

CARRIE K.S. OKINAGA 5958-0
Corporation Counsel

D. SCOTT DODD 6811-0
Deputy Corporation Counsel
(dsdodd@honolulu.gov)
530 so. King St., Room 110
Honolulu, HI 96813
Telephone: (808) 768-5129
Facsimile: (808) 768-5105

Attorneys for Defendant and Third-Party Plaintiff
THE CITY AND COUNTY OF HONOLULU

LI & TSUKAZAKI,
Attorneys at Law, LLC

MATT A. TSUKAZAKI 4968-0
(mat@lt-hawaii.com)
733 Bishop Street, Suite 1770
Honolulu, HI 96813
Telephone: (808) 524-4888
Facsimile: (808) 524-4887

Attorneys for Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BEVERLY BLAKE, STEPHANIE
CAMILLERI, ARLENE SUPAPO,
individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

CIVIL NO. CV 08-00281 LEK
(Contract) (Declaratory Judgment) (Other
Civil Actions)
Class Action

MEMORANDUM IN OPPOSITION BY
DEFENDANT THE CITY AND

[CAPTION CONTINUED NEXT PAGE]

CRAIG NISHIMURA, in his official capacity as Acting Director of the Department of Facility Maintenance, City and County of Honolulu; CITY AND COUNTY OF HONOLULU, a municipal corporation,

Defendants.

COUNTY OF HONOLULU AND
THIRD-PARTY DEFENDANT
HAWAIIAN PROPERTIES, LTD. TO
PLAINTIFFS' MOTION FOR AWARD
OF ATTORNEYS' FEES AND COSTS;
DECLARATION OF COUNSEL;
EXHIBITS "A" – "C"

CITY AND COUNTY OF
HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

HEARING DATE: March 19, 2010
TIME: 9:30 a.m.

Judge: Hon. Leslie E. Kobayashi i

MEMORANDUM IN OPPOSITION BY
DEFENDANT THE CITY AND COUNTY OF HONOLULU AND
THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

TABLE OF CONTENTS

I. INTRODUCTION1

II. BACKGROUND AND PROCEDURAL HISTORY2

III. STANDARD FOR REASONABLE ATTORNEY’S FEE AWARD.....5

IV. ARGUMENT7

 A. THE HOURLY RATES OF PLAINTIFFS’ ATTORNEYS AND
 PARALEGALS ARE UNREASONABLE.....7

 B. THE COURT SHOULD SET THE HOURLY RATES
 BASED ON ITS OWN KNOWLEDGE OF REASONABLE
 RATES IN THE COMMUNITY IN HAWAII..... 11

 C. SPECIFIC ENTRIES ARE UNREASONABLE AS THE
 HOURS EXPENDED WERE EXCESSIVE, REDUNDANT,
 OR OTHERWISE UNNECESSARY 14

 1. The Hours Expended On Searching For Clients Is
 Unreasonable And Should Not Be Paid For By The City
 Or Hawaiian Properties 16

 2. The Billing For Traveling Time and Waiting Is
 Unreasonable..... 16

 3. The Billing for Administrative Tasks Are Unreasonable 14

 4. The Billings Entries With Insufficient Detail Should Not
 Be Compensated 18

 5. The Hours Expended On An Eviction Issue Are Irrelevant
 To The Claims And Issues Of This Lawsuit..... 18

 6. The Hours Expended On Drafting The Complaint Were
 Excessive And Redundant 19

7.	The Hours Expended By The Law Clerk Are Excessive and Unreasonable	20
8.	The Hours Expended On Drafting The Motion for Class Certification Were Excessive and Redundant	20
9.	The Hours Expended in Discovery Were Excessive And Redundant	21
10.	Hours Expended By Mr. Alston In Support For Mr. Kim Were Redundant and Unnecessary	23
11.	Plaintiffs Have Been Compensated For Its Fees Incurred On Its Motion To Compel And For Sanctions	23
12.	Any Hours Expended On The Third-Party Complaint Were Unnecessary And Unreasonable	24
13.	The Hours Expended In Analyze The Extent Of The Overpayment And In Settlement Were Excessive.....	24
D.	THE LODESTAR AMOUNT SHOULD BE REDUCE FURTHER.....	28
E.	THE COSTS INCURRED BY PLAINTIFFS’ ATTORNEYS ARE NOT RECOVERABLE.....	29
V.	CONCLUSION.....	31

TABLE OF AUTHORITIES

HAWAII FEDERAL CASES

Blake v. Nishimura, 2008 U.S. Dist. LEXIS 88003, 8-9 (D. Haw. Oct. 24, 2008) passim

Taylor H. v. Dep’t of Education, 2009 U.S. Dist. LEXIS 105392 at 9-10 (D. Haw. Aug. 6, 2009)6, 30

Tirona v. State Farm Mut. Auto. Ins. Co., 821 F. Supp. 632, 636 (D. Haw. 1993).....6

OTHER FEDERAL CASES

Case v. Unified School Dist. No. 233, Johnson County, Kan., 157 F.3d 1243, 1250 (10th Cir. 1998)15

City of Burlington v. Dague, 505 U.S. 557, 567 (1992)28

City of Riverside v. Rivera, 477 U.S. 561, 568, 106 S.Ct. 2686, 2691 (1986); Hensley, 461 U.S. at 434, 103 S.Ct. at 19396

Copeland v. Marshall, 205 U.S. App. D.C. 390, 641 F.2d 880, 892 (D.C.Cir. 1980) (en banc)8

Davis v. City & County of San Francisco, 976 F.2d 1536, 1549 (9th Cir. 1992)28

E.E.O.C. v. Nutri/System, Inc., 685 F. Supp. 58 (E.D. Va. 1988)15

Feher v. Department of Labor and Indus. Relations, 561 F. Supp. 757, 764 (D. Haw. 1983)18

Foscher v. SJB-P.D., Inc., 214 F.3d 1115, 1119 (9th Cir. 2000)5, 6

Gates v. Deukmejian, 987 F.2d 1392, 1399 (9th Cir. 1992).....6, 7

<u>Hensley v. Eckerhart</u> , 461 U.S. 424, 433, 103 S. Ct. 1933, 76 L. Ed. 2d 40 (1983).....	5
<u>In re Excess Value Insurance Coverage Litigation</u> , 2004 U.S. Dist. LEXIS 24368, 14-15 (S.D. N. Y. Nov. 29, 2004)	9
<u>Jordan v. Multnomah County</u> , 815 F.2d 1258, 1263 (9th Cir. 1987)	7
<u>Kerr v. Screen Extras Guild, Inc.</u> , 526 F.2d 67, 70 (9th Cir. 1975)	5, 6
<u>Mares v. Credit Bureau of Raton</u> , 801 F.2d 1197, 1201 (10th Cir. 1986) (quoting <u>Hensley</u> , 461 U.S. at 437, 103 S.Ct. 1933).....	14
<u>Morales v. City of San Rafael</u> , 96 F.3d 359, 364 n.9 (9th Cir. 1996)	28
<u>Pennsylvania v. Delaware Valley Citizens' Council for Clean Air</u> , 483 U.S. 711, 728, 107 S. Ct. 3078, 97 L. Ed. 2d 585 (1987)	6
<u>Webb v. Ada County</u> , 285 F.3d 829, 840 & n.6 (9th Cir. 2002)	7
<u>Yahoo!, Inc. v. Net Games, Inc.</u> , 329 F. Supp. 2d 1179, 1185 (S.D. Cal. 2004).....	7

I. INTRODUCTION

The request for attorneys' fees and costs by Class Representative-Plaintiffs seeks for the Alston Hunt Floyd & Ing law firm ("Alston Hunt law firm") and the Lawyers For Equal Justice ("LEJ") the combined award of \$83,808.50 in attorneys' fees and \$ 6,866.31 in costs. The billing summaries submitted separately by both firms for the billing entries of five attorneys, two paralegals, one law clerk, and three document analysts, are in many instances "excessive, redundant, or otherwise unnecessary." The hourly rates of the attorneys and the support staff for whom compensation is sought are unreasonable and there is no evidence that those hourly rates are customarily charged by attorneys in Hawaii with the same experience in similar type of cases. Given the success that was obtained in this case via settlement, and given Defendant Hawaiian Properties, Ltd. ("Hawaiian Properties") agreement to help close the settlement by remaining involved in the administration of the settlement, the Court should reduce the lodestar amount of \$33,113.07. Finally, the Court should award Plaintiffs only \$466 in costs, since the remainder of the costs are not taxable costs and are not supported by the record.

II. BACKGROUND AND PROCEDURAL HISTORY

Plaintiffs filed this lawsuit on June 12, 2008, on behalf of themselves and those similarly situated tenants at the Westlake Apartment project who were injured by Defendant the City and County of Honolulu's alleged failure to correctly calculate the monthly Section 8 utility allowance in violation of the U.S. Housing Act, 42 U.S.C. 1437a(a)(1) and its supporting regulations (First Claim for Relief), violation of 42 U.S.C. 1983 (Second Claim for Relief), breach of rental agreement (Third Claim for Relief), and violation of Hawaii's Unfair and Deceptive Trade Practices Act and H.R.S. Chapter 480 (Fourth Claim for Relief).

Westlake Apartments, owned and operated by the City, is a 95-unit housing project subsidized by the federal "Section 8 Loan Management program."

Among other things, the United States Housing Act generally requires that "rent" for eligible tenants residing in federally-subsidized public housing projects not exceed 30% of tenant income. 42 U.S.C. § 1437a (a)(1); 24 C.F.R. §5.628.

Utilities are included in that rent calculation. 24 C.F.R. §§ 5.603(b) and 5.634(a). Because of this, where — as in Westlake — eligible tenants are responsible for their utilities, the project owner must provide tenants with a utility allowance. Id.

Utility allowances must be sufficient to cover "the monthly cost of a reasonable consumption of...utilities...by an energy-conservative household of

modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.” 24 C.F.R. § 5.603(b). Federal regulations require an adjust their utility allowances whenever a rent adjustment is made and, in between reviews, if there is a change in utility rates greater than 10%. 24 C.F.R § 886.126.

The City denied that the utility allowance for the Westlake Apartments was incorrectly calculated for the years in question and denied that it is liable for the calculation of the utility allowance.

On February 5, 2009, Plaintiffs and the City consented to the appointment of U.S. Magistrate Leslie E. Kobayashi as the trial judge of the above-entitled matter pursuant to Local Rule 73.1.¹

Subsequently, by Order filed October 30, 2008, the Court granted class certification under Fed. R. Cv. P. 23(a), 23(b)(2), and 23(b)(3) as to:

All persons who are, were, or will be head of household tenants at Westlake Apartments entitled to receive utility allowances from the City and County of Honolulu as part of their section 8 subsidy at any time during which Defendants failed or fails to provide properly-calculated utility allowances for Westlake Apartments (“Westlake Class”).

On June 22, 2009, the Court issued an order granting the City’s request for leave to file a third-party complaint against Third-Party Defendant Hawaiian

¹ On December 9, 2009, Plaintiffs, the City, and Hawaiian Properties, consented to the appointment of U.S. Magistrate Leslie E. Kobayashi as the trial judge of the above-entitled matter pursuant to Local Rule 73.1.

Properties, Ltd. Hawaiian Properties was the Property Manager of the Westlake Apartments from the years 2000 to the present.

On June 25, 2009, the City filed its Third-Party Complaint against Hawaiian Properties. The City alleged claims for breach of contract, indemnification and contribution, and declaratory relief against Third-Party Defendant Hawaiian Properties. On July 24, 2009, Hawaiian Properties timely answered the Third-Party Complaint. Hawaiian Properties denied that the utility allowance for the Westlake Apartments was incorrectly calculated for the years in question.

Upon the entry of Hawaiian Properties into this case, the parties aggressively pursued a resolution of the case through settlement. Provided with information of HECO utility rates over the past 10 years and utility consumption data for the Westlake Apartment tenants for the past 10 years, Hawaiian Properties recalculated the utility rate for each of the past 10 years.

This analysis and through the cooperative efforts of lead counsel for the parties and with the assistance of the Court, the parties reached a tentative settlement of this matter subject to the Court's final approval of the settlement agreement and the terms of the notice of settlement. On January 29, 2010, this Court approved the statement of this lawsuit whereby the amount of \$45,000.00 would be funded to satisfy the alleged claims for overpayment by the Westlake Class based on the formula for the class distributions set forth in the settlement

notice. Under the settlement, Hawaiian Properties would maintain a bank account for the distribution of the settlement funds to be authorized and directed by Plaintiffs' counsel.

III. STANDARD FOR REASONABLE ATTORNEY'S FEE AWARD

In this case, this Court has already set forth the standard for determining the reasonableness of an request for an award of attorneys fees and costs. In its Order Granting Plaintiffs' Motion To Compel Discovery filed on October 24, 2008, this Court stated:

Under federal law, reasonable attorney's fees are generally based on the traditional "lodestar" calculation set forth in Hensley v. Eckerhart, 461 U.S. 424, 433, 103 S. Ct. 1933, 76 L. Ed. 2d 40 (1983). See Fischer v. SJB-P.D., Inc., 214 F.3d 1115, 1119 (9th Cir. 2000). The court must determine a reasonable fee by multiplying "the number of hours reasonably expended on the litigation" by "a reasonable hourly rate." Hensley, 461 U.S. at 433. Second, the court must decide whether to adjust the lodestar amount based on an evaluation of the factors articulated in Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 70 (9th Cir. 1975), which have not been subsumed in the lodestar calculation. See Fischer, 214 F.3d at 1119 (citation omitted).

The factors the Ninth Circuit articulated in Kerr are:

(1) the time and labor required, (2) the novelty and difficulty of the questions involved, (3) the skill requisite to perform the legal service properly, (4) the preclusion of other employment by the attorney due to acceptance of the case, (5) the customary fee, (6) whether the fee is fixed or contingent, (7) time limitations imposed by the client or the circumstances, (8) the amount involved and the results obtained, (9) the experience, reputation, and ability of the attorneys, (10) the "undesirability" of the case, (11) the nature and length of the professional

relationship with the client, and (12) awards in similar cases.

Kerr, 526 F.2d at 70. . . .Once calculated, the "lodestar" is presumptively reasonable. See Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, 483 U.S. 711, 728, 107 S. Ct. 3078, 97 L. Ed. 2d 585 (1987); see also Fischer, 214 F.3d at 1119 n.4 (stating that the lodestar figure should only be adjusted in rare and exceptional cases).

See Blake v. Nishimura, 2008 U.S. Dist. LEXIS 88003, 8-9 (D. Haw. Oct. 24, 2008).

In determining the lodestar, the Court must guard against awarding fees and costs which are excessive, and must determine which fees and costs were self-imposed and avoidable. Tirona v. State Farm Mut. Auto. Ins. Co., 821 F. Supp. 632, 636 (D. Haw. 1993). A court has "discretion to 'trim fat' from, or otherwise reduce, the number of hours claimed to have been spent on the case." Taylor H. v. Dep't of Education, 2009 U.S. Dist. LEXIS 105392 at 9-10 (D. Haw. Aug. 6, 2009), quoting, Soler v. G & U, Inc., 801 F. Supp. 1056, 1060 (S.D.N.Y. 1992) (citation omitted). Time expended on work deemed "excessive, redundant, or otherwise unnecessary" shall not be compensated. Gates v. Deukmejian, 987 F.2d 1392, 1399 (9th Cir. 1992). When assessing the appropriateness of attorneys' fees, courts recognize the well-settled principle that attorneys' fees must be awarded only for those lawyer hours that are reasonably necessary to adequately prosecute the case. City of Riverside v. Rivera, 477 U.S. 561, 568, 106 S.Ct. 2686, 2691 (1986); Hensley, 461 U.S. at 434, 103 S.Ct. at 1939.

IV. ARGUMENT

A. THE HOURLY RATES OF PLAINTIFFS' ATTORNEYS AND PARALEGALS ARE UNREASONABLE

As this Court has stated in this case:

In determining whether an hourly rate is reasonable, the Court considers the experience, skill, and reputation of the attorney requesting fees. See Webb v. Ada County, 285 F.3d 829, 840 & n.6 (9th Cir. 2002). The reasonable hourly rate should reflect the prevailing market rates in the community. See id.; see also Gates v. Deukmejian, 987 F.2d 1392, 1405 (9th Cir. 1992), as amended on denial of reh'g, (1993) (noting that the rate awarded should reflect "the rates of attorneys practicing in the forum district").

In addition to their own statements, attorneys are required to submit additional evidence that the rate charged is reasonable. See Jordan v. Multnomah County, 815 F.2d 1258, 1263 (9th Cir. 1987).

See Blake v. Nishimura, 2008 U.S. Dist. LEXIS 88003, 9-10 (D. Haw. Oct. 24, 2008).

“The purpose of using prevailing market rates is to estimate the hourly rate reasonably competent counsel would charge. The purpose is not to determine whether or not a specific attorney could command a specific hourly rate in the market.” Yahoo!, Inc. v. Net Games, Inc., 329 F. Supp. 2d 1179, 1185 (S.D. Cal. 2004). Thus, as most courts generally conclude, while the particular attorney's billing rate may be relevant, it is not dispositive evidence of a reasonable hourly rate. Id. It also follows that there may be differing reasonable hourly rates for each of the attorneys, and for the different kinds of work involved in the litigation.

Copeland v. Marshall, 205 U.S. App. D.C. 390, 641 F.2d 880, 892 (D.C.Cir. 1980) (en banc).

The hourly rates for the Alston Hunt attorneys, Paul Alston, Esq., and Jason Kim, Esq., are unreasonable. Their rates are not supported by any independent evidence as to the background and experience of the attorneys or as to the customary rates charged by attorneys with similar backgrounds and experiences in Hawaii. This Court has already held the hourly rate of \$275 for Mr. Kim was unreasonable. See Blake v. Nishimura, *supra*, 2008 U.S. Dist. LEXIS 88003 at 10-11.²

To support the \$585 hourly rate for Mr. Alston, Alston Hunt has submitted for comparison purposes hourly rate information and background summaries for the attorneys, research specialists and paralegals of the national law firm of Kirkland & Ellis LLP, who is representing Debtor Hawaiian Telcom Communications, Inc., in its bankruptcy reorganization. These rates are equivalent to the hourly rates for senior litigation partners in New York. See In re Excess Value Insurance Coverage Litigation, 2004 U.S. Dist. LEXIS 24368, 14-15 (S.D. N. Y. Nov. 29, 2004)(“The Court finds that, in this judicial district, reasonable

² By not accepting the Court’s prior ruling and submitting a request based on Mr. Kim’s prior unreasonable hourly rate, Plaintiff is actually seeking reconsideration of this Court’s decision on the reasonableness of the hourly rate for Attorney Kim and Paralegal Mueller. Plaintiffs’ request for reconsideration is untimely and fails to meet the standards upon which reconsideration may be granted.

hourly rates for litigation partners in comparable cases are between \$ 350 and \$ 595 per hour. . . . Additionally, the Court finds that reasonable fees for associate attorneys in this district are between \$ 150 and \$ 350 per hour.”)

New York is not Hawaii. Such billing rates for New York attorneys are irrelevant to determining what is an estimate of a hourly rate that a reasonably competent counsel would charge in Hawaii for similar types of services in a similar type of case. Thus, the hourly rates charged by Kirkland & Ellis of \$375 for a litigation associate or \$530 for a corporate associate or \$550 for a litigation partner are not reasonable rates, do not justify nor support the \$585 hourly rate for Paul Alston, Esq., for services provided as a litigation partner in this lawsuit. Especially, where the expertise and skill required for the bankruptcy reorganization of Hawaiian Telcom is not equivalent to the skills needed in a lawsuit for the alleged miscalculation of the Section 8 utility allowance.

While the submission by the Lawyers for Equal Justice did include a summary of the general background of their attorneys and paralegal, the summary confirms that the hourly rates were unreasonable. Given their experiences and based on the general understanding of hourly rates customarily charged in Hawaii for attorneys with similar backgrounds and experiences, the Court should conclude that the hourly billing rate of \$225 for William Durham, Esq., an attorney with 5 years of litigation experience, is unreasonable. Similarly, for Gavin Thornton,

Esq., the hourly rate of \$250 of an attorney with 7 years of litigation is unreasonable. As for the \$350 per hour billing rate of M. Victor Geminiani, Esq., while he does have 40 years of legal experience, the generally community in Hawaii does not support a plus \$300 billing rate for a litigation attorney.

As for the hourly rates for the paralegals and document analysts at Alston Hunt and LEJ, their rates are also unreasonable. For paralegal Mueller, this Court noted that there was no information on her background and experience, and the hourly rate of \$125 was unreasonable. See Blake v. Nishimura, supra, 2008 U.S. Dist. LEXIS 88003 at 9. There is also no information on the background of Alston Hunt's paralegal Kelly (KKG) Guadagno (\$125 per hour). Thus, there is no way to judge the reasonable of her rate. As for LEJ paralegal Delia L`Heureux (\$100 per hour), her rate is also unreasonable for a paralegal with one year litigation experience.

Finally, the hourly rates for Alston Hunt's law clerk Erica Chee (\$100 per hour), and Alston Hunt's document analysts Jya-Ming (JB) Bunch (\$50 per hour), Samson (SWL) Lee (\$50 per hour), and Gail (GKTP) Pang (\$50 per hour), are excessive for the nature and type of work performed as reflecting the billing summaries. Moreover, document analysts are paralegal assistants, who generally provide administrative assistance to the paralegal. They services should be a part of Alston Hunt's overhead and should not have been billed.

B. THE COURT SHOULD SET THE HOURLY RATES BASED ON ITS OWN KNOWLEDGE OF REASONABLE RATES IN THE COMMUNITY IN HAWAII

The hourly rates for both Messrs. Alston and Geminiani upon which the award of attorneys' fee may be approved should be the same for both attorneys. Both attorney have more than 40 years general litigation experience and this case did not require much specialized expertise or skill.

Accordingly, bases on the standard rates general charged by attorneys in Hawaii, the Court should set a senior litigation partner's hourly rate of between \$280 to \$300 depending on the complexity of the case. In this case, given the nature of the claims and issues, the hourly rate of \$300 is a reasonable hourly rate for Messrs. Alston and Geminiani.

As for the other attorneys, this Court has already held that \$240 per hour was a reasonable hourly billing rate for Mr. Kim. See Blake v. Nishimura, supra, 2008 U.S. Dist. LEXIS 88003 at 10-11. This standard should also be used in determining the reasonable hourly rates for Messrs. Durham and Thornton. For example, this Court has determined that the \$240 is a reasonable rate for Mr. Kim, who has practiced law specializing in commercial and class action litigation for over 11 years. Messrs. Durham and Thornton have 5 years and 7 years of litigation experience, respectively. A reasonable hourly rate for litigation attorneys with 5 years of experience is between \$170-\$175 per hour and for litigation attorneys with

7 years of experience it is \$185-\$195, depending on the type of litigation being regularly performed. Given that this case did not involve complex claims or issues and there is no evidence that these attorneys held a special expertise required for this lawsuit, the hourly rates at the lower end of the scale are more appropriate for the type of services performed by these two attorneys.

As for the paralegals, given the absence of any information on the background and experience of Alston Hunt paralegal Ms. Mueller, this Court held that \$80 per hour was a reasonable hourly rate for her services. Id. at 9 and 11. There is a similar absence of any information supporting the hourly rate for paralegal Kelly Guadagno (\$125), law clerk Erica Chee (\$100), and for document analysts Jya-Ming Bunch (\$50), Samson W. Lee (\$50), and Gail K. T. Pang (\$50). Based on this Court's ruling as to the reasonable hourly rate for Ms. Mueller, Ms. Guadagno's hourly rate should also be set at \$80 per hour. As for Ms. Chee, a law clerk's hourly rate should be at \$90.

As for the Alston Hunt document analysts, Plaintiffs should not be awarded fees incurred for such support staff. A paralegal's helper is the same as a secretary to an attorney. Support by document analysts is a part of the general overhead of a law practice and there should not be an award of any fees associated with their activities. If, however, the hourly rate of a document analyst should be deemed

relevant, the hourly rate of \$20 per hour is a reasonable amount for such administrative support.

Finally, as for Ms. L'Heureux, she is listed as having been admitted to the practice of law in Hawaii with 1 year of litigation experience and is listed as having an hourly rate of \$100. To the extent that Ms. L'Heureux is performing paralegal services, the hourly rate of \$100 is unreasonable for a paralegal with one year of experience. This Court has held that reasonable hourly rates for paralegals are \$80 to \$85 depending on the paralegal's experience. In this case, the hourly rate for Ms. L'Heureux's paralegal services should be \$80 hourly rate given the relative absence of any experience.

A summary of the reasonable hourly rates for the persons who entered time in the billings summaries are listed below.

<u>Attorney</u>	<u>Plaintiff's Hourly Rate</u>	<u>Adjusted Reasonable Hourly Rate</u>
P. Alston, Esq.	\$585.00	\$300.00
V. Geminiani, Esq.	\$350.00	\$300.00
J. Kim, Esq.	\$275.00	\$240.00
G. Thornton, Esq.	\$250.00	\$185.00
W. Durham, Esq.	\$225.00	\$170.00
EMC (Law clerk)	\$125.00	\$90.00
KKG (Paralegal)	\$125.00	\$80.00
L'Heureux (Paralegal)	\$100.00	\$80.00
J. Bunch (Doc. Analyst)	\$50.00	\$20.00
S.W. Lee (Doc. Analyst)	\$50.00	\$20.00
G. Pang (Doc. Analyst)	\$50.00	\$20.00

C. SPECIFIC ENTRIES ARE UNREASONABLE AS THE HOURS EXPENDED WERE EXCESSIVE, REDUNDANT, OR OTHERWISE UNNECESSARY

Plaintiff seeks \$51,678.50 in attorneys' fees from the Alston Hunt law firm and another \$32,130 in attorneys' fees from the LEJ. But both submissions lack the necessary documentation to support the request for fees.

It is the burden of the fee applicant to establish his or her entitlement to an award with documentation supporting the appropriate hours expended and hourly rates. Mares v. Credit Bureau of Raton, 801 F.2d 1197, 1201 (10th Cir. 1986) (quoting Hensley, 461 U.S. at 437, 103 S.Ct. 1933). Local Rule 54.3(d)(2) provides: "The party seeking an award of fees must describe adequately the services rendered, so that the reasonableness of the requested fees can be evaluated."

For both submissions, both the Alston Hunt law firm and LEJ have failed to produce their actual billing invoices to support their fee requests. Instead, both firms provided a breakdown summary of the billing entries. Without the actual billing invoices, neither the Court nor the parties challenging the amount of fees expended are able to determine and verify whether the breakdown provides all of the relevant information on which to judge the reasonableness of the summarized entry.³

³ There is no evidence that any of the entries in the billing breakdown are

In E.E.O.C. v. Nutri/System, Inc., 685 F. Supp. 58 (E.D. Va. 1988), a Title VII race discrimination case, the court emphasized that claimants must submit documentation that reflects reliable contemporaneous recordation of time spent on legal tasks that are described with reasonable particularity, and that the information must be sufficient to permit the trial judge to weigh the hours claimed against the judge's knowledge, experience, and expertise of the time required to complete similar activities so that hours that were not reasonably expended can be excluded. Absent such documentation, the court said, a claimant's submission is no better than a post hoc estimate, and inadequate documentation is the basis for reducing or denying a fee award. See Case v. Unified School Dist. No. 233, Johnson County, Kan., 157 F.3d 1243, 1250 (10th Cir. 1998) (Inadequate and imprecise documentation of the time spent may also justify a reduction in the fee award). The invoices are the best evidence of the services performed by Plaintiff's attorneys.

To the extent that the breakdown summaries are all that the City and Hawaiian Properties have to analyze, the review of the descriptions and the time

false or misrepresented. But there is also no evidence on how the summaries were prepared, and whether the entries were entered contemporaneous with the task being performed, or entered and/or modified later. Defendants understand that no invoices were generated by either LEJ or the Alston Hunt law firm in this case and the summaries were created to support the fee request.

entries from the Alston Hunt law firm and from LEJ confirms that much of the work performed was redundant, excessive, unnecessary, and irrelevant.

The City and Hawaiian Properties hereby submit two charts to assist the Court with its analysis as to the reasonableness of the request for attorneys' fees and costs from the Alston Hunt law firm and LEJ. The first chart, Exhibit "A," is a compilation of the two billing summaries with the recorded entries broken out in various descriptive tasks. The second chart, Exhibit "B," is a summary of the hours expended by the billing person in the various descriptive tasks.

1. The Hours Expended On Searching For Clients Is Unreasonable And Should Not Be Paid For By The City Or Hawaiian Properties

In LEJ's breakdown, it highlights the "research for potential clients." Four attorneys spent an accumulated total of 11.2 hours in lining up their clients to file this lawsuit. This search for clients seems to have covered the period from April 3, 2008, through June 13, 2008, leading to the submittal of an engagement letter to the prospective clients. The City and Hawaiian Properties should not have to pay for counsel's search for clients before the filing of the complaint, and therefore, none of the hours associated with the search for potential clients are reasonable.

2. The Billing For Traveling Time and Waiting Is Unreasonable

There are a few entries in which the attorney billed for time spent on traveling to a meeting. Specifically, Durham billed for traveling on 5/9/08 for 0.4

hours, 5/9 for 0.3 hours, 5/10 for 2.0 hours, and 6/3 for 1.2 hours.⁴ There is also a 0.3 hour charge by Ms. L`Heureux for simply waiting at a deposition. The City and Hawaiian Properties should not have to pay for counsel's travel time driving to and from meetings or for a paralegal to wait for a deposition to start. The billings associated with travel and waiting around are unreasonable.

3. The Billing for Administrative Tasks Are Unreasonable

There are a number of billing entries for copying or scanning in documents, for mailing, returning or faxing documents, for updating client information, for sending or forwarding documents, for receiving a letter, for accepting or gathering files, for work, for making a list, for down loading documents, for determining and recalculating dates and deadlines, and for scheduling a deposition date with the court reporters. These administrative tasks have been billed for by attorneys, paralegals, and document analysts. The charges for such administrative tasks should have been a part of the law firm's overhead, and the hours charged are excessive and unreasonable.

In addition, the Alston Hunt law firm has requested that it be compensated at \$50 per hour for the 4.0 hours expended by the two document analysts to deliver

⁴ Some of the travel entries were in a block billing entry that also billed for attending the meeting, a status conference, and settlement conference. Relying on block billing is unreasonable because it does not adequately account for the time expended. Since it is Plaintiffs' burden to establish the reasonableness of their hours, the hours for the entire block entry should be stricken.

door to door the Notice of Pendency of Class Action. This is an administrative expense that should be a part of Alston Hunt's overhead expenses.

4. The Billings Entries With Insufficient Detail Should Not Be Compensated

There are numerous entries in the billing summaries of both Alston Hunt and the LEJ in which the entry fails to specify the nature of the work before performed. These entries simply state "e-mail to" or "call to" and a person's name. There are a few entries that reference a matter that does not seem related to this case (*i.e.*, MCC or motion to strike). Where there is a lack of specificity and inadequate justification regarding parts of the fee application courts may disallow requested hours. See Feher v. Department of Labor and Indus. Relations, 561 F. Supp. 757, 764 (D. Haw. 1983). The billing entries in which there are insufficient detail should not be compensated for by the City and Hawaiian Properties.

5. The Hours Expended On An Eviction Issue That Is Irrelevant To The Claims And Issues Of This Lawsuit Are Unreasonable

There are numerous entries referencing an eviction issue. Five attorneys billed an aggregate total of 16.3 hours on this issue.

But there is no wrongful eviction claim pled in the Plaintiffs' Complaint. These entries reference a potential eviction problem for some, but not all of the class representative plaintiffs, for delinquent rent payments. Some entries reference the drafting of a motion for preliminary injunction on evictions. But no

such motion was filed in this lawsuit. Finally, all of the billing entries were entered before Hawaiian Properties was brought into this lawsuit.

Given that this potential eviction issue was separate and distinct from the class action utility allowance overpayment claim, none of the hours expended by any of the attorneys on this eviction issue should be compensated for by the City and Hawaiian Properties. Plaintiffs have not proved that the eviction issue concerned an attempt to evict every single tenant on the property. Plaintiff has not proven that the eviction issue concerned a claim in which each member of class was suffering the same alleged injury.

6. The Hours Expended On Drafting The Complaint Were Excessive And Redundant

At least five attorneys billed time for the drafting of the complaint filed in this case. These five attorneys billed total of 33.2 hours for, inter alia: (i) drafting, reviewing, and revising the complaint; (ii) reviewing and revising the other's work product; (iii) talking to each other about the draft, the revisions, or strategy related thereto. Even paralegal Ms. L'Heureux billed 0.3 hours to "review complaint."

The aggregate total of 33.2 hours expended by these five attorneys was excessive and unreasonable, and should be reduced to 10 hours of billable time allocated between Messrs. Durham and Kim. It is unreasonable to charge the City and Hawaiian Properties with 5 attorneys reviewing and changing each other's work or in communicating with each other on those changes. Nor should the City

and Hawaiian Properties have to pay for Ms. L`Heureux to read the draft complaint. It is the City and Hawaiian Properties' understanding that counsel for Plaintiffs have filed other complaints alleging similar types of issues based on the alleged miscalculation of utility allowances, and therefore, 10 hours should have been sufficient time in which to draft the complaint.

7. The Hours Expended By The Law Clerk Are Excessive and Unreasonable

The Alston Hunt law firm gave to its summer law clerk (EMC) a research assignment. There is no evidence that any of this research was utilized by Plaintiffs' attorneys in this case. Given that there is no evidence of any work product, the Court cannot judge whether the amount of time expended was reasonable or excessive. Given the absence of any evidence that proves that such work was relevant, Plaintiffs' request for such fees is unreasonable.

8. The Hours Expended On Drafting The Motion For Class Certification Were Excessive And Redundant

Like the complaint, five attorneys billed time for the drafting of the motion for class certification. An aggregate total of 53.3 hours were expended by these 5 attorneys. Again, like the drafting of the complaint, the drafting of the motion for class certification was handled similarly. Entries reflect each of the attorneys drafting, reviewing, and revising, each other's drafts and revisions, evaluating class issues, and communicating with each other of the class certification motion by

telephone or by e-mail. And again paralegal Ms. L`Heureux billed 0.3 hours to “review draft of class certification motion” and 0.5 hours to “edit class motion.”

The aggregate total of 53.3 hours expended by these five attorneys is excessive and unreasonable, and should be reduced to 20 hours of billable time equally allocated between Messrs. Durham and Kim. Mr. Geminiani’s 1.2 hours, Mr. Thornton’s 2.2 hours, and Mr. Alston’s 2.3 hours, to review and revise the work of Messrs. Durham and Kim, and to communicate their observations, were redundant and unnecessary. Nor should Plaintiffs be paid for the 0.8 hours billed by Ms. L`Heureux to “edit” and “review” the class certification motion.

9. Hours Expended In Discovery Were Excessive And Redundant

Six persons billed for the review of the initial disclosures of the parties – four attorneys, two paralegals, and one document analysis, billed an aggregate total of 15.8 hours. Five attorneys and two paralegals billed an aggregate total of 43.5 hours for tasks related to general discovery. Four attorneys and two paralegals billed an aggregate total of 19.4 hours for tasks related to the Rule 30(b)(6) deposition.

Many of the entries reference communications among the attorneys with each other either by telephone or by e-mail. Many entries reference the attorneys reviewing or revising the same materials or reviewing and revising each other’s work. There are entries to plan, prepare, and analyze, unspecific discovery

matters. There are entries concerning telephone calls to arrange meeting dates and times. The aggregate total hours spent by each attorneys and paralegal are as follows:

BILLING PERSON	HOURS BILLED
DURHAM	9.1
GEMINIANI	3.5
THORNTON	0.9
JHK	32
PA	2.1
L'HEUREUX	1.2
KKG	29.2

As this table and Exhibit "A" reflect, the time entries for Messrs. Geminiani, Thornton, and Alston, to review and revise the work of Messrs. Durham and Kim, and to communicate their observations, were redundant and unnecessary. Therefore, none of the hours associated with Messrs. Geminiani, Thornton, and Alston, should be recoverable.

As for Paralegal Ms. L'Heureux, her services were also redundant and unnecessary. The City and Hawaiian Properties should not have to pay for Ms. L'Heureux's "0.5 - review initial disclosures," "0.2 – review response to 1st request for documents," "0.2 – review response to 1st request for admissions," and "0.3 – review outline for and prepare for 30(b)(6) deposition."

As for Messrs. Durham and Kim, Defendants recognize that both acted as lead counsel in this case and that it was important for each to analyze and

understand the nature of the discovery generated in this case and to dictate strategy related to such discovery. But some entries concerning communications with other attorneys and reviewing each other's work are too general in description (i.e., "review discovery") to know exactly what work was being performed. When these hours are added to the 39.2 hours expended by Alston Hunt paralegal KKG, who billed for reviewing the work of Messrs. Durham and Kim, and reviewing the same material as Messrs. Durham and Kim, it is evident that the hours are excessive, redundant, and unreasonable. In looking at the accumulated hours recorded by Messrs. Durham and Kim, and Ms. KKG, the Court should reduce the hours expended on these discovery matters by 25%.

10. Hours Expended By Mr. Alston In Support Of Mr. Kim Were Redundant and Unnecessary

Similar to the treatment of hours billed by Mr. Thornton, the few entries by Mr. Alston for the review of the default issue (0.7 hours) and of the scheduling conference (0.3 hours) was unnecessary given the attention afforded by Messrs. Durham and Kim to those matters. The City and Hawaiian Properties should not have to pay for Mr. Alston's monitoring of the work performed by Plaintiffs' lead attorneys.

11. Plaintiffs Have Been Compensated For Its Fees Incurred On Its Motion To Compel And For Sanctions

Plaintiffs have applied for and were already awarded fees and costs incurred

on their Motion to Compel Discovery. See Blake v. Nishimura, 2008 U.S. Dist. LEXIS 88003, 8-9 (D. Haw. Oct. 24, 2008). Thus, Plaintiffs are not entitled to resubmit a request for fees incurred for the Motion to Compel and for Sanctions, which has been ruled upon by the Court.

12. Any Hours Expended On The Third-Party Complaint Were Unnecessary And Unreasonable

Four attorneys expended 8.9 hours on the City's motion for leave to file third-party complaint. Four attorneys billing for reviewing the motion, reviewing the opposition, and/or or the third-party complaint, is redundant. At best, Mr. Kim may be entitled to compensation for his time in drafting the opposition to the motion for leave, although given the issues and the status of the class action at the time of the motion, there was absolutely no basis for any objection.

13. The Hours Expended To Analyze The Extent Of The Overpayment And Settlement Were Excessive

Prior to the Hawaiian Properties entry in this case, Plaintiffs' counsel and the City's attorneys had been engaged in settlement discussions. Plaintiffs' five attorneys and one paralegal spend over 40.9 hours initially analyzing the consumption data and the HECO utility rates to determine the amount of alleged overpayment for the calculation of the utility allowance, and in addressing settlement issues. After Hawaiian Properties was brought in, Plaintiffs' five attorneys and one paralegal spent over 42.5 hours in working with the City and

Hawaiian Properties on the negotiated settlement. The accumulated hours per billing person are as follows:

BILLING PERSON	HOURS BILLED
DURHAM	9
GEMINIANI	16.5
THORNTON	4.1
JHK	48.7
PA	2
L'HEUREUX	0.3

In its initial settlement discussions, Plaintiffs proposed settlement in the amount of \$132,790.05, which was based on incorrect assumptions and a miscalculation of the consummation rate and utility rate. Plaintiffs' alleged overpayment analysis was inherently unreliable and unreasonable, and would have resulted in a windfall to Plaintiffs. In addition, Plaintiffs calculated \$43,083.45 as the prejudgment interest on the \$132,790.05, which is an interest rate of 32 percent.

The calculation of the utility allowance going back to the year 2000 was a simple matter of retracing the steps to be taken by the Section 8 Administrator given all of the consumption data and utility rate information that the parties had gathered in discovery and applying the Section 8 regulations and guidelines.

The Section 8 regulations provide:

The "utility allowance" is an estimate of the monthly cost of a **reasonable consumption** of such utilities and other services for the unit by **an energy-conservative household of modest**

circumstances. The utility allowance schedule is based on the typical cost of utilities and services paid by **energy-conservative households** that occupy housing of similar size and type in the same locality. In developing the schedule, the utility allowance must use **normal patterns of consumption** for the community as a whole and **current utility rates**. (Emphasis added).

Thus, the utility allowance analysis developed by Hawaiian Properties was based on first determining the consumption rate average of an energy conservative household of modest circumstances from the actual consumption data of the Westlake Apartment tenants and applying the actual electricity rates in effect at the time as provided by HECO. Then Hawaiian Properties factored in the number of subsidized Section 8 tenants who received the benefit of the utility allowance excluding the market rent tenants to determine whether overpayments were made.

Based on this analysis, Plaintiffs' attorneys subsequently acknowledged that the market renters who do not receive the benefit of the utility allowance must be excluded from the class of plaintiffs, and should not be included in the rent overpayment analysis.

As the foregoing proves, much of Plaintiff's initial billing entries were spent on miscalculating the alleged overpayment. But the City and Hawaiian Properties will concede that engaging in this exercise, even if it was based on faulty analysis, allowed Plaintiffs' attorneys to quickly review and study the calculations and analysis provided by Hawaiian Properties, which resulted in the parties reaching an understanding as to the reasonable value of the alleged overpayment damages

suffered by eligible class members for the alleged miscalculation of the utility allowance. Accordingly, Plaintiffs' attorneys should at least receive some percentage of recovery of the hours spent in initially analyzing the consumption data and the utility rates.

As the above table and Exhibit "A" reflects, the time entries for Messrs. Thornton (4.2 hours) and Alston (2 hours) to consult or support with the other attorneys, who work more directly involved in settlement discussions, were redundant and unnecessary. As for Paralegal Ms. L'Heureux, she entered one entry for 0.3 hours for "review proposed settlement." The City and Hawaiian Properties should not have to pay for Messrs. Thornton and Alston monitoring of the work of Messrs. Durham and Kim, and should not have to pay for Ms. L'Heureux's review of the settlement proposal; particularly where they did not have any other involvement in dealing with settlement issues.

As for Messrs. Durham, Geminiani, and Kim, these three attorneys were extensively involved in the analysis of Plaintiff's alleged damages and in the settlement issues. The City and Hawaiian Properties again recognize that given their co-counsel status that it was important for each to understand the issues in settlement to consult each other and advise their client of the settlement's strengths and weaknesses. But as noted earlier, some of the early analysis were based on faulty analysis and actually increased the overall cost of the case. Accordingly, the

City and Hawaiian Properties propose that the hours for Messrs. Durham, Geminiani, and Kim, allocated to the initial settlement analysis/discussions be reduced by 50%. But there should be no reduction of their hours billed in negotiating and analyzing the settlement proposals once Hawaiian Properties became involved, unless the Court determines that there is an additional basis for reducing these hours to reach the lodestar.

D. THE LODESTAR AMOUNT SHOULD BE REDUCE FURTHER

Based on the foregoing and as summarized in Exhibit "C," the lodestar amount that reflects a reasonable amount of attorneys' fees as billed by the Alston Hunt law firm and LEJ are as follows:

<u>BILLING PERSON</u>	<u>ADJUSTED</u>	<u>RATE</u>	<u>LODESTAR</u>
DURHAM, ESQ.	26.1	\$170	\$4,437
GEMINIANI, ESQ.	14.7	\$300	\$4,410
JHK, ESQ.	87.5	\$240	\$21,000
KKG (Paralegal)	22.2	\$80	\$1,776
			\$31,623
State Excise Tax of 4.712%			\$1,490.07
TOTAL LODESTAR			\$33,113.07

As noted earlier, after the lodestar is determined, the Court must decide whether to adjust the lodestar amount based on an evaluation of the factors articulated in Kerr v. Screen Extras Guild, Inc., *supra*. As already noted by the Court in this case.

Factors one through five have been subsumed in the lodestar calculation. See Morales v. City of San Rafael, 96 F.3d 359, 364

n.9 (9th Cir. 1996). Further, the Ninth Circuit, extending City of Burlington v. Dague, 505 U.S. 557, 567 (1992), held that the sixth factor, whether the fee is fixed or contingent may not be considered in the lodestar calculation. See Davis v. City & County of San Francisco, 976 F.2d 1536, 1549 (9th Cir. 1992), vacated in part on other grounds, 984 F.2d 345 (9th Cir. 1993).

See Blake v. Nishimura, 2008 U.S. Dist. LEXIS 88003, 8-9 (D. Haw. Oct. 24, 2008).

But the other Kerr factors do warrant consideration of a further reduction on the lodestar amount. While the success of the settlement reached in this case was the combined effort of Plaintiffs' attorneys and counsel for both the City and Hawaiian Properties, it was the City and Hawaiian Properties that pushed this case forward. But more significantly, Hawaiian Properties remains a part of the settlement by agreeing to open and manage an account, assist in location of eligible members, assisting with the posting and delivery of notices to class members, and assisting in the determination of distribution amounts to the eligible class members. Hawaiian Properties involvement in finding a resolution of this case goes beyond simply funding money into a settlement.⁵

E. THE COSTS INCURRED BY PLAINTIFFS' ATTORNEYS ARE NOT RECOVERABLE

Plaintiffs seek \$6,866.91 of alleged costs incurred in this lawsuit as reflected in the Alston Hunt law firm's billing summary.

Local Rule 54.3(d)(3) provides:

⁵ None of the other Kerr factors support an increase in the lodestar amount.

In addition to identifying each requested non-taxable expense, the moving party shall set forth the applicable authority entitling the moving party to such expense and should attach copies of invoices and receipts, if possible.

Local Rule 54.2(c) states, in pertinent part: “[a]ny vouchers, bills, or other documents supporting the costs being requested shall be attached as exhibits.”

Plaintiffs have not provided any case or statutory citation to support its request for an award of costs. Thus, there is no legal authority for Plaintiff’s request for \$275 for research of public records or for the publication of notices (\$4,350.78).

Plaintiffs have also not provided any back up documentation to support the copying (\$346.50), copies from PUC (\$6), court/regulatory documents (\$6.60), messengers (\$60.00), long distance telephone (\$1.63), or postage (\$50.24) charges. Given the absence of any back-up documentation, the Court is unable to determine: (i) what was copied, delivered or mailed; (ii) the number of pages that were copied, deliveries made or documents mailed; (iii) the cost per page, per delivery or mailing; (iv) to whom, when, and where, was the telephone call made; and (v) the purpose of the copying, telephone call, delivery or mailings.

Finally, Plaintiffs are not entitled to costs incurred for legal research (\$1,296.11). See Local Rule 54.2(f)(5); Taylor H. v. Department of Education, 2009 U.S. Dist. LEXIS 105392 (D. Haw. Aug. 6, 2009).

Thus, based on the foregoing, and assuming that the lack of the legal support is not deemed fatal to Plaintiffs' request for costs, Plaintiff should only be awarded costs for the filing fee (\$386) and service by sheriff (\$80).

V. CONCLUSION

Based on the Kerr factors, it is within the Court's discretionary authority to reduce the lodestar amount of \$33,113.07. As for an award of costs, Plaintiffs' motion and evidence only supports an award of \$466 in costs.

DATED: Honolulu, Hawai`i, February 26, 2010.

CARRIE K.S. OKINAGA
Corporation Counsel

/S/ D. Scott Dodd

D. SCOTT DODD

Attorneys for Defendant and Third-Party
Plaintiff

THE CITY AND COUNTY OF
HONOLULU

LI & TSUKAZAKI,
Attorneys at Law, LLLC

/S/ Matt A. Tsukazaki

MATT A. TSUKAZAKI

Attorneys Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

CARRIE K.S. OKINAGA 5958-0
Corporation Counsel

D. SCOTT DODD. 6811-0
Deputy Corporation Counsel
(dsdodd@honolulu.gov)
530 so. King St., Room 110
Honolulu, HI 96813
Telephone: (808) 768-5129
Facsimile: (808) 768-5105

Attorneys for Defendant and Third-Party Plaintiff
THE CITY AND COUNTY OF HONOLULU

LI & TSUKAZAKI,
Attorneys at Law, LLC

MATT A. TSUKAZAKI 4968-0
(mat@lt-hawaii.com)
733 Bishop Street, Suite 1770
Honolulu, HI 96813
Telephone: (808) 524-4888
Facsimile: (808) 524-4887

Attorneys for Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BEVERLY BLAKE, STEPHANIE
CAMILLERI, ARLENE SUPAPO,
individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

CIVIL NO. CV 08-00281 LEK
(Contract) (Declaratory Judgment) (Other
Civil Actions)
Class Action

DECLARATION OF COUNSEL IN
SUPPORT OF MEMORANDUM IN

[CAPTION CONTINUED NEXT PAGE]

CRAIG NISHIMURA, in his official capacity as Acting Director of the Department of Facility Maintenance, City and County of Honolulu; CITY AND COUNTY OF HONOLULU, a municipal corporation,

Defendants.

OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS; EXHIBITS "A" to "C"

CITY AND COUNTY OF HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

HEARING DATE: March 19, 2010
TIME: 9:30 a.m.

Judge: Hon. Leslie E. Kobayashi i

DECLARATION OF COUNSEL IN SUPPORT OF MEMORANDUM IN OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

I, Matt A. Tsukazaki, do hereby declare the following under penalty of perjury:

1. I am an attorney, licensed to practice law in the State of Hawaii, and am a member of the law firm of Li & Tsukazaki, Attorneys at law, LLC, attorney of record for Third-Party Defendant Hawaiian Properties, Ltd.. I have personal

knowledge of the facts in this case and could and would competently testify to them if called as a witness.

2. Attached as Exhibit "A" is a chart that compiles the entries from the billing summaries provided by Alston Hunt Floyd and Ing and the Lawyers for Equal Justice broken out in various descriptive tasks.

3. Attached as Exhibit "B" is a chart that summarized the total hours expended by the billing person in the various descriptive tasks.

4. Attached as Exhibit "C" is a chart that summarized the total of the reasonable hours expended by the billing person in the various descriptive tasks.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, February 26, 2010.

/S/ Matt A. Tsukazaki
MATT A. TSUKAZAKI

CARRIE K.S. OKINAGA 5958-0
Corporation Counsel

D. SCOTT DODD. 6811-0
Deputy Corporation Counsel
(dsdodd@honolulu.gov)
530 so. King St., Room 110
Honolulu, HI 96813
Telephone: (808) 768-5129
Facsimile: (808) 768-5105

Attorneys for Defendant and Third-Party Plaintiff
THE CITY AND COUNTY OF HONOLULU

LI & TSUKAZAKI,
Attorneys at Law, LLC

MATT A. TSUKAZAKI 4968-0
(mat@lt-hawaii.com)
733 Bishop Street, Suite 1770
Honolulu, HI 96813
Telephone: (808) 524-4888
Facsimile: (808) 524-4887

Attorneys for Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BEVERLY BLAKE, STEPHANIE
CAMILLERI, ARLENE SUPAPO,
individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

CIVIL NO. CV 08-00281 LEK
(Contract) (Declaratory Judgment) (Other
Civil Actions)
Class Action

CERTIFICATE OF SERVICE

[CAPTION CONTINUED NEXT PAGE]

CRAIG NISHIMURA, in his official capacity as Acting Director of the Department of Facility Maintenance, City and County of Honolulu; CITY AND COUNTY OF HONOLULU, a municipal corporation,

Defendants.

RE: MEMORANDUM IN OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS; EXHIBITS "A" to "C"

CITY AND COUNTY OF HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

HEARING DATE: March 19, 2010
TIME: 9:30 a.m.

Judge: Hon. Leslie E. Kobayashi i

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 26, 2010, a copy of foregoing documents:

- MEMORANDUM IN OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS;

- DECLARATION OF COUNSEL RE MEMORANDUM IN OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS; EXHIBITS "A" – "C"

were duly served upon the following individual(s) by the U.S. District Court's CM/ECF system to the foregoing persons at their last known electronic mailing addresses and/or U.S. Mail, postage prepaid, as follows:

GAVIN K. THORNTON, ESQ.
M. VICTOR GEMINIANI, ESQ.
WILLIAM H. DURHAM, ESQ.
Lawyers for Equal Justice
P.O. Box 37952
Honolulu, Hawaii 96837

PAUL ALSTON, ESQ.
JASON H. KIM, ESQ.
Alston Hunt Floyd & Ing
1001 Bishop Street, Suite 1800
Honolulu, Hawaii 96813

Attorneys for Plaintiffs BEVERLY BLAKE,
STEPHANIE CAMILLERI and ARLENE SUPAGO

/S/ Matt A. Tsukazaki
MATT A. TSUKAZAKI

cc: KEM

ORIGINAL

CARRIE K.S. OKINAGA 5958-0
Corporation Counsel

D. SCOTT DODD. 6811-0
Deputy Corporation Counsel
(dsdodd@honolulu.gov)
530 so. King St., Room 110
Honolulu, HI 96813
Telephone: (808) 768-5129
Facsimile: (808) 768-5105

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 26 2010 *ASJ*
at 3 o'clock and 50 min PM.
SUE BEITIA, CLERK

Attorneys for Defendant and Third-Party Plaintiff
THE CITY AND COUNTY OF HONOLULU

LI & TSUKAZAKI,
Attorneys at Law, LLLC

MATT A. TSUKAZAKI 4968-0
(mat@lt-hawaii.com)
733 Bishop Street, Suite 1770
Honolulu, HI 96813
Telephone: (808) 524-4888
Facsimile: (808) 524-4887

Attorneys for Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BEVERLY BLAKE, STEPHANIE
CAMILLERI, ARLENE SUPAPO,
individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

CIVIL NO. CV 08-00281 LEK
(Contract) (Declaratory Judgment) (Other
Civil Actions)
Class Action

EXHIBIT "A" IN SUPPORT OF
MEMORANDUM IN

[CAPTION CONTINUED NEXT PAGE]

CRAIG NISHIMURA, in his official capacity as Acting Director of the Department of Facility Maintenance, City and County of Honolulu; CITY AND COUNTY OF HONOLULU, a municipal corporation,

Defendants.

CITY AND COUNTY OF HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

HEARING DATE: March 19, 2010
TIME: 9:30 a.m.

Judge: Hon. Leslie E. Kobayashi i

EXHIBIT "A" IN SUPPORT OF MEMORANDUM IN
OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU
AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

DATE	ATTORNEY	DESCRIPTION	HOURS	ADJUSTED RATE	ADJUSTED TOTAL
		SEARCH FOR CLIENTS			
4/3/2008	DURHAM	Researching potential clients	0.1		
4/5/2008	DURHAM	Meeting with Beverly Blake (client)	1		
4/7/2008	DURHAM	Emails to G. Thompson re: Utility Allowance at Ala Ilima	0.1		
4/9/2008	DURHAM	Ala Ilima Calls	0.2		
4/9/2008	DURHAM	Draft POA	0.3		
4/9/2008	THORNTON	Review research memo from J. Walsh regarding utility allowance claims against city	0.1		
4/10/2008	DURHAM	Draft POA on HUD	0.1		
4/10/2008	DURHAM	Travel for Meeting	0.3		
4/10/2008	DURHAM	Meet with Potential Client, Beverly Blake	0.8		
4/10/2008	THORNTON	Call with W. Durham regarding factual information needed from clients	0.1		
4/11/2008	DURHAM	Letter request to City for HUD Forms	0.2		
4/11/2008	DURHAM	Letter to Beverly re: Case	0.1		
4/17/2008	DURHAM	Utility Allowance Calls	0.3		
4/18/2008	DURHAM	Call Arlene Supapo (Client)	0.3		
4/24/2008	THORNTON	Draft demand letter and research controlling CFRs for Section 8 Loan Management project at Westlake	2.2		
4/28/2008	GEMINIANI	Review draft retainer	0.3		
4/28/2008	DURHAM	Call with Stephanie Camilleri	0.1		
4/28/2008	DURHAM	Draft Retainer	0.3		
5/3/2008	DURHAM	Westlake Retainer Revised	0.1		
5/5/2008	DURHAM	Draft Westlake Case Memo	0.2		
5/5/2008	DURHAM	Calls to Ala Ilima Potential Clients	0.2		
5/6/2008	DURHAM	Call Supapo (Clt)	0.2		
5/6/2008	DURHAM	Call Camilleri (Clt)	0.2		
5/6/2008	DURHAM	Prepare Client Lists	0.1		
5/7/2008	THORNTON	Edit case planning memorandum	0.3		

EXHIBIT
A

Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

5/8/2008	DURHAM	Call Beverly Blake	0.1		
5/9/2008	DURHAM	Prep for Client Meeting	0.1		
5/9/2008	DURHAM	Meeting with Arlene Supapo (client)	1		
5/12/2008	GEMINIANI	Read information re clients	0.1		
6/12/2008	JHK	draft engagement letters to clients	1.2		
6/13/2008	JHK	revise and finalize engagement letters	0.5		
	TOTAL		11.2		

DURHAM	6.4
GEMINIANI	0.4
THORNTON	2.7
JHK	1.7

		<u>TRAVEL TIME</u>			
5/9/2008	DURHAM	Travel for Client Meeting (17 Miles)	0.4		
5/9/2008	DURHAM	Travel Back	0.3		
5/10/2008	DURHAM	Travel / Meeting with Stephanie Camilleri (17 miles)	2		
8/21/2008	L'HEUREUX	Wait for deponent	0.3		
9/3/2008	DURHAM	Time	0.1		
2/17/2009	JHK	prepare for, travel to, and attend status conference	0.8		
6/3/2009	JHK	prepare for, travel to, and attend settlement conference	1.2		
	TOTAL		5.1		

DURHAM	2.8
JHK	2.0
L'HEUREUX	0.3

		<u>ADMINISTRATIVE TIME</u>			
5/9/2008	DURHAM	Scan in Client Docs	0.1		
5/10/2008	DURHAM	Copying and Mailing Back Docs to Beverly Blake and Arlene Supapo	0.3		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 5 of 35
 ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

5/12/2008	DURHAM	Letter to Stephanie Camilleri, returning docs (and copying docs)	0.3		
5/13/2008	DURHAM	Scan and Circulate Camilleri Docs	0.3		
5/24/2008	DURHAM	Email HUD form 50059 to Paul Alston	0.1		
6/9/2008	DURHAM	Email Paul Alston re: Co-counsel agreement	0.1		
6/10/2008	DURHAM	Finalizing Co-Counsel Agreement	0.4		
6/13/2008	JHK	review news articles re lawsuit	0.3		
6/19/2008	DURHAM	Updating Client Info to Contacts	0.1		
7/31/2008	DURHAM	Send out "To Do" List	0.1		
6/15/2008	DURHAM	Backward Mapping for Rule 16	0.4		
10/21/2009	DURHAM	Setting up phone meeting with Matt A. Tsukazaki, Esq.	0.2		
8/1/2008	L'HEUREUX	Pull Smith files, scanned, emailed to W. Durham	0.5		
8/4/2008	L'HEUREUX	Pull Waters files, scanned, emailed to W. Durham	0.3		
8/5/2008	L'HEUREUX	Scan Waters files, email to W. Durham	0.5		
8/7/2008	JB	process plaintiffs initial disclosure documents and prepare file for plaintiffs initial disclosure documents re rate summaries, leases and amendments, and bills	0.7		
8/18/2008	DURHAM	Making List of Utility Rates in Excel	1.4		
8/29/2008	L'HEUREUX	Receive HECO docs for Camilleri; scan and email documents to W. Durham	0.2		
9/2/2008	KKG	redact confidential financial and personal information contained in exhibits for motion	0.6		
9/8/2008	DURHAM	Make list of Due dates for Trial, Motion for Class Cert., and Discovery	0.2		
10/6/2008	DURHAM	Recalculating Due Dates due to continued hearing	0.1		
10/8/2008	L'HEUREUX	Receive letter regarding increase in utility allowance, scan and email documents to W. Durham	0.2		
10/30/2008	DURHAM	Email re: Certificate of Service to J. Kim	0.1		
12/22/2008	DURHAM	Utility Allowance Call w/ Elizabeth Dunne on trial planning	0.5		
12/16/2008	KKG	work on document production log	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 6 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

2/5/2009	JHK	conference with S. Lee re delivery of class notice and provide information to S. Lee re same	0.3		
2/5/2009	SWL	work on preparing/processing "Notice of Pendency of Class Action" to be sent out to residents	1.2		
2/6/2009	SWL	deliver "Notice of Pendency of Class Action" to the residents at 3139 Ala Ilima St. Westlake Apts.	2		
2/6/2009	GKTP	deliver "Notice of Pendency of Class Action" at 3139 Ala Ilima St. Westlake Apts.	2		
2/10/2009	JHK	email to K. Muller re list of former tenants of Westlake	0.1		
2/10/2009	KKG	telephone call to and from Flo at Ralph Rosenberg's re Hawaiian Electric records deposition and email to J. Kim re same	0.2		
2/10/2009	KKG	review list of prior tenants provided by Scott Dodd, Esq. and prepare email to same requesting full names of past tenants	0.3		
2/11/2009	KKG	telephone call from Yvonne at Rosenberg's re Hawaiian Electric records deposition and prepare email to J. Kim summarizing discussions	0.2		
6/13/2008	JHK	review news articles re lawsuit	0.3		
7/31/2008	KKG	prepare email transmitting complete rates summaries and review email from J. Kim re preparation of	0.4		
2/6/2009	L'HEUREUX	Draft letter to Supapo and copy documents	0.2		
	TOTAL		15.4		

DURHAM	4.7
JHK	1.0
L'HEUREUX	1.9
KKG	1.9
GKTP	2.0
SWL	3.2
JB	0.7

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 7 of 35
 ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND AUSTON HUNT LAW FIRM
 Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

		<u>NO SPECIFIC DETAILED DESCRIPTION</u>			
6/13/2008	JHK	review news articles re lawsuit	0.3		
6/23/2008	DURHAM	Call from B. Blake re: new manager	0.1		
6/26/2008	DURHAM	Email Victor re: Rate Info	0.1		
6/28/2008	DURHAM	Email Gavin re: Waters	0.1		
6/28/2008	DURHAM	Call from Stephanie Camilleri	0.1		
6/30/2008	DURHAM	Call with Stephanie Camilleri	0.3		
7/2/2008	DURHAM	Email V. Geminiani (and finding rules and call from Federal court) re: Not being registered	0.2		
7/4/2008	DURHAM	Call Supapo	0.1		
7/25/2008	DURHAM	Call from Stephanie Camilleri	0.1		
8/12/2008	DURHAM	Call with Camilleri	0.2		
9/3/2008	DURHAM	Review Message from Stephanie Camilleri	0.1		
9/3/2008	L'HEUREUX	Call with Camilleri	0.2		
9/3/2008	DURHAM	Call Supapo	0.1		
9/5/2008	L'HEUREUX	Call with Supapo (client)	0.3		
9/5/2008	L'HEUREUX	Meet with Camilleri (client)	0.2		
9/30/2008	DURHAM	availability	0.1		
10/1/2008	DURHAM	Call with S. Camilleri	0.3		
10/5/2008	DURHAM	Outline MSJ	0.2		
10/5/2008	DURHAM	Outline Reply to MCC	0.2		
10/14/2008	DURHAM	Review Stuff for Motion to Strike (if opp. filed soon)	0.3		
10/26/2008	DURHAM	Call Stephanie Camilleri	0.2		
1/26/2009	DURHAM	Email about Settlement	0.1		
2/6/2009	L'HEUREUX	Call with Supapo (client)	0.2		
2/10/2009	DURHAM	Call with Camilleri	0.1		
2/10/2009	DURHAM	Call with Camilleri	0.2		
5/15/2009	DURHAM	Call with Camilleri	0.1		
6/2/2009	DURHAM	Call Arlene Supapo	0.2		
6/2/2008	DURHAM	Call Arlene Supapo	0.1		
7/31/2008	GEMINIANI	Co-Counsel Meeting	0.5		
7/31/2008	GEMINIANI	Call with Will Durham	0.1		

7/31/2008	DURHAM	Call with Victor	0.1		
8/1/2008	DURHAM	Review Email (from J. Kim)	0.1		
12/5/2008	DURHAM	Calls with Camilleri	0.2		
12/10/2008	GEMINIANI	Meet with Plaintiff Arlene Supapo	1.7		
1/5/2009	DURHAM	Stipulation Emails	0.3		
1/6/2009	DURHAM	Stipulation Emails	0.2		
4/16/2009	DURHAM	Reviewing # of Units	0.1		
	TOTAL		8.1		

DURHAM	4.6
GEMINIANI	2.3
JHK	0.3
L'HEUREUX	0.9

		<u>EVICTION ISSUE</u>			
7/3/2008	THORNTON	Review draft letter to city regarding eviction stay and other issues	0.1		
7/14/2008	DURHAM	Preparing letter to city re: default	0.1		
7/15/2008	DURHAM	Call from Camilleri (re: Never Received Letter)	0.1		
7/15/2008	DURHAM	Sent new letter to Camilleri	0.2		
7/16/2008	JHK	call with R. Yanagi (attorney for Westlake) re halting evictions and email to team re strategy for same	0.4		
7/17/2008	DURHAM	Research Camilleri Bankruptcy	0.2		
7/17/2008	DURHAM	Review Letter to Opposing Counsel re: Evictions	0.1		
7/17/2008	DURHAM	Call Camilleri re: Evictions	0.1		
7/17/2008	PA	work on letter to evictions and strategy and emails to and from co-counsel re same	0.3		
7/17/2008	JHK	draft letter to M. Gavigan re halting evictions	0.7		
7/18/2008	DURHAM	Call Stephanie Camilleri re: Threatened Eviction	0.1		
7/18/2008	DURHAM	Draft Letter to Yanagi	0.1		
7/19/2008	DURHAM	Draft Letter to Yanagi	0.4		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 9 of 35
 ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
 Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

7/19/2008	THORNTON	Review correspondence to R. Yanagi and email team	1.6		
7/21/2008	GEMINIANI	Review draft letter to Yanagi	0.3		
7/21/2008	DURHAM	Letter to Yanagi (finish editing, print, scan)	0.5		
7/31/2008	JHK	prepare for and attend meeting of the parties re discovery and settlement and emails with co-counsel re same and required follow-up; call with R. Yanagi re evictions; work on discovery requests to City and County	1.4		
7/31/2008	JHK	call with R. Yanagi re evictions	0.2		
8/12/2008	GEMINIANI	Read Yanagi letter	0.1		
8/12/2008	DURHAM	Draft Letter to Camilleri re: Richard Yanagi's letter on Bankruptcy and HECO authorization	0.2		
8/21/2008	JHK	Call with R. Yanagi re evictions and emails to co-counsel re same	0.3		
8/27/2008	DURHAM	Call with Victor re: responses from HECO on Camilleri	0.1		
8/29/2008	DURHAM	Call from Stephanie Camilleri- re additional collection attempts; Call to Richard Yanagi	0.2		
8/29/2008	JHK	call with R. Yanagi re: S. Camilleri	0.2		
8/30/2008	DURHAM	Review Letter from Yanagi, send to Camilleri	0.2		
8/6/2008	DURHAM	Draft Motion for Preliminary Injunction on Evictions	0.4		
8/6/2008	DURHAM	Draft Motion for Preliminary Injunction on Evictions	1.9		
8/6/2008	DURHAM	Research Motion for Preliminary Injunction	0.6		
8/7/2008	DURHAM	Draft Motion for Preliminary Injunction	1.4		
8/7/2008	DURHAM	Edit Motion for Preliminary Injunction	0.2		
8/7/2008	DURHAM	Edit Motion for Preliminary Injunction	1.2		
8/8/2008	DURHAM	Edit Motion for Preliminary Injunction	0.8		
8/8/2008	DURHAM	Draft Table of Authorities on Motion for Preliminary Injunction	0.6		
9/2/2008	DURHAM	Review Declarations; Call Camilleri and Supapo	0.7		
9/3/2008	DURHAM	Letters to Client re: declarations	0.2		
5/1/2009	JHK	email to co-counsel re preliminary injunction and eviction	0.1		
	TOTAL		16.3		

DURHAM

10.7

Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

GEMINIANI	0.4
THORNTON	1.6
JHK	3.3
PA	0.3

		<u>DRAFT COMPLAINT</u>			
5/6/2008	DURHAM	Draft Complaint	0.9		
5/8/2008	DURHAM	Edit Complaint in Westlake	0.6		
5/8/2009	GEMINIANI	Review draft complaint	0.8		
5/10/2008	DURHAM	Draft Complaint	0.4		
5/12/2008	DURHAM	Edit Complaint	0.1		
5/15/2008	DURHAM	Ilima Complaint	0.2		
5/15/2008	DURHAM	Drafting Complaint and Summons	0.9		
5/15/2008	THORNTON	Edit complaint	3.2		
5/15/2008	THORNTON	Draft email to P. Alston regarding Westlake complaint	0.5		
5/16/2008	THORNTON	Draft emails to P. Alston regarding complaint	0.2		
5/16/2008	THORNTON	edit complaint	0.6		
5/23/2008	DURHAM	Email Paul re: Complaint	0.1		
5/23/2008	DURHAM	Ala Ilima Planning: Filing Dates, etc	0.1		
5/24/2008	DURHAM	Call with Gavin Thornton re: Paul Alston's comments on Complaint	0.1		
5/24/2008	DURHAM	Edit Complaint: Change defendants and make a federal complaint	0.8		
6/1/2008	PA	review and respond to emails from W. Durham and G. Thornton re strategy	0.3		
6/1/2008	DURHAM	Email to Jason Kim, Paul Alston, Gavin Thornton, and Victor Geminiani- setting up planning and circulating all drafts/documents	0.7		
6/1/2008	THORNTON	Review complaint	0.4		
6/2/2008	DURHAM	Edit Complaint	0.3		
6/2/2008	JHK	research re 1983 issues and UDAP claim for complaint	5.5		
6/2/2008	JHK	review and comment on draft complaint	2.2		

Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

6/5/2008	DURHAM	Edit Complaint	0.4		
6/5/2008	DURHAM	Edit Complaint	1		
6/6/2008	DURHAM	Edit Complaint	0.7		
6/6/2008	PA	emails to and from W. Durham and G. Thornton re complaint and claims to include	0.3		
6/7/2008	DURHAM	Finalizing New Draft of Complaint; Circulate to the Team	0.3		
6/7/2008	PA	emails to and from J. Kim re revised complaint	0.6		
6/8/2008	DURHAM	Call Supapo re: Filing on Thursday	0.1		
6/9/2008	DURHAM	Call with Gavin Thornton re: co-counsel agreement and complaint	0.2		
6/9/2008	PA	review and revise co-counsel agreement	0.2		
6/9/2008	PA	review and revise complaint	0.1		
6/9/2008	JHK	review and revise co-counsel agreement	0.6		
6/9/2008	JHK	research re potential claims based on landlord-tenant code and other state law theories	2.8		
6/10/2008	DURHAM	Email to Gavin Thornton, Paul Alston, Jason Kim and Victor Geminiani re overview of the case	0.2		
6/10/2008	DURHAM	Call Jason Kim re: complaint	0.1		
6/10/2008	DURHAM	Call J. Kim, Victor, re: filing date	0.2		
6/10/2008	DURHAM	Edit Complaint	0.2		
6/10/2008	DURHAM	Edit Complaint	0.5		
6/10/2008	DURHAM	Call Beverly Blake re: Complaint filing	0.3		
6/10/2008	JHK	revise and comment on complaint	1.7		
6/11/2008	DURHAM	Edit Complaint	0.3		
6/11/2008	L'HEUREUX	Review complaint	0.3		
6/12/2008	DURHAM	Call with Victor Geminiani re: complaint	0.2		
6/12/2008	GEMINIANI	Call with Will Durham regarding complaint	0.2		
6/12/2008	PA	review and revise complaint	0.3		
6/12/2008	PA	emails to V. Geminiani and J. Kim re strategy	0.2		
6/12/2008	JHK	conference with E. Chee re research on whether UDAP applies to housing	0.3		

Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

6/12/2008	JHK	revise and finalize complaint and arrange for filing and service of same	2.3		
	TOTAL		33.5		

DURHAM	10.3
GEMINIANI	1
THORNTON	4.9
JHK	15.3
PA	1.7
L'HEUREUX	0.3

		<u>LAW CLERK RESEARCH</u>			
6/17/2008	EMC	research on whether UDAP applies to housing	1.2		
6/18/2008	EMC	continue research on whether UDAP applies to housing	0.3		
6/19/2008	JHK	review memo re UDAP and emails to E. Chee re same and review legislative history of UDAP	2.3		
6/19/2008	EMC	continue research on whether UDAP applies to housing and draft and revise memo re same	4.3		
	TOTAL		8.1		

JHK	2.3
EMC	5.8

		<u>DEFAULT AND ANSWER</u>			
7/8/2008	DURHAM	Review Stuff on Default	0.1		
7/8/2008	DURHAM	Email from Gavin re; Default	0.1		
7/8/2008	JHK	research and prepare motion for entry of default	1.1		
7/9/2008	JHK	revise and finalize motion for entry of default	0.4		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 13 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

7/10/2008	PA	email from and to J. Kim re stipulation to set aside; review email from J. Kim re HECO rate summaries; telephone call from M. Gavigan	0.6		
7/10/2008	DURHAM	Review Entry; Stipulation re: Default	0.3		
7/10/2008	JHK	draft stipulation to set aside default and email to M. Gavigan re same	0.4		
7/24/2008	JHK	review and analyze answer to complaint	0.3		
7/25/2008	DURHAM	Review Defendant's Answer	0.1		
7/25/2008	GEMINIANI	Review Answer	0.2		
7/26/2008	PA	review City's answer to complaint	0.1		
	TOTAL		3.7		

DURHAM	0.6
GEMINIANI	0.2
JHK	2.2
PA	0.7

		<u>CLASS CERTIFICATION</u>			
6/14/2008	DURHAM	Download/Review Docs from E-Filing	0.4		
6/15/2008	DURHAM	Updating Task Lists for Class Cert.	0.1		
6/16/2008	DURHAM	Draft Class Cert.	1		
6/19/2008	DURHAM	Draft Motion for Class Certification	2		
6/22/2008	DURHAM	Email to Jason Kim, Victor Geminiani and Gavin Thornton re: meeting on class cert,	0.1		
6/23/2008	DURHAM	Draft Motion for Class Cert.	2.7		
6/25/2008	DURHAM	Call Victor re: Conference Call Later	0.1		
6/25/2008	DURHAM	Conference Call with J. Kim, G. Thornton re: class cert and case planning	0.7		
6/25/2008	DURHAM	Edit notes from call; email Victor	0.1		
6/25/2008	GEMINIANI	motion	0.1		
6/26/2008	DURHAM	Draft Letter to City re: Class Cert.	0.6		

Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

6/27/2008	DURHAM	Draft Letter to Counsel re: Rule 26(f); Stip. on Class Cert.; Stay on Evictions	0.3		
7/1/2008	JHK	review and revise letter to defendants re class certification and injunctive relief	0.7		
7/2/2008	DURHAM	Review Paul's Edits to motion for class certification	0.1		
7/3/2008	THORNTON	Research class certification pleadings	0.6		
7/14/2008	DURHAM	Letter re: early stipulation	0.5		
7/16/2008	PA	analyze and evaluate class certification issues	0.4		
8/4/2008	DURHAM	Draft Motion for Class Cert.	1.4		
8/4/2008	DURHAM	Draft Class Cert. Notice	0.5		
8/5/2008	DURHAM	Finish Motion for Class Cert.	0.7		
8/5/2008	DURHAM	Edit Motion for Class Cert	0.6		
8/5/2008	DURHAM	Edit Motion for Class Cert	1		
8/5/2008	GEMINIANI	Review Class cert motion	0.5		
8/5/2008	JHK	review and comment on motion for class certification	1		
8/5/2008	PA	review and revise motion for class certification and email from and to J. Kim re motion	0.5		
8/6/2008	DURHAM	Edit Class Cert Motion	0.2		
8/6/2008	L'HEUREUX	Review and edit class certification motion	0.5		
8/6/2008	GEMINIANI	suggest changes to class cert motion	0.2		
8/7/2008	DURHAM	Draft Table of Authorities (Class Cert.)	0.4		
8/7/2008	THORNTON	certification	1.6		
8/7/2008	JHK	review draft of motion for class certification	0.1		
8/8/2008	DURHAM	Edit Motion for Class Cert.	0.8		
8/14/2008	JHK	email to co-counsel re class certification motion	0.2		
8/14/2008	PA	review and respond to multiple emails from co-counsel re motion for class certification	0.2		
8/29/2008	JHK	revise motion for class certification	4.2		
8/30/2008	JHK	revise motion for class certification and prepare declarations and exhibits for same	4.5		
9/1/2008	L'HEUREUX	Review draft of class certification motion	0.3		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 15 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

9/1/2008	PA	review and respond to emails re motion for class certification	0.2		
9/2/2008	DURHAM	Edit Motion for Class Cert.	0.7		
9/2/2008	PA	review and revise motion for class certification and email to J. Kim	0.3		
9/2/2008	JHK	revise motion for class certification and declarations and additional research for same	1.8		
9/3/2008	DURHAM	Edit Motion for Class Cert.	0.5		
9/3/2008	DURHAM	Preparing Declaration of Stephanie Camilleri and Arlene Supapo; Mailing; Calls	0.4		
9/3/2008	DURHAM	Email to J. Kim and Victor Geminiani re: declarations	0.2		
9/3/2008	DURHAM	Edit Motion for Class cert.	0.1		
9/3/2008	DURHAM	Edit Motion for class cert.	1.1		
9/3/2008	JHK	emails with D. L'Heureux re declarations for motion for class certification	0.2		
9/4/2008	JHK	revise motion for class certification and proposed class notice and prepare exhibits for filing	1.7		
9/5/2008	DURHAM	Telephone conference with D. L'Heureux regarding motion	0.2		
9/5/2008	PA	review motion for class certification	0.1		
9/5/2008	JHK	revise and finalize motion for class certification	0.5		
9/6/2008	JHK	emails to D. Ahuna re declarations and exhibits for class certification and review exhibits to declarations	0.3		
9/7/2008	DURHAM	Review/Compile filed class cert	0.1		
9/8/2008	PA	review declarations for class certification	0.1		
9/8/2008	DURHAM	Review filed Decl. of S. Camilleri	0.1		
9/20/2008	DURHAM	Email to J. Kim and Victor Geminiani re: Timing on Westlake Response	0.1		
9/20/2008	PA	Durham re pending hearing on motion for class certification	0.2		
9/20/2008	JHK	review email from W. Durham re reply for class certification and respond to same	0.1		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 16 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

9/22/2008	JHK	email to D. L'Heureux re reply to class certification motion	0.1		
10/21/2008	DURHAM	Draft Cert Order	0.2		
10/24/2008	DURHAM	Draft Cert Order	2		
10/27/2008	JHK	revise proposed order granting class certification	1.4		
10/28/2008	JHK	revise and finalize order granting class certification	0.5		
11/5/2008	JHK	revise notice of class action	0.4		
11/6/2008	JHK	prepare class notice for submittal to court	0.4		
11/17/2008	JHK	email to S. Dodd re class notice	0.2		
11/20/2008	PA	email from and to J. Kim re class notice	0.2		
11/20/2008	JHK	email to S. Dodd re class notice	0.2		
12/3/2008	GEMINIANI	Review Stipulated order regarding class notice	0.4		
12/4/2008	JHK	emails to S. Dodd re discovery and class notice	0.2		
12/15/2008	JHK	draft order re class notice procedures and research re same	2.4		
12/16/2008	JHK	email to W. Durham re class notice procedures	0.1		
12/16/2008	DURHAM	Review Class Notice	0.3		
12/17/2008	JHK	revise stipulation re class notice and email to S. Dodd re same	0.2		
1/9/2009	JHK	emails to S. Dodd re class notice procedures	0.3		
1/20/2009	JHK	email to S. Dodd re class notice and email to co-counsel re settlement and expert witness report	0.3		
1/21/2009	JHK	revise stipulation re class notice and email to S. Dodd re same	0.4		
1/22/2009	JHK	research re magistrate judge jurisdiction to hear class certification, draft letter to L. Kobayashi re same, and email to S. Dodd re same	1.4		
1/22/2009	JHK	emails to S. Dodd re stipulated order re class notice and review same	0.3		
1/28/2009	JHK	email to D. Ahuna re filing of stipulated order re class notice	0.1		
1/28/2009	JHK	emails to S. Dodd re referral to magistrate	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 17 of 35
 ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
 Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

1/29/2009	JHK	email to S. Dodd re magistrate stipulation	0.1		
1/29/2009	JHK	finalize submittal of stipulated order re class notice	0.2		
2/5/2009	JHK	revise letter to Magistrate Judge Kobayashi re referral	0.2		
2/17/2009	JHK	draft revised class certification order to reflect assignment to magistrate judge	0.5		
2/19/2009	JHK	emails and conference with K. Muller re class notice	0.6		
2/20/2009	JHK	review email from K. Muller re class notice	0.1		
2/26/2009	JHK	revise proposed amended order on class certification and email to S. Dodd re same	0.3		
2/27/2009	JHK	draft transmittal for amended class certification order to court and email to D. Ahuna re same	0.2		
3/12/2009	JHK	review order re class notice and email to D. Ahuna re publishing class notice	0.4		
3/17/2009	JHK	review proof of legal notice and email to D. Ahuna re same	0.2		
3/19/2009	JHK	email to K. Muller re opt out	0.1		
4/4/2009	PA	review affidavit of publication re notice of pendency of class action	0.1		
	TOTAL		54.1		

DURHAM	20.3
GEMINIANI	1.2
THORNTON	2.2
JHK	27.3
PA	2.3
L'HEUREUX	0.8

		<u>RULE 26 and INITIAL DISCLOSURES</u>			
7/24/2008	JHK	email to co-counsel re answer and meeting of the parties	0.3		
7/24/2008	JHK	emails to K. Muller re utility rate summaries	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 18 of 35
 ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
 Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

7/25/2008	JHK	email to M. Gavigan re Rule 26 meeting and email to co-counsel re same	0.4		
7/28/2008	JHK	email to M. Gavigan re Rule 26 meeting and prepare outline re topics to discuss	0.5		
7/29/2008	JHK	emails with M. Gavigan and co-counsel re Rule 26 meeting	0.2		
7/31/2008	DURHAM	Co-counsel meeting re: Discovery (J. Kim, Victor, Will)	0.5		
7/31/2008	DURHAM	Rule 26(f) Conference	0.7		
7/31/2008	GEMINIANI	Rule 26 conference	0.7		
8/1/2008	KKG	draft report of the parties planning meeting pursuant to rule 26	0.8		
8/4/2008	JHK	revise Rule 26 meeting report	0.9		
8/4/2008	JHK	review and prepare documents for initial disclosure production	1.5		
8/5/2008	DURHAM	Review Report of the Parties	0.2		
8/5/2008	JHK	revise Rule 26 meeting report and email to M. Gavigan re same	0.3		
8/6/2008	JHK	review documents for initial disclosures	1.5		
8/7/2008	JHK	email to K. Muller re initial disclosures	0.1		
8/7/2008	JHK	finalize Rule 26 meeting report	0.1		
8/13/2008	GEMINIANI	Review Plaintiff's initial disclosures	0.5		
8/13/2008	JHK	draft initial disclosures and prepare documents for same	2		
8/13/2008	KKG	work on preparing initial disclosure documents for production and email to J. Kim re same	0.2		
8/14/2008	DURHAM	Review Initial Discovery	0.1		
8/14/2008	JHK	revise and finalize initial disclosures and email to co-counsel re same	0.3		
8/14/2008	KKG	finalize initial disclosure and production of documents	0.6		
8/15/2008	JHK	email to M. Gavigan re initial disclosures and stipulations	0.2		
10/30/2008	DURHAM	Review Initial Disclosures and Order for Class Cert	0.4		
10/30/2008	GEMINIANI	Review Defendant's initial disclosures	0.7		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 19 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

10/30/2008	PA	review Nishimura/CCH's initial disclosure statement and telephone conference with J. Kim re same	0.3		
10/30/2008	L'HEUREUX	Review Initial Disclosures	0.5		
11/11/2008	KKG	review initial disclosure documents and prepare instruction to J. Bunch to prepare file	0.4		
	TOTAL		15.1		

DURHAM	1.9
GEMINIANI	1.9
JHK	8.5
PA	0.3
KKG	2.0
L'HEUREUX	0.5

		<u>DISCOVERY</u>			
6/19/2008	PA	email from and to J. Kim re scheduling and strategy	0.3		
6/25/2008	JHK	call with G. Thornton and W. Durham re discovery strategy and initial disclosures	0.3		
6/25/2008	JHK	review rules and documents to prepare for call	0.5		
6/27/2008	PA	review initial demand letter	0.5		
7/1/2008	JHK	review and analyze utility rate summary documents	2		
7/3/2008	DURHAM	Discovery Planning; document review planning: Conference call- Jason, Gavin, Victor	0.4		
7/3/2008	DURHAM	Letters to HECO; to Clients re: HECO authorization; calls to all 3 clients to confirm	0.7		
7/3/2008	GEMINIANI	Conf. Call with Jason Kim, Will Durham and Gavin Thornton regarding discovery	0.4		
7/24/2008	DURHAM	Review Electric Bills; 5 Day notice for Camilleri; Put into spreadsheet	0.9		
7/24/2008	DURHAM	Email Gavin re: Spreadsheet of raises	0.1		
7/27/2008	DURHAM	Letter to HECO re: Rates for Camilleri	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 20 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

8/21/2008	DURHAM	Review Docs for DEPO	0.4		
8/25/2008	DURHAM	Review Paul Alston's email on chart	0.1		
8/25/2008	DURHAM	Draft HECO Rate Chart, Excel File	1.2		
8/30/2008	DURHAM	Add Camilleri info to chart on utility usage	0.2		
9/4/2008	JHK	email to W. Durham re status of discovery	0.2		
10/1/2008	DURHAM	Email J. Kim and Victor Geminiani re: raise and additional discovery	0.1		
10/9/2008	DURHAM	Review Letter re Raising Utility Allowance	0.1		
10/13/2008	THORNTON	Review emails from team and respond	0.1		
11/1/2008	DURHAM	Review Discovery	1.1		
11/1/2008	GEMINIANI	Review Will's summary of Discovery	0.4		
11/2/2008	DURHAM	Prepare discovery Timeline	0.5		
11/7/2008	DURHAM	Review Additional Discovery (105a)	0.1		
11/10/2008	DURHAM	Review Cert on Discovery	0.1		
11/10/2008	DURHAM	Discovery Planning	0.2		
11/10/2008	PA	review City's response to production of documents	0.1		
11/10/2008	JHK	email to co-counsel re follow-up required from meeting with S. Dodd	0.5		
11/11/2008	DURHAM	Discovery Planning	0.2		
11/11/2008	PA	email from and to G. Thornton re expert	0.1		
11/12/2008	L'HEUREUX	Review Response to 1st Request for Documents	0.2		
11/12/2008	JHK	review response to document request and documents produced	0.4		
11/13/2008	GEMINIANI	Stipulated Protective order	0.4		
12/5/2008	GEMINIANI	Review Defendant's response to admissions	0.4		
12/5/2008	L'HEUREUX	Review Response to 1st Request for Admissions	0.2		
12/5/2008	JHK	email with S. Dodd re document review and review City and County's response to admissions	0.3		
12/6/2008	DURHAM	Review RFA Response	0.1		
12/8/2008	KKG	review defendants' responses to requests for admissions and prepare documents to have case discovery binder updated	0.3		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 21 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

12/10/2008	JHK	review documents at Hawaiian Properties office and conference with S. Dodd re same	1.6		
2/12/2009	JHK	calls with D. Ahuna re status conference and email to S. Dodd re same	0.3		
2/12/2009	JHK	emails to K. Muller re obtaining HECO records	0.1		
2/17/2009	JHK	conference with E. Dunne re settlement proposal	0.2		
2/18/2009	KKG	review list provided by defendants regarding tenants who moved out between January 1, 2000 and January 31, 2009 and work on locating whereabouts of 52 former tenants at Westlake by review of telephone listings, skip tracing services available online, and autotrack services	1.5		
2/19/2009	KKG	work on locating whereabouts of 52 former tenants at Westlake by review of telephone listing, skip tracing services available online, and autotrack services	8		
2/20/2009	KKG	continue work on locating former tenants of Westlake; review information obtained re former tenants and work on preparing address list of current, last know addresses of same; prepare instruction to have class notices served; monitor same	5.1		
6/13/2009	JHK	review documents produced by HUD and prepare for production to other parties	0.6		
6/30/2009	KKG	review documents produced by U.S. Department of Housing and Urban Development pursuant to FOIA request and prepare same for production to other parties	1.5		
7/1/2009	KKG	prepare and finalize supplemental initial disclosure production and letter to defendant City and County of Honolulu re production of supplemental initial disclosure documents	0.4		
7/8/2009	KKG	email to J. Kim re Hawaiian Properties, Ltd. records deposition	0.1		
7/28/2008	KKG	telephone call to Lei at Public Utilities Commission re obtaining rate summaries for selected years and email to J. Kim re same	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 22 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

7/29/2008	KKG	telephone call to and from Lei at Public Utilities Commission re requested rates summaries to discuss miscopying and request correct copies and conform same with rate summaries in file	0.3		
7/31/2008	JHK	draft discovery requests to City and County	1.2		
8/4/2008	JHK	draft discovery requests to City and County	1.3		
8/8/2008	JHK	emails to K. Muller re discovery and review and finalize discovery requests	0.7		
8/9/2008	PA	review report of discovery meeting and discovery requests	0.2		
8/12/2008	DURHAM	Review Discovery Documents	0.2		
8/25/2008	PA	review graphs of utility prices and email from and to W. Durham re same	0.3		
8/28/2008	JHK	email to M. Gavigan re outstanding discovery	0.3		
8/28/2008	KKG	review case pleadings and discovery file to prepare draft scheduling conference statement	0.8		
8/29/2008	PA	deposition	0.1		
9/10/2008	JHK	email to M. Gavigan re outstanding discovery issues	0.3		
9/18/2008	KKG	check on status re outstanding discovery requests	0.3		
9/19/2008	JHK	call with M. Gavigan re discovery	0.1		
10/9/2008	JHK	review notice re increased utility allowances and email to team re discovery issues	0.3		
10/13/2008	JHK	call with S. Dodd re pending discovery and email to team re same	0.3		
10/24/2008	PA	email from and to J. Kim re discovery order	0.1		
10/27/2008	JHK	email to S. Dodd re discovery issues	0.2		
10/31/2008	JHK	email to S. Dodd re discovery issues	0.1		
11/4/2008	KKG	draft stipulated protective order	0.5		
11/5/2008	JHK	revise protective order and email to S. Dodd re same	1.2		
11/5/2008	KKG	continue working on preparing stipulated protective order and exhibit A	0.6		
11/11/2008	JHK	emails with S. Dodd and D. Ahuna re protective order	0.2		
	TOTAL		43.5		

DURHAM	6.9
GEMINIANI	1.6
THORNTON	0.1
JHK	13.2
PA	1.7
L'HEUREUX	0.4
KKG	19.6

		<u>RULE 30(b)(6) DISCOVERY</u>			
8/5/2008	KKG	prepare draft request for production of documents; notice of taking deposition upon oral examination pursuant to Rule 30(b)(6); exhibit A; and initial	1.1		
8/6/2008	JHK	revise 30(b)(6) deposition notice and document request	0.8		
8/6/2008	KKG	of taking deposition upon oral examination pursuant to Rule 30(b)(6); exhibit A; and initial disclosures and work on preparing initial disclosure documents for production	3		
8/7/2008	DURHAM	Review 30(b)(6) Notice	0.1		
8/8/2008	KKG	finalize and prepare request for production of documents and 30(b)(6) notice for service on defendants; draft requests for admissions to defendants and prepare exhibits; prepare certificates of service; finalize discovery requests and prepare for service on defendants and filing with court	3		
8/19/2008	DURHAM	Email re: Deposition	0.1		
8/19/2008	DURHAM	Email re: Deposition (J. Kim)	0.1		
8/19/2008	JHK	email with co-counsel re 30b6 deposition and prepare for same	0.5		

Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

8/20/2008	JHK	prepare for 30(b)6 deposition of City & County of Honolulu including drafting outline for deposition, reviewing applicable law and regulations and preparing exhibits for deposition	4.3		
8/20/2008	L'HEUREUX	Review outline for and prepare for 30(b)(6) deposition	0.3		
8/20/2008	THORNTON	Review documents, research and send email for 30(b)(6) deposition preparation	0.8		
8/21/2008	PA	email from and to J. Kim re outline for 30(b)6	0.1		
8/21/2008	JHK	revise outline and prepare for deposition and call with M. Gavigan re same	1.4		
8/21/2008	KKG	review email from A. Matsuo re cancellation fees of 30(b)(6) deposition of the City and County of Honolulu	0.1		
10/30/2008	JHK	issues, and revise 30b6 deposition outline in light of same	2.8		
11/5/2008	JHK	email to S. Dodd re 30b6 deposition	0.2		
11/5/2008	KKG	prepare amended notice of 30(b)(6) deposition and discuss same with J. Kim	0.4		
11/6/2008	JHK	emails to S. Dodd and co-counsel re 30b6 deposition and other discovery issues	0.3		
	TOTAL		19.4		

DURHAM	0.3
THORNTON	0.8
JHK	10.3
PA	0.1
L'HEUREUX	0.3
KKG	7.6

		<u>MOTION TO COMPEL AND SANCTIONS</u>			
9/26/2008	JHK	conference with and email to K. Muller re motion to compel	0.3		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 25 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

9/26/2008	KKG	discussions with J. Kim re status of outstanding discovery and initial disclosures and compile information for motion to compel	1		
9/28/2008	GEMINIANI	Review motion to compel	0.3		
9/29/2008	KKG	draft motion to compel discovery and for sanctions and review case pleadings re same	3		
9/30/2008	JHK	revise motion to compel and emails to K. Muller re same	1.5		
10/1/2008	DURHAM	Review Motion to Compel Discovery	0.2		
10/1/2008	PA	review motion to compel discovery and email to J. Kim re follow up	0.2		
10/1/2008	KKG	finalize motion to compel	0.5		
10/2/2008	PA	review and respond to email from J. Kim re motion to compel	0.2		
10/16/2008	JHK	draft stipulation re motion to compel and email to S. Dodd re same	0.4		
10/20/2008	JHK	emails to D. Ahuna and team re orders granting motions	0.3		
10/20/2008	DURHAM	Minute order review; team email	0.2		
10/21/2008	JHK	email to S. Dodd re attorneys fees sanction	0.1		
10/22/2008	JHK	email to S. Dodd re attorneys fees sanction	0.1		
10/24/2008	DURHAM	Review Discovery Order	0.1		
10/24/2008	JHK	review order granting motion to compel, email to S. Dodd re same, and email to P. Alston re same	0.6		
	TOTAL		9		

DURHAM	0.5
GEMINIANI	0.3
JHK	3.3
PA	0.4
KKG	4.5

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 26 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL NO. 1:08-00281 LEK

		<u>SCHEDULING CONFERENCE</u>			
8/28/2008	KKG	Review Scheduling Conference Statement	0.2		
8/28/2008	PA	review scheduling conference statement and email to co-counsel re same	0.2		
8/28/2008	JHK	draft scheduling conference statement	1.4		
8/29/2008	KKG	finalize and file scheduling conference statement	0.3		
9/4/2008	PA	review City's scheduling conference statement	0.1		
9/8/2008	JHK	attend scheduling conference and conference with M. Gavigan re outstanding discovery issues	1		
	TOTAL		3.2		

DURHAM	0.2
JHK	2.4
PA	0.3
KKG	0.3

		<u>INITIAL SETTLEMENT ANALYSIS/DISCUSSIONS</u>			
5/15/2008	GEMINIANI	Review settlement proposal letter to City	0.3		
5/15/2008	THORNTON	Draft settlement proposal letter to City	1		
5/16/2008	DURHAM	Review Blakes Documents- HUD form 50059 (2001-2007)	0.1		
6/2/2008	DURHAM	Draft Demand Letter	0.1		
6/7/2008	DURHAM	Summary of Rent Increase Documents	0.3		
7/2/2008	JHK	emails with G. Thornton and W. Durham re utility rate information	0.2		
7/3/2008	THORNTON	Conference call with W. Durham, J. Kim, and V. Geminiani regarding utility rate information and next steps; email J. Kim gathering factual information regarding Westlake	0.9		
7/3/2008	JHK	prepare for and attend conference call re utility rate information	0.7		
7/7/2008	PA	email from and to G. Thornton re correspondence	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 27 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

7/8/2008	JHK	conference with K. Muller re obtaining additional utility rate summaries	0.3		
7/8/2008	JHK	draft and submit FOIA requests re HUD records relating to Westlake apartments	1.4		
7/9/2008	KKG	review rate summaries and identify summaries to be analyzed and prepare summary of findings to J. Kim noting missing summaries to be obtained through public utilities commission	1.8		
7/10/2008	JHK	review utility rate summaries and email to team re same	1.3		
7/11/2008	JHK	assemble utility rate documents	0.5		
7/11/2008	THORNTON	Email to team regarding utility rate information	0.2		
7/14/2008	PA	review and respond to emails re status	0.2		
7/15/2008	JHK	emails with K. Muller re obtaining utility rate summaries	0.4		
7/15/2008	KKG	prepare request to retrieve HECO documents and prepare instructions to J. Bunch and meet with same to discuss review of case documents to identify HECO rate summaries	1		
7/16/2008	JB	review case documents to identify and compile information to complete annual rate filings for Hawaiian Electric Company, Inc. filed with PUC	1.8		
7/23/2008	GEMINIANI	Review utility usage chart for clients	0.3		
7/24/2008	GEMINIANI	Review HECO response chart	0.5		
8/20/2008	DURHAM	Review HUD Manual re: Utility Allowances	0.3		
8/20/2008	DURHAM	TCT: Gavin re: Planning in Utility Allowance case	0.4		
8/25/2008	GEMINIANI	Review Will's spreadsheet on utility rates	0.4		
8/25/2008	THORNTON	Review spreadsheets on damages calculations and email team	0.3		
10/1/2008	DURHAM	Email Victor re: Time and Fees in the Case	0.2		
10/30/2008	THORNTON	Review and respond to emails from team regarding settlement	0.2		
11/10/2008	GEMINIANI	Review Will's email on rates and attachments	0.5		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 28 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

11/10/2008	JHK	prepare for and attend meeting with S. Dodd re discovery and settlement	2.8		
11/11/2008	THORNTON	Review and respond to emails from team regarding settlement and damages calculations	0.8		
12/22/2008	JHK	draft letter to court re continuing settlement conference and email to S. Dodd re same	0.3		
12/22/2008	DURHAM	Analyzing Rates	0.2		
1/21/2009	JHK	review and respond to emails from W. Durham re damages calculation for settlement proposal	0.8		
1/21/2009	DURHAM	Proposal for Damages	0.1		
1/22/2009	PA	review and respond to emails from W. Durham re utility allowance and calculated damages	0.2		
1/22/2009	JHK	work on settlement proposal	1.8		
1/22/2009	GEMINIANI	Review Will Durham's charts on utility rate calculations	0.5		
1/22/2009	GEMINIANI	Review Gavin Thornton's email regarding utility rate calculations	0.2		
1/22/2009	DURHAM	Proposal for Damages	0.6		
1/22/2009	DURHAM	Calculate Lawyers Fees	0.2		
1/23/2009	THORNTON	Review and respond to team emails regarding damage calculations	0.7		
2/4/2009	JHK	emails to S. Dodd re meeting for settlement and discovery	0.2		
2/5/2009	JHK	prepare for and attend meeting with S. Dodd re settlement and discovery and email to S. Dodd re class notice to follow-up from meeting	1.5		
2/11/2009	DURHAM	Email to J. Kim re: Settlement status	0.1		
2/11/2009	JHK	review and revise stipulations re deadlines and removing Nishimura as defendant and email to S. Dodd re same and scheduling issues	0.6		
3/24/2009	JHK	email to E. Dunne and V. Geminiani re status and settlement	0.2		
3/25/2009	JHK	email to E. Dunne and V. Geminiani re status and settlement	0.1		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 29 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

4/6/2009	JHK	email to team re settlement proposal	0.3		
4/7/2009	PA	review and respond to email from W. Durham and J. Kim re billing rates	0.1		
4/7/2009	DURHAM	Prepping Attorney Fee Est.	0.6		
4/13/2009	JHK	review and respond to email from S. Dodd re settlement conference	0.2		
4/15/2009	PA	review draft letter and respond to email from J. Kim re settlement demand	0.3		
4/15/2009	JHK	draft settlement demand, research re rate of prejudgment interest for same, and email to co-counsel re same	3.2		
4/16/2009	L'HEUREUX	Review proposed settlement	0.3		
4/16/2009	GEMINIANI	Review HUD form 92458	0.3		
4/16/2009	GEMINIANI	review settlement communication	0.3		
4/16/2009	DURHAM	Review Settlement Proposal	0.1		
4/16/2009	DURHAM	Calling all Clients	0.6		
4/16/2009	PA	review City's motion to continue settlement conference	0.1		
4/16/2009	JHK	draft confidential settlement conference statement, revise settlement demand, call with S. Dodd re same, and emails with co-counsel re same	3.3		
4/19/2009	DURHAM	Review Settlement Statement and Defendant Motion to Continue	0.1		
4/21/2009	JHK	email to D. L'Heureux re preparing attorney fee invoices for settlement discussions	0.2		
4/22/2009	DURHAM	Fees Estimates	0.2		
4/25/2009	JHK	review and edit attorney fee invoices and draft letter to D. Louie and S. Dodd re same; email to V. Geminiani and G. Thornton re additional information for same	1.1		
4/27/2009	JHK	revise letter transmitting attorneys fee invoices	0.1		
4/28/2009	JHK	review revised invoice of attorneys' fees and costs	0.2		
4/30/2009	JHK	review and respond to email from S. Dodd re evictions	0.3		
5/13/2009	JHK	call with D. Louie re settlement	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 30 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

6/1/2009	JHK	emails to V. Geminiani and W. Durham re settlement conference	0.2		
6/1/2009	GEMINIANI	Review HECO bills, HUD forms, Facility Management Report	0.7		
6/2/2009	DURHAM	Email to J. Kim and V. Geminiani and E. Dunne re: Settlement Conference	0.2		
	TOTAL		40.9		

DURHAM	9.0
GEMINIANI	4.0
THORNTON	4.1
JHK	22.4
PA	1.1
L'HEUREUX	0.3

		<u>THIRD-PARTY COMPLAINT</u>			
5/13/2009	JHK	call with D. Scott Dodd re motion for leave to file third-party claim	0.2		
5/15/2009	JHK	review motion for leave to amend and call with P. Alston re same	0.3		
5/18/2009	DURHAM	Review Motion for 3rd Party Complaint/ Complaint	0.2		
5/18/2009	GEMINIANI	City's motion to join 3rd party	0.5		
5/18/2009	PA	review City and County's motion to file third party complaint against Hawaiian Properties	0.2		
6/3/2009	PA	review opposition to motion to amend complaint and email to J. Kim re same	0.1		
6/3/2009	JHK	research and draft opposition to motion for leave to file amended complaint	3.2		
6/4/2009	DURHAM	Review Response to Motion 3PC	0.1		
6/4/2009	JHK	revise and finalize opposition to motion for leave to file third-party complaint and assemble exhibits for same	0.7		
6/7/2009	GEMINIANI	Review draft complaint	0.8		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 31 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

6/10/2009	GEMINIANI	Read city's response to opposition to join 3rd party	0.5		
6/22/2009	JHK	prepare for and attend hearing re motion to file 3rd party complaint	1		
6/25/2009	PA	review City and County's third-party complaint against Hawaiian Properties	0.1		
6/29/2009	DURHAM	Review amended 3rd party complaint	0.1		
6/29/2009	GEMINIANI	Read 3rd party amended complaint	0.9		
	TOTAL		8.9		

DURHAM	0.4
GEMINIANI	2.7
PA	0.4
JHK	5.4

		<u>SETTLEMENT DISCUSSIONS WITH HAWAIIAN PROPERTIES</u>			
7/27/2009	GEMINIANI	Review correspondence from Matt T. on behalf of Hawaiian Properties re his analysis of damages and market renters exclusion	0.5		
7/27/2009	PA	review letter from M. Tsukazaki to Judge Kobayashi re request for status conference re utility allowance analysis by Hawaiian Properties	0.2		
7/27/2009	JHK	review correspondence from Hawaiian Properties to Judge Kobayashi and email from W. Durham re same	0.2		
7/29/2009	JHK	email to defense counsel re rescheduling status conference	0.1		
7/30/2009	PA	review Hawaiian Properties' answer to third party complaint	0.1		
8/1/2009	DURHAM	Calculating Damages Issue: persons paying contract rent	0.2		
8/17/2009	JHK	review and respond to email from M. Tsukazaki re settlement correspondence	0.1		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 32 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

8/18/2009	JHK	email to M. Tsukazaki re calculation of damages and email to K. Muller re documentation re same	0.5		
8/19/2009	JHK	emails to K. Muller re HECO rate summaries and review email from M. Tsukazaki re same	0.4		
8/19/2009	KKG	discussions with J. Kim re HECO rate filing documents and work on preparing same for production to Matt Tsukuzaki, Esq.; prepare transmittal re same	0.4		
8/20/2009	JHK	review spreadsheets re calculation of damages and email to W. Durham re same	0.5		
8/26/2009	DURHAM	Review Settlement Proposal	0.2		
8/26/2009	JHK	review email from W. Durham re utility allowance calculation and email to M. Tsukazaki re same	0.2		
8/27/2009	JHK	call with V. Geminiani re settlement conference and prepare for settlement and status conference	0.2		
8/28/2009	JHK	prepare for and attend settlement conference	1		
9/18/2009	JHK	email to M. Tsukazaki re utility allowance analysis	0.1		
9/21/2009	DURHAM	Reviewing their damages proposal	0.3		
9/22/2009	GEMINIANI	Review Will Durham's charts on HECO rates and possible damages	1.4		
9/22/2009	GEMINIANI	Review Defendant's analysis of HECO rates	0.6		
9/22/2009	GEMINIANI	Read letter and charts from Matt Tsukazaki	1.1		
9/22/2009	PA	email from and to W. Durham re letter from M. Tzukazaki re utility analysis	0.1		
9/22/2009	JHK	review damages analysis from M. Tsukazaki and review emails from co-counsel responding to same	0.8		
9/25/2009	JHK	review email from S. Dodd re rent increase and email to co-counsel re same	0.2		
9/27/2009	GEMINIANI	Review and comment on emails re Defendant's intent to raise rent	0.2		
9/27/2009	DURHAM	Emails with Team on Rent Increase	0.1		
9/27/2009	JHK	review emails from co-counsel re rent increase	0.2		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 33 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

10/3/2009	JHK	research and draft response to M. Tsukazaki letter re calculation of utility allowance underpayments and email to co-counsel re same	2.5		
10/3/2009	JHK	email to S. Dodd re rent increases	0.2		
10/5/2009	GEMINIANI	Review and comment on draft letter re settlement	0.4		
10/5/2009	JHK	email to V. Geminiani re response to M. Tsukazaki letter and finalize same	0.2		
10/16/2009	GEMINIANI	Read and analyze Defendants letter and charts on usage and rate overcharges	1.2		
10/16/2009	JHK	review letter from M. Tsukazaki and email to co-counsel re same	0.4		
10/18/2009	GEMINIANI	Read Will Durham's email and analyze charts on HECO rates	0.4		
10/19/2009	PA	review correspondence re analysis of utility allowance	0.1		
10/20/2009	DURHAM	Working on U.A. Sheets	0.4		
10/21/2009	JHK	prepare for and attend settlement conference	1.4		
10/21/2009	JHK	emails to M. Tsukazaki and co-counsel to follow-up on settlement conference	0.4		
10/22/2009	GEMINIANI	Emails with Will and Jason re settlement offer	0.3		
10/22/2009	JHK	emails to V. Geminiani and M. Tsukazaki re settlement	0.2		
10/23/2009	DURHAM	Call with Matt Tsukazaki	0.9		
10/23/2009	DURHAM	Email to V. Geminiani, J. Kim, and E. Dunne on Settlement planning	0.1		
10/23/2009	JHK	review and respond to emails from W. Durham and V. Geminiani re offer of settlement	0.4		
10/24/2009	GEMINIANI	Emails to Jason Kim and Will Durham re settlement offer figures	0.3		
10/24/2009	JHK	email to V. Geminiani re settlement offer and review documentation re market renters	0.6		
10/27/2009	GEMINIANI	Talked to three plaintiffs re settlement offer for approval	0.8		
10/27/2009	JHK	review and respond to email from V. Geminiani re settlement counter offer	0.3		
10/31/2009	JHK	draft counter offer and email to co-counsel re same	1		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 34 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

11/2/2009	GEMINIANI	Review and respond to Plaintiffs' counteroffer	0.3		
11/3/2009	GEMINIANI	Review settlement offer	0.3		
11/4/2009	PA	review correspondence re counter-offer	0.1		
11/17/2009	GEMINIANI	Settlement conference	1.5		
11/17/2009	GEMINIANI	Call clients for approval of settlement	0.4		
11/17/2009	GEMINIANI	Settlement Conference	2		
11/17/2009	GEMINIANI	Email Will Durham settlement and terms	0.3		
11/17/2009	PA	review and respond to email from V. Geminiani re settlement	0.1		
11/17/2009	JHK	review letter from M. Tsukazaki re settlement offer and review and respond to email from W. Durham re same	0.5		
11/17/2009	JHK	prepare for and attend settlement conference and email to M. Tsukazaki re same	1.6		
11/19/2009	JHK	email to M. Tsukazaki re settlement documentation	0.1		
11/23/2009	JHK	email to defendants' counsel re updating utility allowances as condition of settlement	0.2		
11/25/2009	JHK	emails to V. Geminiani re calculation of attorneys' fees	0.1		
11/30/2009	JHK	attend settlement conference	0.6		
11/30/2009	JHK	review previous motions to approve class settlement prepared by firm and email to M. Tsukazaki with example of same	0.4		
12/9/2009	JHK	draft settlement agreement and email to M. Tsukazaki re same	0.8		
12/10/2009	PA	review notice, consent, and reference of a civil action to a magistrate judge	0.2		
12/10/2009	JHK	draft settlement agreement and class notice and research regarding the requirements for same	4		
12/11/2009	JHK	revise class notice, email to V. Geminiani re same, and email to opposing counsel re same	0.6		
12/12/2009	JHK	email to V. Geminiani re class notice	0.1		
12/14/2009	JHK	revise class notice and settlement agreement and emails to M. Tsukazaki re same	1.1		

Case 1:08-cv-00281-LEK Document 100 Filed 02/26/10 Page 35 of 35
ANALYSIS OF BILLING SUMMARIES FROM LAWYERS FOR EQUAL JUSTICE AND ALSTON HUNT LAW FIRM
Re BLAKE v. NISHIMURA, CIVIL. NO. 1:08-00281 LEK

12/14/2009	JHK	review and revise motion for preliminary approval of settlement	0.5		
12/14/2009	GEMINIANI	Talked to the three named plaintiffs re class notice	0.5		
12/16/2009	JHK	review proposed revisions to settlement agreement and email to M. Tsukazaki re same	0.7		
12/17/2009	JHK	revise settlement agreement and emails to M. Tsukazaki re same	0.6		
12/18/2009	JHK	emails to V. Geminiani re submission of attorneys' fees	0.3		
12/18/2009	JHK	email to M. Tsukazaki re settlement agreement	0.1		
12/21/2009	DURHAM	Calculating Attorneys Fees	0.6		
12/21/2009	JHK	revise declaration for motion for preliminary approval of settlement and emails to M. Tsukazaki re same	0.3		
12/29/2009	JHK	obtain fee invoices for fee application	0.1		
1/29/2010	JHK	attend hearing re motion for preliminary approval of settlement and email to M. Tsukazaki re follow up from same	1		
1/30/2010	PA	review order granting motion for preliminary approval of settlement	0.1		
	TOTAL		42.5		

DURHAM	2.8
GEMINIANI	12.5
JHK	26.3
PA	0.9

CARRIE K.S. OKINAGA 5958-0
Corporation Counsel

D. SCOTT DODD. 6811-0
Deputy Corporation Counsel
(dsdodd@honolulu.gov)
530 so. King St., Room 110
Honolulu, HI 96813
Telephone: (808) 768-5129
Facsimile: (808) 768-5105

Attorneys for Defendant and Third-Party Plaintiff
THE CITY AND COUNTY OF HONOLULU

LI & TSUKAZAKI,
Attorneys at Law, LLC

MATT A. TSUKAZAKI 4968-0
(mat@lt-hawaii.com)
733 Bishop Street, Suite 1770
Honolulu, HI 96813
Telephone: (808) 524-4888
Facsimile: (808) 524-4887

Attorneys for Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BEVERLY BLAKE, STEPHANIE
CAMILLERI, ARLENE SUPAPO,
individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

CIVIL NO. CV 08-00281 LEK
(Contract) (Declaratory Judgment) (Other
Civil Actions)
Class Action

EXHIBIT "B" IN SUPPORT OF
MEMORANDUM IN

[CAPTION CONTINUED NEXT PAGE]

CRAIG NISHIMURA, in his official capacity as Acting Director of the Department of Facility Maintenance, City and County of Honolulu; CITY AND COUNTY OF HONOLULU, a municipal corporation,

Defendants.

CITY AND COUNTY OF HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

HEARING DATE: March 19, 2010
TIME: 9:30 a.m.

Judge: Hon. Leslie E. Kobayashi i

EXHIBIT "B" IN SUPPORT OF MEMORANDUM IN
OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU
AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

CARRIE K.S. OKINAGA 5958-0
Corporation Counsel

D. SCOTT DODD. 6811-0
Deputy Corporation Counsel
(dsdodd@honolulu.gov)
530 so. King St., Room 110
Honolulu, HI 96813
Telephone: (808) 768-5129
Facsimile: (808) 768-5105

Attorneys for Defendant and Third-Party Plaintiff
THE CITY AND COUNTY OF HONOLULU

LI & TSUKAZAKI,
Attorneys at Law, LLC

MATT A. TSUKAZAKI 4968-0
(mat@lt-hawaii.com)
733 Bishop Street, Suite 1770
Honolulu, HI 96813
Telephone: (808) 524-4888
Facsimile: (808) 524-4887

Attorneys for Third-Party Defendant
HAWAIIAN PROPERTIES, LTD.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BEVERLY BLAKE, STEPHANIE
CAMILLERI, ARLENE SUPAPO,
individually, and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

CIVIL NO. CV 08-00281 LEK
(Contract) (Declaratory Judgment) (Other
Civil Actions)
Class Action

EXHIBIT "C" IN SUPPORT OF
MEMORANDUM IN

[CAPTION CONTINUED NEXT PAGE]

CRAIG NISHIMURA, in his official capacity as Acting Director of the Department of Facility Maintenance, City and County of Honolulu; CITY AND COUNTY OF HONOLULU, a municipal corporation,

Defendants.

CITY AND COUNTY OF HONOLULU,

Third-Party Plaintiff,

vs.

HAWAIIAN PROPERTIES, LTD.,

Third-Party Defendants.

OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

HEARING DATE: March 19, 2010
TIME: 9:30 a.m.

Judge: Hon. Leslie E. Kobayashi i

EXHIBIT "C" IN SUPPORT OF MEMORANDUM IN
OPPOSITION BY DEFENDANT THE CITY AND COUNTY OF HONOLULU
AND THIRD-PARTY DEFENDANT HAWAIIAN PROPERTIES, LTD. TO
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

ADJUSTED HOURS BASED ON REASONABLENESS ANALYSIS

DESCRIPTION	DURHAM	GEMINIANI	THORNTON	JHK	PA	L'HEUREUX	KKG	GKTP	SWL	EMC	JB
SEARCH FOR CLIENTS											
TRAVEL TIME											
ADMINISTRATIVE TIME											
NO SPECIFIC DETAILED DESCRIPTION											
EVICITION ISSUE											
DRAFT COMPLAINT	4			6							10
LAW CLERK RESEARCH											
DEFAULT AND ANSWER	0.6	0.2		2.2							3
CLASS CERTIFICATION	10			10							20
RULE 26 and INITIAL DISCLOSURES	1.4			6.4			1.5				9.3
DISCOVERY	5.2			9.9			14.7				29.8
RULE 30(b)(6) DISCOVERY	0.2			7.7			5.7				13.6
MOTION TO COMPEL AND SANCTIONS											
SCHEDULING CONFERENCE	0.2			2.4			0.3				2.9
INITIAL SETTLEMENT ANALYSIS/DISCUSSIONS	4.5	2		11.2							17.7
THIRD-PARTY COMPLAINT				5.4							5.4
SETTLEMENT DISCUSSIONS WITH HAWAIIAN PROPERTIES	2.8	12.5		26.3							38.8
TOTAL	26.1	14.7		87.5			22.2	0	0	0	150.5

BILLING PERSON	HOURS	RATE	LODESTAR
DURHAM, ESQ.	26.1	\$170	\$4,437
GEMINIANI, ESQ.	14.7	\$300	\$4,410
JHK, ESQ.	87.5	\$240	\$21,000
KKG (Paralegal)	22.2	\$80	\$1,776
LODESTAR			\$31,623
State Excise Tax of 4.712%			\$1,490.07
TOTAL LODESTAR			\$33,113

EXHIBIT