

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

Brent Tweed

&

G&F Goods, LLC

v.

Town of Nottingham

Docket No. 218-2019-CV-00398

PLAINTIFFS' STATEMENT OF ATTORNEY'S FEES AND COSTS

NOW COME the plaintiffs, Brent Tweed and G&F Goods, LLC, by and through counsel, and respectfully submit the within statement of attorney's fees incurred in this matter, and in support thereof states as follows:

1. By Order dated June 4, 2021, this Court issued an order granting the petitioner's motion for attorney's fees.
2. Upon receipt of the Court's order, by letter dated June 7, 2021, undersigned counsel wrote to counsel for the Town and provided the attached statement of fees in an attempt to resolve this matter without having to submit this motion to the court.
3. By letter dated June 22, 2021, the Town rejected the plaintiff's statement of fees.
4. Submission of this statement has been delayed due to a major surgical (but not life or long-term health threatening) medical procedure that undersigned counsel had on June 28 that has substantially delayed a great deal of work, including submission of this pleading.
5. Attached is the statement of fees reflecting the work done by the plaintiff in this matter.

6. This itemization has been reviewed by undersigned counsel and represents, to the best of my knowledge, the time actually devoted to this matter through review and receipt of the Order granting plaintiff's attorney fees.

7. Based on these itemizations, the plaintiff hereby requests that fees and costs totaling \$40,281.50 be order to be paid by the defendant.

8. Based on the defendant's previous rejection of the attached statement, no assent was sought prior to the filing of this motion.

WHEREFORE, the plaintiffs respectfully request that this Honorable Court:

- A. Order the defendant to pay attorney's fees in the amount reflected on the attached statement of attorney's fees; and
- B. Grant such other relief as may be just and proper.

Respectfully Submitted

By his attorneys,
Lehmann Major List, PLLC

September 1, 2021

/s/Richard J. Lehmann

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CERTIFICATION

I hereby certify that a copy of this pleading was this day forwarded to opposing counsel via the court's electronic service system.

/s/Richard J. Lehmann

Richard J. Lehmann

Statement of Attorney's Fees

Date	Activity	Description	Quantity	Price	Total
2019-03-22	Email communication with client	First contact with client via email.	0.4	\$375.00	\$150.00
2019-03-22	Attend Meeting	Meeting with client.	1.5	\$375.00	\$562.50
2019-03-25	Legal Research	Review relevant NH case law - Richards Stablex Jenkins Forsberg Harriman Manchester Seabrook Citizens federal case law. Review YouTube video of town meeting legislative history of failed legislative attempts.	9.5	\$375.00	\$3,562.50
2019-03-26	Draft Pleading	Work on draft of complaint.	8.5	\$375.00	\$3,187.50
2019-03-27	File Pleading	Review and file complaint in Rockingham County Superior Court.	5.0	\$375.00	\$1,875.00
2019-03-27	Reimbursable expenses	Filing Fee	1.0	\$260.00	\$260.00
2019-03-28	Email Misc	Email exchange with Attorney Thomas Fusoni counsel in Ohio/Lake Erie case about CELDF action.	0.3	\$375.00	\$112.50
2019-04-12	Telephone Call	TC with client.	0.1	\$375.00	\$37.50
2019-04-12	Misc	Telephone call with select board chair prepare documents for service forward to county sheriff.	0.6	\$375.00	\$225.00
2019-04-15	Email communication with client	Email client re presence at hearing and billing issues.	0.2	\$375.00	\$75.00
2019-04-15	Reimbursable expenses	Service of process expense.	1.0	\$84.00	\$84.00
2019-04-24	Telephone Call	Telephone call to RCSC to try to determine whether town was served and to locate return of service documents.	0.2	\$375.00	\$75.00
2019-04-24	TC with opposing counsel	Call about hearing next week	0.2	\$375.00	\$75.00
2019-04-26	Review Evidence	Review video of town meeting to find evidence that supporters of criminal trespass ordinance admitted ordinance was illegal and that town officials took no action to stop passage of illegal law.	1.8	\$375.00	\$675.00
2019-04-29	Review Opposing Pleading	Review Town's notice of no objection.	0.2	\$375.00	\$75.00
2019-04-29	Email exchange with opposing counsel	Email with opposing counsel.	0.2	\$375.00	\$75.00

Date	Activity	Description	Quantity	Price	Total
2019-04-30	Prepare for Hearing	Prepare for hearing in RCSC tomorrow.	0.5	\$375.00	\$187.50
2019-05-01	Attend Hearing	Travel to and attend hearing on temporary order. Brief client on what this all means.	2.0	\$375.00	\$750.00
2019-05-06	Review Opposing Pleading	Review Town's answer filed with court.	0.4	\$375.00	\$150.00
2019-05-10	Email exchange with opposing counsel	Email exchange with Kira Kelley.	0.2	\$375.00	\$75.00
2019-05-15	Email communication with opposing counsel	Email with Atty Courtney about cc intervenor counsel.	0.2	\$375.00	\$75.00
2019-05-16	Draft Correspondence	Draft First Request For Production Of Documents CVR LTR and email to send to opposing counsel.	0.5	\$375.00	\$187.50
2019-05-16	Review Opposing Pleading	Review motion to intervene and conduct preliminary research/	1.5	\$375.00	\$562.50
2019-05-16	Discovery	Draft and send Ps First RFPD	0.5	\$375.00	\$187.50
2019-05-16	Draft Pleading	Work with opposing counsel to establish structuring order.	0.4	\$375.00	\$150.00
2019-05-21	Legal Research	Research potential for sanction against NWA and whether there is potential to require them to pay bond against bad faith attorney's fees.	1.0	\$375.00	\$375.00
2019-05-21	Email communication with client	Email with client re: NWA filings.	0.2	\$375.00	\$75.00
2019-05-24	Draft Pleading	Research and draft opposition to NWA motion to intervene.	9.5	\$375.00	\$3,562.50
2019-05-28	Draft Pleadings	Motion to delay time to file objection to NWA's motion to dismiss.	0.3	\$375.00	\$112.50
2019-05-28	Draft Pleading	Draft motion to extend time to respond.	0.2	\$375.00	\$75.00
2019-06-03	Review Opposing Pleading	Review NWA response to Ps Obj to Mo to Intervene.	0.4	\$375.00	\$150.00
2019-08-06	Review Court Order	Review denial of NWA Motion to Intervene.	0.5	\$375.00	\$187.50
2019-08-16	Review Opposing Pleading	Review NWA Mo to Dismiss and begin preliminary research.	1.0	\$375.00	\$375.00
2019-08-22	Review Opposing Pleading	Review NWA Mo for Reconsideration.	0.4	\$375.00	\$150.00
2019-08-27	Draft Pleadings	Draft objection to NWA motion to reconsider and draft motion for leave to file late.	1.0	\$375.00	\$375.00

Date	Activity	Description	Quantity	Price	Total
2019-08-28	Review Court Order	Review denial of motion to reconsider.	0.1	\$375.00	\$37.50
2019-09-06	Review Opposing Pleading	Review NWA Response to Objection.	0.2	\$375.00	\$75.00
2019-10-31	Draft Pleadings	Email opposing counsel for assent draft and file motion to continue.	0.5	\$375.00	\$187.50
2019-10-31	Draft Pleading	Consult with counsel and draft motion to continue bench trial and deadline dates.	0.4	\$375.00	\$150.00
2020-01-05	Draft Pleadings	Draft motion for summary judgment	5.0	\$375.00	\$1,875.00
2020-01-06	Draft Pleadings	Draft and file motion to extend dispositive motion deadline.	0.3	\$375.00	\$112.50
2020-01-06	Draft Pleadings	Draft motion for summary judgment	3.0	\$375.00	\$1,125.00
2020-01-07	Draft Pleadings	Draft motion for summary judgment.	6.0	\$375.00	\$2,250.00
2020-01-09	Draft Pleadings	Draft and research motion for summary judgment.	4.8	\$375.00	\$1,800.00
2020-01-12	Draft Pleading	Research and draft motion for summary judgment.	6.0	\$375.00	\$2,250.00
2020-01-13	Draft Pleading	Research draft finalize and file motion for summary judgment.	7.5	\$375.00	\$2,812.50
2020-02-10	Review Opposing Pleading	Review Nottingham's opposition to motion for summary judgment.	1.0	\$375.00	\$375.00
2020-02-24	Review Opposing Pleading	Review NWA Mo to Reconsider.	0.5	\$375.00	\$187.50
2020-02-26	Draft Pleading	Draft and file motion to dismiss individual defendant Danis.	0.6	\$375.00	\$225.00
2020-03-02	Draft Pleading	Draft and file objection to NWA's renewed motion to intervene.	0.5	\$375.00	\$187.50
2020-04-16	Review Court Order	Review court order on NWA intervention and advise client of same.	0.5	\$375.00	\$187.50
2020-05-07	Review Opposing Pleading	Review NWA's Mo Summary Judgment and outline response.	1.5	\$375.00	\$562.50
2020-05-15	Draft Pleading	Research and draft Ps Response to NWA's Opposition to Ps MSJ.	5.5	\$375.00	\$2,062.50
2020-05-17	Draft Pleading	Research and draft Ps response to NWA's Opposition to Ps MSJ.	4.8	\$375.00	\$1,800.00
2020-05-18	Draft Pleading	Research draft and file Ps response to NWA's opposition to Ps MSJ.	1.5	\$375.00	\$562.50

Date	Activity	Description	Quantity	Price	Total
2021-01-22	Telephone Call	Call court to ask whether there is anything I need to do to bring forward pending MSJ after appeal	0.2	\$375.00	\$75.00
2021-02-08	Review Court Order	Review court order on MSJ	0.7	\$375.00	\$262.50
2021-04-13	Draft Pleading	Draft motion for attorneys fees.	4.8	\$375.00	\$1,800.00
2021-04-23	Review Opposing Pleading	Review town's objection to motion for attorney's fees	0.3	\$375.00	\$112.50
2021-04-23	Review Opposing Pleading	Review amicus objection to motion for attorney's fees	0.5	\$375.00	\$187.50
2021-06-06	Review Court Order	Review Order on motion for attorney's fees	0.4	\$375.00	\$150.00
Total					\$40,281.50