A. E. Millstein | 4.40 | Review e-mail from Board member regarding OPMA lawsuit; draft response to same; draft notices of intent to withdraw from representation of D. Madore per his request; begin drafting motion to dismiss the current appeal for lack of finality in the underlying case | 1,161.16 |
| 11/17/15 | R.B. Mitchell | 0.20 | Review and respond to e-mail regarding D. Madore | 108.29 |
| 11/17/15 | T.H. Wolfendale | 0.40 | Assess and confer regarding latest sanctions motion issues | 161.64 |
| 11/18/15 | A. E. Millstein | 3.40 | Continue drafting motion to dismiss appeal; revise same; draft declaration in support of same; review e-mail from T. Mielke regarding OPMA lawsuit; draft and send e-mail to C. Horne regarding T. Mielke's e-mail; e-mail C-TRAN Board member regarding withdrawing from representing him in the OPMA lawsuit | 897.26 |
| 11/18/15 | T.H. Wolfendale | 0.90 | Review board member inquiry regarding case status; review related issues; work on appeal dismissal motion | 363.68 |
| 11/19/15 | A. E. Millstein | 1.20 | Continue working on Notice of Intent to Withdraw; call with client regarding motion for | 316.68 |

K&L GATES

Invoice # 3185181
 2049134
 Page 5 of 6

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|-------------------|-----------------|-------|--|----------------------------|
| | | | sanctions; work on motion to dismiss the appeal | |
| 11/19/15 | R.B. Mitchell | 0.80 | Review and sign draft declaration of R. Mitchell in Support of Motion to Dismiss; exchange e-mail with A. Millstein | 433.16 |
| 11/19/15 | T.H. Wolfendale | 0.40 | Work on representation issues | 161.64 |
| 11/20/15 | A. E. Millstein | 2.20 | Continue working on the motion to dismiss the appeal; finalize notices of intent to withdraw; mail same; e-mail D. Madore regarding same | 580.58 |
| 11/20/15 | R.B. Mitchell | 0.50 | Review and revise draft motion to dismiss appeal | 270.73 |
| 11/20/15 | T.H. Wolfendale | 0.10 | Work on appeal | 40.41 |
| 11/25/15 | A. E. Millstein | 2.60 | Create certificate of service to accompany notice of intent to withdraw; arrange for filing and service of the notices of intent to withdraw; file and serve a notice of appeal with the Court of Appeals; draft e-mail to clients regarding motion to dismiss; call Court of Appeals regarding noting the motion to dismiss for hearing; review e-mail from A. Ridenour regarding request to continue hearing for motion for sanctions; draft and revise response regarding same; review response e-mail from A. Ridenour | 686.14 |
| 11/25/15 | T.H. Wolfendale | 0.30 | Confer regarding opposing counsel's letter stating unavailability | 121.23 |
| 11/30/15 | A. E. Millstein | 1.30 | Review and finalize motion to dismiss for filing; respond to e-mails from clients regarding indemnification; review and respond to e-mails from opposing counsel regarding continuing the motion for sanctions | 343.07 |
| 11/30/15 | T.H. Wolfendale | 0.20 | Confer regarding sanction motion | 80.82 |
| TOTAL FEES | | | 39.30 hrs | \$ <u>12,321.82</u> |

TIMEKEEPER SUMMARY

| | | | |
|-------------------|------------------|----------------|----------------------------|
| A. E. Millstein | 29.60 hrs at | \$ 263.90 / hr | 7,811.44 |
| R.B. Mitchell | 4.30 hrs at | \$ 541.45 / hr | 2,328.26 |
| T.H. Wolfendale | 5.40 hrs at | \$ 404.09 / hr | 2,182.12 |
| TOTAL FEES | 39.30 hrs | | \$ <u>12,321.82</u> |

MATTER SUMMARY

| | |
|---------------------|----------------------------|
| Fees | \$ 12,321.82 |
| MATTER TOTAL | \$ <u>12,321.82</u> |

K&L GATES

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WA 98104-1158
T 206.623.7580 F 206.623.7022 klgates.com
Tax ID No. 25 0921018

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

Invoice Date : January 20, 2016
Invoice Number : 3200224
Services Through : December 31, 2015
Our File Number : 2049134

INVOICE SUMMARY BY MATTER

Clark County - Open Public Meeting Act Issue (00031)

| | | | |
|-------------------------------------|----|---------------|--------------------|
| Fees | \$ | 5,790.26 | |
| Disbursements and Other Charges | \$ | <u>163.16</u> | |
| Total Amount Due This Matter | | | \$ 5,953.42 |

CURRENT INVOICE DUE - All Matters

\$ 5,953.42

K&L GATES

Invoice # 3200224
2049134
Page 2 of 4

Clark County - Open Public Meeting Act Issue (00031)

\$5,953.42

FEES

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|-------------|-----------------|--------------|--|---------------|
| 12/01/15 | A. E. Millstein | 0.40 | Review order from the Court of Appeals requiring appellants to file an answer to the Motion to Dismiss; research court rules regarding right to a reply | 105.56 |
| 12/01/15 | T.H. Wolfendale | 0.10 | Assess current dismissal motion and court ruling for a response | 40.41 |
| 12/02/15 | A. E. Millstein | 0.80 | Finalize motion for sanctions and prepare for filing and service | 211.12 |
| 12/03/15 | A. E. Millstein | 0.60 | Work on filing and service of motion for sanctions | 158.34 |
| 12/07/15 | A. E. Millstein | 0.30 | Determine timeframe for filing a reply to support the motion for sanctions; begin preparations for reply filing; e-mail with opposing counsel regarding scheduling for hearing on motion for sanctions | 79.17 |
| 12/09/15 | A. E. Millstein | 2.30 | Review response to motion for sanctions; draft reply; revise same | 606.97 |
| 12/09/15 | T.H. Wolfendale | 0.30 | Study plaintiffs' response to sanctions motion | 121.23 |
| 12/10/15 | A. E. Millstein | 2.10 | Revise reply in support of sanctions; prepare for hearing on motion for sanctions | 554.19 |
| 12/10/15 | T.H. Wolfendale | 0.50 | Work on sanctions motion | 202.05 |
| 12/11/15 | A. E. Millstein | 3.50 | Prepare for and attend hearing on motion for sanctions; argue same; confer with opposing counsel after hearing; review appellants' response to motion to dismiss appeal | 923.65 |
| 12/11/15 | T.H. Wolfendale | 0.70 | Preliminary review of response to motion to dismiss appeal and provide an initial assessment | 282.86 |

K&L GATES

Invoice # 3200224
 2049134
 Page 3 of 4

| DATE | NAME | HOURS | DESCRIPTION | AMOUNT |
|-------------------|-----------------|-------|--|---------------------------|
| 12/13/15 | A. E. Millstein | 1.60 | Respond to C-TRAN Board member's e-mail regarding motion for sanctions; review appellants' response to the motion to dismiss the appeal; begin drafting reply in support of motion to dismiss; conduct legal research in support of same | 422.24 |
| 12/13/15 | A. E. Millstein | 0.80 | Continue working on response brief | 211.12 |
| 12/14/15 | A. E. Millstein | 0.50 | Revise reply in support of motion to dismiss appeal; review revisions from T. Wolfendale and R. Mitchell regarding same | 131.95 |
| 12/14/15 | T.H. Wolfendale | 0.60 | Work on appellate motion reply brief | 242.45 |
| 12/15/15 | A. E. Millstein | 1.70 | Conduct legal research to support reply in support of motion to dismiss; revise and finalize motion to dismiss; file and serve same | 448.63 |
| 12/16/15 | A. E. Millstein | 0.10 | Review e-mail from the court regarding presentment of order for attorneys' fees; respond to same | 26.39 |
| 12/20/15 | R.B. Mitchell | 1.40 | Review and revise penultimate draft of respondent's brief; exchange e-mail with T. Wolfendale and A. Millstein regarding same | 758.03 |
| 12/21/15 | A. E. Millstein | 0.20 | Review order from Court of Appeals; e-mails clients regarding same | 52.78 |
| 12/22/15 | A. E. Millstein | 0.80 | Review invoices to prepare fee declaration; conduct legal research regarding the appropriate method of calculating attorneys' fees under CR 11 | 211.12 |
| TOTAL FEES | | | 19.30 hrs | \$ <u>5,790.26</u> |

TIMEKEEPER SUMMARY

| | | | |
|-------------------|--------------|------------------|---------------------------|
| A. E. Millstein | 15.70 hrs at | \$ 263.90 / hr | 4,143.23 |
| R.B. Mitchell | 1.40 hrs at | \$ 541.45 / hr | 758.03 |
| T.H. Wolfendale | 2.20 hrs at | \$ 404.09 / hr | 889.00 |
| TOTAL FEES | | 19.30 hrs | \$ <u>5,790.26</u> |

DISBURSEMENTS & OTHER CHARGES

| DATE | DESCRIPTION | AMOUNT |
|--|--|-------------------------|
| 12/01/15 | Local Courier - MercuryPDX LLC - 11152015 - Round Trip Hand Delivery from Clark County Superior Court to KLG on 11-13-15 | 101.25 |
| 12/10/15 | Local Courier - MercuryPDX LLC - 11302015 - Hand Delivery to/from Clark County Superior Court on 11-25-15 | 45.22 |
| 12/10/15 | Local Courier - MercuryPDX LLC - 11302015 - Hand Delivery from Clark County Superior Court to KLG on 11-18-15 | 16.69 |
| DISBURSEMENTS & OTHER CHARGES | | \$ <u>163.16</u> |

MATTER SUMMARY

| | |
|---------------------------------|---------------------------|
| Fees | \$ 5,790.26 |
| Disbursements and Other Charges | \$ <u>163.16</u> |
| MATTER TOTAL | \$ <u>5,953.42</u> |