

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 498-6100	DATE FILED: April 18, 2019 2:19 PM FILING ID: F8FC2F24A306C CASE NUMBER: 2018CV220
Plaintiff: STACY LYNNE v. Defendants: NOAH BEALS, Senior Planner, City of Fort Collins, in his individual and official capacity, and JEREMY CALL, Senior Associates – Logan Simpson Design, Contractor for the City of Fort Collins, in his individual and official capacity	COURT USE ONLY
Kimberly B. Schutt, #25947 WICK & TRAUTWEIN, LLC P.O. Box 2166 Fort Collins, CO 80522 Phone: (970) 482-4011 Email: kschutt@wicklaw.com	Case Number: 2018 CV 220 Courtroom: 3C
AFFIDAVIT OF KIMBERLY B. SCHUTT, ESQ.	

I, Kimberly B. Schutt, being duly sworn upon oath, state as follows:

1. I am a duly licensed attorney in good standing with the Supreme Court of Colorado. My attorney registration number is 25947. I have been practicing law in Northern Colorado for 22 years, including extensive experience in the area of general civil litigation.

2. I am the attorney of record for Defendant Noah Beals, who is an employee of the City of Fort Collins ("City"). I was retained by the City to represent him in this action, in which the Plaintiff made allegations against him in his capacity as an employee of the City.

3. I represented Mr. Beals at the hourly rate of \$185.00, which is my usual agreed-upon rate for handling legal matters for the City of Fort Collins, either to represent it or any of its employees. Based upon my knowledge and experience in practicing law in Northern Colorado, and rates usually charged by attorneys with similar levels of experience, I believe this amount is a very reasonable hourly rate for this locality and for this type of work, and is actually on the lower end of the typical market rate. In fact, it is less than the \$225 to \$250 per hour that I typically charge to most private clients for similar work.

4. Pursuant to the Court's Order Granting Defendant Noah Beals' Motion to Dismiss and Request for Attorney's Fees by which it awarded my client attorney's fees related to this action, I have reviewed my billing records to determine the legal work I performed in this matter to defend the Plaintiff's claims against Mr. Beals.

5. Based upon my review of the records, I hereby attest that the following list accurately represents the professional services I performed in relation to defending this action and obtaining the dismissal, and the time spent on those tasks. I further attest that I believe the services performed were reasonable and necessary for the defense of this matter.

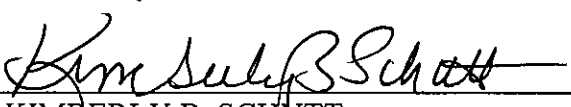
<u>Date</u>	<u>Work Performed</u>	<u>Time Spent</u>	<u>Fees Incurred</u>
12/6/18	Telephone conference with City attorney's office regarding new suit; Analyze email correspondence with new suit papers; Conduct initial review of extensive complaint; calculate and diary Answer deadline; further email communications relating to new suit and plan for proceeding	.8	148.00
12/10/18	Further analyze Complaint, assessing potential grounds for Rule 12(b) motion; communications with City attorney's office relating to assessment of complaint	.5	92.50
12/17/18	Further email communications with City attorney's office discussing need for enlargement of responsive pleading deadline; email correspondence to Stacy Lynne requesting stipulation to enlargement of time; email copy of same to City attorney's office	.2	37.00
12/18/18	Analyze Stacy Lynne email agreeing to enlargement of time with conditions; further communications with City attorney's office and representatives of Jeremy Call relating to the same; respond to Stacy Lynne confirming plan to incorporate requested information in motion	.4	74.00
12/19/18	Draft motion for enlargement of time and proposed order granting the same; email communications with City attorney's office discussing the same	.5	92.50
12/20/18	Analyze email correspondence approving draft motion; finalize motion and proposed order for filing; direct/monitor submission of the same to court	.3	55.50
12/20/18	Email communications with City attorney's office relating to defense issues	.1	18.50
12/21/18	Analyze order from court granting mtn for enlargement of time	.1	18.50
12/26/18	Email correspondence to City attorney's office reporting on court order granting enlargement of time	.1	18.50
1/3/19	Telephone and email communications with Jeremy Call attorney Theresa Corrada; evaluate information provided by Corrada; email communications with City attorney's office reporting on communications with Corrada	.4	74.00
1/8/19	Work on motion to dismiss, with research and development of multiple bases for dismissal	1.8	333.00

1/10/19	Continue research and development of motion to dismiss; email communications with City Attorney's office seeking file documentation relating to the same; Analyze documentation provided to further assess CGIA defenses	1.5	277.50
1/10/19	Extensive Email and telephone communications with City Attorney's office throughout the day regarding motion to dismiss; email correspondence to Plaintiff attempting to confer regarding motion to dismiss and seeking voluntary dismissal; analyze email correspondence from Theresa Corrada to Plaintiff regarding Jeremy Call's planned motion; Complete working on draft of mtn to dismiss, with additional research as needed to further develop arguments and complete draft of the same for review by City.	9.2	1702.00
1/11/19	Further email and telephone communications with City Attorney's office regard draft motion; additional drafting of same to finalize motion, per discussions with City; direct/monitor filing of motion and transmission to plaintiff; email correspondence to client with copy of Motion to Dismiss and update on defense of claim	3	555.00
1/21/19	Analyze case status report filed by adverse, considering response needed to same; email correspondence to City with copy of Plaintiff's filing and discussing thoughts on same	.2	37.00
1/22/19	Further email communications with City regarding plan for filing response to Plaintiff's case status report	.1	18.50
1/23/19	Draft response to case status report, with review of file materials as needed to complete the same; email communications with City providing same for review, confirming approval	.8	148.00
1/24/19	Finalize response to case status report; direct/monitor filing of same with the court and transmission to adverse	.3	55.50
1/29/19	Analyze plaintiff's response to our motion to dismiss, assessing same for purposes of preparing reply to same; analyze plaintiff's response to Call's motion to dismiss; email correspondence to City with copy of plaintiff's responses and discussing deadline/plan for reply brief	.7	129.50
1/30/19	Commence working on reply in support of motion to dismiss, including research for legal authority relating to same; Telephone conference with City confirming plan/strategy for reply brief	1.3	240.50
1/31/19	Complete draft of reply brief in support of motion to dismiss; email correspondence to City with draft for review	1.1	203.50
2/1/19	Multiple email communications with City Attorney's office regarding draft Reply brief; finalize reply brief for filing with the court, including final edit of same; direct/monitor filing of same with court; email correspondence to City and client with copies of finalized reply brief, confirming filing of same.	1	185.00
2/4/19	Analyze reply brief filed on behalf of co-defendant Call	.1	18.50
2/4/19	Email correspondence to City with copy of reply brief filed on behalf of Jeremy Call; analyze email response to the same	.1	18.50
2/25/19	Analyze reply in support of case status report on service filed by plaintiff, considering further need for response to same; email	.4	74.00

	correspondence to City with copy of Plaintiff's filing, and thoughts on the same; further email communications with City relating to the same		
3/6/19	Review status and investigate online court filings to confirm no recent filings by plaintiff	.2	37.00
3/24/19	Analyze court order addressing plaintiff's case status report and service on Logan Simpson Design; report to City on same; consider further action needed and diary for further follow-up	.2	37.00
3/26/19	Analyze stipulation and proposed order for dismissal filed by co-defendant; communications with Call's attorney relating to same; communications with City and client reporting on the same	.3	55.50
3/26/19	Analyze court order dismissing claims against Call, per stipulation; further communications with City relating to same	.2	37.00
4/3/19	Analyze court order granting client's motion to dismiss and granting award of attorney's fees; monitor/direct communications with City and client providing copy of court order and subsequent emails responding to same; diary for attorney fee submission and further-follow up on the same	.3	55.50
4/7/19	Review file and determine action needed on attorney fee affidavit submission; briefly review billing history and communicate with City on the plan for preparation of attorney fee submission	.2	37.00
4/9/19	Conduct legal research for authority to support attorney fee submission and related dismissal issues	1.0	185.00
4/10/19	Additional legal research; multiple communications with City Attorney's office regarding research findings and outlining plan for proceeding	.5	92.50
4/12/19	Commence drafting detailed attorney fee affidavit and submittal pleading, with legal authority supporting fee award	1.0	185.00
4/16/19	Continue working on attorney fee submission and supporting documentation	2.3	425.50
4/17/19	Complete drafting detailed attorney fee affidavit and submittal pleading, with final editing and check of legal authority; communications with City Attorney's Office relating to same	1.5	277.50
	TOTAL FEES		\$6049.50

6. Accordingly, as outlined in detail above, legal fees in the amount of \$6,049.50 have been incurred for my professional services relating to the defense of Noah Beals in this matter.

Further, Affiant sayeth naught.



 KIMBERLY B. SCHUTT

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

Subscribed and sworn to before me this 18 day of April, 2019, by Kimberly B. Schutt.

My commission expires: 3-25-23

**JODY LYNN MINCH
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19914004077
MY COMMISSION EXPIRES MARCH 25, 2023**

Jody Lynn Minch
Notary Public