

APR 11 2014
CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

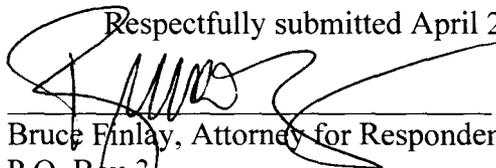
HAL MOORE and MELANIE)	No.41557-7-II. Mason County Superior Court #06-2-00563-9
MOORE husband and wife; and)	
LESTER KRUEGER and)	
BETTY KRUEGER, husband) and wife,)	
Appellants,)	RESPONDENTS' MOTION TO AMEND RECORD TO INCLUDE SECOND SUPPLEMENTAL DESIGNATION OF CLERK'S PAPERS
v.)	
STEVE'S OUTBOARD)	
SERVICE, a sole proprietorship) operating in Washington;)	
STEVEN LOVE and MARY)	
LOU LOVE, husband and wife) and the marital property they) together compose; and MASON) COUNTY,)	
Respondents.)	

FILED
APR 11 2014
CLERK OF THE SUPREME COURT
STATE OF WASHINGTON
E QRF

COMES NOW Steven and Mary Lou Love and Steve's Outboard Service, through counsel Bruce Finlay, and move the Court for permission to file a Second Supplemental Designation of Clerk's Papers. The document sought to be included in the record is Clerk's subnumber 111, entitled Supplemental Designation of Bruce Finlay re Attorneys Fees. A copy of that document is

attached for the Court's consideration. That document clarifies that the trial court did not include in its attorneys fee award the attorney fee of \$2,000 spent by the Respondents in defending a Fish and Wildlife criminal citation in the Mason County District Court. Counsel for Respondents apologizes for the error, as he did not recognize that the Appellants had failed to designate this document to be transmitted to the Court of Appeals to support the Appellants' argument against the attorneys fee award.

Respectfully submitted April 2, 2014.



Bruce Finlay, Attorney for Respondents
P.O. Box 3
Shelton, WA 98584
360-432-1778

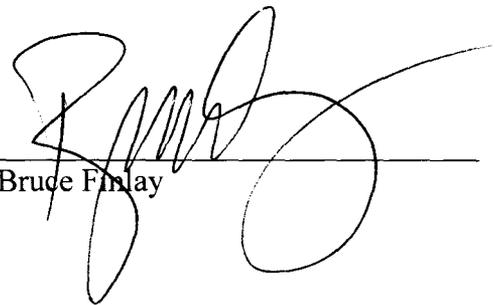
CERTIFICATE OF SERVICE

I certify that on the 2nd day of April, 2014, I caused a true and correct copy of this Respondent's Motion to Amend Record to Include Second Supplemental Designation of Clerk's Papers to be served on the following in the manner indicated below:

(X) U.S. Mail

Counsel for Appellants
Dennis Reynolds
200 Winslow Way W Unit 380
Bainbridge Island, WA 98110-4932

By:


Bruce Finlay

COPY

SUPERIOR COURT FOR
MASON COUNTY, WASHINGTON

HAL MOORE and MELANIE MOORE,)
Husband and wife; and LESTER KRUEGER)
and BETTY KRUEGER, husband and wife;)
Plaintiff,)

No. 06-2-00563-9

SUPPLEMENTAL DECLARATION
OF BRUCE FINLAY RE
ATTORNEY'S FEES

vs.)

STEVE'S OUTBOARD SERVICE, a sole)
proprietorship operating in Washington;)
STEVE LOVE and MARY LOU LOVE,)
husband and wife and the marital community)
they together compose; and MASON)
COUNTY;)

Defendants.

I, Bruce Finlay, declare as follows:

I performed the following work on the above-referenced case on the dates
indicated for the hours indicated:

8-10 through 15, 2009 6 hours meet with clients and review case materials and pleadings

8-12-09 .25 email communication with client

8-13-09 .25 prepare letter re witnesses

8-13-09 .25 email communication with potential witness

8-14-09 .25 email communication with client re preparation

8-18-09 .25 email communication with client re witnesses

8-18-09 .25 email communication with potential witness Holt

8-18-09 .25 email communication with potential witness Whitely

8-18-09 .25 email communication with George Bridges

8-18-09 .25 email communication with Michael Benson

8-18-09 .25 email communication with Jay Curry

8-19-09 .25 email communication with Betty Kay Anderson

8-19-09 .25 email communication with client re prep

8-19-09 .25 communication with prior counsel re background of case

8-19-09 .25 email communication with client re witnesses

8-19-09 .25 email communication with Shiers

8-19-09 .25 email communication with William Latta

8-20-09 .25 email communication with Shiers

8-21-09 .25 email communication with potential witness Carey

8-21-09 .25 email communication with client

8-21-09 .25 email communication with Denny Olson

8-21-09 .25 email communication with potential witness George Carr

8-22-09 .25 email communication with Denny Olson

8-22-09 .25 email communication with Carey

8-23-09 .25 email communication with client

8-24-09 .25 email communication with client re trial preparation

8-24-09 .25 email communication with prior counsel re case

8-24-09 .25 email and mail communication with Thomas and Patricia Marrs re trial

8-24-09 .25 email communication with client re witnesses

8-24-09 .25 email communication with potential witness Hitchcock
8-25-09 .25 email communication with client
8-26-09 .5 prepare notice of withdrawal and substitution
8-26-09 .25 email communication with client
8-26-09 .25 email communication with Debra Kurre, potential witness
8-28-09 .25 email communication with plaintiffs' attorney
8-29-09 .25 email communication with Mike Tuohy
8-31-09 .25 letter to client with notice of withdrawal and substitution
8-31-09 .25 email communication with client re witnesses
9-9-09 .25 email communication with client re strategy
9-9-09 .25 email communication with Darrell Lowe
10-12-09 .25 email communication with client re witnesses
10-13-09 .5 communication with James David, letter
10-27-09 .25 email communication with client re witnesses
10-29-09 .5 supplemental discovery responses from attorney Mann
10-29-10 .25 email communication with client re strategy
10-29-09 .25 email communication with client re subpoenas
10-30-09 .25 email communication with client re prep
10-30-10 .25 email communication with client re witnesses
10-30-09 .25 email communication with client re plaintiff's leaf blower
10-30-09 .25 email communication with client re plaintiff's caretaker
10-31-09 .25 email communication with client re strategy
11-1-09 .25 email communication with Denny Olson

11-2-09 .25 email communication with client

11-3-09 .25 email communication with client re evidence/strategy

11-4-09 .25 email communication with client re strategy

11-4-09 .25 email communication with Tuohy

11-5-09 .25 email communication with client re strategy

11-5-09 .25 same as previous, second communication

11-8-09 .25 email communication with client re trial strategy

11-8-09 .25 email communication with client re witnesses

11-10-09 .25 email communication with client re trial preparation

11-11-09 .25 email communication with client re trial strategy

11-16-09 .25 letter to client re trial date

11-25-09 .25 email communications with client re trial strategy, witness availability

2-8-10 .25 email communication with client re evidence

3-3-10 4 hours, site visit to client's property to view scene, can't pin down the exact date

5-28 through 5-30, 2010 5 hours prepare for trial

6-2-10 4.5 hours prepare direct examination of client; prepare cross examination of plaintiffs, review pleadings and evidence

6-3-10 2 hours prepare direct examinations of witnesses

6-3-10 8 hours trial

6-4-10 10 hours trial preparation, trial, summary of evidence for written closing

6-19-20 4 hours research and draft closing argument

6-20-10 4 hours research, draft and prepare closing argument

6-23-10 1 hour review plaintiffs' closing argument

10-14-10 2 hour prepare final order, letters and copies to client and attorney.

10-14-10 2 hours research and prepare motion and memo for attorneys fees (not included in total hours).

TOTAL 67.25 hours @ \$250/hour = \$16,812.50. I would charge at \$250 hour based on experience, complexity and success for a case of this nature, but in this instance the client just could not afford it. Every hour shown above was spent solely on this case and not on the fish and wildlife complaint; that time is additional to the above totals.

Note that the above hours are all hours that I can readily document and the times are conservative estimates. There are numerous hours of email and in-person meetings with the clients and others that I cannot readily pin down the dates for due to loss of computer records due to a hard-drive crash. All of the above emails were saved.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct: Dated October 21, 2010, at Shelton, Washington.

Bruce Finlay, WSBA #18799
Attorney for Defendant
PO Box 3
Shelton, WA 98584
360-432-1778

2014 APR -3 11:10:01
STATE OF WASHINGTON
CLERK

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

HAL MOORE and MELANIE)
MOORE husband and wife; and)
LESTER KRUEGER and)
BETTY KRUEGER, husband)
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No.41557-7-II.

Mason County Superior Court #06-2-00563-9

Appellants,)

RESPONDENTS' SECOND
SUPPLEMENTAL DESIGNATION OF
CLERK'S PAPERS

v.)

STEVE'S OUTBOARD)
SERVICE, a sole proprietorship)
operating in Washington;)
STEVEN LOVE and MARY)
LOU LOVE, husband and wife)
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Received
Washington State Supreme Court

APR 11 2014

Ronald R. Carpenter
Clerk

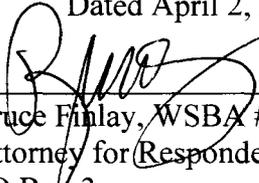
TO: DAVID PONZOHA, Clerk, Court of Appeals, Division II

AND TO: DENNIS REYNOLDS, Attorney for Appellants

COMES NOW Steven and Mary Lou Love and Steve's Outboard Service,
through counsel Bruce Finlay, and designates the following as second
supplemental Clerk's Papers:

1. Mason County Superior Court Clerk's subnumber 111; Supplemental Declaration of Bruce Finlay Re Attorneys Fees, filed 10-22-10.

Dated April 2, 2014:



Bruce Finlay, WSBA #18799
Attorney for Respondent
PO Box 3
Shelton, WA 98584
360-432-1778

CERTIFICATE OF SERVICE

I certify that on the 2nd day of April, 2014, I caused a true and correct copy of this Second Supplemental Designation of Clerk's Papers to be served on the following in the manner indicated below:

U.S. Mail

Counsel for Appellants
Dennis Reynolds
200 Winslow Way W Unit 380
Bainbridge Island, WA 98110-4932

By: 

Bruce Finlay