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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Leroy Haeger, et al.,	)	No. CV-05-02046-PHX-ROS
Plaintiffs,	)	<b>ORDER</b>
vs.	)	
Goodyear Tire and Rubber Co., et al.,	)	
Defendants.	)	

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On June 26, 2013, the Court gave the parties one last opportunity to reach agreement regarding the amount of attorneys’ fees to be awarded based on misconduct by Graeme Hancock, Basil Musnuff, and Goodyear Tire and Rubber Co. (“Goodyear”). The parties could not reach agreement and they profoundly object to referring the issue to a special master. Rather than prolong this case any further, the Court now resolves the appropriate amount of attorneys’ fees and costs.

**I. Reasonable Attorneys’ Fees and Costs**

In its June 26, 2013 Order, the Court explained that it would use the lodestar method to calculate the appropriate amount of fees. That method contemplates multiplying the “reasonable hourly rate” by the number of hours “reasonably expended.” *Morales v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996). The prior order determined the appropriate hourly rates. Now the Court must determine the reasonable number of hours. The parties present vastly different views on this issue.

1 To begin, the Supreme Court has made clear that determining the appropriate amount  
2 of attorneys' fees "should not result in a second major litigation." *Hensley v. Eckerhart*, 461  
3 U.S. 424, 437 (1983). The Supreme Court recently stressed that, when determining the size  
4 of a fee award, "trial courts need not, and indeed should not, become green-eyeshade  
5 accountants." *Fox v. Vice*, 131 S. Ct. 2205, 2216 (2011). A court should not strive to  
6 "achieve auditing perfection" but should attempt "to do rough justice." *Id.* And in doing so,  
7 a court may "take into account [its] overall sense of a suit" and may even "use estimates in  
8 calculating and allocating an attorney's time." *Id.*

9 Despite this Supreme Court authority, the Ninth Circuit has repeatedly chided district  
10 courts for not providing an adequate explanation of their decisions regarding attorneys' fees.  
11 For example, the Ninth Circuit recently claimed that it would only be "a small matter" for  
12 district courts "to abide by the injunction of the arithmetic teacher: Show your work!"  
13 *Padgett v. Loventhal*, 706 F.3d 1205, 1208 (9th Cir. 2013) (quotation omitted). Therefore,  
14 the Court will attempt to make as clear as possible how it calculated the appropriate award.  
15 It is worth keeping in mind, however, that when the attorneys' fees at issue run into the  
16 thousands of hours and millions of dollars, it is exceptionally difficult to assess each and  
17 every billing entry with absolute clarity and consistency. *Cf. Salstrom v. Citicorp Credit*  
18 *Services, Inc.*, 74 F.3d 183, 185 (9th Cir. 1996) ("[I]t would be impossible to determine with  
19 mathematical precision the amount of attorney's fees and costs incurred by Citicorp as a  
20 direct result of Gudger and Webb's misconduct.").

### 21 **A. General Objections**

22 Goodyear and its attorneys propose a system of nine different codes for the Court to  
23 use when evaluating the approximately 240 pages of time entries. (Doc. 1100). Almost  
24 every time entry is accompanied by some combination of the nine codes. Unfortunately,  
25 even a cursory review raises concerns about the good faith nature of the objections. For  
26 example, Goodyear and its attorneys have objected to many entries that Plaintiffs are not  
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1 seeking compensation for.<sup>1</sup> Those objections are obviously inappropriate. In addition, the  
2 objections are wildly inconsistent, making it exceptionally difficult to evaluate the billing  
3 records as a whole.<sup>2</sup> In light of the nonsensical objections to unbilled time, and the  
4 seemingly random nature of a great many other objections, it is hard to conclude Goodyear  
5 and its attorneys carefully reviewed the records.

6 Much more important than these errors, however, is that the coded objections present  
7 a very misleading view of possible adjustments. Goodyear and its attorneys present totals  
8 under each of the nine different codes. But sustaining a global objection to any code would  
9 result in a grossly excessive deduction. For example, Goodyear and its attorneys claim that  
10 sustaining their Code H objections (“excessive billings/fees”) should result in a reduction of  
11 \$375,772.50. (Doc. 1100-3 at 2). But this amount is derived by assuming the Court will  
12 disallow, in its entirety, any entry allegedly containing “excessive time.” So the time entry  
13 on 5/18/07 reflecting twelve hours for attending an expert deposition would be reduced to  
14 zero, even though there can be no question that *some* time on that date was appropriately  
15 billed. Thus, the code system presents the situation as one where the Court could merely  
16 pick the meritorious codes and then subtract the total allegedly attributable to each code.  
17 That is not, in fact, the case.

18 The code system and accompanying totals are also misleading because they do not  
19 take into account that the codes often overlap. Therefore, if the Court were to sustain the  
20 objections based only on three of the nine codes, that would result in a larger deduction than  
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25 <sup>1</sup> Goodyear and its attorneys have made over forty objections to time entries that  
26 Plaintiffs’ counsel are not seeking to recover. *See, e.g.*, Doc. 1100-2 at 45.

27 <sup>2</sup> Looking at two entries close in time, Goodyear and its attorneys object that the entry  
28 dated 2/1/07 stating “telephone conference with client” is too “vague and/or incomplete.”  
But there is no objection to the 2/22/07 entry stating, in its entirety, “review list of cases.”

1 the entire amount Plaintiffs seek.<sup>3</sup> Obviously the Court cannot engage in such a simplistic  
2 analysis.<sup>4</sup>

3 Based on Goodyear and its attorneys' objections, the reductions set forth below are  
4 far less than what one might expect. But the Court has spent considerable time reviewing  
5 *each* time entry and its associated objections in an attempt to ensure the appropriate size of  
6 the award. Relying primarily on its own experience in this case, the Court makes the rulings  
7 and adjustments set forth below.

## 8 **B. Nine Code System**

### 9 **i. Code A Objections**

10 Code A refers to "recreated time entries for the period from August 11, 2009 through  
11 December 31, 2010." (Doc. 1100 at 2). During that time period, Plaintiffs' counsel did not  
12 maintain contemporaneous time records. While the lack of contemporaneous time records  
13 is often a problem, this case is unique.

14 Here, the Court is attempting to award reasonable attorneys' fees in a case where  
15 Plaintiffs never planned to seek an award of attorneys' fees. This is a contingency-based  
16 case and contingency fee attorneys often do not keep contemporaneous time records because  
17 they will never seek a fee award from the court. Thus, Goodyear and its attorneys seem to  
18 be arguing the Court should heavily discount or deny the fees described in Plaintiffs'  
19 recreated time entries because Plaintiffs failed to predict that, due to widespread discovery  
20 misconduct, they would eventually need to apply for fees. In these circumstances,  
21 disallowing fees based on the lack of contemporaneous time records is not appropriate.

22 The recreation of time entries does, however, raise the prospect of overstating the time  
23 involved. *See, e.g., Hensley v. Eckerhart*, 461 U.S. 424, 438 n.13 (1983) (allowing 30%

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26 <sup>3</sup> Sustaining the objections on Code B (\$1,611,044), Code C (\$603,356), and Code F  
(\$722,406.52) would result in total deductions of \$2,936,806.52.

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28 <sup>4</sup> Goodyear and its attorneys recognize this flaw but do not offer an alternative method  
of calculation. (Doc. 1102 at 4 n.2).

1 reduction based on lack of contemporaneous time records). Therefore, out of an abundance  
2 of caution, the Court will impose a twenty percent reduction to those time entries reflecting  
3 Code A objections.

#### 4 **ii. Code B Objections**

5 Code B refers to “block-billing.” Goodyear and its attorneys claim Plaintiffs’ counsel  
6 engaged in inappropriate block-billing throughout this case. But, as pointed out by Plaintiffs,  
7 it is not block-billing per se that is objectionable. Rather, the problem with block-billing is  
8 that there is often insufficient detail for the Court to determine whether the amount expended  
9 in each block was reasonable. The records here do not suffer from that flaw. Except as  
10 indicated in the context of other objections, the entries identified as block-billed contain  
11 sufficient information for the Court to assess the reasonableness of the time spent on the tasks  
12 performed. *See Campbell v. Nat’l Passenger R.R. Corp.*, 718 F. Supp. 2d 1093, 1103 (N.D.  
13 Cal. 2010) (block billing was “detailed enough for the Court to assess the reasonableness of  
14 the hours billed”).<sup>5</sup> Therefore, the Code B objections are overruled.

#### 15 **iii. Code C Objections**

16 Code C refers to “vague and/or incomplete descriptions of the services performed.”  
17 (Doc. 1100 at 2). The Court concludes that some of the Code C objections are well-taken  
18 and adjustments must be made. The vast majority of these adjustments reflect telephone  
19 calls, conferences, or emails with no indication regarding the topic of those communications.  
20 The Court cannot conclude the time was reasonably expended absent such information.  
21 Therefore, the Court makes the adjustments set forth on Appendix A. Unless listed on  
22 Appendix A, the Code C objections are overruled.

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26 <sup>5</sup> Also, in light of the Court making other objections to many of the block-billed  
27 entries, any across the board block-billing reduction would result in excessive reductions.  
28 *See Welch v. Metro. Life Ins. Co.*, 480 F.3d 842, 948 (9th Cir. 2007) (reversing across-the-  
board reduction for block-billing because it resulted in excessive reduction).

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**iv. Code D Objections**

Code D refers to “non-taxable costs pursuant to 28 U.S.C. § 1920.” (Doc. 1100 at 2). As set forth in the Court’s June 26, 2013 Order, the Court will not limit the award to taxable costs. Therefore, with the exception of \$4,880.73, the costs for which Plaintiffs did not submit supporting documents, the objections under Code D are overruled.

**v. Code E Objections**

Code E refers to “multiple timekeepers performing the same tasks/duplicative fees.” (Doc. 1100 at 2). Having reviewed the relevant entries, Goodyear and its attorneys have not provided a meaningful way for the Court to assess the accuracy of their contention that the entries are duplicative. In fact, Goodyear and its attorneys seem to believe that almost any time more than one attorney billed for a particular issue, only one attorney should be compensated. Given that Goodyear had over ten attorneys working on this case, the amount of discovery involved, and the complicated nature of the issues, the claim that Plaintiffs should be limited to the time one attorney spent on any given issue is not convincing. *See Democratic Party of Wash. State v. Reed*, 388 F.3d 1281, 1286-87 (9th Cir. 2004) (“Courts must exercise judgment and discretion, considering the circumstances of the individual case, to decide whether there was unnecessary duplication.”). The Court overrules the objections based on Code E.

**vi. Code F Objections**

Code F refers to “entries unrelated to the alleged harm and outside the scope of the Court’s Order.” (Doc. 1100 at 2). This objection takes issue with the Court’s decision to award all the fees and costs incurred after it became clear that Goodyear and its attorneys were not behaving in good faith. The Court previously explained that, in these unique circumstances, it is inappropriate to limit the award to the fees and costs that could be directly linked to the misconduct; proving that linkage is an almost impossible task given

1 how the misconduct permeated the entirety of this case.<sup>6</sup> Thus, the Code F objections are  
2 overruled.

3 As explained in the June 26, 2013 Order, the Court will make a contingent award in  
4 the event a direct linkage between the misconduct and harm is required. For purposes of the  
5 contingent award, the Code F objections will be sustained. Goodyear and its attorneys have  
6 submitted a calculation that the Code F objections total \$722,406.52. (Doc. 1100-3 at 2).  
7 Therefore, the contingent award will reflect the other appropriate deductions, as well as this  
8 deduction.<sup>7</sup>

### 9 **vii. Code G Objections**

10 Code G refers to “administrative and/or clerical tasks.” (Doc. 1100 at 2). The  
11 overwhelming number of Code G objections are aimed at tasks performed by a paralegal and  
12 billed at the paralegal’s hourly rate.<sup>8</sup> Goodyear and its attorneys apparently believe these  
13 entries were for the performance of “clerical” work, *i.e.* work that not even a paralegal should  
14 be allowed to bill for. (Doc. 1103 at 13, work should have been designated as unrecoverable

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16 <sup>6</sup> Some of the Code F objections are clear evidence that Goodyear and its attorneys  
17 have not conducted a thoughtful review of their objections. For example, the time Plaintiffs’  
18 counsel spent in preparing the reply in support of their motion for sanctions is obviously  
19 directly linked to the misconduct. But Goodyear and its attorneys assert a Code F objection  
20 to some of that time. *See, e.g.*, time entries dated 10/11/2011 and 10/12/2011.

21 <sup>7</sup> As noted in footnote 5, many entries are subject to multiple objections. Therefore,  
22 sustaining more than one objection to a single entry will result in double counting that entry.  
23 For example, the entry on 11/08/06 contains an objection under Code C and Code F. The  
24 objection based on Code C was sustained, meaning sustaining the objection also on Code F  
25 will result in deducting that \$33.00 twice. But there is no simple way to avoid this problem  
26 and the amount of double counting is minimal in relation to the size of the total award.  
27 Therefore, the contingent award will reflect the other appropriate deductions as well as the  
28 full \$722,406.52 deduction.

<sup>8</sup> Goodyear and its attorneys do not object to all of the billing entries by paralegals,  
effectively conceding that some paralegal work is recoverable. *See Trustees of Const.*  
*Industry and Laborers Health and Welfare Trust v. Redland Insurance Co.*, 460 F.3d 1253,  
1257 (9th Cir. 2006) (“[F]ees for work performed by non-attorneys such as paralegals may  
be billed separately, at market rates, if this is the prevailing practice in a given community.”).



1 “overhead.”). Some of the entries do involve work of a clerical nature. *See Schrum v.*  
2 *Burlington N. Santa Fe Ry. Co.*, 2008 WL 2278137, at \*12 (D. Ariz. May 30, 2008) (noting  
3 “work that is clerical in nature should be subsumed in a law firm’s overhead”). Many of the  
4 time entries to which there is a Code G objection contain a mix of compensable and non-  
5 compensable activities. Therefore, the Court has determined the appropriate amount for the  
6 compensable activities while subtracting the non-compensable amounts. *See id.* (clerical  
7 tasks include “calendar activities, scheduling depositions and bates labeling documents”).  
8 The appropriate adjustments are set forth on Appendix B. If not referenced, the Code G  
9 objections are overruled.

#### 10 **viii. Code H Objections**

11 Code H refers to “excessive billings/fees.” Plaintiffs are only entitled to the amount  
12 of time “reasonably expended.” *Morales v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir.  
13 1996). Goodyear and its attorneys believe the absolute maximum the Court could find  
14 reasonable in this case is approximately 800 hours by Mr. Kurtz and his paralegal, a little  
15 over 500 hours from all the staff at Jennings, Strouss & Salmon, and no hours from Mr.  
16 Abernethy. (Doc. 1100-4). Thus, Goodyear and its attorneys believe this case should not  
17 have required more than 1,300 hours of work. Given the history of this case, that figure  
18 cannot be taken seriously.<sup>9</sup>

19 As outlined in the sanctions order, very early in this case Goodyear and its attorneys  
20 decided to resist all discovery and fight Plaintiffs on seemingly every issue. At the time of  
21 the sanctions order, the case had involved approximately 163 motions, 254 Court orders, and  
22 close to 1,000 docket entries. (Doc. 1073 at 50 n.21). That is *substantially* more activity  
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24 <sup>9</sup> Goodyear and its attorneys chose not to submit their own billing records for  
25 comparison purposes. While there is no requirement that they do so, the Ninth Circuit has  
26 recognized that comparing the time spent by the opposing side can be a “useful guide in  
27 evaluating the appropriateness of time claimed.” *Democratic Party of Wash. State v. Reed*,  
28 388 F.3d 1281, 1287 (9th Cir. 2007). If Goodyear and its attorneys actually believed that  
Plaintiffs spent close to *five thousand hours* more than necessary, their own billings of far  
fewer hours would have been powerful and persuasive evidence in support of that position.



1 than the vast majority of cases, including even more complex cases that proceed through  
2 trial. And while docket activity can be a useful proxy for determining the amount of attorney  
3 time devoted to a case, docket activity alone can be misleading because it may not reflect  
4 time spent in discovery. In this case, the time spent in discovery was massive and greatly  
5 inflated because of the misconduct by Goodyear and its attorneys. Accordingly, the general  
6 complaint by Goodyear and its attorneys that Plaintiffs' counsel spent too much time on this  
7 case, when the monumental expenditure of time was caused by their repeated misconduct,  
8 is not convincing.

9         Despite the unreasonably low number of hours proposed by Goodyear and its  
10 attorneys, the number of hours Plaintiffs have requested does appear high. Therefore, the  
11 Court has looked to the Code H objections with great care. But having examined the  
12 associated time entries, most of the Code H objections do not have merit. It is important to  
13 note that many of the Code H objections stem from billings directly connected to the  
14 sanctions proceedings. During that time, Plaintiffs' counsel was responding to the actions  
15 and filings by teams of lawyers representing Goodyear, Mr. Hancock, and Mr. Musnuff.  
16 Plaintiffs' counsel was also attempting to conduct discovery to further substantiate their  
17 misconduct claims. In light of the accelerated briefing and discovery deadlines during the  
18 sanctions proceedings, it is not surprising that Plaintiffs' counsel put in a great deal of work  
19 in a short time period. *See, e.g.*, time entries dated 4/17/12 to 4/26/12 (billing approximately  
20 nine hours per day).

21         Based on the Court's years-long familiarity with this case, the appropriate adjustments  
22 for excessive billing are set forth on Appendix C. If not referenced, the Code H objections  
23 are overruled.

#### 24                   **ix. Code I Objections**

25         Code I refers to fees for "recreating time entries and preparing the fee application."  
26 Because this case originally had no prospect of an attorneys' fee award, Plaintiffs' counsel  
27 did not have the normal incentive to keep contemporaneous time records. Thus, the need to  
28 recreate time entries was a direct result of the sanctionable conduct. Therefore, the time

1 recreating Plaintiffs' time records will be allowed. Also, there is no reason to disallow the  
 2 time Plaintiffs spent in litigating the fees issue. *See, e.g., Camacho v. Bridgeport Financial,*  
 3 *Inc.*, 523 F.3d 973, 981 (9th Cir. 2008) (“[I]t would be inconsistent to dilute a fees award by  
 4 refusing to compensate attorneys for the time they reasonably spent in establishing their  
 5 rightful claim to the fee.”). Thus, the Code I objections are overruled.

## 6 **II. Conclusion**

7 Based on the foregoing, the Court makes the following adjustments.

8 <b>Objection</b>	<b>Standard Adjustment</b>	<b>Contingent Adjustment</b>
9 Code A	\$29,310 (20% of \$146,550)	\$29,310
10 Code B	0	0
11 Code C	\$32,117 (\$39,117 - \$7,000)	\$32,117
12 Code D	\$4,880.73 (unsupported costs)	\$4,880.73
13 Code E	0	0
14 Code F	0	\$722,406.52
15 Code G	\$50,721 (\$88,060.50 - \$37,339.50)	\$50,721
16 Code H	\$25,827.50 (\$90,927.50 - \$65,100)	\$25,827.50
17 Code I	0	0
18 <b>TOTAL</b>	\$142,856.23	\$865,262.75

20 Plaintiffs' starting figure of \$2,884,057.39, reduced by the standard adjustment, results in a  
 21 lodestar of \$2,741,201.16 in attorneys' fees and costs. There is no reason to adjust this  
 22 figure. *See Evon v. Law Offices of Sidney Mickell*, 688 F.3d 1015, 1033 n.11 (9th Cir. 2012)  
 23 (“After computing the ‘lodestar,’ the district court may then adjust the figure upward or  
 24 downward taking into consideration twelve ‘reasonableness’ factors . . . .”). The Court  
 25 previously determined 20% of the award would be apportioned to Mr. Hancock while Mr.  
 26 Musnuff and Goodyear would be responsible for 80%.


1 In the alternative, the starting figure of \$2,884,057.39 reduced by the standard  
2 adjustment as well as the adjustment for harm not directly linked to the misconduct (Code  
3 F objections) results in a lodestar of \$2,018,794.64. There is no reason to adjust this amount.  
4 *Id.* Therefore, if necessary, the Court would enter judgment, appropriately apportioned, in  
5 that amount.

6 Accordingly,

7 **IT IS ORDERED** the Clerk of Court is directed to enter judgment in favor Plaintiffs  
8 and against Graeme Hancock in the amount of \$548,240.23 and against Basil J. Musnuff and  
9 the Goodyear Tire and Rubber Co. in the amount of \$2,192,960.93.

10 DATED this 26<sup>th</sup> day of August, 2013.

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Roslyn O. Silver  
Chief United States District Judge

<b>APPENDIX A</b>					
Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for Inadequate Description
11/8/2006	0.2	165	33	0	0
11/9/2006	2	500	1000	1	500
11/13/2006	0.2	500	100	0	0
11/15/2006	0.3	500	150	0	0
11/30/2006	1.4	500	700	0	0
12/4/2006	0.1	500	50	0	0
12/19/2006	1.2	500	600	0	0
1/3/2007	8.5	500	4250	4	2000
1/24/2007	0.2	500	100	0	0
1/28/2007	4.8	500	2400	0	0
1/29/2007	2	500	1000	0	0
5/15/2007	0.9	500	450	0	0
5/15/2007	0.3	500	150	0	0
5/19/2007	9.7	500	4850	4	2000
5/20/2007	10.1	500	5050	5	2500
5/29/2007	0.1	500	50	0	0
5/29/2007	0.2	500	100	0	0
6/1/2007	0.5	500	250	0	0
7/16/2007	0.2	500	100	0	0
7/17/2013	0.8	500	400	0	0
7/19/2007	0.3	500	150	0	0
8/1/2007	0.1	500	50	0	0
8/7/2007	0.1	500	50	0	0
8/14/2007	0.2	500	100	0	0
8/15/2007	2.8	500	1400	0	0
8/16/2007	0.1	500	50	0	0
9/17/2007	0.1	500	50	0	0
10/4/2007	0.5	500	250	0	0
10/15/2007	0.2	500	100	0	0
10/15/2007	0.5	500	250	0	0
10/22/2007	0.8	500	400	0	0
10/25/2007	0.3	500	150	0	0
10/30/2007	0.5	500	250	0	0
11/5/2007	0.8	500	400	0	0
11/5/2007	0.2	500	100	0	0
11/6/2007	0.3	500	150	0	0
11/7/2007	0.1	500	50	0	0
11/7/2007	0.2	500	100	0	0
11/9/2007	0.5	500	250	0	0
11/13/2007	0.2	500	100	0	0
11/13/2007	0.2	500	100	0	0
11/16/2007	0.1	500	50	0	0

Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for Inadequate Description
11/29/2007	0.3	500	150	0	0
12/6/2007	0.3	500	150	0	0
12/20/2007	0.1	500	50	0	0
12/20/2007	0.2	500	100	0	0
12/29/2007	0.2	500	100	0	0
12/29/2007	0.1	500	50	0	0
1/14/2008	4.2	500	2100	0	0
1/23/2008	0.2	500	100	0	0
2/29/2008	0.2	500	100	0	0
3/14/2008	0.1	500	50	0	0
3/25/2008	0.1	500	50	0	0
3/26/2008	0.1	500	50	0	0
3/26/2008	0.3	500	150	0	0
4/3/2008	0.3	500	150	0	0
4/4/2008	0.3	500	150	0	0
4/11/2008	0.1	500	50	0	0
4/14/2008	0.4	500	200	0	0
4/14/2008	0.1	500	50	0	0
4/23/2008	0.3	500	150	0	0
4/24/2008	0.2	500	100	0	0
6/13/2008	0.6	500	300	0	0
6/16/2008	0.6	500	300	0	0
6/17/2008	0.2	500	100	0	0
6/17/2008	0.5	500	250	0	0
6/19/2008	0.1	500	50	0	0
6/25/2008	0.2	500	100	0	0
6/26/2008	0.2	500	100	0	0
6/30/2008	0.9	500	450	0	0
7/17/2008	0.2	500	100	0	0
7/23/2008	0.2	500	100	0	0
8/3/2008	0.3	500	150	0	0
8/5/2008	0.2	500	100	0	0
8/11/2008	0.1	500	50	0	0
8/11/2008	0.4	500	200	0	0
8/12/2008	0.1	500	50	0	0
8/22/2008	0.4	500	200	0	0
8/23/2008	0.1	500	50	0	0
8/23/2008	0.1	500	50	0	0
8/26/2008	0.5	500	250	0	0
8/26/2008	0.1	500	50	0	0
8/26/2008	0.1	500	50	0	0
8/26/2008	0.2	500	100	0	0
8/27/2008	0.2	500	100	0	0

Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for Inadequate Description
8/27/2008	0.8	500	400	0	0
8/28/2008	0.2	500	100	0	0
8/29/2008	0.5	500	250	0	0
8/29/2008	0.1	500	50	0	0
8/29/2008	0.3	500	150	0	0
9/7/2008	0.1	500	50	0	0
9/9/2008	1	500	500	0	0
9/12/2008	0.2	500	100	0	0
9/23/2008	0.3	500	150	0	0
10/5/2008	0.2	500	100	0	0
10/15/2008	0.2	500	100	0	0
10/20/2008	0.2	500	100	0	0
11/12/2008	0.4	500	200	0	0
11/20/2008	0.2	500	100	0	0
11/24/2008	0.1	500	50	0	0
1/2/2009	0.8	500	400	0	0
1/13/2009	0.1	500	50	0	0
3/2/2009	0.2	500	100	0	0
4/2/2009	0.2	500	100	0	0
4/7/2009	0.1	500	50	0	0
4/8/2009	0.1	500	50	0	0
6/24/2009	0.6	500	300	0	0
6/29/2009	0.5	500	250	0	0
7/8/2009	0.1	500	50	0	0
8/8/2009	0.3	500	150	0	0
3/25/2010	0.1	500	50	0	0
3/25/2010	0.1	500	50	0	0
3/21/2012	0.5	500	250	0	0
4/5/2012	0.1	500	50	0	0
3/6/2008	0.1	345	34.5	0	0
5/20/2008	0.1	345	34.5	0	0
3/13/2012	0.6	425	255	0	0
4/5/2012	0.3	425	127.5	0	0
4/16/2012	0.6	425	255	0	0
4/19/2012	0.6	425	255	0	0
4/29/2012	0.5	445	222.5	0	0
TOTALS	78.8		\$39,117.00	14	\$7,000.00

<b>APPENDIX B</b>					
Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for Non-clerical work
11/6/2006	1.8	165	297	1.4	231
11/7/2006	0.2	165	33	0	0
11/17/2006	6.6	165	1089	4	660
11/22/2006	5.2	165	858	3.5	577.5
11/27/2006	7.3	165	1204.5	5	825
12/1/2006	4.4	165	726	3	495
12/7/2006	4.7	165	775.5	2	330
12/8/2006	0.8	165	132	0.4	66
12/11/2006	1.2	165	198	0.6	99
12/14/2006	1.1	165	181.5	0.6	99
12/15/2006	3.7	165	610.5	2	330
12/18/2006	7.2	165	1188	5	825
12/19/2006	4.3	165	709.5	2	330
1/3/2007	0.3	165	49.5	0	0
1/23/2007	2	165	330	0	0
1/30/2007	0.4	165	66	0	0
1/31/2007	3.9	165	643.5	0	0
2/1/2007	2.8	165	462	1	165
2/7/2007	3.1	165	511.5	1.5	247.5
2/8/2007	5.4	165	891	3	495
2/9/2007	3.3	165	544.5	1.5	247.5
2/12/2007	7.5	165	1237.5	3	495
2/13/2007	6.3	165	1039.5	3	495
2/27/2007	2.1	165	346.5	1.4	231
2/28/2007	2.5	165	412.5	1	165
3/1/2007	0.7	165	115.5	0	0
3/14/2007	2.3	165	379.5	0	0
3/15/2007	6	165	990	0	0
3/16/2007	5	165	825	2.5	412.5
3/27/2007	0.2	165	33	0	0
3/28/2007	1.4	165	231	0	0
4/4/2007	0.2	165	33	0	0
4/5/2007	0.3	165	49.5	0.1	16.5
4/6/2007	4.7	165	775.5	1.5	247.5
4/6/2007	0.3	165	49.5	0	0
4/7/2007	3.4	165	561	0	0
4/9/2007	1.9	165	313.5	0	0
4/10/2007	2.3	165	379.5	0.5	82.5
4/11/2007	0.2	165	33	0	0
4/12/2007	0.2	165	33	0	0
4/18/2007	0.3	165	49.5	0.2	33
4/18/2007	1.3	165	214.5	0.7	115.5
4/20/2007	0.3	165	49.5	0.1	16.5



Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for Non-clerical work
4/23/2007	0.5	165	82.5	0.2	33
4/24/2007	0.3	165	49.5	0	0
4/26/2007	7.2	165	1188	7.1	1171.5
4/30/2007	0.2	165	33	0	0
4/30/2007	1.2	165	198	0.5	82.5
5/1/2007	0.1	165	16.5	0	0
5/2/2007	0.8	165	132	0.4	66
5/3/2007	0.9	165	148.5	0.5	82.5
5/4/2007	2.2	165	363	1	165
5/4/2007	2.7	165	445.5	2	330
5/7/2007	5.4	165	891	4	660
5/8/2007	6.3	165	1039.5	4	660
5/9/2007	6.8	165	1122	4	660
5/11/2007	3.3	165	544.5	1.5	247.5
5/14/2007	1.3	165	214.5	0.5	82.5
5/15/2007	6.4	165	1056	4	660
5/16/2007	1.6	165	264	0	0
5/18/2007	7.2	165	1188	3	495
5/20/2007	5.3	165	874.5	1	165
5/21/2007	1.5	165	247.5	0.2	33
5/23/2007	1.1	165	181.5	0	0
5/30/2007	7.5	165	1237.5	6	990
5/31/2007	5.9	165	973.5	3	495
6/1/2007	7.3	165	1204.5	1	165
6/6/2007	0.1	165	16.5	0	0
6/11/2007	7.2	165	1188	2	330
6/13/2007	8.2	165	1353	0	0
6/15/2007	7.3	165	1204.5	2	330
6/21/2007	7.6	165	1254	3	495
6/22/2007	8.1	165	1336.5	6	990
6/25/2007	6.8	165	1122	3	495
6/26/2007	3.4	165	561	3	495
6/27/2007	7.3	165	1204.5	2	330
6/28/2007	7.2	165	1188	5	825
7/2/2007	7.8	165	1287	4	660
7/3/2007	5.2	165	858	1	165
7/5/2007	7.5	165	1237.5	3	495
7/10/2007	1.2	165	198	0.5	82.5
7/24/2007	1.2	165	198	0	0
7/25/2007	0.7	165	115.5	0.2	33
7/26/2007	0.2	165	33	0	0
7/27/2007	2.7	165	445.5	0.7	115.5
7/30/2007	2.8	165	462	1	165
7/31/2007	3.9	165	643.5	0	0

Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for Non-clerical work
8/1/2007	0.5	165	82.5	0.2	33
8/10/2007	0.5	165	82.5	0	0
8/10/2007	2.5	165	412.5	0.5	82.5
8/21/2007	1	165	165	0	0
8/22/2007	1.8	165	297	0.4	66
8/24/2007	0.5	165	82.5	0	0
8/28/2007	0.2	165	33	0	0
8/30/2007	6.8	165	1122	1.5	247.5
9/4/2007	0.9	165	148.5	0.2	33
9/5/2007	0.5	165	82.5	0	0
9/7/2007	1.2	165	198	0	0
9/9/2007	1.1	165	181.5	0	0
9/11/2007	5.8	165	957	2.5	412.5
9/18/2007	7	165	1155	2.5	412.5
9/19/2007	4.4	165	726	1.5	247.5
9/20/2007	3.8	165	627	1.2	198
9/21/2007	3.5	165	577.5	1.5	247.5
9/24/2007	4.8	165	792	1.5	247.5
9/27/2007	4.7	165	775.5	3	495
9/28/2007	6.1	165	1006.5	1	165
10/2/2007	3.7	165	610.5	1	165
10/5/2007	6.2	165	1023	2	330
10/9/2007	3.6	165	594	3	495
10/10/2007	5.8	165	957	4.5	742.5
10/11/2007	4.4	165	726	4	660
10/12/2007	7.7	165	1270.5	7	1155
10/15/2007	3.1	165	511.5	1.7	280.5
10/19/2007	0.7	165	115.5	0	0
10/22/2007	1.3	165	214.5	0	0
10/23/2007	2.8	165	462	1	165
10/24/2007	1.2	165	198	0.5	82.5
10/26/2007	1.2	165	198	0.6	99
11/18/2007	1.8	165	297	0	0
11/19/2007	0.8	165	132	0.5	82.5
11/21/2007	0.5	165	82.5	0	0
11/27/2007	1.4	165	231	0	0
11/28/2007	2.8	165	462	1.8	297
11/30/2007	0.3	165	49.5	0.1	16.5
11/30/2007	1.4	165	231	1	165
12/3/2007	1.6	165	264	0.5	82.5
12/4/2007	0.3	165	49.5	0	0
12/11/2007	1.4	165	231	0.4	66
12/12/2007	0.9	165	148.5	0.3	49.5
12/18/2007	1.3	165	214.5	0	0

Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for Non-clerical work
12/20/2007	1.7	165	280.5	0.4	66
12/28/2007	0.7	165	115.5	0.5	82.5
1/4/2007	4.1	165	676.5	0	0
1/7/2008	2.8	165	462	0	0
1/9/2008	0.8	165	132	0.1	16.5
1/15/2008	1	165	165	0.1	16.5
1/22/2008	1.7	165	280.5	0	0
1/24/2008	0.5	165	82.5	0	0
1/30/2008	0.8	165	132	0.1	16.5
2/12/2008	5.7	165	940.5	4	660
2/20/2008	4.2	165	693	3	495
2/25/2008	2.2	165	363	0	0
3/10/2008	3.8	165	627	0	0
3/13/2008	4	165	660	0	0
3/16/2008	4	165	660	3	495
3/19/2008	3.7	165	610.5	3	495
4/2/2008	3.7	165	610.5	3	495
4/3/2008	0.2	165	33	0	0
4/21/2008	4.7	165	775.5	3	495
4/22/2008	5.6	165	924	4	660
4/28/2008	2.8	165	462	2	330
5/1/2008	5.7	165	940.5	4	660
5/2/2008	1.7	165	280.5	1.5	247.5
5/5/2008	5.9	165	973.5	4	660
5/9/2008	5.5	165	907.5	2	330
5/12/2008	3.4	165	561	2	330
5/13/2008	6.7	165	1105.5	5	825
5/20/2008	4.8	165	792	0	0
5/21/2008	11.1	165	1831.5	0	0
5/27/2008	0.7	165	115.5	0	0
5/28/2008	1.9	165	313.5	1	165
5/29/2008	3.5	165	577.5	0	0
6/18/2008	0.5	165	82.5	0	0
7/16/2008	0.5	165	82.5	0	0
4/2/2010	0.8	165	132	0	0
4/6/2010	0.9	165	148.5	0	0
4/9/2010	1.4	165	231	0	0
4/10/2010	0.4	165	66	0.2	33
4/11/2010	0.4	165	66	0.2	33
4/12/2010	2.9	165	478.5	1	165
4/13/2010	2.8	165	462	1	165
4/14/2010	1.2	165	198	0	0
TOTALS	533.7		\$88,060.50	226.3	\$37,339.50

<b>APPENDIX C</b>					
Date	Billed Amount	Hourly Rate	Original Total	Adjusted Hours	Adjusted Amount for reasonableness
5/19/2007	9.7	500	4850	8	4000
5/20/2007	10.1	500	5050	8	4000
5/21/2007	12	500	6000	9	4500
9/18/2009	8	500	4000	6	3000
4/9/2010	8.5	500	4250	8	4000
4/13/2010	5	500	2500	2	1000
4/13/2010	7	500	3500	4	2000
3/16/2011	8.9	500	4450	8	4000
10/5/2011	7.8	500	3900	6	3000
10/5/2011	8.2	500	4100	6	3000
10/8/2011	8.1	500	4050	6	3000
10/9/2011	9.7	500	4850	6	3000
10/10/2011	10.1	500	5050	6	3000
3/12/2012	9.2	500	4600	8	4000
3/13/2012	8.6	500	4300	8	4000
3/21/2012	8.2	500	4100	4	2000
3/22/2012	11.2	425	4760	8	3400
5/30/2012	11.1	425	4717.5	8	3400
6/18/2012	9.8	425	4165	6	2550
6/20/2012	9.8	425	4165	6	2550
7/2/2012	6.8	425	2890	4	1700
11/8/2012	1.6	425	680	0	0
<b>TOTALS</b>	<b>189.4</b>		<b>\$90,927.50</b>	<b>135</b>	<b>\$65,100.00</b>