

71536-4

71536-4

No.: 71536-4-1

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

ALLSTATE PROPERTY AND CASUALTY INSURANCE
COMPANY,

Appellant,

vs.

NICHOLAS AND ANGELA XAVIER, husband and wife,
and the marital community thereof,

Respondents.

BRIEF OF APPELLANT

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2011 JUN 19 PM 4:41
COURT OF APPEALS DIV I
STATE OF WASHINGTON

ORIGINAL

APPENDIX

- A.** Order Granting the Plaintiffs' Motion for Award of Attorney Fees, Statutory Costs and Litigation Expenses, dated January 2, 2014; CP 2478-2483.
- B.** Order Granting the Plaintiff's Motion For Entry of Judgment, dated February 7, 2014; CP 2523-2525.
- C.** Color Copy of CP 2035-2140.
 - a. Defendants submitted an annotated, color coded, copy of the billing statements submitted by Plaintiff's counsel, reproduced at CP 2035-2140. However, the CP copy provided by the Superior Court is in black and white. A color copy, marked with the corresponding CP numbers is provided for the convenience of the Court.

TABLE OF CONTENTS

TABLE OF CASES AND AUTHORITIES.....	iv-v
I. ASSIGNMENTS OF ERROR.....	1
II. ISSUES RELATED TO THE ASSIGNMENTS OF ERROR.....	2
III. STATEMENT OF THE CASE.....	3
A. Background.....	3
B. Xavier’s Counsel Fails to Communicate Settlement Offers and Other Information to Clients.....	4
1. Offer to Pay Before Plaintiff’s Incurred the Cost of Appraisal.....	4
2. The Xaviers Were Kept Uninformed About Their Insurance Claim and Lawsuit.....	8
C. Xaviers Identified No Damages.....	10
D. Litigation and Discovery Were Minimal.....	10
E. Plaintiff Presented “Final Billing” to the King County Superior Court that was Altered.....	12
F. Plaintiffs Submitted Billing Totals do Not Match the Charges Stated.....	13
G. Billing is Generally Excessive.....	14
H. Fees Include Items Not Related to Litigation.....	16
I. Multiple Billings for the Same Task.....	17
J. Billing for interoffice and providing instructions.....	19

K. Not All RestorX Billing has Been Removed.....	23
L. Block Billings Mingle non-Billable Activities with Billable Activities.....	24
M. The Court did not Require or Consider Actual Documents for Which Plaintiffs’ Counsel Claimed Review Time.....	25
N. Plaintiffs Misrepresented the Law to the Trial Court.....	25
IV. ARGUMENT AND AUTHORITY.....	26
A. Standard of Review.....	26
B. Only Reasonable Fees May Be Awarded.....	27
C. Plaintiff’s First Fee Motion.....	28
1. The Court Rejected the Holdings of Julie Berryman v. Metcalf and Johnson v. State of Washington, Department of Transportation.....	28
2. Fee Recovery Should have been Segregated.....	30
3. “Team Approach” and Excessive Billing without Justification was Improperly Accepted.....	32
a. Billing for interoffice and providing instructions.....	33
b. Block Billings Mingle non-Billable Activities with Billable Activities.....	34
c. No Recovery Should be Permitted For Billing With Inadequate Descriptions.....	35
d. Not All RestorX Billing was Removed.....	37
e. Fees Include Items Not Related to Litigation...38	
f. Olympic Steamship is Not Applicable....	39

g.	Excessive Costs Should Be Reduced.....	41
D.	Plaintiff's Second Fee Motion/Motion for Entry of Judgment.....	41
1.	Plaintiffs are not Entitled for Fees for Presenting their Amount of Fees.....	41
2.	Billing is Excessive and Includes Unrelated Activities.....	42
E.	The Court Should Have Supplemented the Record Pursuant to RAP 7.2(e) and CR60(a).....	46
V.	CONCLUSION.....	48

TABLE OF CASES AND AUTHORITIES

WASHINGTON CASES

1. <i>Berryman v. Metcalf</i> , 177 Wn. App. 644, 312 P.3d 745 (2013).....	1,2, 27, 28, 29, 34, 42, 44
2. <i>Boeing Co. v. Sierracin Corp.</i> , 108 Wn.2d 38, 66, 738 P.2d 665 (1987).....	30
3. <i>Bowers v. Trans America Ins. Co.</i> , 100 Wn.2d 581, 587, 675 P.2d 193 (1983).....	11, 31
4. <i>Chuong Van Pham v. Seattle City Light</i> , 159 Wn.2d 527, 538, 151 P.3d 976 (2007).....	26
5. <i>Fisher Properties, Inc. v. Arden-Mayfair, Inc.</i> , 106 Wn.2d 826, 849-50, 726 P.2d 8 (1986).....	42
6. <i>Gaglidari v. Denny's Restaurants, Inc.</i> , 117 Wn.2d 426, 450, 815 P.2d 1362 1991).....	30
7. <i>Kastanis v. Educational Employees Credit Union</i> , 122 Wn.2d 483, 859 P.2d 26 (1993).....	30
8. <i>Loeffelholz v. C.L.E.A.N.</i> , 119 Wn. App. 665, 690-691, 82 P.3d 1199, (2004).....	31
9. <i>Mahler v. Szucs</i> , 135 Wn.2d 398, 434-35, 957 P.2d 632, 966 P.2d 305 (1998).....	27

10. <i>Nordstrom, Inc. v. Tampourlos</i> , 107 Wn.2d 735, 744, 733 P.2d 208 (1987).....	30
11. <i>Scott Fetzer Co. v. Weeks</i> , 122 Wn.2d 141, 151, 859 P.2d 1210 (1993).....	27
12. <i>Travis v. Washington Horse Breeders Ass'n</i> , 111 Wn.2d 396, 410-11, 759 P.2d 418 (1988).....	30

FEDERAL CASES

1. <i>ACLU v. Barnes</i> , 168 F.3d 423, 428 (11th Cir. 1999).....	27, 28, 35, 47
2. <i>Hensley v. Eckert</i> , 461 U.S. 424, 434 (1983)....	27, 28, 35, 47
3. <i>Weinberger v. Great Northern Nekoosa Corp.</i> , 925 F.2d 518, 520 (1st Cir. 1991).....	27, 28, 35, 42, 47
4. <i>West Virginia University Hospital, Inc. v. Casey</i> , 898 F.2d 357, 365 (3rd Cir. 1990).....	27,28, 35, 47

STATUTES

1. RCW 19.86.090.....	30
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REGULATIONS AND RULES

1. CR 60(a).....	46
------------------	----

2. RAP 7.2(e).....46, 47

OTHER AUTHORITIES

1. ABA ethics advisory opinion, 1993-373 December
1993.....36, 45

I. ASSIGNMENTS OF ERROR

- A. The trial court erred in granting the Plaintiffs' Motion for Award of Attorney Fees, Statutory Costs and Litigation Expenses on January 2, 2014; Appendix A, including, but not limited to:
1. Failing to follow *Julie Berryman v. Metcalf and Johnson v. State of Washington, Department of Transportation*
 2. Failing to segregate fees between claims for which fee recovery is available and those for which is it not;
 3. Allowing the "team approach" expressly rejected by Washington Courts;
 4. Taking fees as reasonable without analysis;
 5. Allowing clerical work to be billed as paralegal work;
 6. Allowing an award of fees as a punitive measure?
- B. The trial court erred in granting the Plaintiff's Motion For Entry of Judgment on February 7, 2014; Appendix B, by allowing an additional award of fees incurred solely in making counsel's request for fees.
- C. The trial court erred in denying defendant's request to supplement the record.

II. ISSUES RELATED TO THE ASSIGNMENTS OF ERROR

- A. Did the trial court err in failing to follow *Julie Berryman v. Metcalf and Johnson v. State of Washington, Department of Transportation*
- B. Did the trial court err in allowing the “team approach” rejected by Washington Courts?
- C. Did the trial court err in refusing to segregate fees between those claims for which fee recovery is available and those for which is it not?
- D. Did the trial court err in allowing clerical work to be billed as paralegal work?
- E. Did the trial court err in allowing an award of fees as a punitive measure?
- F. Did the trial court err in taking expenses as reasonable without analysis
- G. Did the trial court err in awarding Plaintiff additional fees incurred for the sole purpose of making the fee request motion?
- H. Did the trial court err in denying defendant’s request to supplement the record.

III. STATEMENT OF THE CASE

A. Background

This matter arises from an insurance claim which was fully paid prior to the filing of suit in this matter. On or about June 28, 2011, the Xaviers suffered a loss when a toilet line became clogged and backed up into their home. The Xaviers submitted a claim to Allstate for damage caused by water and waste which entered the home via the plumbing system which backed up line. Allstate accepted coverage. Allstate paid the Xaviers structure claim in full. CP 301-311. When the Xaviers requested additional living expenses, Allstate paid them in full. CP 387, CP 415-416; CP 301-311. Allstate paid the Xavier's contents claim. CP 301-311.

The Xaviers also retained RestorX to perform remediation work at their home. The Xaviers brought multiple claims against RestorX as a part of their lawsuit. CP 1-8. In their request for fees, the Xaviers' counsel asserted that all billing related to RestorX had been removed, but, as briefed further below, this was not the case.

When the Xaviers filed suit, they had retained three attorneys with three law firms. CP 7-8. Later in the litigation, a fourth attorney from a fourth law firm associated with Plaintiff's counsel. CP 2401-24032. Additionally, counsel later billed for conferences with a fifth attorney from a fifth firm. CP 2485. Three paralegals also billed for the Xavier case. CP 2035-2140

B. Xavier's Counsel Fails to Communicate Settlement Offers and Other Information to Clients.

1. Offer to Pay Before Plaintiff's Incurred the Cost of Appraisal

The Xaviers submitted a repair estimate by Heritage Restoration totaling \$71,569.44. CP 1162-1199.

On or about December 16, 2011, Allstate offered to pay the Xavier's dwelling claim, in full, as they presented it, to avoid the expense to both parties for the appraisal. *CP 1159-1161*. Allstate offered to pay the full amount of the appraisal to benefit it insureds, even though it was not obligated to pay the replacement cost value of the loss until repairs were actually made.

Allstate has considered the new information you have provided regarding damages which have been asserted concerning additional contamination. With this in mind, Allstate would like to resolve this matter. Allstate is willing to pay the hygienist billing which was already paid on November 19, 2011 in the amount of \$4,635.40. In addition, Allstate would agree to pay, up front, \$54,871.65. This is the total repair cost estimate from your contractor up front minus the amounts previously paid on this matter. **This would obviously alleviate the cost of any appraisal and hopefully resolve any further dispute as between the parties.** Please advise if this is acceptable. I look forward to hearing from you in the very near future.

CP 1160, **emphasis added**.

The Xavier's counsel rejected this offer. The Xaviers insisted on appraisal in the face of an agreement to pay their claim. The Xaviers testified at deposition that this offer was never communicated to them.

Q. Were you aware that as of December 16, 2011, Allstate had made an offer to you which would have alleviated the cost of any appraisal?

* * * *

THE WITNESS:

I don't -- I don't think that -- no, I don't believe that I was -- yeah, I don't think I was a part of that discussion.

Q. (BY MR. WATHEN):

Would it have been important to you if you knew there was a way to bring this claim to a conclusion that would have meant you didn't have to incur additional fees for the appraisal?

A. I think the important thing for us has always been to just have our house back to where it was.

* * * *

CP 1092 – 1129, deposition of Nicholas Xavier, at p. 121, ll. 7-20, Objections and attorney discussion omitted.

Q. As of December 16, 2007, it is my understanding that the estimate received from Heritage Restoration was approximately \$70,000. Does that comport to your understanding?

A. I believe so.

Q. Did you understand that Allstate was willing to pay that cost, the 54,000 plus the 15 it had already paid up

front, in order to alleviate the cost of going forward with the appraisal? Were you aware that Allstate had made that offer?

A. Yes.

Q. Why was it rejected?

* * * *

Q (BY MR. WATHEN):

I just want your understanding of why you rejected that offer to alleviate the costs that you would have to bear and Allstate would have to bear for the appraisal if Allstate was agreeing to pay the amount of the contractor estimate you had just submitted.

* * * *

THE WITNESS:

I believe there was a lot more other factors based on this date of December 16th that helped me make my decision in that.

Q (BY MR. WATHEN):

Sticking just with the structure, what other factors with respect to the structure were important in you deciding to reject that offer?

* * * *

THE WITNESS:

Could you please ask the question again?

Q (BY MR. WATHEN):

Sure. I guess I'm a little troubled here. You submit a contractor's estimate for \$70,000 and say, "That's what we're claiming." And Allstate says, "All right, we'll pay it just to avoid the expense and costs of the appraisal." I don't understand why you would have rejected that. So I'm asking, why

would you have rejected that and saved everyone the cost and expense of going through that appraisal process?

* * * *

A. At the time that was offered by Allstate, we had retained counsel, we had moved out of our home, we had lived in a home for four months with raw sewage, so I guess –

Q. Let me stop you right there--

A. I can't answer that.

Q. --because I want to focus only on the structure.

A. Okay. I can't answer that.

Q. You paid, if I understand this correctly, your appraiser to go through the appraisal process after Allstate had already agreed to pay the exact amount you had asked for; is that correct?

* * * *

THE WITNESS:

I believe I've answered the question.

Q (BY MR. WATHEN):

Okay. Let me break it down this way: How much expense did you incur with your appraiser after December 16th to appraise the structure?

A. I don't have the figure.

Q. Did you incur some expense?

A. Yes.

Q. Could you have alleviated that expense by accepting Allstate's offer to pay you exactly what you were claiming?

THE WITNESS: I understand what you're asking. I feel like I've answered the question.

CP 1130-1158, deposition of Angela Xavier, p. 77, l. 2 – p. 80, l. 6.
Objections and attorney discussion omitted.

In this lawsuit, the Xaviers claimed fees for that appraisal as well as attorney fees and other expenses incurred for no purpose other than the sake of incurring expenses. Such behavior has been documented in other court decisions. CP 1200- 1205.

2. The Xaviers Were Kept Uninformed About Their Insurance Claim and Lawsuit

The Xaviers' deposition testimony strongly indicates that they have no knowledge regarding their insurance claim after the point when they hired counsel. At deposition, the Xaviers were unable to identify the expenses they incurred, and had no knowledge of what Allstate had paid on their claim.

Q. Ms. Xavier, we've been at this now for two years. And is it your understanding as you sit here today you don't know what Allstate has paid?

A. That is my understanding.

CP 1130-1158, deposition of Angela Xavier, p. 68, ll. 21-24.

The Xaviers could not identify their expenses, and did not know that there were no bills for additional living expenses outstanding.

Q. Did you incur additional fees and expenses after December 16, 2011?

A. I don't know.

Q. Who would know? With all due respect, Mr. Xavier, you're the plaintiff here.

A. Absolutely.

- Q. You're the person suing Allstate, you're the person who should have the factual knowledge as to the basis of your lawsuit. Would you agree with me?
- A. Yes.
- Q. So after December 16, 2011, are you claiming as part of this lawsuit any expenses incurred after that date?
- A. Well, there were incurred expenses after December 16th because we were still in the rental house, correct?
- Q. And hadn't Allstate already committed to and arranged for direct pay to your rental property?
- A. They had committed to a certain time period.

CP 1092 – 1129, deposition of Nicholas Xavier, p. 122, ll. 6-24.

At the time of the Xaviers' depositions, the trial Court had ruled that Allstate paid all contractual claims. *See* CP 289-297.

The Xaviers appear to have had no role in their insurance claim, and have received no information from their counsel. Counsel accepted and rejected offers on behalf of the Xaviers without informing them of the content or existence of the offers. CP 2026-2027. Counsel did not inform the Xaviers that their claim had been paid before filing the present lawsuit against Allstate. CP 1130-1158, deposition of Angela Xavier, p. 68, ll. 21-24; CP 1092 – 1129, deposition of Nicholas Xavier, p. 122, ll. 6-24. The present suit is wholly driven by counsel.

C. Xaviers Identified No Damages

The Xaviers were unable to identify any damages arising from any action or inaction of Allstate. The Xaviers only identified items which were paid prior to suit. *See* CP 1092 – 1129, deposition of Nicholas Xavier, p. 122, ll. 6-24, *supra*; claiming additional living expense were due under the claim. At the time of the Xaviers' depositions, the trial Court had ruled that Allstate paid all contractual claims. *See* CP 289-297.

In fact, the Xaviers did not know what payments they received on their claim, despite the fact that their claim was fully paid prior to the filing of this lawsuit.

Q. Ms. Xavier, we've been at this now for two years. And is it your understanding as you sit here today you don't know what Allstate has paid?

A. That is my understanding.

CP 1130-1158, deposition of Angela Xavier, p. 68, ll. 21-24.

D. Litigation and Discovery Were Minimal

Litigation in this matter was far from aggressive. In fact, litigation in this matter was not even typical. Litigation in this matter was minimal. In fact, only 9 motions were filed in the King County Superior Court in this case prior to the acceptance of Defendant's Offer of Judgment. CP 2029-2033. Of those motions:

- One was a motion for protective order defending against unreasonable discovery requests by Plaintiffs, filed August 6,

2013, in which the Court awarded Allstate relief from the requests,¹ CP 978-991;

- One of those motions was a motion for summary judgment filed by defendant RestorX, filed May 29, 2013, CP 479-494;
- One was a Motion for Summary Judgment by Allstate to dismiss contractual claims, filed May 10, 2013. CP 289-297. Allstate was successful in this motion, and Plaintiffs actually admitted that all contractual claims were paid, but not until hearing on the motion.
- One was a Motion for Summary Judgment by Plaintiffs seeking an affirmative Ruling on extra-contractual claims, filed May 16, 2013. CP 128-142. Plaintiff was unsuccessful on this motion.
- One was a Motion for Summary Judgment originally filed as a cross-motion on Plaintiffs seeking an affirmative Ruling on extra-contractual claims, refilled as a motion for summary judgment at request of the Court. See CP 766-785.

Plaintiffs are not entitled to an award of fees for any of these motions, in which Plaintiffs were unsuccessful, or which were brought by Defendant RestorX. Further, the small number of motions and pleadings show that this litigation was significantly less aggressive than average.

Discovery on both sides was minimal to address the needs of this case. Allstate noted only three depositions during the course of this litigation, those of the two Plaintiffs, and the deposition of one expert, Susan Evans. CP 2016-17, CP 1130-1158, CP 1092 – 1129. The depositions of Nicholas and Angela Xavier were conducted on the same day for the convenience of all parties, and took less than a single 8 hour day. CP 1130-1158, CP 1092 – 1129. The deposition of Susan Evans was

¹ See *Bowers v. Trans America Ins. Co.*, 100 Wn.2d 581, 587, 675 P.2d 193 (1983); fees may not be awarded for unsuccessful claims or duplicated effort.

taken on a separate date, and took only one hour and 35 minutes. CP 2016-17. Allstate did not serve written discovery requests on the Plaintiffs, instead relying on the initial disclosures provided by each party. In fact, Plaintiffs were critical of Allstate for not pursuing additional discovery. CP 1481-1496.

E. Plaintiff Presented “Final Billing” to the King County Superior Court that was Altered.

Plaintiffs presented billing records to this Court covering the entire litigation. Among the billing submitted were entries for work on a motion to remand from the Federal Court. The records presented to the King County Superior Court on September 27, 2013, contains additional billed time entries not included on the records presented to the Federal Court for the Western District of Washington on June 28, 2012. From the June 28, 2012, billing submission by Plaintiffs to the Federal Court (CP 2670):

Reviewed Notice of Removal and Complaint; researched, revised and supplemented Motion to Remand (4x); emailed same to Mr. Hanson for his review.	6/20/12	4.50
Reviewed emails and Mr. Hanson's edits to Motion to Remand / analyzed same; conferred with assistant re: drafting supporting Declaration.	6/21/12	0.50
Revised and supplemented Motion to Remand / emailed assistants re: editing same.	6/23/12	1.30
Revised and supplemented Declaration in Support of Motion for Remand; emailed assistants re: modifications.	6/23/12	1.00
Revised and supplemented Declaration in Support of Motion for Remand; conferred with Mr. Cunningham re: same.	6/25/12	0.70
Finalized Motion for Remand and Declaration in Support thereof; emailed assistant re: collecting Exhibits for Declaration.	6/27/12	1.30
		9.30

From the September 27, 2013, billing submission by Plaintiffs to the State Court

(see CP 2072):

Reviewed Notice of Removal and Complaint; researched, revised and supplemented Motion to Remand (4x); emailed same to Mr. Hanson for his review.	6/20/12	4.50
Reviewed emails and Mr. Hanson's version 6 of Motion to Remand / analyzed same; conferred with assistant re: drafting supporting Declaration.	6/21/12	0.50
Revised my Declaration for Motion to Remand.	6/21/12	0.50
Revised Plaintiffs' Motion for Remand.	6/23/12	1.00
Supplemented Watkins' Declaration / Motion for Remand.	6/23/12	0.50
Conferred with Mr. Howson re: status of case.	6/23/12	0.20
Revised and supplemented Motion to Remand / emailed assistants re: editing same.	6/23/12	1.30
Revised and supplemented Declaration in Support of Motion for Remand; emailed assistants re: modifications.	6/23/12	1.00
Attended Case Assignment Meeting.	6/25/12	0.20
Revised and supplemented Declaration in Support of Motion for Remand; conferred with Mr. Cunningham re: same.	6/25/12	0.70
Finalized Motion for Remand and Declaration in Support thereof; emailed assistant re: collecting Exhibits for Declaration.	6/27/12	1.30

The September 27, 2013, submission represented that the billing records presented were generated contemporaneously with the work performed and were an accurate representation of actual time spent. CP 2662-1668 at ¶ 12. However, it is clear that additional entries have been added to the September 27, 2013, submission, long after the fact.

F. Plaintiffs Submitted Billing Totals do Not Match the Charges Stated

The total hours and fees requested in Plaintiffs motion does not match the fees shown in the invoices provided by counsel. CP 2237-2299, at CP 2244. The totals are as follows:

Billor	Rate	Hours	Fees
Michael T. Watkins	\$ 350.00	311.1	\$ 108,885.00
George McLean	\$ 350.00	240.1	\$ 84,035.00
Joel Hanson	\$ 250.00	29.1	\$ 7,275.00
Sonia Chaklo	\$ 100.00	34.8	\$ 3,480.00
William Cunningham	\$ 100.00	89.0	\$ 8,900.00
Kevin Myhre	\$ 100.00	80.8	\$ 8,080.00
		784.9	\$ 220,655.00

CP 2237-2299, at CP 2244..

Plaintiffs' fee motion requested 19.9 hours' worth of fees that did not appear on the records provided.

G. Billing is Generally Excessive

The assertions by Plaintiff's counsel regarding the work performed does not appear to match the filings actually made in this case. Plaintiffs' counsel asserted that they drafted "454 separate pleadings or drafts of pleadings" for a case where the ENTIRE docket, including all documents filed by all parties and all filings by the court, includes only 105 entries. CP 2029-2033, CP 3219 ¶38. In fact, Plaintiff only filed 18 documents with the Superior Court prior to acceptance of settlement, inclusive of the Summons and Complaint, an Amended Summons, a Notice of Appearance, responses to motions by RestorX, and the Motion to Remand and Reply in support of same filed in the US District Court. *Id.* For

Plaintiff's counsel to have drafted "454 separate pleadings or drafts of pleadings", they would have had to re-drafted each of these documents **more than 25 times each.** *Id.* This is per se unreasonable. *See CP 1997-2004, ¶ 18.C.*

The billing entries were replete with instances of multiple persons reviewing the same document. *See also CP 2237-2299 at CP 2251-2252.* For example, both Mr. McLean and Mr. Hanson appear to have billed to read an email sent from counsel for Defendant to counsel for Plaintiff, Michael Watkins, on July 11, 2013. The e-mail itself is four lines long.

From: Rick J Wathen
Sent: Thursday, July 11, 2013 3:17 PM
To: Jennifer P. Dinning; Michael Watkins (michael@mtwlawfirm.com)
Subject: RE: Length of Depositions.

Michael – it was on my calendar for 9-12. I informed George of such. I told him I had a 1 o'clock appointment. I offered to go right up until 1. We then took a break. George came back and questions until he concluded the deposition at 12:06. In any event, George did a thorough job. I can't imagine what could have been left to ask even up to 1 let alone beyond.

CP 2236.

Mr. Hanson billed a .3 in a block bill for reading this email and discussing it with Mr. McLean (CP 2040):

Xavier	7/11/2013	0.3	0.3;	termination of deposition of Mr. Miles;	0.3
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The following day, Mr. McLean billed .4 for reviewing the same e-mail (CP 2060):

Read email exchange between MTW and OC re: length of Miles's deposition and responded to same.

7/12/13

0.40

A total of 42 minutes billed between two attorneys to read a single 4 line email is highly questionable and clearly duplicative.

Further, much of the document review, particularly by paralegals, does not appear to be connected to any actual work. *See* CP 2035-2140. Document review without purpose should not be compensated.

The entries also contain numerous instances of billing at .1 to read an e-mail, and a separate .1 for a response to the same e-mail. *See CP 2237-2299 at CP 2251-2252., see also CP 2035-2140.* There is a strong indication that the review and the response occurred contemporaneously and in less than the 12 minutes time billed. *Id.*

H. Fees Include Items Not Related to Litigation

The billing records submitted by Plaintiffs contain multiple entries for activities managing the Xaviers' home repair work.

From the billing of attorney McLean (CP 2044):

Read email from client re: punch list for completing structural repairs.	5/23/12	0.20
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From the billing of attorney Watkins (CP 2070; 2073; and 2074):

Reviewed email from client to Heritage Restoration re: punch list items; analyzed same.	5/22/12	0.20
Emailed note from Mr. Xavier re: status of repairs to attorneys and staff.	5/23/12	0.10
Conferred with Mr. McLean re: settlement of dispute between Heritage and clients.	6/29/12	0.20
Reviewed email exchanges with clients and assistant; reviewed file and conferred with assistant re: upcoming meeting with clients and Heritage Restoration; prepared email to clients re: releasing funds held in Wells Fargo escrow account.	7/19/12	0.50

From the billing of attorney Hanson (CP 2038):

Xavier	7/17/2012	0.2	0.2	Start re tasks and status of case;	NO Charge
Xavier	7/20/2012	0.2	0.1; 0.1;	Review emails re repair funds to Heritage; Conference with M. Watkins, G. Mclean and office	0.2

From billing of paralegal Cunningham (CP 2115):

Reviewed e-mail from Mr. Watkins regarding status of repairs to home.	5/23/12	0.10
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These charges appear to be for managing the Xaviers' home repairs, and for resolving a dispute between the Xaviers' and their chosen repair contractor. Counsel has identified 29 instances of billing for work related to construction management and a dispute between Heritage Restoration and the Xaviers unrelated to this litigation in Counsels' materials. *See* CP 2035-2140. Allstate has identified 10 hours and \$3,280.00 billed in this category. *CP 2237-2299 at CP 2251.*

I. Multiple Billings for the Same Task

Some entries submitted by Plaintiffs are multiple billings for the same task. For example, Mr. Watkins bills twice for reading the same document, with slightly different descriptions.

Reviewed Allstate's Initial Disclosures; analyzed same.	7/26/12	0.50
Reviewed Allstate's ECF Initial Disclosure filing.	7/26/12	0.30

CP 2075. These are the same document, billed for review twice. Further, this document contains less than three pages of substantive text, reproduced in full below:

COMES NOW Defendant Allstate Property and Casualty Insurance Company (hereinafter "Allstate"), by and through their attorneys, COLE, WATHEN, LEID & HALL, P.C., and respectfully submits the following Initial Disclosure statement pursuant to FRCP 26(a).

A. Persons Likely to have Discoverable Information

1. Plaintiffs Nicholas and Angela Xavier
c/o Michael T. Watkins
Law Offices of Michael T. Watkins
2825 Eastlake Avenue East, Suite 115
Seattle, WA 98102

Plaintiffs have information regarding their insurance claim and alleged damages arising from the adjustment of their claim. Plaintiffs also have information regarding their claims against Speidel International, Inc., dba RestorX of Washington.

2. Employees of Speidel International, Inc., dba RestorX of Washington
c/o Thomas B. Neckerman
Francis S. Floyd
Floyd Pfoefer & Ringer, P.S.
200 W. Thomas Street, Ste. 500
Seattle, WA 98119

Employees of Speidel International, Inc., dba RestorX of Washington are likely to have information regarding the work they were hired to perform by the Xaviers which is the subject of the claims brought against Speidel International, Inc., dba RestorX of Washington by the Xaviers.

3. Employees of Allstate Property and Casualty Insurance Company
c/o Cole, Wathen, Leid & Hall, PC
1000 Second Ave, Suite 1300
Seattle, WA 98104
206-622-0494

Employees of Allstate Property and Casualty Insurance Company may have discoverable information regarding the policy(ies) of insurance issued to Plaintiffs, as well as coverage and adjustment issues, including, but not limited to, claims investigation, claims decisions and claims analysis.

Allstate reserves the right to amend this disclosure to add additional witnesses.

B. Documents In Care Custody and Control of Defendant

The applicable records in custody and control of Allstate consist of the following:

1. Complete claim file, minus privileged documents, related to claim made by Plaintiffs regarding the policy number 000964447833.
2. Policy number 000964447833.

By identifying these records, Allstate does not waive any claim of privilege or right of non-disclosure that may apply. These disclosures will be supplemented as additional records are discovered.

Documents will be made available for inspection.

C. Damages Calculation

Defendant claims that they are entitled to all costs and fees, including reasonable attorney's fees and adjusting expenses that may be authorized by law.

D. Insurance Agreements

One or more insurance policies may be applicable to the current lawsuit. Defendant reserves the right to supplement this information as new information

CP 2231-2234. A reviewing time of even one entry of .3, or 18 minutes, is, at best, questionable, let alone the two entries totaling 48 minutes. See

CP 2231-2234. The billing of Plaintiffs' counsel contain many such questionable entries.

From the billing of attorney McLean (CP 2046; 2061):

	Conferred with Mr. Howson re: case status.	7/9/12	0.20
Duplicative	Read OC's request for statement of damages and conferred with MTW re: same.	7/9/12	0.20
	Attended task assignment meeting.	7/10/12	0.20
	Read OC's request for statement of damages and minute entries re: removal of suit to Federal Court.		
	<u>LISTENED TO MEDIATION</u>	8/2/13	0.60
Duplicative	Listened to MV from OC re: mediation / settlement and responded to same. Conferred with MTW re: counter mediation / proposal.	8/2/13	0.80
	Read email exchanges between OC and MTW re: mediation and discovery matters / listened to OC's VM and responded to same concerning request for mediation.		

The billing submitted includes multiple instances of billing for review of the same document by the same person, often on the same day. See CP 2035-2140; see also CP 2237-2299 at CP 2251.

J. Billing for interoffice and providing instructions

The billings presented by the Xaviers include a significant number of entries for interoffice communications, for attorneys providing instructions or assignments to paralegals, and for the paralegals receiving those instructions or assignments. There are also billing entries for paralegals conferring with each other, and billing entries for providing instructions to office staff. See CP 2035-2140. For example:

From the billing of attorney Hanson (at CP 2038-2039):

Xavier	6/7/2012	0.2	2:55 - 3:04;	Conference with M. Watkins re defendant's request for settlement offer; calculate fees for same;	0.2
Xavier	6/20/2012	0.3	0.3;	Conference with M. Watkins and G. McLean re disputes between clients and contractor, possible overpayment by insurer;	0.3
Xavier	6/27/2012	0.4	0.1; 9:38 - 9:52;	Telephone conference with S. Chakalo re motion for remand; assist with finalizing motion to remand;	0.4
Xavier	7/12/2012	0.2	0.2;	Conferences with G. McLean re Reply in support of motion to remand; review email correspondence re same;	0.2
Xavier	8/13/2012	0.2	0.2;	Conference with S. Chakalo re difficulty in determining everything that was paid and not paid by Allstate;	0.2
Xavier	8/30/2012	0.1	10:07 - 10:12;	Send email to S. Chakalo re settlement and fees;	0.1
Xavier	9/10/2012	0.3	0.2; 0.1;	Conference with M. Watkins, G. McLean and office staff re tasks and status of case; review and analysis of letter re-assigning judge;	0.1
Xavier	9/20/2012	0.2	0.2;	Conference with W. Cunningham re discovery issues specific to Allstate and article concerning same; analysis re same;	0.2
Xavier	5/21/2013	0.2	0.2;	Conferences with S. Chakalo re status of depositions of Allstate employees; review emails re same;	0.2
Xavier	5/22/2013	0.8	0.1; 0.6; 0.1;	Conference with M. Watkins re claim file and investigation; meeting with B. Williams re issues in case and his investigation of same; analysis re use of B. Williams as expert witness;	0.8
Xavier	5/29/2013	0.2	0.2;	Review emails re denial of coverage argument; conference with M. Watkins re same;	0.2
Xavier	6/11/2013	0.3	0.1; 0.2;	Exchange emails with G. McLean re coverage issue; review Defendant's reply in support of motion for protective order;	0.3

From billing of attorney McLean (CP 2044-2046; 2048; 2050):

Read emails re: AS' responses to RFAs and studied said responses.	6/1/12	0.30
Read emails exchanged between JBH and MTW re OC's assertion of fraudulent joinder of Restorx.	6/3/12	0.30
Conferred with JBH re: fraudulent joinder question and case law supporting our position re: same.	6/8/12	0.20
Read emails re: removal / remand questions in conjunction with alleged fraudulent joinder of adjuster issue and conducted legal research re: same.	6/8/12	1.50
Conferred with MTW re: meeting with clients / release of check to heritage, etc.	6/13/12	0.20
Read emails from JBH re: revision to motion to remand and conferred with JBH re: same.	6/21/12	0.30
Conferred with MTW re: revisions to motion for remand and made suggestions for making further revisions.	6/23/12	0.20
Conferred with paralegal, Mr. Cunningham re: status of filing motion for remand and request for attorneys fees. Reviewed said motion	6/27/12	0.30
Read email exchanges between MTW and office support staff re: reply to OC's Removal / client's motion for remand. Confer with office support staff re: meeting with clients / Heritage and PA.	7/11/12	0.30
Conferred with JBH and MTW re: revisions to Reply, clients' declarations in support of said Reply and gave directions to office support staff concerning drafting said declaration.	7/12/12	0.40
Conferred with MTW re: Mr. Xavier's response to emotional distress damages and directed office support staff to contact Mr. Xavier re: same	7/13/12	0.40
Read email exchanges between MTW and JBH re: our attorney's fees and reduction of same in conjunction with submitting SDL.	8/30/12	0.30
Read email from paralegal, Mr. Myhre concerning moving to compel production of defendants' personnel files and responded to same with my suggestions for obtaining said files.	11/21/12	0.30
Read emails from paralegal, Kevin Myhre and paralegal, William Cunningham concerning CR 26 conference / Motion to Compel.	11/26/12	0.20

From billing of attorney Watkins (CP 2073):

Emailed assistant re: preparing Response to Request for Statement of Damages.	7/10/12	0.10
Reviewed email from assistant re: date Reply needs to be filed; conferred with Mr. Cunningham re: substance of Reply.	7/11/12	0.30

From billing of paralegal Chakalo (CP 2012):

Conferred with Mr. Watkins re: Joint Status Report; Made edits to the same; Conferred with Mr. Cunningham.	7/24/12	0.50
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From billing of paralegal Cunningham (CP 2116-2118; 2131):

Reviewed email from Mr. Hanson re: version six of Motion for Remand, reviewed same.	6/21/12	0.30
Conferred with Mr. Watkins re: Declaration in support of Motion for Remand, drafted same.	6/21/12	0.60
Reviewed email from Mr. Watkins re: changes to his Declaration	6/23/12	0.10
Read email from Mr. Watkins re: changes to draft of Motion for Remand, modified Declaration to reflect same.	6/23/12	0.30
Read email from Mr. Watkins re: final version of Motion to Remand, conferred with Ms. Cahakalo re same.	6/27/12	0.30
Conferred with Ms. Chakalo re: Declaration for Nicholas Xavier.	7/13/12	0.20
Conferred with Ms. Chakalo re: initial Disclosures to be filed.	7/20/12	0.10
Conferred with Mr. Myhre re Joint Status Report, revised draft of same.	7/24/12	0.30
Conferred with Mr. Watkins and Mr. Mclean regarding discovery, records depositions and subpoenas to contractors.	9/18/12	0.30
Reviewed email from Mr. Watkins re: pertinent communications.	10/2/12	0.10
Reviewed email from OC re: extension for discovery responses. Conferred with Ms. Chakalo and Mr. Myhre re same.	10/5/12	0.20
Conferred with Ms. Chakalo re: receipt of Discovery responses and claims file from OC.	10/5/12	0.20
Conferred with Ms. Chakalo re: Records Deposition of Halo Construction.	10/17/12	0.10
Conferred with Ms. Chakalo re: depositions of Miles and Keen.	5/13/13	0.10

Allstate has identified entries where it appears that multiple attorneys and multiple paralegals have billed for reviewing the same inter-office e-mail discussions. *See CP 2035-2140*. Frequently, no actual work appears to be connected to the review of interoffice communications. *Id.* Allstate has identified 540 instances of billing for interoffice communications and providing instructions to staff, constituting 74.1 hours and \$19,290.00 billed on inter-office communication alone. *CP 2035-2140; CP 2237-2299 at CP 2248-2249*.

K. Not All RestorX Billing has Been Removed

Although Plaintiffs asserted in their original brief to the trial Court that they reduced their billing by removing all items related to RestorX, there are some billing entries for RestorX related work that have not been removed by counsel. For example:

From the billing of attorney McLean (CP 2047):

Read emails exchanged between MTW / OCs for AS and RestorX re: PTS and revisions to same. Studied proposed PTS.	7/20/12	0.30
Read email exchange between OCs and MTW re: PTS.	7/24/12	0.20

Allstate has identified 7 specific instances of billing for work on Plaintiff’s RestorX claim that were not removed from the billing by Plaintiff’s counsel, constituting. Ms. Vinaccia identified found 8.9 hours and \$1,960.00 in billing entries regarding RestorX. *CP 2035-2140; CP 2237-2299 at CP 2251*.

Additionally, some of the descriptions in counsel’s billing are so vague that the work performed cannot be identified. Several billers had

entered time related to motions with both Allstate and RestorX in close proximity to entries that are too vague to determine to which motion the entry relates. CP 1997-2004 at ¶ 17.B. None of those vague billing entries are deducted as part of the RestorX deductions. *Id.*

L. Block Billings Mingle non-Billable Activities with Billable Activities

The billing records submitted by the Plaintiffs contain many block bills which combine activities which are not billable with activities that are billable. For example:

From the billing of paralegal Cunningham (CP 2115-2117):

Conferred with Mr. McLean, reviewed file and relevant pleadings, and revised draft of Motion for Remand.	6/15/12	2.00
Conferred with Mr. Watkins Re: Motion for Remand. Conducted legal research and made revisions to Motion to Remand. Submitted for same for review.	6/20/12	3.00
Conferred with Mr. Watkins re: Reply in Support of Motion for Remand, conducted Legal Research and drafted same.	7/11/12	5.00
Conferred with Mr. McLean, conducted legal research and revised draft of Plaintiff's Reply in Support of Motion for Remand.	7/12/12	6.00
Conferred with Mr. McLean re: Declaration of Xaviers in support of Motion for Remand. Conferred with Ms. Chakalo re: contacting clients for signature of Declaration. Drafted Declaration.	7/12/12	0.50
Conferred with MTW re: my declaration in support of Reply. Studied file to confirm accuracy of said declaration and directed	7/13/12	0.80

Where billable and non-billable activities are contained in the same entry, defendant cannot determine how much of the time claimed is for a billable activity for which counsel should be compensated. Counsel identified 229 instances of block billing which contains work items

defendant disputes combined with billable work items under a single time entry. CP 2035-2140.

M. The Court did not Require or Consider Actual Documents for Which Plaintiffs' Counsel Claimed Review Time.

The Superior Court took Plaintiffs' counsel's representations of reasonableness at face value, and then required Defendants to *disprove* reasonableness. This is not the correct standard, as further briefed below. By reversing the burden of proof, the Court did not require the Plaintiffs' counsel to show that their charges were reasonable, even for highly questionable billings.

For example, Plaintiffs' counsel presented multiple attorneys billing upwards of 12 minutes each to review scheduling emails from Defense counsel's legal assistant. CP 2035-2140. Similarly, Plaintiffs' counsel presented two attorney reviews at 18 minutes each (.3) to review Defendant's Initial Disclosure document, with 2 pages of substantive text. CP 2040; CP 2060.

Having been placed in the unenviable position of having to provide information on the reasonableness of Plaintiffs' counsel's claims which Plaintiffs' counsel should have been required to provide, Defendant made a motion to supplement the record. The Superior Court denied the motion and refused to consider the documentary evidence.

N. Plaintiffs Misrepresented the Law to the Trial Court

The Trial Court stated:

I really need help with the one thing I don't have experience with, to be perfectly honest with you. I was -- been a criminal lawyer for 20 years, so I've never billed a soul in my life. So what I really need help with, and what I need you guys to focus on, is how these particular hours were

billed, why they're not reasonable if you don't think they're reasonable, why they are reasonable if you do.

RP (01/22/14) p. 6, ll. 6-24.

During the hearing, Plaintiffs' represented to the Trial Court that they were entitled attorneys' fees, in part, pursuant to *Olympic Steamship Company v. Centennial Insurance Company*, 117 Wn.2d. 37, 811 P.2d. 673 (1991). Counsel for the Plaintiffs made the following representation:

Well, that means that the plaintiffs, the insureds, only get half of what they're entitled to because to try to get that result -- now, we know that the *Olympic Steamship* and *Panorama Village* cases specifically stand for the proposition that where, as here, the insurance company claims that you have no coverage, that your claim is frivolous, that you -- we paid you stuff you didn't even deserve, claims that deny coverage do justify attorneys' fees and, under *Panorama Village*, the costs related thereto. So the suggestion that somehow these things are not compensable and -- is just not Washington law.

RP (01/22/14) p. 46, ll. 14-24.

As is briefed fully below, this statement is a misrepresentation of the holding of *Olympic Steamship*.

IV. ARGUMENT AND AUTHORITY

A. Standard of Review

An appellate court will uphold an attorney fee award unless it finds the trial court manifestly abused its discretion. Discretion is abused when the trial court exercises it on untenable grounds or for untenable reasons. *Chuong Van Pham v. Seattle City Light*, 159 Wn.2d 527, 538, 151 P.3d 976 (2007). The burden of demonstrating that a fee is reasonable is upon the fee applicant.

Scott Fetzer Co. v. Weeks, 122 Wn.2d 141, 151, 859 P.2d 1210 (1993).

Berryman v. Metcalf, 177 Wn. App. 644, 656-657, 312 P.3d 745 (2013).

All arguments against the asserted reasonableness of fees must be addressed in the Court's findings, and the Court must place the burden of proof on the party requesting fees. *Id.*

“Courts must take an active role in assessing the reasonableness of fee awards, rather than treating cost decisions as a litigation afterthought. Courts should not simply accept unquestioningly fee affidavits from counsel.” *Mahler v. Szucs*, 135 Wn.2d 398, 434-35, 957 P.2d 632, 966 P.2d 305 (1998).

Id.

B. Only Reasonable Fees May Be Awarded

Where fees are recoverable, only reasonable attorney fees are recoverable under the law. It is well settled that attorneys' fees must be fair and reasonable. *Weinberger v. Great Northern Nekoosa Corp.*, 925 F.2d 518, 520 (1st Cir. 1991). Attorneys must use what the U.S. Supreme Court terms good “billing judgment.” *ACLU v. Barnes*, 168 F.3d 423, 428 (11th Cir. 1999) (*Citing Hensley v. Eckert*, 461 U.S. 424, 434 (1983)). It is unreasonable to bill a client for hours that are “excessive, redundant, or otherwise unnecessary.” *Id.* A lawyer must exercise care, judgment and ethical responsibility in the delicate task of billing time and exclude hours that are unnecessary. *West Virginia University Hospital, Inc. v. Casey*, 898 F.2d 357, 365 (3rd Cir. 1990). *Please see also CP 2237-2299 at 2246-2247.* It is the burden of the party seeking fees to

show that the fees requested are fair, reasonable, and use good billing judgment. *See Weinberger v. Great Northern Nekoosa Corp.*, 925 F.2d 518 (1st Cir. 1991); *ACLU v. Barnes*, 168 F.3d 423 (11th Cir. 1999) (Citing *Hensley v. Eckert*, 461 U.S. 424, 434 (1983)); *West Virginia University Hospital, Inc. v. Casey*, 898 F.2d 357 (3rd Cir. 1990).

Based on the Court's ruling and comments, discussed in more detail below, the Court in this matter accepted Plaintiff's claimed fees as reasonable at the outset, and then required Defendant to show that they were not reasonable. CP 2475-2483. This reversed the burden of proof, in opposition to established law. *See Weinberger v. Great Northern Nekoosa Corp.*, *supra*; *ACLU v. Barnes*, *supra*; *Hensley v. Eckert*, *supra*; *West Virginia University Hospital, Inc. v. Casey*, *supra*. Under the accepted law regarding fee awards, it is not defendant's initial burden to present evidence to show that unusually high claims for attorney and paralegal time for a given activity are improper. It is Plaintiffs' burden to first justify the unusually high level of time billed. IF Plaintiff makes that showing, THEN it is defendant's burden to rebut it. In this case, Plaintiff was not required to make their initial showing. For this reason, this Court must supplement the record.

C. Plaintiff's First Fee Motion

1. The Court Rejected the Holdings of *Julie Berryman v. Metcalf and Johnson v. State of Washington, Department of Transportation*

The Trial Court was provided with the Washington cases of *Julie Berryman v. Metcalf* and *Johnson v. State of Washington, Department of Transportation* before it issued an Order on Plaintiff's fee

motion. CP 2321-2392. These cases stand for several principles that the Trial Court ignored. In *Berryman*, the Washington Court of Appeals rejected the following practices:

- Block billing;
- Billing entries with minimal detail;
- A request to increase the fee award due to insurance company tactics;
- Billing for duplicated effort;
- Billing for the presence of multiple attorneys for preparing and attending depositions, reviewing the same documents, and engaging in the same pre-trial preparation

In *Johnson*, the Washington Court of Appeals:

- Disallowed fee recovery for unsuccessful claims;
- Disallowed fee recovery for claims for which fee shifting was not allowed by statute.

The trial court in this matter did not follow Washington law, allowing fee recovery for: claims that were not successful, such as plaintiffs' motion for breach of contract; claims for which there is no fee recovery allowed by statute; duplicated effort in drafting and review; block billing; and inadequate billing descriptions. The Court specifically stated that it was not segregating fees between successful and unsuccessful claims or for claims where fees are not recoverable by statute. CP 2475-2483, 2481 at l. 3-5. The Court also referenced a need to "deter slow-pay or no-pay behavior on the part of insurance companies," in its Order awarding fees

to the Plaintiffs, despite the fact that this basis for fee awards is expressly rejected by Washington law, and the fact that Plaintiffs' claim had been fully paid prior to the law suit. CP 2475-2483, 2480 at l. 9-11. The Court rejected Washington law in its ruling.

2. Fee Recovery Should have been Segregated

Plaintiffs wholly failed to segregate their attorney's fees between their claim under the Consumer Protection Act, for which a reasonable attorney fee claim is available, and their claim for common law bad faith, which does not include a claim for attorney fees. See RCW 19.86.090.

"If attorney fees are recoverable for only some of a party's claims, the award must properly reflect a segregation of the time spent on issues for which fees are authorized from time spent on other issues." This is true even if the claims overlap or are interrelated. An exception exists, however, if "no reasonable segregation . . . can be made." The burden of segregating, like the burden of showing reasonableness overall, rests on the one claiming such fees. The Supreme Court has summarized as follows:

If, as in this case, an attorney fees recovery is authorized for only some of the claims, the attorney fees award must properly reflect a segregation of the time spent on issues for which attorney fees are authorized from time spent on other issues. *Gaglidari v. Denny's Restaurants, Inc.*, 117 Wn.2d 426, 450, 815 P.2d 1362 (1991); *Travis v. Washington Horse Breeders Ass'n*, 111 Wn.2d 396, 410-11, 759 P.2d 418 (1988); *Boeing Co. v. Sierracin Corp.*, 108 Wn.2d 38, 66, 738 P.2d 665 (1987); *Nordstrom, Inc. v. Tampourlos*, 107 Wn.2d 735, 744, 733 P.2d 208 (1987); *Fisher Properties, Inc. v. Arden-Mayfair, Inc.*, 106 Wn.2d 826, 849-50, 726 P.2d 8 (1986); *Kastanis v. Educational Employees Credit Union*, 122 Wn.2d 483, 859 P.2d 26 (1993).

The court must separate the time spent on those theories essential to [the cause of action for which attorney fees are properly awarded] and the time spent on legal theories relating to the other causes of action. . . . This must include, on the record, a segregation of the time allowed for the [separate] legal theories

Loeffelholz v. C.L.E.A.N., 119 Wn. App. 665, 690-691, 82 P.3d 1199, (2004).

Further, the Court did not segregate out fees for work on the Plaintiffs' unsuccessful claims, such as the breach of contract claim. The hours an attorney has recorded for work in a case should be discounted for hours spent on "unsuccessful claims, duplicated effort, or otherwise unproductive time." *Bowers v. Trans America Ins. Co.*, 100 Wn.2d 581, 587, 675 P.2d 193 (1983). However, because NO segregation of fees was performed, the fee award is in violation of Washington law. *Loeffelholz v. C.L.E.A.N.*, *supra*; *Bowers*, *supra*; *Johnson*, *supra*.

The Court specifically declined to segregate any fees whatsoever. The Court stated this was because of the "clear language of the settlement agreement". CP 2475-2483, 2481 at l. 3-5. The Offer of Judgment stated that it was not inclusive of fees and still allowed plaintiffs to see a reasonable fee award. CP 2471-2473. There is no basis for a finding that this standard language expanded Plaintiff's rights to fees beyond that which they would have had if a judgment had been entered, or that it

abrogates established Washington law. This determination by the Court was clear error.

3. “Team Approach” and Excessive Billing without Justification was Improperly Accepted

Plaintiffs’ claimed billing is excessive. Plaintiffs’ counsel asserts that they drafted “454 separate pleadings or drafts of pleadings” for a case where the ENTIRE docket, including all documents filed by all parties and all filings by the court, includes only 105 entries. CP 2029-2033. In fact, Plaintiff only filed 18 documents with the court throughout the entire matter, inclusive of the Summons and Complaint, an Amended Summons, a Notice of Appearance, responses to motions by RestorX, and the Motion to Remand and Reply in support of same filed in the US District Court. *Id.* For Plaintiff’s counsel to have drafted “454 separate pleadings or drafts of pleadings”, they would have had to re-drafted each of these documents, including notices of appearance, **more than 25 times each.** *Id.* and CP 3219 at ¶ 38. This is per se unreasonable. *CP 1997-2004 at ¶ 18.C.*

The billing entries were also replete with instances of multiple persons reviewing the same document or correspondence. CP 2237-2299 at CP 2251-2252.

Further, Plaintiffs’ submission to the trial Court provided no explanation for why 804.8 hours, or 33.6 days of non-stop time, should be billed on a file where discovery was minimal, Plaintiffs filed few briefs, and the facts were well established prior to the start of litigation because the entire claim had been paid prior to suit. As noted by the Court in *Ursic*

v. Bethlehem Mines, “Our cases supply no authorities for rewarding non-stop meter running in law offices. A Michelangelo should not charge Sistine Chapel rates for painting a farmer’s barn.” *Ursic v. Bethlehem Mines*, 719 F.2d 670, 677 (3d Cir. 1983) (holding that highly skilled attorneys who charge premium rates due to their expertise in an area of law should neither be running up long hours for researching law nor performing routine tasks.).

Further, by way of comparison, Defendant’s counsel has determined that its total time on this case, is less than one third of the 784 hours of time asserted by Plaintiffs four separate attorneys, from four separate law firms, and three paralegals. Defendant found that paralegal time of 6.4 hours were billed, with pre-litigation time removed, approximately 2.4% of the astronomical amount 265 hours of paralegal time claimed by Plaintiffs.

The level of billing presented is excessive and disallowed for fee awards under Washington law.

a. Billing for interoffice and providing instructions

The billings presented by the Xaviers include a significant number of entries for interoffice communications, for attorneys providing instructions or assignments to paralegals, and for the paralegals receiving those instructions or assignments. There are also billing entries for paralegals conferring with each other, and billing entries for providing instructions to office staff. *See* CP 2035-2140; *See Section III.J, supra*.

The billing contains many entries where multiple attorneys and multiple paralegals have billed for reviewing the same inter-office e-mail discussions. *See Id.* Frequently, no actual work appears to be connected to the review of interoffice communications. *Id.* Counsel has identified 540 instances of billing for interoffice communications and providing instructions to staff. *Id.* Ms. Vinaccia has identified 74.1 hours and \$19,290.00 billed on inter-office communication alone. CP 2237-2299 at CP 2249-2250.

Interoffice communications, providing instruction to staff, and forwarding documents within the office via e-mail are not legitimately billable attorney or paralegal activities.

The trial court reduced Plaintiffs' fee request by \$11,115 for "vague and unclear" billing, but accepted the "team approach" to billing that has been expressly rejected by *Berryman v. Metcalf, supra*, and *Johnson v. Dep't of Transp., supra*. This is improper, and all time billed for meetings and giving instructions to employees should have been disallowed.

b. Block Billings Mingle non-Billable Activities with Billable Activities

The billing records submitted by the Plaintiffs contain many block bills which combine activities which are not billable with activities that are billable. *See Section III.L, supra.*

Where billable and non-billable activities are contained in the same entry, defendant cannot determine how much of the time claimed is

for a billable activity for which counsel should be compensated. All block entries combining billable and non-billable activities should be cut absent further explanation from Plaintiffs. Counsel identified 229 instances of block billing which contains work items defendant disputes combined with billable work items under a single time entry. CP 2035-2140.

The trial court reduced Plaintiffs' fee request by \$1,500 for block billing. However, defendant identified 181.9 block billed attorney hours for which \$61,985 in fees were claimed, and 75.7 block billed paralegal hours for which \$7,570 in fees were claimed.² CP 2035-2140. The trial court did not explain why it chose the amount of \$1,500, what entries it disallowed and which it allowed, or the basis behind allowing some block billing, where it is Plaintiffs burden to prove the reasonableness and recoverability of each of its claimed fees. *See Weinberger v. Great Northern Nekoosa Corp., supra; ACLU v. Barnes, supra, Hensley v. Eckert, supra; West Virginia University Hospital, Inc. v. Casey, supra.*

The selection of \$1,500 from charges of \$69,555 without explanation and without requiring Plaintiffs to justify the asserted reasonableness of the charges is not supported by the record or Washington law. All block billed entries should have been disallowed.

c. No Recovery Should be Permitted For Billing With Inadequate Descriptions.

² 16.8 hours for attorney Hanson at \$250 per hour; 92.7 hours for attorney McLean at \$250 per hour, and 72.4 hours for attorney Watkins at \$350 per hour. CP 2035-2140.

Inadequately described billing by counsel included in their request for fees is not compensable. There are multiple entries for phone calls, correspondence and document review with no description of the subject matter addressed. Descriptions of attorney activity submitted for the purpose of recovering fees should identify what work was actually performed during that block of time. *See Cadena v. Pacesetter Corp.*, 224 F.3d 1203, 1214-15 10th Cir. (2001); *In re: Poseidon*, 180 B.R. 718, 731 (E.D.N.Y. 1985); *See Shaw v. Greenwich Anesthesiology Association*, 200 Fed. Supp. 2d 110, 115 (D. Conn. 2002). A billing description must provide enough detail to allow an evaluation of the appropriateness of the work. *Id.* Where the work descriptions are inadequate, the Court should disallow any recovery. *Webb v. James*, 967 Fed. Supp. 320, 323 (N.D. Illinois 1997). This issue has also been addressed by the American Bar Association. Specifically, the ABA and formal advisory opinion noted that attorneys have a duty to succinctly itemize each billing entry to adequately apprise the client of the basis of the billing entry. ABA Ethics Advisory Opinion, 1993-373 December 1993. No billing should be allowed where the description does not provide a clear description of the activity being performed.

Ms. Vinaccia identified multiple entries in this category, but assigned some of those entries to other categories of improper billing. Ms. Vinaccia identified 11.8 hours and \$1,225.00 of billed entries that fall under this category only. CP 2237-2299 at CP2250-2251.

The trial court wholly failed to address this category of questionable billings. Plaintiffs' fee request should be reduced by an additional \$1,225.00.

d. Not All RestorX Billing was Removed

Although Plaintiffs asserted to the trial Court that they reduced their billing by removing all items related to co-defendant RestorX, there are some billing entries that appear to be for RestorX related work that have not been marked as removed by counsel. *See Section III.K, supra.*

Counsel has identified 7 specific instances of billing for work on Plaintiff's RestorX claim that were not removed from the billing by Plaintiff's counsel. CP 2035-2140. Ms. Vinaccia identified found 8.9 hours and \$1,960.00 in billing entries regarding RestorX. CP 2237-2299 at CP 2252.

Additionally, some of the descriptions in counsel's billing are so vague that the work performed cannot be positively identified. As noted by Ms. Vinaccia, several billers had entered time related to motions with both Allstate and RestorX in close proximity to entries that are too vague to determine to which motion the entry relates. CP 1997-2004 at ¶ 17.B. None of those vague billing entries are deducted as part of the RestorX deductions. *Id.* These entries should be segregated and Plaintiffs' counsel should provide additional information to show that the entry relates to the Allstate motion and not the RestorX motion. *Id.* These entries should be deducted from the total award absent additional explanation. *Id.*

The trial court reduced Plaintiffs' fee request by \$1,200 in this category, reflecting only some of the \$1,960 billed for work on RestorX matters. The trial court found that "some" entries included work on Allstate matters, but did not identify which entries the court felt qualified. The trial court also did not identify if it reduced any of these individual entries to compensate for time spent on RestorX matters included in these entries. All entries in this category should have been disallowed.

e. Fees Include Items Not Related to Litigation

Plaintiffs asserted to the trial Court they cut all inappropriate charges from their attorney fee claim, but charges for managing the Xaviers' home repairs, and for resolving a dispute between the Xaviers' and their chosen repair contractor were submitted to the trial Court. *See Section III.H., supra.* Counsel has identified 29 instances of billing for work related to construction management and a dispute between Heritage Restoration and the Xaviers unrelated to this litigation in Counsels' materials. CP 2035-2140.

Allstate also performed a review in this regard and identified 10 hours and \$3,280.00 billed in this category. CP 2237-2299 at CP 2252.

These inappropriate entries cast doubt on the accuracy of Plaintiffs' asserted cuts to attorney fees. The billing as presented contains items that are not at all related to the activities of this litigation.

The trial court reduced Plaintiffs' fee request by \$2,145, without explanation as to which billing entries were denied or why the court

deemed some entries as related to litigation. All entries in this category should have been denied.

f. *Olympic Steamship* is Not Applicable

Plaintiffs' represented to the Trial Court that they were entitled attorneys' fees in part pursuant to *Olympic Steamship Company v. Centennial Insurance Company*, 117 Wn.2d. 37, 811 P.2d. 673 (1991). *Olympic Steamship* allows for the recovery of reasonable attorneys' fees in cases where the insured has been required to file a lawsuit to obtain the benefits of the insurance policy. In this case, Allstate had paid all the policy benefits prior to the filing of the lawsuit. Though Plaintiffs complaint includes a claim against Allstate for breach of the insurance contract, Plaintiffs were not successful on this issue. In fact, Allstate succeeded on a Motion for Summary Judgment to dismiss contractual claims. Plaintiffs actually admitted that all contractual claims were paid, but not until hearing on the motion. Thus, Plaintiffs have no basis for recovery under *Olympic Steamship*.

Counsel for the Plaintiffs misrepresented the holding of *Olympic Steamship* to the Court at hearing.

By Mr. Gordon:

Well, that means that the plaintiffs, the insureds, only get half of what they're entitled to because to try to get that result -- now, we know that the *Olympic Steamship* and *Panorama Village* cases specifically stand for the proposition that where, as here, the insurance company claims that you have no coverage, that your claim is

frivolous, that you -- we paid you stuff you didn't even deserve, claims that deny coverage do justify attorneys' fees and, under Panorama Village, the costs related thereto. So the suggestion that somehow these things are not compensable and -- is just not Washington law.

RP (01/22/14) p. 46, ll. 14-24.

Plaintiffs' counsel presented to the Court that Allstate's argument during litigation that it had paid the Xavier's claim even though it had full defenses to coverage available triggered *Olympic Steamship* fees, and that the Court should use *Olympic Steamship* fees as a punitive measure. These arguments are clearly opposite to established Washington law, which holds that awards of attorney fees are designed to make the prevailing party whole – not as punitive damages. *Olympic Steamship Company v. Centennial Insurance Company*, 117 Wn.2d. 37, 811 P.2d. 673 (1991); *Leingang v. Pierce County Medical Bureau*, 131 Wn.2d 133, 149, 930 P.2d 288 (1997); *McGreevy v. Oregon Mut. Ins. Co.*, 128 Wn.2d 26, 32, 904 P.2d 731 (1995), *Reid v. Dalton*, 124 Wn. App. 113, 123, 100 P.3d 349 (2004)(“ fees are not supposed to be punitive”); *Johnson, supra.* . Plaintiffs' counsel made this misrepresentation with full awareness that the Court lacked knowledge on this issue, as the Judge expressed to all counsel at the beginning of the hearing that he has no practice experience with reasonable billing or the issues related thereto. RP (01/22/14), p. 6, ll. 12.

There is no basis for an award of fees based on *Olympic Steamship*.

g. Excessive Costs Should Be Reduced

Several billed costs are presented without justification, such as meeting fees and other fees for appraiser Roger Howson. CP 2237-2299 at CP 2250-2251.

Plaintiffs have submitted an invoice from Summit Litigation Services for work performed at a rate of \$150 per hour. The invoice entries show that Summit performed “document gathering and sorting” and “data entry”. This work was charged at \$150 per hour, which is 50% more than Mr. Watkins’ skilled paralegals billed. *Id.* The Summit Litigation Support invoice should be reduced to the rate of \$15.00 per hour, appropriate for clerical work, for a total amount of \$349.00.

The Trial Court should have reduced the rate to \$15.00 per hour, and then segregated clerical costs based on the claims for which recovery is allowed and those for which it is not.

D. Plaintiff’s Second Fee Motion/Motion for Entry of Judgment

1. Plaintiffs are not Entitled for Fees for Presenting their Amount of Fees

“The American Rule on attorney fees is that attorney fees are not recoverable by the prevailing party as costs of litigation unless the recovery of such fees is permitted by contract, statute, or some recognized ground in equity.” *McGreevy v. Or. Mut. Ins. Co.*, 128 Wn.2d 26, 35 n.8, 904 P.2d 731 (1995).” *City of Sequim v. Malkasian*, 157 Wn.2d 251, 284, 138 P.3d 943 (2006).

Plaintiff asserted to the trial court that, based on *Fisher Properties, Inc., v. Arden-Mayfair, Inc.*, 798 P.2d 799, 115 Wn.2d 364 (1990), Plaintiff is entitled to claim fees simply for presenting their request for fees. However, that case did not present a ground for reversal of the American Rule simply for presenting fees. In that matter, *whether* plaintiff was entitled to fees was at issue, as well as what constituted a reasonable fee. In the present case, Allstate did not dispute that Plaintiffs were entitled to a reasonable fee for the claims under which fees are allowed. *Fisher Properties* is wholly inapplicable.

It is the burden of the party seeking the fee to show that it is reasonable. *Weinberger v. Great Northern Nekoosa Corp.*, *supra*. Defendant should not be required to compensate Plaintiff for presenting evidence regarding the amount of fees which are reasonable for this case. *See also Berryman v. Metcalf, supra; Johnson v. Dep't of Transp., supra*.

2. Billing is Excessive and Includes Unrelated Activities

The hours asserted by Plaintiffs' counsel are excessive for the preparation and argument of a single motion. Plaintiffs asserted a total of 36.3 hours of attorney time and 24.3 hours of paralegal time were incurred to draft a single fee motion and attend hearing on the same. *CP 2467-2499* This assertion present an unusually large amount of legal work going into a single fee motion.

Further, the billing entries of counsel and their staff in this case present significant issues, similar to those containing counsel's prior

billing. For example, counsel Watkins bills for several meetings with appraiser Roger Howsen.

Met with Mr. Howson re: status of case / future management. 11/16/13 0.20

CP 2485. Mr. Howson should have no information about counsel's fees. Mr. Howsen has no basis for involvement in Motion for Attorney Fees. However, entries for meeting with Mr. Howsen for activities such as discussions of "future management" of the Xaviers' claim are included in Mr. Watkins billing. This activity is clearly unrelated to the Petition for Fees.

The billing included by Plaintiffs also contains bills for meetings with a non-associated attorney, Timothy Bearb.

Met with Mr. Gordon and Mr. Bearb re: attorney fee petition / strategy / public policy arguments. 12/3/13 2.00

CP 2485. No explanation was provided for why counsel would bill for a meeting with a non-associated attorney. Further, as Mr. Bearb and Mr. Watkins have been previously reprimanded for improper billing, including billing "for non-legal tasks, for which they cannot recover", presenting non-segregated, block billed entries, unnecessary duplication of effort by multiple counsel, and generally inflated amounts of attorney time billed for performing straightforward legal tasks, it is unclear why a conference between the two would be appropriate regarding the presentation of attorney fees for a case in which Mr. Bearb was not involved. *See CP*

1201-1205 - *Wyant v. Allstate Indem. Co.*, 2009 U.S. Dist. LEXIS 111663; 2009 WL 3877737. The same billing issues for which Mr. Bearb and Mr. Watkins were reprimanded in that Order appear in the present presentation. There is no basis for an award of fees for a consultation between Mr. Watkins and Mr. Bearb.

All counsel and paralegals on this case billed for discussions or conferences with each other and duplicative work.

Meeting with Mr Watkins and Mr. Cunningham offer of judgment, fee petition and exhibits; Discussed tasks to be performed.

9/23/13

0.50

CP 2487. Staff meetings and inter office emails are also included in the billing.

Read e-mail string from Mr. Watkins re tasks to be performed; Read interoffice e-mail string regarding the same; Reviewed and revised Plaintiffs' Request for Hearing re fee petition to reflect new facts.

11/21/13

0.60

CP 2488. These items should not be awarded.

Further, Mr. Gordon billed for preparation for hearing on Plaintiff's motion for fees – a task with Mr. Watkins also performed and billed for. CP 2483-2486, CP 2491-2496. Plaintiffs are not entitled to fees for multiple attorneys performing the same task. *See also Berryman v. Metcalf, supra; Johnson v. Dep't of Transp., supra.*

Additionally, Mr. Gordon presents his fee rate at \$500 per hour. Plaintiff made no attempt to assert to the trial court that this rate is

reasonable. This rate is higher than the rates of Plaintiff's other counsel, and was not previously approved by the trial Court. No time should have been allowed at this rate.

The billing presented in this matter also includes entries for clerical work. Clerical work is not legal work and time for clerical work should not be awarded in a Motion for Attorney Fees.

Further, the attorney and paralegal billing include multiple block billing entries.

Conferred with Mr. Watkins re Fee Petition and tasks to be performed; Made revisions to the same; Prepared exhibits thereto; Conferred with Ms Chakalo and Mr. Cunningham, and Mr. Hanson re the same.

9/26/13

2.60

CP 2487; see also CP 2484-2499. Description of attorney work must be adequately described and identify what work was performed during what period of time. *See Cadena v. Pacesetter Corp., supra; In RE Poseidon, supra; Shaw v. Greenwich Anesthesiology Association, supra.* Entries should be specifically itemized. ABA ethics advisory opinion, 1993-373 December 1993. When work descriptions are inadequate, Court should disallow any recovery. *Webb v. James, supra.* Block billing does not adequately describe activities in order to allow evaluation of the specific work performed and the time spent on specific work. Furthermore, block billing in the records submitted combines clerical work with attorney work, duplicative work with non-duplicative work, and providing tasks to

an employee or receiving tasks from an employer with the performance of billable work. Block billing entries should not be compensated.

These defects in billing and billing of inappropriate activities should be cut from Plaintiffs' billing. Time should be cut in the following amounts:

Attorney/Employee	Amount to Cut
Mike Watkins	6.4 hours
George McLean	5.5 hours
Randolph Gordan	7.5 hours
Kevin Myhre	19.5hours

E. The Court Should Have Supplemented the Record Pursuant to RAP 7.2(e) and CR 60(a).

CR 60(a) permits the trial court to correct "clerical mistakes in judgments, orders or *other parts of the record* and errors therein arising from oversight or omission." *See* CR 60(a). CR 60(a) further states that after appellate review is accepted, motions pursuant to said rule may be made pursuant to RAP 7.2(e). RAP 7.2(e) states in relevant part:

(e) Postjudgment Motions and Actions to Modify Decision. The trial court has authority to hear and determine (1) postjudgment motions authorized by the civil rules, the criminal rules, or statutes, and (2) actions to change or modify a decision that is subject to modification by the court that initially made the decision. The postjudgment

motion or action shall first be heard by the trial court, which shall decide the matter. If the trial court determination will change a decision then being reviewed by the appellate court, the permission of the appellate court must be obtained prior to the formal entry of the trial court decision....

RAP 7.2(e).

Because the trial Court inappropriately shifted the burden of proof on fees from Plaintiffs', who were requesting fees, to Allstate, Allstate is now put in the position of arguing the unreasonableness of requested fees on appeal, where Plaintiff has not been required to make a showing of the reasonableness of billing and requested fees. *See Weinberger v. Great Northern Nekoosa Corp., supra; ACLU v. Barnes, supra; Hensley v. Eckert, supra; West Virginia University Hospital, Inc. v. Casey, supra.*

However, the Court in this matter denied Defendant's Motion to supplement, including defendant's request to take judicial notice of the federal court record, despite the fact that Plaintiffs did not object to or present arguments against the request for judicial notice. CP 3054-3061; CP 3073-3074. Supplementary materials showed non-pleading documents that Plaintiffs' counsel requested fees for reading. CP 2551-2794.

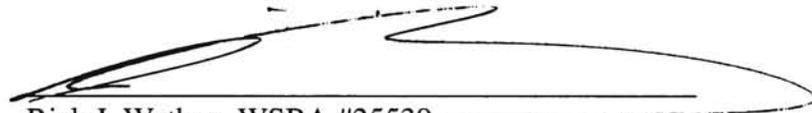
The Superior Court should have required the Plaintiffs' to prove the reasonableness of their billing, as required by Washington law. Having failed to do so, the Superior Court should have granted Defendant's Motion to Supplement the record to present examples of those documents not already contained in the Docket for which Plaintiffs' counsel asserted attorney fees for reviewing.

V. CONCLUSION

The Appellant respectfully requests that the Superior Court's award of attorney fees to Plaintiffs for work on the litigation be vacated and reduced to no more than \$45,906.87, and that costs be reduced to \$10,504.20, to correct the errors briefed above. The Appellant further requests the Superior Court's supplemental award of attorney fees to Plaintiffs for fees sought in requesting fees be vacated. The Appellant further requests that this Court find that the Superior Court erred in denying Appellant's Motion to Supplement the Record.

Dated this 19th day of June, 2014, at Seattle, Washington.

COLE | WATHEN | LEID | HALL P.C.



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SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

NICHOLAS AND ANGELA XAVIER)
Plaintiff,)
vs.)
ALLSTATE INSURANCE COMPANY)
Defendant.)

NO. 12-2-15758-8 SEA
ORDER ON CIVIL MOTION

The above entitled court having heard a motion for Reasonable Attorney Fees and Costs, makes the following findings, conclusions and orders:

BACKGROUND:

On June 28, 2011, the toilet and septic tank in the Xavier's home backed up and overflowed. It caused significant physical damage to their home. They made a claim pursuant to a homeowner's insurance contract with their insurer, Allstate. Private negotiations over the amount of coverage due to the Xaviers ensued. Significant legal work on the claim occurred prior to the filing of a Complaint.

On May 1, 2012, the Xaviers sued their insurance company, Allstate, for Breach of Contract, Violation of the Washington Administrative Code, Bad Faith, and Violations of the Consumer Protection Act (CPA). Dkt. #1 (Complaint). Typical, forceful litigation by both sides ensued. Defendants deposed three witnesses, and the Plaintiff deposed witnesses as well. The case was removed to federal court and then remanded back to state court. The parties filed and argued summary judgment motions, and then proceeded toward trial. While one can describe the course of the litigation as hard-nosed and tough, nothing about it stands out as particularly aggressive or over-the-top.



1 Approximately three weeks prior to trial, on September 13, 2013, Defendant offered a
2 resolution pursuant to a CR 68(a) Offer of Judgment. Plaintiff accepted the offer and the
3 substantive portion of the lawsuit ended.

4 The Offer of Judgment included a specific provision allowing Plaintiff to seek
5 reasonable attorney fees and expenses incurred after the filing of the Complaint on May 1,
6 2012.

7 **THE PARTIES' POSITIONS WITH RESPECT TO ATTORNEY FEES/COSTS:**

8 On September 27, 2013, Plaintiff made a Motion for Attorney Fees, in which they
9 claimed more than 780 hours of post-Complaint work on this litigation. Plaintiff has not
10 requested attorney fees for any work that occurred prior to the May 1, 2012 filing of the
11 lawsuit. Defendant's expert witness regarding the reasonableness of fees, Ms. Vinaccia,
12 reviewed the same records and found that Plaintiff had claimed the below-listed hours of
13 work on the case. Given that Plaintiff has not quarreled with Ms. Vinaccia's counting and
14 math, I will use the following numbers:

- 15 1. Attorney Michael Watkins spent 311.1 hours on the case at \$350/hr;
- 16 2. Attorney George McLean spent 240.1 hours on the case at \$350/hr;
- 17 3. Attorney Joel Hanson spent 29.1 hours on the case at \$250/hr;
- 18 4. Paralegal William Cunningham spent 89 hours on the case at \$100/hr;
- 19 5. Paralegal Sonia Chakalo spent 34.8 hours on the case at \$100/hr;
- 20 6. Paralegal Kevin Myhre spent 80.8 hours on the case at \$100/hr;

21 This represents a total of 784.9 hours of work totaling \$220,655.00 in fees. Trial courts may
22 award attorney fees when authorized "by contract, statute, or a recognized ground in equity."
23 Berryman v. Metcalf, 312 P.3d 745, 753 (2013), *citing* Cosmopolitan Eng'g Grp., Inc. v.
24 Ondeo Degremont, Inc., 159 Wash.2d 292, 296, 149 P.3d 866 (2006). An order of attorney
25 fees is within the sound discretion of the trial court, and discretion is only abused when the
26 trial court exercises it on untenable grounds or for untenable reasons. See Chuong Van
Pham v. City of Seattle, 159 Wash.2d 527, 151 P.3d 976 (2007). The burden of
demonstrating that a fee is reasonable is upon the fee applicant. Berryman, *infra* at 753,
citing Scott Fetzer Co. v. Weeks, 122 Wash.2d 141, 151, 859 P.2d 1210 (1993).

In making a determination of reasonable attorney fees, the Court must "take an active
role in assessing the reasonableness of fee awards, rather than treating cost decisions as a
litigation afterthought, and courts should not simply accept unquestioningly fee affidavits from
counsel." Mahler v. Szucs, 135 Wash.2d 398, 434-35, 957 P.2d 632, 966 P.2d 305 (1998).

1 In this particular case, the undersigned has reviewed carefully the billing records from
2 all six of those who performed legal work on the above-entitled case for the Plaintiff.
3 According to Plaintiff's pleadings, all of the work performed by these individuals was
4 reasonable and necessary to the prosecution of the lawsuit. This amount would total
5 approximately \$220,655 in fees. Plaintiffs then indicate that this "lodestar" amount, Bowers
6 v. Transamerica Title Insurance Co., 100 Wn.2d 581, 597, 675 P.2d 193, 203 (1983), should
7 be multiplied by 1.25 to arrive at a reasonable fee for the work performed on the case -
8 \$280,000 or so. The Court can use a "lodestar multiplier" in situations where the attorney's
9 fee structure allows for the risk that the attorney will not get paid if they do not prevail. The
10 Court can also use the multiplier in situations where the representation has been unusually
11 good. Id. Plaintiff went to great lengths to impress upon the Court the importance of fully
12 allocating attorney fees in an effort to deter slow-pay and no-pay behavior on the part of
13 insurance companies.

14 The undersigned has also reviewed annotated copies of the same Plaintiff billing
15 records, prepared by Defendant, which purport to show a multitude of instances of double-
16 billing, indecipherable block billing, reference to billing for work unrelated to the current
17 litigation, and billing that simply does not make sense. Moreover, Defendant urges the Court
18 not to use a "lodestar multiplier" because the hourly rate of the attorneys already takes into
19 account the possibility of a bad outcome. Defendant also argues that, because Plaintiffs
20 failed to segregate their attorney fee requests between the CPA claim (for which reasonable
21 attorney fees are available), and common law bad faith (for which no attorney fees are
22 available), that whatever fee amount the Court calculates should be reduced by half.

23 THE COURT'S ANALYSIS OF THE ATTORNEY FEES AND COSTS:

24 DEFENDANT'S REQUEST FOR A 50% REDUCTION

25 Trial courts may award attorney fees when authorized by contract, statute or a
26 recognized ground in equity. Berryman, *infra*. Here, Defendant asks the Court to reduce any
award of attorney fees by 50% because fees are only statutorily authorized for the CPA
claim, and not the bad faith claim. However, a settlement agreement is a contract. Hisle v.
Todd Pacific Shipyards Corp., 113 Wash.App. 401, 415, 54 P.3d 687 (Div. 1, 2002),
referencing Riley Pleas, Inc. v. State, 88 Wash.2d 933, 938, 568 P.2d 780 (1977). Thus,
Defendant entered into a contract with Plaintiff to resolve this litigation. That contract
included a provision that allowed Plaintiff to seek reasonable attorney fees. The settlement

1 did not in any way limit those attorney fees to the CPA claim. The plain reading of the
2 agreement allows Plaintiff to seek all reasonable fees. Moreover, separating the claims and
3 the work done on each claim would be an impossibility. Given the clear language of the
4 settlement agreement, the Court will not segregate time spent on each specific claim within
the Complaint, and will not reduce the lodestar number, as calculated below, by 50%.

5 LODESTAR CALCULATION

6 Both the settlement agreement and the law allow for recovery of only fair and
7 reasonable attorney fees. It is unreasonable to bill for excessive, redundant or unnecessary
8 hours. ACLU v. Barnes, 168 F.3d 423, 428 (11th Cir. 1999). In this case, Plaintiff has
9 stretched the bounds of reasonableness in its fee request. The Court will address each of
10 Defendant's concerns with Plaintiff's fee requests, and indicate by how much the fee lodestar
should be reduced, if at all, based on these concerns.

11 FEEES FOR WORK NOT INCLUDED IN THE LITIGATION

12 Defendant claims that Plaintiff included attorney fees in its calculation for work Plaintiff
13 did in managing repair work in the Xavier home. Defendant claims that this work did not
14 relate to the litigation, but was separate work designed to save money for the Xaviers.
15 Plaintiff claims that this work in managing the construction and repairs constitutes their
16 assistance in helping the Xaviers to mitigate the damages caused by the water, and thus was
directly related to the current litigation.

17 Defendant's expert identified 10 hours and \$3,280.000 billed for this category of work.
18 The Court's review reveals that some of the work Plaintiff's lawyers did in this category did
19 relate to the litigation, but much of it was not at all related to the current litigation. Based on
20 a specific review of the items within the billing records, the Court will reduce Plaintiff's
attorney fee award for billing entries in this category by \$2,145.00.

21 ATTORNEY AND PARALEGAL BILLING FOR CLERICAL WORK

22 Clerical work should not be included in an award of attorney fees. North Coast
23 Electric Company v. Selig, 136 Wn.App. 636 (2007). Defendant claims that a portion of the
24 work performed and billed at paralegal billing rates (\$100/hour) in this case actually
25 constituted clerical work, and should not have been billed at this specialized rate.
26 Defendant's expert, Ms. Vinaccia identified 7.5 hours of billed paralegal time that falls into
this category, totaling \$1,075.00 in fees. The Court agrees that the vast majority of the
entries identified by Ms. Vinaccia do appear to relate to purely clerical work. Thus, the Court
will further reduce the lodestar amount by \$1,075.00.

1 INTEROFFICE MEETINGS AND PROVIDING INSTRUCTION

2 Defendant claims that a number of billing entries relate to "attorneys providing
3 instruction or assignments to paralegals," and for, "paralegals conferring with one another."
4 See Defendant's Amended Response, at 19-20. Defendant further claims that these
5 meetings did not result in any, "actual work." Plaintiff indicates that, in conducting its work
6 with a "team approach," these coordinative meetings are necessary to further the litigation.
7 No binding authority in the state of Washington addresses the question of "excessive
8 interoffice communication." Other jurisdictions have found, "a standard pattern of excessive
9 communication ... " inappropriate. See Vinaccia Report at 7-8.

10 The Court agrees that a "team approach" to litigation preparation necessarily
11 requires lawyers and paralegals to review internal documents, emails, and other material
12 relevant to the litigation. The Court has reviewed each of the entries annotated by Defendant
13 as inappropriate interoffice meeting and instruction. In reviewing these entries, many of the
14 six-minute entries for reading emails or reviewing documents almost certainly took much less
15 time than noted. Moreover, there are a number of unnecessary entries that fall within this
16 category.

17 Defendant asks for a reduction in the lodestar amount by \$19,290.00 for these
18 interoffice meetings and correspondence. Based on the Court's review, it is difficult to make
19 a definitive reduction – some of this time is properly billed, while some is vague and unclear.
20 Thus, the Court will reduce Plaintiff's lodestar amount by \$11,115.00 for work that falls within
21 the "interoffice meeting and providing instruction" category.

22 RESTORX BILLING

23 Defendant claims that Plaintiff has requested attorney fees for billing related to co-
24 defendant RestorX. The Court agrees that such billing should not be included. However,
25 some of the entries noted by Defendant include work on both RestorX and Allstate matters.
26 Thus, the Court has modified Defendant's request in the lodestar reduction, subtracting
\$1,200.00 instead of the requested \$1,960.

BLOCK BILLING

 Defendant points to 229 instances of block-billing – situations where the description of
the work performed includes several different actions. The Court has reviewed each of the
claimed "block-billing" entries, and has determined that a reduction in the lodestar by an
additional \$1,500.00 is appropriate.

EXCESSIVE BILLING

1 Finally, Defendant argues that some of the billing entries are simply unnecessary
2 padding of Plaintiff's lawyers' work. Defendant gives, as an example, situations where a
3 lawyer bills .1 hour (six minutes) to read an email, and then another .1 hour (six minutes) to
4 respond to it. The Court understands that .1 hour is the standard minimum block of time
5 available to bill clients. However, Defendant's argument is well-taken, in that many of the
6 billing entries by Plaintiffs appear to be aggressive. In reviewing these entries and noting
7 those that appear unclear or over-billed, the Court will reduce the lodestar by another
8 \$18,500.00.

8 FINAL CALCULATION OF LODESTAR

9 After subtracting these various unclear or overbilled portions of Plaintiff's fees, the
10 Court is left with a lodestar of \$184,360 in attorney fees.

10 MULTIPLIER:

11 Plaintiff seeks a multiplier of 1.25, arguing that the risk inherent in the contingent
12 nature of the fee structure requires compensation in the form of a multiplier. The Court finds
13 that a multiplier is unnecessary in this case. The Court finds that counsel's hourly fee
14 already takes into account the risk that they will not be compensated at all. Moreover, the
15 litigation in this case was standard fare, and does not require unnecessary additions to
16 attorney fees.

16 COSTS

17 Plaintiff seeks costs in the amount of \$25,074.93. Defendant rightfully questions the
18 \$150/hour spent on clerical work, but Defendant's assessment of the value of that work
19 contains no citation or support. Thus, the Court will reduce the cost award from \$25,074.93
20 to \$12,500.00.

21 IT IS HEREBY ORDERED that Defendant Allstate shall pay \$184,360 in attorney fees
22 and \$12,500 in litigation costs.

23 DATED: January 22, 2014

24 
25 _____
26 ROGER S. ROGOFF, JUDGE

THE HONORABLE ROGER ROGOFF
FILED
KING COUNTY, WASHINGTON

FEB 07 2014

SUPERIOR COURT CLERK
EILEEN L. MCLEOD
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

NICHOLAS AND ANGELA XAVIER,
husband and wife, and the marital
community thereof,

Plaintiffs,

v.

ALLSTATE PROPERTY AND
CASUALTY INSURANCE COMPANY,
an insurance company,

Defendant.

NO. 12-2-15758-8 SEA

JUDGMENT SUMMARY

JUDGMENT SUMMARY

- 1. Judgment Creditor: Nicholas and Angela Xavier
- 2. Judgment Debtor: Allstate Property and Casualty Insurance Company
- 3. Reasonable Attorney Fees as previously ordered by the Court: \$184,360.00
- 6. Reasonable Attorney Fees related to the Fee Petition: \$ 4,375



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1 7. Costs as previously
2 ordered by the Court: \$12,500.00

3 Total: \$ 201,235

4
5 Based upon the Plaintiffs' Motion for Entry of Judgment, the Declaration of Michael T.
6 Watkins, and the Court being fully advised in the premises, it is hereby,

7 ORDERED, ADJUDGED AND DECREED that judgment in favor of Plaintiffs, and
8 against Defendant Allstate, is granted in the sum of \$184,360 in reasonable attorney fees and
9 \$12,500 in costs, as outlined in the Judgment Summary.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment in favor of
11 Plaintiffs, and against Defendant Allstate, is granted in the sum of an additional \$ 4375.00
12 in reasonable attorney fees briefing / supporting their Fee Petition, as outlined in the Judgment
13 Summary.

14
15 *Given that Defendant did not object to fees, but only disputed*
16 *reasonableness of fees, & given that Defendant only "lost" the motion by*
17 *approximately 25%, the Court will limit*
18 *additional fees by*
19 *approximately that percentage*
20 DONE IN OPEN COURT this 7 day of February, 2014.

21
22 
23 _____
24 The Honorable Roger Rogoff
25 Judge of the Superior Court

Presented By:

LAW OFFICES OF MICHAEL T. WATKINS

Michael T. Watkins, WSBA #13677

JUDGMENT SUMMARY — 2

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MICHAEL T. WATKINS
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Attorney for Plaintiffs

Approved as to Form; Notice of
Presentation Waived:

Rick J. Wathen, WSBA #25539
Jennifer P. Dinning, WSBA #38236
Attorneys for Defendant Allstate

KEY FOR ANNOTATED BILLING RECORDS

Non-Litigation Work Related to Heritage Restoration - [REDACTED]

Clerical Work - [REDACTED]

Interoffice Communications - [REDACTED]

RestorX Work - [REDACTED]

Block Billing - ●



Joel Hanson's billing records for the Xaviers

Case	Date	Hours	Time Record	Description	Charge
Xavier	12/2/2011	2.9	1:55 - 4:49;	Travel to Maple Valley for meeting with N. Xavier re status of case, additional leak during repairs, failure of Allstate to fully inform him of coverage for additional living expenses;	No charge
Xavier	12/6/2011	0.1	10:10-10:12;	Review of email correspondence and settlement proposal to Allstate;	No charge
Xavier	1/9/2012	0.2	0.2;	Meeting with M. Watkins and G. Mclean re status of case and tasks;	No charge
Xavier	1/24/2012	1	12:35 - 1:26; 5:10 - 5:27;	Telephone conference with N. Xavier re need payment for rental home, contents not yet cleaned or returned, wants timeline for payment and repairs, still waiting for payment for hotel and other expenses; prepare notes re same; telephone conference with M. Watkins re status of claim and difficulties getting Allstate to respond to communications;	No charge
Xavier	1/27/2012	1.8	3:33 - 4:15; 4:35 - 5:40;	Review of correspondence and unpaid costs in the claim; prepare extensive email to R. Wathen re need for immediate rental payment, and failure to respond to prior requests for payment and clarification; telephone conference with N. Xavier re attempts to correspond with Allstate, Allstate's refusal to pay costs, status of Appraisal, next steps, need for immediate payment for rental home;	No charge
Xavier	1/31/2012	0.9	2:34 - 3:23;	Review of letter from R. Wathen re additional living expenses and response to my email; conference with M. Watkins re same; send emails to Xaviers re same; telephone conference with N. Xavier re same; review of correspondence from R. Wathen re same;	No charge
Xavier	2/6/2012	0.5	0.1; 1:19 - 1:37; 0.1;	Review email from B. Dyer explaining current contents situation and need for additional correspondence; review list of contents; send emails to R. Wathen re inspection of contents;	No charge
Xavier	2/7/2012	0.2	4:46 - 4:54;	Send email to R. Wathen re Advance Payment Agreement;	No charge
Xavier	2/9/2012	0.1	0.1;	Receipt and analysis of email from B. Dyer re status of inventory; analysis re requirement that B. Dyer communicate through attorneys;	No charge
Xavier	2/14/2012	0.2	0.2;	Conference with M. Watkins and G. Mclean re appraisal update;	No charge

Xavier	2/21/2012	0.2	0.2;	Conference with M. Watkins and G. Mclean re contents, repairs, and financial condition of clients;	No charge
Xavier	3/3/2012	0.4	10:12 - 10:30; 0.1;	Review and analysis of correspondence indicating that Allstate still has not agreed to cost of repairing the contents, and that Allstate refuses to allow B. Dyer to speak directly with its staff;	No charge
Xavier	3/13/2012	0.2	0.2	Conference with M. Watkins and office staff re status of case;	No charge
Xavier	3/20/2012	0.2	0.2	Conference with M. Watkins and G. Mclean re issues and status of case;	No charge
Xavier	4/2/2012	0.2	0.2	Conference with M. Watkins, his staff, and G. Mclean re status of case and necessary tasks;	No charge
Xavier	4/6/2012	0.3	0.2; 12:32 - 12:35;	Review and revise draft Complaint;	No charge
Xavier	4/7/2012	0.2	0.2;	Conference with G. Mclean re adding minors as plaintiffs;	No charge
Xavier	4/9/2012	0.4	9:00 - 9:19;	Conference with M. Watkins and G. Mclean re whether to file suit on behalf of children;	No charge
Xavier	4/11/2012	0.7	9:31 - 9:57; 10:20 - 10:27;	Telephone conference with N. Xavier re whether to include children in lawsuit, facts their living situation during claim process; revise Complaint re same;	No charge
Xavier	4/19/2012	0.4	1:31 - 1:47; 2:34 - 2:39;	Telephone conference with N. Xavier re problems with mortgage company, whether to include children in suit; send email to N. Xavier re preserving attorney client privilege in emails;	No charge
Xavier	4/24/2012	0.2	0.2;	Meeting with G. Mclean and M. Watkins and office staff re status of case;	No charge
Xavier	5/7/2012	0.2	0.2;	Conference with M. Watkins, G. McLean and office staff re status of case;	No charge
Xavier	5/8/2012	0.9	2:20 - 3:02; 0.2;	Telephone conference with N. Xavier re his contents payment and status of various inventory lists; send email to R. Wathen re same; analysis re issues in case;	0.9
Xavier	5/9/2012	0.2	4:52-5:04;	Send email to clients re status of lawsuit, not filing suit on behalf of children; legal research re same;	0.2
Xavier	5/18/2012	0.2	0.2	Meeting with G. McLean, M. Watkins and office staff re status and issues of case;	No charge
Xavier	6/2/2012	0.7	12:32 - 1:10;	Legal research re diversity jurisdiction and fraudulent joinder; review Notice of Removal; send email to M. Watkins and G. McLean re same;	0.7

Xavier	6/5/2012	0.2	0.2	Meeting with M. Watkins, G. McLean and office staff re case status and tasks;	No charge
Xavier	6/7/2012	0.2	2:55 - 3:04;	Conference with M. Watkins re defendant's request for settlement offer; calculate fees for same;	0.2
Xavier	6/20/2012	0.3	0.3;	Conference with M. Watkins and G. McLean re disputes between clients and contractor, possible overpayment by insurer;	0.3
Xavier	6/21/2012	0.8	9:05 - 9:54;	Review and revise motion for to remand; legal research re same;	0.8
Xavier	6/27/2012	0.4	0.1; 9:38 - 9:52;	Telephone conference with S. Chakalo re motion for remand; assist with finalizing motion to remand;	0.4
Xavier	7/2/2012	0.7	0.1; 0.1; 0.5;	Revise settlement letter to Allstate; conference with M. Watkins, G. McLean and office staff re case status and tasks;	0.7
Xavier	7/6/2012	0.1	0.1;	Analysis re voicemail from adjuster for RestorX's Insurance company;	No charge
Xavier	7/10/2012	0.1	0.1;	Review Request for Statement of Damages;	0.1
Xavier	7/12/2012	0.2	0.2;	Conferences with G. McLean re Reply in support of motion to remand; review email correspondence re same;	0.2
Xavier	7/17/2012	0.2	0.2	Meeting with M. Watkins, G. Mclean and office staff re tasks and status of case;	No charge
Xavier	7/20/2012	0.2	0.1; 0.1;	Review emails re repair funds to Heritage;	0.2
Xavier	7/31/2012	0.2	.2;	Conference with M. Watkins, G. Mclean and office staff re status of case and tasks to do;	No charge
Xavier	8/6/2012	0.2	0.2	Meeting with M. Watkins, G. McLean and office staff re status of case and tasks;	No charge
Xavier	8/8/2012	0.2	10:51 - 10:58;	Assist S. Chakalo with calculating damages for settlement;	0.2
Xavier	8/13/2012	0.2	0.2;	Conference with S. Chakalo re difficulty in determining everything that was paid and not paid by Allstate;	0.2
Xavier	8/15/2012	0.2	0.2	Meeting with M. Watkins, G. McLean and office staff re tasks and case status;	No charge
Xavier	8/29/2012	0.7	0.1; 2:23 - 2:39; 4:33 - 4:48;	Review and analysis of Order granting motion for remand; research re applicability of IFCA to underpayment of a claim;	0.7
Xavier	8/30/2012	0.1	10:07 - 10:12;	Send email to S. Chakalo re settlement and fees;	0.1
Xavier	9/10/2012	0.3	0.2; 0.1;	Conference with M. Watkins, G. McLean and office staff re tasks and status of case; review and analysis of letter re-assigning judge;	0.1
Xavier	9/13/2012	0.2	0.2;	Review and analysis re letter from J. Dinning explaining that Allstate blames ServiceMaster for the delay;	0.2

Xavier	9/18/2012	0.3	0.3;	Review and analysis re article concerning specific discovery requests to send to Allstate;	0.3
Xavier	9/20/2012	0.2	0.2;	Conference with W. Cunningham re discovery issues specific to Allstate and article concerning same; analysis re same;	0.2
Xavier	10/16/2012	0.3	0.2; 0.1;	Conference with M. Watkins and G. Mclean re status of case and assignment of tasks; analysis re issues for motion to remand;	No charge
Xavier	10/22/2012	0.2	0.2;	Meeting with G. McLean and M. Watkins re status of case and tasks;	No charge
Xavier	10/29/2012	0.2	0.2;	Meeting with M. Watkins and G. McLean re status of case and tasks;	No charge
Xavier	12/19/2012	0.1	0.1;	Review supplemental inventory list and email from B. Dyer;	0.1
Xavier	4/1/2013	0.2	0.2	Meeting with M. Watkins and G. Mclean re issues and tasks in case;	No charge
Xavier	4/8/2013	0.2	0.2	Meeting with M. Watkins and G. Mclean re issues and tasks in case;	No charge
Xavier	4/9/2013	0.3	0.3	Analysis re WAC violations by Allstate; conference with M. Watkins and G. Mclean re same;	0.3
Xavier	4/15/2013	0.2	0.2;	Meeting with M. Watkins and G. Mclean re tasks and status of case;	No charge
Xavier	5/14/2013	0.4	0.2; 10:36 - 10:44;	Review and analysis of Defendants' Motions for Summary Judgment; conference with W. Cunningham re same;	0.4
Xavier	5/21/2013	0.2	0.2;	Conferences with S. Chakalo re status of depositions of Allstate employees; review emails re same;	0.2
Xavier	5/22/2013	0.8	0.1; 0.6; 0.1;	Conference with M. Watkins re claim file and investigation; meeting with B. Williams re issues in case and his investigation of same; analysis re use of B. Williams as expert witness;	0.8
Xavier	5/23/2013	0.1	0.1;	Review correspondence re summary judgment briefs and declaration of S. Evans;	0.1
Xavier	5/29/2013	0.2	0.2;	Review emails re denial of coverage argument; conference with M. Watkins re same;	0.2
Xavier	5/30/2013	0.5	0.2; 1:22 - 1:36;	Analysis and research re coverage by waiver or estoppel; review briefing re Allstate's coverage position;	0.5
Xavier	6/10/2013	0.2	0.2	Meeting with M. Watkins and office staff re status of case and tasks;	No charge

Xavier	6/11/2013	0.3	0.1; 0.2;	Exchange emails with G. McLean re coverage issue; review Defendant's reply in support of motion for protective order;	0.3
Xavier	6/12/2013	0.4	0.2; 0.1; 0.1;	Analysis re email correspondence concerning untimely filed motions; conferences with S. Chakalo and W. Cunningham re list of cases showing poor claim handling by Allstate;	0.4
Xavier	6/17/2013	0.1	0.1;	Analysis re denial of defendant's motion for protective order;	0.1
Xavier	6/19/2013	0.1	0.1;	Review emails re covering depositions;	0.1
Xavier	6/20/2013	0.2	0.2;	Conferences with M. Watkins and W. Cunningham re orders concerning discovery, issues raised in hygenist report;	0.2
Xavier	6/26/2013	0.3	0.2; 0.1;	Conference with M. Watkins re whether septic is covered; research re same; send email to M. Watkins re same;	0.3
Xavier	6/27/2013	0.1	0.1;	Exchange emails with G. McLean re discovery of attorney log notes;	0.1
Xavier	6/28/2013	0.5	0.3; 0.1; 0.1;	Conferences with M. Watkins and W. Cunningham re Court's rulings on cross-motions for summary judgment and whether defendant may be interested in settlement; analysis re same;	0.5
Xavier	7/10/2013	0.2	0.2	Meeting with M. Watkins and G. McLean re status of case and tasks;	No charge
Xavier	7/11/2013	0.3	0.3;	Conference with G. McLean re deposition of Mr. Miles; review emails re reason for early termination of deposition of Mr. Miles;	0.3
Xavier	7/12/2013	0.1	0.1;	Review additional emails re early termination of deposition of Mr. Miles;	0.1
Xavier	7/18/2013	0.2	0.2;	Meeting with M. Watkins, G. Mclean and office staff re issues and tasks in case;	No charge
Xavier	7/19/2013	0.1	0.1;	Analysis re Allstate's request to inspect property;	0.1
Xavier	7/22/2013	0.1	0.1;	Conference with G. McLean re request to inspect property;	0.1
Xavier	7/25/2013	0.1	0.1;	Review correspondence re depositions;	0.1
Xavier	7/26/2013	0.2	0.2;	Conference with G. McLean re issues in case; review notice of deposition of S. Evans;	0.2
Xavier	7/31/2013	0.2	0.1; 0.1;	Analysis re Rule 30(b)(6) notice to RestorX; review correspondence re depositions;	No charge
Xavier	7/31/2013	0.2	0.2	Meeting with M. Watkins and staff re case update and tasks;	No charge

Xavier	8/1/2013	0.5	0.2; 0.3;	Review letter from defendant seeking deposition of M. Watkins and documents; conference with W. Cunningham and S. Chakalo re discovery rules; meeting with M. Watkins re scope of his testimony if he is called as a witness;	0.5
Xavier	8/2/2013	0.9	0.2; 0.4; 0.3;	Review and analysis re email correspondence concerning expert witness B. Williams, discovery requests, and proposed orders; conference with G. McLean re trial strategy and opening statement; conference with S. Chakalo re discovery deadline and subpoenas; conference with G. McLean re settlement communications from defendant; analysis re difficulty in agreeing on a mediator;	0.9
Xavier	8/5/2013	0.3	0.1; 0.2;	Conference with G. McLean re Allstate wants to exclude attorneys on basis they did not communicate an unreasonably low offer to settle part of the claim; analysis re whether a party may file motion to compel based on a different party's discovery requests;	0.3
Xavier	8/5/2013	0.3	0.3;	Analysis re possible disqualification of attorneys, settlement strategy.	0.3
Xavier	8/6/2013	0.1	0.1;	Review contract and emails re Halo construction;	0.1
Xavier	8/7/2013	0.9	0.9;	Meeting with B. Williams re his testimony, issues in case;	0.9
Xavier	8/8/2013	0.2	0.2;	Conference with office staff re deposition of S. Evans, possibility that Allstate will try to disqualify M. Watkins and G. McLean;	0.2
Xavier	8/9/2013	0.1	0.1;	Conference with W. Cunningham re summary judgment motions;	0.1
Xavier	8/12/2013	0.7	0.3; 0.3; 0.1;	Review email from M. Watkins to B. Dyer re defendant's new allegations of dishonesty by Xavlers concerning receipt of check; conference with M. Watkins re same; conference with G. McLean re new allegations and deposition of S. Evans; analysis re Allstate wants to see property after the discovery cutoff;	0.7
Xavier	8/13/2013	0.3	0.1; 0.1; 0.1;	Review emails concerning summary judgment motions; review emails concerning ESX files; calculate attorney fees;	0.3
Xavier	8/14/2013	0.3	0.1; 0.2;	Analysis re check from NW Solutions and Xaviers' testimony concerning same; conference with M. Watkins re same;	0.3

Xavier	8/15/2013	0.3	0.1; 0.2;	Review correspondence with M. Watkins and B. Dyer re deposit for rental furniture; research re estoppel against insurer that changes coverage position during litigation; send email to M. Watkins and G. McLean re same;	0.3
Xavier	8/19/2013	0.3	0.2; 0.1;	Analysis re email from G. McLean on Allstate's intended trial strategy; analysis re motion to continue trial and new motion for summary judgment on coverage;	0.3
Xavier	8/20/2013	0.2	0.1; 0.1;	Analysis re Allstate manufactured conflict by refusing to speak to anyone but the attorneys; conference with M. Watkins re same;	0.2
Xavier	8/21/2013	0.4	0.1; 0.1; 0.1; 0.1;	Review trial readiness email from court; exchange emails with co-counsel re same; analysis re attempts by Allstate to disqualify counsel; conference with M. Watkins re settlement offer by Allstate;	0.4
Xavier	8/22/2013	0.1	0.1;	Review emails between co-counsel re opposing disqualification as counsel;	0.1
Xavier	8/26/2013	0.2	0.1; 0.1;	Review correspondence re details of trial; review Order requiring in camera review of documents;	0.2
Xavier	8/27/2013	0.5	0.2; 0.3;	Conference with G. McLean re defendant's attacks on M. Watkins; meeting with M. Watkins and G. McLean re same;	0.5
Xavier	9/3/2013	0.1	0.1;	Conference with S. Chakalo re rules for ER 904 submissions;	0.1
Xavier	9/6/2013	0.3	0.2; 0.1;	Analysis re court denied defendant's motion for partial summary judgment, and new judge will oversee trial; conference with G. McLean re same;	0.3
Xavier	9/11/2013	0.5	0.1; 0.4;	Conference with W. Cunningham re status of case; analysis re defendant has named me as a witness, and defendant has named several witnesses that were never disclosed;	0.5
Xavier	9/13/2013	0.2	0.2;	Review and analysis of Offer of Judgment;	0.2
Xavier	9/14/2013	0.6	0.6;	Telephone conference with M. Watkins re offer of judgment; analysis re same, damages, and attorney fees;	0.6
Xavier	9/16/2013	0.3	0.2; 0.1;	Review and analysis of Offer of Judgment; review emails from M. Watkins re his meeting with clients;	0.3

Xavier	9/17/2013	0.4	0.1; 0.1; 3:12 - 3:22;	Review emails by M. Watkins re settlement discussions; conference with M. Watkins re clients' decision to accept offer; review Offer of Judgment and draft Acceptance of same; conference with M. Watkins re next steps;	0.4
Xavier	9/18/2013	0.4	0.1; 0.3;	Analysis re next steps and attorney fee petition; meeting with M. Watkins and G. McLean re discounting any redundant fees and collaborating on fee petition;	0.4
Xavier	9/19/2013	0.3	0.2; 0.1;	Analysis re fee petition; conference with M. Watkins and G. McLean re meeting concerning same; review email from M. Watkins re fee petition;	0.3
Xavier	9/20/2013	0.9	0.1; 0.1; 11:25 - 11:34; 11:42 - 11:55; 0.1; 0.1;	Analysis re fee petition; calculate fees; send email to S. Chakalo re same; prepare billing records; exchange emails with M. Watkins re fee petition and billing records;	0.9
Xavier	9/22/2013	1.8	0.4; 10:45 - 12:18;	Review billing records of paralegals and self to determine "no charge" entries; analysis re fee petition; meeting with M. Watkins re what entries to waive charges, preparing fee petition, avoiding charges for duplicative work;	1.8
Xavier	9/23/2013	0.2	0.1; 0.1;	Analysis re issues in fee petition; review emails from M. Watkins re accepting offer of judgment and whether counter offer cancels original offer;	0.2
Xavier	9/24/2013	0.5	0.3; 0.1; 4:49 - 4:52;	Review draft fee petition; send email to M. Watkins re same; mark RestorX related billing entries as 'no charge'; analysis re issues to add to fee petition;	0.5
Xavier	9/25/2013	1.5	0.2; 3:18 - 4:23; 0.2;	Prepare and revise Fee Petition; send emails to M. Watkins re same;	1.5
Xavier	9/26/2013	2.3	0.2; 0.1; 0.2; 10:25 - 10:30; 10:52 - 11:09; 12:03 - 12:25; 0.1; 1:09 - 2:00;	Review emails re preparing my Declaration and revising fee petition; review Declaration of M. Watkins; send email to M. Watkins listing my suggested revisions to same; meeting with M. Watkins and staff re declarations by attorneys, details of fee petition, documentation for same;	2.3
Total		44.4		Total Charged:	28.9
Fees		11100		Fees Charged:	7225

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

5/2/12 to 9/19/13 - for owner George McLean, Jr.

name + details	completed	time
Read correspondence from OC with attached NOA and objections to plaintiffs' RFAs.	5/17/12	0.20
Attended task assignment meeting.	5/18/12	0.20
Read email from client re: punch list for completing structural repairs.	5/23/12	0.20
Attended task assignment meeting.	5/30/12	0.20
Read emails exchanged between clients and MTW re: RFAs.	5/31/12	0.20
Read minute entries re: jury demand, removal of suit from state court, civil case schedule, etc.	5/31/12	0.30
Read emails re: AS' responses to RFAs and studied said responses.	6/1/12	0.30
Read emails exchanged between JBH and MTW re OC's assertion of fraudulent joinder of Restorx.	6/3/12	0.30
Attended task assignment meeting.	6/5/12	0.20
Conferred with JBH re: fraudulent joinder question and case law supporting our position re: same.	6/8/12	0.20
Read emails re: removal / remand questions in conjunction with alleged fraudulent joinder of adjuster issue and conducted legal research re: same.	6/8/12	1.50
Attended meeting with Mr. Howson and MTW re: case status / future course of file handling.	6/9/12	0.20
Attended task assignment meeting.	6/11/12	0.20
Conferred with MTW re: meeting with clients / release of check to heritage, etc.	6/13/12	0.20
Met with Heritage Representative and MTW re: case status / bad faith claim / construction claim.	6/14/12	0.40
Traveled to Auburn, met with Mr. Dyer re: status of case / future management.	6/14/12	1.00
Studied and analyzed proposed motion for removal. Conducted legal research pertaining to claim against Restorx and conferred with MTW and paralegal, Mr. Cunningham re: jurisdictional amount.	6/15/12	1.00

2 Attorneys

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Attended task assignment meeting.	6/18/12	0.20
Reviewed Court's Order re: Initial Scheduling Dates; reviewed calendar re: same; conferred with assistant regarding entering same on our calendars.	6/19/12	0.30
*Traveled to Kent, met with Mr. Xavier re: status of case / settlement demand, and returned to Seattle.	6/20/12	1.50
Reviewed file in preparation for meeting with clients re: punch list, AS overpayment, execution of check and P/O issue. Conferred with JBH and MTW re: same.	6/20/12	0.80
Read minute order re: initial discovery.	6/20/12	0.10
Analyzed appraisal award re: removal of P/O from award.	6/20/12	0.30
Studied motion for remand and conferred with MTW re: same.	6/21/12	0.40
Read emails from JBH re: revision to motion to remand and conferred with JBH re: same.	6/21/12	0.30
Conferred with MTW re: revisions to motion for remand and made suggestions for making further revisions.	6/23/12	0.20
Attended task assignment meeting.	6/25/12	0.20
Conferred with paralegal, Mr. Cunningham re: status of filing motion for remand and request for attorneys fees. Reviewed said motion.	6/27/12	0.30
Read final version of Motion for Remand and emailed exchanges re: same.	6/28/12	0.40
Spoke with Kevin Godfrey re: status of punch list items, settlement of Heritage's dispute with clients and conferred with MTW re: same.	6/29/12	0.40
Attended task assignment meeting.	7/2/12	0.20
Studied proposed early settlement letter. Prepared and sent email to MTW re: my thoughts on fee reduction and making the letter a template for future cases.	7/2/12	0.40
Read email from MTW re: adjuster from insurer for Restorx and conferred with MTW re: same.	7/6/12	0.40
Reviewed and analyzed file in preparation for revising settlement demand letter.	7/6/12	1.00

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Revised & edited settlement letter addressed to OC and conferred with office support staff re: identifying unpaid amounts owed clients by defendants for ALE, structure and content claims.	7/6/12	1.40
Conferred with Mr. Howson re: case status.	7/7/12	0.20
Read OC's request for statement of damages and conferred with MTW re: same.	7/9/12	0.20
Attended task assignment meeting.	7/9/12	0.20
Read OC's request for statement of damages and minute entries re: removal of suit to Federal Court.	7/10/12	0.20
Read email exchanges between MTW and office support staff re: reply to OC's Removal / client's motion for remand. Confer with office support staff re: meeting with clients / Heritage and PA.	7/11/12	0.30
Conferred with JBI and MTW re: revisions to Reply, clients' declarations in support of said Reply and gave directions to office support staff concerning drafting said declaration.	7/12/12	0.40
Reviewed, revised and edited proposed Reply in Support of Motion for Remand. Conferred with paralegal, Mr. Cunningham and directed him to obtain declaration from Mrs. Xavier re: AS recommending Restorx for handling of clients' contents claim.	7/12/12	2.50
Revised Mr. Xavier's declaration. Read emails from office support staff and MTW re: said declaration and re-ponded to same.	7/13/12	0.50
Conferred with MTW re: Mr. Xavier's response to emotional distress damages and directed office support staff to contact Mr. Xavier re: same.	7/13/12	0.40
Revised Mr. Xavier's declaration version 4 and Reply version 7. Conferred with office support staff re: having Mr. Xavier sign his declaration, change MTW's declaration for my signature and file / serve the reply.	7/13/12	0.70
Read email exchange between clients, office support staff and MTW re: emotional distress damages.	7/13/12	0.30
Met with Mr. Howson re: case status and future file handling activity.	7/14/12	0.20
Read / analyzed clients emails / correspondence re: evaluation of damages for emotional distress, OC's Request for Statement of Damages and submission of motion for remand with Mr. Xavier's declaration in support of said motion.	7/16/12	0.40

Duplicative

LAW OFFICES OF
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Xavier, Angela

name + details	completed	time
Read email from office support staff re: CR 26 Conference.	7/17/12	0.10
<i>Attorneys</i> Conferred with PA, Dyer and MTW re: case status and meeting with clients / contractor to resolve punch list items.	7/17/12	0.20
Participated in TC with MTW and Mr. Godfrey re: status of claim / payment of Heritage billing.	7/18/12	0.20
Participated in TC with MTW and OC for AS concerning drafting PTS and scheduling a followup meeting with OC for RestoreX re: same.	7/19/12	0.30
Read OC's response to Motion to Remand and Mr. Neederman's email re: PTS.	7/19/12	0.40
Read MTW's email to clients re: meeting to discuss punch list / signing off on insurance structure payment. Conferred with MTW re: same.	7/19/12	0.30
Read client, Mr. Xavier's email addressing unfinished punch items in conjunction with their reason for not signing insurance check issued for payment of structure repairs.	7/19/12	0.20
Read email exchange between MTW and Appraiser, Mr. Howson concerning client's payment of umpire's fee.	7/20/12	0.10
Read email exchanges between MTW and client, Mr. Xavier re: status of punch list / signing off on insurance check for repair of the structure and meeting with contractor and PA to resolve ongoing differences concerning completion of repairs. Conferred with MTW re: same.	7/20/12	0.40
Read emails exchanged between MTW / OCs for AS and RestoreX re: PTS and revisions to same. Studied proposed PTS.	7/20/12	0.30
Conferred with Mr. Howson and MTW re: case status future file handling activities.	7/21/12	0.20
Attended task assignment meeting.	7/23/12	0.20
Read email exchange between OCs and MTW re: PTS.	7/24/12	0.20
Prepared for meeting with clients and Mr. Godfrey. Conferred with MTW re: cancellation of meeting and resolution of four items on the punch list.	7/24/12	0.90
Read minute entries re: case calendar and witness disclosure list filed by OC for defendant AS.	7/26/12	0.20
Met with Mr. Howson re: case status.	7/28/12	0.20

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Xavier, Angela

name + details	completed	time
Read minute entries re: defendant's initial & corporate status disclosures.	7/30/12	0.20
Attended task assignment meeting.	7/31/12	0.20
Attended task assignment meeting.	8/6/12	0.20
Attended task assignment meeting.	8/15/12	0.20
Read Defendant, AS's answer to the complaint and minute entry concerning same.	8/22/12	0.30
Read email exchanges between MTW and client re: Heritage's completion of the punch list.	8/22/12	0.20
Attended task assignment meeting.	8/27/12	0.20
Conferred with MTW re: resolution of punch list items / settlement demand.	8/27/12	0.20
Studied / analyzed proposed SDL. Sent email to MTW re: same.	8/29/12	0.30
Read Minute Entries from Court re: Motion to Remand and conferred with MTW re: same.	8/29/12	0.30
Read email exchanges between MTW and JBH re: our attorney's fees and reduction of same in conjunction with submitting SDL.	8/30/12	0.30
Read letter from OC re: IFCA notice and request for explanation of damages. Reviewed file re: damages / status of repairs / replacement of contents and payment of ALE.	9/6/12	0.70
Attended task assignment meeting.	9/10/12	0.20
Read Court Minute Entry re: remand of suit and email from OC to Insurance Commissioner concerning IFCA claim. Conferred with MTW re: same.	9/13/12	0.50
Conferred with Mr. Howson re: status of case.	9/15/12	0.20
Conferred with MTW and Paralegal, Mr. Cunningham re: subpoenas / record depositions from contractors. Review file re: receipt of Claim file / case status.	9/18/12	0.40
Read email from OC re: subpoena for release of records and reviewed file concerning case status.	9/28/12	0.40
Conferred with Mr. Howson re: case status.	9/29/12	0.20
Attended task assignment meeting.	10/1/12	0.20

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name + details	completed	time
Read office staff emails re: OC's request for extension of time for producing discovery and responded to same.	10/5/12	0.30
Met with Mr. Howson re: case status and future case handling.	10/5/12	0.20
Read email exchange between MTW and OC re: AS's responses to initial requests for discovery. Reviewed file concerning case status / discovery received from OC.	10/6/12	0.50
Met with Mr. Howson re: case status and future case handling.	10/13/12	0.20
Attended task assignment meeting.	10/16/12	0.20
Read email exchanges between OC, MTW and office support staff re: records deposition.	10/17/12	0.20
Began reviewing claim file concerning identifying which adjusters to depose, analysis of how AS adjuster the loss and documents needed as exhibits for aforesaid depositions.	10/19/12	0.10
Met with Mr. Howson to discuss case status and future file handling activities.	10/20/12	0.20
Attended task assignment meeting.	10/22/12	0.20
Completed reviewing claim file concerning identifying which adjusters to depose, analysis of how AS adjuster the loss and documents needed as exhibits for aforesaid depositions.	10/22/12	1.50
Studied clients' response to defendants' request for statement of damages and conferred with MTW re: same.	10/23/12	0.40
Completed analysis of Claim File / certified copy of the policy in preparation for developing discovery plan.	10/26/12	1.20
Attended meeting with Mr. Howson re: case status / future claim handling activities.	10/27/12	0.20
Attended task assignment meeting.	10/29/12	0.20
Participated in telephone conference call with expert, Ms. Evans and MTW re: medical hazards clients were exposed to prior to remediation of water damage claim.	10/29/12	0.30
Read email from office support staff re: cancelation of Ilalo Construction records deposition and conferred with MTW concerning same.	11/8/12	0.20
Studied defendant's responses / objections to plaintiffs' second request for ROGs / RFPs.	11/16/12	0.30

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Xavier, Angela

name + details	completed	time
Reviewed file concerning case status and future file handling activities.	11/18/12	0.20
Studied revisions to clients' proposed answer to Restorex's ROGs / RFPs and made further revisions to same. Forwarded said revisions to Paralegal, Mr. Myhre.	11/21/12	0.80
Read email from paralegal, Mr. Myhre concerning moving to compel production of defendants' personnel files and responded to same with my suggestions for obtaining said files.	11/21/12	0.30
Read email exchanges between OC, MTW and paralegal, Mr. Myhre concerning overdue discovery, CR 26 conference and status of discovery.	11/22/12	0.20
Read email from MTW re: Fisions holding supporting Xaviers' discovery requests seeking AS adjusters' personnel files and responded to same suggesting waiver and estoppel should be asserted in opposition to AS's motion for a protective order.	11/22/12	0.40
Read email exchange between clients, paralegal and MTW re: answers to ROGs / RFPs.	11/22/12	0.20
Prepared first draft of Motion to Compel AS to produce personnel files.	11/23/12	1.30
Reviewed file concerning case status and future file handling activities.	11/25/12	0.20
Revised and edited draft of Motion to Compel and forwarded same to MTW for his revisions.	11/26/12	0.90
Read emails from paralegal, Kevin Myhre and paralegal, William Cunningham concerning CR 26 conference / Motion to Compel.	11/26/12	0.20
Studied discovery filing dates and responses filed by OC to said discovery requests in conjunction with confirming case law requires party to object to said discovery requests along with moving for a protective order.	11/26/12	1.00
Read paralegal, Mr. Cunningham's revisions to Motion to Compel and emails concerning same.	11/27/12	0.20
Read email exchange between MTW and paralegal, Mr. Myhre concerning scheduling CR 26 conference re: AS producing personnel files, etc.	11/27/12	0.20
Edited and revised Motion to Compel - forwarded same to paralegal, Mr. Cunningham for consideration with direction for preparing proposed order / declaration in support of said motion.	11/27/12	0.80

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name + details	completed	time
Reviewed file concerning status / future file handling activities.	12/2/12	0.20
Reviewed file re: case status and future file handling activities.	12/9/12	0.20
Studied AS's responses / objections to client's second set of ROGs / RFPs AS's responses to clients' initial requests for discovery.	12/10/12	0.40
Reviewed file re: status and future file handling activities.	12/15/12	0.20
Read emails for MTW re: status of ASs' payment of claims and listened to Mr. Xavier's voicemail message concerning same. Responded to MTW with offer to propound ROGs on AS.	12/18/12	0.40
Read letter from expert, Mr. Williams re: drafting report in advance of trial and MTW's response to said inquiry.	12/19/12	0.20
Read email exchange between PA, Mr. Dyer and office support staff re: request for file materials / ALE / Contents.	12/20/12	0.30
Read email exchanges between MTW and expert witness, Mr. Williams re: report and meeting to review status of pending suit.	12/22/12	0.20
Reviewed file re: case status and future file handling activities.	12/23/12	0.20
Reviewed file re: case status and future file handling activities.	12/30/12	0.20
Studied expert, Mr. Williams email in response to MTW's inquiry concerning Court's authority to grant MSJ.	1/5/13	0.30
Reviewed case directory re: file status and pending task assignments.	1/5/13	0.20
Reviewed file concerning status of file and future file handling activities.	1/12/13	0.20
Read note for Motion to issue Case Scheduling Calendar and said Motion.	1/17/13	0.20
Reviewed file re: status and future file handling activities.	1/19/13	0.20
Studied Heritage Restoration estimate for remediation of black water damage claim and invoice for cost of same.	1/20/13	0.50
Reviewed file re: status and future file handling activities.	1/26/13	0.20
Reviewed file re: status and future file handling activities.	2/2/13	0.20

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Read email from MTW with attached email from Court Clerk advising original state court calendar remains in effect and reviewed said case scheduling order.	2/4/13	0.30
Analyzed Federal District Rulings re: granting MSJ against insurer who acted in Bad Faith / violated the CPA, WAC, IFCA.	2/7/13	1.00
Reviewed file re: case status and future file handling activities.	2/10/13	0.20
Reviewed file re: status and future file handling activities.	2/17/13	0.20
Reviewed file re: status of case and pending file handling tasks.	2/20/13	0.20
Reviewed file re: status and future file handling activities.	3/29/13	0.20
Attended task assignment meeting re: case status / future file handling activities.	4/1/13	0.20
Attended task assignment meeting.	4/8/13	0.20
Studied proposed MPSJ, documents in support of said motion and conferred with MTW concerning same.	4/9/13	0.60
Revised and edited proposed MPSJ and directed office support staff concerning same.	4/9/13	0.70
Studied defendant, Allstate's disclosure of primary witnesses.	4/30/13	0.30
Studied plaintiff's disclosure of primary witnesses and reviewed file to confirm all witnesses properly disclosed.	4/30/13	0.40
Read proposed letter to OC for Restorx concerning Restorx's response to discovery requests.	4/30/13	0.30
Studied Restorx's disclosure of primary witnesses.	4/30/13	0.30
Reviewed file re: status of case and future file handling activities.	5/4/13	0.20
Read email exchange between paralegal and MTW re: discovery being forwarded from client to MTW requested by OC.	5/6/13	0.30
Read email exchange between MTW and Paralegal re: Restorx' overdue answers to ROGs, etc.	5/7/13	0.20
Read email exchange between MTW and Paralegal re: production of documents / correspondence received from clients and exchanged between MTW and OC.	5/8/13	0.20
Review file re: status and future file handling activities.	5/11/13	0.20

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name + details	completed	time
Sent email to MTW with suggestions for responding to Allstate's MSJ (contractual claims).	5/12/13	0.40
Studied / analyzed defendant Allstate's MSJ, note for hearing and proposed order granting said motion.	5/12/13	0.60
Read email exchange between MTW, paralegal and clients re: declaration in opposition to Allstate's Motion for MPSJ.	5/12/13	0.30
Read email with accompanying declaration from OC, Ms. Dinning in support of MSJ and studied attached exhibits, appraisal award, complaint and Allstate Policy.	5/12/13	0.80
Studied client's declaration in opposition to Allstate's MPSJ.	5/12/13	0.40
Read email exchange between MTW, office support staff and OC re: status of filing cross MSJ and service of same on co-defendant.	5/14/13	0.20
Read letter from MTW to OC, Mr. Nedderman re: CR 26 conference / request for production of discovery and emails between MTW and paralegal re: same.	5/14/13	0.20
Studied co-defendant, Restorx's MSJ and attached declaration / exhibits in support of said motion.	5/15/13	1.20
Prepared and sent email to MTW outlining defenses / legal grounds for refuting the MSJs brought by counsel for Allstate / Restorx.	5/15/13	0.60
Read letter from concerning objections to plaintiffs noting Allstate's CRs depositions and responded to MTW with outline of plan for responding to said objections.	5/16/13	1.00
Read email from MTW concerning declaration(s) of expert(s) in support of response to defendants motion for summary judgment and responded to same.	5/16/13	0.20
Prepared list of topics to be addressed by expert(s) (hygienist / legal) in response to defendants MSJs.	5/16/13	1.30
Read email from paralegal, Mr. Myhre re: jury instruction bearing on defendant's failure to perform contracted for benefits and conducted additional legal research concerning said issue.	5/16/13	1.00
Revised and edited Ms. Evans' Declaration and forward same to paralegal, Mr. Myhre for his consideration.	5/17/13	0.80
Read paralegal, Mr. Myhre's email and studied attached proposed declaration for expert, Ms. Evans.	5/17/13	0.50

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name + details	completed	time
Reviewed file re: status of case and future file handling activities.	5/18/13	0.20
Read email exchanges between MTW and Paralegal, Mr. Cunningham concerning legal research bearing on consequential damages, etc. and responded to same.	5/20/13	0.60
Read email from office support staff re: setting of Allstate CR's depositions.	5/20/13	0.10
Studied Ms. Evan's declaration and read emails sent to her re: same.	5/20/13	0.40
Read email exchanges between MTW / paralegal, Mr. Cunningham and MTW's letter to OC re: striking defendant's Motion for Joinder.	5/20/13	0.20
Conducted legal research re: Consequential / Breach of Contract damages and forwarded same to paralegal, Mr. Cunningham for his consideration.	5/21/13	1.50
Read email exchange between MTW, office support staff and OC for RestorX concerning settlement negotiations.	5/22/13	0.30
Studied defendant RestorX's answers to ROG's / RFPs and attached exhibits thereto.	5/22/13	1.00
Conferred with MTW re: revising MPSJ to include Ms. Evans' declaration and potential settlement of claim against RestorX.	5/23/13	0.30
Studied expert, Ms. Evans' revised declaration and responded MTW with my thoughts for moving for partial summary judgment / replying to Allstate's MPSJ.	5/23/13	0.60
Read email from MTW re: clients' pending MPSJ and responded to same with suggestions for using Ms. Evans' declaration in failure to timely investigate claim segment of said motion. Reviewed and analyzed clients' pending MPSJ.	5/23/13	1.30
Read paralegal, Mr. Cunningham's email and studied attached proposed MSJ Response. Edited, revised and added segments to said Response and forwarded to Mr. Cunningham for his consideration.	5/24/13	0.70
Reviewed file re: status of case and future file handling activities.	5/25/13	0.20
Reviewed defendant Allstate's privilege log / studied appellate case Carolina Casualty re: motion to compel, MTW's letter to OC concerning CR 26 conference etc. ?	5/26/13	0.50
Conferred with MTW re: CR 26 conference / status of clients' response to Allstate's ROG's / RFPs.	5/28/13	0.30

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name + details	completed	time
Read email exchanges between MTW, Court Clerk and counsel for opposing parties re: setting date and time for hearing of pending MPSJs filed by all parties and responses thereto.	5/29/13	0.30
Studied clients' response to defendant, Allstate's MPSJ.	5/29/13	0.40
Studied / analyzed defendant, Allstate's MPSJ along with accompanying exhibits in support therefore.	5/29/13	0.80
Conducted legal research re: waiver / estoppel to extend insurance coverage.	5/29/13	1.50
Conducted legal research re: breach of contract predicated on delay of performance / loss of benefit-of-the bargain and forwarded said research to paralegal, Mr. Cunningham along with analysis of defendant, Allstate's denial of coverage argument.	5/29/13	1.20
Studied / analyzed defendant, Allstate's MSJ of clients' extra contractual claims and Response to clients' MPSJ for breach of contract. Sent analysis of said pleadings to MTW & JBH with recommendation on how to respond to said pleadings.	5/29/13	1.70
Read email from Mr. Williams re: timeliness of Allstate's denial of coverage / reviewed file concerning status of pending MSJs.	5/30/13	0.40
Studied / analyzed co-defendant, RestorX's MSJ and emails from paralegal, Mr. Cunningham re: untimely filing of said motion.	5/30/13	0.90
Reviewed file re: status of file handling activities.	6/1/13	0.20
Read email exchanges between office support staff, MTW and OC concerning deadline for filing reply to pending MSJs and defendant, Allstate's Motion for Protective order re: CRs' NODs.	6/1/13	0.40
Studied defendant Allstate's Motion for protective order.	6/3/13	0.50
Revised, edited and added to proposed Reply to Allstate's Response to clients' MSJ / forwarded said pleading to MTW, paralegal, Mr. Cunningham and JBH for their consideration although with legal research link pertaining to application of waiver / estoppel concerning AS's denial of coverage.	6/3/13	1.50
Studied Allstate's Response to MSJ and proposed versions of proposed Repls in preparation for editing, revising and adding to said reply.	6/3/13	3.00
Studied client's final draft of reply to Allstate's Response to clients' MSJ clients' Motion to Strike Allstate's Cross Motion re: Plaintiffs' Contractual Claims, etc.	6/4/13	0.80

for review of own
brief only ✓

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Xavier, Angela

name + details	completed	time
Reviewed file re: status and completion of pending task assignments.	6/5/13	0.20
Read email exchanges between MTW and paralegal, Mr. Cunningham concerning response to AS's motion for protective order and motion to compel the taking of CRs' depositions, etc.	6/5/13	0.30
Studied Allstate's Response to clients' Cross Motion to DM and sent email to MTW / JBH with suggestions for how to reply	6/5/13	0.60
Read email from MTW re: response to Allstate's Motion for Protective Order and responded to same.	6/5/13	0.20
Read email exchanges between paralegal, Mr. Cunningham and MTW concerning status of reply to defendant, Allstate's Motion to Compel.	6/7/13	0.20
Read email exchange between MTW and Paralegal, Mr. Myhre concerning moving to strike defendant's Cross Motion and responded to same with suggestions how best to proceed.	6/8/13	0.40
Read email exchanges between MTW, Office, Court Clerk and OC concerning court rules pertaining to defendant's cross motion / dates motions were served / hearing date for said motions, etc.	6/8/13	0.40
Studied proposed Motion to Strike Restorx's MSJ and edited, revised and made additions to same / forwarded said motion with changes to MTW for his consideration.	6/8/13	2.00
Studied Allstate's Motion for Protective Order, Proposed Order Granting said Motion, declaration in support of the Motion, etc.	6/9/13	0.50
Studied / analyzed Allstate's MSJ and accompanying exhibits, declarations, etc., in support thereof. Sent email to MTW with my preliminary suggestions for responding to said motion.	6/9/13	1.00
Read email from office support staff re: re-note for MSJ hearing and studied said note.	6/9/13	0.20
Studied proposed Response to Allstate's Motion for Protective Order - revised / edited / added to said Motion and forwarded same to Paralegal, Mr. Cunningham for his consideration.	6/10/13	3.50
Studied proposed response to Allstate's Motion for Protective Order re: production of personnel files / revised and edited same / forwarded said revisions / edits to paralegal, Mr. Cunningham for his consideration	6/11/13	1.60
Studied letter from Mr. Anderton re: expert witness, cost of producing documents / ESX files, client's proprietary interests, etc.	6/11/13	0.30

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name + details	completed	time
Read email from JBII concerning ISO forms policies bearing on septic tanks and responded to same.	6/11/13	0.30
Studied Allstate's Reply to clients' Response to Allstate's Motion for Protective Orders re: CRs' depositions / Personnel files.	6/11/13	0.80
Read email from office support staff and studied attached Allstate's re-filed MSJs, Cross Motion, etc.	6/11/13	0.50
Studied / analyzed Allstate's Reply to clients' Response to Allstate MSJ and sent suggestions to MTW / JBII for addressing coverage issues raised by said Reply.	6/11/13	1.00
Read email exchange between MTW, office support staff and listened to VM from OC concerning setting date / time for hearing pending MSJ, Motions to Compel and Cross Motions.	6/12/13	0.30
Reviewed file re: status of pending task assignments.	6/12/13	0.20
Read email exchange between MTW and office support staff re: declaration in support of Response to Allstate's Motion for Protective Order concerning production of personnel files.	6/12/13	0.20
Studied Allstate's Reply to clients' Response to Allstate's Motion for Protective Order and reviewed final version of said Response filed by clients.	6/13/13	0.50
Studied clients' Motion to Strike Allstate's Cross Motion read emails exchanged between MTW & OC re: same.	6/13/13	0.50
Studied / analyzed Allstate's Response to Motion to Strike Cross Claim with accompanying exhibits / declarations in support thereof and sent email to MTW / JBII with suggested grounds for how to reply to same.	6/14/13	0.80
Review file concerning status of task handling assignments.	6/16/13	0.20
Sent email to office support staff re: pleadings / declarations and exhibits needed for preparation of arguing clients' Response to Restorex's MSJ.	6/17/13	0.20
Read letter from counsel for Restorex re: extension of discovery cut off and note for rescheduling pending Motions for Summary Judgment.	6/17/13	0.20
Read orders denying Allstate's Motions for protective orders concerning CRs depositions and production of their personnel files.	6/17/13	0.20

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name + details	completed	time
Reviewed invoice received from Mr. Williams.	6/17/13	0.10
Read email exchange between OC, MTW, clients and office support staff re: scheduling clients' deposition and responded to same.	6/19/13	0.40
Studied / analyzed defendant, Allstate's MSJ / Cross Motion concerning same in conjunction with Motions for Protective Orders re: formulation of questions for CRs, etc.	6/19/13	1.50
Studied final version of Reply to defendant's Cross Motion for MSJ.	6/20/13	0.40
Studied proposed Response to Restorx's MSJ and analyzed said MSJ in preparation for editing / revising the subject response.	6/21/13	1.00
Revised / edited clients' Response to Restorx's MSJ and forwarded said edits / revisions to paralegal, Mr. Cunningham for his consideration.	6/21/13	1.50
Read email and studied CV received from mediator inquiring about mediation / settlement and forwarded same to MTW / JBH for their consideration.	6/22/13	0.50
Forwarded email form mediator to MTW / JBH inquiring into resolving suit via ADR. Read MTW's response and forwarded same to Mediator and OC.	6/23/13	0.40
Read email from MTW re: experience with using mediator, Mr. Milber and responded to same.	6/23/13	0.30
Reviewed file re: status of pending case assignments.	6/23/13	0.20
Read email exchange between OC / MTW re: scheduling clients' depositions and not accepting subpoena for Ms. Egan's noted deposition.	6/25/13	0.30
Read email exchange between MTW and JBH concerning Cedell issues and responded to same.	6/27/13	0.50
Read email from paralegal Mr. Cunningham re: court granting clients' MSJ concerning WAC violations and responded to same.	6/28/13	0.30
Revised / edited clients' response to MSJ and forward same to paralegal Mr. Cunningham for his consideration.	6/28/13	2.50
Studied / analyzed proposed Response to defendant Restorx's MSJ.	6/28/13	1.00
Reviewed case assignments re: status of same.	6/29/13	0.20

arranged
down briefing
only?

Milber
not discussed
as used as
mediator

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Xavier, Angela

name + details	completed	time
Revised / edited v.9 of clients Response to defendant Restorx's MSJ and forward same to paralegal, Mr. Cunningham for his consideration.	7/1/13	2.10
Studied / analyzed v.9 of clients' proposed Response to Restorx's MSJ.	7/1/13	1.00
Studied final version of clients' Response, declarations and exhibits in support of said Response to defendant Restorx's MSJ served on OC for Restorx.	7/2/13	1.00
Read email exchange between MTW, OC and office support staff re: revisions and submission of final version of order granting in part / denying in part clients' MSJ finding defendant Allstate violated certain WAC regulations.	7/2/13	0.40
Studied clients' proposed order granting in part and denying in part their MSJ finding defendant Allstate's violation of certain WACs.	7/2/13	0.30
Reviewed case status report mailed to clients and NODs served on clients.	7/3/13	0.50
Read email exchanges between MTW, OC for defendant Restorex and clients concerning settlement negotiations.	7/3/13	0.30
Reviewed case assignments re: status.	7/7/13	0.20
Read email exchanges between MTW and paralegal Mr. Myhre re: status of discovery / Cedell Motion, etc.	7/9/13	0.30
Read email exchange between MTW, OC and clients concerning terms / conditions of settlement, use of settlement proceeds to pay costs and conferred with MTW concerning same.	7/9/13	0.40
Began preparing for Allstate CR Mr. Miles' deposition by studying claim file summary, MSJs filed by both parties, Mr. Williams' report, ROGS & RFPs and clients' summary of facts.	7/10/13	4.00
Participated in TC with MTW and OC re: Ron Miles deposition and production of requested discovery of Miles personnel file 5 yrs prior to date of claim / orders entered by the court / Cedell motion status.	7/10/13	0.20
Attended task assignment meeting.	7/10/13	0.20
Finished preparing for AS CR Mr. Miles' deposition by studying / analyzing claim file and Mr. Miles' personnel file.	7/11/13	2.50
Traveled to and from defendant, Ronald Miles' deposition and conducted said deposition.	7/11/13	5.00

2 Attorneys

Travel block billed with deposition

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Xavier, Angela

name + details	completed	time
Read email from OC and reviewed attached NODs for clients.	7/12/13	0.20
Read email exchange between MTW and OC re: length of Miles's deposition and responded to same.	7/12/13	0.40
Began preparing for Allstate CR Annette Keene's deposition by reviewing claim file, pleadings, discovery responses, etc..	7/13/13	3.00
Studied / analyzed Allstate CR, Ms. Annette Keene's personnel file in preparation for taking her deposition.	7/14/13	2.50
Traveled to and from Allstate CR Ms. Keene's deposition and conducted said deposition.	7/15/13	7.20
Conferred with MTW re: Allstate CR Ms. Keene deposition testify and strategy / case assignments / mediation.	7/16/13	1.00
Read email exchanges between office support staff / RestorX's counsel concerning receipt of settlement documents / check, etc.	7/16/13	0.20
Conferred with Mr. Forte re: CFA and reviewed said file.	7/17/13	1.00
Reviewed file re: status of pending case task assignments.	7/18/13	0.20
Studied OC's request for inspection of clients home.	7/19/13	0.20
Read email exchanges between OC and office support staff re: setting deposition of expert Ms. Evans.	7/24/13	0.30
Reviewed CR 34 re: defendant's request to inspect clients' home and directed office support staff to file objection to said request.	7/24/13	0.40
Read email from OC re: noting deposition of CR Mr. Steger.	7/26/13	0.10
Read email from OC and attached NOD for expert Ms. Evans.	7/26/13	0.30
Reviewed disbursements - split 50/50 between MTW and clients.	7/26/13	0.20
Read letter from OC re: striking Mr. Steger's NOD. Called OC and left VM explaining why the deposition was needed. Directed office support staff to reschedule said deposition.	7/26/13	0.50
Reviewed file re: status of pending case task assignments.	7/27/13	0.20
Prepared for defending clients' respective depositions by review claim file, correspondence, emails and pleadings.	7/28/13	3.00
Conferred with office support staff re: noting Mr. Steger's deposition / meeting with clients / objection to CR 34 notice to inspect clients' home.	7/29/13	0.30

*Travel
Docket billed
w/ the
deposition*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
<i>2 attorneys</i> Participated in TC with OC and MTW re: pending depositions.	7/30/13	0.30
Traveled to and from meeting with clients and met with them to prepare them for their respective depositions.	7/30/13	3.70
Conferred with Heritage representative Mr. Godfrey re: case status / 9-23-2013 TD.	7/30/13	0.50
Conferred with MTW re: CR Mr. Steger deposition, expert Ms. Evans deposition, clients depositions, defendant's expert Mr. Hight's deposition and objection to CR 34 Home Inspection.	7/30/13	0.50
<i>travel time + 2 depositions Block Billed</i> Traveled to and from Xavier Depositions and defended depositions of clients, Mr. and Mrs. Xavier. Conferred with client before and after their depositions re: issues bearing on liability and damages.	7/31/13	10.30
Participated in telephone conference with OC Ms. Dining re: privilege log / expert and CR depositions / Cedell Motion.	8/1/13	0.30
Conferred with MTW re: trial tactics / strategy in conjunction with reviewing clients' deposition testimony / allegations made by OC at said depositions.	8/1/13	2.50
<i>2 attorneys</i> Participated in telephone conference with MTW and Mr. Williams re: case status and review of ESX file.	8/1/13	0.30
Participated in telephone conference call with MTW and PA Mr. Dyer re: case status / TD.	8/1/13	0.30
Conferred with paralegal Mr. Myhre and office support staff re: whether Heritage pulled a building permit or charged AS for same.	8/2/13	0.20
Read email exchanges between OC, office support staff, MTW re: CR 30 (b) (6) depositions, expert depositions and conferred with MTW re: same.	8/2/13	0.60
<i>duplicate</i> Listened to MV from OC re: mediation / settlement and responded to same. Conferred with MTW re: counter mediation proposal.	8/2/13	0.60
Read email exchanges between OC and MTW re: mediation and discovery matters / listened to OC's VM and responded to same concerning request for mediation.	8/2/13	0.80
Read email exchange between MTW and OC re: privilege document log / requests for discovery - ESX file Cedell Documents and studied Allstates' privilege log. Also read reviewed letter from OC re: discovery requested from clients during their respective depositions and designating MTW as a material witness / conferred with MTW re: same	8/2/13	1.50

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MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Read email exchange between clients and MTW re: ALE issues and responded to same.	8/2/13	0.30
Read email exchanges between OC's office, MTW and office support staff re: proposed MSJ orders.	8/2/13	0.40
Read email exchanges between MTW and clients re: clients deposition testimony and documentation demonstrating their receipt of security deposit and responded to same.	8/2/13	0.40
Read email exchanges between expert Bernie Williams and MTW re: ESX file, building permit, meeting with Mr. Williams and conferred with MTW re: same.	8/2/13	0.50
Conferred with MTW re: letter from OC concerning discovery requests / request for discovery conference / ER 904 documents / status of discovery and participated in telephone conference with OC and MTW re: same.	8/2/13	0.70
Participated in conference with paralegal, Mr. Cunningham and MTW re: ER 904, identified trial exhibits, identified witnesses for trial and discussed Motion In Limine.	8/2/13	1.00
Studied emails / faxes and Allstate's answer to Complaint re: initial estimates / bids for structure repairs and conferred with office support staff concerning return of funds to AS / charges made to AS for services not allegedly performed, etc.	8/4/13	0.70
Read letter from PA Dyer to AS re: ALE / retaining Relocation Solutions / NOD for Relation Solutions & Subpoena DT for Relocation Solutions' Records.	8/4/13	0.20
Read email exchanges between MTW and OC re: mediation and emails re: same. Called OC and MTW re: my recommendations for mediator / Allstate's obligation to pay for same.	8/5/13	0.70
Participated in CR 26 conference with MTW and OC re: discovery / mediation and disqualification of counsel. Conferred with MTW re: same both before and after said conference.	8/5/13	0.80
Reviewed NOD and Subpoena DT received from Allstate for Restorx's records.	8/5/13	0.20
Read email from client re: length of trial, etc.	8/6/13	0.10
Read and reviewed attached repair estimates received from clients and clients' email exchanges with CR Ron Miles following reported loss.	8/6/13	0.50
Read email exchange between office support staff and OC re: NOD / Subpoena DT for Relocation Solutions and OC requests for copies of records obtained from Relation Solutions.	8/6/13	0.30

2 attorneys

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Xavier, Angela

name + details	completed	time
Read email exchanges between MTW / OC and office support staff re: proposed orders granting / denying in part MSJs and reviewed said motions.	8/6/13	0.50
Read email from office support staff re: Relocation Solutions receipt of security deposit and nonrefundability of same to clients.	8/6/13	0.20
Read email exchange between OC and office support staff re: notice shortening time for hearing defendant's additional MSJs prior to trial and responded to same.	8/6/13	0.40
Read email from WAMS and reviewed attached mediation fee schedules / scheduling arrangement / submission of mediation briefs, etc.	8/6/13	0.40
Read email exchanges between OC, court clerk and office support staff re: setting defendant's MSJs in early September 2013 and conferred with MTW concerning same as well as basis for MSJs	8/6/13	0.50
Reviewed deposition notes taken during clients' respective depositions and drafted proposed questions for Claims Supervisor Mr. Steiger's deposition.	8/7/13	2.00
Read email from OC re: expert Hight's deposition and responded to same.	8/7/13	0.30
Studied / analyzed OC's motion for a protective order / declarations in support of same and proposed order.	8/7/13	1.00
Conferred with MTW re: Ms. Evans anticipated deposition testimony and strategy for presenting same at trial.	8/8/13	0.40
Studied / analyzed Allstates' MSJ, supporting declarations and exhibits in support of said motion and proposed order dismissing clients' pending suit.	8/9/13	2.00
Read letter from OC re: objection to inspection of clients' home and conferred with MTW Re: same.	8/9/13	0.40
Conferred with MTW re: deposition testimony of AS CR Mr. Steiger.	8/9/13	0.30
Conferred with MTW re: Allstate's MSJ.	8/10/13	0.30
Reviewed file re: status of pending case task assignments.	8/10/13	0.20
Reviewed expert, Ms. Evan's report and correspondence file in preparation for defending her deposition.	8/11/13	0.70

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Xavier, Angela

name + details	completed	time
Studied PA Mr. Dyer's email addressing Mr. Nichel's declaration in support of MSJ and spoke with office support staff re: same.	8/12/13	0.30
Met with expert, Ms. Evans to review her anticipated deposition testimony, defended Ms. Evans' deposition and participated in CR 26 conference with OC re: CR 34 inspection of clients' property.	8/12/13	3.80
Read email exchanges re: rescheduling mediation and conferred with office support staff / MTW re: same.	8/12/13	0.60
Conferred with MTW re: CR 34 inspection and thirty day notice needed prior discovery cutoff	8/12/13	0.40
Conferred with MTW re: Ms. Evan's deposition testify / response to OC's allegation of clients' misrepresentation, fraud, etc.	8/12/13	0.70
Met with clients to prepare them for mediation conference and upcoming trial / evidence, witnesses, damages, etc.	8/13/13	4.70
Studied Ms. Xavier's email re: nonrefundable security deposits and conferred with MTW concerning same.	8/13/13	0.50
Reviewed emails exchanged between MTW and paralegal, Mr. Cunningham re: court transcript bearing on MTW's representation to court concerning non-payment of carpet replacement by AS and conferred with office support staff re: same.	8/13/13	0.60
Studied paralegal, Mr. Cunningham's email to clients re: history of how and to how security deposit amounts were paid to Allstate and or the clients and conferred with MTW / office support staff re: same.	8/13/13	0.70
Read email from OC re: CR 26 conference and responded to same by objecting to timeliness and scope / subject matter of Allstate's CR 34 Inspection Request.	8/13/13	0.60
Reviewed appraisal award / damages incurred by clients / conferred with MTW re: same.	8/13/13	0.60
Began preparing for mediation conference by reviewing correspondence, discovery and pleading files.	8/13/13	2.00
Studied / analyzed proposed mediation brief and edited / revised same for MTW's consideration.	8/13/13	2.50
Met with PA Mr. Dyer re: case status / his anticipated trial testimony / Allstates' mediation brief / ALE return of security deposits paid to clients allegedly owed Allstate, etc.	8/14/13	2.20

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Xavier, Angela

name + details

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time

Read emails from WAMs re: mediation and receipt of mediation briefs. Exchanged phone calls with Mr. Xavier re: negotiation of Security Deposit Check called OC re: scheduling Allstate's expert's deposition.

8/14/13

0.40

Reviewed final version of Response to OC's Motion for Protective order with attached declaration / exhibits in support of said Response. Conferred with MTW re: issues presented in OC's request for Protective order.

8/14/13

0.70

Participated in telephone conference with MTW and Mr. Nickels of Relocation Solutions re: payment of security deposit to clients and sent email to clients re: same.

8/14/13

0.50

Attended task assignment meeting.

8/14/13

0.20

Read email exchanges between MTW and office support staff re: Response to OC's motion for a protective order and studied said response.

8/14/13

0.40

Conferred with client, Mr. Xavier re: Relocation Solutions check and impact of same on clients' suit against Allstate / conferred with paralegal, Mr. Cunningham concerning whether \$1500 check was paid out of contents, etc.

8/14/13

0.70

Studied Allstate's Reply to clients' Response concerning clients' request for Allstate's attorney's files and conferred with MTW re: same.

8/15/13

0.70

Prepare for mediation conference / review claimed damages with MTW.

8/15/13

1.00

Conferred with Mediator and MTW re: future settlement negotiations / case evaluation / Allstate's strategy for defending suit.

8/16/13

0.70

Traveled to and from Mediation Conference and attended same.

8/16/13

5.80

Reviewed ESX files and read emails from OC and MTW to Mr. Williams re: same.

8/17/13

0.60

Drafted and sent email to MTW re: analysis of Allstate's trial strategy / Case Evaluation and proposed Motions In Limine to block Allstate's attempt to invade attorney-client privilege / assert coverage issues and accuse plaintiffs' counsel of pursuing case solely to generate attorney fees, etc.

8/18/13

3.00

Conferred with MTW and expert re: case status / motions in limine / trial strategy / motions for protective orders / etc.

8/19/13

1.70

Read email exchanges between MTW and OC re: filing orders concerning Court's ruling on past MSJs.

8/20/13

0.20

for review of own brief only?

2 attorneys

Travel + mediation block billed

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Xavier, Angela

name + details	completed	time
Studied / reviewed / edited and revised versions 2 and four to clients' response to AS's Motion to Continue Trial Date.	8/20/13	3.00
Read MTW's email to Mediator Levy re: outcome of mediation.	8/20/13	0.10
Studied / analyzed OC's motion for continuance and attached declarations / exhibits in support of same.	8/20/13	1.50
Read email from OC re: MSJ orders and MTW's withdrawal / MTW fact witness dispute and emailed MTW with suggestions for responding to same.	8/20/13	0.40
Prepared and sent email to MTW re: suggestions for how to rebut OC's motion for Continuance of Trial.	8/20/13	0.50
Read MTW's email concerning submission of court papers affirming case readiness for trial and responded to same with thoughts re: length of trial, etc.	8/21/13	0.60
Read emails re: sending message to OC re: MTW withdrawing from suit as attorney of record and responded to same.	8/21/13	0.40
Studied v.6 of Response to OC's Motion for Trial Continuance. Made additional edits / revisions and forwarded same to paralegal, Mr. Cunningham.	8/21/13	0.80
Reviewed final version of Response to Motion to Continue TD. Conducted legal research re: Private Attorney Generals right to collect attorney's fees, bring suit for public good, etc. and emailed same to paralegal William Cunningham.	8/21/13	1.50
Read emails from MTW with attached letters concerning AS's failure to explain what claim checks were being issued for and meeting with clients / contractor to inspect window work remaining to be completed.	8/21/13	0.30
Responded to paralegal, Mr. Cunningham' email concerning sentence in Response to Motion to Continue TD re: malpractice.	8/22/13	0.60
Studied proposed motion to strike, edited / revised said motion and forwarded same to paralegal Mr. Cunningham.	8/22/13	0.70
Studied v. 10 of Response to Motion to Continue TD and edited / revised same concerning segment dealing with Private AG and Mal Practice - forwarded same to paralegal, Mr. Cunningham for his consideration.	8/22/13	1.00
Studied / analyzed Allstate's MSJ re: damages including attached exhibits and declarations.	8/22/13	1.50

*for review
p own
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only?*

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Xavier, Angela

name + details	completed	time
Studied MTW's revisions to motion to strike and revised / edited same.	8/22/13	0.50
Reviewed v.6 of Motion to Strike Mr. Nickels' Declaration and revised same.	8/23/13	0.70
Read email from office support staff to OC serving / filing clients' Response to Allstate's Motion to Continue.	8/23/13	0.20
Studied MTW's v.13 revision / edits to Response to Allstate's Motion to Continue.	8/23/13	0.60
Revised Response to Allstate's Motion to Continue TD and conferred with MTW / office support staff re: same.	8/23/13	1.00
Reviewed final draft of Motion to strike and email from office support staff filing / serving same on OC.	8/23/13	0.20
Studied v.4 of proposed response to Allstate's MSJ and revised / edited same. Forwarded edits / revisions to MTW for his consideration.	8/24/13	2.50
Reviewed file re: status of pending case task assignments.	8/25/13	0.30
Read email from office support staff re: exhibits to Mr. Miles' deposition transcript, sent email to office support staff concerning same and conferred with MTW concerning employee evaluation segment of said dep transcript.	8/26/13	0.40
Studied OC's reply to clients' response to Allstate's Motion for Continuance.	8/26/13	1.00
Read Court Order requiring Allstate to submit requested Cedell documents for in camera inspection and conferred with MTW re: same.	8/26/13	0.30
Reviewed witness time form submitted to Trial Judge and conferred with MTW re: same.	8/26/13	0.30
Read email from MTW to expert, Mr. Williams re: scope of his trial testimony and conferred with MTW re: same.	8/27/13	0.40
Attended task assignment meeting.	8/28/13	1.20
Traveled and met with Xaviers to provide them with case status update / discuss plan of action for trial preparation, etc.	8/29/13	2.80
Conferred with MTW re: trial exhibits / opening statement / insurer putting its interests above insured's interests.	8/29/13	0.50

*for review
of
brief only?*

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Xavier, Angela

name + details	completed	time
Reviewed clients' ER 904 and conferred with MTW / paralegal Mr. Cunningham concerning same prior to serving and filing same on OC and the Court.	8/30/13	1.00
Reviewed Allstate's ER 904 submissions and conferred with MTW and paralegal Mr. Cunningham re: same.	8/30/13	1.00
Read trial subpoenas issued for Annette Keene and Paul Nickels from Allstate.	9/1/13	0.20
Studied analyzed Allstate's reply to clients' response to MSJ.	9/3/13	1.00
Read MTW's emails concerning MSJ hearing and responded to same as well as conferred with MTW re: issues to be addressed at said hearing.	9/5/13	0.40
Reviewed certification of trial readiness and plaintiffs' witness list.	9/9/13	0.30
Read email from OC re: Allstate not calling expert Mr. Hight and conferred with MTW re: same.	9/10/13	0.30
Reviewed ER 904 documents submitted by plaintiff and defendant along with office support staff email exchanges concerning same and discussed objections to defendant's ER 904 documents with MTW.	9/12/13	1.00
Studied offer of judgment and conferred with MTW re: same.	9/13/13	0.50
Read email exchanges between MTW, office and clients concerning offer of judgment.	9/14/13	0.20
Read email from MTW to PA Dyer re: offer of judgment and PA's response to same.	9/15/13	0.30
Conferred with MTW re: clients' decision to accept Offer of Judgment, etc.	9/17/13	0.40
Review request from Court Clerk concerning witness list, emails to clients' re: accepting Allstate's Offer of Judgment and conferred with MTW concerning same.	9/17/13	0.60
Conferred with MTW re: filing acceptance of Offer of Judgment and reviewed same.	9/17/13	0.20
Studied disbursement sheet sent to clients and conferred with MTW re: same.	9/19/13	0.30
Reviewed final draft of Acceptance of Offer of Judgment, conferred with MTW re: same and read Court's acknowledgment of receipt of said Acceptance.	9/19/13	0.30

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Xavier, Angela

name + details	completed	time
		265.10

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MICHAEL T. WATKINS

Xavier, Angela

5/2/12 to 9/19/13 - for owner Michael T. Watkins

name + details	completed	time
Attended Task Assignment meeting.	5/7/12	0.20
Reviewed Insurance Commissioner's Certificate of Service on Allstate.	5/7/12	0.10
Reviewed Ins. Commissioner's Certificate of Service (second) on Allstate; conferred with assistant re: noting date of service in file.	5/10/12	0.20
Reviewed Notice of Appearance (Allstate).	5/11/12	0.10
Reviewed Declaration of Service (RestorX).	5/15/12	0.10
Reviewed Notice of Appearance (RestorX), Objection to Plaintiffs' First Requests for Admission, and correspondence from Mr. Stephens; analyzed same; emailed same to Mr. Hanson and Mr. McLean.	5/17/12	0.70
Attended task assignment meeting.	5/18/12	0.20
Reviewed email from client to Heritage Restoration re: punch list items; analyzed same.	5/22/12	0.20
Emailed note from Mr. Xavier re: status of repairs to attorneys and staff.	5/23/12	0.10
Reviewed Notice of Removal; analyzed same; conferred with assistant re: preparation of Jury Demand.	5/29/12	0.30
Attended task assignment meeting.	5/30/12	0.20
Reviewed Notice re: lack of proper signature.	5/30/12	0.10
Reviewed email from Mr. Wathen's assistant re: request for Word version of Requests for Admission; responded to same / cc'd assistant.	5/30/12	0.20
Reviewed Notice of Filing Allstate's Corporate Disclosure; analyzed appropriateness of removal.	5/30/12	0.30
Reviewed and executed Jury Demand (Federal Court).	5/30/12	0.20
Reviewed email from Court re: assignment of case to Judge Jones.	5/30/12	0.10
Attended task assignment meeting.	5/30/12	0.20

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MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed letter from Clerk of the District Court re: Removal / procedure.	5/30/12	0.20
Reviewed Allstate's Responses to Plaintiffs' Requests for Admission (service / jurisdiction); analyzed same; emailed Mr. Hanson re: same / his analysis.	5/31/12	0.50
Emailed Mr. Wathen's assistant re: distribution list on emails.	5/31/12	0.10
Reviewed Mr. Hanson's email regarding Allstate's Removal of case; analyzed same.	6/2/12	0.20
Prepared Watkins' Declaration for Motion to Remand.	6/4/12	0.80
Reviewed and revised Plaintiffs' Motion for Remand.	6/4/12	1.40
Reviewed Mr. McLean's response to Mr. Hanson's analysis of Allstate's claim of "fraudulent joinder."	6/4/12	0.10
Email exchange with Mr. Hanson re: Motion for Remand / analysis of same.	6/4/12	0.20
Listened to voice mail from Mr. Wathen.	6/5/12	0.10
Attended Task Assignment meeting.	6/5/12	0.20
Telephone conference with Mr. Wathen re: possible settlement.	6/5/12	0.20
Reviewed Corporate Disclosure Statement (Allstate).	6/6/12	0.10
Reviewed Allstate's Corporate Disclosure Statement; reviewed Diversity of Citizenship Rules.	6/7/12	0.50
Prepared draft settlement demand.	6/7/12	0.70
Reviewed email from Mr. Hanson re: his fees in the case to date.	6/7/12	0.10
Conferred with Mr. Howson re: status of case / future management.	6/9/12	0.20
Attended Task Assignment meeting.	6/11/12	0.20
Conferred with Mr. McLean re: meeting with clients / release of Heritage check; future management of case.	6/13/12	0.20
Reviewed Notice of Appearance (substituting attorney - RestorX).	6/14/12	0.10
Met with Mr. Godfrey (Heritage) re: case status / repair scope.	6/14/12	0.40

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MICHAEL T. WATKINS

Xavier, Angela

*Travel
dock
billed*

*Travel
dock
billed*

name + details	completed	time
Traveled to Auburn, met with Mr. Dyer re: status of case, and returned.	6/14/12	1.00
Revised Plaintiffs' Motion for Remand.	6/14/12	1.00
Conferred with Mr. Howson re: status of the case.	6/16/12	0.20
Attended Task Assignment meeting.	6/18/12	0.20
Reviewed ECF email from Court re: Joint Status Report Order.	6/19/12	0.20
Reviewed and executed WICS Retainer Agreement.	6/20/12	0.20
Prepared for meeting with clients; traveled to Kent, met with Mr. Xavier re: status of case / settlement demand, and returned to Seattle.	6/20/12	2.00
Reviewed Notice of Removal and Complaint; researched, revised and supplemented Motion to Remand (4x); emailed same to Mr. Hanson for his review.	6/20/12	1:50
Reviewed emails and Mr. Hanson's version 6 of Motion to Remand / analyzed same; conferred with assistant re: drafting supporting Declaration	6/21/12	0:50
Revised my Declaration for Motion to Remand.	6/21/12	0.50
Revised Plaintiffs' Motion for Remand.	6/23/12	1.00
Supplemented Watkins' Declaration / Motion for Remand.	6/23/12	0.50
Conferred with Mr. Howson re: status of case.	6/23/12	0.20
Revised and supplemented Motion to Remand / emailed assistants re: editing same	6/23/12	1:30
Revised and supplemented Declaration in Support of Motion for Remand; emailed assistants re: modifications	6/23/12	1:00
Attended Case Assignment Meeting.	6/25/12	0.20
Revised and supplemented Declaration in Support of Motion for Remand; conferred with Mr. Cunningham re: same	6/25/12	0:70
Finalized Motion for Remand and Declaration in Support thereof; emailed assistant re: collecting Exhibits for Declaration.	6/27/12	1:30
Revised and supplemented Watkins' Declaration / Motion for Remand (2x).	6/28/12	0.40

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Xavier, Angela

name + details	completed	time
Reviewed ECF Motion for Remand filing.	6/28/12	0.10
Conferred with Mr. McLean re: settlement of dispute between Heritage and clients.	6/29/12	0.20
Met with Mr. Howson re: status of case.	6/30/12	0.20
Prepared Settlement Demand / reviewed file - calculated damages; emailed same to Mr. McLean and Mr. Hanson for their input.	7/1/12	1.10
Reviewed email from Mr. Hanson re: edits to settlement demand.	7/2/12	0.10
Attended Task Assignment meeting.	7/2/12	0.20
Listened to voice message from adjuster for RestorX.	7/5/12	0.10
Listened to voice message from 3rd party administrator.	7/5/12	0.10
Conferred with Mr. McLean re: message from RestorX adjuster; returned call; telephone conference with RestorX adjuster.	7/6/12	0.30
Conferred with Mr. Howson re: status of case.	7/7/12	0.20
Reviewed Allstate's Response to Plaintiffs' Motion for Remand); analyzed same; researched issues raised.	7/9/12	0.90
Attended Task Assignment meeting.	7/9/12	0.20
Telephone conference with Mr. Neddorman re: status of case / theories of liability / Federal Jurisdiction.	7/9/12	0.30
Reviewed RestorX Supplemental Response re: Consent; analyzed same; researched issues raised.	7/10/12	0.50
Reviewed and analyzed Defendant's Response to Plaintiffs' Motion for Remand and Declaration of Mr. Wathen; legal research re: cases cited.	7/10/12	1.00
Reviewed Defendant's Request for Statement of Damages; reviewed statute.	7/10/12	0.20
Emailed asistant re: preparing Response to Request for Statement of Damages.	7/10/12	0.10
Reviewed email from assistant re: date Reply needs to be filed; conferred with Mr. Cunningham re: substance of Reply.	7/11/12	0.30
Revised Reply in Support of Motion for Remand (4x).	7/12/12	2.60

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MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Revised and supplemented Reply in support of Motion for Remand (2x).	7/12/12	2.20
Email exchange with Mr. McLean re: Reply in Support of Motion for Remand / supporting Declaration.	7/12/12	0.20
Revised Mr. Xavier's Declaration (Motion for Remand).	7/13/12	0.50
Revised Reply in Support of Motion for Remand (7x).	7/13/12	3.30
Made final edits to Reply in support of Motion for Remand; emailed same to staff and Mr. McLean for filing.	7/13/12	0.50
Telephone conference with Mr. McLean re: finalizing Reply in support of Motion for Remand / Settlement Demand; reviewed email from Mr. Cunningham to client re: Settlement Demand; responded to Mr. Cunningham re: Response to Request for Statement of Damages.	7/13/12	0.70
Email exchanges with Mr. Xavier re: our settlement position.	7/13/12	0.30
Reviewed ECF email re: filing of our Reply.	7/13/12	0.10
Prepared emails (3) to Mr. Xavier re: status of the case; telephone conference with Mr. Xavier re: settlement / future management of the case.	7/13/12	0.70
Reviewed email reminder regarding Joint Status Report Conference.	7/17/12	0.10
Attended Task Assignment meeting.	7/17/12	0.20
Telephone conference with Mr. Godfrey (Heritage) re: status of claim / payments by Allstate.	7/18/12	0.20
Prepared for Joint Status Report conference; conferred with Ms. Dinning re: same; emailed Mr. Nedderman re: conferring on Friday.	7/19/12	0.50
Reviewed email exchanges with clients and assistant; reviewed file and conferred with assistant re: upcoming meeting with clients and Heritage Restoration; prepared email to clients re: releasing funds held in Wells Fargo escrow account.	7/19/12	0.50
Prepared for Joint Status Conference; participated in Joint Status Conference with opposing counsel / discussed Joint Status Report - scheduling dates.	7/20/12	0.60
Revised Joint Status Report (2x).	7/20/12	0.40

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed email from Mr. Howson re: status of payment of umpire's fee.	7/20/12	0.10
Revised draft Joint Status Report / emailed same to opposing counsel; participated in Joint Status conference with Mr. Nedderman and Ms. Dinning; redrafted Joint Status Report and emailed same to opposing counsel for their review; reviewed opposing counsels' emails agreeing with form and content of the Joint Status Report.	7/20/12	1.20
Reviewed Mr. Xavier's response to my email re: releasing funds / responded to same.	7/20/12	0.20
Met with Mr. Howson re: status of case.	7/21/12	0.20
Revised Initial Disclosures 2x.	7/23/12	1.00
Attended Task Assignment Meeting.	7/23/12	0.20
Revised Joint Status Report (versions 4, 5, and 6).	7/24/12	0.60
Revised Joint Status Report; conferred with assistant re: finalizing and filing same.	7/24/12	0.60
Telephone conference with Mr. Godfrey re: meeting / status of work on the project.	7/24/12	0.20
Revised and supplemented Plaintiffs' Initial Disclosures; conferred with assistant re: finalizing and filing same.	7/26/12	1.00
Reviewed Allstate's Initial Disclosures; analyzed same.	7/26/12	0.50
Reviewed Allstate's ECF Initial Disclosure filing.	7/26/12	0.30
Reviewed Minute Order Setting Trial and Related Dates; conferred with assistant re: entering dates into our system.	7/27/12	0.30
Reviewed Speidel's Corporate Disclosure re: Removal.	7/27/12	0.10
Reviewed RestorX Initial Disclosures; analyzed same.	7/27/12	0.50
Met with Mr. Howson re: status of case.	7/28/12	0.20
Reviewed RestorX Corporate Disclosure Statement; researched issues raised.	7/30/12	0.30
Attended Task Assignment meeting.	7/31/12	0.20
Attended Task Assignment Meeting.	8/6/12	0.20

*2 entries
for review
of same
document*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Revised Settlement Demand Letter to Mr. Wathen; conferred with assistant re: damage calculations.	8/7/12	1.00
Conferred with assistant re: preparing initial draft of Motion for Summary Judgment / facts and legal arguments.	8/9/12	0.50
Attended Task Assignment meeting.	8/15/12	0.20
Reviewed email from Mr. Xavier re: carpet reimbursement.	8/16/12	0.10
Email to Mr. Xavier re: status of claim.	8/18/12	0.10
Met with Mr. Howson re: facts of case / future management.	8/18/12	0.20
Reviewed ECF email / Answer and Affirmative Defenses from Defendant Allstate; analyzed same.	8/20/12	0.50
Email exchange with assistant re: preparation of Complaint / Answer comparison document.	8/23/12	0.10
Met with Mr. Howson re: status of case.	8/25/12	0.20
Attended Task Assignment meeting.	8/27/12	0.20
Reviewed Court's Order on Remand / analyzed same; conferred with assistant re: preparing discovery requests to Defendant Allstate.	8/29/12	0.50
Revised and executed discovery requests to Defendant Allstate.	8/29/12	0.50
Revised settlement letter to Mr. Wathen; emailed assistant and co-counsel re: modifications to same.	8/29/12	0.70
Email exchange with Mr. Hanson re: reducing our fees in settlement letter.	8/30/12	0.10
Revised and finalized correspondence to Mr. Wathen re: Settlement.	8/31/12	0.30
Studied Case Schedule / determine tasks and discovery to be performed.	8/31/12	0.30
Met with Mr. Howson re: status of case.	8/31/12	0.20
Reviewed correspondence from Ms. Dinning re: Insurance Fair Conduct Act Notice.	9/5/12	0.10
Met with Mr. Howson re: status of case.	9/8/12	0.20

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed Notice of Assignment to Judge Hayden and trial date; conferred with assistant re: same.	9/10/12	0.20
Attended Case Assignment meeting.	9/10/12	0.20
Reviewed correspondence from Ms. Dinning to the Insurance Commissioner's Office re: Allstate's response to insureds' complaint; analyzed same.	9/12/12	0.40
Reviewed ECF filing re: Notice of Remand; conferred with Mr. McLean re: same.	9/13/12	0.30
Conferred with Mr. Howson re: status of case.	9/15/12	0.20
Conferred with Mr. McLean and assistant re: record depositions of contractors / subpoenas.	9/18/12	0.30
Conferred with Mr. Howson re: status of case.	9/22/12	0.20
Reviewed and executed correspondence, Subpoena and Notice of Records Deposition to Halo Construction.	9/24/12	0.20
Reviewed ECF filing re: receipt of case by King County Superior Court.	9/27/12	0.10
Reviewed correspondence from Ms. Dinning re: Halo records deposition; conferred with assistant re: same.	9/27/12	0.20
Revised draft of Plaintiffs' Motion for Summary Judgment (WAC violations).	9/28/12	2.80
Reviewed email from Ms. Dinning re: two week extension to answer discovery requests.	9/28/12	0.10
Meeting with Mr. Howson re: status of case.	9/29/12	0.20
Attended Case Assignment meetings.	10/1/12	0.20
Email exchange with assistant re: pertinent communications under the WAC.	10/2/12	0.10
Revised 2x draft of Plaintiffs' Motion for Summary Judgment (WAC violations).	10/3/12	1.30
Reviewed email with discovery responses; conferred with assistant re: same.	10/5/12	0.20
Emailed assistant re: granting two week extension to Allstate / discovery responses.	10/5/12	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed email from Ms. Dinning re: discovery responses.	10/5/12	0.10
Reviewed RestorX Answer; analyzed same.	10/11/12	0.30
Reviewed and executed Confirmation of Joinder; conferred with assistant re: filing same.	10/11/12	0.20
Met with Mr. Howson re: status of case / future management of claim.	10/13/12	0.20
Reviewed email from Ms. Dinning re: Confirmation of Joinder; conferred with assistant re: filing same.	10/15/12	0.20
Attended Task Assignment meeting.	10/16/12	0.20
Attended Task Assignment meeting.	10/16/12	0.20
Reviewed correspondence file; repaired email to Mr. Wathen and Ms. Dinning re: revocation of offer of settlement based on no response.	10/17/12	0.20
Reviewed email exchanges with opposing counsel re: cancellation of records deposition (Halo Construction / no records obtained).	10/17/12	0.20
Conferred with assistant re: status of Halo Construction records / deposition / canceling deposition.	10/17/12	0.20
Prepared amended Notice of Deposition and Supoena Duces Tecum for Halo Construction.	10/18/12	0.30
Revised Plaintiffs' Motion for Summary Judgment (WAC violations) 2x.	10/18/12	1.40
Reviewed and executed Subpoena and Notice of Records Deposition to Halo Construction (amended).	10/19/12	0.20
Met with Mr. Howson re: status of case.	10/20/12	0.20
Attended Case Assignment meeting.	10/22/12	0.20
Revised Response to Statement of Damages; email exchange with Mr. McLean re: same; conferred with Mr. McLean re: which version of Response to use.	10/23/12	0.50
Reviewed email from opposing counsel's assistant; conferred with assistant re: sending Word document to opposing counsel.	10/23/12	0.20
Email exchange with Natasha re: Word document request.	10/24/12	0.10

2 paralegal Task

reviewed own Notice for legal activity

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Email exchanges with assistant re: inability to serve subpoena on Halo Construction / possibly out of business.	10/25/12	0.20
Met with Mr. Howson re: status of case / future management.	10/27/12	0.20
Telephone conference with Ms. Evans (hygienist) re: medical hazards / clients' exposure to same; what would constitute proper remediation of water damage.	10/29/12	0.30
Met with staff re: future management / task assignments.	10/29/12	0.30
Met with Mr. Howson re: status of case.	11/3/12	0.20
Conferred with assistant re: assembling materials for expert witness' review.	11/5/12	0.20
Reviewed Declaration of No-Service (Halo Construction); researched its corporate status.	11/7/12	0.20
Email exchange with assistant re: receipt of any records from Halo Construction.	11/8/12	0.10
Met with Mr. Howson regarding the status of the case.	11/10/12	0.20
Reviewed email and attached discovery responses from Allstate's counsel; analyzed same.	11/16/12	0.60
Reviewed and revised draft discovery responses; reviewed Mr. McLean's email re: suggested responses; conferred with assistant re: same.	11/19/12	1.00
Reviewed email exchange between assistant and Ms. Evans re: RestorX discovery responses; conferred with assistant re: same.	11/21/12	0.20
Reviewed correspondence from Mr. Nedderman re: discovery issues.	11/21/12	0.20
Legal research re: proper procedure for objections / motion for protective order; emailed research to Mr. Hanson for his input.	11/21/12	0.50
Email exchange with assistant re: Allstate's objection to our Requests for Production (Personnel files); wrong Court heading on objection; analyzed future management / Motion to Compel.	11/21/12	0.30
Reviewed email and updated discovery responses; reviewed and revised discovery responses (RestorX).	11/21/12	0.70
Reviewed email from Mr. McLean re: Motion to Compel; emailed assistant re: setting CR 26 discovery conference with Allstate's counsel (personnel files).	11/21/12	0.20

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Email exchanges with assistants and Mr. McLean re: preparation of Motion to Compel (personnel files)	11/23/12	0.20
Revised draft Motion to Compel (personnel files).	11/26/12	1.00
Reviewed and executed Notice of Unavailability.	11/28/12	0.10
Revised and supplemented Motion to Compel (Personnel Files).	11/28/12	0.40
Met with Mr. Howson re: status of case / future management.	12/15/12	0.20
Listened to voice message from Mr. Xavier re: status of case; emailed assistant re: responding to same.	12/17/12	0.10
Reviewed email from Mr. Gary Williams (expert) re: upcoming trial date / need to write a report; emailed response re: same.	12/19/12	0.10
Met with Mr. Howson re: status of case.	12/22/12	0.20
Email exchanges with assistant and Mr. Williams re: meeting time and place/ calendaring same.	12/27/12	0.20
Attended task assignment meeting.	12/31/12	0.20
Conferred with Mr. Williams re: status of case / trial date / trial testimony.	1/2/13	1.00
Reviewed and analyzed authority provided by Mr. Williams re: Cross-Motions for Summary Judgment.	1/5/13	0.70
Met with Mr. Howson re: status of case.	1/5/13	0.20
Reviewed Allstate's Motion for Revised Case Schedule.	1/17/13	0.20
Met with Mr. Howson re: status of case / future management.	1/21/13	0.20
Attended Task Assignment meeting.	1/23/13	0.20
Reviewed email from Court's Bailiff re: Motion for Case Schedule.	1/23/13	0.10
Met with Mr. Howson re: status of case.	2/2/13	0.20
Attended Task Assignment meeting.	2/4/13	0.20
Listened to voice message from vender (Coit) re: payment for services.	2/11/13	0.10
Met with staff re: status of case / task assignments.	2/13/13	0.20

for review of Howson Notice of Unavailability

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Prepared correspondence to clients re: umpire fee / appraisal.	2/15/13	0.30
Met with Mr. Howson re: status of case.	2/16/13	0.20
Attended Case Assignment Meeting.	2/20/13	0.20
Reviewed correspondence from Mr. Wathen re: Contents inspection.	2/22/13	0.10
Revised Plaintiffs' Motion for Summary Judgment (WAC violations).	2/22/13	0.80
Prepared correspondence to clients re: retention of WICS / fee sharing.	2/23/13	0.50
Revised Plaintiffs' Motion for Summary Judgment (WAC violations).	3/14/13	1.00
Met with Mr. Howson re: status of case.	3/16/13	0.20
Reviewed assistant's claim file summary; revised Plaintiffs' Motion for Summary Judgment (WAC violations).	3/22/13	1.20
Met with Mr. Howson re: status of case.	3/23/13	0.30
Reviewed email from assistant re: Mr. Nedderman's message; conferred with Mr. Nedderman re: possible settlement (RestorX).	3/26/13	0.30
Reviewed email from assistant re: discovery to RestorX; reviewed and revised discovery.	3/27/13	0.50
Revised and supplemented Motion for Partial Summary Judgment (WAC violations); conferred with assistant re: same.	4/1/13	1.10
Attended Task Assignment Meeting.	4/1/13	0.20
Reviewed memo from assistant re: additional WAC violations; revised (2x) Plaintiffs' Motion for Summary Judgment (WAC violations)	4/5/13	1.00
Met with Mr. Howson re: status of case / future management.	4/6/13	0.20
Revised and supplemented Motion for Partial Summary Judgment; reviewed correspondence / emails between parties; legal research re: WAC claims handling regulations.	4/8/13	3.80
Attended Task Assignment meeting.	4/8/13	0.20
Prepared Mr. Xavier's Declaration in Support of Plaintiffs' Motion for Partial Summary Judgment.	4/9/13	1.50

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed latest version of Motion for Partial Summary Judgment; conferred with Mr. McLean and Mr. Hanson re: same / legal arguments.	4/9/13	0.30
Prepared Notice of CR 30(b)(6) Deposition to RestorX with topics.	4/10/13	0.50
Revised versions 18, 19 and 20 of Plaintiffs' Motion for Summary Judgment (WAC violations).	4/10/13	2.30
Reviewed email re: scheduling Cross Motions for Summary Judgment; calendared same.	4/11/13	0.20
Met with Mr Howson re: status of case.	4/13/13	0.20
Reviewed email from assistant re: setting Motions for Summary Judgment.	4/24/13	0.10
Prepared memo to assistants re: obtaining other Jury Verdicts against Allstate for admission at the time of trial / lack of mistake, pattern of conduct.	4/25/13	0.20
Reviewed file; revised draft of Plaintiffs' Disclosure of Primary Witnesses; finalized and executed Disclosure.	4/29/13	0.70
Reviewed Allstate's Disclosure of Primary Witnesses; analyzed and researched same.	4/29/13	0.50
Reviewed RestorX' Disclosure of Primary Witnesses; analyzed same.	4/30/13	0.50
Reviewed email from assistant re: Allstate's privilege log / possible Cedell Motion; analyzed same.	5/1/13	0.20
Reviewed email from assistant re: RestorX' discovery / reviewed and approved letter to opposing counsel re: same.	5/1/13	0.20
Met with Mr. Howson re: status of case / future management.	5/4/13	0.20
Reviewed and executed Notice of Deposition and Subpoena for Ms. Keen.	5/6/13	0.20
Reviewed and executed Notice of Deposition and Subpoena for Mr. Miles.	5/6/13	0.20
Prepared Notice of Deposition and Supoena Duces Tecum for Halo Construction (amended).	5/6/13	0.30

*for review
of own
notices
paralegal
activity*

*Paralegal
activity*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Email exchange with assistant re: overdue discovery responses from RestorX; approved correspondence to opposing counsel re: same.	5/6/13	0.20
Revised Plaintiffs' Motion for Summary Judgment (WAC violations).	5/8/13	0.40
Revised correspondence to Mr. Nedderman: Discovery.	5/8/13	0.30
Revised Mr. Xavier's Declaration in Support of Motion for Partial Summary Judgment 3x (versions 2, 3, and 4).	5/9/13	1.80
Emailed assistants re: Mr. Xavier's Declaration / obtaining signed version to file with Motion.	5/9/13	0.20
Reviewed numerous emails from client re: documents regarding Allstate and Halo Construction.	5/9/13	0.20
Reviewed and executed Note for Motion for Partial Summary judgment.	5/10/13	0.10
Prepared draft of my Declaration in Support of Plaintiffs' Motion for Partial Summary Judgment; revised same (2x).	5/10/13	1.30
Reviewed correspondence from Ms. Dinning re: depositions / Mr. Miles.	5/10/13	0.10
Revised Mr. Xavier's Declaration in Support of Motion for Partial Summary Judgment 2x (versions 5, and 6); finalized same; conferred with assistant re: client's signature.	5/10/13	1.00
Reviewed letter from Ms. Dinning re: depositions of Ronald Miles and Annette Keen.	5/10/13	0.10
Revised and supplemented (5x) Plaintiffs' Motion for Summary Judgment (WAC violations).	5/10/13	3.50
Met with Mr. Howson re: status of case / future management.	5/11/13	0.20
Reviewed email from Allstate's counsel re: service of pleadings; email exchange with assistants confirming service of pleadings.	5/13/13	0.20
Reviewed correspondence from Ms. Dinning re: deposition schedules; telephone conference with Ms. Dinning re: rescheduling depositions; conferred with assistant re: canceling and rescheduling depositions.	5/13/13	0.50
Conferred with assistant re: discovery conference; initiated telephone conference with Mr. Nedderman re: discovery and deposition schedule.	5/13/13	0.50

paralegal activity

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed RestorX Joinder in Allstate's Motion for Summary Judgment; analyzed same.	5/14/13	0.40
Prepared Motion to Strike Defendant RestorX Joinder with Allstate's Motion for Summary Judgment.	5/14/13	2.40
Revised Supplemental Disclosure of Mr. Bernie Williams' testimony.	5/15/13	0.50
Reviewed correspondence from Ms. Dinning re: objection to the taking of Mr. Miles' deposition; analyzed same.	5/15/13	0.20
Attended task assignment meeting.	5/15/13	0.20
Email exchanges with Mr. McLean re: draft declaration of Ms. Evans.	5/15/13	0.30
Reviewed email from assistant re: untimeliness of RestorX' Motion for Summary Judgment; analyzed strategy.	5/15/13	0.30
Reviewed Allstate's Motion for Summary Judgment re: Breach of Contract / analyzed same; reviewed email from Mr. McLean re: his analysis.	5/15/13	1.00
Reviewed, finalized and executed witness disclosure of Bernie Williams.	5/16/13	0.20
Prepared Ms. Evans Declaration (Response to Defendant's Motion for Partial Summary Judgment).	5/16/13	1.00
Reviewed Allstate's Motion for Summary Judgment (Contractual Claims); analyzed same; researched issues raised.	5/16/13	1.60
Telephone conference with Ms. Evans; revised Ms. Evans' Declaration (Response to Defendant's Motion for Partial Summary Judgment).	5/17/13	0.30
Emailed draft Declaration to Ms. Evans for her review / modifications.	5/18/13	0.10
Revised Motion to Strike RestorX' Joinder.	5/20/13	0.70
Reviewed and executed Notice of Deposition Subpoena for Ms. Keen (amended).	5/20/13	0.10
Prepared correspondence to Mr. Nedderman re: discovery; email exchanges with assistants re: processing same.	5/20/13	0.50
Email exchange with Ms. Dinning re: Allstate's refusal to allow depositions to go forward.	5/20/13	0.30

*review of
own notice
paralegal
activity*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

*Review of
own notice
paralegal
activity*

name + details	completed	time
Email exchange with assistant re: breach of contract / consequential damages (public adjuster and appraisal fees).	5/20/13	0.20
Reviewed and executed Notice of Deposition and Subpoena for Mr. Miles (amended).	5/20/13	0.10
Reviewed draft Declaration from Ms. Evans / analyzed same; email exchange with Ms. Evans re: same / execution of same.	5/22/13	0.30
Attended task assignment meeting.	5/22/13	0.20
Prepared for meeting with Bernie Williams (expert); met with Mr. Williams re: preparation of his trial testimony.	5/22/13	0.60
Attended Task Assignment meeting.	5/22/13	0.20
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Summary Judgment re: Contractual Claims.	5/23/13	2.00
Email exchanges with Mr. McLean re: Ms. Evans' Declaration / use in Response to Motion for Summary Judgment / possible additional Motions for Summary Judgment for the Plaintiffs; analyzed same.	5/23/13	0.30
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Summary Judgment re: Contractual Claims (2x).	5/24/13	2.40
Reviewed Allstate's Response to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment; analyzed same; researched issues raised.	5/28/13	1.80
Revised Watkins' Declaration in Support of Plaintiffs' Response to Allstate's Motion for Summary Judgment (Contractual Claims).	5/28/13	0.80
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Summary Judgment re: Contractual Claims (versions 5, 6, 7, and 8).	5/28/13	5.80
Reviewed RestorX' Motion for Summary Judgment; analyzed same; researched issues raised.	5/30/13	1.50
Reviewed Allstate's re-note of Summary Judgment; reviewed calendar.	6/3/13	0.20
Reviewed Allstate's Reply for Motion for Summary Judgment (Contractual Claims); analyzed same / reviewed issues raised.	6/3/13	0.80
Prepared Watkins' Declaration in Support of Plaintiffs' Motion for Summary Judgment.	6/3/13	0.50

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

*review of
own note
paralegal
activity*

name + details	completed	time
Revised and supplemented Plaintiffs' Reply in Support of Motion for Summary Judgment.	6/3/13	5.30
Reviewed and executed Re-note for Motion for Partial Summary Judgment.	6/3/13	0.20
Reviewed Allstate's Motion for Protective Order (depositions of Miles and Keen); analyzed same; legal research re: protective orders generally.	6/4/13	1.20
Reviewed and finalized Reply in Support of Motion for Summary Judgment and Motion to Strike Cross-Motion for Summary Judgment.	6/4/13	0.80
Reviewed Allstate's Response to Plaintiffs' Motion to Strike Cross for Summary Judgment; researched issues raised; prepared arguments in opposition.	6/5/13	1.50
Email exchange with Mr. McLean re: preparing Response to Motion for Protective Order; emailed assistant re: same.	6/5/13	0.20
Reviewed discovery file; telephone call to Ms. Dinning re: personnel records of adjusters / Motion to Compel; left message to call back.	6/5/13	0.30
Email exchange with assistant re: Motion to Compel.	6/5/13	0.20
Attended case assignment meeting.	6/5/13	0.20
Reviewed Allstate's Proposed Order (Personnel Files).	6/6/13	0.20
Reviewed and revised draft of Motion to Strike RestorX' Motion for Summary Judgment.	6/7/13	1.50
Met with Mr. Howson re: status of case.	6/8/13	0.20
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Protective Order 6x.	6/10/13	4.00
Revised and supplemented Motion to Strike RestorX' Motion for Summary Judgment (2x).	6/10/13	1.80
Prepared Watkins' Declaration in Support of Motion to Strike RestorX Motion for Summary Judgment.	6/10/13	1.00
Attended task assignment meeting.	6/10/13	0.20
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Protective Order (Personnel Files) 2x.	6/11/13	2.50

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed Allstate's Reply Motion for Summary Judgment (Depositions of Miles and Keen); analyzed same.	6/11/13	0.50
Revised and supplemented Motion to Strike Cross-Motion for Summary Judgment.	6/11/13	2.80
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Protective Order (Personnel Files).	6/12/13	2.20
Revised and supplemented Motion to Strike RestorX' Motion for Summary Judgment.	6/12/13	1.30
Reviewed and executed Note for Motion to Strike.	6/12/13	0.10
Prepared Watkins' Declaration re: Motion to Strike Allstate's Cross-Motion for Summary Judgment.	6/12/13	0.80
Revised and supplemented Watkins' Declaration in Support of Response to Allstate's Motion for Protective Order (personnel files).	6/12/13	0.80
Reviewed Allstate's Reply in Support of Motion for Protective Order (personnel files); analyzed same; researched issues raised.	6/12/13	0.40
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Protective Order (personnel files).	6/12/13	1.00
Reviewed Order Denying Allstate's Motion for Protection (depositions).	6/14/13	0.10
Reviewed Order Denying Allstate's Motion for Protection (personnel files).	6/17/13	0.10
Reviewed correspondence from Mr. Nedderman re: Re-note of Motion and extension of discovery cutoff / conferred with Mr. McLean regarding the issue.	6/17/13	0.20
Reviewed RestorX Re-Note of its Motion for Summary Judgment; analyzed same/reviewed calendar.	6/17/13	0.20
Reviewed Allstate's Response to the Xaviers' Motion to Strike Cross-Motion for Summary Judgment; analyzed same; researched issues raised.	6/18/13	0.80
Reviewed and Executed Notice of Deposition and Subpoena to Ms. Keen (2nd amended).	6/18/13	<u>0.10</u>
Revised Plaintiffs' Reply in Support of Motion to Strike Allstate's Untimely Cross-Motion for Summary Judgment	6/18/13	1.00

*Reviewed
own notice
for legal
activity*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Revised and supplemented Plaintiffs' Reply in Support of Motion to Striked Allstate's Untimely Cross-Motion for Summary Judgment (2x).	6/19/13	3.50
Reviewed and executed Plaintiffs' Reply re: Allstate's Cross-Motion for Summary Judgment.	6/19/13	0.30
Attended Task Assignment Meeting.	6/20/13	0.20
Revised and supplemented Plaintiffs' Response to RestorX' Motion for Summary Judgment.	6/21/13	1.10
Reviewed email exchange between Mr. Cunningham and Mr. Myhra re: additional discovery / discovery cut-off; analyzed additional discovery needs.	6/21/13	0.20
Met with Mr. Howson re: status of case / future management.	6/22/13	0.20
Email exchange with Mr. McLean re: mediation / email from Mr. Milber.	6/23/13	0.10
Telephone conference with Ms. Dinning re: discovery / Motion for Protective Order / depositions.	6/24/13	0.40
Reviewed email from Mr. McLean re: possible mediator.	6/24/13	0.10
Reviewed Praecipe re: Request for Additional Time.	6/25/13	0.10
Reviewed Notice of Deposition for Mr. Xavier.	6/26/13	0.10
Reviewed Notice of Deposition and Subpoena for Ms. Evans.	6/26/13	0.10
Reviewed Notice of Deposition for Ms. Xavier.	6/26/13	0.10
Revised and supplemented Motion to Strike Cross-Motion for Summary Judgment.	6/26/13	0.60
Reviewed email from Ms. Dinning re: Cedell issues; re-read case / analyzed same; emailed Mr. Hanson and Mr. McLean re: same.	6/26/13	0.60
Prepared correspondence to Mr. Nedderman re: Settlement.	6/27/13	1.30
Revised and supplemented Plaintiffs' Response to RestorX' Motion for Summary Judgment 2x.	6/27/13	3.70
Prepared Powerpoint presentation (Motions for Summary Judgment).	6/27/13	1.70

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Revised and supplemented Plaintiffs' Response to RestorX' Motion for Summary Judgment.	6/28/13	1.80
Revised Angela Xavier's Declaration re: Response to RestorX' Motion for Summary Judgment; conferred with assistant re: contacting client regarding same.	6/28/13	0.50
Revised Mr. Xavier's Declaration in support of Response to RestorX' Motion for Summary Judgment 2x (versions 2 and 3).	6/28/13	0.80
Prepared for Summary Judgment arguments; traveled to King County Superior Court, argued motions and returned.	6/28/13	4.80
Met with Mr. Howson re: case status.	6/29/13	0.30
Revised and supplemented Plaintiffs' Response to RestorX' Motion for Summary Judgment.	6/30/13	1.30
Revised and supplemented Response to Motion for Summary Judgment; revised Declarations; emailed assistants re: adding language to Ms. Evans' Declaration; emailed Mr. McLean re: additional edits to Motion and Declnrations.	6/30/13	3.00
Reviewed final version of Plaintiffs' Response to RestorX' Motion for Summary Judgment.	7/1/13	0.20
Revised (2x) Angela Xavier's Declaration re: Response to RestorX' Motion for Summary Judgment; conferred with assistant re: contacting client regarding execution of Declaration / filing.	7/1/13	0.50
Revised Mr. Xavier's Declaration in support of Response to RestorX' Motion for Summary Judgment (version 4).	7/1/13	0.50
Revised and supplemented Order on Plaintiffs' Motion for Summary Judgment; emailed same to assistant re: processing same to opposing counsel for review and comment.	7/1/13	0.40
Revised and supplemented Plaintiffs' Response to RestorX' Motion for Summary Judgment (6x).	7/1/13	4.40
Reviewed email from client re: status report.	7/2/13	0.10
Reviewed and executed Notice of Deposition and Subpoena for Mr. Miles (3rd amended).	7/2/13	0.10
Reviewed and executed Notice for Deposition for Ms. Keen (3rd amended).	7/2/13	0.10
Prepared first draft of Plaintiffs' Proposed Jury Instructions; reviewed WPI.	7/2/13	1.20

*Travel time
Block Billed*

*Review of
own Notes
Re: legal
Activity*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Prepared status report to clients.	7/2/13	0.80
Emailed assistant re: providing copies of pleadings for clients / deposition preparation.	7/2/13	0.20
Reviewed and approved 3rd Amended Notices of Depositions and Subpoenas; emailed assistant re: same	7/2/13	0.20
Attended Task Assignment meeting.	7/3/13	0.20
Prepared for meeting with Mr. and Mrs. Xavier; attended meeting with clients re: trial and deposition preparation; reviewed claims file and relevant claim documents.	7/8/13	3.50
Revised and supplemented Plaintiffs' Proposed Jury Instructions.	7/8/13	1.50
Prepared draft of my declaration in response to RestorX' Motion for Summary Judgment.	7/9/13	0.70
Revised and supplemented CR 41 Dismissal of RestorX.	7/10/13	0.20
Reviewed and executed Note for Dismissal (RestorX).	7/10/13	0.10
Reviewed and executed Plaintiffs' Motion for CR 41 Dismissal (RestorX).	7/10/13	0.20
Reviewed correspondence from Ms. Dinning re: employee files of Mr. Miles and Ms. Keen; reviewed files; analyzed same.	7/10/13	0.80
Attended Task Assignment meeting.	7/10/13	0.20
Reviewed Notice of Deposition for Mr. Xavier.	7/12/13	0.10
Reviewed Notice of Deposition for Ms. Xavier.	7/12/13	0.10
Met with Mr. Howson re: status of case.	7/13/13	0.20
Litigation planning meeting with Mr. McLean and staff - discussed future management of discovery / motions / witnesses.	7/16/13	1.00
Reviewed and executed Notice of Deposition and Subpoena Duces Tecum to William Hight; conferred with assistant in-service.	7/17/13	0.30
Reviewed correspondence from Mr. Nedderman re: settlement.	7/17/13	0.10
Reviewed and executed Stipulation and Order of Dismissal (RestorX).	7/17/13	0.30

*Review
of own
Notices,
Paralegal
activity*

*Review of
own notes
Paralegal
activity.*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

*Review of
own Notice
Paralegal
Activity.*

name + details	completed	time
Prepared and executed Notice of Deposition and Subpoena Duces Tecum to Mr. Steger; conferred with assistant re: service.	7/17/13	0.30
Attended case assignment meeting.	7/18/13	0.20
Reviewed Allstate's CR 34 Request for Inspection of Plaintiffs' home; analyzed same; conferred with Mr. McLean re: same.	7/19/13	0.50
Reviewed correspondence from Ms. Dinning re: Mr. Miles' deposition; analyzed same / conferred with Mr. McLean regarding the issue.	7/25/13	0.20
Reviewed Allstate's Deposition Notice to Susan Evans; reviewed calendar re: availability.	7/26/13	0.20
Reviewed Allstate's CR 34 Request for Inspection; reviewed case schedule and Court Rules re: timeliness of Request.	7/26/13	0.40
Reviewed Notice of Deposition for Ms. Evans.	7/26/13	0.10
Revised and supplemented Plaintiffs' Motion to Compel (Cedell documents); conferred with assistant re: additional edits to the brief.	7/30/13	1.50
Reviewed CR 30 (b)(6) Notice of Deposition for RestorX re: settlement; analyzed same.	7/31/13	0.20
Reviewed Allstate's Notice of Records Deposition to RestorX.	7/31/13	0.10
Revised and supplemented Plaintiffs' Cited Jury Instructions.	7/31/13	0.70
Attended Task Assignment Meeting.	7/31/13	0.20
Reviewed and executed Amended Deposition Notice to Mr. Steiger; conferred with assistant re: serving same.	8/1/13	0.20
Reviewed and executed Amended Deposition Notice to William Hight; conferred with assistant re: serving same.	8/1/13	0.20
Conferred with Mr. McLean re: trial preparation / trial strategy; discussed issues raised in depositions; telephone conference with Mr. Godfrey re: same; telephone conference with Mr. Williams re: ESX files - building permit issues; conferred with assistant re: obtaining oral argument to rebut Mr. Wathen's claim of misrepresentation to the Court (carpet payment) and building permit from Heritage; telephone conference with Mr. Dyer re: claim of ALE overpayment; analyzed pleadings and evidence regarding other party (Restorx) at fault / impact of settlement.	8/1/13	3.60

*Review of
own Notice
Paralegal
Activity.*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed correspondence from Mr. Wathen re: Settlement offers / Watkins as a witness; analyzed same / conferred with Mr. McLean regarding the issue.	8/1/13	0.50
Reviewed first draft of Plaintiffs' Motions in Limine; conferred with assistant re: same.	8/1/13	0.50
Prepared Notice of Deposition and Supoena Duces Tecum for NW Relocation Solutions.	8/2/13	0.30
Reviewed and executed Records Deposition Notice to NW Relocation Solutions; conferred with assistant re: serving same	8/2/13	0.20
Reviewed Complaint / Answer comparison; analyzed matters in issue for trial.	8/2/13	0.30
Reviewed and executed Notice of Records Deposition to NW Relocations.	8/2/13	0.10
Reviewed email from Mr. Anderton re: building permit / conferred with Mr. McLean re: evidence on that issue / trial strategy.	8/2/13	0.20
Reviewed Mr. Wathen's correspondence seeking a discovery conference and his assertion that I am a material witness in the case; analyzed trial strategy; conferred with Mr. McLean re: transferring case to him / my testimony; reviewed file re: discovery; participated in telephone conference with Ms. Dinning and Mr. McLean re: mediation / discovery.	8/2/13	0.80
Prepared email to Mr. Wathen re: discovery conference and my status as a material witness / transferring file to Mr. McLean.	8/2/13	0.30
Met with Mr. Howson re: case status.	8/3/13	0.20
Reviewed Allstate's proposed Order re: Summary Judgment; analyzed same.	8/5/13	0.20
Reviewed Order Granting in part / Denying in part Plaintiffs' Motion for Summary Judgment; analyzed same.	8/5/13	0.20
Prepared for CR 26 discovery conference with Ms. Dinning; conferred with Ms. Dinning re: discovery / motions to compel and motion for protective order; analyzed Allstate's argument re: motion to compel based on other parties' discovery requests; legal research re: same.	8/5/13	1.50
Prepared correspondence to clients re: mediation.	8/6/13	0.50
Reviewed Allstate's Motion for Protective Order re: Attorney Work Product (Cedell) issue; analyzed same.	8/6/13	1.00

Paralegal activity. 2 plaintiffs. Deposition

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed Mediation Notice / Procedure.	8/6/13	0.20
Studied and analyzed Allstate's estimates of repair (3); emailed same to assistant re: for filing / inclusion in our trial exhibits.	8/6/13	0.60
Reviewed Allstate's Motion for Protective Order (Client Communications); analyzed same; researched issues raised.	8/7/13	1.30
Reviewed Court's Order re: Plaintiffs' Motion for Summary Judgment (WAC violations); conferred with Mr. McLean re: same.	8/7/13	0.30
Met with Mr. Bernie Williams re: expert witness duties / facts of case.	8/7/13	0.50
Attended Task Assignment Meeting.	8/7/13	0.20
Prepared for meeting with Ms. Evans / deposition testimony / opinions; conferred with Mr. McLean re: same.	8/8/13	0.40
Conferred with assistant re: sending photographs of damage to Ms. Evans; reviewed email re: same.	8/8/13	0.20
Prepared for meeting with Ms. Evans; traveled to MDE, met with Ms. Evans regarding her deposition testimony / opinions, and returned.	8/8/13	2.00
Telephone conference with Mr. McLean re: testimony / Ms. Evans meeting; trial strategy.	8/8/13	0.30
Reviewed Allstate's Motion for Summary Judgment (Damages); analyzed same; researched issues raised.	8/9/13	1.50
Reviewed and analyzed our briefing in opposition to Allstate's Motion for Protective Order (Cedell issues); conferred with assistant re: editing same.	8/9/13	0.90
Reviewed email / Motion for Summary Judgment re: damages filed by opposing counsel; conferred with Mr. McLean re: responding to same; prepared briefing outline.	8/9/13	1.30
Reviewed correspondence from Ms. Dinning re: Discovery conference.	8/9/13	0.10
Email exchange with Ms. Evans re: her prior Allstate case; conferred re: her expected testimony at deposition and trial.	8/11/13	0.60
Legal research re: Allstate's Motion for Summary Judgment re: Damages / reviewed cases cited in Defendant's brief.	8/12/13	1.00

Travel Time Back Billed

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Analyzed defendant's request to inspect our clients' home (CR 34); prepared opposing arguments / conferred with Mr. McLean re: objecting to Request for Inspection.	8/12/13	0.40
Reviewed Allstate's Motion for Summary Judgment (Damages); analyzed same.	8/12/13	1.20
Reviewed email exchanges re: rescheduling Mediation; conferred with assistant re: same.	8/12/13	0.20
Examined evidence re: refund of deposits from Relocation Solutions; conferred with Mr. McLean re: deposit, carpet, attorney as witness issues / trial strategy.	8/12/13	1.20
Reviewed correspondence / Mediation Brief from Mr. Wathen; analyzed same.	8/13/13	0.70
Reviewed email exchanges with opposing counsel re: deposition of Mr. Hight; emailed Mr. McLean re: setting Mr. Hight's deposition.	8/13/13	0.20
Reviewed Mediation Notice (Amended).	8/13/13	0.10
Email exchange with opposing counsel re: ESX files; obtained ESX files from opposing counsel; reviewed ESX files re: building permit and duplicative work issues; emailed ESX files to Mr. Bernie Williams for examination.	8/13/13	0.50
Reviewed email from Ms. Xavier; analyzed deposit refund issue / intention to deceive; conferred with Mr. McLean re: same.	8/13/13	0.30
Reviewed pleading file / case schedule; emailed assistant re: timeliness of defendant's Motion for Summary Judgment (Damages).	8/13/13	4.60
Legal research re: Cedell v. Farmers; legal research re: constitutionality of Cedell case; revised and supplemented Response to Allstate's Motion for Protective Order (5 x); emailed assistant re: filing pleading / preparation of Declarations and Order.	8/13/13	0.50
Prepared correspondence to Mr. Nickels; conferred with Mr. McLean re: same.	8/14/13	0.40
Prepared and revised (2x) Proposed Order Denying Defendant's Motion for Protective Order.	8/14/13	0.50
Telephone conference with Mr. Nickels re: deposit refund / obtaining copy of refund check (\$1,500); reviewed check; conferred with Mr. McLean re: same.		

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Prepared Watkins's Declaration / Response to Motion for Protective Order.	8/14/13	1.00
Revised and supplemented Watkins' Declaration in Opposition to Allstate's Motion for Protective Order (work product); finalized Plaintiffs' Response to Defendant's Motion for Protective Order.	8/14/13	2.40
<i>Invest Time Back Bill</i> Prepared for meeting with Mr. Dyer (Public Adjuster); traveled to Auburn, met with Mr. Dyer / trial witness preparation; discussed Relocation Solutions refund of deposits and returned.	8/14/13	2.50
Attended Task Assignment meeting.	8/14/13	0.20
Reviewed Allstate's Reply in Support of its Motion for Protective Order (Attorney / Client Communications); analyzed same; researched issues raised.	8/15/13	0.50
Provided Mr. McLean analysis of Allstate's Reply / Motion for Protective Order.	8/15/13	0.40
Reviewed Plaintiffs' Motions in Limine; made modifications; conferred with assistant re: same.	8/19/13	1.50
Met with Mr. Gary Williams, discussed case facts / his opinions / trial testimony / trial strategy; reviewed defendant's Motion for Summary Judgment - analyzed same / possible declaration by Mr. Gary Williams in opposition.	8/19/13	2.50
Prepared for meeting with Mr. Gary Williams (claim handling expert) / reviewed and gathered documents and depositions for his consideration.	8/19/13	1.00
Reviewed and analyzed Allstate's Motion to Continue; conferred with Mr. McLean re: same.	8/19/13	0.70
Reviewed email from Ms. Dinning re: proposed order; conferred with assistant re: same.	8/19/13	0.20
Studied Allstate's Motion to Continue Trial Date; legal research re: grounds for continuances / case law re: same; prepared draft of Response / Opposition to Allstate's Motion to Continue.	8/20/13	2.90
Conferred with Mr. Levy (Mediator) re: status of case / possible settlement.	8/20/13	0.20
Revised Plaintiffs' Response to Allstate's Motion to Continue (versions 2).	8/20/13	3.70
Reviewed email string from Ms. Dinning; emailed her re: clarification.	8/20/13	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Exchanged emails with assistant re: proposed Order / Ms. Dinning's email.	8/20/13	0.10
Revised and supplemented Response to Allstate's Motion to Continue (2x - versions 8 and 10).	8/21/13	2.10
Reviewed and revised Plaintiffs' Response to Allstate's Motion to Continue and to Re-Open Discovery.	8/21/13	1.10
Reviewed email from Court re: trial readiness / forwarded same to Mr. McLean.	8/21/13	0.10
Attended Task Assignment Meeting.	8/21/13	0.20
Revised and supplemented (2x) Plaintiffs' Response to Allstate's Motion for Summary Judgment (Damages)(versions 2 and 3).	8/22/13	3.20
Prepared Watkins' Declaration in Support of Response to Allstate's Motion to Continue.	8/22/13	1.20
Revised and supplemented Response to Motion to Continue (version 10).	8/22/13	1.20
Revised and supplemented Motion to Strike Declaration of Mr. Nickels.	8/22/13	1.00
Reviewed and revised Plaintiffs' Response to Allstate's Motion to Continue and to Re-Open Discovery.	8/22/13	0.80
Reviewed and executed Note for Motion to Strike Nickels' Declaration.	8/23/13	0.10
Prepared and revised Watkins' Declaration in Support of Plaintiffs' Motion to Strike Nickels' Declaration (2x).	8/23/13	0.50
Finalized and executed Motion to Strike Declaration of Mr. Nickels.	8/23/13	0.50
Revised my Declaration in Support of Plaintiffs' Response Defendant's Motion to Continue.	8/23/13	0.40
Revised and supplemented my Declaration in Support of Motion to Strike (3x).	8/23/13	0.90
Revised and supplemented Plaintiffs' Motion to Strike Declaration of Nickels (versions 5 and 9).	8/23/13	1.20
Revised and supplemented Plaintiffs' Response to Allstate's Motion to Continue (2x - versions 13 and 15).	8/23/13	1.50

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed and revised Plaintiffs' Response to Allstate's Motion to Continue and to Re-Open Discovery (2x).	8/23/13	1.30
Finalized Plaintiffs' Response (and Watkins' Declaration) to Allstate's Motion to Continue.	8/23/13	0.50
Finalized and executed Motion to Strike Declaration of Mr. Nickels.	8/23/13	0.50
Revised and supplemented Motion to Strike Declaration of Mr. Nickels (3x).	8/23/13	0.90
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Summary Judgment (Damages)(version 4); conferred with Mr. McLean re: same.	8/23/13	1.30
Revised and supplemented (2x) Watkins' Declaration in Opposition to Allstate's Motion to Continue (versions 2 and 3).	8/23/13	0.60
Received email and version 5 of Plaintiffs' Response to Allstate's Motion for Summary Judgment (Damages) from Mr. McLean; made edits.	8/24/13	0.50
Met with Mr. Howson re: status of the case.	8/24/13	0.20
Revised and supplemented Plaintiffs' Response to Defendant's Motion for Summary Judgment (Damages)(4x - versions 6, 7, 8 and 9); revised and supplemented Watkins' Declaration in Support of Plaintiffs' Response to Allstate's Motion (4x - versions 1, 2, 3 and 4); finalized Response and Watkins' Declaration; conferred with assistant re: filing same.	8/26/13	3.20
Reviewed Allstate's Reply re: Motion to Continue; analyzed same; researched issues raised.	8/26/13	0.60
Conferred with assistant re: preparing draft Joint Confirmation of Trial Readiness.	8/26/13	0.10
Reviewed Court's Joint Confirmation Regarding Trial Readiness Form; conferred with assistant re: filling out same / input from opposing counsel.	8/26/13	0.20
Reviewed timeline prepared by Mr. Cunningham; incorporated timeline into draft power point presentation.	8/26/13	0.50
Emailed witness form received from court to assistant.	8/26/13	0.10
Prepared Watkins' Declaration in support of Motion for Summary Judgment.	8/26/13	0.60

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Prepared Declaration (Watkins) in Support of Plaintiffs' Response to Motion for Summary Judgment (damages); revised Declaration (versions 2, 3, and 4).	8/26/13	1.60
Reviewed Order re: Allstate's Motion for Protection (work product).	8/26/13	0.10
Reviewed email from assistant re: Motion to Continue.	8/27/13	0.10
Reviewed Court's Order on Defendant's Motion for Protective Order (Cedell documents); analyzed same; emailed Ms. Dinning's assistant re: same.	8/27/13	0.30
Conferred with assistant re: setting up meeting with clients; reviewed email exchanges between assistant and Mr. and Mrs. Xavier re: meeting.	8/28/13	0.20
Attended Task Assignment Meeting.	8/28/13	0.20
Prepared draft opening statement power point; conferred with Mr. McLean re: same.	8/29/13	1.70
Prepared for meeting with clients / trial preparation; traveled to Tukwila, met with Mr. and Mrs. Xavier re: trial testimony / issues in case; returned to Seattle.	8/29/13	3.50
Reviewed email from opposing counsel's assistant with trial subpoenas; analyzed same.	8/29/13	0.30
Analyzed harm / damage issue; prepared a note to the file re: same.	8/29/13	0.50
Reviewed claim file, correspondence, and possible trial exhibits; prepared trial / ER 904 documents for Mr. McLean's review; conferred with him re: admissibility issues.	8/30/13	1.50
Reviewed all potential ER 904 Documents; revised and supplemented Plaintiffs' ER 904 submittal; conferred with assistants and Mr. McLean re: same; executed ER 904 submittal.	8/30/13	3.30
Met with Mr. Howson re: status of case.	8/31/13	0.20
Reviewed Allstate's Reply in Support of Motion for Summary Judgment (Damages); analyzed same; reviewed authorities cited in brief; prepared counter arguments for hearing.	9/3/13	2.30
Received and reviewed Allstate's Response to Plaintiffs' Motion to Strike Declaration of Ms. Nickels; analyzed the same; prepared arguments in opposition; reviewed cases cited.	9/3/13	2.00

*Travel
time
Billed*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Revised and supplemented Plaintiffs' Response to Allstate's Motion for Summary Judgment re: Damages.	9/3/13	0.70
<i>analyzed Activity.</i> Prepared and executed Errata statement re: misfiled ER 904 documents.	9/3/13	0.50
Revised and supplemented (4x) Plaintiffs' Reply re: Striking Paul Nickles' Declaration; conferred with assistant re: filing same.	9/4/13	2.40
Revised (2x) Reply in Support of Motion to Strike (Paul Nickles' Declaration).	9/4/13	1.40
Prepared and revised (2x) Watkins' Declaration in Support of Reply (Paul Nickles' Declaration).	9/4/13	1.00
Prepared Watkins' Declaration / Reply in Support of Motion to Strike portions of Nickles' Declaration.	9/4/13	0.40
Finalized and executed Reply in Support of Motion to Strike Mr. Nickles' Declaration.	9/4/13	0.40
Email exchange with Mr. McLean re: covering Motion for Summary Judgment; emailed assistant re: Motion materials.	9/5/13	0.20
Reviewed Motion materials; reviewed cases and authorities.	9/5/13	0.70
Reviewed Allstate's Response to Plaintiffs' Motion to Strike Nickles' Declaration; analyzed same.	9/5/13	0.70
Reviewed Order Denying Allstate's Motion for Summary Judgment re: Damages; analyzed same.	9/6/13	0.30
Reviewed Court's Order Denying Defendant's Motion to Continue.	9/6/13	0.10
Reviewed signed Order Denying Defendant's Motion for Summary Judgment re: Damages.	9/6/13	0.10
<i>Travel Time Block Billed</i> Prepared for argument (defendant's Motion for Summary Judgment - Damages); traveled to Court; attended oral argument and returned.	9/6/13	3.50
Reviewed and revised Plaintiffs' Exhibits and Witness List; reviewed, finalized and approved Plaintiffs' Exhibit and Witness List; conferred with assistant re: serving same.	9/9/13	1.90
Reviewed and finalized Confirmation of Trial Readiness; conferred with Mr. McLean re: same.	9/9/13	0.20

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed and analyzed Defendant's Witness and Exhibit List; conferred with Mr. McLean re: same.	9/10/13	0.80
Reviewed correspondence from Ms. Dinning re: striking Mr. Hight from Allstate's witness list; conferred with Mr. McLean re: same.	9/10/13	0.20
Conferred with Mr. Howson re: preparation of trial testimony.	9/11/13	1.00
Met with Mr. Howson for trial testimony preparation; discussed facts and issues in case.	9/12/13	1.50
Reviewed Defendant Allstate's ER 904 documents; revised, supplemented and executed Plaintiffs' Objections to same.	9/12/13	2.00
Reviewed and analyzed Allstate's Objections to Plaintiffs' ER 904 documents.	9/13/13	0.50
Reviewed Allstate's Offer of Judgment (Civil Rule 68); analyzed same; legal research re: possible acceptance.	9/13/13	1.00
Revised and finalized Plaintiffs' Proposed Jury Instructions; conferred with Mr. McLean re: same.	9/13/13	1.30
Prepared for meeting with clients; traveled to Maple Valley, met with clients regarding the Offer of Judgment / settlement options, discussed trial and analyzed possible recovery / damages; and returned.	9/15/13	3.70
Prepared draft of Notice of Acceptance of Offer of Judgment; revised same; legal research re: CR 68 Offers of Judgment.	9/17/13	1.70
Numerous telephone conferences and email exchanges with clients answering questions regarding the Offer of Judgment / options at trial; confirmed acceptance of Offer of Judgment; emailed assistant re: preparing Authorization of Disbursement	9/17/13	2.00
Prepared and revised (2x) Plaintiffs' Notice of Acceptance of Offer of Judgment.	9/17/13	0.50
Conferred with Mr. McLean and Mr. Hanson re: acceptance of Offer; reviewed and executed Notice of Acceptance of Offer of Judgment.	9/19/13	0.50
Finalized and executed Acceptance of Offer of Judgment; conferred with assistant re: serving and filing same.	9/19/13	0.20
		356.20

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

5/2/12 to 9/25/13 - for owner Sonia Chakalo

name + details	completed	time
Reviewed Insurance Commissioner's Certificate of Service	5/7/12	0.10
Attended task assignment meeting.	5/7/12	0.20
Reviewed (Corrected) Insurance Commissioner's Certificate of Service.	5/9/12	0.10
Reviewed Notice of Appearance for Allstate.	5/10/12	0.10
Reviewed Declaration of Service (Allstate).	5/14/12	0.10
Reviewed Declaration of Service (Restorx).	5/16/12	0.10
Reviewed Notice of Appearance for Restorx.	5/18/12	0.20
Attended task assignment meeting.	5/18/12	0.20
Reviewed Restorx's Objection to Plaintiffs 1st Requests for Admission.	5/18/12	0.20
Drafted Demand for Jury Trial	5/29/12	0.30
Reviewed email from U.S. District court re: Judge Jones added.	5/30/12	0.10
Reviewed email from court re: Civil Cover Sheet.	5/30/12	0.10
Reviewed email from U.S. District Court re Filing Corporate Disclosure Statement.	5/30/12	0.10
Reviewed email from U.S. District Court re: Parties Missing on Docket.	5/30/12	0.10
Reviewed email from U.S. District court re: Lack of Proper Signature.	5/30/12	0.10
Reviewed Judge Assignment Letter.	5/30/12	0.20
Conferred with Mr. Watkins re: Motion to Remand. Reviewed file and Drafted Motion to Remand.	6/4/12	1.90
Attended task assignment meeting.	6/5/12	0.20
Reviewed Disclosure Statement	6/6/12	0.20
Emailed Bud Dyer re his fees.	6/7/12	0.10
Reviewed Allstate Property Loss Worksheet.	6/7/12	0.20

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed checks from Allstate.	6/7/12	0.40
Attended task assignment meeting.	6/11/12	0.20
Reviewed Notice of Appearance	6/13/12	0.20
Attended Task Assignment meeting.	6/18/12	0.20
Reviewed Minute Order re: Initial Disclosure, Joint Status Report and Early Settlement.	6/19/12	0.20
Attended task assignment meeting.	6/25/12	0.20
Attended Task Assignment meeting.	7/2/12	0.20
Reviewed Def's Response and Opposition to Pl's Motion for Remand	7/9/12	0.20
Reviewed Supplemental Response re: Consent by Def Restorx	7/9/12	0.20
Attended Task Assignment meeting.	7/9/12	0.20
Reviewed Pl's Reply in Support of Motion for Remand.	7/13/12	0.20
Attended Task Assignment meeting.	7/17/12	0.20
Attended task assignment meeting.	7/23/12	0.20
Edited Joint Status Report.	7/24/12	0.20
Conferred with Mr. Watkins re: Joint Status Report. Made edits to the same; Conferred with Mr. Cunningham.	7/24/12	0.50
Edited Plaintiffs Initial Disclosures document.	7/25/12	0.30
Reviewed Def Allstate's Initial Disclosures	7/26/12	0.20
Reviewed Minute Order Setting Trial Date and Related Dates	7/26/12	0.20
Reviewed Def Speidel's Disclosure Statement	7/27/12	0.10
Reviewed Def Speidel's Initial Disclosures	7/27/12	0.20
Attended Task Assignment meeting.	7/31/12	0.20
Attended Task Assignment meeting.	8/6/12	0.20
Reviewed email from Nick Xavier re additional living expenses	8/8/12	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed email from Bud Dyer re additional living expenses	8/8/12	0.10
Reviewed email from Joel Hanson re current hours for Xavier	8/8/12	0.10
Reviewed email from Nick Xavier re non reimbursed lists and expenses	8/13/12	0.10
Revised settlement demand letter.	8/15/12	0.70
Reviewed Allstate's Answer to Complaint	8/20/12	0.20
Attended Task Assignment meeting.	8/27/12	0.20
Reviewed Order Granting Pl's Motion to Remand	8/29/12	0.20
Reviewed email from Michael Watkins re version 9 of settlement letter	8/29/12	0.10
Reviewed letter to Mr. Wathen	8/31/12	0.10
Attended Task Assignment meeting.	9/10/12	0.20
Reviewed letter from Ms. Dinning re: Xavier v Allstate Property Casualty Insurance Company / records deposition; conferred with Mr. Watkins re: same.	9/24/12	0.20
Reviewed email / letter from Jennifer P. Dinning re: two week extension for interrogatories and requests for production.	9/28/12	0.10
Attended Task Assignment meeting.	10/1/12	0.20
Reviewed email from Michael Watkins re two week extension for interrogatories and requests for production.	10/5/12	0.10
Reviewed email from Michael Watkins re: copies.	10/5/12	0.10
Emailed Michael Watkins re: claims file.	10/5/12	0.10
Reviewed email from Jennifer P. Dinning re: discovery responses.	10/5/12	0.10
Reviewed email from Michael Watkins re: claims file.	10/6/12	0.10
Reviewed email from Michael Watkins re: responses to discovery.	10/6/12	0.10
Reviewed Privilege Log.	10/9/12	0.20
Reviewed Responses to Pl's First Rogs and RFP to Def Allstate.	10/9/12	0.20

for Review of Court Correspondence only!

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Drafted Confirmation of Joinder.	10/10/12	0.30
Reviewed Def Restorx's First Rgs and RFP's.	10/11/12	0.20
Reviewed Def Restorx's Request for Statement of Damages.	10/11/12	0.30
Reviewed Def Speidel's Answer to Pl's Complaint.	10/11/12	0.20
Reviewed email from Marie Whalen re answer to plaintiffs' complaint.	10/11/12	0.10
Sent Confirmation of Joinder attachment to Mr. Wathen and Mr. Nedderman for their review and approval.	10/11/12	0.10
Sent letter to Counsel re: Confirmation Joinder.	10/11/12	0.10
Reviewed email from Natasha Johnston re Confirmation of Joinder	10/15/12	0.10
Sent email to Counsel re: Records Deposition of Halo Construction Cancellation.	10/17/12	0.10
Reviewed email from Jennifer P. Dinning re: Halo Construction records.	10/17/12	0.10
Sent email to Counsel re: records.	10/17/12	0.10
Attended Task Assignment meeting.	10/22/12	0.20
Revised Pl's second RFP's.	10/22/12	0.40
Reviewed Amended Notice of Deposition and Subpoena to Halo Construction.	10/22/12	0.20
Reviewed email from George McLean re: Response to Restorx' Request for Statement of Damages.	10/23/12	0.10
Reviewed email from Michael Watkins re: Response to Request for Statement of Damages.	10/23/12	0.10
Reviewed email from George Mclean re: Response to Request for Statement of Damages.	10/23/12	0.10
Reviewed email from Michael Watkins sent to Natasha Johnston re: word document for discovery requests to defendants.	10/24/12	0.10
Attended Task Assignment meeting.	10/29/12	0.20

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Prepared draft of Plaintiffs' Answers to Defendant Restorx's 1st Interrogatories and Requests for Production.	11/5/12	0.60
Sent email to Thomas B. Nedderman re: cancellation of Records Deposition of Halo.	11/8/12	0.10
Reviewed email from Natasha Johnston re: discovery responses.	11/16/12	0.10
Reviewed email from Kevin Myhre re draft of reponses to Restorx's ROGs and RFPs	11/19/12	0.10
Reviewed email from George Mclean re: draft of Responses to Restorx's ROGs and RFPs.	11/19/12	0.10
Reviewed email from Kevin Myhre re: updated responses to discovery requests.	11/21/12	0.10
Reviewed email from Michael Watkins re version 5 of the responses.	11/21/12	0.10
Reviewed email from George Mclean re: version 6 of discovery responses.	11/21/12	0.10
Reviewed email from Kevin sent to the Xaviers re: responses.	11/21/12	0.10
Reviewed email from Kevin Myhre sent to Ms. Evans re: discovery responses.	11/21/12	0.10
Reviewed email from Kevin Myhre re: Allstate's objection to Plaintiffs' 2nd Request for Production.	11/21/12	0.10
Reviewed email from George Mclean re: Allstate objection to Plaintiffs' and Request for Production.	11/21/12	0.10
Reviewed email from Nick Xavier re: discovery requests from Restorx.	11/21/12	0.10
Reviewed email from Michael Watkins re: CR 26(i) conference.	11/21/12	0.10
Reviewed email from Michael Watkins re: discovery requests from Restorx.	11/21/12	0.10
Reviewed email from Michael Watkins re: objection from Allstate to request for personnel files.	11/21/12	0.10
Reviewed email from George Mclean re: draft of motion to compel.	11/23/12	0.10
Reviewed email from Michael Watkins re: draft/finalize motion to compel.	11/23/12	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed email from George McLean re: proper objection from Allstate to request for personnel files.	11/23/12	0.10
Reviewed Notice of Unavailability for MTW.	11/26/12	0.10
Reviewed email from George McLean re: version 2 motion to compel.	11/26/12	0.10
Reviewed email from William Cunningham re: version 3 of Motion to Compel.	11/26/12	0.10
Reviewed email from William Cunningham re: service of 2nd RFP's.	11/26/12	0.10
Reviewed email from George McLean re: version 4 of Motion to Compel.	11/27/12	0.10
Reviewed email from Michael Watkins re: Mr. Xavier's voice message.	12/17/12	0.10
Reviewed email from George Mclean re: Mr. Xavier's message re: status of case.	12/18/12	0.10
Sent email to Bud Dyer re: Non-Restorable Items and Non-Reimburse Expenses.	12/19/12	0.10
Reviewed email from Michael Watkins re: file review.	12/19/12	0.10
Reviewed email from Nick Xavier re: contents an ALE reimbursement.	12/19/12	0.10
Reviewed email from Gary Williams re: meeting.	12/21/12	0.10
Reviewed email from Mr. Williams re: confirming meeting time and place.	12/26/12	0.10
Attended task assignment meeting.	12/31/12	0.20
Reviewed email from Joel Hanson re: ALE claim.	1/8/13	0.10
Reviewed email from Gary Williams re: current invoice.	1/18/13	0.10
Reviewed email from Michael Watkins re: bill and invoice.	1/19/13	0.10
Attended Task Assignment meeting.	1/23/13	0.20
Reviewed email from Michael Watkins re: Motion for Revised Case Schedule.	2/3/13	0.10

*or review
of own
Notice
only?*

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MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Attended Task Assignment meeting.	2/13/13	0.20
Reviewed email and attachment of invoice from Superior Cleaning and Restoration.	2/14/13	0.10
Sent email to Sarah Franko re: invoice.	2/15/13	0.10
Attended Task Assignment meeting.	2/20/13	0.20
Attended Task Assignment meeting.	4/1/13	0.10
Attended Task Assignment meeting.	4/8/13	0.20
Reviewed email from William Cunningham re: latest version of motion.	4/9/13	0.10
Email exchange with Teri Bush re: Judge Hayden's availability.	4/10/13	0.20
Reviewed email from Oscar Ramos re: summary judgment hearing.	4/25/13	0.10
Sent email to Oscar Ramos re: depositions of Annette Keen and Ronald Miles.	4/25/13	0.10
Drafted Pl's Disclosure of Possible Primary Witnesses.	4/28/13	0.40
Reviewed Allstate's Disclosure of Possible Primary Witnesses.	4/29/13	0.20
Reviewed email from Michael Watkins re: Primary Witness Disclosures.	4/29/13	0.10
Emailed Pl's Disclosure of Primary Witnesses to opposing counsel.	4/29/13	0.10
Reviewed email from Simone Sellers re: Restorx' Disclosure of possible primary witnesses.	4/29/13	0.10
Reviewed email from William Cunningham re: Allstate's Privilege log.	5/1/13	0.10
Reviewed email from Kevin Myhre re: draft letter to counsel.	5/1/13	0.10
Reviewed email from Natasha Johnston re: depositions.	5/2/13	0.10
Drafted Notice of Deposition and Subpoena to Ronald Miles.	5/3/13	0.30
Drafted Notice of Deposition and Subpoena to Annette Keen.	5/3/13	0.30
Email exchange with Ntasha Johnston re: depositions.	5/3/13	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed email from Kevin Myhre re: clients' search for emails to and from Allstate.	5/3/13	0.10
Reviewed email from Natasha Johnston re: depositions.	5/6/13	0.10
Reviewed email from Michael Watkins re: letter to Restorx.	5/6/13	0.10
Reviewed email from Michael Watkins re: copies of all correspondence to and from Allstate.	5/8/13	0.10
Reviewed email from Kevin Myhre sent to the Xaviers re: copies of all correspondence.	5/8/13	0.10
Reviewed email from Michael Watkins re: v3 of RestorX discovery letter.	5/8/13	0.10
Reviewed email exchange between Mr. Watkins and Nick Xavier re: copies of all correspondence.	5/8/13	0.10
Reviewed and proofread latest version of Pl's MPSJ re: WAC Violations.	5/9/13	0.20
Reviewed email from Michael Watkins re: draft declaration of Mr. Xavier.	5/9/13	0.10
Reviewed Def Allstate's MSJ re: Contractual Claims.	5/10/13	0.20
Reviewed email from Teri Bush re: Records.	5/10/13	0.10
Reviewed email from Kevin Myhre sent to Nick Xavier re: final draft of declaration.	5/10/13	0.10
Reviewed email from Nick Xavier re: Declaration	5/10/13	0.10
Reviewed email from Natasha Johnston re: correspondence from Ms. Dinning.	5/10/13	0.10
Reviewed email from George McLean re: Allstate's MPSJ / Contractual Claims.	5/12/13	0.10
Reviewed Def Restorx' Joinder to Allstate's MSJ.	5/13/13	0.30
Reviewed email from Natasha Johnston re: pleadings filed.	5/13/13	0.10
Reviewed email from Natasha Johnston re: depositions.	5/13/13	0.10
Sent email to Natasha Johnston re: depositions.	5/13/13	0.10
Reviewed email from William Cunningham re: pleadings.	5/13/13	0.10

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Xavier, Angela

name + details	completed	time
Reviewed email from Michael Watkins re: motion for PSJ.	5/13/13	0.10
Email exchange with Kristina re: cancellations of two depositions.	5/14/13	0.10
Reviewed email from Bernie Williams re: serving as expert witness.	5/14/13	0.10
Reviewed email from Natasha Johnson re: deposition.	5/14/13	0.10
Drafted Pl's Supplemental Disclosure of Primary Witnesses.	5/15/13	0.40
Reviewed email from George McLean re: response to Restorx' MSJ.	5/15/13	0.10
Reviewed email from Michael Watkins re: response to Restorx' MSJ.	5/15/13	0.10
Reviewed email from William Cunningham re: response to Restorx' MSJ.	5/15/13	0.10
Reviewed email from Natasha Johnston re: correspondence from opposing counsel.	5/15/13	0.10
Reviewed email from Michael Watkins re: draft declaration	5/15/13	0.10
Reviewed email from George McLean re: draft declaration	5/16/13	0.10
Reviewed email from Michael Watkins re: Declaration.	5/16/13	0.10
Reviewed email from Michael Watkins re: Ms. Dimming's letter.	5/16/13	0.10
Reviewed email from George McLean re: Ms. Dimming's letter.	5/16/13	0.10
Reviewed email from Kevin Myhre re: Ms. Evans' Declaration.	5/16/13	0.10
Reviewed email from Bernie Williams re: mediation hearing.	5/16/13	0.10
Reviewed email from George McLean re: Ms. Evans' declaration.	5/17/13	0.10
Reviewed email from Michael Watkins re: Ms. Evans' declaration.	5/18/13	0.10
Reviewed Def Restorx's Response to Pl's first set of Rqs and RFP.	5/20/13	0.20
Drafted Amended Notice of Deposition and Subpoena to Annette Keen.	5/20/13	0.30

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Xavier, Angela

name + details	completed	time
Drafted Amended Notice of Deposition and Subpoena to Ronald Miles.	5/20/13	0.30
Reviewed email from Jennifer Dinning re: depositions.	5/20/13	0.10
Reviewed email from Michael Watkins re: Mr. Nedderman's letter.	5/20/13	0.10
Reviewed email from Michael Watkins re: depositions.	5/20/13	0.10
Reviewed email from Michael Watkins re Restatement of Contracts.	5/20/13	0.10
Reviewed email from Michael Watkins re: Discovery Responses.	5/21/13	0.10
Reviewed email from Michael Watkins re: file correspondence.	5/21/13	0.10
Reviewed email from Jennifer Dinning re: pending motion.	5/21/13	0.10
Reviewed email from Michael Watkins re: revised response.	5/21/13	0.10
Reviewed email from Michael Watkins re: settlement demand.	5/21/13	0.10
Attended task assignment meeting.	5/22/13	0.20
Reviewed email from Michael Watkins re: Ms. Evans declaration.	5/22/13	0.10
Reviewed email from Michael Watkins re: response to Allstate's motion for MSJ.	5/23/13	0.10
Reviewed email from George McLean re: Response to Allstate's Motion for MSJ.	5/23/13	0.10
Reviewed email from Michael Watkins re: declaration.	5/23/13	0.10
Reviewed email from William Cunningham re: additions to response.	5/23/13	0.10
Reviewed email from Gary Williams re: his declaration.	5/24/13	0.10
Reviewed email from Kevin Myhre re: Settlement letter.	5/24/13	0.10
Reviewed email from Gary Williams re: his declaration.	5/27/13	0.10
Reviewed Def Allstate's Response in Opposition to Pl's MPSJ and Cross MSJ.	5/28/13	0.30

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Xavier, Angela

name + details	completed	time
Reviewed email from Natasha Johnston re: pls motion for partial summary judgment.	5/28/13	0.10
Reviewed email from William Cunningham re: Cross Motion from Allstate.	5/28/13	0.10
Reviewed email from Michael Watkins re: Motion / Cross Motion.	5/28/13	0.10
Reviewed emails from Teri Bush re: new motion hearing date.	5/28/13	0.10
Reviewed Restorx's MSJ.	5/29/13	0.20
Reviewed email from George McLean re: breach of contract arguments.	5/29/13	0.10
Reviewed email from Bernie Williams re: ESX files.	5/29/13	0.10
Sent email to Bernie Williams re Heritage's ESX file.	5/29/13	0.10
Sent email to Michael Watkins re: depositions of Ronald Miles and Annette Keen.	5/30/13	0.10
Reviewed email from Michael Watkins re: Depositions.	5/30/13	0.10
Reviewed email from Gary Williams re: Cross Motion from Allstate.	5/30/13	0.10
Sent email to Michael Watkins re: motion for protective order.	5/31/13	0.10
Sent email to Michael Watkins re: filing motion.	5/31/13	0.10
Reviewed email from Michael Watkins re: depositions.	6/2/13	0.10
Reviewed Pl's Reply in Support of its MPSJ and Mtn to Strike Allstate's Cross MSJ.	6/3/13	0.20
Reviewed email from Michael Watkins re: latest version of the reply	6/3/13	0.10
Reviewed Def Allstate's Reply in Support of MPSJ.	6/3/13	0.20
Reviewed email from Natasha Johnston re: Defendant's re-note for MSJ.	6/3/13	0.10
Reviewed email from Natasha Johnston re: Def.'s reply to MSJ.	6/3/13	0.10
Reviewed email from George McLean re: edits to brief	6/3/13	0.10

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Xavier, Angela

name + details	completed	time
Reviewed Def Allstate's Mtn for Protective Order	6/4/13	0.20
Reviewed email from Natasha Johnston re: def. Motion for Protective Order re deposition of Allstate's employees; Reviewed the same.	6/4/13	0.30
Reviewed email from Michael Watkins re: response to Allstate's Mtn for Protective Order re deposition of Allstate employees	6/4/13	0.10
Attended task assignment meeting.	6/5/13	0.20
Reviewed Response to Mtn to Strike Allstate's Cross MSJ.	6/5/13	0.20
Reviewed email from George McLean re: response to Allstate's mtn.	6/5/13	0.10
Letter to Nedderman and Floyd re: Mtn for Summary Judgment.	6/5/13	0.10
Reviewed email from William Cunningham re: Cross Mtn.	6/5/13	0.10
Reviewed email from Thomas B. Nedderman re: depositions.	6/5/13	0.10
Reviewed email from Natasha Johnston re: Def. response.	6/5/13	0.10
Reviewed Def Allstate's Mtn for Protective Order re Personnel Files.	6/6/13	0.20
Reviewed email from Jennifer Dinning re: motion.	6/6/13	0.10
Reviewed email from Natasha Johnston re: Def.'s Mtn.	6/6/13	0.10
Reviewed email from Michael Watkins re: draft response.	6/6/13	0.10
Reviewed email from George McLean re: Xavier response.	6/6/13	0.10
Drafted PJ's Responses to Allstate's Mtn for Protective Order re: Personnel Files.	6/7/13	0.40
Reviewed email from Michael Watkins re: Restorx's mtn.	6/7/13	0.10
Reviewed email from Joel Hanson re: motion.	6/7/13	0.10
Reviewed email from Kevin Myhre re: updated motion.	6/7/13	0.10
Reviewed email from Michael Watkins re: additional edits to draft motion.	6/7/13	0.10
Reviewed email from George McLean re: Cross Motion.	6/8/13	0.10

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Xavier, Angela

name + details	completed	time
Reviewed email from George McLean re: MSJ Contractual claims.	6/9/13	0.10
Sent Pl's Response to Allstate's Mtn for Protective Order to opposing counsel	6/10/13	0.10
Reviewed email from George McLean re: Allstate's mtn.	6/10/13	0.10
Reviewed email from Ten Bush re: MSJ mtn.	6/10/13	0.10
Sent email to Danny Anderton re: ESX file.	6/10/13	0.10
Reviewed email from Kevin Godfrey re: ESX files.	6/10/13	0.10
Sent email to Jennifer Dimming re: Pl's Response to Def's Motion.	6/10/13	0.10
Reviewed email from Natasha Johnston re: re-file response in opp. of summary judgment and cross motion.	6/10/13	0.10
Drafted Jury Demand.	6/11/13	0.40
Reviewed Notice of Deposition to Pl Nicholas Xavier.	6/11/13	0.10
Reviewed Notice of Deposition to Pl Angela Xavier.	6/11/13	0.10
Reviewed Reply in Support of Def Allstate's Mtn for Protective Order.	6/11/13	0.20
Reviewed Def Allstate's Reply in Support of Mtn for Protective Order.	6/12/13	0.10
Reviewed Pl's Mtn to Strike Allstate's Cross MSJ.	6/12/13	0.20
Reviewed Stipulation and Order of Dismissal (RestorX).	6/13/13	0.10
Reviewed Response to Mtn to Strike Def Allstate's Cross MSJ.	6/14/13	0.20
Reviewed Order Denying Def Allstate's Mtn for Protective Order.	6/14/13	0.10
Drafted Second Amended Notice of Deposition to Ronald Miles.	6/17/13	0.30
Reviewed Notice for Hearing.	6/17/13	0.10
Drafted Second Amended Notice of Deposition and Subpoena to Annette Keen.	6/17/13	0.30
Drafted Third Amended Notice of Deposition and Subpoena to Annette Keen.	7/1/13	0.30

for review of own brief only?

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Xavier, Angela

name + details	completed	time
Drafted Third Amended Notice of Deposition and Subpoena to Ronald Miles.	7/1/13	0.30
Reviewed Stipulation and Order of Dismissal (RestorX).	7/18/13	0.10
Reviewed Def Allstate's Request for Inspection.	7/19/13	0.20
Reviewed Notice of Deposition of Susan Evans.	7/26/13	0.10
Conferred with Mr. Watkins re contacting client. Called Nick Xavier and left voice message.	9/9/13	0.10
		41.00

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

5/2/12 to 9/25/13 - for owner William Cunningham

name + details	completed	time
Reviewed email correspondence from Mr. Hanson re: contents payments to clients.	5/8/12	0.10
Reviewed Allstate's Notice of Appearance.	5/9/12	0.20
Reviewed Insurance Commissioner's Certificate of Service.	5/11/12	0.10
Reviewed Notice of Appearance and First RFA to Plaintiff from defendant Restorx.	5/17/12	0.30
Attended Task assignment meeting, discussed case status and tasks to be performed.	5/18/12	0.20
Reviewed e-mail from Mr. Watkins regarding status of repairs to home.	5/23/12	0.10
Reviewed Notice of Removal to Plaintiff.	5/29/12	0.30
Attended Task assignment meeting, discussed case status and tasks to be performed regarding remanding case to Superior Court.	5/30/12	0.20
Conferred with Ms. Chakalo re: Jury Demand reviewed same.	5/30/12	0.20
Legal research re: case citrd by defendant Allstate in Response to Requests for Admission.	5/31/12	0.40
Reviewed Defendant Allstate's Responses to Plaintiff's RFA. Analyzed same.	5/31/12	0.30
Attended Task assignment meeting, discussed case status and tasks to be performed regarding relevant pleadings and case schedule.	6/5/12	0.20
Reviewed Corporate Disclosure Statement filed by defendant Allstate.	6/6/12	0.20
Reviewed Settlement Demand letter.	6/9/12	0.30
Attended Task assignment meeting, discussed case status and tasks to be performed.	6/11/12	0.20
Conferred with Mr. McLean, reviewed file and relevant pleadings, and revised draft of Motion for Remand.	6/15/12	2.00
Attended Task assignment meeting, discussed case status and tasks to be performed.	6/18/12	0.20

*for reviewed
own correspondence
only?*

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MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed Court Order re: initial Disclosures, Joint Status Report and Early Settlement.	6/19/12	0.30
Conferred with Mr. Watkins re: Motion for Remand. Conducted legal research and made revisions to Motion to Remand. Submitted for same for review.	6/20/12	3.00
Reviewed email from Mr. Hanson re: version six of Motion for Remand, reviewed same.	6/21/12	0.30
Conferred with Mr. Watkins re: Declaration in support of Motion for Remand, drafted same.	6/21/12	0.60
Reviewed email from Mr. Watkins re: changes to his Declaration	6/23/12	0.10
Read email from Mr. Watkins re: changes to draft of Motion for Remand, modified Declaration to reflect same.	6/23/12	0.30
Attended Task assignment meeting, discussed case status with staff, tasks to be performed and case schedule.	6/25/12	0.20
Read email from Mr. Watkins re: final version of Motion to Remand, conferred with Ms. Cahakalo re same.	6/27/12	0.30
Reviewed email from Mr. Watkins re: drafting of settlement demand letter to Allstate.	7/1/12	0.10
Attended Task assignment meeting, discussed case status and tasks to be performed.	7/2/12	0.20
Revised draft of settlement demand letter.	7/6/12	0.50
Reviewed Defendant Allstate's Request for Statement of Damages.	7/9/12	0.30
Reviewed defendant's Response to Motion for Remand.	7/10/12	0.30
Conferred with Mr. Watkins re: Reply in Support of Motion for Remand, conducted Legal Research and drafted same.	7/11/12	5.00
Reviewed Defendant Restorx's Supplemental Declaration in Support of Allstate's Response to Plaintiff's Motion for Remand.	7/12/12	0.30
Reviewed email from Mr. Watkins re: preparation of draft Response to Statement of Damages	7/12/12	0.10
Called and spoke with Client re: Declaration for Reply in Support of Motion for Remand.	7/12/12	0.20

appears actual drafting of demand letter by attorney typing client

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MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Conferred with Mr. McLean, conducted legal research and revised draft of Plaintiff's Reply in Support of Motion for Remand.	7/12/12	0.00
Conferred with Mr. McLean re: Declaration of Xavier in support of Motion for Remand. Conferred with Ms. Chakalo re: contacting clients for signature of Declaration. Drafted Declaration.	7/12/12	0.50
Conferred with MTW re: my declaration in support of Reply. Studied file to confirm accuracy of said declaration and directed support staff to file and serve reply.	7/13/12	0.80
Conferred with Ms. Chakalo re: Declaration for Nicholas Xavier.	7/13/12	0.20
Conferred with Mr. McLean re: Reply in Support of Motion for Remand. Revised draft. Reviewed emails from Mr. Watkins re: same. Prepared draft Declaration for Mr. McLean. Revised draft of Motion to reflect changes in Declaration. Revised draft of Declaration of Mr. Xavier.	7/13/12	1.00
Attended Task assignment meeting, discussed case status and tasks to be performed.	7/17/12	0.20
Conferred with Mr. Watkins re: Request for Statement of Damages, revised draft of same.	7/17/12	0.30
Reviewed email correspondence from Mr. Watkins re: release of fund to contractor.	7/20/12	0.10
Reviewed Joint Status Report.	7/20/12	0.30
Conferred with Ms. Chakalo re: initial Disclosures to be filed.	7/20/12	0.10
Conferred with Mr. Myhra re Joint Status Report, revised draft of same.	7/24/12	0.30
Reviewed defendant Allstate's Initial Disclosures.	7/26/12	0.30
Attended task assignment meeting and discussed case, upcoming deadlines, relevant pleadings and litigation strategy going forward	7/31/12	0.20
Attended task assignment meeting.	8/6/12	0.20
Attended task assignment meeting.	8/15/12	0.20
Reviewed Answer and affirmative defenses to Complaint.	8/20/12	0.30
Attended staff task assignment meeting and discussed tasks to be performed.	8/27/12	0.10

*reviewed
= own
comment
only?*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed Order remanding case to King County Superior Court.	8/29/12	0.30
Conferred with Mr. Watkins and Mr. Myhre re: Discovery Requests to Defendants revised draft of same.	8/29/12	0.50
Attended task assignment meeting, discussed case and upcoming tasks to be performed.	9/10/12	0.20
Reviewed Allstate response to IFCA claim filed with Insurance Commissioner.	9/13/12	0.30
Conferred with Mr. Watkins and Mr. Mclean regarding discovery, records depositions and subpoenas to contractors	9/18/12	0.30
Attended case assignment and discussed future management of case.	10/1/12	0.10
Conferred with Mr. Watkins re: MSJ for violations of WAC 284 30 330(2) reviewed file for pertinent communications requests and prepared facts timeline for Brief.	10/1/12	4.00
Reviewed email from Mr. Watkins re: pertinent communications.	10/2/12	0.10
Reviewed email from OC re: extension for discovery responses. Conferred with Ms. Chakalo and Mr. Myhre re same.	10/5/12	0.20
Conferred with Ms. Chakalo re: receipt of Discovery responses and claims file from OC.	10/5/12	0.20
Reviewed Defendant's Interrogatories and Requests for Production.	10/11/12	0.50
Reviewed Confirmation of Joinder.	10/15/12	0.20
Reviewed claims file; organized and analyzed same.	10/15/12	2.00
Reviewed email from Mr. Watkins to Wathen re: withdrawal of settlement offer	10/17/12	0.10
Conferred with Ms. Chakalo re: Records Deposition of Halo Construction.	10/17/12	0.10
Attended staff litigation meeting and discussed tasks to be performed in case	10/22/12	0.10
Reviewed Claims file for correspondence; placed documents in chronological order; reviewed for possible WAC violations. Reported findings to Mr. Watkins and Mr. McLean.	10/23/12	2.00

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Revised draft of Plaintiff's Second Request for Admission to Defendant Allstate.	10/23/12	0.30
Attended task assignment meeting.	10/29/12	0.20
Reviewed defendant Allstate's Responses to Plaintiff's Second Requests for Production.	11/16/12	0.30
Conferred with Mr. Myhre re: Allstate discovery responses and strategy moving forward.	11/21/12	0.20
Reviewed email from Mr. McLean re: Motion to Compel Production of Personnel Files. Reviewed Case law from Mr. Watkins re: failure of Allstate to obtain Protective Order.	11/23/12	0.30
Revised draft of Motion to Compel. Emailed same to Mr. McLean.	11/26/12	0.50
Emailed Mr. McLean re: Discovery responses from Allstate.	11/26/12	0.10
Reviewed emails from Mr. McLean and revised draft of Motion to Compel.	11/27/12	0.30
Conferred with Ms. Chakalo re: message from client regarding status of claim payment.	12/17/12	0.10
Reviewed emails from Mr. Watkins and Mr. Williams re: Expert Report.	12/19/12	0.10
Reviewed email from Ms. Chakalo to public adjuster re: non restorable items.	12/19/12	0.10
Reviewed email from Mr. Dyer re ALE reimbursement to clients.	12/20/12	0.10
Reviewed email from Mr. Williams re: Authority for granting summary judgment to non-moving party.	1/5/13	0.10
Read email from Heritage Restoration and reviewed estimate of repair.	1/19/13	0.30
Reviewed email from Bailiff regarding defendant's motion regarding case schedule, reviewed case schedule, verified.	1/23/13	0.30
Reviewed Defendant's Motion for Revised Case Schedule.	2/4/13	0.30
Reviewed email from Mr. Watkins re: payment to Coit Services.	2/12/13	0.10
Conferred with Mr. Myre re Interrogatories to defendant Restorx.	3/27/13	0.20
Reviewed file and drafted Notice of Deposition 30(b)(6) for defendant Restorx.	3/27/13	0.50

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed claims file, conferred with Mr. McLean, revised draft of Plaintiffs' Motion for Summary Judgment re: WAC violations v19. Emailed same to Mr. McLean.	4/9/13	1.50
Conferred with Ms. Chakalo re: MSJ hearing date.	4/11/13	0.20
Reviewed email from Mr. Watkins / researched Jury Verdicts against Allstate.	4/25/13	2.50
Reviewed email from Ms. Johnston re: Allstate's MSJ on Contractual Claims.	4/25/13	0.10
Conferred with Ms. Chakalo re: Motion for Summary Judgment hearing dates.	4/25/13	0.10
Reviewed Defendant Restorx Disclosure of Possible Primary Witnesses.	4/29/13	0.30
Reviewed Allstate's Disclosure of Possible Primary Witnesses.	4/29/13	0.30
Drafted Cedell Letter to OC. Researched recent Court Orders regarding in camera review of documents. Reviewed Defendant's Privilege log. Reported findings to Mr. Watkins.	5/1/13	1.50
Conferred with Mr. Myhre re: overdue discovery responses.	5/1/13	0.10
Read email from, and conferred with Mr. Myhre re: Supplemental Discovery from clients.	5/3/13	0.10
Conferred with Mr. Myhre re: overdue discovery responses from Restorx.	5/6/13	0.10
Reviewed email correspondence from Halo construction forwarded by client.	5/9/13	0.50
Reviewed Allstate's Motion for Summary Judgment re: Contractual Claims.	5/10/13	2.00
Reviewed letter from OC re: scheduling of depositions of Ronald Miles and Annette Keen.	5/10/13	0.30
Reviewed Declaration of Jennifer Dinning in Support of Defendant's Motion for Summary Judgment.	5/10/13	0.30
Reviewed email from Mr. McLean re: response to Allstate's Motion for Summary Judgment.	5/12/13	0.10
Conferred with Ms. Chakalo re: depositions of Miles and Keen.	5/13/13	0.10

very large amount of time

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Read and responded to email from Mr. Watkins re: service of Cross-Motions on Defendants.	5/13/13	0.10
Reviewed Defendants Joinder to Allstate's Motion for Summary Judgment, conferred with Ms. Chakalo, conducted legal research, conferred with Mr. Hanson and prepared Motion to Strike.	5/14/13	2.00
Read email from Mr. Melean re: Response to Defendants' Motions for Summary Judgment	5/15/13	0.20
Researched service date of Restorx Motion for Summary Judgment, emailed findings to Mr. Watkins and Mr. MeLenn.	5/15/13	0.30
Reviewed letter from Allstate objecting to depositions of Miles and Keen.	5/15/13	0.20
Researched Washington Pattern Jury Instructions re: breach of contract, emailed findings to Mr. Melean and Mr. Watkins.	5/16/13	0.10
Reviewed email from Mr. Melean re: Declaration of Susan Evans.	5/16/13	0.10
Emailed Mr. Williams Allstate's Motion for Summary Judgment and requested he draft a Declaration in Support of Plaintiffs' Response.	5/17/13	0.20
Travelled to King County Superior Court Law Library, conducted legal research re: Breach of Contract (Consequential Damages) returned to office.	5/22/13	3.00
Conducted legal research (Reviewed Restatement of Contracts (Second)) and revised draft of Plaintiffs' Response to Defendant's Motion for Summary Judgment re: Breach of Contract.	5/23/13	5.00
Conferred with Mr. Watkins re: Response to Defendant's Motion for Protective Order, Revised draft of same.	6/10/13	2.00
Revised draft of Plaintiffs' Motion to Strike Defendant Restorx's Motion for Summary Judgment.	6/10/13	2.00
Drafted Stipulated Motion to Extend Discovery Date for defendant Restorx.	6/20/13	0.30
Reviewed Restorx's Motion for Summary Judgment, researched cases cited by defendant and drafted Response.	6/20/13	3.00
Drafted Plaintiffs' Proposed Jury Instructions. Researched new Washington State Pattern Jury Instructions for Bad Faith, Violations of the CPA, etc. Revised Jury Instructions.	6/27/13	2.00

Travelled back billed with research

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

*bit paralegal
activity
of questionable
value*

name + details	completed	time
Travelled to court house, set up audio visual equipment, attended motion hearing, tore down equipment and returned to office.	6/28/13	3.50
Revised draft of Plaintiffs' Response to Defendant Restorx' Motion for Summary Judgment.	6/28/13	1.00
Revised Declaration of Nicholas Xavier in Support of Plaintiffs' Response to Defendant Restorx' Motion for Summary Judgment.	6/28/13	0.50
Revised draft of Plaintiffs' Response to Defendant Restorx' Motion for Summary Judgment, revised Declarations of Nicholas and Angela Xavier.	7/1/13	2.00
Reviewed Draft of Order Granting Plaintiffs' Motion for Summary Judgment re: violations of the WAC.	7/1/13	0.20
Revised draft of Plaintiffs' Proposed Jury Instructions.	7/2/13	2.00
Conferred with Ms. Chakalo re: Third Amended Notice of Deposition for Ronald Miles and Annette Keen.	7/2/13	0.20
Conferred with Mr. McLean re: litigation strategy going forward for untimely discovery requests from defendant Allstate.	7/24/13	0.10
Reviewed Notice of Deposition to Susan Evans.	7/26/13	0.20
Conferred with Mr. Watkins, called Mr. Anderton re: permit for Xavier residence.	8/1/13	0.20
Reviewed letter from opposing counsel re: Discovery Conference.	8/1/13	0.10
Conferred with Mr. Myhre re: ER904 and tasks to be performed.	8/1/13	0.20
Reviewed relevant pleadings and drafted Plaintiffs' Motions in Limine.	8/1/13	1.00
Attended Staff litigation meeting re: ER 904 and upcoming tasks to be performed.	8/2/13	0.50
Revised draft of Plaintiff's Motions in Limine.	8/2/13	0.50
Reviewed deposition transcript of Nicholas Xavier.	8/9/13	3.50
Reviewed deposition transcript of Angela Xavier.	8/12/13	2.50

*very large
time entries
and no
connected
work*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed Defendant's Motion for Continuance, reviewed claims file and relevant correspondence, reviewed estimates from Heritage Restoration, researched Civil Rules relevant to defendant's motion, researched case law, conferred with Mr. Watkins and Mr. McLean, and revised draft of Plaintiffs' Response.	8/20/13	6.00
Reviewed deposition transcript of Annette Keen.	9/5/13	3.00
Reviewed deposition transcript of Susan Evans.	9/5/13	2.50
		107.80

very large time entries. No apparently connected work

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

5/2/12 to 9/25/13 - for owner Kevin Myhre

name + details	completed	time
Conferred with supervising attorney; researched State Court Rules for discovery.	5/7/12	0.20
Attended Task Assignment Meeting. Discussed case with attorneys.	5/7/12	0.20
Reviewed e-mail from Mr. Watkins; Reviewed letter for Restorx' counsel with attached NOA and objections to plaintiffs' RFAs.	5/18/12	0.10
Attended task assignment meeting	5/18/12	0.20
Reviewed e-mail from Mr. Watkins and message from client Nick Xavier with status update on repairs to home.	5/23/12	0.10
Attended task assignment meeting.	5/30/12	0.20
Reviewed series of document related to Allstate's Removal of case to Federal Court.	5/30/12	0.10
Read e-mail from Mr. Watkins with attached RFA responses from Allstate re: thoughts on the same.	6/1/12	0.10
Read e-mail exchange between attorneys re: thoughts on motion to remand, diversity jurisdiction and fraudulent joinder.	6/4/12	0.10
Attended Task Assignment Meeting.	6/5/12	0.20
Attended task assignment meeting.	6/11/12	0.20
Reviewed Notice of appearance of Restorx counsel Thomas Nedderman.	6/14/12	0.10
Attended Task Assignment meeting.	6/18/12	0.20
Read e-mails from Mr. Watkins re: Motion for Remand, Declaration in support of the same and edits to make for both.	6/24/12	0.10
Attended Task Assignment Meeting.	6/25/12	0.20
Read e-mail from Mr. Watkins re: Motion for Remand and his Declaration and tasks to be performed before filing with the Court. Reviewed Plaintiffs' Motion for Remand.	6/28/12	0.20
Read series of e-mails between attorneys re: early settlement demand letter and thoughts on the same.	7/2/12	0.10
Attended Task Assignment meeting.	7/2/12	0.20

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed Allstate's Response to Plaintiff's Motion for Remand.	7/9/12	0.10
Read e-mail from Mr. Watkins re: preparing Reply to Allstate's Response to Plaintiffs' Motion to Remand and thoughts and tasks to perform re: the same.	7/11/12	0.10
Read long series of interoffice communication between attorneys and staff re: Motion for Remand, Declaration of Nicholas Xavier and thoughts/tasks re: the same.	7/12/12	0.10
Read series of interoffice communication re: Nick Xavier's Declaration in Support of Plaintiffs' Reply to their Motion to Remand.	7/13/12	0.10
Reviewed Plaintiff's Reply in Support of Motion to Remand	7/13/12	0.10
Attended Task Assignment meeting; Discussed case and tasked to be completed.	7/17/12	0.20
Read e-mail string between Mr. Watkins/our office and Nick Xavier including thoughts from Mr. Watkins re: funds to pay Heritage.	7/19/12	0.10
Read e-mail exchange between Mr. Watkins and clients re: insurance funds and thoughts re: the same.	7/20/12	0.10
Conferred with Mr. Watkins re: plaintiffs' Initial Disclosures; finalized the same.	7/26/12	0.40
Reviewed Initial Disclosures filed by all parties.	7/30/12	0.10
Attended Task Assignment meeting.	7/31/12	0.20
Attended Task Assignment meeting; discussed case.	8/6/12	0.20
Conferred with Mr. Watkins re: Motion for Partial Summary Judgment against defendant Allstate; Prepared initial draft of the same.	8/9/12	0.50
Attended Task Assignment meeting; Discussed tasks to be performed.	8/15/12	0.20
Read e-mail exchange between Mr. Watkins and client re: status update of home repair and funds.	8/20/12	0.10
Reviewed Answer by Allstate to plaintiffs' Complaint.	8/20/12	0.10
Attended Task Assignment meeting; Discussed future tasks to be performed in the case.	8/27/12	0.20

*for review
of own
writing
only*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Reviewed series of incoming documents from Federal Court re: remanding of case back to Superior Court.	8/29/12	0.10
Conferred with Mr. Watkins and Mr. Cunningham re: preparing Plaintiff's First Interrogatories and Requests for Production to Defendant Allstate; Prepared draft of the same;	8/29/12	1.10
Reviewed Order Setting Civil Case Schedule.	8/31/12	0.10
Attended Task Assignment meeting; Discussed case and future tasks to be performed.	9/10/12	0.20
Read e-mail from Mr. Watkins with attached letter from Allstate to Ms. Tribe of the Office of the Insurance Commissioner re: Allstate's position on the Xaviers' claims against it.	9/13/12	0.10
Reviewed Notice from District Court re: remanding case. Read notice from Superior Court re: Judge assignment and trial date.	9/13/12	0.10
Reviewed Notice of Records Deposition to Halo Construction.	9/24/12	0.10
Conferred with Mr. Cunningham re discovery	9/25/12	0.10
Conferred with Mr. Watkins re: status of Motion for Partial Summary Judgment re: WAC violations against Allstate and thoughts re the same.	9/28/12	0.30
Reviewed case/client files; Updated draft of plaintiffs Motion for Partial Summary Judgment re: WAC violations against Allstate	9/28/12	2.30
Attended Task Assignment meeting; Discussed future management of the case.	10/1/12	0.20
Read series of e-mails between Mr. Watkins, Ms. Chakalo and OC for Allstate re: discovery status update and production of files.	10/8/12	0.10
Reviewed Answer to Complaint from Restrox.	10/11/12	0.10
Reviewed Confirmation of Joinder.	10/15/12	0.10
Read e-mail from Mr. Watkins to OC for Allstate re: withdrawing settlement demand offer.	10/17/12	0.10
Prepared Plaintiffs' 2nd Request for Production to Defendant Allstate.	10/18/12	0.80
Reviewed Amended Notice of Records Deposition to Halo Construction.	10/19/12	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Attended task assignment meeting; discussed management of the case and tasks to be performed.	10/22/12	0.20
Attended task assignment meeting; Discussed pending discovery responses and tasks to be performed.	10/29/12	0.20
Conferred with Mr. Watkins re: retaining expert witness; Reviewed and Compiled files from Allstate's Claims File and our correspondence file for experts review.	11/5/12	1.50
Reviewed clients' files; Updated draft of Plaintiffs' response to Restorx' discovery requests.	11/8/12	1.60
Reviewed and Updated Plaintiffs Answers and Responses to Defendant Restorx's Interrogatories and Requests for Production.	11/14/12	0.60
Updated plaintiffs' responses to Defendant Restorx's Interrogatories and Requests for Production.	11/15/12	0.70
Reviewed client's files; Updated draft of Plaintiff's answers and responses to Defendant Restorx' Discovery Requests.	11/16/12	1.20
Prepared draft of Plaintiffs' First Interrogatories and Requests for Production to Defendant Restorx.	11/16/12	1.30
Prepared draft of Plaintiffs' 3rd Requests for Production to Defendant Allstate. Submitted to Mr. Watkins for review	11/16/12	1.00
Sent e-mail to attorneys re: Plaintiff's Responses to Restorx's ROGs and RFPs; Read Mr. McLean's e-mail response re: the same.	11/19/12	0.10
Sent email to Mr. Watkins and Mr. McLean re: Discovery Responses to Restorx; Read e-mail from Mr. Watkins and Mr. McLean re: the same; Updated draft of Discovery responses; Sent e-mails to clients and expert witness Ms. Evans with attached draft of responses for their review.	11/21/12	2.40
E-mailed Mr. Watkins re: Allstate's objections to Plaintiff's 2nd RFPs and his thoughts on what to do next.	11/21/12	0.10
Spoke with client re: answers to Restorx's Discovery Requests.	11/21/12	0.20
Read e-mail from Mr. Watkins with case strategy re: discovery responses received from Allstate and tasks to be performed.	11/21/12	0.10
Read e-mail from Mr. Watkins with case law and thoughts re: Allstate's objections to plaintiff's 2nd RFPs; Conferred with Mr. Cunningham re the same.	11/21/12	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Read e-mail exchanges between attorneys re: case strategy and tasks to be performed.	11/23/12	0.10
Read letter from opposing counsel re: request for CR 26(i) discovery conference; Telephoned opposing counsel to reschedule conference.	11/26/12	0.20
Prepared exhibits; Finalized discovery Responses to Restorix. Prepared for delivery.	11/26/12	1.20
Prepared Notice of Unavailability for Mr. Watkins.	11/26/12	0.30
Attended task assignment meeting; Discussed future management of the case.	12/31/12	0.20
Attended Task Assignment Meeting; Discussed status of our Motion for Summary Judgment and tasks to be performed in the case.	1/23/13	0.20
Read e-mail forwarded by Mr. Watkins from Court re: Motion for Revised Case Schedule.	2/4/13	0.10
Reviewed Defendant Allstate's Motion for Revised Case Schedule.	2/4/13	0.10
Attended Task Assignment meeting; Discussed case and tasks to be performed in the future including status of Plaintiff's Motion for Partial Summary Judgment.	2/4/13	0.20
Attended Task Assignment Meeting. Discussed status of the case and motions to prepare.	2/13/13	0.20
Attended Task Assignment meeting; Discussed future tasks to be performed.	2/20/13	0.20
Reviewed pertinent communications, emails and letters; Edited and updated draft of Plaintiff's Motion for Partial Summary Judgment re: WAC violations.	2/21/13	2.30
Reviewed the WAC insurance claims regulations for additional violations re case facts; Updated draft of Plaintiffs' Motion for Partial Summary Judgment to reflect the same;	2/22/13	1.70
Reviewed files; prepared timeline of Allstate's offers, payments, vs. appraisal award.	3/8/13	0.60
Reviewed files for communications relating to possible WAC violations; took notes re: the same.	3/11/13	1.60
Began review of Allstate's Claims File; took notes re: the same.	3/13/13	1.70

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Continued claims file review; took notes on payment dates and investigation dates re: WAC violations.	3/22/13	0.70
Conferred with Mr. Watkins; Updated draft of Plaintiff's First Interrogatories and Requests for Production to Defendant Restorx. E-mail Mr. Watkins re: the same. Conferred with Mr. Cunningham re the same.	3/27/13	0.80
Read e-mail from Mr. Watkins and attached legal briefing re: Insurance claims handling during litigation.	4/1/13	0.10
Attended Task Assignment Meeting; Discussed status of the case and future case handling.	4/1/13	0.20
Conferred with Mr. Watkins re: communications WAC violations by Allstate; Reviewed claims file, correspondence and e-mails between parties; Prepared memo re: the same.	4/1/13	2.40
Conferred with Mr. Watkins re: communications WAC violations; Updated draft of memo.	4/3/13	1.10
Updated draft of Plaintiffs' Motion for Summary Judgment to reflect specific communications violations by Allstate. E-mailed Mr. Watkins re: the same.	4/4/13	1.20
Attended Task Assignment Meeting; Discussed future handling of the case.	4/8/13	0.20
Proof read and edited latest draft of Plaintiff's MSJ.	4/10/13	0.30
Read e-mail from Mr. Watkins re: research of jury verdicts against Allstate	4/25/13	0.10
Reviewed Disclosure of Primary Witnesses of all 3 parties.	4/30/13	0.20
Conferred with Mr. Watkins at task assignment meeting re: Restorx's late discovery responses; Prepared letter to Restorx re: the same.	5/1/13	0.60
Conferred with Mr. Cunningham; Sent e-mail to Mr. Watkins re: draft letter to Restorx and discovery conference.	5/1/13	0.10
Called Angela Xavier; Spoke to client re: additional discovery documents and correspondence; E-mailed Mr. Watkins re: the same.	5/3/13	0.20
Reviewed Notices of Deposition to Mr. Miles and Ms. Keen.	5/6/13	0.10
Sent Mr. Watkins an e-mail re: Restorx's late discovery responses.	5/6/13	0.10

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Read Mr. Watkins response to my e-mail re: Restorx' late discovery responses which included tasks to be performed.	5/7/13	0.10
Sent followup e-mail to clients re: phone conversation last week and requesting additional documents.	5/8/13	0.10
Read e-mail from Mr. Watkins re: documents in support of Motion for Summary Judgment.	5/8/13	0.10
Read and responded to Mr. Watkins e-mail re: Restorx's late discovery responses, attached CR 26(i) letter for his review.	5/8/13	0.20
Read e-mail from client in response to my request for documents.	5/8/13	0.10
Read e-mail from Mr. Watkins re: compiling all correspondence/emails between Allstate/Wathen and our office for Mr. Watkins review; Completed task. E-mailed Mr. Watkins back re: his request.	5/8/13	0.80
Read e-mail from Mr. Watkins re: Nick Xavier's Declaration.	5/9/13	0.10
Reviewed and edited the Declaration of Nicholas Xavier. Reviewed files and attached exhibits thereto.	5/9/13	0.40
Sent e-mail to client re: his Declaration in Support of Plaintiff's MPSJ.	5/9/13	0.10
Reviewed series of e-mails from client forwarding communication between clients and Halo Construction (Allstate's preferred vendor).	5/9/13	0.30
Spoke with client on the phone re: case and his declaration and edits thereto.	5/9/13	0.40
Proof read and made edits to the Declaration of Nicholas Xavier.	5/9/13	0.70
Sent e-mails to Mr. Watkins and Mr. Xavier separately re: Nick Xavier's Declaration and finalizing the same.	5/9/13	0.20
Listened to voicemail and read e-mail from client re: his Declaration; Spoke with Mr. Watkins re: the Xavier Declaration; Made edits to the same. E-mailed client back re: edit to language of Decl.	5/10/13	0.30
Called and left a voice message w/ Mr. Xavier. Spoke with Mr. Xavier on the phone re: his declaration and edits to the same. Carried out a series of e-mails with Mr. Xavier re: final draft of his declaration and getting his signature. Finalized Declaration.	5/10/13	0.60

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Updated draft of Motion for Partial Summary Judgment to reflect changes in the Declaration of Nicholas Xavier.	5/10/13	0.30
Proof read and edited numbers on last draft of Motion for Summary Judgment.	5/10/13	0.30
Prepared for CR 26 (i) Conference with Mr. Nedderman, attorney for Restorx; Spoke with Mr. Watkins re: the same; Took notes during Conference with Mr. Nedderman re: discovery responses.	5/13/13	0.20
Reviewed Defendant Allstate's Motion for Summary Judgment re: Contractual Claims	5/13/13	0.20
Prepared rough draft of plaintiffs' Response to Defendant's MSJ re: Contractual Claims.	5/13/13	0.50
Reviewed Defendant Restorx's Joinder to Allstate's MSJ.	5/15/13	0.40
Attended Task Assignment meeting; Discussed plans/strategy re: cross-motions for Summary Judgment and Breach of Contract legal research.	5/15/13	0.20
Read e-mail from Mr. Watkins re: preparing a Declaration for Ms. Evans.	5/16/13	0.10
Spoke with Mr. Watkins on the phone re: finding the WPI on Breach of Contract and sending it to OC Ms. Dinning; Read e-mail from Mr. Cunningham containing legal research on Breach of Contract and found the same. E-mailed a copy to Ms. Dinning	5/16/13	0.20
Read Mr. McLean's e-mail re: Ms. Evans Declaration. Reviewed Ms. Evans' Report on Remediation of the Xaviers' home; Drafted Ms. Evans Declaration; Proof read and edited the same. E-mailed attorneys and staff re: the same.	5/16/13	2.20
Reviewed Plaintiff's Supplemental Disclosure of Expert Bernie Williams.	5/16/13	0.10
Read e-mail from Mr. McLean. reviewed edits to Ms. Evan's Declaration; Send e-mail back in reply.	5/17/13	0.10
Updated draft of Plaintiff's Response to Def Allstate's MSJ re: Contractual Claims.	5/17/13	0.40
Read OC for Allstate's response to our breach of contract legal research and objection to depositions of her clients.	5/20/13	0.10
Reviewed Amended Deposition Notices for Mr. Miles and Ms. Keen.	5/21/13	0.10

*For review
sp own
briefing
on 5/17/13*

LAW OFFICES OF
MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Read multiple e-mails from Mr. Watkins to OC and staff re: deposition of Allstate's adjusters and tasks to be performed.	5/22/13	0.10
Read e-mail from Mr. Watkins re: Def Restorx's newly produced discovery responses; Reviewed the same; took notes re: the same.	5/22/13	0.50
Read e-mail from Mr. Watkins re: Settlement demand to Restorx and calculating damages;	5/22/13	0.10
Spoke w/ Mr. Watkins re: his meeting with Bernie Williams and preparation re: the same.	5/22/13	0.20
Read e-mail from OC Dinning re: depositions of Allstate's adjusters.	5/22/13	0.10
Meeting with Expert Witness (Bernie Williams) re: case facts, his role in the case, documents to review, etc.	5/22/13	0.60
Read interoffice e-mails re: breach of contract legal research and tasks to be performed related to the same.	5/22/13	0.10
Attended Task Assignment meeting; Discussed status of case and tasks to be performed including cross MSJs.	5/22/13	0.20
Met with Mr. Watkins and Mr. Cunningham re: preparing settlement demand to Restorx and calculating damages attributed to Restorx.	5/23/13	0.50
Reviewed files for facts and damages; Prepared draft of Settlement Demand Letter to Restorx; Reviewed Declaration of Susan Evans and MDE report she prepared.	5/24/13	3.00
Spoke with Mr. Xavier over the phone; Conducted interview for details/facts in support of Settlement demand letter to Restorx; Took notes re: the same; Sent e-mail to Mr. Watkins re: SDI and interview.	5/24/13	0.60
Reviewed Plaintiff's Response to Def Allstate's MPSJ re: Contractual Claims.	5/28/13	0.10
Reviewed new case documents received; Defendant Allstate's Response to Plaintiff's MSJ / Cross-Motion re: Contractual Claims and the Declaration of Gary Williams. Reviewed e-mails between attorneys and staff re: strategy re: the same.	5/29/13	0.20
Reviewed Def Restorx's MSJ.	5/30/13	0.10
Reviewed notes of interview with client; Revised and proof read plaintiffs' Settlement Demand Letter to Restorx.	5/30/13	1.50

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MICHAEL T. WATKINS

Xavier, Angela

name + details	completed	time
Read series of e-mails from attorneys re: preparing Plaintiff's Reply to their MSJ; Responded to the same.	6/3/13	0.10
Updated draft of Plaintiff's Reply to their MSJ and Motion to Strike Defendant's Cross Claim; Reviewed files for exhibits to support the same; Proof read and edited to the same.	6/3/13	3.10
Reviewed Allstate's Reply to its MPSJ re: Contractual Claims.	6/3/13	0.10
Proof read Plaintiff's Reply to their MPSJ and Motion to Strike Def Allstate Cross-MSJ; Sent e-mail to Mr. Watkins and staff re: the same.	6/3/13	0.30
Prepared letter to Mr. Nedderman re: striking Restorx's Motion for Summary Judgment because it was untimely filed and served.	6/5/13	0.40
Reviewed series of interoffice communications re: Allstate's Motion for Protective order re: deposition of its employees, attorney thoughts re: the same and tasks to be performed. Reviewed Defendant Allstate's Motion for Protective Order.	6/5/13	0.20
Reviewed Def Allstate's Response to Plaintiffs' Motion to Strike its untimely Cross MSJ.	6/5/13	0.10
Attended task assignment meeting; Discussed tasks to be performed including preparing a motion to compel against defendant Allstate.	6/5/13	0.20
Read e-mail from Mr. Watkins with attached legal research re: Motion for protective order.	6/6/13	0.10
Began draft of Plaintiffs' Motion to Compel Disclosure of Personnel Files for Allstate employees	6/6/13	0.50
Reviewed Allstate's Motion for Protective Order re: Personnel Files.	6/6/13	0.10
Read interoffice communications re: baliff's e-mail asking us to refile our motion to strike with thoughts re: the same.	6/7/13	0.10
E-mailed Mr. Watkins re: Allstate's Cross Motion and Plaintiffs Motion to Strike.	6/7/13	0.10
Reviewed e-mail string from Court baliff re: improperly filed motions and re: filing the same.	6/7/13	0.10
Read Restorx's email declining to strike its MSJ; Conferred with Mr. Cunningham and Ms. Chakalo re: the same; Researched Civil Rules; Prepared draft of Motion to Strike Restorx's MSJ as untimely.	6/7/13	2.50

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Xavier, Angela

name + details	completed	time
E-mailed Mr. Watkins draft of Plaintiffs' Mtn to Strike Restorx's MSJ	6/7/13	0.10
Reviewed e-mail from Mr. McLean highlighting edits to Plaintiffs' Motion to Strike Restorx's MSJ.	6/10/13	0.10
Prepared Declaration of Michael Watkins in Support of Plaintiffs' Response to Allstate's Protective Order re: Personnel Files; Proof read and edited the same; Proof read and edited Facts section of Motion; Conferred with Mr. Watkins and Mr. Cunningham re: the same.	6/10/13	1.00
Updated draft of Plaintiffs' Motion to Strike Restorx's Motion for Summary Judgment.	6/10/13	0.60
Attended Task Assignment meeting; Discussed case, strategy and tasks to be performed.	6/10/13	0.20
Reviewed Plaintiffs' Response and Defendant Allstate's Reply re: Allstate's Protective Order re: depositions.	6/11/13	0.10
Read Mr. Watkins e-mail to OC for Restorx re: status of pending MSJs currently filed with the court.	6/12/13	0.10
Read e-mail from Mr. Watkins; Prepared Declaration for Watkins in support of Plaintiffs' Response to Allstate's Protective Order re: personnel files. Updated and edited draft of our Response.	6/12/13	0.90
Updated draft of Declaration of Watkins.	6/12/13	0.20
Reviewed Jury Demand.	6/12/13	0.10
Conferred with Mr. Watkins; Prepared his Declaration in Support of Plaintiff's Motion to Strike Defendant Allstate's Cross Motion.	6/12/13	0.50
Reviewed both Plaintiffs' Response and Defendant Allstate's Reply re: Allstate's Motion for Protective Order for personnel files.	6/12/13	0.10
Updated draft of Plaintiff's Motion to Strike Allstate's Cross Motion.	6/12/13	0.20
Read series of interoffice communication re: thoughts on Allstate's new position that the Xavier's claim was not covered and tasks to be performed.	6/12/13	0.10
Reviewed Court order denying Allstate's Motion for Protective order re: depositions of its adjusters.	6/14/13	0.10

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review of won briefing

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Xavier, Angela

name + details	completed	time
Reviewed order denying Allstate's protective order re: personnel files.	6/17/13	0.10
Update a draft of Motion to Compel the production of Allstate's withheld documents	6/17/13	0.60
Updated draft of Settlement Demand Letter to Restorx.	6/17/13	1.00
Reviewed Allstate's Response to Plaintiff's Mtn to Strike its Cross MSJ.	6/18/13	0.10
Reviewed 2nd Amended Notices of Deposition to Ms. Keen and Mr. Miles.	6/18/13	0.10
Read Mr. Watkins e-mail re: new version of plaintiffs' reply in support of Motion to Strike and e-mail exchange with Ms. Chakalo re: the same. Reviewed Plaintiffs' Reply in support of their Motion to Strike Allstate's Cross Motion.	6/19/13	0.20
Attended task assignment meeting; Discussed status of the case, settlement demand letter to Restorx and CR 26(i) conference.	6/20/13	0.20
E-mailed attorneys and staff re: discovery cutoff.	6/21/13	0.10
Conferred with Mr. Watkins over the phone re: his pending call to opposing counsel re: withheld discovery documents. Prepared draft Motion to Compel.	6/24/13	2.30
Prepared draft status letter to clients;	6/24/13	0.40
Reviewed Notice of Deposition to Susan Evans	6/26/13	0.10
Read e-mail from Ms. Dinning to Ms. Chakalo re: depositions this week; Responded to the same because Ms. Chakalo is out of the office this week.	6/26/13	0.10
Reviewed Restorx's Notice of Deposition to Nicholas and Angela Xavier.	6/26/13	0.10
Reviewed Restorx's Notice of Deposition and Subpoena Duces Tecum to Ms. Evans.	6/26/13	0.10
Read interoffice communications re: Allstate's privilege log and withheld documents, and case law in Cedell case.	6/27/13	0.10
Conferred with Mr. Watkins and Mr. Cunningham re: strategy and plan for Responding to Restorx's MSJ; Preparing Settlement Demand letter to Restorx; Getting Declaration from Nick Xavier.	6/27/13	0.50

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Xavier, Angela

name + details	completed	time
Prepared for interview with Nick xavier; Called and left voice message to call back.	6/27/13	0.10
Prepared draft of Nicholas Xavier's Declaration in Support of Plaintiffs' Response to Restrox's MSJ.	6/27/13	0.90
E-mailed Nick Xavier to call office re: settlement demand letter to Restrox.	6/27/13	0.10
Interviewed Nick and Angela Xavier via conference call; Discussed events and their memories surrounding subject accident and remediation/repairs; Discussed their Declarations;	6/27/13	0.50
Updated draft of Declarations for both Nick and Angela Xavier; Conferred with Mr. Cunningham re: the same; E-mailed Mr. Watkins to review; E-mailed clients to review and availability to sign declarations.	6/28/13	1.50
Updated and edited draft of Plaintiff's Response to Restrox' MSJ,	6/28/13	1.20
Read series of e-mails from attorneys re: Plaintiffs' Response to Restrox's MSJ; Made quick edits to the same.	7/1/13	0.30
Reviewed proposed Order partially granting plaintiff's MSJ re: violation of WAC 284-30-330(2) and 284-30-360(3).	7/1/13	0.10
Called client Nick twice, left a voice message. E-mailed Nick re: finalizing declarations of him and his wife; Read e-mail from Nick; Talked with Nick over the phone re: Declarations; edits to the same and plan for getting signed copies to us	7/1/13	0.50
Made edits to Declaration of Angela Xavier; Sent draft to clients for review and signature.	7/1/13	0.40
E-mailed Mr. Xavier re: Angela's Declaration, edits to the same and getting her signature.	7/1/13	0.10
Proof read Declaration of Nick and Angela Xavier; Made edits to the same; Updated draft of Plaintiff's Response to Restrox's MSJ to reflect changes.	7/1/13	1.00
Conferred with Mr. Cunningham; Reviewed Plaintiff's Response to Restrox' MSJ including Declarations and Exhibits attached; Finalized the same.	7/1/13	1.50
Reviewed 3rd Amended Notices of Deposition to Mr. Miles and Ms. Keen.	7/2/13	0.10
Read multiple e-mails between Mr. Watkins and clients and Watkins and OC re: settlement negotiations.	7/3/13	0.10

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Xavier, Angela

name + details	completed	time
Attended Task Assignment meeting; Discussed status of the case and tasks to be performed.	7/3/13	0.20
Conferred with Mr. Watkins; Prepared for meeting with clients.	7/8/13	0.30
Attended meeting with Mr. Watkins and clients;	7/8/13	1.50
Conferred with Mr. Watkins re: production of documents; Reviewed discovery requests from Allstate and Restorx to see what we have produced; Sent e-mail to Mr. Watkins re: the same.	7/8/13	0.40
Conferred with Mr. Watkins re: draft of Motion to Compel Allstate to produce "attorney-client privileged" documents; Updated draft of the same; Prepared draft declaration of Mr. Watkins in support of the same. E-mailed Mr. Watkins re: the same.	7/8/13	2.50
Sent e-mail to Mr. Watkins re: Motion to Compel withheld documents by Allstate.	7/8/13	0.10
Reviewed and Updated draft of plaintiff's proposed Jury Instructions.	7/8/13	0.60
Read series of e-mails re: settlement with Restorx including e-mails to clients.	7/9/13	0.20
Reviewed Plaintiffs' Motion for CR 41 Dismissal of Restorx.	7/10/13	0.10
Attended task assignment meeting; Discussed status of case and tasks to be performed.	7/10/13	0.20
Reviewed Personnel file of Ronald Miles; Conferred w/ Mr. Cunningham re the same.	7/11/13	0.50
Reviewed deposition notices for Nicholas and Angela Xavier.	7/12/13	0.10
Reviewed personnel file of Annette Keen; Conferred with Mr. Cunningham re the same.	7/12/13	0.50
Conferred with Mr. Watkins; E-mailed Kevin Godfrey of Heritage Restoration re: producing documents related to the Xavier case.	7/15/13	0.10
Reviewed Deposition Notices to Mr. Steger and Mr. Hight.	7/17/13	0.10
Attended Task Assignment meeting.	7/18/13	0.20
Reviewed Defendant Allstate's CR 34 Request for Inspection; Conferred with Mr. Cunningham re: the same.	7/19/13	0.10

Duplicative of other work

Review your notes only

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Xavier, Angela

name + details	completed	time
Read interoffice e-mails re: deposition of Ms. Evans.	7/25/13	0:10
Reviewed Deposition notice for Ms. Evans.	7/26/13	0:10
Read interoffice e-mails re: mediation.	7/26/13	0:10
Reviewed and edited Plaintiffs' Proposed Jury Instructions.	7/31/13	0:30
Reviewed Stipulation and Order of Dismissal of Restorx signed by all parties and Judge.	7/31/13	0:10
Reviewed Notice of 30(b)(6) deposition of Restorx and Records Subpoena to Restorx sent by OC for Allstate.	7/31/13	0:10
Reviewed claims file and case files; began draft of plaintiff's ER 904 Notice.	7/31/13	2:30
Attended Task Assignment meeting; Discussed case status and tasks to be performed.	7/31/13	0:20
Read letter from Mr. Wathen re: discovery; Conferred with Mr. Cunningham re: the same; Researched superior court rules re: disclosures.	8/1/13	0:20
Conferred with Mr. Cunningham re: status of ER 904 and other trial documents.	8/1/13	0:10
Read e-mails from Mr. Watkins and Heritage re: building permits and ESX files; Read e-mail from Mr. Watkins to clients re: depositions and thoughts thereto.	8/2/13	0:10
Read and responded to e-mail from Mr. Watkins re: documents requested by Allstate.	8/2/13	0:10
Conferred with Ms. Chakalo re: case status and documents requested by Allstate.	8/2/13	0:30
Reviewed and edited draft of Motions in Limine.	8/2/13	0:20
Read e-mail from Mr. Watkins re: Allstate's Privilege Log and Motion to Compe.	8/2/13	0:10
Reviewed series of e-mails from Mr. Watkins to OC re: discovery conference and other issues.	8/2/13	0:10
Read e-mail from Mr. Cunningham, including attached Dyer letter from file re: NW Relocation Solutions.	8/5/13	0:10

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Xavier, Angela

name + details

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time

Conferred with Mr. Watkins re: Allstate's proposed changes to the Order re: WAC violations; Updated draft of the same; E-mailed draft to OC for review and signature.

8/5/13

0.20

Reviewed Allstate's Motion for Protective Order re: attorney-client communications.

8/7/13

0.20

Reviewed case files; Conferred with intern re: preparing a draft of the Joint Statement of Evidence for trial

8/7/13

0.20

Began draft of Plaintiffs' Response to Allstate's Motion for P.O.

8/7/13

1.30

Attended task assignment meeting; Discussed status of case and tasks to be performed.

8/7/13

0.20

Read deposition transcript of Angela Xavier.

8/8/13

0.70

Continued draft of Plaintiffs' Response to Allstate's Protective Order.

8/8/13

1.60

Updated draft of Plaintiffs' Response to Allstate's P.O.

8/9/13

1.70

Updated draft of Plaintiffs' Response to Allstate's P.O. Conferred with Mr. Watkins re: the same.

8/9/13

0.50

Analysed Allstate's MSJ re: Damages. Took notes re: the same. Conferred with Ms. Chakalo re: the same.

8/12/13

0.30

Prepared draft Mediation Brief; E-mailed Mr. Watkins and Mr. McLean re: the same.

8/12/13

2.80

Read e-mail from Mr. Watkins re: finalizing Plaintiff's Response to Allstate's Mtn for Protective Order

8/14/13

0.10

Edited draft of Plaintiff's Response to Allstate's Motion for PO; Prepared declarations and exhibits; Drafted Proposed Order Denying Allstate's Motion for PO

8/14/13

1.40

Attended Task Assignment meeting; Discussed case and tasks to be performed.

8/14/13

0.20

Reviewed claim file; took notes re: damages.

8/15/13

0.30

Reviewed e-mail from Mr. Dyer re: ALI.

8/15/13

0.10

Conferred with Mr. Watkins re Defendant's ER 904 documents. Reviewed the same and reported back to Mr. Watkins.

8/30/13

0.20

Conferred with Mr. Watkins re: Plaintiff's ER 904. Reviewed claims file; Updated draft of the same.

8/30/13

0.50

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Xavier, Angela

name + details	completed	time
Conferred w/ Mr. Cunningham over the phone re: Mr. Watkins approval of the Joint Confirmation re Trial Readiness; E-mailed OC re the same.	9/9/13	0.10
Read e-mail from OC; Made changes to the Joint Confirmation of Trial Readiness; E-mail Mr. Watkins and staff re the same.	9/9/13	0.30
Read and responded to a series of e-mails with Mr. Cunningham related to Joint Confirmation of Trial Readiness; Updated draft of the same.	9/9/13	0.20
Spoke with client on the phone over series of phone calls; updated draft of Plaintiff's Witness and Exhibit List; E-mailed copy to OC.	9/9/13	0.60
Read and responded to e-mail from client.	9/11/13	0.10
Read e-mail from Mr. Watkins; Reviewed Defendant's Witnesses and Exhibit list; took notes re the same.	9/11/13	0.70
Conferred with Mr. Cunningham re Plaintiffs' Objections to Allstate's ER 904 submissions; Prepared initial draft of the same.	9/12/13	0.60
Conferred with Mr. Watkins and Ms. Chakalo re plaintiffs' Objections to Allstate's ER 904 submissions; Made edits to the same.	9/12/13	0.30
Reviewed Allstate's Offer of Judgment; Discussed with Mr. Watkins and staff.	9/13/13	0.10
		116.70