
SHERMAN & HOWARD L.L.C.

DATE FILED: December 6, 2019 4:56 PM
FILING ID: D7672ED5BB10B
CASE NUMBER: 2018CV149

City of Fort Collins, Colorado
City Attorney's Office
P.O. Box 580
Fort Collins, CO 80522-0580

INVOICE NO. 751828
FEBRUARY 28, 2019

RE: Sutherland Litigation

FOR PROFESSIONAL SERVICES RENDERED
From 1/17/19 through 2/9/19 in
accordance with the itemized statement
attached:

TIME COST:	3,360.00
LESS 10% DISCOUNT:	<u>-336.00</u>
OUR FEE:	3,024.00
DISBURSEMENTS:	<u>43.62</u>
INVOICE TOTAL:	<u><u>3,067.62</u></u>

cc:
John Duval

DATE	DESCRIPTION OF SERVICES BILLED
01/17/19 Amanda Milgrom	HOURS: 0.50 RATE: 0 COST: 0.00 (No charge) Conferred with Mr. Mill about issue of judges recusal in Larimer County; began tracking down documents relating to recusals.
01/17/19 John Mill	HOURS: 0.75 RATE: 545 COST: 408.75 Revised supplemental affidavit regarding attorneys' fees and costs; spoke with Ms. Milgrom regarding appeal.
01/22/19 Amanda Milgrom	HOURS: 0.25 RATE: 360 COST: 90.00 Analyzed issues of judge recusals and assignments for upcoming hearing on attorneys' fees.
01/22/19 John Mill	HOURS: 0.25 RATE: 545 COST: 136.25 Revised supplemental affidavit regarding attorneys' fees.
01/24/19 John Mill	HOURS: 1.25 RATE: 545 COST: 681.25 Finalized supplemental affidavit; drafted email to clients; reviewed TRO against Mr. Sutherland and Timnath fraudulent conveyance action; drafted email to Mr. Duval; redacted invoices.
01/28/19 John Mill	HOURS: 0.75 RATE: 545 COST: 408.75 Spoke with Mr. Burris regarding Sutherland issues; drafted email to clients regarding potential prejudgment attachment.
01/30/19 John Mill	HOURS: 0.25 RATE: 545 COST: 136.25 Responded to Mr. Duval regarding response to Mr. Sutherland's open records request for documents.
01/31/19 Amanda Milgrom	HOURS: 0.25 RATE: 0 COST: 0.00 (No charge) Continued researching issue of judge recusal.
02/04/19 John Mill	HOURS: 2.75 RATE: 545 COST: 1,498.75 Reviewed documents cited in City's motion to dismiss; reviewed Mr. Sutherland's CORA request; considered documents to produce; spoke with Mr. Duval and provided recommendations.

FEES: **3,360.00**

DISBURSEMENTS:

Filing Fees	43.62	
	43.62	43.62

TOTAL FEES AND DISBURSEMENTS:

\$ 3,067.62

SHERMAN & HOWARD L.L.C.

City of Fort Collins, Colorado
City Attorney's Office
P.O. Box 580
Fort Collins, CO 80522-0580

INVOICE NO. 753439
MARCH 25, 2019

RE: Sutherland Litigation

FOR PROFESSIONAL SERVICES RENDERED
From 2/15/19 through 3/16/19 in
accordance with the itemized statement
attached:

TIME COST:	29,905.00
LESS 10% DISCOUNT:	<u>-2,990.50</u>
OUR FEE:	26,914.50
DISBURSEMENTS:	<u>108.78</u>
INVOICE TOTAL:	<u><u>27,023.28</u></u>

cc:
John Duval

DATE	DESCRIPTION OF SERVICES BILLED
02/19/19 John Mill	HOURS: 4.50 RATE: 545 COST: 2,452.50 Reviewed Mr. Sutherland's motions regarding amending notice of appeal, supplemental record and issue on Timnath; read Appellant's opening brief; considered issues; drafted email to Mr. Duval regarding Mr. Sutherland's motions; read email from Mr. Sutherland regarding dismissal of appeal.
02/20/19 John Mill	HOURS: 1.75 RATE: 0 COST: 0.00 (No charge) Telephone conference with Messrs. Daggett and Duval; prepared joinder and motion for leave.
02/21/19 John Mill	HOURS: 4.25 RATE: 0 COST: 0.00 (No charge) Revised joinder; revised motion for leave; gave direction to staff to determine if State Court Administrator letter rescinding appointment of senior judge is in appellate record; drafted email to Mr. Sutherland regarding his suggestion of dismissing the appeal; drafted email to clients regarding joinder; reviewed Mr. Sutherland's motion to amend opening brief; drafted email to clients.
02/24/19 Rosemary Loehr	HOURS: 1.50 RATE: 0 COST: 0.00 Continued preparing for the evidentiary hearing to persuade the court that (1) Mr. Sutherland's litigation was frivolous, (2) Fort Collins deserves a fee award and (3) the amount of fees assessed is reasonable.
02/28/19 John Mill	HOURS: 0.25 RATE: 545 COST: 136.25 Read Court of Appeals order regarding jurisdiction; drafted email to clients.
03/01/19 John Mill	HOURS: 0.25 RATE: 545 COST: 136.25 Reviewed Judge Lammons' practice standards; drafted email to Mr. Sutherland regarding witness and exhibit lists.
03/04/19 Rosemary Loehr	HOURS: 2.00 RATE: 0 COST: 0.00 Continued preparing for the evidentiary hearing .
03/04/19 John Mill	HOURS: 1.50 RATE: 545 COST: 817.50 Considered issues for hearing on City's Motion for Attorney's Fees; met with Ms. Loehr and outlined arguments regarding importance of broadband issue, lack of injury in fact, Mr. Sutherland's arguments, compliance with charter provisions and amount and reasonableness of fees.
03/05/19 Rosemary Loehr	HOURS: 5.50 RATE: 0 COST: 0.00 Continued preparing for the fees hearing to recoup the City's fees in defending against Sutherland's suit by (1) researching

applicable fee recovery law and drafting arguments for the hearing, (2) determining witnesses and exhibits for the hearing, (3) creating new arguments to rebut the court's inclination to reduce fees from Denver attorneys, and (4) drafting the hearing arguments.

03/06/19 Rosemary Loehr	HOURS: 3.50 RATE: 0 COST: 0.00 Worked with Mr. Mill and Mr. Duval to continue preparing for the hearing by: (1) determining witnesses, (2) crafting the City's position, and (3) confirming the in-court strategy; continued working separately with Mr. Mill to fine tune the strategy, develop chart of exhibits and witnesses for the court, and outline the arguments to present during the hearing.
03/06/19 John Mill	HOURS: 2.50 RATE: 545 COST: 1,362.50 Reviewed Court's order dismissing Mr. Sutherland's claims; reviewed SPSA and Open Meetings Act; read email from Mr. Sutherland; prepared for and had call with Mr. Duval and Ms. Loehr regarding preparation for March 15 hearing.
03/07/19 Rosemary Loehr	HOURS: 2.50 RATE: 0 COST: 0.00 (No charge) Continued working with Mr. Mill to strategize on which exhibits to include at the hearing; continued finalizing the witness and exhibit list.
03/07/19 John Mill	HOURS: 3.25 RATE: 545 COST: 1,771.25 Prepared for hearing; considered exhibits; reviewed Mr. Sutherland's arguments; spoke with Ms. Loehr regarding witness and exhibit lists.
03/08/19 Rosemary Loehr	HOURS: 3.25 RATE: 0 COST: 0.00 Continued finalizing the hearing exhibits; analyzed Mr. Sutherland's Rule 60 motion to vacate the fees hearing; located exhibit regarding voter approval for the 2015 ballot measure.
03/08/19 John Mill	HOURS: 0.00 RATE: 0 COST: 0.00 Reviewed hearing exhibits; drafted email to Mr. Duval regarding witnesses for hearing; worked extensively on exhibits for hearing; had calls with Mr. Duval regarding witnesses for hearing; reviewed and revised summary of fees.
03/11/19 Rosemary Loehr	HOURS: 2.50 RATE: 310 COST: 775.00 Began drafting and researching the City's response to Mr. Sutherland's motion to vacate the proceedings.
03/11/19 John Mill	HOURS: 4.25 RATE: 545 COST: 2,316.25 Read and responded to email from Mr. Sutherland regarding his proposed motion to file a brief before the hearing; read and considered Mr. Sutherland's witness and exhibit list; drafted email to clients regarding witnesses for hearing; met with Ms. Loehr and discussed direct examination regarding amount and

reasonableness of fees and costs; spoke with Mr. Duval regarding Plaintiff's intent to call City Council members to testify.

03/12/19 Rosemary Loehr	HOURS: 3.25 RATE: 310 COST: 1,007.50 Analyzed Mr. Sutherland's set of subpoenas on Ms. Coldiron and Ms. Knoll (.50); began researching caselaw to quash the subpoenas (1); worked with Mr. Mill to prepare Mr. Beckstead for his testimony (1.75); drafted and submitted a notice of erratum corrected a mis-filed exhibit (.5); reviewed the remaining exhibits to ensure correct filing (.5); analyzed the Court of Appeals Order Dismissing Mr. Sutherland's Appeal (.5); worked with Ms. Alton to coordinate on sharing the exhibits (.25); worked with the City to determine whether additional subpoenas were served (.25); began drafting a motion to quash the subpoenas (.25).
03/12/19 John Mill	HOURS: 4.00 RATE: 545 COST: 2,180.00 Outlined issues for hearing; had call with Mr. Beckstead regarding preparation for his anticipated testimony at attorneys' fees hearing; had call with Ms. Coldiron and others regarding preparation for her anticipated testimony at hearing.
03/13/19 Rosemary Loehr	HOURS: 1.00 RATE: 310 COST: 310.00 Worked with the City to determine additional grounds for quashing the subpoenas; continued drafting the motions to quash the subpoenas.
03/13/19 John Mill	HOURS: 5.50 RATE: 545 COST: 2,997.50 Prepared for hearing; drafted emails with Ms. Loehr; outlined to do list for hearing preparation; worked on outline for hearing; reviewed emails from Mr. Sutherland; outlined examination of Mr. Beckstead; reviewed attorneys' fees issues.
03/14/19 Rosemary Loehr	HOURS: 9.00 RATE: 310 COST: 2,790.00 Drafted a motion to quash Mr. Sutherland's subpoenas of Ms. Knoll and Ms. Coldiron; updated the motion after Mr. Sutherland served two additional subpoenas; filed the motion; analyzed critical cases for inclusion at the hearing relating to standing and the open meetings law in preparation to respond to questions from the Judge or Mr. Sutherland; continued revising my outline of Mr. Mill's direct examination.
03/14/19 John Mill	HOURS: 8.75 RATE: 545 COST: 4,768.75 Continued preparation for hearing; reviewed Complaint and Mr. Sutherland's response; reviewed subpoenas and drafted Motion to Quash; spoke with Ms. Loehr.
03/15/19 Rosemary Loehr	HOURS: 6.00 RATE: 310 COST: 1,860.00 Reviewed exhibits from Mr. Sutherland (.5); continued preparing for Mr. Mill's direct examination and refined outline of his examination and considered possible objections during the cross

examination (2); attended the hearing and conducted a direct examination of Mr. Mill (3.5).

03/15/19 HOURS: 5.75 RATE: 545 COST: 3,133.75
John Mill Prepared for hearing; represented City in court hearing on Motion for Attorneys' Fees.

03/15/19 HOURS: 2.00 RATE: 545 COST: 1,090.00
John Mill Drove to and from Fort Collins for court hearing on City's Motion for Attorneys' Fees. (Only charged for one-half of travel time).

FEES: **29,905.00**

DISBURSEMENTS:

Postage	7.91	
Computer Assisted Research	0.72	
Filing Fees	100.15	
	<hr/>	
		<u>108.78</u>

TOTAL FEES AND DISBURSEMENTS: **\$ 27,023.28**

SHERMAN & HOWARD L.L.C.

City of Fort Collins, Colorado
City Attorney's Office
P.O. Box 580
Fort Collins, CO 80522-0580

INVOICE NO. 756158
APRIL 23, 2019

RE: Sutherland Litigation

FOR PROFESSIONAL SERVICES RENDERED
From 3/18/19 through 4/13/19 in
accordance with the itemized statement
attached:

TIME COST:	5,435.00
LESS 10% DISCOUNT:	<u>-543.50</u>
OUR FEE:	4,891.50
DISBURSEMENTS:	<u>807.71</u>
INVOICE TOTAL:	<u><u>5,699.21</u></u>

cc:
John Duval

DATE	DESCRIPTION OF SERVICES BILLED
03/18/19 Rosemary Loehr	HOURS: 0.75 RATE: 310 COST: 232.50 Worked with Mr. Mill and Mr. Duvall to determine whether to notice the court of an error in Mr. Beckstead's testimony; drafted an affidavit for Mr. Beckstead explaining the correction.
03/18/19 John Mill	HOURS: 0.25 RATE: 545 COST: 136.25 Spoke with Mr. Duval regarding Mr. Beckstead's testimony; spoke with Ms. Loehr regarding correcting record.
03/19/19 Rosemary Loehr	HOURS: 2.50 RATE: 310 COST: 775.00 Continued drafting Mr. Beckstead's affidavit correcting his testimony; drafted a notice to file in conjunction with the affidavit noticing the Court of the correction; finalized the notice and affidavit for filing; briefly reviewed Mr. Sutherland's e-mail to determine whether his complaints were directed at inaccuracies in Mr. Beckstead's testimony; continued drafting the City's response to the Motion to Vacate and discussed key arguments in the response with Mr. Mill.
03/19/19 John Mill	HOURS: 1.50 RATE: 545 COST: 817.50 Reviewed and revised draft affidavit to Court regarding Mr. Beckstead's testimony; reviewed and gave comments to Ms. Loehr on notice regarding correction of record; revised notice; read email to City leaders from Mr. Sutherland; reviewed Mr. Sutherland's motion to vacate and considered issues and response; spoke with Ms. Loehr regarding draft response.
03/20/19 Rosemary Loehr	HOURS: 3.75 RATE: 310 COST: 1,162.50 Completed drafting and researching the City's response to Mr. Sutherland's motion to vacate the Court's dismissal order and submitted the draft to the City for review.
03/20/19 John Mill	HOURS: 0.75 RATE: 545 COST: 408.75 Reviewed Ms. Loehr's draft response to Mr. Sutherland's Motion to Vacate; made minor revisions and discussed issues with Ms. Loehr.
03/27/19 Rosemary Loehr	HOURS: 1.75 RATE: 310 COST: 542.50 Worked with Mr. Duvall to revise and edit the response to the motion to vacate; finalized the response for filing.
04/04/19 Rosemary Loehr	HOURS: 1.75 RATE: 310 COST: 542.50 Analyzed and evaluated Mr. Sutherland's Reply to the City's Response to his Motion to Vacate; drafted email to clients summarizing his Reply; worked with the City and counsel for Timnath to discuss settlement strategies; separately worked with the City to discuss its responses to the settlement offer proposed

by Timnath.

04/04/19 HOURS: 1.00 RATE: 545 COST: 545.00
John Mill Had call with Timnath's counsel and Mr. Duval regarding
Sutherland issues; had separate call with Mr. Duval.

04/09/19 HOURS: 0.25 RATE: 545 COST: 136.25
John Mill Read Court Order granting fees and costs to City.

04/11/19 HOURS: 0.25 RATE: 0 COST: 0.00
John Mill Reviewed letter to Mr. Sutherland regarding settlement; drafted
email to Mr. Duval.

04/12/19 HOURS: 0.25 RATE: 545 COST: 136.25
John Mill Spoke with Mr. Duval regarding offer to Mr. Sutherland,
potential collection actions and other issues.

FEES: **5,435.00**

DISBURSEMENTS:

Computer Assisted Research	707.05
Out of Town Travel	73.66
Filing Fees	27.00

807.71

TOTAL FEES AND DISBURSEMENTS: **\$ 5,699.21**

SHERMAN & HOWARD L.L.C.

City of Fort Collins, Colorado
City Attorney's Office
P.O. Box 580
Fort Collins, CO 80522-0580

INVOICE NO. 758850
MAY 24, 2019

RE: Sutherland Litigation

FOR PROFESSIONAL SERVICES RENDERED
From 4/18/19 through 5/18/19 in
accordance with the itemized statement
attached:

TIME COST:	5,531.25
LESS 10% DISCOUNT:	<u>-553.13</u>
OUR FEE:	4,978.12
DISBURSEMENTS:	<u>80.43</u>
INVOICE TOTAL:	<u><u>5,058.55</u></u>

cc:
John Duval

DATE	DESCRIPTION OF SERVICES BILLED
04/18/19 John Mill	HOURS: 0.75 RATE: 545 COST: 408.75 Reviewed email from Mr. Woodward; drafted email to clients; had call with Mr. Woodward and others regarding potential settlement with Mr. Sutherland.
04/22/19 Rosemary Loehr	HOURS: 1.00 RATE: 310 COST: 310.00 Determined the basis for the City to request a supersedeas bond of Mr. Sutherland in excess of the presumptive amount to stop Mr. Sutherland's motions until he can post the bond.
04/22/19 John Mill	HOURS: 0.75 RATE: 545 COST: 408.75 Read and responded to email from Mr. Sutherland regarding stay on appeal; read email regarding Timnath's position on stay; read and responded to email from clients regarding judgment and stay enforcement.
04/24/19 Rosemary Loehr	HOURS: 1.00 RATE: 310 COST: 310.00 Analyzed the Court's Order on Mr. Sutherland's motion to vacate the judgement; worked with Mr. Duvall and Mr. Mill to determine settlement strategy; determined the City's response times to respond to Mr. Sutherland's two pending motions.
04/24/19 John Mill	HOURS: 0.75 RATE: 545 COST: 408.75 Read emails; had call with Mr. Duval regarding settlement.
04/29/19 John Mill	HOURS: 0.50 RATE: 545 COST: 272.50 Reviewed draft settlement agreement between City and Mr. Sutherland and drafted permanent injunction; drafted email to Mr. Duval.
05/01/19 John Mill	HOURS: 0.25 RATE: 545 COST: 136.25 Read email from Mr. Sutherland regarding settlement; drafted email to Mr. Duval.
05/03/19 John Mill	HOURS: 0.50 RATE: 545 COST: 272.50 Reviewed email from Mr. Sutherland; drafted email to clients; spoke with Mr. Duval regarding Sutherland issues.
05/06/19 Rosemary Loehr	HOURS: 0.25 RATE: 310 COST: 77.50 Worked with Mr. Mill to analyze Mr. Sutherland's recent filings and outline the strategy to respond to those motions.
05/07/19 Rosemary Loehr	HOURS: 2.00 RATE: 310 COST: 620.00 Drafted and filed the City's response to the Plaintiff's motion to withdraw his motion for reconsideration.
05/07/19	HOURS: 0.25 RATE: 545 COST: 136.25

John Mill	Reviewed draft response to Mr. Sutherland's motion to "withdraw" Rule 59 Motion; gave suggestions to Ms. Loehr.
05/08/19 Rosemary Loehr	HOURS: 0.25 RATE: 310 COST: 77.50 Reviewed Mr. Sutherland's notice of appeal.
05/11/19 Rosemary Loehr	HOURS: 1.25 RATE: 310 COST: 387.50 Continued researching and drafting the City's response to the motion to stay the execution of its judgment.
05/12/19 Rosemary Loehr	HOURS: 3.75 RATE: 310 COST: 1,162.50 Continued drafting the City's response to Mr. Sutherland's motion to stay the execution of the judgment; began analyzing Mr. Sutherland's appeal.
05/13/19 Rosemary Loehr	HOURS: 0.75 RATE: 310 COST: 232.50 Edited and finalized the City's response to Mr. Sutherland's motion to stay the execution of the judgment.
05/17/19 Rosemary Loehr	HOURS: 1.00 RATE: 310 COST: 310.00 Began researching and drafting the City's response to Mr. Sutherland's motion to vacate the judgment under Rule 60.

FEES: **5,531.25**

DISBURSEMENTS:

Computer Assisted Research	66.93	
Filing Fees	13.50	
	80.43	80.43

TOTAL FEES AND DISBURSEMENTS: **\$ 5,058.55**

SHERMAN & HOWARD L.L.C.

City of Fort Collins, Colorado
City Attorney's Office
P.O. Box 580
Fort Collins, CO 80522-0580

INVOICE NO. 760807
JUNE 19, 2019

RE: Sutherland Litigation

FOR PROFESSIONAL SERVICES RENDERED
From 5/13/19 through 6/8/19 in
accordance with the itemized statement
attached:

TIME COST:	4,812.50
LESS 10% DISCOUNT:	<u>-481.25</u>
OUR FEE:	4,331.25
DISBURSEMENTS:	<u>292.59</u>
INVOICE TOTAL:	<u><u>4,623.84</u></u>

cc:
John Duval

DATE	DESCRIPTION OF SERVICES BILLED
05/13/19 John Mill	HOURS: 1.25 RATE: 545 COST: 681.25 Reviewed draft response to Mr. Sutherland's Motion to Stay execution of City's judgment; made revisions; reviewed Mr. Duval's changes; read Timnath's response; revised response.
05/19/19 John Mill	HOURS: 0.25 RATE: 545 COST: 136.25 Conferred with Ms. Loehr regarding arguments for response to Mr. Sutherland's "coram non judice" motion.
05/20/19 Rosemary Loehr	HOURS: 0.75 RATE: 310 COST: 232.50 Continued researching and drafting the City's response to Mr. Sutherland's Rule 60 motion to vacate the City's fee award against him.
05/21/19 Rosemary Loehr	HOURS: 2.50 RATE: 310 COST: 775.00 Analyzed Mr. Sutherland's reply in support of his motion to stay the execution of his judgment (.50); continued researching and drafting the City's response to Mr. Sutherland's coram non judice motion to vacate the City's fee award (2.0).
05/22/19 Rosemary Loehr	HOURS: 3.25 RATE: 310 COST: 1,007.50 Completed the draft of the response to the coram non judice motion for the City's review; analyzed the motion with Mr. Mill and incorporated his edits.
05/22/19 John Mill	HOURS: 0.50 RATE: 545 COST: 272.50 Reviewed draft response to Mr. Sutherland's "coram non judice" motion and gave input to Ms. Loehr.
05/23/19 Rosemary Loehr	HOURS: 1.75 RATE: 310 COST: 542.50 Analyzed correspondence from Mr. Sutherland regarding his proposed motion to strike and his comments on the City's response to his motion (.25); analyzed Judge Lammons' order on the motion to stay the execution of the judgment and advised the City on how to incorporate the order into the City's response to Mr. Sutherland's coram non judice motion (.5); incorporated those edits into the City's response to the coram non judice motion and finalized the City's response (.75); advised the City on the strategy to request additional fees (.25).
05/28/19 Rosemary Loehr	HOURS: 0.75 RATE: 310 COST: 232.50 Worked with Mr. Mill to determine next steps for the fees motion and for the execution of the judgment; analyzed Mr. Sutherland's reply in support of his coram non judice motion and submitted analysis of the motion to the City .
05/28/19	HOURS: 0.25 RATE: 545 COST: 136.25

