

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 Laporte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 498-6100	DATE FILED: September 6, 2019 1:34 PM FILING ID: EF077AA575066 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
SECOND SUPPLEMENTAL AFFIDAVIT OF KIMBERLY B. SCHUTT, ESQ.	

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

1. I previously submitted two affidavits of attorney fees in this matter, for purposes of determining the amount of attorney's fees to be awarded to the Defendant for defense of this action pursuant to § 24-10-110(5)(a)(c) and C.R.S. §13-17-201, based upon the Court's dismissal of Plaintiff's claims for lack of subject matter jurisdiction. Those previously submitted affidavits reflected fees incurred through July 30, 2019.

2. Since that time, the Plaintiff filed an objection to the second supplemental affidavit, as well as an emergency motion to continue the attorney fee hearing and a motion for sanctions against undersigned counsel, requiring additional legal work and fees related thereto.

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 July 30, 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.

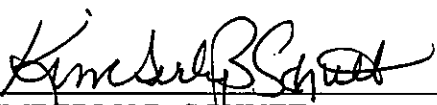
<u>Date</u>	<u>Work Performed</u>	<u>Time Spent</u>	<u>Fees Incurred</u>
7/30/19	Email communications with attorney fee expert regarding his CV information for use at hearing	.2	37.00
7/31/19	Email communications with attorney fee expert to provide supplemental fee affidavit and discuss plan for meeting to discuss testimony.	.2	37.00
7/31/19	Monitor communications with plaintiff transmitting supplemental fee affidavit	.1	18.50
7/31/19	Consider further action needed in preparation for upcoming attorney fee hearing, with review of plaintiff's objection to attorney fees and other file documents; conduct legal research related to anticipated hearing issues	.7	129.50
7/31/19	Analyze fee invoice received from attorney fee expert, email correspondence to City Attorney's office with copy of invoice, further email communications relating to same, monitor/direct payment of invoice	.2	37.00
8/1/19	Email correspondence to plaintiff advising of may call expert witness Dan Muffly	.1	18.50
8/1/19	Continue preparation for attorney fee hearing, including outline of may-call expert testimony examination, legal research, email communications with client and City Attorney's office, and meeting with attorney fee expert to discuss opinions for potential testimony	3.0	555.00
8/2/19	Email communications with attorney fee expert to further discuss testimony for attorney fee hearing	.2	37.00
8/2/19	Analyze Plaintiff's emergency motion for continuance of hearing, considering issues to address in response; email and telephone communications with City Attorney's office re: motion and plan for response; Draft response to Plaintiff's motion, with review of file for information needed for same; email communications with John Duval finalizing motion for filing with the court; file motion and transmit the same to plaintiff; email communications with client and attorney fee expert advising of motion to continue hearing	2.8	518.00
8/3/19	Further communications with City Attorney's office re: plaintiff's motion and information related to the same	.2	37.00
8/5/19	TC from court clerk re: Judge's plan to grant continuance; Multiple further communications with court clerk, client, City Attorney's office and expert witness throughout the morning to coordinate continuance of hearing	1.0	185.00
8/6/19	Analyze court order re: continuance; email communications with client and City Attorney's office relating to same and reporting on appeal status,	.2	37.00
8/12/19	Analyze P's motion for sanctions and objection to award of additional attorney's fees, developing thoughts and strategy for response to same; email communications with City reps regarding latest filings by plaintiff	.6	111.00
8/12/19	Commence drafting reply to P's objection to supplemental atty fee affidavit, with research of legal authority relating to same	1.4	259.00

8/13/19	Complete drafting reply to Plaintiff's objection to supplemental atty fee affidavit, with further research; email communication with City Attorney's office discussing draft; finalize same for filing with the Court	2.2	407.00
8/16/19	Commence preparation of response to P's motion for sanctions, including research of legal authority and outlining arguments for the same	1.0	185.00
8/20/19	Complete draft of response to P's motion for sanctions; email correspondence to City Attorney's office with copy of same for review; further email communications with City Attorney's office and client regarding the same; further drafting of motion per feedback received	1.8	333.00
8/21/19	Finalize motion for filing; direct/monitor filing of same and transmission to plaintiff	.3	55.50
8/30/19	Analyze order denying Plaintiff's motion for sanctions; email correspondence to City Attorney's and client reporting on same; further email communications relating to same	.3	55.50
9/5/19	Draft second supplemental attorney fee affidavit; draft notice of submission of second supplemental fee affidavit	3.0	555.00
	TOTAL	6.5	3,607.50

4. Undersigned counsel estimates that she will spend another three hours preparing for and appearing at the continued fee hearing scheduled for one hour on September 17, 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 prior affidavits submitted, legal fees in the total amount of **\$12,432.00** (\$6049.50 + \$2775.00 + \$3,607.50) 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.

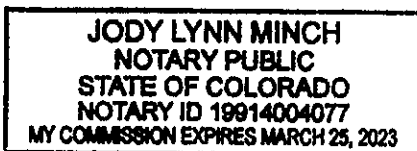



 KIMBERLY B. SCHUTT

STATE OF COLORADO)
) ss.
 COUNTY OF LARIMER)

Subscribed and sworn to before me this 6th day of September, 2019, by Kimberly B. Schutt.

My commission expires: 3-25-2023





 Notary Public