

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 498-6100	DATE FILED: July 31, 2019 9:10 AM FILING ID: 5151239E53C91 CASE NUMBER: 2018CV220
<b>Plaintiff: STACY LYNNE</b>  v.  <b>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</b>	COURT USE ONLY
Kimberly B. Schutt, #25947 WICK & TRAUTWEIN, LLC P.O. Box 2166 Fort Collins, CO 80522 Phone: (970) 482-4011 Email: <a href="mailto:kschutt@wicklaw.com">kschutt@wicklaw.com</a>	Case Number: 2018 CV 220  Courtroom: 3C
<p style="text-align: center;"><b>SUPPLEMENTAL AFFIDAVIT OF KIMBERLY B. SCHUTT, ESQ.</b></p>	

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

1. I previously submitted an affidavit of attorney fees in this matter, for purposes of determining the amount of attorney's fees to be awarded to the Defendant pursuant to the Court's Order Granting Defendant Noah Beals' Motion to Dismiss and Request for Attorney's Fees. That initial affidavit reflected fees incurred through April 17, 2019.

2. Since that time, the Plaintiff filed a Rule 59 motion which was ultimately denied by the Court, but resulted in additional fees being incurred in the defense of Mr. Beals, to which he is also entitled to an award. The Court also set the matter for a hearing on the attorney fee award, so additional time has been spent preparing for that hearing, which should also be included in the attorney fee judgment.

3. Below is a detailed summary of the additional attorney's fees, incurred at the same reasonable hourly rate set forth in the initial affidavit. Based upon my review of the records, I hereby attest that the list accurately represents the professional services I performed in relation to defending this action since April 17, 2019, and the time spent on those tasks. I further attest that I believe the services performed were reasonable and necessary for the further defense of this matter.


<u>Date</u>	<u>Work Performed</u>	<u>Time Spent</u>	<u>Fees Incurred</u>
4/29/19	Analyze Rule 59 motion filed by plaintiff, evaluating the same for purposes of filing a response; email correspondence to City Attorney's office and client with copy of motion	.5	92.50
5/1/19	Analyze email correspondence from City Attorney's office regarding motion; diary deadline response to motion.	.2	37.00
5/2/19	Further review and analysis of Plaintiff's Rule 59 motion, developing strategy for response to the same; conduct research for authority to support response to motion.	.8	148.00
5/7/19	Analyze correspondence from Plaintiff with response to attorney fee submission, considering need for further reply on same; email correspondence to City Attorney's office and client providing copy of same	.2	37.00
5/10/19	Further work on response to Rule 59 motion, with additional legal research for authority to support the same and initial drafting of response; email and telephone communications with City Attorney's office regarding issues for response	2.5	462.50
5/11/19	Further email communications with City Attorney's office re: response to Rule 59 motion.	.1	18.50
5/12/19	Complete draft of response to Rule 59 motion; email correspondence to City Attorney's office with copy of draft response	3.2	592.00
5/13/19	Analyze email correspondence from City Attorney's office approving response to Rule 59 motion with minor edits; respond to acknowledge the same; finalize response for filing with the Court; direct/monitor filing of same; diary deadline for Plaintiff's reply	.4	74.00
5/23/19	Review status of matter and check with Court of Appeals to confirm no appeal filed of Court's order of dismissal.	.2	37.00
6/2/19	Analyze court order denying plaintiff's Rule 59 motion; email correspondence to City Attorney's office and client reporting on the same; calculate and diary deadline for appeal	.2	37.00
6/3/19	Analyze email correspondence from City Attorney's office re: court order	.1	18.50
6/3/19	Analyze Rule 59 Reply brief received from plaintiff via US Mail, evaluating the same; direct/monitor transmission to client and City reps	.2	37.00
6/12/19	Analyze court order re: setting of atty fee hearing; review rules of procedure and file info to evaluate the same; email correspondence to client and City reps reporting on the same; direct/monitor follow-up communications with the court to obtain hearing dates	.6	111.00

7/1/19	Review status and consider action needed in light of scheduled attorney fee hearing, with review/research of respective burdens of proof on attorney fee award; TC with John Duval to plan for hearing; TC to potential fee expert to initiate discussions re: case and possible retention as expert.	.8	148.00
7/3/19	Ongoing communications with potential attorney fee expert witness providing additional information for his potential service in case	.2	37.00
7/10/19	Further communications with expert witness re: retention for hearing and terms for same; email correspondence to City Attorney seeking approval of expert fee for purpose of moving forward with retention	.4	74.00
7/11/19	Further email communications with City Attorney's office re: expert retention; email correspondence to expert witness confirming retention, providing further information and discussing plan for proceeding; further email communications with expert witness relating to same; commence preparation of file documentation for transmission to expert witness	.5	92.50
7/16/19	Analyze court filings and other file materials needed for submission to expert for his review prior to hearing; Direct/monitor compilation of same; Correspondence to expert witness with documentation for his review, confirming plan for his work as expert witness	1.0	185.00
7/17/19	Analyze email correspondence from expert witness with retention letter; respond to acknowledge receipt of the same; email correspondence to City Attorney's office with copy of retention letter for approval	.2	37.00
7/29/19	Review status and consider action needed for upcoming attorney fee hearing; TC with expert witness to discuss case developments and plan for hearing; Commence preparation of supplemental attorney fee affidavit; email communications with City Attorney's office relating to same	1.5	277.50
7/30/19	Complete preparation of supplemental attorney fee affidavit and notice of submission of the same; email communications with City Attorney's office obtaining review and approval of the same; finalize affidavit and direct/monitor submission to the Court.	1.2	222.00
	<b>TOTAL FEES</b>		<b>\$2,775.00</b>

4. Further, undersigned counsel estimates that she will spend at least another three hours in preparation for and appearing at the upcoming fee hearing scheduled for one hour on August 5, 2019, resulting in at least another \$555.00 in addition to what is outlined above.

5. Accordingly, as outlined in detail above and in the initial affidavit submitted on April 17, 2019, legal fees in the total amount of \$8,824.50 (\$6049.50 + \$2775.00) have already been incurred for my professional services relating to the defense of Noah Beals in this matter, with another \$555.00 expected to be incurred in preparation for and at the hearing.

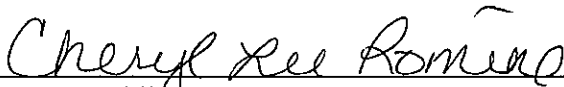
Further, Affiant sayeth naught.

  
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KIMBERLY B. SCHUTT

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF LARIMER    )

Subscribed and sworn to before me this 30<sup>th</sup> day of July, 2019, by Kimberly B. Schutt.

My commission expires: 10/31/2021

  
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Notary Public

