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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

BRIDGE AINA LE`A, LLC,) Civil No. 11-00414 SOM-KJM
) (Other Civil Action)
Plaintiff,)
) PLAINTIFF BRIDGE AINA LE`A,
VS.) LLC'S MOTION FOR
) ATTORNEYS' FEES AND COSTS;
STATE OF HAWAII LAND USE) MEMORANDUM IN SUPPORT OF
COMMISSION, VLADIMIR P.) MOTION; DECLARATION OF
DEVENS, in his individual and official) BRUCE D. VOSS; EXHIBITS 1-14;
capacity, KYLE CHOCK, in his) CERTIFICATE OF WORD COUNT;
individual and official capacity,) CERTIFICATE OF SERVICE
THOMAS CONTRADES, in his)
individual and official capacity,) Trial Date: March 13, 2018
LISA M. JUDGE, in her individual and) Judge: Hon. Susan Oki Mollway
official capacity, NORMAND R.)

LEZY, in his individual and official)
capacity, NICHOLAS W. TEVES, JR.,)
in his individual and official capacity,)
RONALD I. HELLER, in his individual)
and official capacity, DUANE)
KANUHA, in his official capacity, and)
CHARLES JENCKS, in his official)
capacity, JOHN DOES 1-10, JANE)
DOES 1-10, DOE PARTNERSHIPS 1-)
10, DOE CORPORATIONS 1-10, DOE)
ENTITIES 2-10 and DOE)
GOVERNMENTAL UNITS 1-10,)
)
Defendants.)
)

PLAINTIFF BRIDGE AINA LE`A, LLC'S MOTION FOR ATTORNEYS' FEES AND COSTS

Plaintiff Bridge Aina Le`a LLC ("Plaintiff" or "Bridge"), by and through its attorneys, Bays Lung Rose & Holma, respectfully moves this Court for an award of its attorneys' fees in the amount of \$662,227.03 and costs in the amount of \$62,810.06 to be paid by Defendant State of Hawaii Land Use Commission ("State" or "LUC").

This motion is made pursuant to Rules 7 and 54 of the Federal Rules of Civil Procedure ("FRCP"), Rules 54.2 and 54.3 of the Local Rules of Practice ("LR"), and applicable law; this motion is based upon the Memorandum in Support of Motion, Declaration of Bruce D. Voss, the exhibits attached thereto and incorporated herein by reference, the records and files herein, and such further argument as may be presented at hearing.

DATED: Honolulu, Hawai`i, April 13, 2018.

/s/ Bruce D. Voss BRUCE D. VOSS MATTHEW C. SHANNON JOHN D. FERRY III

Attorneys for Plaintiff BRIDGE AINA LE`A, LLC

IN THE UNITED STATES DISTRICT COURT

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MEMORANDUM IN SUPPORT OF MOTION

I. <u>INTRODUCTION</u>

This is a takings case in which Bridge achieved landmark success against the State. On March 23, 2018, the jury determined that, pursuant to the analyses set forth in both <u>Lucas</u> and <u>Penn Central</u>, the State's actions amounted to a taking under the U.S. and Hawaii Constitutions. <u>See</u> Dkt. No. 373. And on March 30, 2018, the Court entered judgment in Bridge's favor. See Dkt. No. 376.

The trial, the verdict, the judgment, fees and costs could have been avoided, had the State honored the settlement that the parties reached in summer 2016. See Dkt. No. 261. Unfortunately, as the State's attorney general later revealed, the LUC and its staff "openly opposed settlement and communicated this directly to the legislature, which then disapproved an appropriation to settle this case." See Dkt. No. 289, p. 1.

Now that Bridge has prevailed on the primary claims in this case, it is entitled to an award of its attorneys' fees and costs for the reasons explained in further detail below.

II. BRIDGE IS ENTITLED TO RECOVER ITS ATTORNEYS' FEES

A. <u>Bridge Is the Prevailing Party</u>

For purposes of attorneys' fees, a plaintiff may be considered the "prevailing party" if he succeeds on any significant issue in litigation which

achieves some of the benefit he sought in bringing suit. Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)). This was a regulatory takings case, in which Bridge alleged – and conclusively proved at trial – that, pursuant to the analyses set forth in Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1991) and under Penn Central Transportation Co. v. City of New York, 438 U.S. 104 (1979), the State's actions amounted to a temporary regulatory taking, in violation of Bridge's rights under the Fifth Amendment of the U.S. Constitution and Article I, Section 20 of the Hawaii Constitution. Given the complexity of this substantive area of the law and of the attendant procedural requirements, Bridge overcame what can fairly be described as monumental odds to achieve success on its constitutional claims. ¹

In awarding attorneys' fees to a party who recovered nominal damages, courts consider "the significance of the legal issues on which the plaintiff claims to have prevailed and the public purpose the plaintiff's litigation served."

Morales v. City of San Rafael, 96 F.3d 359, 363 (9th Cir. 1996). Thus, the fact that, due to a series of procedural and evidentiary rulings, Bridge received a

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¹ See, e.g., Carol Brown, et al., On the Twenty-Fifth Anniversary of Lucas: Making or Breaking the Takings Claim, 102 Iowa L. Rev. 1847, 1849-1850 ("Our review of more than 1,700 cases in state and federal courts reveals only 27 cases in 25 years in which courts found a categorical taking under Lucas. By percentage, that works out to a Lucas-claim success rate of just 1.6%."); F. Patrick Hubbard et al., Do Owners Have a Fair Chance of Prevailing Under the Ad Hoc Regulatory Takings Test of Penn Central Transportation Company?, 14 Duke Envtl. L. & Pol`y F., 121, 141 (2003) (providing empirical analysis of claims under Penn Central and finding that the government prevails 87 percent of the time).

nominal damages award does not affect its status as the prevailing party entitled to recover its attorneys' fees from the State in this litigation. As the Ninth Circuit has noted, "[r]are, indeed, is the litigant who doesn't lose some skirmishes on the way to winning the war." <u>Cabrales v. Cnty. of Los Angeles</u>, 935 F.2d 1050, 1053 (9th Cir. 1991).

B. The Private Attorney General Doctrine Entitles Bridge to Recover Its Attorneys Fees

The Hawai`i Supreme Court has recognized that, pursuant to the "private attorney general doctrine," a prevailing party may recover its attorneys' fees from the opposing party. Sierra Club v. DOT, 120 Hawai`i 181, 218, 202 P.3d 1226, 1263 (2009) ("Sierra Club II"). The "private attorney general doctrine"

is an equitable rule that allows courts in their discretion to award [attorney's] fees to plaintiffs who have vindicated important public rights. Courts applying this doctrine consider three basic factors: (1) the strength or societal importance of the public policy vindicated by the litigation, (2) the necessity for private enforcement and the magnitude of the resultant burden on the plaintiff, [] (3) the number of people standing to benefit from the decision.

Id.

"[T]the purpose of the private attorney general doctrine is to promote vindication of important public rights." <u>Sierra Club II</u>, 120 Hawai`i at 219, 202 P.3d at 1264 (quoting <u>In re Water Use Permit Applications</u>, 96 Hawai`i 27, 30, 25 P.3d 802, 805 (2001) ("Waiahole II")).

1. <u>Bridge Satisfies Prong One of the Doctrine</u>

The litigation involved matters "of significant public concern." In re Honolulu Constr. & Draying Co., Ltd., 130 Hawai'i 306, 314, 310 P.3d 301, 309 (2013) ("Aloha Tower"). In proving that the LUC's conduct amounted to a temporary regulatory taking under Lucas and Penn Central, Bridge vindicated "constitutional rights of profound significance," Aloha Tower, 130 Hawai'i at 314, 310 P.3d at 309 (quoting Waiahole II, 96 Hawai'i at 31, 25 P.3d at 806), and helped clarify the scope of the LUC's authority under Haw. Rev. Stat. Chapter 205. See Aloha Tower, 130 Hawai'i at 314, 310 P.3d at 309 (citing Sierra Club II, 120 Hawai`i at 220, 202 P.3d at 1265 (2009) ("litigation [...] responsible for establishing the principle of procedural standing in environmental law in Hawaii and clarifying the importance of addressing the secondary impacts of a project in the environmental review process pursuant to HRS chapter 343" satisfied first prong of private attorney general doctrine). The litigation, and the results achieved, will serve as a benchmark for land use regulation and constitutional protection of rights of private property ownership. See Aloha Tower, 130 Hawai'i at 314, 310 P.3d at 309. Bridge satisfies the first prong of the private attorney general doctrine. See id. at 314-315, 310 P.3d at 309-310.

2. <u>Bridge Satisfies Prong Two of the Doctrine</u>

Bridge also satisfies the second prong of the doctrine, which "considers 'the necessity for private enforcement and the magnitude of the resultant burden on the plaintiff." Aloha Tower, 130 Hawai'i at 315, 310 P.3d at 310 (quoting Sierra Club II, 120 Hawai`i at 218, 202 P.3d at 1263). Bridge was "the sole representative challenging" the LUC's illegal and unconstitutional action. Aloha Tower, 130 Hawai`i at 315, 310 P.3d at 310 (citing Waiahole II, 96 Hawai`i at 31-32, 25 P.3d at 806-07. Given the LUC's conduct, "it was necessary for [Bridge] to bring the action to enforce" fundamental constitutional rights, and confirm that, in violating its statutory grant of authority and Bridge's constitutional rights, see Aloha Tower, 130 Hawai'i at 316, 310 P.3d at 311 (citing Sierra Club II, 120 Hawai'i at 220, 202 P.3d at 1265), the LUC went "too far." Pennsylvania Coal v. Mahon, 260 U.S. 393, 413 (1922). To achieve that result, Bridge alone bore a heavy burden that spanned years, in an action that the State – in recognition of the high stakes that the litigation presented – hotly contested and vigorously litigated every step of the way, through proceedings on the docket, then in circuit court, then in state and federal appellate courts, and finally in this Court. See Aloha Tower, 130 Hawai`i at 316-17, 310 P.3d at 311-12.

3. <u>Bridge Satisfies Prong Three of the Doctrine</u>

Finally, Bridge satisfies the third prong, which considers "the number of people standing to be benefit" from the result achieved. Aloha Tower, 130 Hawai`i at 317, 310 P.3d at 312 (quoting Sierra Club II, 120 Hawai`i at 218, 202 P.3d at 1263). Although the action involved one discrete property, "[t]he number of people standing to benefit by the litigation is significant," and this case will have "value to society as a whole." Aloha Tower, 130 Hawai`i at 318, 319, 310 P.3d at 313, 314 (citing Sierra Club II, 120 Hawai'i at 219, 202 P.3d at 1264). Indeed, "all of the citizens of the state, present and future, st[and] to benefit from the decision" that Bridge obtained, which "involved constitutional rights of profound significance." Waiahole II, 96 Hawai`i at 31, 25 P.3d at 806.

Following the LUC's illegal conduct, the Property had no economically viable use to Bridge or to the public, which testified against the LUC reverting the Property's classification to agricultural. By securing a reversal of the LUC's illegal conduct, Bridge cleared the way for development of the Property, which will provide, among other things, housing and jobs to the public. By proving that the LUC's illegal conduct amounted to a taking, Bridge revitalized and affirmed constitutional protections, in a case that will have precedential value for the public good. Aloha Tower, 130 Hawai'i at 319, 310 P.3d at 314 (citing Kaleikini v. Yoshioka, No. SCAP-11-0000611, 129 Hawai'i 454, 304 P.3d 252,

2013 Haw. LEXIS 160, 2013 WL 1844892, at *9 (May 2, 2013)). By prevailing at each and every stage of this action, Bridge helped bring clarity to the LUC's duties under Haw. Rev. Stat. Chapter 205, and helped ensure that the LUC will perform those duties as written and in accordance with the public's countervailing constitutional rights. Aloha Tower, 130 Hawai'i at 318-19, 310 P.3d at 313-14.

C. Sovereign Immunity Is No Bar to Award of Attorneys' Fees

Bridge anticipates that the State will attempt to argue that sovereign immunity somehow bars an award of attorneys' fees under the private attorney general doctrine. Nelson v. Hawaiian Homes Comm'n, 130 Hawai`i 162, 168, 307 P.3d 142, 148 (2013) ("Application of the private attorney general doctrine is subject to the defenses which a defendant may have.") (quoting and citing Sierra Club II, 120 Hawai'i at 221, 225-29, 202 P.3d at 1266, 1270-74.)

Sovereign immunity cannot bar an award of attorneys' fees to Bridge. As an initial matter, "Defendants do not dispute they waived the protections of the Eleventh Amendment by removing to this court." Dkt. 37, Defendants' Reply in Support of Mot. Dismiss, p. 7, n. 2; see also Dkt. 93, Order Granting Revised Motion to Dismiss, p. 34, n. 7 (same). Furthermore, and as explained in further detail below, the uniquely self-executing and remedial natures of the Takings Clauses of the U.S. and Hawaii Constitutions, and the unique circumstances of this case, require an award of reasonable attorneys' fees to Bridge.

1. The Fifth and Fourteenth Amendments of the U.S. Constitution, and Article I, Section 20 and Article XVI, Section 16 of the Hawaii Constitution, Strip or Abrogate State Sovereign Immunity to Pay Damages to Successful Takings Claimants

Due to the self-executing and remedial nature of the takings clauses in the U.S. and Hawaii Constitutions, the State cannot use sovereign immunity to bar Bridge's right to recover its attorneys' fees.

a. Applicable provisions are self-executing.

The Fifth Amendment of the U.S. Constitution, applicable to the State through the Fourteenth Amendment,² is self-executing. First English Evangelical Lutheran Church v. Cty. of L.A., 482 U.S. 304, 315 (1987) ("[A] landowner is entitled to bring an action in inverse condemnation as a result of 'the self-executing character of the constitutional provision with respect to compensation...") (quoting United States v. Clarke, 445 U.S. 253, 257 (1980) (quoting 6 P. Nichols, Eminent Domain § 25.41 (3d rev. ed. 1972))); Hair v. United States, 350 F.3d 1253, 1257 (Fed. Cir. 2003) ("It is true that sovereign immunity does not protect the government from a Fifth Amendment Takings claim because the constitutional mandate is 'self-executing." (citing Clarke, 445 U.S. at 257)); see also Jachetta v. United States, 653 F.3d 898, 909 (9th Cir. 2011) (recognizing "self-executing" character of the Takings Clause" and its "constitutionally enforced remedy")

² <u>Palazzolo v. Rhode Island</u>, 533 U.S. 606, 617 (2001) (citing <u>Chi., Burlington & Quincy R.R. Co. v. City of Chicago</u>, 166 U.S. 226, 287 (1897)).

(citing Seven Up Pete Venture v. Schweitzer, 523 F.3d 948, 954-55 (9th Cir. 2008)); DLX, Inc. v. Kentucky, 381 F.3d 511, 527 (6th Cir. 2004) ("First English makes clear that the Fifth Amendment Takings Clause is a self-executing remedy, notwithstanding sovereign immunity.").

Article I, Section 20 of the Hawaii Constitution is also self-executing.

See State Constitution, Art. XVI, §16 (providing that "[t]he provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit.") (emphasis added); see also Pele Defense Fund v. Paty, 73 Haw. 578, 601, 837 P.2d 1247, 1262 (1992) (plaintiff had direct claim against state officials for violating duty imposed by Article XII, Section 4 of Hawaii Constitution relating to ceded lands); see also Figueroa v. State, 61 Haw. 369, 382-83, 604 P.2d 1198, 1206 (1979) (recognizing, in passing, distinction between self-executing Just Compensation clauses in state constitutions, which provide monetary remedy, and other self-executing constitutional provisions, which do not).

b. Applicable provisions are remedial in nature.

The Fifth Amendment is a "remedial provision" that "dictates the remedy for interference with property rights amounting to a taking." <u>First English</u>, 482 U.S. at 316, n. 9. Article I, Section 20, is also remedial, and it is broader than the Fifth Amendment. <u>Compare</u> U.S. Constitution, Fifth Amendment ("nor shall

private property be taken for public use, without just compensation") with State Constitution, Art. I, §20 ("Private property shall not be taken or damaged for public use without just compensation.") (emphasis added); see also Pele Defense Fund, 73 Haw. at 601, 837 P.2d at 1262 ("the Hawaii Constitution affords greater protection than required by similar federal constitutional or statutory provisions").

c. Due to the applicable provisions' self-executing and remedial natures, no statute is required for enforcement or remedial purposes.

"The Supreme Court has recognized that, <u>unlike most constitutional</u> <u>provisions</u>, the Fifth Amendment provides both the cause of action and the remedy for an unconstitutional taking, 'frequently stating the view that, in the event of a taking, the compensation remedy is required by the Constitution." <u>Schneider v. City of San Diego</u>, 285 F.3d 784, 793 (9th Cir. 2002) (emphasis added) (quoting <u>First English</u>, 482 U.S. at 315-316); <u>see also First English</u>, 482 U.S. at 316 n. 9 (notwithstanding "principles of sovereign immunity," the Constitution "dictates" a damages remedy in takings cases).

Thus, unlike most constitutional provisions, when a taking occurs, no statutory vehicle is required either to enforce the right or to provide the remedy.

Schneider, 285 F.3d at 794 ("because the just compensation remedy for a taking is constitutional in nature and thus a matter of judicial -- not legislative -- function,"

the statutory vehicle for providing that remedy is not determinative of the remedy itself."); DW Aina Le'a Dev., LLC v. Hawaii, No. 17-00113 SOM-RLP, 2017 U.S. Dist. LEXIS 92513, at *14 (D. Haw. June 13, 2017) (in federal takings action against State of Hawai'i, in which 42 U.S.C. §1983 was unavailable to plaintiff, agreeing that "[plaintiff] may proceed directly under the Constitution"); Boise Cascade Corp. v. State ex rel. Or. State Bd. of Forestry, 991 P.2d 563, 568 (Ore. App. 1999) ("some constitutional claims are actionable against a state, even without a waiver or congressional abrogation of sovereign immunity, due to the nature of the constitutional provision involved.... [B]ecause of the 'self-executing' nature of the Fifth Amendment, as applied to the states through Fourteenth Amendment, a state may be sued in state court for takings in violation of the federal constitution."); Manning v. Mining & Minerals Div. of the Energy, Minerals & Nat. Res. Dep't, 144 P.3d 87, 93, 98 (N.M. 2006) ("the Takings Clause is self-executing, at least applied to the states through the Fourteenth Amendment," and "a right and a remedy textually rooted in the Constitution supersedes or 'trumps' state constitutional sovereign immunity'); SDDS, Inc. v. State, 650 N.W.2d 1, 9 (S.D. 2002) ("Just Compensation Clause [is] a self-executing constitutional provision;" "[b]ecause it is self-executing, the remedy does not depend on statutory facilitation;" "[b]ecause it is a constitutional provision, it is a right of the strongest character;" and concepts of sovereign immunity embodied in

Eleventh Amendment "will not immunize states from compensation specifically required by the Fifth Amendment.") (citing <u>First English</u> and <u>Boise Cascade</u>).

d. Because no statute is required for enforcement or remedial purposes, the absence of a statutory waiver does not bolster a sovereign immunity defense.

Conversely, the *absence* of such a statute *cannot* support an inference that the State retains some measure of sovereign immunity from an award of attorneys' fees in this case.³ Therefore, this case is distinguishable from those seeming to require some further affirmative showing of the State's waiver or consent – usually through statute – as a precondition to awarding attorneys' fees pursuant to the attorney general doctrine. <u>See</u>, <u>e.g.</u>, <u>Nelson</u>, 130 Hawai`i at 165-

³ See e.g., Boise Cascade, 991 P.2d at 568 (rejecting state's argument that specific statutory abrogation or waiver of immunity was required for takings claim to proceed against state; concluding that "Alden [v. Maine, 527 U.S. 706 (1999)] should not be read so broadly as to dictate that states may not be sued in state courts on federal takings claims unless they have specifically waived their sovereign immunity."); Manning, 144 P.3d at 91-92, 97 ("We do not agree with the State's assertion that there must be a specific waiver of immunity before the state can be sued for 'just compensation' under the Takings Clause. In our view, the Fifth Amendment is 'self-executing.' Requiring further governmental action when it is the government that has effected the taking is contrary to the very reason for the Fifth Amendment: a check against abusive governmental power."); DLX, 381 F.3d at 528 ("[W]here the Constitution requires a particular remedy, such as . . . through the Takings Clause . . . , the state is required to provide that remedy . . ., notwithstanding sovereign immunity."); see also Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388, 395-96 (1971) ("Historically, damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty. [...] The present case involves no special factors counselling hesitation in the absence of affirmative action by Congress.").

66, 307 P.3d at 145-46.⁴ Ultimately, in Nelson the Hawaii Supreme Court concluded that "[e]ven where the underlying suit for declaratory and injunctive relief for a constitutional violation is not precluded by sovereign immunity, there must exist some authorization for a shift in attorneys' fees, as those are in the nature of damages. In this case, there is no such authorization." 130 Hawai`i at 173, 307 P.3d at 153.

In this case, however, no further "authorization for a shift in attorneys' fees, [which are] in the nature of damages," is required. See Nelson, 130 Hawai'i at 173, 307 P.3d at 153. Bridge sought just compensation and attorneys' fees under the Fifth Amendment and Article I, Section 20, self-executing provisions that abrogate or otherwise effect a waiver of the State's sovereign immunity to pay damages when a taking occurs. See §II.C.1.a.-d., supra; see also, e.g., City of Monterey v. Del Monte Dunes, 526 U.S. 687, 710-11 (1999) (stating that just compensation "is, like ordinary money damages, a compensatory remedy . . . [and therefore] legal relief," and that a federal-court suit alleging a taking seeks "not just compensation per se but rather damages for the

⁴ <u>Nelson</u> involved a successful action for declaratory and injunctive relief, in which plaintiffs claimed among other things that the State had violated its constitutional duty, set forth in Article XII, Sections 1 and 2, of the Hawaii Constitution to sufficiently fund the Department of Hawaiian Homelands. <u>See id</u>. When plaintiffs subsequently sought attorneys' fees pursuant to the private attorney general doctrine, the Hawaii Supreme Court denied the request without prejudice, finding that, on the record that existed before it, sovereign immunity barred such an award. <u>See id</u>.

unconstitutional denial of such compensation."). The State cannot assert immunity to an award of "just compensation," which is in the nature of damages, see id.; the State cannot assert immunity to an award of attorneys' fees, which are also "in the nature of damages." See Nelson, 130 Hawai'i at 173, 307 P.3d at 153.

2. Analogous Statutes Recognize that Attorneys' Fees Awards Are Proper Under Circumstances Present Here

As discussed above, the applicable constitutional provisions are self-executing and remedial in nature; therefore, no statutory waiver of liability for Bridge's attorneys' fees is a prerequisite to an award of such fees, and the absence of such a statutory waiver does not foreclose the right to such recovery. However, analogous statutes, discussed below, all demonstrate the State's acknowledgement that when it takes or damages property, or when its actions stop short of effecting a permanent taking of property, then the State will be liable for that property owner's attorneys' fees and other costs reasonably incurred.

a. <u>Haw. Rev. Stat. § 101-27</u>

Under circumstances functionally equivalent to those here, HRS Section 101-27 explicitly provides for an award of attorneys' fees. HRS Chapter 101 is Hawai`i's eminent domain statute, but it is instructive. See, e.g., First English, 482 U.S. at 315 ("The fact that condemnation proceedings were not instituted and that the right was asserted in suits by the owners did not change the essential nature of the claim.") (quotation omitted). The statute makes clear that

the State has the power of eminent domain power as a plaintiff in such proceedings, see HRS §101-1, and that, in the event that such proceedings end without a permanent taking of the property at issue, the State "shall be" liable for the property owner's "damages" and a "reasonable amount" of attorneys' fees and "other reasonable expenses" that the property owner incurred by reason of the State's actions. See §101-27.

Here too, the State took action that impermissibly interfered with Bridge's rights, but its actions stopped short of effecting a permanent taking of the Property. The State's actions caused Bridge to suffer damages and incur attorneys' fees and costs. HRS Section 101-27 confirms that Bridge should be allowed to recover those attorneys' fees and costs from the State.

b. Haw. Rev. Stat. § 113-4

While the State did not purport to acquire the Property for use in "any project or program in which federal or federal-aid funds are used," <u>see HRS §113-1</u>, HRS Section 113-4 is also instructive. It is, as far as Bridge can determine, the only state statute that directly addresses the relief available for an owner who successfully litigates an "inverse condemnation" claim against the State. <u>See HRS §113-4</u>. It states in relevant part:

Where an inverse condemnation proceeding is instituted by the owner of any right, title, or interest in real property...the court, rendering a judgment for the plaintiff in such proceeding and awarding compensation for the taking of property...shall determine and award

or allow to <u>such plaintiff</u>, as a part of <u>such judgment</u>...<u>such sums as</u> will, in the opinion of the court...reimburse such plaintiff for <u>plaintiff</u>'s reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees, actually incurred because of such proceeding.

(Emphasis and ellipses added.)⁵

The emphasized language above recognizes that in a successful inverse condemnation against the State, such as this one, the landowner's attorneys' fees are included as part of the just compensation to which the plaintiff that suffered and proved a taking is constitutionally entitled. See id.

D. The Court Must Exercise Its Inherent Powers to Award Bridge Its Attorneys' Fees

With regard to Bridge's right to recover attorneys' fees from the State, Carl Corp. v. State Dep't of Educ., 85 Hawai`i 431, 460, 946 P.2d 1, 30 (1997) is also instructive. In Carl Corp., the Hawai`i Supreme Court noted that the procurement code (HRS Chapter 103D, the "Code") failed to specify that a successful bid protestor could recover its attorneys' fees. 85 Hawai`i 431, 460, 946 P.2d 1, 30 (1997). The Hawai`i Supreme Court stated its concern that the Code's failure to award fees in such instances, and "[r]equiring such a protestor to

⁵ Notably, HRS Section 113-3, much like HRS Section 101-27, also specifies that if the State institutes condemnation proceedings pursuant to HRS Chapter 113, and those proceedings do not result in the permanent taking of the targeted property, then the State "shall pay the owner of any right, title or interest in such real property such sums as will, in the opinion of the State, reimburse such owner for the owner's reasonable attorney, appraisal and engineering fees actually incurred because of the condemnation proceedings."

bear its own attorneys' fees[,] strengthens the financial disincentive to pursue a protest once the contract has been awarded, and essentially nullifies the most effective enforcement mechanism in the Code." Id. After considering the purposes that the Code was supposed to serve, and how the lack of a fee-shifting provision would undermine those purposes, the Hawaii Supreme Court concluded that the absence of such a provision must have been the result of legislative oversight or inadvertence, rather than a legislative intent to prevent such fee awards against the State. See id. Accordingly, the Hawaii Supreme Court relied on the "courts' inherent powers," including "the powers to create a remedy for a wrong even in the absence of specific statutory remedies, and to prevent unfair results," to fashion a means through which the successful bid protestor could recover its attorneys' fees. Id. (quoting Richardson v. Sport Shinko (Waikiki Corporation), 76 Hawai'i 494, 507, 880 P.2d 169, 182 (1994) and citing to HRS Section 602-5(7) (now HRS Section 602-5(a)(6)); see also HRS §603-21.9.

The same result is appropriate here, where appears to be no statutory provision that explicitly provides for an award of attorneys' fees to the plaintiff, such as Bridge, who successfully proves that the *State* committed an unconstitutional taking. Under the circumstances, "[r]equiring [Bridge] to bear its own attorneys' fees strengthens the financial disincentive to pursue" an inverse condemnation action against the State, "and essentially nullifies" the sole means of

holding the State accountable for such unconstitutional conduct. See Carl Corp., 85 Hawai'i at 460, 946 P.2d at 30. Furthermore, denying Bridge's request for attorneys' fees would frustrate the purpose of "the purpose of the Takings Clause, which is to prevent the government from 'forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." Palazzolo, 533 U.S. at 617-618 (quotation omitted). And forcing Bridge to bear its own attorneys' fees would be inconsistent with constitutionally mandated relief, guaranteed to place Bridge in as good a pecuniary position as it would have occupied had the taking never occurred. See United States v. 100 Acres of Land, 486 F.2d 1261, 1265 (9th Cir. 1972); Schneider, 285 F.3d at 791; Seaboard Air Line Ry. v. United States, 261 U.S. 299, 304 (1923). Furthermore, shutting the door on Bridge's right to recover its attorneys' fees in this action will open the door to the State's abuse of private property owners' constitutional rights that the Fifth Amendment and Article I, Section 20 are supposed to guarantee.

Regulatory takings claims take circuitous routes, given the procedural hurdles, doctrinal complexities, and difficulties of proof that often stand in the owner's way. They are inherently expensive to bring and difficult to win. Bridge successfully established that the LUC's illegal conduct amounted to a temporary regulatory taking under self-executing constitutional provisions that mandate monetary relief for the violation of the constitutional rights they protect. The jury

emphatically determined that the public, rather than Bridge alone, should bear the effect of the financial burden that the State placed upon it. If there were ever a case in which a court must exercise "inherent powers" to fashion a means through which a successful plaintiff could recover its reasonable attorneys' fees, it is this one.

III. BRIDGE'S ATTORNEYS' FEES ARE REASONABLE

Attorneys fees are recoverable by a prevailing party to the extent they are reasonable. <u>In re SNTL Corp.</u>, 571 F.3d 826, 842 (9th Cir. 2009). District courts generally utilize the traditional "lodestar" calculation set forth in <u>Hensley v. Eckerhart</u>, 461 U.S. 424, 433 (1983). <u>See Robinson v. Plourde</u>, 717 F. Supp. 2d 1092, 1097, 2010 U.S. Dist. LEXIS 59226 (D. Haw. 2010), *adopted in* 2010 U.S. Dist. LEXIS 58959 (D. Haw. June, 14, 2010). The court determines a reasonable fee by "multiplying 'the number of hours reasonably expended on the litigation' by 'a reasonable hourly rate.'" Id. (quoting Hensley, 461 U.S. at 433).

In making its determination of both the number of hours reasonably expended and a reasonable hourly rate, the Court should consider various factors, including: "experience, reputation, and ability of the attorney; the outcome of the results of the proceedings; the customary fees; and the novelty or the difficulty of the question presented." <u>Chalmers v. City of Los Angeles</u>, 796 F.2d 1205, 1211 (9th Cir. 1985) (citing <u>Kerr v. Screen Extras Guild, Inc.</u>, 526 F.2d 67,

70 (9th Cir. 1975)).

The court may then adjust the lodestar amount based on its consideration of factors articulated in Kerr, 526 F.2d at 70, which have not been subsumed in the lodestar calculation. Id. (citing Fischer v. SJB-P.D., Inc., 214 F.3d 1115, 1119 (9th Cir. 2000)). However, "[o]nce calculated, the 'lodestar' is presumptively reasonable." Id. (other citation omitted) (citing Fischer, 214 F.3d at 1119 n.4 (stating that the lodestar figure should only be adjusted in rare and exceptional cases)); see also World Triathlon Corp. v. Dunbar, 539 F. Supp. 2d 1270, 1282, 2008 U.S. Dist. LEXIS 67277 (D. Haw. 2008), adopted in 2008 U.S. Dist. LEXIS 21859.

Here, the appropriate lodestar amount is \$662,227.03 for fees incurred in this federal court action through the end of trial. See Declaration of Bruce D. Voss ("Voss Decl."), ¶17; see also Exhibits 3-5.6 This amount is based on

⁶ Other than several entries in June 2011, which reflect hours spent finalizing the Complaint that the State removed to this Court, Bridge seeks only those fees incurred following the State's removal to this Court. See id., ¶17; see also Exhibits 3-5. Therefore, this figure represents a substantial voluntary reduction by Bridge – Bridge could have sought to recover the substantial attorneys' fees and costs it necessarily incurred in administrative and state court proceedings, prior to the State's removal of this action to this Court. See e.g. Skokos v. Rhoades, 440 F.3d 957, 962 (8th Cir. 2006) ("Federal courts[] may award plaintiffs attorney's fees for state-court proceedings that are essential to their federal claims."); Simi Inv. Co.Inc. v. Harris Cnty., Tex., 236 F.3d 240, 255 (5th Cir. 2000) ("Of course, where a state proceeding is a necessary preliminary action to the enforcement of a federal claim, these attorneys' fees may be available in some circumstances, subject to the discretion of the district court.") (citations omitted).

multiplying the reasonable hourly rate for each attorney or legal support staff (ranging from \$75.00 per hour for staff to \$425.00 per hour for a senior partner and lead trial counsel) by the number of hours reasonably expended by each. See Voss Decl., ¶17; see also Exhibits 3-5.

A. The Hourly Rates for Bridge's Timekeepers Are Reasonable

When calculating the lodestar, the Court first must determine a reasonable hourly rate for the prevailing party's attorneys. "[I]n determining the a reasonable hourly rate, the district court should be guided by the rate prevailing in the community for similar work performed by attorneys of a comparable skill, experience and reputation." Chalmers, 796 F.2d at 1210-11.

To assist the court in calculating the lodestar, a party seeking fees must submit "satisfactory evidence . . . that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation." Blum v. Stenson, 465 U.S. 886, 895–96, n.11 (1984). The relevant community is that in which the district court sits. Schwartz v. Sec'y of Health & Human Servs., 73 F.3d 895, 906 (9th Cir. 1995). Recognizing that determining a reasonable rate is "inherently difficult," Blum, 465 U.S. at 895 n.11, courts routinely rely on declarations of attorneys who practice in the relevant community to establish a reasonable hourly rate, see Widrig v. Apfel, 140 F.3d 1207, 1209 (9th Cir. 1998), as well as determinations of

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reasonable hourly rates in the same district. <u>Camacho v. Bridgeport Fin., Inc.</u>, 523 F.3d 973, 980 (9th Cir. 2008).

Throughout this long-running and complex litigation, Bridge was represented exclusively by Bays Lung Rose & Holma ("BLRH"). Bruce Voss and Matthew Shannon served as counsel for Bridge since the inception of this action. <u>See Voss Decl.</u>, ¶¶4-6. Mr. Voss is a partner at BLRH, and he has practiced law in Hawaii for 23 years. See id. at ¶4. Mr. Shannon is a partner at BLRH, and he has practiced law in Hawaii for 10 years. See id. at ¶6. Other attorneys at BLRH who substantially assisted with the litigation include Michael Carroll, who is a partner at BLRH and has practiced law in Hawaii for 16 years, see id., ¶7, and John D. Ferry III, a senior associate at BLRH who has practiced law in Hawaii for 7 years, see id., ¶8. Attorneys who provided assistance with specific and discrete include Michael Kirgan, an associate at BLRH who has practiced law in Hawaii for more than 3 years, see id., ¶9, and Jai Keep-Barnes, an associate at BLRH who has practiced law in Hawaii for one year. See Voss Decl., ¶10. Finally, the litigation team required paralegal and other administrative assistance, which BLRH paralegals Melody Robbins, Shannen Cruz, Chad Wago and BLRH accounts receivable specialist John Lee provided. See id., ¶¶11, 12.

Over the extended period of this litigation, Mr. Voss' rate ranged from \$360.00-425.00 per hour, Mr. Shannon's rate ranged \$185.00-265.00 per hour,

Mr. Carroll's rate was \$265.00-275.00 per hour, Mr. Ferry's rate ranged from \$180.00-215.00 per hour, Mr. Kirgan's rate was \$195.00 per hour, Mr. Keep-Barnes' rate was \$165.00 per hour, Ms. Robbins' rate was \$150.00 per hour, Ms. Cruz's rate was \$110.00 per hour, Mr. Wago's rate was \$150.00 per hour, and Mr. Lee's rate was \$75.00 per hour. See id., ¶13.

The litigation team at BLRH has extensive experience in complex litigation. See Voss Decl., ¶¶4-12, 14-15; see also Exhibits 1, 2. According to Pacific Business News' 2014 Book of Lists, the billing rates charged by BLRH are consistent with those of Hawaii law firms with comparable experience in representing clients in matters of this size and complexity. See Voss Decl. at ¶14; Exhibit 1. For example, in the Book of Lists, Alston Hung Floyd & Ing indicated that its billings rate for partners was \$300-\$695 per hour and \$150-\$400 per hour for associates. See Exhibit 1. In Olson v. Lui, this district court held that the following rates were reasonable: Paul Alston, with over 40 years of experience, \$450.00 per hour; Pamela Bunn, with over 15 years of experience, \$270.00 per hour; and Shellie Park-Hoapili, with almost 7 years of experience, \$200.00 per hour. 2012 U.S. Dist. LEXIS 121300, at *10-15 (D. Haw. Aug. 27, 2012). The district court found that, at that time, the hourly rates requested for the above

⁷ According to Pacific Business News' most recent survey, BLRH currently ranks third among firms in the community in the practice areas of real estate and construction law. <u>See</u> Exhibit 2; Voss Decl., ¶15.

attorneys were in the range of prevailing rates within the Honolulu legal community. <u>Id.</u>

Similarly, BLRH's billing rates are within the prevailing rates of firms within the Honolulu legal community that have commensurate experience in representing clients in matters of this size and complexity. See Exhibits 1-2; Voss Decl. at ¶¶13-14. Taking into consideration that routine increases to billing rates throughout the legal community have occurred periodically since the decision in Olson over two years ago, BLRH's billing rates are reasonable. In light of this evidence, as well as the complexity of the case, in which Bridge ultimately proved that, pursuant to Lucas and Penn Central, the State's actions effected a taking under the U.S. and Hawaii Constitutions, BLRH's rates are reasonable.

B. The Number of Hours Billed by Bridge's Timekeepers Were Reasonably Expended in This Case

The Court next determines the number of hours reasonably spent on the litigation. Fischer, 214 F.3d at 1119. As a general matter, the Court "should defer to the winning lawyer's professional judgment as to who much time he was required to spend on the case." Moreno, 534 F.3d at 1112 ("[A]fter all, he won, and might not have, had he been more of a slacker."). "Ultimately, a 'reasonable' amount of hours equals the number of hours … which reasonably could have been

billed to a private client." <u>Gonzalez v. City of Maywood</u>, 729 F.3d 1196, 1202 (9th Cir. 2013) (quotation omitted).⁸

Here, there is no need to speculate as to the hours that "could reasonably have been billed to a private client." <u>See id</u>. Bridge is a private client, and it did pay for the hours that BLRH billed on the case. <u>See</u> Voss Decl., ¶22. Courts recognize that payment of fees by the client supports their reasonableness and appropriateness. <u>See Kilopass Tech., Inc. v. Sidense Corp.</u>, 82 F. Supp. 3d 1154, 1167 (N.D. Cal. 2015); <u>Stonebrae, L.P. v. Toll Bros.</u>, No. C-08-0221-EMC, 2011 WL1334444, at *6 (N.D. Cal. Apr. 7, 2011), *aff'd*, 521 F. App'x 592 (9th Cir. 2013).

As the docket for this matter indicates, the State vigorously litigated this regulatory takings case. As the Supreme Court itself has stated, regulatory takings cases present some of the most vexing questions in constitutional law, see Lingle v. Chevron U.S.A. Inc., 544 U.S. 528, 537-40 (2005), and, as noted above,

⁸ As discussed above, although the State is not a "person" for purposes of 42 U.S.C. Sections 1983 and 1988, this action shares a common purpose with the policies that Sections 1983 and 1988 were designed to serve: the vindication of constitutional rights. See Brandenburger v. Thompson, 494 F.2d 885, 893 n.4 (9th Cir. 1974) ("Section 1983 [...] has as its purpose the vindication of individual constitutional rights."); Hoitt v. Vitek, 495 F.2d 219, 220 n.1 (1st Cir. 1974) ("The policy encouraging vindication of constitutional rights underlies 42 U.S.C. § 1983."). Therefore, cases discussing the propriety of fee awards in the context of Sections 1983 and 1988 are helpful to determining Bridge's right to recover attorneys' fees and costs it necessarily and reasonably incurred in this action.

present extremely low success rates for plaintiffs bringing such claims. See, e.g., Brown, On the Twenty-Fifth Anniversary of Lucas: Making or Breaking the Takings Claim, 102 Iowa L. Rev. at 1849-1850 ("Lucas-claim success rate of just 1.6%."); Hubbard, Do Owners Have a Fair Chance of Prevailing Under the Ad Hoc Regulatory Takings Test of Penn Central Transportation Company?, 14 Duke Envtl. L. & Pol'y F., at 141 (2003) (finding that the government prevails 87 percent of the time on Penn Central claims). As the jury's verdict in Bridge's favor proves, for nearly seven years, the State stubbornly refused to acknowledge that it violated Bridge's constitutional rights guaranteed by the Fifth Amendment and Article I, Section 20. While the State's conduct forced Bridge to litigate this case to its conclusion, Bridge sought – repeatedly – to reach reasonable and efficient resolution, but to no avail. See Voss Decl., ¶22. In fact, the State went so far as to advocate – openly – with the legislature against the settlement that the attorney general approved on its behalf. See Dkt. No. 289, p. 1.

Given all of the foregoing, BLRH litigated this matter very efficiently. Time descriptions for fees incurred, which included fully itemized time entries, are attached as Exhibit 4. A summary of time entries broken down the timekeeper and the hours performed on specified categories of necessary tasks,

⁹ Furthermore, as mentioned, Bridge is voluntarily deducting a substantial amount of time that it spent in administrative and state court proceedings, although the fees for such hours should be recoverable. <u>See supra</u>, fn. 6.

is attached as Exhibit 5. A chart summarizing Bridge's lodestar calculation follows:

BLRH							
Attorney/Paralegal	Hours	Hourly Rate	Total				
Bruce D. Voss		\$360.00 -					
(admitted 1995)	697.1	\$425.00	\$275,730.00				
Michael C. Carroll		\$265.00 -					
(admitted 2001)	84.0	\$275.00	\$22,446.00				
Matt C. Shannon		\$185.00 -					
(Admitted 2008)	916.4	\$265.00	\$218,586.00				
John D. Ferry		\$180.00 -					
(admitted 2009)	451.8	\$215.00	\$90,842.00				
Michael R. Kirgan							
(admitted 2015)	1.8	\$195.00	\$351.00				
Jai Keep-Barnes	6.5	\$175.00	\$1,137.50				
Melody M. Robbins	85.0	\$150.00	\$12,7500.00				
Chad A. Wago	90.1	\$150.00	\$13,515.00				
Shanen L. Cruz	3.50	\$110.00	\$385.00				
Subtotal:	2,336.2		\$635,742.00				
Taxes:		x 4.166%	\$26,485.03				
Total:			\$662,227.03				

Voss Decl., ¶17; see also Exhibits 3-5.

IV. THE LODESTAR IS REASONABLE AND NO ADJUSTMENT IS WARRANTED

After the lodestar is calculated, the Court may assess "whether it is necessary to adjust the presumptively reasonable lodestar figure on the basis of the Kerr factors that are not already subsumed in the initial lodestar calculation." Morales, 96 F.3d at 363. Factors to be considered in reaching the initial lodestar calculation (i.e., determining a reasonable rate and reasonable hours) or in deciding whether to adjust the lodestar include: (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.

Factors one through three, seven, eight, nine, and ten support the lodestar calculation. Regulatory takings cases are notoriously complex – factually and legally – and difficult for plaintiffs to win. ¹⁰ This matter, which started nearly

¹⁰ <u>See</u>, <u>e.g.</u>, Brown, <u>On the Twenty-Fifth Anniversary of Lucas: Making or Breaking the Takings Claim</u>, 102 Iowa L. Rev. at 1849-1850 ("Lucas-claim

seven years ago, required a great deal of perseverance, time, and skill to litigate.

Successfully navigating the various pitfalls that trap many regulatory takings plaintiffs, and proving that a taking occurred pursuant to *both* <u>Lucas</u> *and* <u>Penn</u> <u>Central</u>, is extremely rare (if not unprecedented). But that is what BLRH achieved here.

Factors four, five, six, and eleven also heavily support the lodestar calculation. BLRH has submitted detailed records for all billable work that Bridge seeks to recover. Voss Decl., ¶¶16-22; Exhibits 3-5. Mr. Voss has reviewed each billing entry and attests that the billing records attached represent time actually spent by BLRH in this action. See Voss Decl., ¶¶18-22; see also Moreno, 534 F.3d at 1112 ("the [c]ourt should defer to the winning lawyer's professional judgment as to how much time he was required to spend on the case."). The fees requested were reasonably necessary to achieve the results obtained, could not have been avoided, and do not include duplicative work or self-imposed fees. See Robinson, 717 F. Supp. 2d at 1098 (citation omitted); World Triathlon, 539 F. Supp. 2d at 1284. Bills for the fees requested were contemporaneously submitted to Bridge, and Bridge is up to date on its payments of those bills. See Voss Decl., ¶22. This further supports the conclusion that the hours and hourly rates billed by BLRH,

success rate of just 1.6%."); Hubbard, <u>Do Owners Have a Fair Chance of Prevailing Under the Ad Hoc Regulatory Takings Test of Penn Central Transportation Company?</u>, 14 Duke Envtl. L. & Pol'y F., at 141 (2003) (finding that the government prevails 87% of the time on <u>Penn Central</u> claims).

and the resulting lodestar calculation, are reasonable. See Kilopass Tech, 82 F. Supp. 3d at 1167; see also Stonebrae, 2011 WL1334444, at *6 ("That presumption [that the lodestar is reasonable] is particularly forceful where ... the fees were billed to and actually paid by the plaintiff during the course of the litigation, the relationship between counsel and the plaintiff was a valid business relationship, and the plaintiff, as client, exercise[d] business judgment in retaining and paying counsel.") (citations omitted).

Additionally, the amount of fees that Bridge seeks to recover have been reduced substantially through its decision to forego seeking to recover fees necessarily incurred in administrative and state court proceedings. See supra, n. 6. This fact further demonstrates that the hours claimed, and the resulting lodestar, is reasonable and appropriate. See Moreno, 534 F.3d at 1112-13 (taking into consideration the fact that counsel had voluntarily reduced reported hours by nine percent in deciding whether a further reduction was appropriate); Delatat v. Syndicated Office Sys., Inc., No. 10-cv-1273-DMS (NLS), 2014 WL 930162, at *3 (S.D. Cal. Jan. 28, 2014) (additional adjustment unnecessary" due to counsel's voluntary reduction in requested hours).

Based on all of the foregoing, no adjustment of the lodestar is warranted. Furthermore, the results that Bridge obtained at trial do not warrant an adjustment of the lodestar. This was a takings case, in which Bridge proved

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conclusively that, pursuant to <u>Lucas</u> and <u>Penn Central</u>, the State's actions amounted to a temporary regulatory taking under the U.S. and Hawaii Constitutions. Although Bridge lost "some skirmishes on the way to winning the war," which is common, <u>Cabrales</u>, 935 F.2d at 1053, those losses do not diminish the rare, decisive, and important victory that Bridge won in proving that the State violated Bridge's constitutional rights under the Fifth Amendment and Article I, Section 20. Accordingly, Bridge should recover the full value of the lodestar. <u>See Hensley</u>, 461 U.S. at 435 ("Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee.").

V. BRIDGE IS ENTITLED TO RECOVER ITS COSTS AND EXPENSES AS PART OF ITS ATTORNEYS' FEES AWARD

A. Bridge Is Entitled to Recover Its Costs and FRCP Rule 54(d)(1)

Rule 54(d) of the FRCP provides, in pertinent part, "Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorneys' fees—should be allowed to the prevailing party." FRCP 54(d)(1); see also LR 54.2(a) ("[c]osts shall be taxed as provided in Fed. R. Civ. P. 54(d)(1). The party entitled to costs shall be the prevailing party in whose favor judgment is entered[.]"). As established above, Bridge is the prevailing party in this case.

B. Bridge's Requested Costs Are Correctly Stated, Were Necessarily Incurred, and Are Allowable By Law

As set forth in its Bill of Costs, Bridge seeks recovery of its costs in the total amount of \$62,810.06. See Exhibits 6-13. The costs claimed are correctly stated, were necessarily incurred, and are allowable by law. See Voss Decl., ¶¶24-32. In addition, the services for which fees have been charged were actually and necessarily performed. See id. The costs that Bridge reasonably incurred, for which it seeks, an award, is summarized and displayed in the following table:

Service	Total
Deposition services ¹¹	\$13,656.41
Outside printing and copies	\$7,251.15
Mediation services	\$5,785.33
Travel expenditures	\$2,459.40
Process servers	\$1,656.54
Filing fees	\$519.00
Witness and mileage fees	\$512.00
Courier services	\$79.18
Experts services ¹²	\$30,891.05
TOTAL COSTS	\$62,810.06

See id.

¹¹ Deposition services include costs for transcripts and other deposition-related expenses.

This figure includes fees and expenses for the services that Steven Chee, of Lesher Chee Stadlbauer, Inc., and Bruce Plasch, of Plasch Econ Pacific LLC, provided. It also includes the cost of obtaining the transcript of the May 16, 2016 hearing on the State's Motion to Exclude Expert Reports of David J. Burger and Steven D. Chee. See Voss Decl., ¶¶17, 32; Exhibits 7, 13.

1. <u>Deposition transcripts</u>

Pursuant to 28 U.S.C. § 1920 (2), federal courts are permitted to tax "[f]ees for printed or electronically recorded transcripts necessarily obtained for use in the case[.]" 28 U.S.C. § 1920(2); see also Local Rule 54.2(f)(2) ("The cost of a stenographic and/or video original and one copy of any deposition transcript necessarily obtained for use in the case is allowable."). Here, Bridge incurred \$13,656.41 to obtain transcripts for the depositions of lay and expert witnesses, whose testimony was necessary to discover and preserve for use in this case. See Voss Decl., ¶25; Exhibits 7, 8. Bridge is entitled to recover those costs from the State.

2. Fees and disbursements for printing and copying

Under 28 U.S.C. § 1920 (3) and (4), taxable costs include "fees and disbursements for printing[.]" See 28 U.S.C. § 1920(3). In this case, Bridge incurred \$7,251.15 through BLRH for fees and disbursements made to third-party vendors for printing and copying services. See Voss Decl. at ¶25, 28; Exhibits 7, 9. These fees were actually incurred by Bridge, reasonably required for this case, and Bridge is entitled to recover such costs from the State.

3. Other Non-Taxable Expenses

The Ninth Circuit "and the Supreme Court [...] have long interpreted the phrase 'reasonable attorney's fees' to include certain litigation expenses,"

Grove v. Wells Fargo Fin. Cal., Inc., 606 F.3d 577, 580 (9th Cir. 2010) (citations omitted), including "non-taxable costs." Id. at 582; ¹³ see also Dang v. Cross, 422 F.3d 800, 814 (9th Cir. 2005) (prevailing party "may recover as part of the award of attorney's fees those out-of-pocket expenses that would normally be charged to a fee paying client") (citation omitted). As explained above, Bridge is entitled to recover its attorneys' fees from the State. See §II, supra. For those same reasons, Bridge should be allowed to recover its other "litigation expenses," or "non-taxable costs," from the State. See e.g. Grove, 606 F.3d at 580, 582.

Here, such non-taxable costs include: mediation services, travel, process servers, filing fees, witness and mileage fees, and courier services. See Voss Decl., ¶25, 29-31, 33; see also Exhibits 10-12, 14. Additionally, Bridge should be allowed to recover its experts' fees. In complex regulatory takings cases such as this one, the expert opinions and testimony of Steven Chee and Bruce Plasche was essential to proving that the State's action amounted to a taking pursuant to Lucas and Penn Central. See Voss Decl., ¶32. Under such

¹³ That precedent generally relies on fee-shifting statutes, and as discussed above, because the State is not a "person" under Section 1983, Bridge apparently cannot rely expressly on Section 1988 to shift its fees -- and therefore its non-taxable costs -- to the State. However, as also discussed above, see supra, case law interpreting and applying Section 1988 is helpful to analyzing Bridge's right to recover its fees and costs, given the purpose of Sections 1983 and 1988 – the vindication of constitutional rights – and the nature of this action, in which Bridge proved that the State's actions amounted to a regulatory taking under the Fifth Amendment and Section I, Article 20.

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circumstances, expert fees are recoverable as a "non-taxable cost." See e.g. Cmty. Ass'n for Restoration of the Env't, Inc. v. Cow Palace, Ltd. Liab. Co., No. 13-CV-3016-TOR, 2016 U.S. Dist. LEXIS 92110, at *60 (E.D. Wash. Jan. 12, 2016) ("This Court finds the expert opinions significantly contributed to the outcome of this case and should be awarded in full," where expert fees totaled \$433,447.06). Moreover, such an award would be consistent with the Hawaii legislature's recognition that in circumstances similar to those here, the landowner is entitled to recover, as part of its attorneys' fees award, its "other reasonable expenses" and "reasonable costs," including "appraisal fees." See HRS Sections 101-27 (allowing for award of "reasonable amount" of attorneys' fees and "other reasonable expenses"), 113-3 (mandating recovery of "owner's reasonable attorney, appraisal and engineering fees actually incurred."), 113-4 (mandating recovery of "reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees, actually incurred").

VI. <u>CONCLUSION</u>

For the reasons stated above, Bridge respectfully requests that the Court grant the Motion, and award Bridge its attorneys' fees of \$662,227.03 and its costs in the amount of \$62,810.06, the total of which is \$725,037.09.

DATED: Honolulu, Hawaii, April 13, 2018.

/s/ Bruce D. Voss BRUCE D. VOSS MATTHEW C. SHANNON JOHN D. FERRY III

Attorneys for Plaintiff BRIDGE AINA LE`A, LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BRIDGE AINA LE`A, LLC,) Civil No. 11-00414 SOM-KJM) (Other Civil Action)
Plaintiff,)
 ,) DECLARATION OF BRUCE D.
VS.) VOSS
)
STATE OF HAWAII LAND USE)
COMMISSION, VLADIMIR P.)
DEVENS, in his individual and official)
capacity, KYLE CHOCK, in his)
individual and official capacity,)
THOMAS CONTRADES, in his)
individual and official capacity,)
LISA M. JUDGE, in her individual and)
official capacity, NORMAND R.)
LEZY, in his individual and official)
capacity, NICHOLAS W. TEVES, JR.,)
in his individual and official capacity,)
RONALD I. HELLER, in his individual)
and official capacity, DUANE)
KANUHA, in his official capacity, and)
CHARLES JENCKS, in his official)
capacity, JOHN DOES 1-10, JANE)
DOES 1-10, DOE PARTNERSHIPS 1-)
10, DOE CORPORATIONS 1-10, DOE)
ENTITIES 2-10 and DOE)
GOVERNMENTAL UNITS 1-10,)
)
Defendants.)
)

DECLARATION OF BRUCE D. VOSS

I, BRUCE D. VOSS, state that:

- 1. I am a partner with the law firm of Bays Lung Rose & Holma ("BLRH"), attorneys for Plaintiff Bridge Aina Le`a, LLC ("Bridge") in the above-captioned matter.
- 2. I am competent to testify in the matters set forth herein and I make this declaration in support of Bridge's Motion for Attorneys' Fees and Costs based upon my personal knowledge.
- 3. I am an active member in good standing with the bar of the State of Hawaii, and I am licensed to practice before this Court.
- 4. I am the lead counsel at my firm responsible for handling this matter, and I am familiar with all of the files and proceedings in this case. As lead counsel, I directed all of BLRH's actions before this Court.
- 5. I received my J.D. from the William S. Richardson School of Law at the University of Hawaii and was admitted to the bar of the State of Hawaii and this Honorable Court in 1995. I am also licensed to practice before the U.S. Ninth Circuit Court of Appeals, and argued before the Ninth Circuit in this case. Since 1995, I have practiced law at BLRH, the last fifteen years as a partner of the firm. My practice emphasizes real estate, land use and complex commercial litigation, among other areas of law. During my 23 years of practice, I have

worked on numerous large complex civil litigation matters, including the Bishop Estate controversy, the litigation arising from Bryan Uyesugi's murder of seven Xerox employees, and the Central Pacific bank takeover litigation, among others. The reported cases I have handled include Bridge Aina Lea LLC v. State of Hawaii Land Use Commission, 134 Haw. 187 (2014); Waikoloa Development Co. v. Hilton Resorts Corp., 2014 U.S. Dist. Lexis 103612; Tsutsumi v. Hawaii Prince Hotel Waikiki Corp. et al, 119 Haw. 321 (2008); Stanford Carr Development Corp. v. Unity House, Inc., 111 Haw. 286 (2006); and HRPT Properties Trust v. Lingle, 715 F. Supp. 2d 1115 (D. Haw. 2010), among others. I have been named among the Best Lawyers in Hawaii, as published by Honolulu Magazine, and have been lead counsel in numerous cases with 7 and 8-figure amounts in controversy. I was lead counsel at trial in this case.

6. Matt C. Shannon ("MCS" in our firm's timekeeping program) is a litigation partner with BLRH, and performed work on this case as detailed below. Mr. Shannon received his J.D. from the William S. Richardson School of Law at the University of Hawaii. He was admitted to the bar of the State of Hawaii and this Honorable Court in 2008. He has been a partner of BLRH since 2017. Mr. Shannon's practice emphasizes real estate and complex commercial litigation. Mr. Shannon conducted many of the depositions in this case; drafted and argued motions; coordinated preparation and submittal of the hundreds of trial

exhibits; worked with Defendants' counsel on numerous pre-trial matters; drafted briefs to the Ninth Circuit; and was second chair at trial in this case, cross-examining key witnesses for Bridge.

- 7. Michael C. Carroll ("MCC" in our firm's timekeeping program) is a litigation partner with BLRH, and performed work on this case as detailed below. Mr. Carroll received his J.D. from the John Marshall Law School, in Chicago, Illinois. He was admitted to the bar of the State of Hawaii and this Honorable Court in 2002. He has been a partner of BLRH since 2011. Mr. Carroll's practice emphasizes real estate and complex commercial litigation. Mr. Carroll drafted the Complaint in this case, and assisted with motions and other pretrial filings until his role on the case was taken over by Mr. Shannon.
- 8. John D. Ferry III ("JDF" in our firm's timekeeping program) is a senior associate with BLRH, and performed work on this case as detailed below. Mr. Ferry received his J.D. from Northeastern University School of Law in Boston, Massachusetts. He was admitted to the bar of the State of Hawaii and this Honorable Court in 2009. Mr. Ferry's practice emphasizes complex commercial litigation. SuperLawyers named Mr. Ferry a Rising Star in the area of real estate law for the past two years. Mr. Ferry researched and drafted many of Bridge's pretrial motions and oppositions to motions; drafted Bridge's jury instructions and the

oppositions to Defendants' jury instructions; and researched and drafted all of Bridge's submittals during the trial.

- 9. Michael R. Kirgan ("MRK" in our firm's timekeeping program) is an associate with BLRH, and performed 1.8 hours of legal research assistance relating to legal issues in this case. Mr. Kirgan received his J.D. from the William S. Richardson School of Law at the University of Hawaii. He was admitted to the bar of the State of Hawaii and this Honorable Court in 2015. Mr. Kirgan's practice emphasizes real estate and business law.
- 10. Jai Keep-Barnes ("JKB" in our firm's timekeeping program) is an associate with BLRH, and performed 6.5 hours of legal research assistance relating to legal issues in the case. Mr. Keep-Barnes received his J.D. from the William S. Richardson School of Law at the University of Hawaii. He was admitted to the bar of the State of Hawaii and this Honorable Court in 2017. Mr. Keep-Barnes' practice emphasizes civil litigation.
- 11. BLRH paralegals Melody R. Robbins ("MMR"), Chad A. Wago ("CAW"), and Shanen L. Cruz ("SLC") performed work on this case as detailed below. Each of them assisted with producing the voluminous number of documents in this case; processing discovery; drafting subpoenas; assisting with preparation for trial, including preparing the hundreds of trial exhibits; converting

documents and exhibits as necessary and assisting during trial as necessary, among other paralegal tasks.

- 12. John K. Lee ("JKL") works in BLRH's accounting department as an accounts receivable specialist. Mr. Lee received his Masters in Accountancy at Golden Gate University in 2012. Mr. Lee assisted in the preparation of the calculations and exhibits for this Motion.
- 13. Over the extended period of this litigation, my hourly rate ranged from \$360.00-425.00 per hour, Mr. Shannon's rate ranged \$185.00-265.00 per hour, Mr. Carroll's rate was \$265.00-275.00 per hour, Mr. Ferry's rate ranged from \$180.00-215.00 per hour, Mr. Kirgan's rate was \$195.00 per hour, Mr. Keep-Barnes' rate was \$165.00 per hour, Ms. Robbins' rate was \$150.00 per hour, Ms. Cruz's rate was \$110.00 per hour, Mr. Wago's rate was \$150.00 per hour, and Mr. Lee's rate was \$75.00 per hour.
- 14. Based upon my knowledge of the market and the billing practices of other law firms in Honolulu, these billing rates are consistent with the market rates for the other attorneys in Hawaii that have commensurate experience in representing clients in matters of this size and complexity. Attached as Exhibit 1 are true and correct copies of pages 42 and 44 of the 2014 edition of the Book of Lists published by Pacific Business News (the "Book of Lists"). The Book of Lists is a chart that sets forth, among other things, the range of hourly

rates for partners and associates charged by Hawaii law firms. The Book of Lists is admissible under Rule 803(b)(17) of the Federal Rules of Evidence regarding market reports and commercial publications. Of the firms listed in the Book of Lists, BLRH's experience in handling cases of this size and complexity is comparable to that of Alston Hunt Floyd & Ing (Hourly Rates: Partners - \$300-\$695; Associates - \$150-\$400), Case Lombardi & Pettit (Hourly Rates: Partners - \$255-\$475; Associates - \$160-\$225), Damon Key Leong Kupchak Hastert (Hourly Rates: Partners - \$250-\$405; Associates - \$160-\$260), and Starn O'Toole Marcus & Fisher (Hourly Rates: Partners - \$300-\$500; Associates - \$175-\$275). The rates set forth in the Book of Lists support the conclusion that the hourly rates at the BLRH law firm are reasonable for attorneys of comparable experience and reputation.

- 15. Attached as Exhibit 2 is a true and correct copy of The List, dated April 6, 2018 and also published by Pacific Business News, indicating that among Hawaii law firms, BLRH currently ranks third in the areas of real estate and construction law.
- 16. Attached as Exhibit 3 is a true and correct copy of a summary of the billing for attorneys' fees which the BLRH law firm incurred in the representation of Bridge against Defendants since June 2011, broken down by each timekeeper.

17. From June 2011 to March 2018, Bridge incurred a total of \$635,742.00 in attorneys' fees for work performed by BLRH in its representation of Bridge in this case. The following is a list of fees calculated by multiplying the number of hours actually worked by each individual listed by the individual's corresponding billing rate ("lodestar"):

BLRH								
Attorney/Paralegal	Hours	Hourly Rate	Total					
Bruce D. Voss		\$360.00 -						
(admitted 1995)	697.1	\$425.00	\$275,730.00					
Michael C. Carroll		\$265.00 -						
(admitted 2001)	84.0	\$275.00	\$22,446.00					
Matt C. Shannon		\$185.00 -						
(Admitted 2008)	916.4	\$265.00	\$218,586.00					
John D. Ferry		\$180.00 -						
(admitted 2009)	451.8	\$215.00	\$90,842.00					
Michael R. Kirgan								
(admitted 2015)	1.8	\$195.00	\$351.00					
Jai Keep-Barnes	6.5	\$175.00	\$1,137.50					
Melody M. Robbins	85.0	\$150.00	\$12,7500.00					
Chad A. Wago	90.1	\$150.00	\$13,515.00					
Shanen L. Cruz	3.50	\$110.00	\$385.00					

Subtotal:	2,336.2		\$635,742.00
Taxes:		x 4.166%	\$26,485.03
Total:			\$662,227.03

- 18. The fees requested in Bridge's lodestar were reasonably necessary to achieve the results obtained. Bridge's lodestar is not excessive, and the fees requested could not have been avoided under the unique circumstances of this case. To the best of our review of the invoices, Bridge's lodestar does not include duplicative or self-imposed fees.
- 19. Attached hereto as Exhibit 4 are true and correct copies of the descriptions of the work performed by each BLRH attorney and paralegal for Bridge in this matter, which include fully itemized time entries, broken down by hours or fractions thereof expended on each task, relating to the hours stated above in the "lodestar". The billing summary has been redacted to remove references to confidential attorney-client communications, confidential settlement-related communications, and any information protected by the attorney work product doctrine. In preparing the billing summary, BLRH removed all time entries and descriptions that do not relate to fees incurred in pursuing this action.
- 20. A true and correct copy of a detailed breakdown per attorney and paralegal of the work performed pursuant to each task category in accordance

with Local Rule 54.3 is attached hereto as Exhibit 5, and a chart summarizing that breakdown by task follows:

Category	Task	Hours	Amount	
A	Case development, background investigation and case administration.	376.5	\$109,059.00	
В	Pleadings	8.8	\$1,766.50	
С	Interrogatories, document production and other written discovery.	220.7	\$58,667.50	
D	Depositions	76.2	\$21,924.00	
E	Motions practice	840.5 53.4	\$219,655.00	
F	Attending court hearings		\$18,397.00	
G	Trial preparation and attending trial	760.1	\$206,273.50	
Н	Post-trial motions	0	0	
	SUBTOTAL	2,336.2	\$635,742.50	
	G.E.T. (4.712%)	•	\$26,485.03	
		TOTAL	\$662,227.03	

21. I have personally reviewed and approved the time and charges set forth in the itemization of work performed. In reviewing the time and expense charges attached hereto, I have exercised "billing judgment" and made certain adjustments and deletions. In particular, I have removed time entries made which I

believed are not sufficiently specific to comply with the Court's requirements for attorneys' fees applications.

- 22. Bridge paid for all of the attorneys' fees billed as shown in Exhibits 3-5. The fees incurred by Bridge, as set forth above, were reasonably and necessarily incurred by Bridge for work performed by BLRH. In my professional judgment, the number of hours spent and expenses incurred by BLRH were reasonable, under the circumstances of this case. The jury trial would not have been necessary, and the amount of attorneys' fees incurred and paid by Bridge would have been substantially less, if the State of Hawaii had not refused to fund the settlement agreement executed by the parties in this case.
- 23. Attached hereto as Exhibit 6 is a true and correct copy of Bridge's Bill of Costs, in accordance with Local Rule 54.2.
- 24. The costs claimed in the Bill of Costs are correctly stated, were necessarily incurred, and to the best of BLRH's knowledge are allowable by law. The services for which fees have been charged were actually and necessarily performed.
- 25. In total, the costs that Bridge seeks to recover through this action are as follows:

Service	Total
Deposition services	\$13,656.41

Outside printing and copies	\$7,251.15
Mediation services	\$5,785.33
Travel expenditures	\$2,459.40
Process servers	\$1,656.54
Filing fees	\$519.00
Witness and mileage fees	\$512.00
Courier services	\$79.18
Experts services	\$30,891.05
TOTAL COSTS	\$62,810.06

- 26. Attached hereto as Exhibit 7 is a true, correct, and detailed summary of the costs that Bridge seeks to recover, generated from BLRH invoices spanning nearly seven years of this litigation.
- 27. Attached hereto as Exhibit 8 is a true and correct copy of invoices from Ralph Rosenberg Court Reporters, Inc. for services relating to necessary depositions taken in this case.
- 28. Attached hereto as Exhibit 9 is a true and correct copy of invoices from third party vendors for necessary printing and copying services performed for this case.
- 29. Attached hereto as Exhibit 10 is a true and correct copy of invoices from Dispute Prevention & Resolution, Inc., for the services that Mark Bennett, Esq. performed as mediator in this case. As the Court is aware, while

Bridge and the State's attorney general believed that mediation was successful and resulted in a settlement of this case, the State later refused to honor that settlement, necessitating further litigation.

- 30. Attached hereto as Exhibit 11 are true and correct copies of the invoices, itineraries, charges, and records of payment relating to and evidencing the travel costs that were necessarily incurred in this case.
- 31. Attached hereto as Exhibit 12 are true and correct copies of invoices from various process servers who performed necessary services in this case.
- 32. A true and correct copy of relevant invoices related to Bridge's experts' services is attached hereto as Exhibit 13. Bridge seeks to recover the costs and expenses incurred for the services that its experts Steven Chee, of Lesher Chee Stadlbauer, Inc., and Bruce Plasch, of Plasch Econ Pacific LLC, provided. It also includes the cost of obtaining the transcript of the May 16, 2016 hearing on the State's Motion to Exclude Expert Reports of David J. Burger and Steven D. Chee. The expert testimony that Mr. Chee and Dr. Plasch provided prior to and during trial was essential to proving a taking pursuant to <u>Lucas</u> and <u>Penn Central</u>.
- 33. Attached hereto as Exhibit 14 is a true and correct copy of invoices for courier services, including those related to this matter.

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As detailed above, the total amount of attorneys' fees and costs 34.

applicable to this award is \$725,037.09, and I request that the Court award Bridge

that amount.

35. I have made a good faith effort to arrange a conference with

Defendants' counsel in an effort to resolve Bridge's claims for attorneys' fees and

costs. I am scheduled to discuss attorneys' fees and costs with Defendants'

counsel during the week of April 16, 2018, after Defendants' counsel has had an

opportunity to review our motion, and accounting of claimed fees and costs.

Following this conference, I will notify the Court in writing of the parties'

respective positions as to attorneys' fees and costs, in the form of a statement of

consultation, in accordance with Local Rules 54.2 and 54.3.

I, BRUCE D. VOSS, declare under penalty of perjury that the

foregoing is true and correct to the best of my knowledge.

DATED: Honolulu, Hawai'i, April 13, 2018.

/s/ Bruce D. Voss

BRUCE D. VOSS

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Robert Kassow Praedent & Dk riesaner@kkAnncom	General Rigidian, construction, personal injury, madeal majoration	DND	16	100 bids.com/ (600) 609-3811 1989 200 Kessoer Universal Bain 4 Metsuriage 220 S. King St., Sts. 1800, Honoka, Hi 98810	20
Serah Wang: Managing Partner, awang@munjones.com Berry Marr: Partner, binan@manjones.com	Labor and amployment tre and amployment trigular representing management	\$280 \$290	15	(90) NA / (808) 538-1930 1977 20 Marr Jones & Wang 1900, Honoluk, H 98813	20
Peter Stam: Chairman & President, petam@stenkev.com Terence O'Toole: Dir, of Liligation, tolocie@stamlev.com Kannath Wercas. Dir, breaccas@stamlev.com	Pinel estate, complex com-	\$300-\$500	16	(21) marjones con / (606) 556-4900 1926 20 Starn O'Toole Marcus & Fisher 733 Bahop St, Sto. 1900, Honokin, HI 04813	-100
Duane Flahert Dir ; dfisherBetamlers con Andrew Beams Manajeg Parrie abasanan Schurdent ce	Son Higation, appeals, hotel Seal netate, tax, tax Sigation, general	\$176 - \$275 \$325 - \$305	14	(10) stamisw.com / (505) 537-9100 1994	-
Gacros Brand Managing Partie	Corporate, commercial General civil/real practice Insurance, construction,	\$195-\$275 EMD	13	745 Fort Siree(MaX, 0th Row, Honokat, HI 95513 (21) chunkercom / (acb) 525.0200 1970	(2
Gary Outs Over	Civil trial and general	5450 - \$650	11	841 Bishop St., Sts. 1500, Hondulu, 11 95815 [23] Sichlew.com J (808) 824-2030 1977	12
pdubin@dubinlen.m Researched by Lucy Tuhed hultupoe@btopomels.com ((sod) 905 sot	appelate practice	\$185 - \$350	1	25 65 Nerchard St., Ste. 3100, Honolet, H 92813 subbleternet / (608) 837-2300 1084 Notes: DND: cld not disclose; NA, not ensitable, NR: not pro-	t

EXHIBIT ___

			2014	BOOK OF LISTS	
	The state of the s	LAV	V FIR	MS - PAGE 2	
k Co	empany name Year establishe idreas In Marine	Lawyers d	Hourty fee: Partners Associates	Some analysis	Ing. executive(s). This property Bronster, John Hoshibata: St. Partners, NA. Bertner, NA.
Er 10	enster Hoshibets 03 Rishop St., Str 2300, Honoluk, Hill 99813	11	DND	Commercial, business, and partnership disoutes, securities Rigation, financial trand, antitrust, administrative law, trust/setate	Rez Pujichako, Andrew Pusper: Parines NA Robert Hatch: Of Counas, NA Mitton Mittooks
i bh	otooka & Yamamoto	11	\$225 - \$250 \$200 - \$225	Representation of constrainty associations, delinquency collections, chil Rigetion, insurance different	President mitton@myhawailaw.com
Q m	yhawsiaw.com / (BOR) 532 7400	11	DND	And Statement Biogram, ADR	Eic Eldrid: Managing Member, selbind Buchlackba.com to, ferrorated hearnole, Daniel Kobayeshil, Matthew Matsunege, Serbey Physic, Carl Schlack Jr.: Members, milogial lew.com
1) 10	45 Fort Street Mal, Ste 1500, Honousu, Pa 90913 chlackto.com / (808) 523-8040 2003	. 8	\$200 and up	Commence of all marriage of the late	Richard Miller: Aborney; miller@tpm-hawsi.com
	om Petrus & Miller 184 Bishop St., Sie 850, Honokulu, IH 98813 pro hewaik.com / (808) 792-5800 1994	7	\$150 and up	insurance coverage, product liability	P. Gregory Frey Managing Attorney
υ.	costes & Frey IDO Fort Street Muli, Sie 1400, Honolyw, Hi waais costesandfrey.com / (803) 524-4854 1980	10	\$278 \$250 - \$270	paternity, ciril unions, restaining orders	pghey@costssandley.com
0 5	Roeca Luria Hiracka	10	DND	Aviscion, bad faith, civil commercial, construction defects, contract disputes, directors/officers, employment law insurance coverage courseling	Kam Herakir: Nameging Partner; Iniracka@rither.com Arthur Robots: Sr. Partner; arosco@rither.com April Laria: Partner; staris@rither.com
7) 1	friaw.com / (608) 538 7500	0	DND	Civil and commercial linguion; arbitration and	Kerlin Chee: Managing Pariner; tchee@cheenarkham.com Byron Feldman: Pariner; tdeidman@cheenarkham.com Gregory Markham: Pariner; greathern@cheenarkham.com
31)	1001 Behap St., Sie 1000, Honolow, Fri 1085 NA / (808) 523-0111	5	DND	Civi Eigetion, products-liability, toxic toria,	Wesley Ching: Partner, who @fmholow.com Kenneth Fukumaga: Pariner, NA Jarold Materoahl: Partner; Bm@imholew.com
31)	Fukunaga Metaposhi Herahay & Ching 841 Bishop St., Sta. 1290, Honoldu Hi 98513 Imholaw.com / (605) 533-4390 1992	5	DND \$200 - \$350	health-care law, control of the control of the care of	Ray Ogawe: President/Director; rogewe@ollon.com
32 NR)	Ogawa Lau Nakamura & Jew -707 Richards St. Ste. 800, Honolulu, Hill 95819 980n.com / (808) 533-3999 1978	4	\$150 - \$200	insurance, surely, fidelity, family late, continued personal invey frigation, estate planning/probate	Partner bob @berser jones.com
35	Berrar & Jones	8	\$300 - \$350 \$300 - \$250	Criminal defense and intigation in business, family law, wills and trusts, real entate, personal injury.	Ward Jones: Care Paumor, woles on the Jones Com
35	benerjones.com/ (608) 500-4995		DND	Commercial complete construction begation, composite commercial femous Sciences (passance less, personal 1947, postumental listality)	Noward McPhesdars: Permer; hnophestera (I bmbe-law.com William Bordmer: Partner; bbordmer (I bmbe-law.com James Estes: Partner; jestes (I bmbe-law.com
(31)	Burke McPhesters Bodons 119 Merchant St., Sts. 200, Honoldu, Hi 25813 bmbe-law.com / (808) 529 5829 Deyrer Schraff Meyer Grant & Green Strong Meyer Schraff Meyer Grant & Green	- 4	DND	(Laguism, real property, residential property)	John Dwyer Jr. President jdwysi@dwyedaw.com
(31)	900 Fort St. Mall, Ste. 1800, Honokaki, H. 95513 dwyerlaw.com / (808) 524-8000 1978		\$325~\$36	A STATE OF THE PARTY OF THE PAR	Micheel Biehl: Pertner; mbleh@harriet
35	Tsugawa Biehi Leu & Muzzi 1132 Bienop St., Skr. 2400, Honokév, 14 98813 hitevus / (608) 531-6490 2005	4	\$210-\$27	Construction and place or servicing and workshifts	Christopher Mussi: Puriner; cruzzi@hilav ali Christopher Mussi: Cruzzi@hilav ali Edward Bendet: President, NA Jay Pidel: fidel @levs.nel
39	Bendat Fidell, Attorneys at Law 1001 Bishop St., Sts. 710, Honoldu, HI 98813 bendetfidel.com / (808) 524-0544 1974	7	DND	Business, corporate, real setate, estate planning, commercial Fügation	Turko Sugemera: De: terryers @berson overcon
(38)	Tom Outliquit Chee & Walte 841 Bishop St, Ste. 2125, Honokku, HI 98813	7	DND	Real property transactions, finance/development; concernism and community association law; voluntary/swokuntary lesse-to-les conversions	Managing Partner NA
(NR)	841 Bishop St, Ste. 2125, (1995) NA / (806) 624-3011 2012	7	DND	Energy law, public utilizes law,	Deen Yarnamoto nto Gyshawai.com
39 (NR)	Yememoto Celibose 1999 Alakas St., Sta. 2100, Honotuki, Hil 98813 ychewati com / (808) 540-4500 2008		DND	finance law, corporate and dustries and	Don Jeffrey Gelber President NA
42	Gelber Gelber & Ingersoll 745 Fort Street Mall, Ste. 1400, Honokki, HI 355 geborkwyers con ((808) 524-0155 197	13	E 1075	and tax matters; business and knowledge, real eatste transactions; eatabs planning.	Geothray Hamilton: Dir ; NA
42	Cher Hamilton Yoshida & Shimomoto		OND	Family law, captive insurance, business transactions, government affairs, immigration	Gerald Yoshida: Dir ; NA Paul Shimumoto: Panner; NA James Kawashima
(38)	cherhamiton com / D/// co-	-	DND	Commercial Bigadon, professional malpractical defenses, professional Babliny, insurance defenses, health care, employment, construction hitigation	Maraging Partner Azwashima (Kithilip com
(4)	745 Fort 51, Sie. 600, Honokau, Fil add 15 NA. / (808) 275-0300 200	70	6 DND	Estate planning, trust administration, probate,	Michelle Tucker Founder michelle (I starling andructer.com
42			8 TOND	planning, guardianing, construction disputate.	Scott Arskski: Member; scott@badgerurskaki.com Rebert Badger Jr.; Member; bob@badgerurskaki.com
41			5 DND 2 DND	catastrophic personal injuries	Rebert Badger In: Member, 000 globby and 1
_	G Cein & Herran		5 \$275 2 \$200	probata, losn modification	Benard Herren: De.; ben@casuscheren.com
_	b) cainandherran.com / (800) 222-2300	3	8 DNE	Business, labor, linguism	James Koshili Managing Parin Jicoshiba (Bloshibalaw ca
	1003 Bishop St., Ste. 2000, Foliation, 188) koshbalaw.com / (808) 523-3200 1	976	3 DNI	The state of the foresteering	Marrin Dat Managing Memb dangm@slohan
	16 Law Offices of Nervin S.C. Deng P.O. Box 4109, Honolule, H1 93912 46) marvindarglaw.cam / (808) 521-8521	981	1 DN		ALL D. Budget long Bellung i
	The man is		4 DN	Courtroom trial praction, commercial angular white-collar priminal defense, personal injury	

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Compiled by Lucy Tuitupou 808-955-8037, @pbnreséarch /tuitupou@bjzjournajs.com

LAW FIRMS, REAL ESTATE & CONSTRUCTION

RANKED BY NUMBER OF ATTORNEYS PRACTICING REAL ESTATE AND CONSTRUCTION LAW

Business Name / 2017 Rank (* did not previously rank) Website	Address Phone	Attorneys	Top Local Executive(s)
Cades Schutte ① cades.com	1000 Bishop St., #1200 Honolulu, HI 96813 808-521-9200	31	Nathan Okubo, Ryan Wilson, Marc Rousseau, Partners/ Management Committee
Carlsmith Ball ② carlsmith.com	1001 Bishop St., #2100 Honolulu, HI 96813 808-523-2500	31	Michelle Imata, Managing Partner Jon Yamamura, Co-Chairman Joanne Grimes, Co-Chairman Vicki Nakahara, Managing Partner/Attorney
Bays Lung Rose & Holma ⑤ legalhəwaii.com	700 Bishop St., #900 Honolulu, HI 96813 808-523-9000	24	Karin Holma, Managing Partner
Starn O'Toole Marcus & Fisher ® starnlaw.com	733 Bishop St., #1900 Honolulu, H196813 808-537-6100	22	Peter Starn, Chairman/President Norman Cheng, Managing Director Duane Fisher, Managing Director Terence O'Toole, Director of Litigation Kenneth Marcus, Director
Damon Key Leong Kupchak Hastert hawaillawyer.com	1003 Bishop St., #1600 Honolulu, HI 96813 808-531-8031	18	Kenneth Kupchak, President Michael Yoshida, VP
Alston Hunt Floyd & Ing ③ shfi.com	1001 Bishop St., #1800 Honolulu, HI 96813 808-524-1800	17	Paul Alston, President William Hunt, Managing Director Louise Ing, VP/Director
Case Lombardi & Pettit (3) caselombardi.com	737 Bishop St., #2600 Honolulu, HI 96813 808-547-5400	17	Dennis Lombardi, Director/President Jon Pang, Managing Director
Chun Kerr ⑦ chunker.com	999 Bishop St., #2100 Honolulu, HI 96813 808-528-8247	15	Laura Colbert, COO
Watanabe Ing ® wik.com	999 Bishop St., #1250 Honolulu, HI 96813 808-544-8300	15	J. Douglas Ing, Managing Partner Jonathan Lai, Partner
Clay Chapman Iwamura Pulice & Nervell (1)	700 Bishop St., #2100 Honolulu, HI 96813 808-535-8400	14	Robert Chapman, Managing Director
McCorriston Miller Mukai MacKinnon @	500 Ala Moana Blvd., 4th Fl. Honolulu, HI 96813 808-529-7300	14	Brian Hiraí, Co-Managing Partner
Porter McGuire Kiakona & Chow ® hawaiilegal.com	841 Bishop St., #1500 Honolulu, HI 96813 808-539-1100	14	Bryson Chow, Co-Managing Partner Kapono Kiakona, Co-Managing Partner R. Laree McGuire, Partner Christian Porter, Partner
Ashford & Wriston ® ashfordwriston.law	999 Bishop St., #1400 Honolulu, HI 96813 808-539-0400	13	Kevin Herring, Managing Partner Wayne Nasser, Partner
Schlack Ito 66 schlackito.com	745 Fort St., #1500 Honolulu, HI 96813 808-523-6040	12	Eric Elkind, Managing Member
Imanaka Asato @ imanakaasato.com	745 Fort St. Mall, 17th Fl. Honolulu, HI 96813 808-521-9500	9	Mitchell Imanaka, Founding Principal
Schneider Tanaka Radovich Andrew & Tanaka ® stratlaw.com	1100 Alakea 5t., #2100 Honolulu, HI 96813 808-792-4200	9	Robert Schneider, Manager
Bronster Fujichaku Robbins @	1003 Bishop 5t., #2300 Honolulu, HI 96813 808-524-5644	8	Margery Bronster, Senior Partner Rex Fujichaku, Partner Kenneth Robbins, Partner
Settle Meyer Law ® settlemeyerlaw.com	900 Fort St. Mall, #1800 Honolulu, HI 96813 808-534-4434	8	Scott Settle, Managing Principal William Meyer III, Principal
Goodsill Anderson Quinn & Stifel ⑥	999 Bishop St., #1600 Honolulu, HI 96813 808-547-5600	7	Michael O'Malley,
Kessner Umebayashi Bain & Matsunaga 🔞	220 S. King St., #1900 Honolulu, HI 96813 808-536-1900	7	Robert Kessner, President/Director
O'Connor Playdon Guben & Inouye ®	733 Bishop St., #2400 Honolulu, HI 96813 808-524-8350	7	Michael McGuigan, Managing Partner Dennis O'Connor Jr., Assistant Managing Partner
Sullivan Meheula Lee ® smihawaii.com	733 Bishop St., #2900 Honolulu, HI 96813 808-599-9555	7 ,	Barry Sullivan, William Meheula, Terrence Lee, Partners
Tom Petrus & Miller @ tpm-hawaii.com	1164 Bishop St., #650 Honolulu, HI 96813 808-792-5800	7	Michael Tom, Richard Miller, Attorneys
Anderson Lahne & Fujisaki @	733 Bishop St., #2301 Honolulu, HI 96813 808-536-8177	6	Anne Anderson, Managing Partner
Ogawa Lau Nakamura & Jew @	707 Richards St., #600 Honolulu, HI 96813 808-533-3999	6	Roy Ogawa, President/Director
Yamamoto Caliboso @ ychawali.com	1099 Alakea St., #3100 Honolulu, HI 96813 808-540-4500	6	Dean Yamamoto, Managing Member Craig Hashimoto, Executive Director
	1 000 310 1300		

IOTES: NA - not applicable, not available or not approved.



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bizjournals.com.

BRIDGE-LUC LAWSUIT 2214-031

04/11/18

Fees and Cost Incurred through 03/31/2018:

	Attorney	Hours	Rate	Total
Fees:	BDV	133.10	360.00	47,916.00
	BDV	19.60	375.00	7,350.00
	BDV	67.90	385.00	26,141.50
	BDV	266.10	395.00	105,109.50
	BDV	20.70	415.00	8,590.50
	BDV	189.70	425.00	80,622.50
		697.10		275,730.00
	MCC	65.40	265.00	17,331.00
	MCC	18.60	275.00	5,115.00
		84.00		22,446.00
	MCS	67.30	185.00	12,450.50
	MCS	39.30	190.00	7,467.00
	MCS	94.80	200.00	18,960.00
	MCS	27.10	220.00	5,962.00
	MCS	6.20	230.00	1,426.00
	MCS	401.50	245.00	98,367.50
	MCS	30.00	255.00	7,650.00
	MCS	250.20	265.00	66,303.00
		916.40		218,586.00
	JDF	60.20	180.00	10,836.00
	JDF	125.50	185.00	23,217.50
	JDF	42.30	205.00	8,671.50
	JDF	223.80	215.00	48,117.00
		451.80		90,842.00
	MRK	1.80	195.00	351.00
	JKB	6.50	175.00	1,137.50
	MMR	85.00	150.00	12,750.00
	CAW	90.10	150.00	13,515.00
	SLC	3.50	110.00	385.00
	Total Hours	2 226 20	Total Foos	¢ 625 742 50
	Total Hours	2,336.20	Total Fees	\$ 635,742.50
Costs:	Deposition ser	vices		13,656.41
	Mediation serv			5,785.33
	Filing fees			519.00
	Travel expendi	tures		2,459.40
	•			,

Case 1:11-cv-00414-SOM-KJM Document 384-5 Filed 04/13/18 Page 2 of 2 PageID #: 9152

Process Servers		1,656.54
Expert fees		30,891.05
Outside printing and copy costs		7,251.15
Witness and milegage		512.00
Courier		79.18
Total Costs (Non-taxable)	\$	62,810.06
Total Costs (Non-taxable) Subtal Fees and Costs (Pre-tax)	\$	62,810.06 698,552.56
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Case 1:11-cv-00414-SOM-KJM Document 384-6 Filed 04/13/18 Page 1 of 51 PageID #: 9153

Date	Timekeeper	Task	Hours	Rate	Amount	9153 Narrative
06/01/11	MCS	В	1.20	185.00		Continue revising draft Complaint, and e-mail to MCC and BDV.
06/02/11	MCS	В	3.10	185.00		Tel call w/D. Callies re: revisions and suggestions for Circuit Court Complaint [1.0]; revise and incorporate D. Callies' comments re: lack of nexus and proportionality between residential housing and need for affordable housing [0.6]; revise Complaint to include more detailed explanation of the doctrine and why it applies specifically to the LUC's actions [1.5].
06/03/11	MCS	В	2.60	185.00	481.00	Review and consider e-mail from D. Callies re: adding cause of action for violation of Fair Housing Act because the LUC took away affordable housing for low-income residents; research case law and secondary sources re: same, specifically focusing on issues of standing and whether Bridge can assert such a claim on behalf of low-income residents actually impacted by the reversion [0.8]; further research re: protected classes under Fair Housing Act, and look for income or economic status as a protected class [1.8].
06/07/11	BDV	В	0.30	360.00	108.00	Review filed copy of Complaint [0.1]; draft e-mails to DW counsel and West Hawaii Today, conveying filed Complaint [0.1]; draft e-mail memo to John Baldwin [0.1].
06/07/11	MCC	В	0.40	265.00	106.00	Review and finalize draft Complaint for filing.
06/08/11	BDV	Α	0.30	360.00	108.00	Tel calls, e-mails w/West Hawaii Today reporter E. Miller re: story on damages lawsuit [0.2]; review story re: County Planning Director comments and draft e-mail to John Baldwin re: same [0.1].
06/09/11	BDV	Α	0.20	360.00		Review article in West Hawaii Today, and draft e-mail to John Baldwin.
06/13/11	BDV	Α	0.50	360.00	180.00	Lengthy tel call w/DW litigation counsel, L. Akiba re: filing of lawsuit, Motion, additional evidence.
06/23/11	MCS	А	0.50	185.00	92.50	Review and analyze e-mail from B. Wynhoff re: Motion to Extend Time to Answer Complaint [0.3]; draft e-mail response to same [0.1]; review and analyze Ex Parte Motion to Extend Time [0.1].
06/28/11	BDV	A	1.00	360.00	360.00	Review AG's Notice of Removal of damages lawsuit to federal court and exhibits attached to removal [0.2]; review Notices from Court re: federal jurisdiction and deadlines [0.3]; draft e-mail memo to R. Pipes [0.3]; draft and respond to e-mails from Deputy AG W. Wynoff re: completing service on remaining defendants [0.2].
06/29/11	MCS	В	0.30	185.00	55.50	Research rules for answering complaint that is removed to federal court prior to state court responsive deadline.
07/08/11	BDV	A	2.70	360.00		Meeting w/AG B. Wynoff re: his planned motion to dismiss, jurisdictional issues, whether settlement is possible [0.5]; brief research in Ninth Circuit and Hawaii District Court cases re: absolute immunity issues under quasi-judicial and quasi-legislative immunity [1.0]; conduct required Rule 26 Meeting of the Parties with Attorney General re: discovery planning, admissions, interrogatories, dispute resolution [1.0]; draft detailed e-mail memo to R. Pipes re: status of all litigation [0.2].
07/08/11	MCS	Α	1.00	185.00	185.00	Participate in Rule 26 meeting of the parties to discuss discovery issues prior to Scheduling Conference w/Judge Kurren.
07/09/11	MCS	Α	0.60	185.00	111.00	Draft Conference of the Parties Report.
07/10/11	MCS	Α	1.80	185.00	333.00	Draft Initial Disclosures including list of potential witnesses and other discovery issues [1.0]; begin drafting Rule 16 Scheduling Conference Statement [0.8].
07/11/11	MCS	Α	0.60	185.00		Revise Conference of the Parties Report.
07/12/11	BDV	Α	0.70	360.00	252.00	Review and revise Report of the Parties meeting statement for Judge Kurren [0.2]; review first draft of Initial Disclosures [0.5].

07/12/1	ase _{Mc} £1-cv	/-0<u>/</u>04	<u> 14-50</u>	M ₁ 85]M	Documen	R3845CoFiler C46136H8s Report and File DISEOSTES#:
07/25/11	BDV	A	0.30	360.00		Review new Ninth Circuit case from today limiting regulatory takings
07/27/11	BDV	E	1.00	360.00	360.00	claims. Review LUC and Commissioners' motion to dismiss all claims [0.8];
07727711		_	1.00	000.00	000.00	draft e-mail memo to R. Pipes [0.2]
07/27/11	MCS	Е	0.60	185.00	111.00	Review and analyze Motion to Dismiss filed by LUC.
08/02/11	BDV	E	3.50	360.00	1,260.00	Review LUC Motion to Dismiss and list, outline key areas for additional legal research on 1983 claims, right to seek damages for constitutional violations, immunity issues.
08/04/11	BDV	E	2.20	360.00	792.00	Review LUC Scheduling Conference Statement and related communications from Court [0.5]; legal research in recent Ninth Circuit cases re: qualified immunity claim where constitutional violation established [1.7].
08/10/11	BDV	F	0.20	360.00	72.00	Review documents for tomorrow's Scheduling Conference w/Judge Kurren.
08/11/11	BDV	F	1.70	360.00	612.00	Prepare for, attend Scheduling Conference w/Judge Kurren [1.2]; meeting after hearing w/Deputy AG W. Wynhoff to discuss settlement possibilities [0.3]; draft detailed e-mail memo to R. Pipes [0.2].
08/16/11	MCC	A	2.20	265.00	583.00	Continue to research possible vehicles for a settlement with the Commission [2.0]; draft and revise proposed e-mail back to AG on proposed vehicles for settlement [0.2].
08/16/11	MCS	С	1.10	185.00	203.50	Continue drafting Request for Production of Documents, and review and analyze Complaint, Administrative Appeals, and previous letters to Office of Planning to cover wide range of documents.
08/21/11	BDV	A	1.10	360.00	396.00	Revise, rework, finalize e-mail letter to Deputy Attorney General W. Wynhoff, explaining how and why settlement conference with LUC can proceed [1.0]; convey to R. Pipes [0.1].
08/22/11	MCC	E	3.30	265.00		Research, review and analyze cases re: federal claims asserted and defenses to motion to dismiss [2.3]; review and analyze motion to dismiss focusing on federal claims [1.0].
08/22/11	MCS	С	3.50	185.00	647.50	Review and analyze memorandum from BDV re: responding to LUC's Motion to Dismiss and strategy re: same [3.0]; document review of relevant dockets at LUC offices [0.5].
08/23/11	BDV	С	0.10	360.00	36.00	Draft e-mail memo to Deputy Attorney General re: document review.
08/23/11	MCC	Е	7.50	265.00	1,987.50	Continue to research, review and analyze cases re: potential claims against the Commission and Commissioners.
08/24/11	MCC	E	5.80	265.00	1,537.00	Continue to draft and revise section of Brief re: federal claims [3.0]; continue research re: federal claims and additional research on state law claims [2.0]; review and analyze various treatises to support federal claims [0.8].
08/25/11	MCC	E	3.20	265.00	848.00	Continue research re: federal claims to oppose Motion to Dismiss [0.7]; review and analyze key cases [1.0]; continue revising Brief to strengthen and organize arguments [1.5].
08/25/11	MCS	С	0.80	185.00	148.00	Revise Request for Production of Documents pursuant to comments from MCC, broadening
08/26/11	MCC	E	1.00	265.00	265.00	Continue research relating to federal claims to support opposition to Motion to Dismiss, focus on cases recognizing a waiver of immunity by removal.
08/29/11	BDV	С	2.50	360.00	900.00	Review and edit Request for Production of Documents [0.5]; go to Land Use Commission and review, select documents from prior LUC dockets to support Equal Protection claim [2.0].
08/30/11	MCC	Е	3.20	265.00	848.00	Conduct additional research to refine arguments on right to assert federal claims, focus on substantive due process direct claims.
08/31/11	MCC	E	3.10	265.00	821.50	Continue to draft and revise brief relating to federal claims [1.5]; focus on ability to assert direct constitutional claims and claims for injunctive and declaratory relief [1.6].

09/01/17	ase _{M∂} £1-cv	r-0 <u>10</u> 4	1 4-80	M2 <u>k2j</u> ₩	рь604 00	Continue to death and levise sector of Briefre: federal claims, focus on 1983 claims and support for legal arguments and research cases
09/01/11	MCS	С	0.80	185.00	148.00	re: same. Revise and finalize all Requests for Production of Documents to all defendants.
09/02/11	BDV	E	1.50	360.00	540.00	Review first draft of argument re: federal constitutional direct claims, Section 1983 standing, Pullman doctrine [1.0]; draft e-mail memo to MCC re: suggested additional legal research, refining theories [0.5].
09/02/11	MCC	Е	3.50	265.00	927.50	Review and analyze comments from BDV re: draft section of brief re: federal claims [1.5]; research and review cases and materials re: abstention and focus on brief re: legal issues [2.0].
09/05/11	MCS	E	3.20	185.00	592.00	Research case law in support of Memorandum in Opposition to LUC's Motion to Dismiss, focusing on cases re: zoning estoppel in Hawaii and legal standard for same.
09/06/11	BDV	Е	2.60	360.00	936.00	Legal research in Ninth Circuit cases re: absolute quasi-judicial immunity, qualified immunity, cases that distinguish Buckles, related arguments to oppose LUC Commissioners' Motion to Dismiss [2.4]; draft and respond to communications from Court changing hearing date [0.2].
09/06/11	MCC	E	1.70	265.00	450.50	Continue drafting and revising brief re: federal claims, focus research on abstention and bases to avoid pullman and younger abstention.
09/06/11	MCS	Е	2.50	185.00	462.50	Continue researching Hawaii cases re: zoning estoppel and analyze arguments re: same to oppose Motion to Dismiss.
09/07/11	MCC	E	3.50	265.00	927.50	Prepare and revise further revisions to brief section re: federal claims [1.5]; review allegations in Complaint and incorporate critical facts from same to incorporate into the Brief [1.0]; review key cases re: sovereign immunity; brief research re: basis for sovereign immunity [1.0].
09/07/11	MCS	Е	7.50	185.00	1,387.50	Research case law re: immunity in Hawaii for boards and commissions, as well as research statute re: same cited by LUC in its Motion to Dismiss.
09/08/11	MCS	Е	3.50	185.00	647.50	Continue research in support of maintaining state law claims and opposing Motion to Dismiss, focusing on arguments re: immunity and standard for "malicious or improper purpose" under HRS 26-35.5 cited by LUC [2.5]; research additional Ninth Circuit cases re: same [1.0].
09/09/11	BDV	Е	2.50	360.00	900.00	Review and edit 20-page portion of Memorandum in Opposition to State Motion to Dismiss re: direct federal constitutional claims, Section 1983 issues, Pullman abstention doctrine, state law interpretation of right to bring federal law claims
09/09/11	MCC	Е	2.20	265.00	583.00	Review and analyze comments from BDV re: draft brief [2.0]; begin incorporating comments focusing on taking claim [0.2].
09/09/11	MCS	Е	1.10	185.00	203.50	Review and analyze LUC's Motion to Consolidate and begin analyzing and outlining Memorandum in Opposition to same.
09/12/11	MCC	E	4.20	265.00	1,113.00	Continue to revise Brief on federal claims based on BDV comments, focus on takings claim and direct constitutional claims [2.7]; research further cases to support arguments; refine legal arguments section [1.5].
09/13/11	BDV	Е	0.30	360.00	108.00	Review new Ninth Circuit opinion issued today re: Younger and Pullman abstention, as new case law to oppose AG Motion
09/13/11	MCC	E	5.30	265.00		Continue to research cases to support federal claims against defendants [3.0]; focus on declaratory relief statute and basis to assert direct claims based on the statute [1.5]; continue to refine and edit draft brief [0.8].
09/16/11	MCC	Е	3.40	265.00	901.00	Continue revising and editing section of brief re: federal claims [1.1]; conduct additional research re: direct constitutional claims [1.1]; research, review and analyze key cases re: abstention to support arguments against Pullman abstention [1.2].

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09/19/11	aseWcET-c/	7-4 0 4	1 4 747	1√285i00	DH:466:00	Continue research refrederal claus (1.4); roeus do Defendants'
						argument that injunctive relief is inappropriate because there is nothing to enjoin [1.0]; review key cases re: same [2.0].
09/27/11	MCS	Е	4.80	185.00	888.00	Further research Lingle v. Chevron case, Figueroa v. State, and Pele
03/2//11	WCS	_	4.00	100.00	000.00	Defense Fund v. Paty cases and analyze how those could be
						incorporated into arguments and other research re: recovery of
						damages under Hawaii State law for violations of Hawaii
						Constitution.
09/28/11	MCS	Е	3.60	185.00	666.00	Continue outlining Memorandum in Opposition section re: state
						claims, and research re: same; further research re: declaratory and
						injunctive action claims under state law and whether cases cited by LUC are valid and enforceable to prevent separate causes of action
						for declaratory relief [2.0]; further analyze re: improper actions by
						LUC to warrant lawsuit for violation of administrative rules and
						regulations [1.6].
09/29/11	MCS	Е	7.00	185.00	1,295.00	Draft Memorandum in Opposition section re: Defendant's quasi-
						judicial immunity under Hawaii law and arguments in support of
						same pursuant to major federal cases that claims are based on, as
						well as focusing on malicious and improper purpose of LUC's actions that would circumvent immunity implied through case law and HRS
						26-35.5 that governs creation of state government commissions
						[6.0]; review and analyze notes re: same, and further research re:
						cases and statutes re: same [1.0].
00/00/44	1400	_	0.50	105.00	1 000 50	
09/30/11	MCS	Ε	6.50	185.00	1,202.50	Continue drafting Memorandum in Opposition to Motion to Dismiss, specifically sections re: immunity under state law and zoning
						estoppel [5.0]; further research and draft zoning estoppel argument
						and begin drafting declaratory relief section [1.5].
10/02/11	MCS	Е	4.60	185.00	851.00	Revise Memorandum in Opposition to Motion to Dismiss, focusing on
						section re: declaratory judgments and injunction for LUC's violations
						of applicability statutes and administrative rules [3.0]; research and analyze Hawaii case law re: same, as well as ancillary ripeness
						issues re: whether administrative appeal needs to be exhausted prior
						to bringing declaratory and injunctive claims under HRS 91 and 92
						[1.6].
10/03/11	MCS	Е	4.00	185.00	740.00	Continue revising Memorandum in Opposition to Motion for
						Summary Judgment re: estpoppel issues and assurances from LUC.
10/04/11	BDV	E	1.00	360.00	360.00	Review and edit revised draft of section of Memorandum in
						Opposition to State Motion to Dismiss re: direct constitutional claims,
						injunctive and declaratory relief, abstention grounds.
10/05/11	BDV	Ε	2.00	360.00	720.00	In preparation for drafting section in opposition to AG's Motion to
						Dismiss, research and read additional Ninth Circuit cases and
						District Court cases within Ninth Circuit re: quasi-judicial immunity,
10/07/11	BDV	E	2.50	360.00	900.00	qualified immunity, and exceptions Draft detailed factual and legal outline of points and legal arguments
		_				for Memorandum in Opposition to Motion to Dismiss re: judicial and
				-		qualified immunity.
10/10/11	MCC	E	3.70	265.00	980.50	Review and revise brief re: federal claim to address BDV's
						comments [2.0]; research re: additional support for opposition to
						Pullman abstention [1.0]; review complaint to include record citations
10/13/11	BDV	E	6.00	360.00	2,160.00	[0.7]. For Memorandum in Opposition to Motion to Dismiss damages, draft
10/10/11	۷۵۵	_	0.00	550.00	2,100.00	11-page argument re: The LUC Commissioners Combined the
						Functions of Lawmaker and Monitor of Compliance in Taking Action
						to Amend the Property's Land Use Boundaries to Agricultural Use
						and The LUC Commissioners' Proceedings Lacked Procedural
						Safeguards Available in Judicial Process.

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10/14/11	aseB₽A⊤-c/	⁄-U <u>E</u> 04	± ′2 .90⊃	1√369!00	ро <u>ѐ</u> йй Ю г	Fulfrie Paraft Section of Memora Mum In Opposition 19 Motion to Dismiss re: LUC Defendants not entitled to qualified immunity in individual capacity based on Ninth Circuit cases, allegations of Complaint.
11/15/11	BDV	A	1.70	360.00	612.00	Tel call w/Deputy Attorney General W. Wynhoff re: Judge Kurren's offer to act as settlement judge, LUC members resistance [0.2]; for Memo in Opp to LUC Motion to Dismiss in federal court damages action, legal research re: standards cited by Judge Mollway on Rule 12(b)(6) Motions to Dismiss and legal research in recent Ninth Circuit cases re: waiver on removal issues [1.0]; begin consolidating and editing sections of Memorandum in Opposition to Motion to Dismiss (now 54 pages) to get down below word count limits [0.5].
11/16/11	BDV	Е	3.00	360.00	1,080.00	Draft Standard of Review section for Memorandum in Opposition to State Motion to Dismiss damages action [0.5]; review, edit, rework sections and cites in Memorandum in Opposition to Motion to Dismiss re: federal direct claims, abstention, state law claims, to trim approx. 2,000 words off draft to get closer to word count limit [2.5].
11/17/11	BDV	E	6.40	360.00	2,304.00	For Memorandum in Opposition to State Motion to Dismiss damages action, legal research re: substantive due process cases, legal relationship between Office of Planning and LUC [1.4]; complete drafting section re: qualified immunity to incorporate clearly established legal right for constitutional violations [1.5]; draft Introduction to Memorandum in Opposition [0.5]; review, edit, rework sections of Memorandum in Opposition re: 1983 claims, abstention doctrines, prospective injunctive relief, declaratory relief, no state law immunity, and related subsections to get word count of memorandum from 11,700 words down to 9,400 words, close to word count limit [3.0].
11/18/11	BDV	E	6.00	360.00	2,160.00	Legal research re: zoning estoppel, Hawaii cases, law review commentary re: same, to tighten argument re: zoning estoppel and permissible conditions on estoppel trigger for Memorandum in Opposition to State Motion to Dismiss damages claim [2.5]; revise argument in Memo in Opp re: same [0.5]; additional legal research re: state declaratory judgment cases and statutes, to tighten argument on court's right to issue declaratory relief under state law, and revise memorandum re: same [2.0]; review case law re: Judge Mollway's options re: state law claims if she abstains under Pullman, and revise Memorandum re: Pullman re: same [0.5]; review, edit, proofread Memorandum in Opposition, trimming word count to 8,900 words, under word count limit [0.5].
11/28/11	MCS	E	2.00	190.00	380.00	Review and revise Memorandum in Opposition to Motion to Dismiss sections re: state law claims prior to filing.
12/05/11	BDV	Е	1.00	360.00	360.00	Review, annotate, review new cases cited in AG's 28-page Reply Memorandum filed today on LUC Motion to Dismiss all claims in federal court damages action
12/06/11	MCC	Е	0.30	275.00	82.50	Review LUC's Reply brief and begin outlining response to arguments re: federal claims.
12/07/11	BDV	С	0.30	360.00	108.00	Draft e-mail letter to Deputy AG W. Wynhoff re: Commissioners' refusal to produce documents, upcoming depositions
12/18/11	BDV	Е	5.50	360.00	1,980.00	Review Judge Mollway's inclination on State Motion to Dismiss [0.5]; draft e-mail memo to John Baldwin re: Mollway's inclinations [0.3]; to respond to questions in Mollway's inclinations, review Ninth Circuit, US Supreme Court, and District Court cases cited by Mollway [3.2]; draft detailed of answers to questions Mollway asked, summary of Strance's ruling for Mollway [1.5].

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12/19/11	ase _{Bö} V1-cv	⁄- Ψ94	14 3 -310	IV386190		Read additional Nifth Circuit cases of abstention, julisdiction, takings in preparation for Judge Mollway's questions [1.0]; attend, argue lengthy hearing before Judge Mollway on State's Motion to Dismiss [1.5]; brief conf w/State AG W. Wynhoff after hearing on LUC action, takings claims [0.3]; draft detailed summary to John Baldwin and R. Pipes [0.5].
01/03/12	BDV	Α	0.40	360.00	144.00	Meeting w/LUC Executive Director D. Davidson re: Judge Strance's decision, long-term impact, Commissioners' reaction, settlement possibilities
01/06/12	BDV	A	3.00	360.00	1,080.00	For settlement discussions and federal court case, legal research in federal, Ninth Circuit, and state cases re: damages available for temporary taking, interest or rate of return recovery theories, attorneys' fees and damages [2.5]; review recent Hawaii cases re: total takings for arguments re: fees [0.5].
01/09/12	MCS	Α	3.50	190.00	665.00	Begin reviewing and analyzing treatises and other authorities re: temporary regulatory takings.
01/10/12	MCS	А	4.50	190.00	855.00	Review and analyze takings cases cited in treatises re: compensation owed for temporary takings, focusing specifically on temporary inverse condemnations litigation where regulations rather than physical takings are in dispute [2.0]; review and analyze various law review articles that summarize developments in regulatory takings law and specifically compensation issues, searching for cases re: contracts for sale of property in question used as evidence of fair market value of property prior to takings, as well as what constitutes beginning of taking in light of regulations that may be created over time and case financial cloud over the property at issue [2.5].
01/11/12	MCS	A	7.10	190.00	1,349.00	Continue researching takings damages for memorandum, issues re: specific methods used by Courts in regulatory takings cases [3.6]; research cases re: fair rental value and market rate of return cases from variety of jurisdictions, and briefly research other methods used to calculate damages including lost profits and cash flow methods which would possibly be applicable to Commission's taking [2.5]; research cases re: when takings period begins in regulatory cases re: "official action" for purposes of calculating damages [1.0].
01/12/12	MCS	A	6.50	190.00	1,235.00	Continue research damages for regulatory takings, finishing research and analysis of most comparable cases re: market rate of return measure of just compensation for unlawful takings [1.0]; research further cases re: time taking takes effect, looking for regulatory cases that define "official action" to trigger beginning of damages [2.0]; research cases and treatise re: obtaining attorneys' fees and costs in just compensation cases, focusing on Hawaii cases and statutes re: same [1.5]; research additional cases re: takings where purchase contract or other agreement and how courts have determined damages in light of related arm's length transaction; review and analyze group of cases reviewed and begin outlining memorandum and analysis [2.0].
01/13/12	MCS	A	4.50	190.00	855.00	Continue outlining general sections for memorandum [1.5]; begin drafting memorandum, starting with sections re: measure of takings damages, including market rate of return and lost profits [1.0]; draft analysis for same; continue drafting section re: alternative methods of calculation, including lost profits and cash flow methods [1.0]; further research re: cases involving contracts and begin drafting section of memorandum re: same [1.0].

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01/14/12	ase <mark>M∂£1-c</mark> v	/-U _K /4	⊥ ′3 .80⊃	1√14801940	DO&PRIMPL	Continue drafting memorandum sections on effective timeline for "official action" and whether Bridge
						can obtain attorneys' fees and costs.
01/15/12	MCS	Α	5.20	190.00	988.00	Finish drafting memorandum, specifically section re: best measure of
						damages and various analyses portions of topics discussed in
						memorandum [3.5]; revise and edit same [1.0]; briefly research
						issues re: prejudgment interest and analyze how that might affect
24/42/42						overall damages [0.7].
01/18/12	BDV	Α	3.00	360.00	1,080.00	Prepare for, attend lengthy settlement meeting w/Attorney General
						and DW counsel [1.0]; as follow-up to meeting, review 1989 and 1991 Orders, conditions, representations, to outline key additional
						protections Bridge potentially could ask for in settlement [1.5]; draft
						detailed e-mail memo to John Baldwin and R. Pipes [0.5].
						p
01/18/12	MCC	Α	1.50	275.00	412.50	Review and analyze prior LUC decisions to evaluate potential
						settlement requests [0.5]; prepare list of requests for settlement [0.5];
04/07/40	DD\/	^	0.00	200.00	100.00	brief research re: community benefit assessments [0.5].
01/27/12	BDV	Α	0.30	360.00	108.00	Draft e-mail, tel call to Deputy AG W. Wynhoff re: extension of date to submit Briefs to federal court [0.1]; tel call to W. Wynhoff re: same
						[0.1]; draft e-mail letter to W. Wynhoff, asking him to state position
						[0.1].
02/01/12	MCC	Е	2.20	275.00	605.00	Begin research re: abstention and arguments based on Circuit Court
						Appeal decision [1.0]; review key cases; begin outlining arguments
						for supplemental briefing to court [1.2].
02/08/12	MCC	Α	1.10	275.00	302.50	Research re: abstention [0.5]; inventory key cases cited by Judge
						Mollway in her inclination [0.3]; review and analyze Judge Mollway's
						inclination for proper structure of argument [0.3].
02/09/12	MCC	Е	3.10	275.00	852.50	Research, review and analyze cases and materials in preparation for
						supplemental brief for Federal Court action.
02/14/12	MCC	Е	4.30	275.00	1,182.50	Continue drafting and revising supplemental brief to federal court
						[1.3]; research, review and analyze key cases concerning abstention and temporary takings [2.0]; edit and refine brief based on research
						[1.0].
02/15/12	BDV	Е	0.30	360.00	108.00	Following presentation by Judge Mollway re: supplemental
						memorandum, brief conf w/MCC re: how to structure abstention,
						dismissal, related arguments on effect of Judge Strance ruling [0.2];
						draft brief follow-up memo to R. Pipes re: status of Judge Strance
02/15/12	MCC		2.00	275.00	707 50	ruling and planned response to Judge Mollway [0.1].
02/15/12	MCC	Ε	2.90	275.00	797.50	Continue drafting and revising supplemental brief to Federal Court on impact of state court ruling [1.7]; research, review and analyze
						additional cases re: abstention and temporary takings [1.0]; review
						proposed order for key portions of decision to incorporate points into
						the brief [0.2].
02/16/12	BDV	Е	3.50	360.00	1,260.00	Review and begin editing first draft of Supplemental Memorandum
						required by Judge Mollway in federal court action re: effect of state
						court ruling [3.0]; for memorandum, review Ninth Circuit cases re:
						waiver of abstention, application of Pullman, state interest factors,
						update research on individual liability under 1983 and judicial immunity [0.5].
02/16/12	MCC	Е	1.20	275.00	330.00	Final edits for initial Supplemental Brief re: state court ruling [1.0];
		,				review citations from Brief; e-mail to BDV summarizing issues that
						impact the abstention argument [0.1]; research cases from D. Hawaii
						in which the court substantively rules on the case and then abstains
00/47/40	DD) (2.00	200.00	1.000.00	[0.1].
02/17/12	BDV	Е	3.00	360.00	1,080.00	For Memorandum on effect of state court ruling required by Judge
						Mollway, complete revising section re: abstention doctrine, and draft sections re: why LUC Commissioners cannot have absolute judicial
						immunity following state court ruling.
			<u> </u>			initiality following state court failing.

03/05/12	ase∄jú1-cv	/-Q<u>0</u>4	14 <u>-</u> 50	<u>№89</u> 96	DOSEMINAL.	Revise edit supplement Memorandum to Judge Manual refect of State Court Ruling to add additional authority re: temporary takings, citations re: submittal to Judge Strance, arguments re:
						qualified immunity, issues re: failure to comply with State court Ruling.
03/08/12	BDV	Α	0.30	360.00	108.00	Draft follow-up letter to Deputy AG W. Wynhoff re: federal court deadlines.
03/08/12	MCC	E	1.80	275.00	495.00	Revise supplemental brief for federal court [0.8]; follow up research to bolster arguments [0.5]; edit section of brief concerning Pullman abstention [0.5].
03/09/12	BDV	E	1.50	360.00	540.00	Revise Memorandum to Judge Mollway re: Effect of State Court Ruling to include new citations to Judge Strance's Order, final changes re: Pullman doctrine, file memorandum.
03/12/12	BDV	Е	0.20	360.00	72.00	Review Land Use Commission's memorandum to Judge Mollway re: effect of State Court ruling.
03/12/12	MCC	Е	0.20	275.00	55.00	Review and analyze State Supplemental Brief re: State Court Ruling.
03/16/12	BDV	F	2.40	360.00		In preparation for Monday's hearing before Judge Mollway, read through Motion to Dismiss, Memo in Opp, Supplemental filings, Judge Strance's Order, and approx. 20 of cases cited in briefs to prepare for Judge Mollway's questions [2.0]; tel call to Judge Kurren's Chambers to set up status conference to re-set pre-trial dates [0.2]; draft e-mail memo to W. Wynhoff re: April 12 status conference [0.2].
03/18/12	BDV	Т	2.20	360.00	792.00	Draft oral argument for tomorrow's hearing before Judge Mollway on LUC and Commissioner's Motion to Dismiss all claims [1.0]; outline and draft answers to expected questions from Judge Mollway re: abstention and immunity issues [1.2].
03/19/12	BDV	П	3.80	360.00	1,368.00	Prepare for, argue hearing on Motion to Dismiss all claims before Judge Mollway in federal court [2.0]; conf w/Deputy AG after hearing re: status [0.3]; brief legal research, read cases re: preserving claims in federal court to follow up on Judge Mollway's suggested resolution [1.0]; edit, revise draft Stipulation dismissing without prejudice federal law claims and remanding state law claims; draft detailed e-mail memo to R. Pipes [0.5].
04/02/12	BDV	E	0.40	360.00	144.00	Review Judge Mollway's ruling staying damages and takings action [0.3]; draft e-mail memo to John Baldwin, conveying Judge Mollway's Order and explaining pros and cons of Order [0.1].
04/11/12	BDV	Α	0.20	360.00	72.00	Draft e-mail responding to Attorney General's question re: whether we will appeal Judge Mollway's Order.
05/01/12	MCS	A	0.40	190.00	76.00	Draft notice of Cross-Appeal, Representation Statement, and 9th Circuit Court of Appeals Mediation Questionnaire [0.2]; research 9th Circuit Rules to make sure all requirements for Cross-Appeal are satisfied [0.2].
06/16/12	MCS	Α	1.00	190.00	190.00	Research cases re: constitutional law and whether cloud on title created by appeal of temporary takings action continues damages for just compensation.
06/26/12	BDV	Α	0.50	360.00	180.00	Review and respond to e-mails from Ninth Circuit mediator re: Ninth Circuit mediation program.
08/10/12	BDV	A	2.10	360.00		Prepare for, participate in lengthy conference call w/Ninth Circuit Mediator and LUC personnel re: pending mediation [0.8]; follow-up emails w/DW counsel re: same, e-mail to Mediator re: dates and contacts [0.5]; draft e-mail memo memo to John Baldwin and H. Paoa [0.8].
08/10/12	MCS	Α	0.80	190.00		9th Circuit Mediation Scheduling Conf call.
08/13/12	BDV	Α	0.10	360.00		Review and respond to John Baldwin re: mediation.
08/14/12	BDV	Α	0.10	360.00	36.00	Review and respond to e-mails from H. Paoa re: mediation.

08/15/12	ase _{Bi⊙} 1/1-cv	-004	14- & O	M360100	Dogumen	In 84 paratiol Programment in the programment of the corder of the corde
00/10/12	55 v	, ,	1.00	000.00	040.00	prior Settlement proposals, options for settlement and outline key
						areas for Bridge initial proposal [1.5]; draft e-mail memo to John
						Baldwin and H. Paoa [0.3].
08/16/12	BDV	Α	3.30	360.00	1,188.00	For confidential mediation statement, legal research re: recent cases
						on best theories for damages on temporary takings [0.8]; legal
						research re: whether pre-judgment interest or attorneys' fees may be
						recoverable against State [0.5]; research re: County and other
						valuation sources for value of agricultural land around Aina Lea
						during time period of taking [1.5]; calculate damages under
						alternative theories for best argument [0.2]; research re: rates of
						return [0.2]; begin drafting introduction for confidential mediation
08/18/12	BDV	Α	5.20	360.00	1,872.00	statement [0.1]. Draft first 6 pages of Bridge's Confidential Pre-Mediation Statement
00/10/12	Вυν	^	3.20	300.00	1,672.00	re: summary of factual background of dispute, likelihood of ruling on
						state court appeal, detailing Bridge's compensation owing for
						temporary taking, Bridge's claims against individual commissioners,
						four necessary elements for any resolution.
08/22/12	BDV	Α	1.20	360.00	432.00	Draft section of Confidential Mediation Statement re: proposed
						settlement, incorporating proposed settlement points from various
00/00/10	DDV		1.00	200.00	200.00	proposals.
08/23/12	BDV	Α	1.00	360.00	360.00	Finalize sections of Confidential Mediation Statement re: settlement
						proposal, Bridge's position [0.5]; review, proofread, edit statement [0.5].
08/26/12	BDV	Α	0.20	360.00	72.00	Review and respond to H. Paoa's comments on draft Confidential
00/20/ 12			0.20	000.00		Settlement Conference letter, whether we could settle around
						Wessels.
08/27/12	BDV	Α	2.20	360.00	792.00	Review and draft response to Ninth Circuit Mediator re: DW not
						participating in mediation [0.5]; tel call w/DW attorney, A. Okamoto,
						re: DW's position, whether DW would participate if settlement
						discussions progress, DW's financial status [0.5]; draft confidential e-
						mail to Ninth Circuit mediator re: DW's position, moving mediation
						forward [0.5]; revise Confidential Pre-Mediation Statement to include
						additional consequential damages allegations [0.5]; draft e-mail memo to H. Paoa and John Baldwin [0.2].
						inienio to 11. Pada and John Baldwin [0.2].
08/31/12	BDV	Α	0.30	360.00	108.00	Revise, proofread, finalize and send Confidential Pre-Mediation
						Statement to Ninth Circuit Mediator.
09/04/12	BDV	Α	0.20	360.00	72.00	Draft e-mail response to Ninth Circuit Mediator re: objectives and
00/10/10	DDV	Λ	0.50	200.00	100.00	process of mediation.
09/12/12	BDV	Α	0.50	360.00	180.00	Conf call w/Ninth Circuit Mediator M. Corrigan re: which conditions
09/14/12	BDV	Α	0.60	360.00	216.00	are most important to Bridge. Draft response to Mediator re: status of discussions with State [0.2];
03/14/12	DDV	^	0.00	300.00	210.00	tel call w/Deputy AG W. Wynhoff re: status of LUC consideration
						[0.2]; send W. Wynhoff modified version of February 2012 settlement
						offer, emphasizing key settlement points [0.2].
						, , , , , , , , , , , , , , , , , , ,
09/15/12	BDV	Α	0.20	360.00	72.00	Review Ninth Circuit confidentiality order, compare to Federal Rule
						408 re: protections, draft e-mail memo to R. Pipes re: same.
09/19/12	BDV	Α	0.20	360.00	72.00	Draft e-mail response to Ninth Circuit mediator re: DW failure to
03/13/14	۷۵۵	^	0.20	550.00	72.00	respond, Bridge participation, status.
09/24/12	BDV	Α	0.30	360.00	108.00	Tel call, follow-up e-mail to Mediator re: DW no response, status of
						mediation.
09/27/12	BDV	Α	0.30	360.00	108.00	Tel call w/Ninth Circuit Mediator re: status of LUC position, issues
						[0.2]; follow-up with Attorney General re: same [0.1].

10/04/40	720 <u>0.1:11-</u> 7	1√-Ω∩ /	1121-50	DNA-16 11/1	Deame	nt 387-6 Eiled 04/43/18, Page 10 of 51, PageID
10/01/129	ъas⊕¤⁄⊁1-0	N-Y402	± 2 :00°	21/380:00i	D0/201010	ម្លាំ ក្នុំ មួយ ប្រសាធិប្បាន ប្រជាពិបាន បាន ប្រជាពិបាន បាន ប្រជាពិបាន ប្រជាពិបាន ប្រជាពិបាន បាន បាន ប្រជាពិបាន បាន ប្រជាពិបាន បាន បាន បាន បាន បាន បាន បាន បាន បាន
10/02/12	BDV	Α	7.50	360.00	2,700.00	Prepare for, attend Ninth Circuit mediation w/H. Paoa [7.0]; draft report of mediation to John Baldwin and R. Pipes [0.5].
10/19/12	BDV	Α	0.70	360.00	252.00	Tel call w/Ninth Circuit Mediator M. Corrigan re: breakdown in mediation, going forward [0.5]; draft e-mail response to Deputy AG W. Wynhoff re: end of settlement discussions [0.2].
02/15/13	BDV	Α	3.00	360.00	1,080.00	Review, annotate LUC Ninth Circuit Opening Brief in damages, takings case [1.5]; review record cites cited by LUC in brief [0.5]; review transcript of hearing before Judge Mollway re: stay of action, how best to position cross-appeal [1.0].
02/21/13	MCS	Α	3.50	200.00	700.00	Review and analyze in detail 9th Circuit Opening Brief; review and analyze Judge Mollway's district court order and transcript of hearing [1.5]; review and analyze Motion to Dismiss papers from district court to further evaluate LUC's Appellate Brief [0.5]; conf w/BDV re: strategy for Responsive Brief, cross-appeal arguments, and specifically emphasizing burden of delayed takings action in state court while administrative appeal pending [1.5].
02/25/13	MCS	A	3.00	200.00	600.00	Detailed research of Ninth Circuit Appellate Rules for filing deadlines, requirements for Record on Appeal, procedure to supplement Record on Appeal with additional documents from state court matter [0.5]; research case law re: judicial notice of pleadings from another matter [1.0]; further research re: common law requirements to supplement Record on Appeal [1.0]; conf w/BDV re: same, recommendation [0.5].
03/05/13	MCS	А	2.50	200.00	500.00	Draft Motion to Supplement Record on Appeal [1.0]; tel call to 9th Circuit Clerk re: same [0.3]; draft Declaration of MCS in support of same [0.5]; collect exhibits in support of motion to be supplemented and included in record [0.7].
03/06/13	MCS	Α	0.50	200.00		Revise and finalize Motion to Supplement Record on Appeal.
03/29/13	MCS	A	3.50	200.00		Review previous notes to begin drafting Ninth Circuit Appeal Brief [2.5]; review previous Briefs and Motions before court, as well as Court's Final Order and arguments and transcripts from Motion to Dismiss hearings [0.5]; begin rough outline of general arguments for Appellate Brief [0.5].
04/01/13	MCS	A	7.50	200.00	1,500.00	Continue outline of 9th Circuit Second Brief on Cross-Appeal based on required sections in 9th Circuit rules [0.5]; begin drafting background facts section based on allegations in complaint, findings by Judge Strance in administrative appeal [2.5]; draft statement of case, procedure history section [1.0]; continue drafting factual section, including discussion of motion to dismiss, court holding below, settlement attempt re: dismissal of federal claims without prejudice, LUC's motion to amend Judge Strance judgment in order to avoid remand of matter to LUC [3.5].
04/02/13	MCS	A	4.50	200.00		Revise background facts section [3.0]; research re: federal immunity claims by individual commissioners re: 1983 claims, specifically main cases relied on by LUC: Zamsky and Buckles cases [0.5]; begin drafting summary of argument section [0.5]; outline main argument section, specifically re: cases and responses to LUC arguments [0.5].
04/03/13	MCS	A	7.50	200.00	1,500.00	Draft argument section re: immunity claims for federal claims, including review of applicable cases and analysis of same [6.5]; begin outlining argument section re: remand of state law claims back to state court [1.0].

04/05/13 MCS A 6.50 200.00 1,300.00 Further research re: cases similar to VH property vallowed remand of state law claims when parallel swas already pending [1.5]; revise section re: qualified draft state law immunity section, based on lack of [0.5]; research state law argument by LUC re: confiquasi-judicial proceeding, briefly distinguish same introduction, conclusion [1.0]; revise nature of case revise arguments sections [0.5].	state law on issue itested case being [2.0]; draft
04/06/13 MCS A 4.00 200.00 800.00 Revise argument sections, entire brief for BDV's re	eview [2.5]; revise
excerpts to record, citations [1.5]. O4/09/13 BDV A 2.50 360.00 900.00 Complete reviewing, editing 50-page Answering B appeal of Judge Mollway's Order [1.8]; conf w/MC3 arguments to address, structure of Brief, best way abstention ruling [0.2]; draft e-mail response to Joh	S re: additional to support
04/10/13 MCS A 1.00 200.00 200.00 Revise brief per BDV comments, including addition clarify cross-appeal arguments, add footnotes to c abstention position.	
04/11/13 BDV A 0.30 360.00 108.00 Review final changes, edits to Briefs and brief combeadings on arguments [0.2]; draft e-mail memo to [0.1].	
04/11/13 MCS A 1.50 200.00 300.00 Research 9th circuit rules re: requirements for reconstant statement of related cases and certification of compound count, corporate disclosure [0.8]; compile record of documents and list and e-mail to SLC for bates statement of related cases.	npliance with word on appeal
04/12/13 BDV A 0.70 360.00 252.00 Review revised, supplemented form of Ninth Circu M. Wilt edits and additional cites.	uit brief including
04/12/13 MCS A 3.00 200.00 600.00 Further revise brief for BDV's final review, including citations and cases re: same.	ng checking legal
04/15/13 MCS A 2.80 200.00 560.00 Finalize Record on Appeal [0.9]; conf w/SLC re: ar [0.5]; tel call to Ninth Circuit Clerk re: logistical req excerpts of record not contained in the rules [0.2]; add citations to bates numbers in record on appea Ninth Circuit rules [1.2].	juirements for further revise brief, al based on specific
04/15/13 SLC A 2.50 110.00 275.00 Prepare Supplemental Excerpts of Record for filing	
04/16/13 BDV A 0.20 360.00 72.00 Review court's revised transmission of record [0.1] re: need to supplement record with First Circuit filing	•
04/16/13 MCS A 2.00 200.00 400.00 Final revisions and updates to Brief, including add headings and other last minute revisions to ensure about issues on cross-appeal separate from oppose LUC's initial appeal.	e Brief is clear sing basis for
04/18/13 SLC A 1.00 110.00 Printout finalized sets of the Brief and Excerpts of	Record.
05/13/13 MCS A 0.50 200.00 100.00 Briefly review and analyze Third Cross-Appeal Briefly Review and Appeal Br	ef filed by LUC.

05/21/13	Case _M Ed 1-c	V-Q 0∠	14.580	71/2 1 /6:3181	DOWNE	Review and analyze hard cross Appear brieffled by 290 [0.5]; review and analyze previous briefs, as well as record on appeal and underlying order and transcript included in the record [1.0]; begin outlining reply brief arguments, focusing specifically on how to include Pullman abstention issues and also reference immunity
05/22/13	MCS	A	9.00	200.00	1,800.00	arguments [2.0]. Continue outline of Reply Brief [1.0]; lengthy research of abstention cases from all jurisdictions to find cases that support cross-appeal argument of remand to state court after Pullman abstention, including unpublished decisions and memoranda order [3.0]; continue research re: same, factors under Pullman abstention and land use cases that meet three criteria under Pullman for abstention, for use in section countering primary basis for appeal by LUC [1.0]; research several 9th Circuit cases used by LUC to oppose remand, analyze bases to distinguish same [1.0]; continue outline, inclusion of new research and cases as well as factors for Pullman abstention [1.0]; begin drafting first portion of brief re: Pullman abstention was appropriate [2.0].
05/23/13	MCS	A	8.50	200.00	1,700.00	Continue drafting Reply Brief, including finish section re: Pullman abstention and satisfaction of three criteria [4.0]; revise same to add specific responses to arguments made by LUC in previous briefs why immunity claims are not separate from underlying land use claims and abstention should apply to all [1.0]; draft next section re: crossappeal argument why remand to state court is appropriate, including specific cases cited by parties such as VH Property and Ganz, and additional research to respond to LUC's arguments in responsive brief [1.5]; revise same section and include discussion of previous stipulation prepared for federal court and use of same as guide for remand to state court [1.0]; begin drafting final section re: immunity claims and why no immunity should apply based on types of claims, limitations on motion to dismiss [0.5]; research 9th circuit rules and consider way to include immunity arguments which are outside scope of cross-appeal; continue drafting immunity claims section [0.5].
05/24/13	BDV	Α	1.50	360.00	540.00	Review, annotate, edit first draft of Reply Brief in Ninth Circuit action [1.0]; brief conf w/MCS re: refining arguments, structure [0.5].
05/24/13	MCS	A	4.50	200.00	900.00	Continue drafting section re: immunity claims and why complaint is properly pled to avoid motion to dismiss [2.0]; draft introduction and conclusion [1.0]; revise entire Brief for BDV to review [1.0]; conf w/BDV re: revisions to same, additional research, various clarifying arguments re: abstention to defer to district court judge's discretion [0.5].
05/26/13	MCS	А	3.00	200.00	600.00	Begin revising Brief per BDV's comments, specifically additional research re: cases where federal courts defer to state courts on important undecided issues of state law [1.0]; revise immunity section to clarify argument, show minimal downside of remand [1.0]; include more detailed discussion of discovery needed in state court and parenthetical summaries of unpublished cases cited [1.0].
05/28/13	BDV	Α	0.50	360.00	180.00	Review, edit, approve final draft of Reply Brief on Ninth Circuit case [0.3]; brief conf w/MCS re: same, injunctive relief issues [0.2].
05/28/13	MCS	Α	3.50	200.00		Revise and finalize Reply Brief for filing [2.0]; revise conclusion section, footnotes, and entire Reply Brief for same [1.5].
05/22/14	MCS	Α	0.20	220.00	44.00	Draft Notice to Ninth Circuit Court of Appeals re: setting of oral hearing with Hawaii Supreme Court.

05/23/14	саѕ ф ы11-с	∨- QO∠	14:58	M-HE-MAI	Dogunge	Revervorder From White Circuit, Repairing Wriefing on Williamson and related Case [0.2]; read Williamson, analyze why Ninth Circuit may
05/23/14	MCS	Α	1.00	220.00	220.00	be seeking input on case [0.3]. Review and analyze court's request for letter brief on Williamson
05/27/14	MCS	Α	2.00	220.00	440.00	ripeness case [0.2]; research same [0.8]. Further research re: Ninth Circuit's clerk order, previous orders in district court and case law re: ripeness
05/28/14	BDV	Α	0.80	375.00	300.00	Review and analyze ripeness, Williamson, related issues to respond to Ninth Circuit order requiring memo prior to hearing
05/29/14	MCS	Α	2.00	220.00	440.00	Begin outlining letter brief to Ninth Circuit.
06/02/14	MCS	Α	6.00	220.00		Case law research re: Williamson case, related cases from Ninth
00/02/14	IWCO		0.00	220.00	1,320.00	Circuit and ripeness in takings cases and begin drafting letter brief based on earlier outline.
06/02/14	MCS	Α	0.40	220.00	88.00	Prepare materials and review documents to prepare for upcoming Ninth Circuit hearing for BDV.
06/03/14	MCS	Α	6.00	220.00	1,320.00	Further draft letter brief to Ninth Circuit, ripeness issues as well as general overview of case to explain to the Court how best to affirm and resolve case for Bridge on narrowest grounds possible.
06/04/14	BDV	A	3.00	375.00	1,125.00	In preparation for oral argument before Ninth Circuit, review and annotate our answering brief, reply brief, Judge Mollway order, our record on appeal, transcripts of hearing before Judge Mollway, related portions of record submitted to Ninth Circuit
06/04/14	MCS	Α	1.50	220.00	330.00	Research additional land use cases re: ripeness and revise letter brief re: string citations of same.
06/05/14	BDV	А	1.50	375.00	562.50	Review and edit letter brief to Ninth Circuit, outlining why Williamson is not applicable and court should permit claims to proceed [1.0]; review and annotate Land Use Commission's letter brief to Ninth Circuit filed late today [0.5].
06/05/14	MCS	Α	2.00	220.00	440.00	Revise and finalize letter brief re: ripeness issues [1.0]; review and analyze LUC's brief re: same [1.0].
06/06/14	MCS	Α	1.50	220.00	330.00	Prepare case law binder and begin analyzing cases for BDV re: other than main abstenion cases previously prepared for upcoming hearing.
06/07/14	BDV	А	4.30	375.00	1,612.50	In preparation for next Tuesday's oral argument before Ninth Circuit, read all principal Ninth Circuit and U.S. District Court cases cited by parties in their briefs [2.0]; annotate cases for comments in response to expected questions from judges [1.0]; additional legal research re: Ninth Circuit cases on ripeness issues, whether Williamson is prudential rather than jurisdictional [1.3].
06/07/14	MCS	Α	2.00	220.00	440.00	Read additional cases to prepare for Ninth Circuit hearing, and preparations w/BDV re: same.
06/09/14	BDV	Α	6.20	375.00	2,325.00	In preparation for tomorrow's hearing before Ninth Circuit, draft oral argument, draft answers to expected questions re: ripeness, jurisdiction, quasi-judicial and qualified immunity [2.7]; practice oral argument and answering questions [1.5]; legal research re: supplemental jurisdiction and right to remand state law claims in anticipation of additional questions by judges [1.0]; final review of record and LUC briefs for tomorrow [1.0].
06/09/14	MCS	A	2.50	220.00	550.00	Draft potential questions for Ninth Circuit hearing and brief responses to same based on key legal and factual issues [1.5]; lengthy conf w/BDV re: analysis of key cases, potential questions by Judge during 9th Circuit hearing [1.0].
06/10/14	BDV	Α	3.30	375.00	1,237.50	Review backgrounds of judges on panel in preparation for today's hearing [0.8]; attend, argue hearing before three-judge Ninth Circuit Panel on Bridge's takings and damages claims [2.5].

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12/03/14	∽aseβ₽ΩTI-c	.v-y <u>(</u> ∪²	†± 2! .49°	71/385:001	D@24106-1	Legartesearchen eases and authorities to Bridge's right by ust to properly a serious and costs can be included under Bridge's claim, whether need to show loss of all economically beneficial use before taking can be established.
12/08/14	BDV	Α	0.20	385.00	77.00	Tel call w/Deputy Attorney General W. Wynhoff re: notification of Ninth Circuit, whether there will be remand to District Court, when State will be ready to consider settlement.
01/23/15	BDV	A	0.60	385.00	231.00	Review Ninth Circuit Order re: remand of damages and takings action to federal district court [0.5]; meeting w/Deputy AG W. Wynhoff re: whether LUC Commissioners willing to seriously talk settlement [0.1].
03/20/15	BDV	A	1.10	385.00	423.50	Prepare for, attend Status Conference before Judge Kurren re: trial setting, Settlement Conference in takings/damages case [0.7]; review court minutes of pre-trial deadlines [0.2]; draft e-mail memo to John Baldwin [0.2].
04/28/15	BDV	Α	0.20	385.00	77.00	Draft e-mail response to H. Paoa e-mail re: Settlement Conference w/Magistrate Judge Kurren, objectives.
05/18/15	BDV	A	2.20	385.00	847.00	In preparation for drafting confidential Settlement Conference statement to Judge Kurren, research, read cases from federal court and state court re: measure of damages for temporary taking, when takings period begins and ends, interest and market rate considerations.
05/19/15	BDV	А	3.50	385.00	1,347.50	Draft first five pages of confidential Settlement Conference letter to Magistrate Judge Kurren, outlining case background, facts, State liability, damages.
06/02/15	BDV	A	1.80	385.00	693.00	Revise, rework Confidential Settlement Conference letter to Magistrate Judge Kurren to reflect changes requested by John Baldwin, increase damages [0.8]; draft e-mail memo to John Baldwin [0.8]; respond to several e-mail letters from R. Pipes re: Settlement Conference [0.2].
06/05/15	BDV	A	2.20	385.00	847.00	Meet and confer w/Deputy Attorney General W. Wynhoff re: State refusing to make settlement offer, State plan to file Motion for Summary Judgment based on Lake Tahoe U.S. Supreme Court case [1.1]; in preparation for Monday's Settlement Conference, to respond to LUC position, legal research re: Lake Tahoe case, Ninth Circuit and other federal cases interpreting Tahoe, subsequent U.S. Supreme Court decisions [1.1].
06/08/15	BDV	A	1.80	385.00	693.00	Review and respond to communications from court re: Settlement Conference [0.3]; review and respond to several e-mails from Deputy AG W. Wynhoff re: re-setting Settlement Conference [0.5]; lengthy meeting w/H. Paoa re: experts, litigation strategy [0.8]; tel call w/John Baldwin re: sale to Wessels, conditions, retaining experts [0.2].
06/12/15	BDV	Е	5.50	385.00	2,117.50	To respond to Judge Mollway memorandum request re: effect of Hawaii Supreme Court ruling on takings case, review Hawaii Supreme Court opinion, LUC pending Motion, transcript and all papers re: Mollway stay order [1.5]; brief legal research re: substantive due process case in Ninth Circuit, Hawaii and Ninth Circuit cases re: why U.S. District Court is not bound by Hawaii Supreme Court's dicta interpretation of constitutional provisions [2.0]; draft 10-page Memorandum to Judge Mollway, explaining impact of Hawaii Supreme Court ruling on takings, substantive due process, listing other claims, and describing impact on pending motion [2.0].
06/14/15	MCS	Е	1.50	230.00	345.00	Briefly review and analyze draft Supplemental Memorandum re: remaining claims in federal lawsuit [1.0]; comments re: same [0.5].

06/15/15	as _ф ;11-с	V-Q 0²	1 4 080	MAKAM	Родиле	R. 384 of and File is a Method and a many of the file
00/10/10	55 V		0.00	300.00	1,100.00	ctaims and issues for adjudication in takings lawsuit, to emphasize viability of remaining claims against Commissioners [2.0]; review State LUC submittal to Judge Mollway [0.5]; draft e-mail memo to John Baldwin and R. Pipes [0.5].
06/22/15	JDF	Е	6.80	180.00	1,224.00	Legal research and analysis re: questions from Judge Mollway.
06/23/15	BDV	Α	0.50	385.00	192.50	Draft e-mail memo to R. Pipes, conveying and explaining Judge Mollway inclinations.
06/23/15	JDF	Е	8.20	180.00	1,476.00	Continue legal research and analysis in response to Judge Mollway inclinations and questions
06/24/15	BDV	E	3.40	385.00	1,309.00	To respond to Judge Mollway request, additional legal research re: equitable estoppel, damages, prospective injunctive relief, res judicata issues [0.5]; review letter brief filed today by LUC, and all the cases attached by LUC to their letter brief [0.8]; read all state and federal cases proposed to be attached to our letter brief [0.5]; draft five-page letter brief to Judge Mollway, outlining Bridge position on prospective injunctive relief, res judicata, reliance damages and equitable estoppel, quasi-judicial immunity, takings claims against individual commissioners [1.6].
06/24/15	JDF	Е	9.10	180.00	1,638.00	Continue legal research and analysis re: questions raised by Judge Mollway on effect of Hawai`i Supreme Court ruling on administrative appeal.
06/24/15	MMR	Е	1.10	150.00	165.00	Prepare exhibits in response to Judge Mollway's inclinations and guestions stated in ECF 079
06/28/15	BDV	Е	2.50	385.00	962.50	Prepare for tomorrow's hearing: read all cases cited by LUC (approximately 40), outline oral argument, outline responses to possible questions by Judge Mollway, annotate Hawaii Supreme Court opinion to address res judicata issues.
06/29/15	BDV	F	2.00	385.00	770.00	Go to federal court, argue before U.S. District Judge Susan Oki Mollway on LUC's Motion to Dismiss All Claims [1.8]; conf after hearing w/LUC attorney W. Wynhoff re: claims remaining, deadlines [0.2].
07/01/15	BDV	Е	0.50	385.00	192.50	Draft e-mail memo to John Baldwin and R. Pipes re: Monday's hearing before Judge Mollway, claims in litigation remaining.
07/16/15	BDV	Е	0.60	385.00	231.00	Review Judge Mollway Order re: questions on ripeness, unconstitutional conditions argument, briefing schedule [0.3]; review memos filed with Ninth Circuit by LUC on issues now being inquired by Judge Mollway [0.3].
07/21/15	JDF	Е	5.80	180.00	1,044.00	Research and analyze record for admissions by defendants re: effect of state court proceedings [0.8]; perform legal research and analysis re: viability of claims following resolution of administrative appeal and pending motion to dismiss [2.0]; begin draft of supplemental memorandum [3.0].
07/22/15	BDV	Е	1.00	385.00	385.00	Review and edit first draft of Memorandum to Judge Mollway re: res judicata, constitutional claims, prospective injunctive relief, related claims.
07/22/15	JDF	Е	4.80	180.00	864.00	Continue draft of supplemental memorandum re: viability of remaining claims.
07/23/15	JDF	Е	6.50	180.00	1,170.00	Further research and analyze viability of claims; continue drafting supplemental memorandum re: same.
07/24/15	BDV	Е	0.80	385.00	308.00	For Memorandum to Judge Mollway, legal research re: whether substantive due process claims can be maintained along with Takings claims, and under what circumstances
07/24/15	JDF	E	5.20	180.00	936.00	Continue drafting supplemental memorandum re: viability of claims; perform legal research and analysis re: effect of Hawaii Supreme Court decision and re: viability of direct consitutional claims against state agencies

07/27/15	Casegbi√11-c	V- <u>@</u> 0∠	1 <u>4.5</u> 80	Mggg.ily	चि <u>त्र्यमृत</u> ्रह्	Review and edit Supplemental Mediorandum to be filed today, to include additional arguments re: prospective injunctive relief, vested rights claim, equal protection and substantive due process claims [3.0]; edit memorandum to get under word limit, proofread, finalize, and file with federal court [0.5].
07/29/15	BDV	Α	0.40	385.00	154.00	Draft e-mail memo to R. Pipes conveying and explaining briefing required by Judge Mollway, her apparent desire to dismiss on ripeness.
07/30/15	BDV	E	0.80	385.00		To respond to Judge Mollway supplemental briefing due August 10, begin research in Ninth Circuit cases re: ripeness and how standards have evolved since Austin case in 1988.
07/31/15	BDV	A	4.30	385.00	1,655.50	Lengthy tel call w/S. Fuke re: whether he would be willing to be an expert for Bridge in litigation [0.3]; in preparation for drafting memo to Judge Mollway on ripeness issues, read approximately. 35 cases from Ninth Circuit, circuit and district court level, re: issues raised by Mollway on ripeness, exhaustion of state remedies, ripeness following removal to federal court, and jurisdictional vs. prudential as basis for federal court retaining case [3.0]; review and annotate hearing transcripts from Mollway hearings re: statements made by court in retaining jurisdiction [1.0].
08/03/15	BDV	A	4.80	385.00	1,848.00	For experts, review HRS 205-2 to outline all potentially viable uses of Aina Lea property in agricultural district [2.0]; for characterization of soils and agricultural uses, review and annotate Aina Lea, Inc. final Draft Environmental Impact Statement, soils and engineering studies, soils mapping, related documents in 500-page EIS [2.8].
08/04/15	BDV	E	3.20	385.00	1,232.00	Draft memorandum to Judge Mollway to address her first question, why Bridge's claims are ripe under Austin v. Honolulu, why ripeness is no longer a jurisdictional bar in Ninth Circuit, why Mollway's prior stay order addresses any prudential concerns, and how Bridge will be prejudiced by remand.
08/06/15	BDV	E	0.50	385.00	192.50	Review, annotate LUC Reply Memorandum filed today on briefing requested by Judge Mollway on non-Commissioner claims.
08/06/15	JDF	E	5.50	180.00	990.00	Research and analyze questions presented in Court's EO requesting further briefing on ripeness of Bridge's claims [0.5]; draft sections responsive to questions two and three [5.0].
08/07/15	JDF	E	5.30	180.00	954.00	Continue legal research and analysis re: ripeness of Bridge's federal and state law claims [3.0]; continue drafting section of supplemental memorandum responsive to Court request [2.3].
08/08/15	JDF	E	3.00	180.00	540.00	Complete draft of sections to supplemental memorandum re: ripeness of Bridge's claims.
08/09/15	BDV	Е	1.70	385.00		Review, edit, supplement Memorandum to Judge Mollway re: ripeness and related issues, incorporating additional arguments re: why prospective injunctive relief as pled in Complaint is not subject to ripeness or any jurisdictional bar [1.5]; proofread, finalize for filing tomorrow in federal court [0.2].
08/10/15	BDV	E	3.30	385.00	1,270.50	Review LUC Defendants' Memorandum re: Ripeness filed today, read cases cited in LUC memo re: removal affecting ripeness and jurisdiction; [3.0] draft and respond to e-mails from Deputy AG re: same [0.3].
08/12/15	BDV	A	0.30	385.00	115.50	Tel call w/Deputy Attorney General W. Wynhoff re: continuing expert deadlines [0.1]; tel call w/Magistrate Judge Kurren to set Status Conference [0.2].
08/17/15	BDV	A	1.50	385.00	577.50	Prepare for, attend Status Conference w/Magistrate Judge Kurren and Deputy AG re: expert deadlines, trial date, related issues [1.0]; review Judge Kurren revised form of deadlines [0.3]; tel call, e-mail to expert S. Chee re: retention agreement; e-mail to G. McCain re: retaining him as expert [0.2].
08/26/15	MCS	С	1.80	230.00	414.00	Compile key documents for expert S. Chee's review.

08/27/15 [©]	as e_1,11- 0	V-Q 0∠	14:360	MG-36-MC	Dogginge.	Brander And The Hold A A A Bes, Conseying and explaining Fluge Molway Order on Motion to Dismiss.
08/31/15	MMR	Α	0.50	150.00	75.00	Prepare documents for transmittal to expert S. Chee
09/10/15	BDV	С	1.70	385.00		Research background of B. Plasch, agriculture economist, re: possibly retaining him as expert [0.4]; tel call w/B. Plasch re: him possibly becoming expert in case [0.3]; per Plasch request, review HRS 205 re: statutory issues of permitted uses in agricultural district he would be opining on, and draft detailed e-mail memo to B. Plasch describing case, assignment [1.0].
09/11/15	BDV	A	2.50	385.00	962.50	To assist with expert preparation and to prepare reports to rebut State's expected Motion for Summary Judgment, legal research, read cases from 1990 to 2015 in Ninth Circuit and Federal Circuit databases re: takings challenges based on Penn Central test, investment backed expectations, and nature of government action [2.0];draft brief e-mail update to John Baldwin [0.5].
09/24/15	BDV	С	1.80	385.00	693.00	Meeting w/appraisal expert, S. Chee, re: scope of assignment, back- up materials needed, opinion to be given.
09/25/15	BDV	С	0.20	385.00	77.00	Tel call, e-mail memo to B. Plasch re: expert retention.
10/05/15	MCS	С	2.20	230.00		Review documents for S. Chee based on further follow up questions [1.7]; tel call w/B. Plasch re: report status [0.5].
10/12/15	MCS	С	0.50	230.00		Review Request for Production of Documents from AG.
10/19/15	MCS	С	0.20	230.00	46.00	Series of e-mails to S. Chee re: site inspection.
10/19/15	MMR	С	3.30	150.00		Compile and prepare annual reports for transmittal to S. Chee as requested by MCS.
10/28/15	BDV	С	0.30	385.00		E-mail, tel call to land use economist expert B. Plasch re: on site activities, solar farm use, related issues.
11/02/15	BDV	С	0.20	395.00	79.00	Review and respond to e-mail memo from appraiser S. Chee re: comps [0.1]; draft e-mail memo to H. Paoa re: need for information to back-up appraisal data [0.1].
11/04/15	BDV	С	4.10	395.00	1,619.50	Review numerous folders, hundreds of e-mails searching for LOIs, draft PSAs, and other proposed agreements to purchase Aina Lea Property prior to DW deal [3.5]; draft detailed e-mail memo to appraiser S. Chee, conveying and explaining all LOIs, term sheets, other proposed agreements to buy Aina Lea Property from 2005 to 2008, for valuation [0.6].
11/09/15	MCS	С	0.80	245.00	196.00	Draft Response to all 3 sets of Request for Production of Documents
11/17/15	MCS	С	1.40	245.00	343.00	Final review of client documents for production [0.7]; select and organize same [0.5]; email W. Wynhoff re: same [0.2].
11/19/15	MCS	С	0.50	245.00	122.50	Exchange e-mails w/W. Wynhoff re: document production.
11/20/15	MMR	С	0.40	150.00		Redact and bates number additional documents for production.
11/22/15	MCS	С	1.10	245.00		Review supplemental document production and e-mail W. Wynhoff re: same.
11/24/15	MCS	С	1.00	245.00		Tel call w/B. Plasch [0.5]; e-mail same re: Rule 26(a)(2) requirements for expert disclosure [0.3]; exchange e-mails w/W. Wynhoff re: production of documents [0.2].
11/25/15	BDV	С	1.50	395.00		Meet w/appraiser S. Chee re: his expert appraisal report.
11/30/15	MCS	С	1.50	245.00		Tel call to B. Plasch [0.2]; tel call to S. Chee [0.1]; final review of reports [0.5]; draft disclosure for filing and service [0.5]; tel call to D. Burger re: resume [0.2].
12/07/15	MCS	В	0.60	245.00		Tel call w/W. Wynhoff re: Answer to Complaint, filing same [0.1]; review and analyze Answer to Complaint [0.5].
12/08/15	MCS	С	1.10	245.00	269.50	Revise and finalize Request for Production of Documents to State.
12/17/15	MCS	В	0.30	245.00	73.50	Tel call to D. Day re: one day extension, and review stip re: same.

12/31/15	tas⊕ <u>å</u> ;11-c	V- <u>@</u> 0∠	1 <u>4</u> .660	DING-JES-JIMI		Reveronded POC Motion for Som har Judgmen Red Hoday [#:5]; review, annotate LUC's three expert reports submitted today [0.5].
12/31/15	MCS	E	1.50	245.00	367.50	Tel calls to D. Day [1.3]; briefly review and analyze Motion for Summary Judgment and expert reports [0.2].
01/04/16	MMR	C	0.60	150.00	90.00	Review and process expert reports received from Defendants.
01/05/16	BDV	Е	2.50	395.00		Draft outline of legal arguments sections for opposition to State LUC's Motion for Summary Judgment [1.5]; draft e-mail memo to John Baldwin, V. Bidez, and R. Pipes, conveying and explaining State LUC Motion for Summary Judgment, arguments we will make in opposition [1.0].
01/05/16	MCS	Е	1.20	245.00		Review and analyze Motion for Summary Judgment [1.0]; conf w/BDV re: timeline and strategy for draft [0.2].
01/06/16	BDV	Е	4.20	395.00	1,659.00	In preparation for opposition to LUC, research, read, and annotate approximately 60 federal and state takings cases from 2008 to 2015 time period, focusing on cases where per se takings or Penn Central regulatory takings was found, basis, similarities to Bridge case, best and most persuasive cases to cite to Judge Mollway.
01/07/16	BDV	E	3.30	395.00	1,303.50	In preparation for opposition for Motion for Summary Judgment, legal research re: state and federal cases where temporary taking found after government unlawfully refused development approval, and state and federal cases where character of government action was key factor in Penn Central test [2.0]; brief legal research re: Attorneys' General opinions on Hawaii consitutional right to just compensation, for argument that Hawaii provides greater protection than federal constitution [1.0]; draft e-mail memo to R. Pipes [0.3].
01/07/16	MCS	Е	3.70	245.00		Begin reviewing background documents for Motion for Summary Judgment Memorandum in Opposition, specifically re: background facts and begin outlining same.
01/08/16	MCS	E	5.00	245.00		Continue drafting background section [2.0]; research takings case law [2.7]; tel call w/W. Wynhoff re: extension to file Memorandum in Opposition [0.2]; tel call to court re: same [0.1].
01/08/16	MMR	С	0.30	150.00		Organize SOH LUC documents received 1/8/16 in preparation for further review
01/09/16	JDF	E	0.50	185.00		Review and consider Defendant's Motion for Summary Judgment.
01/10/16	MCS	Е	4.50	245.00	1,102.50	Revise background section re: key facts of project history, substantial progress of construction and procedural history.
01/11/16	BDV	E	2.20	395.00	869.00	In preparation for opposition to Motion for Summary Judgment, research law review articles, federal cases cited in law review articles re: per se takings, cases explaining no economically beneficial land does not mean no value; excerpt quotes from articles, cases for opposition [2.0]; brief conf w/MCS re: opposition [0.2].
01/11/16	MCS	Е	2.50	245.00		Research re: Lucas per se takings [1.5]; further revise background section [1.0].
01/11/16	JDF	E	4.00	185.00		Review and consider case law re: accrual of takings claims and applicable statutes of limitations to same.
01/12/16	MCS	Е	6.50	245.00		Further research re: Lucas takings [2.0]; research Penn Central factors [3.0]; finish drafting background section; draft Lucas taking section [1.5].
01/12/16	JDF	E	2.00	185.00		Review and consider case law re: accrual of takings claims and applicable statute of limitations [0.5]; review and consider LUC's arguments re: same [0.5]; begin draft inserts for opposition to Motion for Summary Judgment [1.0].

01/13/16	Case <u>a</u> 5,11-c	v- <u>@</u> 0∠	14.760	जि <u>स्</u> हेर्नु होता	निव्ह्याइह ा	record before LUC for evidence supporting contentions that Bridge made investments and expenditures, to support investment-backed expectations for Penn Central taking [1.7]; research, read federal cases from 2012 to 2015, looking for cases finding liability or denying defendants Motion for Summary Judgment after plaintiffs had established sufficient investment-backed expectations [2.0].
01/13/16	MCS	Е	8.50	245.00	2,082.50	Further revise Lucas takings section [0.5]; revise Penn Central section [0.5]; draft Nollan/Dolan section [3.0]; revise same sent by JDF and integrate into Memorandum in Opposition [1.0]; revise entire document [2.0]; draft and revise EIS section [1.5].
01/13/16	JDF	Е	####	185.00	2,072.00	Review and consider LUC's Motion for Summary Judgment [2.4]; review and consider record [0.8]; review and consider case law and LUC's arguments re: statute of limitations, accrual of takings claims, viability of takings claims where conditions of development remain incomplete, and vested rights doctrine [4.5]; draft inserts to opposition to Motion for Summary Judgment [3.5].
01/14/16	BDV	Е	7.20	395.00	2,844.00	Review, revise, rework first 35 pages of Memorandum in Opposition to Motion for Summary Judgment, drafting introduction, supplementing facts to show Bridge investment and DW deal, reworking regulatory takings, unconditional conditions, and statute of limitations sections
01/14/16	MCS	Е	6.00	245.00	1,470.00	Further revise brief; revise EIS section [1.0]; integrate Vested Rights section [1.0]; revise entire document for BDV review [2.0]; draft declaration for J. Baldwin [2.0].
01/14/16	JDF	Е	6.20	185.00	1,147.00	Review and consider case law and commentary re: vested rights [1.0]; review and consider Motion for Summary Judgment re: same and availability of damages; [1.0] review and consider case file for prior statements re: vested rights claims [0.5]; draft section of Memorandum in Opposition to Motion for Summary Judgment [3.5]; conf w/ MCS re: same [0.2].
01/15/16	BDV	E	4.50	395.00	1,777.50	Review, revise final ten pages of Memorandum in Opposition re: vested right, state constitutional claims, related issues [2.5]; draft revised John Baldwin Declaration [2.0].
01/15/16	MCS	E	4.20	245.00	1,029.00	Further revise Memorandum in Opposition [2.7]; begin gathering exhibits, revising Memorandum in Opposition based on specific record citations [1.5].
01/15/16	JDF	Е	0.80	185.00	148.00	Review and consider draft opposition to Motion for Summary Judgment.
01/17/16	MCS	E	5.50	245.00	1,347.50	Further revise Memorandum in Opposition for record citations and gather responsive exhibits.
01/18/16	MCS	E	7.00	245.00		Continue gathering exhibits for Memorandum in Opposition to Motion for Summary Judgment [1.0]; further revise Memorandum in Opposition and proof same, update citations, further revise section re: EIS [3.0]; further research re: defense to EIS, statute of limitations sections [3.0].
01/19/16	BDV	E	2.50	395.00	987.50	Review and edit Bridge opposition to LUC Concise Statement of Facts, exhibits [1.0]; coordinate today's filing; review final filed versions of memorandum and exhibits [1.5].
01/19/16	MCS	Е	4.50	245.00	1,102.50	Finalize Memorandum in Opposition to Motion for Summary Judgment [2.5]; draft Declaration authenticating documents from administrative record on appeal [2.0].
01/19/16	MMR	E	4.30	150.00	645.00	Review and revise Plaintiff's Memorandum in Opposition to State of Hawaii's Motion for Summary Judgment [2.3]; prepare Table of Contents and Table of Authorities for the same [2.0].
01/20/16	MCS	С	1.30	245.00	318.50	Draft initial disclosures containing damages calculations and allegations.
01/22/16	MCS	С	0.60	245.00	147.00	Analyze discovery strategy, specifically key depositions needed.

01/25/16	as ⊕<u>Б</u>;11-с	V- <u>@</u> 0∠	1 _{4.4} 60	Mggg.JWI	Doggging	Rewers to V. Ridge and R. Rigge [0.1]
01/26/16	BDV	E	0.50	395.00	197.50	memo to V. Bidez and R. Pipes [0.1]. Review LUC errata filed today on Reply Memo [0.1]; in preparation
01/20/10	Вυν		0.50	393.00	197.50	for oral argument before Judge Mollway, conf w/MCS and JDF re:
						hearing preparation [0.4].
01/26/16	MCS	Е	1.20	245.00	294.00	Review and analyze Reply Memorandum filed by State of Hawaii
01/20/10	Wioo	_	1.20	240.00	254.00	[0.6]; conf w/BDV and JDF re: same [0.4]; briefly review State's
						Errata [0.2].
01/26/16	JDF	Е	1.30	185.00	240.50	Review and consider Reply in Support of Motion for Summary
0 1120110	02.	_	1.00	100.00	2.0.00	Judgment.
01/27/16	MCS	С	1.80	245.00	441.00	Review and analyze hearing transcripts for 2009 and 2011 to
						determine key depositions of Commissioners and order of same
						[0.9]; internet research re: location of A. Mayer, former Director of
						Office of Planning [0.6]; brief conf w/BDV re: deposition order [0.2]; e-
						mail B. Wynhoff [0.1].
01/28/16	BDV	С	0.20	395.00	79.00	Review LUC attorney's letter refusing to produce LUC
						Commissioners for deposition, brief conf w/MCS re: basis for
						response, character of government action.
01/28/16	MCS	С	0.40	245.00	98.00	Review e-mail from B. Wynhoff objecting to depositions [0.3];
						analyze same, potential responses [0.1].
01/28/16	JDF	С	1.00	185.00	185.00	Review and consider (1) defendant's arguments in support of Motion
						for Summary Judgment re: applicable statute of limitations to claims
						and availability of damages for vested rights claims and (2)
						defendant's argument re: availability of discovery of commissioners'
						internal deliberations.
02/01/16	BDV	С	0.20	395.00	79.00	Review response from B. Wynhoff re: depositions [0.1]; draft e-mail
00/04/40	1400	_	0.70	0.45.00	001 50	to B. Wynhoff re: Settlement Conference rescheduling [0.1].
02/01/16	MCS	С	2.70	245.00	661.50	Research case law re: allowable times to depose administrative
						agencies [2.2]; draft lengthy e-mail response to W. Wynhoff
						demanding depositions of Commissioners [0.3]; review brief
02/02/16	BDV	С	0.20	395.00	79.00	response from W. Wynhoff [0.2]. Tel call w/Judge Mollway clerk, e-mail to LUC counsel re:
02/02/10	DDV	C	0.20	393.00	79.00	rescheduling settlement conference, related issues.
02/03/16	BDV	Е	0.20	395.00	79.00	Brief conf w/JDF re: statute of limitations arguments.
02/03/16	MCS	С	0.20	245.00		E-mail to W. Wynhoff re: depositions.
02/03/16	JDF	E	0.60	185.00		Review and consider arguments in preparation for hearing on Motion
02/03/10	JDF		0.60	165.00	111.00	for Summary Judgment [0.3]; review, consider, and pull case law
						cited re: statute of limitations and accrual of takings claim [0.3].
						cited re. Statute of limitations and accidal of takings cialin [0.5].
02/04/16	BDV	F	4.80	395.00	1,896.00	Prepare for next Monday's hearing before Judge Mollway on LUC
02/04/10	DDV	'	4.00	555.00	1,000.00	Motion for Summary Judgment: Review, annotate all cases cited in
						memos re: affordable housing condition, and draft oral argument re:
						same [1.3]; review, annotate all cases cited in memos re: statute of
						limitations, accrual of claim, and draft oral argument re: same [1.5];
						brief legal research in Ninth Circuit cases re: ripeness equating to
						accrual, exceptions [1.0]; review Hawaii Supreme Court Aina Lea
						opinion, and outline arguments to show Mollway how claim is
						broader than just enforcement of affordable housing condition [1.0].
						,
02/04/16	MCS	С	0.20	245.00	49.00	Further e-mails re: coordinating depositions.

D2/05/16 D2/05/16	draft e-mail memo to riew all new case law; to prepare for oral Mollway in her s, and draft oral linations [0.7]; es" on Lucas exception, argument [0.8]; review adge Mollway, and re: claim preclusion, on re: Hawaii Supreme s claim [1.0].
JDF re: same [0.2]; review statute of limitations cases re: building permit requirements [0.5]. 02/07/16 MCS F 1.80 245.00 441.00 Brief research re: comparison of 1983 claim to for statute of limitations, as referenced in Judge inclinations [0.5]; further research and analysis self-executing [1.0]; briefly review briefs for hea accompany BDV and answer any questions or [0.3]. 02/08/16 BDV F 3.80 395.00 1,501.00 Review all exhibits on Motion for Summary Judge Motor this morning's hearing [1.7]; print out, review	s, ripeness issues and
02/07/16 MCS F 1.80 245.00 441.00 Brief research re: comparison of 1983 claim to for statute of limitations, as referenced in Judge inclinations [0.5]; further research and analysis self-executing [1.0]; briefly review briefs for hea accompany BDV and answer any questions or [0.3]. 02/08/16 BDV F 3.80 395.00 1,501.00 Review all exhibits on Motion for Summary Judge Motor this morning's hearing [1.7]; print out, review	5th amendment claim
02/08/16 BDV F 3.80 395.00 1,501.00 Review all exhibits on Motion for Summary Judge Motion for Summary Judge Motion for this morning's hearing [1.7]; print out, review	e Mollway's re: 5th amendment as aring tomorrow, to
for Summary Judgment before Judge Mollway notes of hearing and draft e-mail summary to R	ollway, in preparation wother recent cases ral court, argue Motion [0.5]; review court
02/08/16 MCS F 3.60 245.00 882.00 Attend hearing on Motion for Summary Judgme confer call w/W. Wynhoff re: deposition scope [analyze potential objections by W. Wynhoff, ba motion for protective order [1.0]; brief online resultatorney-client privilege for government attorne administrative agency and executive session [0]	[0.2]; consider and asis for potential search re: scope of eys, specifically
02/09/16 BDV A 0.20 395.00 79.00 Draft response to R. Pipes e-mail re: Settlemer State representative there with authority.	nt conference, getting
02/09/16 MCS C 0.70 245.00 171.50 Per W. Wynhoff request, review administrative appeal and ensure all documents previously pr	
02/11/16 MCS C 0.20 245.00 49.00 Exchange e-mails re: deposition schedule.	
02/12/16 MCS C 2.40 245.00 588.00 Revise subpoena duces tecum for A. Mayer [0. w/W. Wynhoff [0.2]; review discovery requests [0.8]; review document production in response Wynhoff [0.1]; review file for documents re: exh Amend Conditions filed in 2005 [1.0]; e-mail D. supplemental production [0.2].	sent by W. Wynhoff to questions from W. nibits to Motion to
02/12/16 MMR C 0.30 150.00 45.00 Draft Notice of Deposition for A. Mayer.	
02/12/16 MMR C 0.80 150.00 120.00 Prepare CD of 11/18/15 Plaintiff's Production o containing documents 01001001-01002940 an documents (1FCC 1-15332, 3CC 5416-08305) Wynhoff.	d Record on Appeal for transmittal to B.
02/12/16 MMR C 1.10 150.00 165.00 Review and process additional client document 01003266) in preparation for production.	ts (01003002 -
02/12/16 MMR C 0.30 150.00 45.00 Draft Plaintiff's Notice of Taking Rule 30(b)(6) Examination for the County of Hawaii and Exhi	(0.00002

02/15/16	tas⊕ <u>Б</u> ;11-с	V- @ O2	14 ₀ 60	ो <u>खेन्ह</u> ्रसुषा	<u>Dologyilly</u>	Draft e-mail response to Luc attempty B: Wynnoff re: Wessels deposition [0.1]; draft response to R. Pipes re: settlement conference [0.1]; review LUC's fourth request for production of documents, and interrogatives re: purchase, financing, and income from Aina Lea property [0.5]; draft detailed e-mail memo to V. Bidez and R. Pipes [0.3].
02/15/16	MCS	С	0.20	245.00	49.00	E-mail W. Wynhoff re: record on appeal, document production.
02/16/16	BDV	A	0.80	395.00	316.00	Tel call w/Deputy AG W. Wynhoff re: settlement conference, who State is bring with authority [0.3]; follow-up call w/W. Wynhoff, confirming AG process for settlement, timing for legislative funding [0.1]; draft detailed e-mail memo to R. Pipes [0.4].
02/16/16	MCS	С	0.60	245.00	147.00	Review discovery requests sent by W. Wynhoff, Request for Production of Documents and Request for Answers to Interrogatories.
02/16/16	MMR	С	1.80	150.00	270.00	Review and revise Plaintiff's Notice of Taking Rule 30(b)(6) Deposition Upon Oral Examination for the County of Hawaii and Exhibit A [1.5]; draft subpoena to the same [0.3].
02/17/16	BDV	С	0.50	395.00	197.50	Tel call, e-mails w/LUC attorney W. Wynhoff and Wessels' attorney re: Wessels deposition, discovery cut-off, related issues.
02/17/16	MCS	С	0.50	245.00	122.50	Review and analyze LUC's draft 30b6 deposition notice to DW, including specific topics of testimony requested [0.3]; revise and finalize Stipulation to extend discovery deadline for DW depositions in NV [0.2].
02/18/16	MCS	С	0.50	245.00	122.50	Analyze and draft deposition schedule [0.2]; lengthy e-mail to County attorney W. Brilhante re: County deposition [0.2]; e-mail B. Wynhoff stipulation proposed to continue deposition deadline [0.1].
02/19/16	MCS	С	1.50	245.00	367.50	Brief tel call w/D. Day re: supplemental document production, potentially stipulating to authenticity of County documents [0.2]; review subject documents re: same, relied upon by LUC's expert outside scope of underlying LUC docket [1.3].
02/19/16	MMR	С	1.10	150.00	165.00	Prepare CD of documents 01003002 - 01003266 for transmittal to B. Wynhoff [0.7]; prepare deposition notice and subpoena for R. Wong [0.2]; prepare deposition notice for Commissioners [0.2].
02/22/16	BDV	С	0.30	395.00	118.50	Draft e-mail response to LUC attorney W. Wynhoff re: Baldwin deposition, location, conditions [0.1]; tel call from W. Wynhoff re: same, other depositions, documents [0.1]; begin reviewing new documents produced today by LUC individual commissioners [0.1].
02/22/16	MMR	С	0.20	150.00		Organize documents produced by the LUC on 2/22/16 in preparation for further review.
02/23/16	MCS	С	0.50	245.00	122.50	Review subpoena duces tecum sent by W. Wynhoff for DW [0.3]; exchange e-mails w/W. Wynhoff re: revising deposition schedule based on availability of Commissioners [0.2].
02/23/16	MMR	С	1.70	150.00		Draft Plaintiff's Response to Defendant State of Hawaii's Request for Production of Documents to Plaintiff, Fourth Set, dated 2/12/16 [1.0]; draft Plaintiff's Response to Defendant State of Hawaii Land Use Commission's Request for Answers to Interrogatories, First Set, dated 2/12/16 [0.7].
02/24/16	MCS	С	0.50	245.00		Exchange e-mails w/W. Wynhoff re: supplemental documents, prior correspondence with LUC not included in underlying production [0.2]; follow up tel call w/D. Day re: same; [0.2] e-mail R. Wong, former LUC Commissioner, re: accepting service of subpoena duces tecum [0.1].
02/24/16	MMR	С	0.80	150.00	120.00	Process documents in preparation for production and prepare production log.

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02/26/16 ^C	zase _M E <u>d</u> 1-0	:V-6 02	14.390	ग <u>्यच</u> ित्रं सेष	प् र क्षडाहरू	Begin deposition preparation: review prior violes and highlighted #: 0175 prepared during Motion for Summary Judgment process [1.0]; begin rough outline for depositions, compare documents from Office of Planning for possible use during A. Mayer deposition [2.0]; review deposition schedule, subpoena duces tecum from W. Wynhoff re: deposition schedule and DW witness topics [0.9]; review lengthy research and e-mail sent by W. Wynhoff demanding that individual Commissioners be allowed to sit in during depositions [0.3]; response re: same [0.1].
02/29/16	BDV	E	1.10	395.00	434.50	Review, annotate Order from Judge Mollway issued today denying State LUC's Motion for Summary Judgment [0.7]; draft e-mail memo to John Baldwin and R. Pipes [0.4].
02/29/16	MCS	Е	3.00	245.00	735.00	Review and analyze Judge Mollway's order denying in part Motion for Summary Judgment [1.5]; brief conf w/JDF re: same, remaining claims for trial [0.6]; meet and confer tel call w/B. Wynhoff [0.3]; brief conf w/BDV re: meet and confer items, specifically deposition representatives and DW issues [0.4]; further prepare for upcoming depositions of individual Commissioners, and review transcript and timeline for same [0.2].
03/01/16	MCS	С	1.20	245.00	294.00	Exchange e-mails w/W. Wynhoff re: Bridge representatives for depositions, trial testimony [0.4]; review meeting minutes form various LUC meetings, specifically looking for key meetings that may not be included in prior discovery or transcripts [0.8].
03/01/16	MMR	С	1.50	150.00	225.00	Draft Bridge's First Request for Answers to Interrogatories to LUC.
03/01/16	MMR	С	0.30	150.00	45.00	Process documents produced unnumbered by Defendants (04003991 - 04004007) as requested by MCS.
03/02/16	BDV	С	2.20	395.00	869.00	Lengthy tel call w/Wessels attorney re: Wessels deposition, dates, status of case [0.5]; follow-up e-mails, tel call to LUC attorney W. Wynhoff re: same [0.2]; review and annotate State LUC Motion to Exclude Expert Reports filed today [0.4]; to address LUC contention re: start and stop date for takings, legal research re: federal cases as to when takings compensation period begins and ends [0.3]; draft e-mail memo to JDF re: legal research needed to oppose motion [0.8].
03/02/16	MCS	С	7.20	245.00	1,764.00	Review documents for deposition prepare [3.4]; draft deposition outline for N. Teves [3.0]; review and analyze Motion to Exclude experts filed by LUC [0.5]; further review Motion in Limine to Exclude experts, analyze same for deposition tomorrow [0.3].
03/02/16	MMR	С	0.10	150.00	15.00	Updated document log.
03/03/16	MCS	С	4.20	245.00	1,029.00	Deposition of former Land Use Commissioner N. Teves [4.0]; further exchange e-mail w/W. Wynhoff [0.2].
03/04/16	BDV	С	2.30	395.00	908.50	Draft e-mail www. wynnorr [0.2]. Draft e-mail memo to John Baldwin and R. Pipes, LUC interrogatory answers and document request [0.3]; for LUC document production, locate closing binders and all transactional documents from 2008, 2009, and 2015 deals with DW and Aina Lea, Inc [2.0].
03/04/16	MCS	С	4.50	245.00	1,102.50	Prepare for deposition of A. Mayer [0.5]; detailed review of Office of Planning filings re: docket, state position re: same [1.5]; conf w/BDV re: outstanding discovery, due diligence materials [0.5]; draft deposition outline for A. Mayer [2.5].

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03/06/16	aseneg 1-c			395.00		Review and analyze state's Request for Answers to Interrogatories and document requests [1.0]; review case files, lengthy review and analysis of prior potential sales, offers, etc in order to search for responsive documents to State's Request for Production of Documents, including all due diligence and prior closing binders [3.0]; final preparations for deposition of A. Mayer, including revising and finalizing deposition outline and selecting key documents for introduction as exhibits [2.0].
03/0//10	BDV	С	4.20	ა ყ ნ.სს	1,659.00	For responses to LUC interrogatories, review and take notes from October 2008 Purchase and Sale Agreement and exhibits, February 2009 Purchase and Sale Agreement and exhibits, December 2009 Closing Binder, and November 2015 Closing Binder [1.5]; complete gathering all Wessels/DW/Aina Lea, Inc. documents requested by LUC in document request and transmit to paralegal for copying and number-stamping [1.5]; draft e-mail memo to John Baldwin, V. Bidez, and R. Pipes [0.5]; meet and confer w/LUC attorney W. Wynhoff re: deposition schedule [0.2]; tel call w/Aina Lea attorney P. Sims re: Wessels deposition [0.2]; brief conf w/MCS re: today's deposition testimony from OSP former director A. Mayer to include in settlement confrence letter to Judge Mollway [0.3].
03/07/16	MCS	С	6.80	245.00		Finalize preparations for deposition of A. Mayer [0.5]; take deposition of A. Mayer [4.5]; conf w/BDV re: same, review notes re: key points and issues to potentially use at trial [0.5]; conf call to P. Sims re: continuing deposition of R. Wessels [0.2]; exchange e-mails w/W. Wynhoff re: deposition of former LUC Commissioner R. Wong tomorrow, attempt to serve same [0.3]; brief preparations for potential R. Wong deposition, including review and analysis of transcripts from 2008 and 2009 LUC hearings where Order to Show Cause was first imposed [0.8].
03/07/16	MMR	С	0.50	150.00		Research and retrieve Reuben S.F. Wong's home address in preparation for service of subpoena.
03/07/16	MMR	С	0.40	150.00		Organize Bridge due diligence documents in preparation for further review.
03/08/16	MCS	С	5.90	245.00		Further review of prior case files and search documents for responsive documents to Request for Production of Documents from LUC [1.5]; review and analyze filed and served Rule 30(b)(6) deposition notices served on Aina Lea Inc, R. Wessels individually, and DW Aina Lea Development, and compare same re: upcoming deposition [2.5]; lengthy e-mail to W. Wynhoff re: meet and confer and discovery issues [0.5]; e-mail W. Brilhante re: scheduling County of Hawaii deposition [0.4]; briefly begin preparing for deposition of former LUC Commissioner T. Contrades, including review of old transcripts and orders he approved, specifically comments made re: original Order to Show Cause, failure to comply with conditions [1.0].
03/08/16	MMR	С	4.40	150.00		Process documents in preparation for production [4.2]; e-mail Professional Image re: oversized documents [0.2].
03/09/16	MCS	С	2.00	245.00	490.00	Further prepare for deposition of T. Contrades.
03/09/16	MMR	С	1.80	150.00	270.00	Continue to prepare documents for production [1.0]; prepare notice and subpoena for R. Chen [0.8].
03/10/16	MCS	С	####	245.00		Travel to Kauai for deposition of former LUC Commissioner T. Contrades [6.0]; prepare for and draft outline for deposition of former LUC Commissioner R. Heller [4.5].
03/10/16	MMR	С	0.50	150.00	75.00	Continue to prepare documents for production.

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03/11/16	tas⊕ <u>Б</u> ;∤11-с	V-Q 0∠	12.760	DING JE JOHN	प्रिलक्षां इति	Additional legal research in cases, briefs file on other takings case, law leview articles re: what additional amounts can be included in just compensation, rate of return issues, interest and rents [0.9]; conf w/Judge Mollway clerk re: form of Settlement Conference letter required by Judge Mollway [0.1]; begin drafting Settlement
						Conference letter to Judge Mollway [1.2]; review and annotate deposition transcript of Office of State Planning Director for quotes for Settlement Conference letter [0.5].
03/11/16	MCS	С	5.50	245.00		Finalize review of documents and draft outline for deposition of R. Heller [1.0]; take deposition of R. Heller [4.0]; tel call w/D. Day re: meet and confer re: discovery dispute, LUC objections to travel to Saipan for deposition, notice of deposition of H. Paoa individually [0.5].
03/11/16	MMR	С	1.50	150.00	225.00	Continue to prepare documents for production.
03/12/16	MCS	С	1.50	245.00	367.50	Further prepare for R. Wessels deposition.
03/13/16	BDV	Α	1.00	395.00	395.00	Review State settlement offer (\$500,000) sent yesterday and related communications from Deputy AG W. Wynhoff [0.2]; draft lengthy email to John Baldwin, R. Pipes, and V. Bidez [0.8].
03/14/16	BDV	A	5.20	395.00	2,054.00	Additional legal research in state law statutes, cases re: whether there are any additional bases under state law for Bridge to claim damages or fees [2.2]; draft next five pages of confidential Settlement Conference letter to Judge Mollway re: claims remaining, evidence, damages law and calculations, prior offers [3.0].
03/14/16	MCS	С	5.30	245.00	1,298.50	Travel from Los Angeles to Las Vegas for deposition or R. Wessels and further preparation for R. Wessels' deposition in transit: continue reviewing key documents re: impact of Order to Show Cause and voice vote of reversion, and draft outline and sample questions for follow up questions for testimony tomorrow at deposition [3.0]; review all contracts and PSA's to be familiar with key terms for deposition tomorrow [1.0]; further draft and revise deposition outline [0.6]; revise Request for Answers to Interrogatories responses re: objections, and e-mail back to BDV re: same [0.5]; further e-mail BDV re: missing documents from production, and analyze discovery status re: same [0.2].
03/14/16	JDF	А	4.20	185.00	777.00	Perform legal research and analysis re: compensation for takings and relevant time period for damages purposes [3.0]; draft short memorandum to file [1.2].
03/14/16	MMR	С	0.30	150.00	45.00	Obtain and organize exhibits to depositions of N. Teves, A. Mayer, T. Contrades, and R. Heller.
03/15/16	BDV	A	2.30	395.00	908.50	Lengthy tel call w/Jody Jordahl [0.6]; revise confidential Settlement Conference letter to Judge Mollway to be consistent with interrogatory answers [1.5]; draft response to J. Jordahl re: settlement offer [0.1]; review MCS brief summary of Wessels' testimony today [0.1].
03/15/16	MCS	С	8.50	245.00	2,082.50	Attend deposition of R. Wessels in Henderson, NV.
03/16/16	MCS	С	0.50	245.00		Review and approve Request for Answers to Interrogatories [0.3]; exchange series of e-mails w/W. Wynhoff re: scope of requests, deadlines [0.2].
03/16/16	JDF	E	6.80	185.00		Review and consider Motion in Limine re: just compensation valuation [1.5]; continue legal research and analysis re: proper means of and dates for valuation purposes [5.3].
03/17/16	JDF	E	4.50	185.00	832.50	Continue legal research and analysis re: just compensation evaluation, as applied to facts of case, for purposes of confidential settlement letter and for opposing Motion in Limine.
03/21/16	MMR	С	0.60	150.00	90.00	Organize final deposition transcript of A. Mayer in preparation for further review.

	tas⊕ <u>6</u> ↓11-c			DNJJEJM		Brank Rule 408 Settlement offer to State of Trawaii [0.44,9474 changes to Settlement Conference letter to Judge Mollway, to incorporate settlement offers, changes in damages per information from Jordahl and John Baldwin [0.6].
03/22/16	JDF	E	3.00	185.00		Continue legal research and analysis and draft of memorandum re: just compensation calculation for use in Settlement Conference Statement, Pre-Trial Statement, and Opposition to Motion in Limine.
03/22/16	MMR	С	2.10	150.00	315.00	Continue to prepare documents for production (01003332 - 01026429).
03/23/16	BDV	С	1.20	395.00	474.00	Tel calls, e-mail w/W. Wynhoff re: meet and confer, settlement possibilities [0.2]; review LUC letter brief filed today re: Baldwin deposition [0.3]; review additional legal research by JDF re: damages, timing to start clock on taking, mitigation of damages, related issues for Pre-Trial Statement and Settlement Conference, and brief conf w/JDF re: same [0.4]; review depositions still to be done, e-mails to client re: same [0.3].
03/23/16	MCS	С	6.00	245.00	1,470.00	Further draft letter to Judge Kurren [0.5]; revise and finalize same [0.5]; prepare for K. Chock deposition: review prior transcripts, annual reports, filings by Bridge re: unequal treatment [3.0]; draft deposition outline for K. Chock, revise same [2.0].
03/23/16	JDF	E	4.60	185.00	851.00	Complete legal research and analysis and draft of memorandum re: just compensation calculation for use in Settlement Conference Statement, Pre-Trial Statement, and Opposition to Motion in Limine.
03/24/16	BDV	С	2.60	395.00	1,027.00	After deposition, meet and confer w/Deputy AG W. Wynhoff re: settlement offers, Settlement Conference, related issues [0.2]; draft final changes to Confidential Settlement Conference Letter to Judge Mollway, and send to Court [0.2]; draft detailed e-mail memo to John Baldwin and R. Pipes [0.2]; for production of documents to State, review correspondence to Wessels from last 5 years for responsive documents [2.0].
03/24/16	MCS	С	4.50	245.00	1,102.50	Finalize preparation and take deposition of former LUC Commissioner K. Chock [4.0]; conf w/BDV and W. Wynhoff re: meet and confer required for upcoming Settlement Conference [0.5].
03/25/16	BDV	С	1.50	395.00	592.50	Review, annotate 40 due diligence documents J. Baldwin e-mailed today to produce to State, particularly re: planning, engineering, and other efforts and expenditures Bridge made in 2005-2007 time period, to show Bridge's investment-backed expectations.
03/25/16	MCS	С	2.50	245.00		Prepare for V. Devens deposition.
03/28/16	MCS	С	3.50	245.00		Multiple tel calls to W. Wynhoff re: scheduling deposition of V. Devens [0.3]; prepare for deposition of N. Lezy [3.2].
03/28/16	MMR	С	1.60	150.00		Prepare documents for supplemental production.
03/29/16	BDV	С	0.70	395.00		Review Judge Kurren ruling re: Baldwin deposition [0.2]; brief conf w/MCS re: court ruling, depositions, timing, Lezy deposition [0.1]; draft e-mail memo to John Baldwin, R. Pipes, and group re: depositions [0.2]; tel call from John Baldwin in [0.2].
03/29/16	MCS	С	6.50	245.00	1,592.50	Further prepare for and take deposition of former LUC Commissioner N. Lezy [5.5]; prepare for and attend hearing w/Judge Kurren re: location of J. Baldwin deposition [1.0].
03/29/16	MMR	С	0.40	150.00	60.00	Prepare additional documents for Plaintiff's supplemental production andupdate documents log.

03/30/16	,asq _M £g.1-c	V- & U2	14:69	21V245:00	4,929,196	## United Prepare for W. Devens deposition, revise earlies outline and ## united Properties of the pro
03/30/16	MMR	С	1.20	150.00	180.00	Draft Notice of 30(b)(6) oral deposition of State of Hawaii LUC.
03/31/16	BDV	С	4.00	395.00	1,580.00	In preparation for today's Settlement Conference, review Settlement Conference letter, case law, pleadings, damages, to outline thoughts and answers for Judge Mollway [1.0]; meet w/J. Jordahl to prepare him for today's Settlement Conference [1.0]; go to District Court for Settlement Conference with Judge Mollway [2.0].
03/31/16	MCS	С	6.50	245.00	1,592.50	Finalize outline for deposition of V. Devens, and revise key documents; take deposition of V. Devens [1.5]; prepare for and attend Settlement Conference [4.0].
04/01/16	BDV	С	2.30	395.00	908.50	Draft e-mail response to H. Paoa re: his deposition [0.5]; for pre-trial statement and trial, go through 1,400 documents on due diligence list, and select specific documents to be included as exhibits in Pretrial Statement [1.0]; draft e-mail response to John Baldwin [0.4]; per John Baldwin authorization, draft e-mail response to Deputy AG re: depositions, Rule 30b6 witness [0.4].
04/01/16	MMR	С	1.60	150.00	240.00	Prepare documents for supplemental production (01026430 - 01027511) [0.2]; obtain and organize exhibits to K. Chock, N. Lezy and V. Devens depositions in preparation for further review [1.4].
04/04/16	BDV	G	1.00	395.00	395.00	For exhibits for Pre-Trial Statement, go through record of LUC proceedings and select trial exhibits to include in Pre-Trial Statement, compare to exhibits previously cited by Bridge and LUC in prior motions.
04/04/16	MCS	С	4.10	245.00	1,004.50	Prepare for deposition of R. Wong including review in detail transcripts from 2004, 2005, and 2006 proceedings before LUC, specifically statements by R. Wong and H. Paoa re: project timeline.
04/04/16	MMR	G	2.90	150.00	435.00	Review and compile potential trial exhibits and prepare draft list of
04/05/16	BDV	С	3.40	395.00		exhibits to be included in Pretrial Statement. To prepare John Baldwin and H. Paoa for deposition, collect, review, annotate approx. 80 studies, reports, plans, related project and development materials from 1999 to 2007, select key documents and page quotes to show Baldwin and Paoa for deposition and trial cross-examination of LUC expert [3.0]; draft follow-up e-mail to Jim Baldwin [0.4].
04/05/16	MCS	С	4.50	245.00	1,102.50	Take deposition of R. Wong [4.0]; e-mail S. Chee and B. Plasch re: new trial date, attending same [0.2]; multiple e-mails to B. Wynhoff re: upcoming County deposition, topics for same [0.3].
04/06/16	BDV	С	1.20	395.00	474.00	Begin preparing deposition preparation outline binder and memo for John Baldwin and H. Paoa, re: documents to be cited in Rule 30b6 deposition [1.0]; draft response to questions from J. Jordahl [0.2].
04/06/16	MCS	С	5.10	245.00	1,249.50	Travel from Honolulu to Hilo for deposition of County of Hawaii Rule 30(b)(6) representative tomorrow [2.1]; prepare for deposition, review County positions and letters from LUC docket, and draft outline for depositions specifically re: authenticate and create record for helpful documents re: project progress, zoning approval, and subdivision approval [3.0].

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04/07/16	MCS	С	9.00	245.00	2,205.00	Attend deposition of County of Hawaii representative in Hilo, Hawaii [7.0]; annotate notes re: same; travel back from Hilo to Honolulu [2.0].
04/07/16	MMR	G	4.90	150.00	735.00	Continue to review and compile potential trial exhibits and prepare draft list of exhibits to be included in Pretrial Statement.
04/08/16	MCS	G	3.50	245.00		Further pretrial preparations: further begin outlining Pretrial Statement, research sections needed [0.5]; lay out basic outline of key sections [1.5]; begin review of Motion for Summary Judgment documents to draft admitted facts section of pretrial outline [0.5]; review totality of document production re: outlining basic chronology to include in background section, case law and legal arguments needed to support same [1.0].
04/11/16	BDV	С	3.70	395.00	1,461.50	Further Deposition Preparation Memorandum to John Baldwin and H. Paoa [3.0]; draft e-mail memo to John Baldwin and H. Paoa [0.7].
04/12/16	MCS	С	0.80	245.00	196.00	Review admin appeal documents re: underlying LUC docket re: various minutes and agenda for broad meetings [0.6]; e-mail W. Wynhoff re: missing same, supplemental production [0.2].
04/13/16	MCS	С	3.50	245.00	857.50	Prepare for LUC 30(b)(6) deposition; review outline and notes re: responsive topics produced by W. Wynhoff [0.3]; e-mail W. Wynhoff re: missing documents from various LUC dockets not listed on website [0.2]; draft detailed outline for deposition re: other dockets where orders to show cause were issued [3.0].
04/13/16	MMR	G	3.00	150.00	450.00	Continue to review and compile potential trial exhibits and prepare list of the same for Pretrial Statement.
04/14/16	BDV	С	1.60	395.00	632.00	E-mails to H. Paoa re: deposition [0.8]; draft e-mail memo to Deputy AG B. Wynhoff re: who Bridge is designating per categories [0.8].
04/14/16	MCS	С	4.00	245.00	980.00	Final preparation for deposition of LUC Rule 30(b)(6) deposition and revise outline re: same [1.0]; take deposition of LUC representative, specifically re: unequal treatment allegations, analysis of other dockets treated differently [3.0].
04/14/16	MMR	G	2.00	150.00	300.00	E-mail Professional Image re: oversized maps and continue to prepare list of potential trial exhibits for Pretrial Statement.
04/15/16	BDV	С	2.40	395.00	948.00	Tel call w/D. Perez re: Baldwin deposition [0.2]; draft e-mail response to John Baldwin questions re: trial [0.2]; for Hoolae Paoa deposition and preparation, read all of H. Paoa testimony before Land Use Commission, review all of H. Paoa declarations submitted, organize for Hoolae preparation [2.0].
04/15/16	MCS	С	3.00	245.00	735.00	Review transcripts and other key documents to assist H. Paoa deposition preparation [1.8]; analyze and annotate key documents re: same [0.2]; further review prior H. Paoa testimony at LUC for reference during deposition preparation [1.0].
04/15/16	MMR	С	0.50	150.00	75.00	Prepare flash drive of all deposition exhibits for review by BDV.
04/17/16	BDV	С	2.80	395.00	1,106.00	Meet w/H. Paoa to prepare him for his deposition [2.6]; draft e-mail memo to C. Crawford and John Baldwin re: need to produce audited financial statements for expert report [0.2].
04/17/16	MCS	С	2.50	245.00	612.50	Deposition preparation meeting w/BDV and H. Paoa.
04/18/16	BDV	С	7.80	395.00	3,081.00	Defend Deposition of H. Paoa at Attorney General's Office [7.0]; draft brief summary of Paoa deposition to John Baldwin [0.6]; brief follow-up call with John Baldwin re: same [0.2].
04/18/16	JDF	Е	2.50	185.00	462.50	Review and consider case law re: FRE Rule 702 and admissibility of expert testimony re: just compensation in takings cases [1.0]; draft opposition to State's Motion to Exclude [1.5].

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04/18/169	`aseMhiti⊤1-0	:V-64U²	++ μ :8θ /)N4567981	D999100	Review and process about documents from the tin propagation for production [0.8]; continue to prepare list of potential trial exhibits for Pretrial Statement [1.0].
04/19/16	BDV	С	4.70	395.00	1,856.50	Review Bridge audited financial statements [0.5]; draft e-mail letter to Deputy Attorney General, producing financial statements [0.2]; gather documents for John Baldwin deposition preparation [3.0]; meet w/John Baldwin, Shawn Scott, H. Paoa re: John Baldwin deposition tomorrow [1.0].
04/19/16	MCS	С	3.50	245.00	857.50	Brief meeting w/J. Baldwin and BDV re: deposition prepare [1.0]; further draft pretrial statement [1.0]; complete admitted facts section, cross-reference Motion for Summary Judgment papers to confirm same [0.5]; begin drafting disputed facts section, starting with original scope of project and then 2005 proceedings to amend Condition 1 [1.0].
04/19/16	JDF	E	7.00	185.00	1,295.00	Review and consider accepted methods of property appraisal and courts' treatment of those standards under FRE Rule 702 [1.0]; review and gather case law re: admissibility of expert opinions on topic of just compensation [2.0]; further draft Opposition to Motion to Exclude Expert Reports [4.0].
04/20/16	BDV	С	7.70	395.00	3,041.50	Prepare for, defend deposition of John Baldwin.
04/20/16	MCS	С	0.30	245.00	73.50	Review e-mail from W. Wynhoff re: missing meeting agendas and minutes, attaching supplemental document production re: same.
04/20/16	JDF	Е	5.60	185.00	1,036.00	Continue legal research and analysis of relevant case law and treatises [3.0]; continue draft of Opposition to Motion to Exclude Expert Reports [2.6].
04/21/16	BDV	E	5.40	395.00	2,133.00	For opposition to LUC Motion to Strike: Review transcripts of depositions of B. Wessels, LUC Commissioners, State Office of Planning, transcripts of LUC hearings for citations in opposition to State Motion [1.4]; review Supreme Court opinion, Judge Strance Order, and media accounts re: April 2009 hearing re: effect of voice vote [0.5]; review, annotate S. Chee report re: points misrepresented in LUC Motion [1.0]; review case law cited by LUC in Motion, begin reviewing case law re: just compensation flexible concept to make owner whole [1.4]; review case law re: compliance with Rule 702 and FRCP Rule 26 [1.5]; outline facts section of Memorandum in Opposition to Motion [1.0].
04/21/16	MCS	G	5.50	245.00	1,347.50	Continue drafting pretrial statement [1.2]; briefly review research memo re: damages drafted by JDF, and analyze same to incorporate into pretrial statement [1.0]; review new docket sent by W. Wynhoff re: prior instance of reversion, distinguish same [0.8]; finish pretrial statement section re: disputed facts [1.5]; draft concise statement of case and introduction [1.0].
04/22/16	BDV	E	5.80	395.00	2,291.00	Draft Memorandum in Opposition to LUC Motion to Strike Expert Reports re: Chee report, Burger Report, testimony at LUC and in depositions re: effect of taking begins in April 2009, disguised summary judgment motion improper as motion in limine.
04/22/16	MCS	G	4.00	245.00	980.00	Further draft detailed section pretrial statement re: legal issues and support for claims, including all case law supporting regulatory takings tests, factors, and damages.
04/25/16	BDV	Е	7.20	395.00	2,844.00	Review and annotate deposition transcripts of H. Paoa and John Baldwin, for quotes for Memorandum in Opposition [2.0]; research in USPAP, to find cites/quotes to answer LUC contentions re: Chee appraisal [1.5]; review case law re: appraisal techniques [0.5]; draft next 15 pages of Memorandum in Opposition to LUC Motion to Strike re: Chee and Burger reports comply with Rule 26 and Rule 702, takings case law re: why just compensation begins in April 2009 [3.2].

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04/26/16	BDV	E	2.70	395.00		Draft final 5 pages of Memorandum in Opposition to State LUC
0 20. 10		_	, 0	000.00	.,000.00	Motion to Strike re: rate of return on Bridge Capital, other cases
						showing Bridge rate reasonable, Baldwin testimony, Conclusion re:
						Ninth Circuit and US Supreme Court law.
04/26/16	MCS	С	3.80	245.00	931.00	Finalize preparing for deposition of L. Judge [0.8]; take deposition of L. Judge [3.0].
04/26/16	MMR	G	1.00	150.00	150.00	Review and revise potential exhibit list to be included in Bridge's Pretrial Statement.
04/27/16	BDV	E	5.70	395.00	2,251.50	Gather, organize 15 exhibits for Memorandum in Opposition to Motion to Strike [0.8]; draft lengthy Declaration in support of opposition, authenticating documents and stating facts re: LUC failure to depose and review documents [1.9]; additional research re: US Supreme Court caselaw on flexibility of determining damages for temporary takings, incorporate into memorandum [2.0]; draft Introduction to opposition, summarizing arguments [0.5]; proofread, clean up, finalize 30-page memorandum for filing tomorrow [0.5].
04/27/16	MCS	G	1.20	245.00	294.00	Review and detailed analysis of LUC's Final Pretrial Statement, specifically re: legal areas and points setting forth LUC's trial strategy, as well as potential Motions in Limine listed [1.0]; briefly review and analyze LUC's proposed exhibit list attached to Final Pretrial Statement, specifically re: potential joint exhibits [0.2].
04/28/16	BDV	E	1.90	395.00	750.50	Outline bases for motions in limine we should file based on positions taken by LUC in Pre-Trial Statement [0.8]; final proofreading of Memorandum in Opposition to Motion to Strike Experts [0.8]; draft detailed e-mail memo to R. Pipes and J. Jordahl [0.3].
04/28/16	MCS	G	2.80	245.00		Review series of e-mails from W. Wynhoff re: missing exhibits, lack of bates numbers and missing meeting agendas [0.5]; follow up tel call w/D. Day re: logistics of joint exhibits [0.3]; detailed comparison of exhibits in both parties preliminary lists, attempts to further consolidate to joint proposed list [0.5]; analyze potential Motions in Limine [1.5].
05/01/16	MCS	Е	1.10	245.00		Analyze proposed Motions in Limine.
05/02/16	BDV	E	2.30	395.00		Review and analyze motions in limine proposed by LUC in its Pre- Trial Statement, review documents in LUC record re: bases and potential opposition for each [1.0]; for Bridge possible motions in limine, review expert reports and related exhibits proferred by LUC experts, for bases to exclude their opinions [1.0]; conf w/MCS to briefly discuss, agree upon motions in limine [0.3].
05/02/16	MCS	G	1.30	245.00	318.50	Further exhibit review, proposed joint list, development agreements, due diligence documents, and other key documents.
05/03/16	BDV	G	1.60	395.00		Prepare for, attend Final Pre-Trial Conference with Magistrate Judge Mansfield [0.8]; review Court notes of new pre-trial dates [0.2]; draft email memo to R. Pipes and V. Bidez [0.4]; review revised trial preparation assignment schedules [0.2].
05/03/16	MCS	G	1.50	245.00	367.50	Attend Pretrial Conference w/BDV [0.8]; detailed review of pretrial deadlines, action items and schedule; draft work assignments list [0.7].
05/04/16	MCS	E	2.50	245.00	612.50	Analyze re: potential deposition designations, which witnesses to subpoena and/or list in final witness list [1.5]; review notes re: deposition designations [1.0].
05/05/16	BDV	С	1.50	395.00	592.50	Review final version of John Baldwin transcript sent today by court reporter.
05/05/16	MCS	E	0.50	245.00	122.50	Review and analyze Reply Memo from LUC re: Motion to Exclude S. Chee and D. Burger as experts.

05/05/16	Pase _{Mini} i1-c	v- <u>&</u> 0∠	1 <u>4</u> 560	M=6:9M	D oggu jne	Review and levise Bridge that exhibit list in preparation of bompiling joint that exhibits as requested by MCS [2.0]; organize transcript and exhibits of J. Baldwin and L. Judge depositions [0.5].
05/06/16	MCS	G	4.00	245.00	980.00	Lengthy tel call w/W. Wynhoff and D. Day re: exhibits, deposition designations, pretrial procedures [0.5]; review chron of exhibits [1.0]; review exhibits re: undated, duplicate, and missing exhibits from list, track down and select same [0.8]; begin research and outlining Motion in Limine re: exclude all facts after November 2014 takings period: review LUC's Motion for Summary Judgment re: arguments re: post November 2014 actions, including EIS issues, zoning changes, subdivision revocation, etc. [1.5]; further review and analyze testimony from County of Hawaii representative deposition re: same, recent actions on property [0.2].
05/08/16	MCS	G	2.50	245.00		Attention to trial exhibits, gather additional exhibits, supplement prior list, review underlying pleading docket, deposition exhibits re: same [2.0]; review LUC exhibit list re: same [0.5].
05/09/16	BDV	E	5.00	395.00	1,975.00	Draft 5-page Motion in Limine to preclude LUC expert Ted Yamamura from testifying as to any valuation opinions at trial [2.0]; draft 6-page Motion in Limine to preclude LUC land use expert Greg Mooers from testifying at trial because his report is irrelevant to remaining claims and prejudicial [3.0].
05/09/16	MCS	G	3.00	245.00	735.00	Exchange e-mails w/W. Wynhoff re: exhibit status, potential joint list, dispute re: further supplement list [0.2]; review both updated list exchanged by parties [0.3]; analyze documents for additional exhibits that may need to be added, including additional pleadings from underlying administrative appeal, transcripts, evidence of compliance with conditions that was provided in prior tesitmony before the LUC [2.5].
05/10/16	MCS	Е	6.80	245.00	1,666.00	Further work on exhibits, revising list, reviewing documents and dockets to ensure everything included; briefly review attorneys fees invoice re: amount of redactions needed [1.0]; begin drafting Motion in Limine to exclude Hemmeter documents [5.8].
05/11/16	BDV	G	5.20	395.00	2,054.00	For Deposition Designations due next Tuesday, read and select deposition testimony designations from depositions of Bob Wessels, LUC member Kyle Chock, Office of Planning Director Abbey Mayer, and LUC Representative on other dockets; review inclination of decision sent today by Judge Mollway [4.7]; draft e-mail memo to John Baldwin and R. Pipes [0.5].
05/11/16	MCS	E	7.20	245.00	1,764.00	Continue drafting Motion in Limine to Exclude reference to Hemmeter Kauai docket that was produced by LUC after the discovery deadline and after the 30(b)(6) deposition [2.7]; brief research re: post-takings period evidence, excluding same, further outline prior Motion in Limine drafted [4.0]; review and analyze Judge Mollway's inclinations re: Motion to Strike Experts [0.5].
05/12/16	BDV	G	4.40	395.00	1,738.00	For deposition designations for trial, review, annotate, and designate deposition transcripts of Ron Heller, Vlad Devens, Chip Lezy, Nick Teves, Thomas Contrades [3.8]; draft Rule 408 e-mail response to Deputy Attorney General [0.2]; draft e-mail memo to John Baldwin and R. Pipes, conveying and explaining settlement communications [0.4].
05/12/16	MCS	G	4.60	245.00	1,127.00	Research case files to find applicable dates for missing due diligence documents and other exhibits that need corresponding dates [1.0]; email W. Wynhoff updated working exhibit list [0.2]; begin analyzing introducing witness for each exhibit [3.0]; review settlement offer email from W. Wynhoff [0.2]; tel call w/Judge Mollway courtroom manager re: trial procedures, courtroom location, electronic set-up [0.2].

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						#instruction and business.
05/12/16	MMR	G	4.30	150.00	645.00	Review and revise trial exhibit list.
05/13/16	BDV	G	1.20	395.00		For deposition designations, review and designate deposition of Commissioner Lisa Judge [1.0]; proofread form of deposition designations that have been prepared [0.2].
05/13/16	MCS	E	7.50	245.00	1,837.50	Revise and finalize Motion in Limine to Exclude Hemmeter docket [0.5]; begin drafting Motion in Limine to exclude evidence re: H. Paoa testimony in 2005 [2.3]; review hearing transcripts re: same [2.5]; exchange e-mails w/W. Wynhoff re: R. Wessels deposition designation, potential trial attendance [0.4]; research case law re: exclusion of cumulative evidence or clearly misleading information [1.8].
05/14/16	MCS	Е	6.00	245.00	1,470.00	Continue drafting Motion in Limine to Preclude LUC from misrepresenting H. Paoa's 2005 testimony [5.0]; review and revise JDF Motion in Limine re: excluding affirmative defenses [1.0].
05/14/16	JDF	Е	7.00	185.00	1,295.00	Perform legal research and analysis and draft motion in limine re: certain affirmative defenses.
05/14/16	MMR	G	4.70	150.00	705.00	Revise trial exhibit list to include additional exhibits.
05/15/16	MCS	Е	7.00	245.00	1,715.00	Continue drafting Motion in Limine to Prevent LUC from Misrepresenting H. Paoa's 2005 testimony [0.5]; revise and finalize same [0.5]; further outline and begin drafting Motion in Limine to exclude post-takings period evidence [2.5]; research re: same, case law in support of Motion in Limine to Exclude Evidence After November 2014 takings period, specifically re: relevance for damages of market value after takings period ended [3.5].
05/15/16	JDF	Е	4.00	185.00	740.00	Perform legal research and analysis re: relevance of party's and parent's financial information and potential for prejudice that introduction of such information creates [2.0]; draft motion in limine seeking exclusion of such information except that necessary to determine proper rate of return on investment [2.0].
05/16/16	BDV	E	3.30	395.00	1,303.50	Review and edit five other Motions in Limine, finalize and gather exhibits for two Motions in Limine re: seeking to preclude State's experts.
05/16/16	MCS	E	3.70	245.00	906.50	Review Motion in Limine drafted by JDF re: affirmative defenses, striking immunity defense [0.2]; review and analyze Motion in Limine to exclude client's wealth and value information [0.5]; revise Motions in Limine drafted by JDF [1.0]; revise Motion in Limine re: post-takings period [2.0].
05/16/16	JDF	E	5.50	185.00	1,017.50	Continue legal research and analysis re: relevance of party's and parent's financial information and potential for prejudice that introduction of such information creates [2.5]; finish draft of motion in limine seeking exclusion of such information except that necessary to determine proper rate of return on investment [3.0].
05/17/16	BDV	E	0.90	395.00		Begin reviewing 11 Motions in Limine filed by State LUC today [0.8]; draft e-mail response to LUC attorney W. Wynhoff re: Thursday's hearing [0.1].
05/17/16	MCS	Е	6.00	245.00	1,470.00	Revise and finalize all Motions in Limine and prepare for filing [2.0]; prepare exhibits re: same [1.0]; exclude Bridge's capital wealth and total value [0.5]; review final product and approve same [0.5]; review and analyze 11 Motions in Limine filed by State [2.0].

05/17/16	asej <u>β</u> ≓11-c	V- <u>@</u> 0∠	1 <u>4</u> 560	Massaw 	Dogginge	Considere draited intolical information of Bridge and Endge Capital [1.0]; review and consider LUC's motions in limine [1.0]; develop arguments to oppose same [0.5].
05/18/16	BDV	Н	2.50	395.00	987.50	Lengthy tel call w/John Baldwin re: tomorrow's hearing [0.5]; research for tomorrow's hearing, review all Ninth Circuit and district court cases cited in LUC motion, draft brief outline distinguishing each case [1.0]; for oral argument, draft argument re: Local Rule 37.1 and requirements of FRCP 37 [1.0].
05/18/16	MCS	G	3.80	245.00	931.00	Begin drafting Trial Brief and more detailed review of Motion in Limine and draft case assignments re: same.
05/19/16	BDV	F	4.40	395.00	1,738.00	Prepare for today's oral argument: in preparation for answering Judge Mollway's questions, research just compensation cases, evidentiary issues [0.9]; go to Court, attend very lengthy hearing before Judge Mollway [2.5]; meet and confer w/LUC's counsel after hearing [0.5]; draft detailed e-mail memo to John Baldwin and R. Pipes re: today's hearing [0.5].
05/19/16	MCS	F	3.00	245.00	735.00	Attend hearing on Motion to Strike Experts.
05/20/16	BDV	E	####	395.00	3,950.00	Lengthy tel call w/W. Wynhoff re: settlement opportunities [0.5]; draft 10-page Memorandum in Opposition to State Motion in Limine to exclude Chee report based on subdivision approach [4.0]; draft 6-page Memorandum in Opposition to State Motion in Limine to Strike Evidence as to HRS Chapter 205 [2.5]; draft 5-page Memorandum in Opposition to State Motion in Limine to Limit Opinions by Bruce Plasch [1.0]; draft 8-page Memorandum in Opposition to State Motion in Limine to Bar Chee from testifying as to prior offers for Aina Lea Property [2.0].
05/20/16	MCS	E	6.00	245.00	1,470.00	Review Motion in Limine in detail [1.0]; conf w/JDF re: outline for Memorandum in Opposition for Motions in Limine assigned [0.8]; review Motion in Limine in detail re: exclude dimunition in value testimony [0.5]; e-mail BDV bullet points for opposition to same [0.5]; begin draft Memorandum in Opposition to Motion in Limine re: Interference with Contract claim [2.5]; e-mail BDV re: D&O for Waikaloa Mauka property, containing 10 year deadline for infrastructure construction, as potential basis for settlement discussion [0.7].
05/20/16	JDF	E	2.00	185.00	370.00	Review and analyze LUC motions in limine nos. 3, 6, 7, and 8, and conf w/ MCS re: same and strategy for drafting oppositions to same.
05/21/16	MCS	G	1.50	245.00	367.50	Lengthy conf call w/D. Day re: exhibits.
05/21/16	JDF	Е	7.00	185.00	1,295.00	Review and consider LUC Motions in Limine Nos. 3 and 8, and draft oppositions to same.
05/22/16	MCS	E	3.50	245.00	857.50	Further draft and revise MIO to Motion in Limine re: interference with contract claim.
05/22/16	JDF	Е	8.00	185.00	1,480.00	Review and consider LUC Motions in Limine Nos. 3 and 8, and draft oppositions to same.
05/23/16	BDV	E	4.20	395.00	1,659.00	For Motion in Limine re: alleged damages, legal research re: US Supreme Court cases on requirements, parameters of just compensation upon any finding of taking [2.0]; draft first 4 pages of opposition to Motion in Limine re: damages, precluding Bridge from introducing valuation evidence [2.0]; finalize, gather all exhibits for four Memorandum in Opposition to Motions in Limine drafted Friday [0.2].
05/23/16	MCS	G	8.50	245.00	2,082.50	Review the entire exhibits and draft Objections to Exhibits [3.5]; deposition counter-designation of R. Wessels [2.0]; briefly revise Trial Brief [2.8]; e-mail D. Day re: additional exhibits added by LUC and not identified with bates [0.2].
05/23/16	JDF	E	9.00	185.00	1,665.00	Review, supplement and revise oppositions to LUC Motions in Limine Nos. 3, 6, 7, 8, and draft oppositions to same.

05/24/16 ^C	tase <u>b</u> i11-c	v- Q 04	1 1 4.360	PMggs.JW	₽ , 8 89.15€	practified five pages of Memorandum in Opposition to Metion in Limine 16: damages, precluding evidence of loss in valuation [1.5]; review and edit other six Memoranda in Opposition to Motions in Limine, making all arguments and case law consistent [2.0]; review and edit 33-page trial brief, adding additional approaches re: just compensation, making factual story and case law cites consistent with 11 memorandum in motions in limine being filed today [1.4]; review and approve objections to exhibits list [0.5]; review LUC objections to Bridge exhibits [0.2]; review counter-designations of LUC designation of depositions [0.6]; review LUC Trial Brief filed today [0.5]; review and annotate 7 Memorandums in Opposition to Bridge Motions in Limine filed today by LUC [0.5]; review correspondence from Court re: trial preparation [0.1].
05/24/16	MCS	E	8.00	245.00	1,960.00	Revise and finalize trial brief [3.0]; revise Memorandum in Opposition to Motion in Limine re: Interference with Contract [1.0]; revise and finalize Motion in Limine re: Unequal Treatment and other dockets [1.0]; further draft Objections to Exhibits [1.5]; revise and finalize objections and counter-designations to R. Wessels deposition [0.5]; briefly review Objections to Exhibits filed by LUC including numerous lists of evidence LUC is objecting to [0.5]; briefly review some Memorandum in Opposition to Motions in Limine filed by LUC [0.5].
05/24/16	JDF	E	7.00	185.00	1,295.00	Finish research re: recoverability of attorneys' fees and costs as just compensation [2.0]; finish opposition to LUC Motion in Limine No. 6 re: attorneys' fees and costs [5.0].
05/24/16	MMR	G	4.20	150.00	630.00	Compile Defendants' exhibits to be filed with Plaintiff's Objections to Defendants' Exhibits.
05/25/16	MMR	G	2.70	150.00	405.00	Continue to prepare Plaintiff's exhibits for trial [1.2]; organize State of Hawaii documents 42819-43987 received 5/24/16 in preparation for further review [0.5]; research and retrieve real property tax information to be included as a trial exhibit [1.0].
05/26/16	BDV	E	4.40	395.00	1,738.00	Review and annotate 10 reply memoranda filed today by LUC on Motions in Limine [1.6]; review case law for jury instructions [2.8].
05/26/16	MCS	G	8.50	245.00	2,082.50	Begin drafting Jury Instructions [3.5]; tel call w/W. Winhoff re: schedule for conferring re: jury instructions, concise statement of the case, verdict form [0.3]; review and analyze standard form instructions provided by Judge Mollway, and adopt and incorporate same, edit where necessary [3.0]; lengthy online research re: regulatory takings instructions, temporary takings instructions, and form instructions and draft same for instruction, re: liability [1.0]; revise Joint Exhibit List and edit same to be consistent [0.7].
05/26/16	JDF	G	2.70	185.00	499.50	Review and analyze trial brief and pretrial statement [0.5]; review and analyze special verdict forms and case law re: same in takings cases [2.0]; draft special verdict form [0.2].
05/26/16	MMR	G	2.20	150.00	330.00	Continue to prepare Plaintiff's trial exhibits and joint trial exhibits.
05/27/16	BDV	G	4.40	395.00	1,738.00	Draft Concise Statement of Case for Judge to read to Jury [0.5]; review and revise verdict form [1.0]; begin reviewing and revising jury instructions re: substantive instructions for takings claims [2.0]; several lengthy tel calls w/Deputy AG W. Wynhoff re: trial continuance, settlement options, mediation, submittals, date for retrial [0.6]; review and respond to communication from court re: continuance [0.1]; draft e-mail memo to John Baldwin re: trial continuance [0.2].
05/27/16	MCS	G	5.50	245.00	1,347.50	Further draft Jury Instructions and supplement with damages instructions [4.4]; review draft verdict form [0.5]; conf w/BDV re: same [0.2]; review Judge Mollway order continuing trial [0.2]; brief conf w/opposing counsel re: deadline for further pre-trial submissions [0.2].

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05/27/16	MMR	G	3.10	150.00	465.00	Prepare joint exhibits for transmittal to Pro-Image, and continue to prepare Plaintiff's exhibits for trial.
05/31/16	BDV	G	1.20	395.00	474.00	Draft e-mail memo to AG's office re: mediation [0.1]; lengthy tel call w/M. Bennett re: whether he would agree to be mediator, scope of mediation [0.2]; draft e-mail response to AG's office re: dates of mediation, preparation [0.1]; draft e-mail memo to John Baldwin re: mediation [0.2]; review AG response to Court re: trial date [0.2]; draft e-mail response to AG re: ceded lands, what type of lands could be included in a land swap to settle case [0.2]; brief research re: limitations on including ceded lands in settlement [0.2].
05/31/16	MMR	G	1.20	150.00	180.00	Call Pro-Image re: Joint exhibits and continue to prepare Plaintiff's exhibits for trial.
06/02/16	BDV	Α	0.50	395.00	197.50	Draft e-mail response to Judge Mollway's clerk re: availability for July or August trial date, mediation planned [0.1]; conf w/Mediator, M. Bennett, re: possible approaches to resolution [0.4].
06/03/16	BDV	Α	0.50	395.00		Draft e-mail response to John Baldwin re: mediation, timing [0.3]; draft detailed e-mail memo to mediation service, AG, re: parties for mediation, timeframes, selected mediator [0.2].
06/03/16	MMR	G	1.50	150.00	225.00	Continue to prepare Plaintiff's exhibits for trial, and call Pro-Image re: invoice for joint exhibits.
06/06/16	BDV	Α	0.40	395.00	158.00	Review M. Bennett Disclosures as Mediator [0.2]; review communications from Court re: trial date [0.2].
06/06/16	MMR	G	0.60	150.00	90.00	Continue to prepare joint trial exhibits.
06/07/16	BDV	Α	0.60	395.00	237.00	Draft e-mail response to H. Paoa [0.2]; draft response to court re: proposed trial date, motions in limine date [0.2]; draft e-mail memo to John Baldwin and R. Pipes [0.2].
06/07/16	MCS	С	0.50	245.00	122.50	Exchange e-mails w/D. Burger re: report, comments by Judge Mollway, and briefly review response.
06/07/16	MMR	G	1.40	150.00	210.00	Continue to prepare joint exhibits for trial.
06/08/16	BDV	Е	0.20	395.00	79.00	Draft e-mail response to Court clerk re: timing of motions in limine.
06/09/16	BDV	Е	0.80	395.00	316.00	Tel call w/B. Wynhoff re: mediation, what State could offer [0.2]; draft e-mail response to mediation service re: no objection to mediation [0.6].
06/09/16	MMR	G	1.00	150.00	150.00	Continue to prepare joint exhibits for trial.
06/13/16	BDV	Α	0.10	395.00	39.50	Review and respond to e-mails from mediation service re: finalizing mediation.
06/14/16	BDV	A	0.80	395.00	316.00	Review Mediation Agreement, send to V. Bidez for execution and payment [0.3]; begin outlining key points for mediation statement, case law and damages to highlight for Mediator [0.5].
06/15/16	MCS	G	4.00	245.00	980.00	Final review of Plaintiff's Exhibits before printing trial set.
06/16/16	BDV	Α	4.40	395.00	1,738.00	Draft first 8 pages of Confdential Mediation Statement to Mediator Mark Bennett, describing factual background, claims, history of litigation, bases for takings liability, calculations of just compensation.
06/16/16	MCS	G	3.50	245.00	857.50	Finish final review of trial set of Plaintiff's Exhibits before printing.
06/16/16	MMR	G	2.10	150.00	315.00	Continue to prepare Plaintiff's trial exhibits.
06/17/16	BDV	А	2.30	395.00	908.50	Draft final three pages of confdential mediation statement re: status of litigation, history of prior settlement offers, Bridge position on settlement.
06/20/16	BDV	Α	1.30	395.00	513.50	Review, edit, supplement Confidential Pre-Mediation Statement with additional facts from trial exhibits, pre-trial statement [1.0]; draft email memo to R. Pipes and V. Bidez [0.3].
06/21/16	BDV	Е	0.20	395.00	79.00	Review, annotate Court order denying motion to disqualify Mollway.

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06/22/16	ase _B i;11-с	V- <u>W</u> U2	+τ μ :39/	JIV3 9 5:981	Doddille	Review R. Pipes proposed edits ago of the hital mediates statement
						#indineOpporate into draft [0.8]; revise mediation statement re:
06/22/16	MCS	G	0.40	245.00	98.00	yesterday's court order [0.5]. E-mails w/D. Day re: meeting to review joint exhibits together prior to
00/22/10	IVICS	G	0.40	243.00	96.00	copying binders for court.
06/23/16	MCS	G	1.80	245.00	441.00	Review D. Burger report, spread sheet calculations, prepare to
00/20/10	Wicc	~	1.00	210.00	111.00	discuss same w/BDV [1.0]; lengthy conf w/D. Day to review joint
						exhibits together and ensure finalized and acceptable to both sides
						before copies made for Court [0.8].
06/24/16	BDV	Α	3.60	395.00	1,422.00	Per Mediator request, draft e-mail memo to Mediator M. Bennett
						outlining procedural status, claims and allegations in Complaint [1.0];
						review expert calculations as to rate of return, ways to present report
						re: rate of return to address Molway questions [0.8]; review and
						respond to e-mails from AG re: prior settlement offers [0.5]; begin
						reviewing and revising jury instructions [0.6]; for jury instructions and
						to respond to Mediator, legal research in Hawaii cases re: state constitution takings claims, rate of return by statute, related law
						citations for jury instructions [0.7].
06/27/16	BDV	Α	1.30	395.00	513.50	Lengthy tel call w/Mediator M. Bennett re: claims, damages,
						outcomes, settlement opportunities [0.3]; draft e-mail memo to John
						Baldwin re: mediation preparation [0.5]; per Mediator request, draft e-
						mail memo to M. Bennett conveying DW demand letter against State,
						explaining procedure [0.3]; begin review D and O re: possible
06/27/16	MCS	С	0.50	245.00	122.50	settlement opportunities [0.2]. Review D. Burger's supplemental report [0.2]; draft disclosure re:
00/27/10	IVICO		0.50	245.00	122.50	same [0.2]; e-mail to opposing counsel [0.1].
06/29/16	BDV	Α	4.30	395.00	1,698.50	Prepare for tomorrow's mediation: review all prior settlement offers
					•	and communications to and from State from 2011 to date [0.3];
						review State drafts of other land use settlements re: enforceability of
						obligation, dismissal without prejudice of action [0.6]; review
						Decision and Order, HRS 205, and related documents re: what
						conditions Bridge could ask to relax or change [1.0]; outline possible
						settlement options under Chapter 205 [0.8]; conf call w/MCS and
						Jody Jordahl re: settlement position [0.3]; meet w/H. Paoa re: Bridge settlement position, strategy for tomorrow [0.3]; review HRS Chapter
						101 to answer Mediator's questions re: state takings claims,
						damages and interest, briefly outline responses re: same [1.0].
						dumages and interest, bheny outline responses to: same [1.0].
06/29/16	MCS	Α	1.50	245.00	367.50	Briefly review prior settlement letters and submissions to prepare for
						mediation [0.8]; brief conf w/BDV [0.4]; lengthy conf w/H. Paoa [0.3].
06/30/16	BDV	Α	7.50	395.00	2,962.50	Attend Bridge v. LUC mediation with H. Paoa, MCS at Mediator Mark
00,00,10	221	'`	7.00	000.00	2,002.00	Bennett's office.
06/30/16	MCS	Α	7.50	245.00	1,837.50	Attend mediation w/BDV, H. Paoa.
07/01/16	BDV	Α	0.30	395.00	118.50	Review and respond to e-mails from Court re: Status Conference for
						settlement [0.1]; review Bridge Ag land designation, and revise letter
						to be signed by Attorney General re: support for conversion to rural
07/01/16	MCS	Α	1.10	245.00	269.50	lands [0.2]. E-mail B. Wynhoff term sheet from mediation [0.1]; revise letter for
01/101/10	IVICS	_ ^	1.10	240.00	209.50	Attorney General's signature re: amending boundary [0.2]; revise
						Stipulation to Dismiss [0.3]; e-mail letter and stipulation to opposing
						counsel [0.1]; briefly review proposed Settlement Agreement emailed
						by B. Wynhoff [0.2]; e-mail expert witnesses, inform of settlement
						[0.2].
07/05/16	BDV	Α	1.50	395.00	592.50	Attend Status Conference Before U.S. District Judge Mollway on
						pending settlement, putting case on hold pending legislative approval
						[0.6]; review and edit draft settlement agreement [0.6]; draft e-mail
						memo to State Attorneys General, conveying and explaining draft
						Settlement Agreement [0.3].

07/07/16 ^C	саѕ вы 11-с	V-Q 02	14:360	Mggg.JM	Dold Rigge	Reverv AG5 broposed changes 69 Settlerhent Agreering letter [0.1]; tel call WDeputy AG H. Henderson re: same, issues to close
07/15/16	BDV	Α	0.10	395.00	39.50	settlement [0.2]. Tel call w/senior Deputy AG H. Henderson re: status of settlement
						documents.
07/18/16	BDV	Α	0.10	395.00	39.50	Tel call w/Wessels attorney P. Sim re: settlement, Wessels efforts to build intersection.
07/20/16	BDV	Α	0.40	395.00	158.00	Review and approve LUC edits to Settlement Agreement and letter in support [0.2]; draft e-mail memo to John Baldwin and V. Bidez re: executing Settlement Agreement, next steps re: petition for redesignation [0.2].
07/20/16	MCS	Α	0.30	245.00	73.50	Review and consider redlines from W. Wynhoff re: settlement documents and AG's letter.
07/25/16	BDV	Α	0.30	395.00	118.50	Tel call w/D. Perez re: Settlement Agreement, letter of support by AG, related issues.
07/26/16	BDV	A	1.00	395.00	395.00	Draft response to Jim Baldwin re: reclassification to rural petition [0.2]; lengthy tel call w/Deputy AG W. Wynhoff re: concerns about AG reneging on commitment to support rural reclassification petition [0.4]; draft proposed language for settlement agreement, draft follow-up e-mail to D. Perez re: same [0.4].
08/02/16	BDV	Α	0.20	395.00	79.00	Review and respond to e-mails from consultants Jim Baldwin is communicating with re: reclassification process.
08/03/16	BDV	Α	0.20	395.00	79.00	Tel call w/Deputy AG W. Wynhoff re: status of settlement.
08/04/16	BDV	Α	0.50	395.00	197.50	Tel call w/Deputy AG W. Wynhoff re: status of settlement, EIS [0.3]; draft e-mail memo to D. Perez [0.2].
08/05/16	BDV	Α	0.20	395.00	79.00	Review and respond to D. Perez re: Jim Baldwin settlement points.
08/09/16	BDV	А	1.20	395.00	474.00	Review D. Perez comments on Settlement Agreement; draft redline changes to Settlement Agreement; draft e-mail memo to D. Perez, conveying and explaining draft changes to Settlement Agreement.
08/09/16	MCS	Α	0.20	245.00	49.00	Briefly review proposed redlines of Settlement Agreement from D. Deitsch-Perez and e-mail BDV re: same.
08/10/16	BDV	Α	0.20	395.00	79.00	Tel call w/Mediator M. Bennett re: status of Bridge response [0.1]; tel call w/Deputy AG W. Wynhoff re: status of Bridge response [0.1].
08/22/16	BDV	A	1.00	395.00	395.00	Review John Baldwin comments on Settlement Agreement [0.2]; draft changes to Settlement Agreement, finalize this draft [0.4]; tel call w/Deputy AG D. Day re: changes, next steps [0.2]; draft e-mail memo to LUC, conveying and explaining changes to Settlement Agreement [0.2].
08/25/16	BDV	Α	0.40	395.00	158.00	Lengthy tel call w/Jim Baldwin [0.2]; draft detailed response to John Baldwin [0.2].
08/26/16	BDV	Α	0.10	395.00		Tel call to Deputy AG re: AG support letter.
09/07/16	BDV	Α	0.10	395.00	39.50	Draft and respond to e-mails re: mediation session.
09/27/16	BDV	Α	1.50	395.00	592.50	In preparation for tomorrow's mediation session, review recent forms of proposed Settlement Agreement, letter, drafts, outline position statement for mediator.
09/28/16	BDV	A	1.20	395.00		Prepare for, attend Mediation session with Mediator re: language for Settlement Agreement [1.0]; review revised version of language as follow-up to today's meeting and tentative agreement subject to John Baldwin's approval [0.2].
09/28/16	MCS	Α	1.00	245.00		Attend further mediation w/BDV at M. Bennett's office to discuss settlement documents.
10/03/16	MCS	Α	0.10	245.00	24.50	Review e-mail from D. Day confirming acceptance of revisions to Settlement documents from mediation.

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10/05/16	саѕевыл 1-с	ν- <u>γ</u> ιΟ-	1.09	71/395:001	D 6398 106	Réview Corfes Fondénée from Dépuis & Confriming Acus agreement
						to terms of settlement agreement from mediation [0.2]; review edited final form of settlement agreement [0.4]; draft detailed e-mail memo
						to John Baldwin [0.4].
10/20/16	BDV	Α	0.30	395.00	118.50	Tel call w/D. Perez re: status of settlement [0.1]; draft follow-up e-
						mail to John Baldwin re: same [0.1]; brief tel call w/Deputy AG re:
						status [0.1].
11/16/16	BDV	Α	0.10	415.00	41.50	Tel call from Deputy AG W. Wynhoff re: setting status conference with Court re: settlement.
11/17/16	BDV	Α	0.50	415.00	207.50	Review e-mail from John Baldwin re: settlement response [0.2]; tel
11/1//10	DD V		0.50	410.00	207.50	call w/Deputy AG W. Wynhoff re: John Baldwin concerns about
						settlement draft [0.3].
11/18/16	BDV	Α	1.00	415.00	415.00	Per John Baldwin request, draft changes to Settlement Agreement to
						include mutual releases by Individual Commissioners, draft e-mail
						memo to Deputy AG Wynhoff, conveying and explaining changes.
11/29/16	BDV	Α	0.10	415.00	41.50	Review Deputy AG W. Wynhoff proposed changes to settlement
11/23/10	DD V		0.10	410.00	41.50	language.
11/29/16	MCS	Α	0.20	255.00	51.00	Briefly review proposed redline revisions to latest Settlement
						Agreement draft.
11/30/16	BDV	Α	0.20	415.00	83.00	Tel call w/Deputy AG W. Wynhoff re: settlement language, how to be
10/07/16	DDV	^	0.50	415.00	207.50	presented.
12/07/16	BDV	Α	0.50	415.00	207.50	Meeting w/Deputy AG W. Wynhoff to discuss settlement language.
12/09/16	BDV	Α	1.50	415.00	622.50	Draft changes to Settlement Agreement, per discussions with
						Attorney General [1.0]; draft detailed e-mail memo to John Baldwin
						[0.5].
12/13/16	BDV	Α	0.30	415.00	124.50	Tel call w/Deputy AG W. Wynhoff re: status of Settlement Agreement
						[0.2]; draft e-mail memo to W. Wynhoff, conveying and explaining
						revised draft of Settlement Agreement incorporating recent agreements [0.1].
12/21/16	BDV	Α	0.20	415.00	83.00	Draft follow-up e-mail to John Baldwin [0.1]; draft response to
						mediation service re: Mediator's Fees, payment [0.1].
12/29/16	BDV	Α	0.50	415.00	207.50	Review and respond to e-mail memo from John Baldwin [0.3]; draft e-
						mail memo to Deputy AG W. Wynhoff re: finalizing and executing
01/03/17	BDV	Α	0.20	415.00	83.00	settlement agreement [0.2]. Tel call w/Deputy AG W. Wynhoff re: getting signatures on
01/03/17	Вυν	_ ^	0.20	415.00	65.00	settlement agreement, process for funding.
01/04/17	BDV	Α	0.50	415.00	207.50	Review Attorney General proposed final revisions to Settlement
						Agreement sent today.
01/05/17	MCS	Α	1.00	255.00	255.00	Review comments on Settlement Agreement form sent by W.
						Wynhoff [0.5]; final review of agreement and revise minor issues
01/08/17	BDV	Α	0.20	415.00	83.00	[0.5]. Draft e-mail memo to John Baldwin.
01/08/17	BDV	A	0.20	415.00		Draft e-mail memo to Deputy AG W. Wynhoff re: status of settlement
01/16/17	Вυν	_ A	0.30	415.00	124.50	agreement, signatures [0.2]; draft follow-up e-mail to John Baldwin
						re: same [0.1].
01/20/17	BDV	Α	1.80	415.00	747.00	In preparation for today's conference w/Belt Collins re: rural
						reclassification petition, review statute, rules, recent rural
						designation petitions re: requirements, studies needed, related
01/07/17	DDV		0.40	415.00	166.00	issues [1.5]; conf call w/Jim Baldwin [0.3].
01/27/17	BDV	Α	0.40	415.00	166.00	Draft e-mail response to John Baldwin [0.1]; review executed settlement agreement sent by T. Baldwin [0.2]; draft e-mail memo to
						Deputy AG W. Wynhoff re: Baldwin signature, need to get final
						version of settlement and get Legislature funding [0.1].
02/01/17	BDV	Α	0.20	415.00	83.00	Per Jim Baldwin request, draft e-mail memo to Belt Collins re:
						affordable housing language for rural reclassification petition.
02/02/17	BDV	Α	0.20	415.00	83.00	Review and respond to e-mail from Deputy AG W. Wynhoff re:
						getting final LUC signatures on settlement agreement, when
						settlement will be added to AG-1 bill for funding by Legislature.

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						Wynnoff re: final settlement signatures, process [0.2]; draft e-mail
						memo to AG re: need to get signatures on Exhibit A [0.2]; after e-mail
						to V. Bidez, follow-up e-mail to AG re: Bridge Aina Lea as payee on
						check [0.2]; briefly review proposed EIS contract for rural
						reclassification [0.2].
02/13/17	BDV	Α	0.20	415.00	83.00	Tel call w/Star Advertiser news reporter re: settlement, legislative
						approval for settlement agreement that has been made public.
02/14/17	BDV	Α	0.20	415.00	83.00	Respond to media inquiries today re: publicity about Bridge
						settlement with State [0.1]; tel call to Deputy AG W. Wynhoff re:
						whether publicity will affect Legislative consideration of \$1 million
						settlement [0.1].
02/27/17	BDV	Α	0.20	415.00	83.00	Draft response to V. Bidez.
06/01/17	BDV	Α	0.50	415.00	207.50	Review schedules for appropriate trial date for today's trial setting
						prepare call [0.1]; tel call w/Deputy AG W. Wynhoff re: dates for trial,
						tomorrow's conference with Judge Mollway [0.2]; two tel calls w/John
						Baldwin [0.2].
06/01/17	MCS	Α	0.20	255.00	51.00	Brief tel call w/BDV, opposing counsel re: status conference
00/00:				44		tomorrow, scheduling issues and potential trial date.
06/02/17	BDV	F	1.80	415.00	747.00	Respond to John Baldwin question [0.1]; draft e-mail memo to John
						Baldwin and V. Bidez [0.2]; in preparation for today's hearing with
						Judge Mollway, read Environment Hawaii story published today re:
						Legislature refusal to fund settlement, outline remarks for Mollway
						[0.5]; attend status conference with Judge Mollway re: trial date [1.0].
06/02/17	MCS	F	1.10	255.00	280.50	Exchange e-mails w/D. Burger re: revised report [0.1]; attend status
						conference with Judge Mollway [1.0].
06/08/17	MCS	Α	0.80	255.00	204.00	Review draft supplemental expert report sent by D. Burger, and
						compare to earlier documents and versions; begin redline revisions
						to draft report.
06/14/17	MCS	Α	0.40	255.00	102.00	Briefly review Judge Mollway opinion re: dismissal of DW's takings
		_				lawsuit.
06/16/17	BDV	Α	0.30	415.00	124.50	Tel call, several e-mail responses to West Hawaii Today reporter C.
07/31/17	MCS	^	0.60	255.00	153.00	Jensen re: her upcoming story on Aina Lea project.
		Α				Review final report by D. Burger and supporting calculations and revise Rule 26 expert disclosure for filing.
08/01/17	MCS	Α	0.20	255.00	51.00	Finalize and file expert report supplement by D. Burger and confirm
						and e-mail report and supporting calculations and financial
						documents to opposing counsel.
08/03/17	MCS	E	0.30	255.00	76.50	Review and analyze Motion to Strike D. Burger's supplemental
00/40/47	1400	_	0.00	055.00	0.040.00	expert report re: market rate of return.
08/16/17	MCS	E	8.00	255.00	2,040.00	Draft Memorandum in Opposition to Motion to Strike Supplemental
						Expert Report by D. Burger, begin w/outline of general arguments,
						background and procedural history, and draft section re: Rule 37
						analysis re: prejudice, harmless error, and justified disclosure after
00/16/17	II/D	E	6 50	175.00	1 107 50	deadlines.
08/16/17	JKB	=	6.50	175.00	1,137.50	Review Motion to Strike the supplemental expert report [1.5];
						research case law re: supplemental expert report [1.5]; draft legal
						argument to be used in Memorandum in Opposition to Motion to Strike re: the supplemental expert report [2.0]; research and draft
						case citations with parenthetical to be used in the Memorandum in
						Opposition to Motion to Strike [1.5].
08/17/17	JDF	Е	1.20	205.00	246.00	Review, analyze, revise and supplement Memorandum in Opposition
						to State's Motion to Strike.
	MCS	E	4.00	255.00	1,020.00	Revise Memorandum in Opposition to Motion to Strike [2.0]; revise
08/17/17						
08/17/17						section re: Rule 37 prejudice test [1.0]; research re: good cause
08/17/17	MCS	E	1.00	255.00	255.00	section re: Rule 37 prejudice test [1.0]; research re: good cause standard, and case law cited by LUC [1.0]. Review and revise Memorandum in Opposition to Motion to Strike.

08/18/17	asej <u>த்</u> ப்1-c	V- <u>@</u> 0∠	14.68C	DM2015.3001	Dogging	Pedan Pedail Research 3 has an
						都位 shriffar factual scenarios [4.0]; review, analyze, and supplement Opposition to Motion to Strike [0.6].
08/28/17	MCS	Е	1.10	255.00	280.50	Review LUC's Reply Memorandum to Motion to Strike.
09/07/17	MCS	F	3.30	255.00		Participate in tel status conference with Judge Mollway re: trial date,
						funding settlement [1.0]; e-mail BDV report re: same [0.2]; prepare for hearing tomorrow on Motion to Strike Expert Report [2.1].
09/08/17	MCS	F	1.50	255.00	382.50	Prepare for and attend hearing on Motion to Strike Expert Report of D. Burger.
09/11/17	BDV	Α	0.80	415.00	332.00	Draft e-mail memo to John Baldwin and V. Bidez, detailing proposed response to Judge Mollway on trial date and recommendations.
09/14/17	BDV	Α	0.70	415.00	290.50	Draft letter to Judge Mollway re: Bridge's position on settlement appropriation, Legislature, trial date.
09/15/17	BDV	А	0.20	415.00	83.00	Draft several responses to inquiries from Judge Mollway's court clerk [0.1]; review Judge Mollway response to today's submittals, e-mail to John Baldwin re: same [0.1].
09/16/17	MCS	Α	0.20	255.00	51.00	Review letters and minute order re: trial date and settlement.
09/18/17	BDV	Α	2.00	415.00	830.00	Tel call w/Deputy AG W. Wynhoff re: settlement agreement, options [1.0]; tel call w/client re: same [1.0].
09/22/17	BDV	Α	0.80	415.00	332.00	Per authorization from John Baldwin, draft letter to State AG W. Wynhoff stating Bridge position on settlement agreement [0.3]; tel call, draft and respond to e-mails re: potential changes in settlement agreement, dates, related issues [0.5].
09/28/17	BDV	Α	0.60	415.00	249.00	Review and respond to Deputy AG D. Day re: State position on settlement agreement, whether to modify agreement.
09/29/17	MCS	Α	0.20	255.00	51.00	Brief conf w/BDV re: response to W. Wynhoff re: willingness to enter into renewed settlement, continue trial date.
10/05/17	BDV	Α	0.60	415.00	249.00	Draft and respond to e-mails from Deputy AG W. Wynhoff re: State position on settlement agreement, unable to get agreement from all individual defendants [0.3]; per directive of Court, draft letter to Judge Mollway detailing parties' position on settlement [0.3].
10/12/17	BDV	Е	0.60	415.00	249.00	Review Magistrate Judge Mansfield's Order granting LUC Motion to Strike Supplemental Expert Report [0.3]; brief conf. w/JDF re: appeal to Mollway, filing Motion to amend Scheduling Conference Order [0.3].
10/12/17	JDF	Е	2.70	205.00	553.50	Review and analyze Order Granting Motion to Strike [1.5]; review and analyze applicable rules to appeal Order [0.5]; review and analyze case law reversing magistrate orders [0.4]; conf w/BDV and MCS re: same [0.3].
10/16/17	JDF	Е	1.20	205.00	246.00	Conf w/BDV and MCS re: Appeal of Order Granting Motion to Strike Burger and Motion to Amend Scheduling Order [0.2]; begin draft of Appeal [1.0].
10/23/17	JDF	Е	7.90	205.00	1,619.50	Perform legal research and analysis re: FRCP Rules 26 and 37, standards of review applicable to magistrate decisions, supplementation, prejudice, and sanctions [6.0]; begin draft of appeal of Order striking Burger supplements [1.9].
10/24/17	JDF	E	6.80	205.00	1,394.00	Continue to perform legal research and analysis re: FRCP Rules 26 and 37 and their application to supplemental expert disclosures [3.0]; continue draft of appeal re: Order striking Burger supplements [3.8]
10/25/17	JDF	E	####	205.00	2,644.50	Continue to perform legal research and analysis re: FRCP Rules 26 and 37 and their application to supplemental expert disclosures; continue draft of appeal re: Order striking Burger supplements.
10/26/17	BDV	E	1.50	415.00	622.50	Review and edit final draft of appeal of Magistrate Order on striking expert report [1.0]; brief conf. w/JDF re: same [0.5].

10/26/17 ^C	Case _M E:₫1-c	V-<u>@</u>0 ∠	1 4 480	MFFF.MA		Review ลูกd ilevise สหครั้งให้ Magastate's ยี่ย์วังกา re: พื่อเป็ก to รtrike ใช้ Article III Judge.
10/26/17	JDF	Е	5.00	205.00		Finish legal research and analysis re: FRCP Rules 26 and 37 and their application to supplemental expert disclosures [3.5]; finish draft of appeal re: Order striking Burger supplements [1.0]; conf w/BDV re: same [0.5].
10/27/17	MCS	Е	2.50	255.00	637.50	Begin outlining Motion to Amend Scheduling Order, including background section, emphasis on diligence of facts and history of discovery and disclosures.
10/31/17	MCS	E	3.00	255.00	765.00	Continue drafting motion to amend scheduling order for leave to file supplemental report of D. Burger [2.0]; further review and analyze Magistrate order granting motion to strike re: same [1.0].
11/02/17	MCS	Е	4.00	265.00	1,060.00	Research re: motion to amend, good cause standard under Rule 16(b), requirements to prove "diligence" under federal law to amend scheduling order [3.0]; further draft Motion to Amend re: same [1.0].
11/03/17	MCS	E	2.00	265.00		Revise motion to amend scheduling order re: argument re: good faith and prejudice under applicable legal standard.
11/06/17	MCS	E	2.50	265.00		Further research re: motion to amend scheduling order, and revise motion re: same.
11/08/17	MCS	E	0.50	265.00	132.50	Briefly review and analyze Memorandum in Opposition to appeal filed by LUC re: Magistrate's order granting motion to strike [0.2]; finalize motion to amend scheduling order for filing [0.3].
11/13/17	BDV	А	0.20	425.00	85.00	Review Court setting of hearing date on Motion to Amend Scheduling Conference Order, tel call to Deputy AG W. Wynhoff re: trial date, whether State will send settlement to Legislature.
11/14/17	BDV	Α	0.20	425.00	85.00	Tel call w/Deputy Attorney General W. Wynhoff re: State will not enter into settlement agreement, case to trial in March.
11/21/17	BDV	Е	0.30	425.00	127.50	Review Judge Mollway Order on Motion to Strike, Motion to Amend Scheduling Conference Order.
11/21/17	MCS	Е	0.50	265.00	132.50	Review and analyze Judge Mollway's orders on appeal of motion to strike supplemental report and motion to amend scheduling order.
12/13/17	BDV	Е	0.30	425.00	127.50	Review Judge Mollway EO on pending motions [0.2]; draft e-mail response to V. Bidez re: same [0.1].
12/19/17	BDV	A	1.50	425.00	637.50	Review Judge Mollway recent EOs, prior Orders, our prior submittals on Burger and Chee issues on motion to strike and motions in limine.
12/19/17	MCS	A	1.20	265.00		Review prior order from Judge Mollway re: motion to strike and motion to amend scheduling order [0.8]; review Motion in Limine hearing date, planning position statement re: prior Daubert motion re: D. Burger [0.4].
12/19/17	JDF	A	1.00	215.00	215.00	Review supplemental briefing on Motion to Strike Burger and Chee Reports [0.5]; review and analyze relevant filings [0.3]; perform legal research and analysis re: FRE Rules 702 and 701 and interpretative case law [0.2].
01/02/18	BDV	Е	0.20	425.00	85.00	Conf. w/JDF re: arguments to make in supplemental memo to Judge Mollway.
01/02/18	JDF	E	4.50	215.00		Review and analyze relevant filings, hearing transcript, and case law re: exclusion of expert reports [2.0]; begin draft of supplemental brief re: same [2.3]; conf w/BDV re: same [0.2].
01/03/18	JDF	E	8.00	215.00	1,720.00	Perform legal research and analysis re: FRCP Rules 26 and 37, FRE Rules 702 and 701, and just compensation evidence [6.0]; continue draft of supplemental brief in opposition to Motion to Exclude Burger and Chee Reports [2.0].
01/04/18	BDV	Е	1.50	425.00	637.50	Legal research in cases we previously cited to Court in case where executives of company were permitted to testify as to rate of return, return on investment [1.0]; review and edit 1,000-word Memorandum due tomorrow [0.5].

01/04/18	asq _M £:41-c	:V- <u>@</u> 04	14280	Mags.3M	Dogging	Revise Briefile further a gument out motion to exclude expert #itnesses.
01/04/18	JDF	E	6.00	215.00	1,290.00	Perform legal research and analysis re: FRE Rule 701 and case law re: lay testimony concerning just compensation, focusing on rate of return calculations, in takings cases [3.5]; continue to revise and supplement supplemental brief in opposition to Motion to Exclude Burger and Chee Reports [2.5].
01/05/18	BDV	Е	0.20	425.00	85.00	Review State Land Use Commission response on Motion to Strike, and Court supplemental notice of hearing.
01/06/18	MCS	Е	3.50	265.00	927.50	Begin preparing for Motions in Limine hearing.
01/08/18	BDV	E	3.70	425.00		Review Judge Mollway's Order on Motion to Strike [0.5]; in preparation for tomorrow's hearings, read all pleadings on motions, expert reports, all motions in limine, case law cited in motions, Mollway's prior orders, related pleadings, and confs. w/JDF and MCS re: same [3.2].
01/08/18	MCS	Ш	5.50	265.00	1,457.50	Review minute order from Judge Mollway re: hearing additional arguments re: motion to exclude expert reports and related order to make offer of proof on admissible testimony re: rate of return [2.2]; lengthy conf w/BDV and JDF re: same, responding to arguments and points raised by Judge Mollway in minute order [0.5]; further prepare for hearing on Motions in Limine [0.8]; draft outline for arguments re: same [1.0]; review and research applicable takings just compensation cases re: damages related Motions in Limine, including North Pacifica and Herrington cases [1.0].
01/09/18	BDV	Е	5.20	425.00	2,210.00	Draft oral argument for today's hearings on Motions to Strike, motions in limine, draft responses to expected questions from Judge Mollway [1.2]; go to federal court and attend, argue lengthy hearing on Motion to Strike, motions in limine [3.0]; review takings just compensation case law in preparation for tomorrow's hearing [1.0].
01/09/18	MCS	Е	7.00	265.00	1,855.00	Further prepare for hearing on Motions in Limine [2.0]; attend hearings for same [3.0]; further prepare for continued hearings being heard by the court tomorrow [2.0].
01/10/18	BDV	П	3.00	425.00	1,275.00	Go to federal court and argue remaining motions in limine before Judge Mollway [2.0]; draft detailed status update to John Baldwin and V. Bidez re: trial date, Mollway rulings, just compensation [1.0].
01/10/18	MCS	Е	2.20	265.00	583.00	Attend and argue at continued hearing on Motion in Limine.
01/10/18	JDF	E	5.50	215.00	1,182.50	Review and analyze FRCP, local rules, and case law re: Motion to Reconsider ruling re: admissibility of Chee Report and lay testimony re: rate of return, parent-subsidiary relationship.
01/11/18	BDV	Α	0.20	425.00		Review and respond to e-mails from Deputy AG W. Wynhoff re: trial preparation, stipulations, A/V equipment for trial.
01/11/18	MCS	G	3.50	265.00		Review exhibits, lists, deposition designations for upcoming pretrial deadlines.
01/16/18	MCS	Α	0.50	265.00	132.50	Draft letter to Judge Mollway per recent orders re: deposition designations anticipated to be used at trial, rejection of proposal to bifurcate liability and damages portions of trial [0.3]; review and consider letter filed by LUC re: same issues [0.2].
01/17/18	BDV	Α	0.20	425.00	85.00	Draft detailed reply to John Baldwin.
01/22/18	JDF	E	1.50	215.00		Review minute order re: supplemental briefing on State Motion in Limine No. 8 [0.2]; review and analyze prior briefing on State Motion in Limine No. 8 [0.3]; review cases cited in minute order; outline supplemental brief [1.0].
01/24/18	JDF	E	2.00	215.00	430.00	Continue legal research and analysis re: request for supplementation on State Motion in Limine No. 8.

01/25/18	asej <u>b</u> ;11-с	V-Q 0²	114=80) NZ 18 JW 1	Dogume	HingAresealtade. College Begresser 43 pplenter College On
01/23/10	JDI		9.50	2 13.00	2,042.30	#: 015 described the Court's requestion supplementar briefing of state's Motion in Limine No. 8 [3.5]; finish draft of supplemental brief
						re: State's Motion in Limine No. 8 [6.0].
01/26/18	MCS	Е	3.30	265.00	874.50	Review and revise supplemental brief re: motion in limine no. 8 re:
						contract-based damages for temporary taking [2.5]; review supplemental brief filed by LUC [0.8].
01/26/18	JDF	E	5.00	215.00	1,075.00	Revise and supplement supplemental brief re: State's Motion in
01/20/10	0DI	-	0.00	210.00	1,075.00	Limine No. 8.
01/28/18	MCS	Е	2.50	265.00	662.50	Review deposition transcript of J. Baldwin [1.0]; review minute order
						re: Judge Mollway ruling excluding J. Baldwin from testifying re: rate
						of return [0.5]; draft declaration of J. Baldwin in support of motion for
01/29/18	BDV	E	0.20	425.00	85.00	reconsideration [1.0]. Review and edit John Baldwin Declaration for Motion for
01/23/10	DDV		0.20	423.00	00.00	Reconsideration.
01/29/18	JDF	Е	8.50	215.00	1,827.50	Draft Motion for Partial Reconsideration of Order Granting Motion to
						Exclude.
01/30/18	MCS	E	3.20	265.00	848.00	Review and revise Motion for Reconsideration [2.2]; revise
01/30/18	JDF	E	5.50	215.00	1,182.50	Declaration of J. Baldwin [1.0]. Finish Motion for Partial Reconsideration of Order Granting Motion to
01/30/10	JDF		3.30	215.00	1,102.50	Exclude.
01/31/18	MCS	G	0.60	265.00	159.00	Tel call w/D. Day re: joint exhibits, other pretrial filings.
02/02/18	BDV	G	0.80	425.00	340.00	Lengthy conf. call w/Deputy Attorney General W. Wynhoff re:
						witnesses, exhibits, jury instructions, related issues [0.6]; draft
						summary list of order of witnesses for trial per today's conversation
02/02/18	MCS	E	0.20	265.00	53.00	[0.2].
02/02/16	IVICS		0.20	205.00	55.00	Briefly review minute order from Judge Mollway re: amended decision re: Motion in Limine No. 8.
02/02/18	JDF	Е	0.50	215.00	107.50	Review and analyze minute orders from Court re: State's Motion in
						Limine No. 8 and Bridge's Motion for Reconsideration.
02/05/18	MCS	G	1.50	265.00	397.50	Lengthy review of our exhibits and joint exhibits and confirm all
02/03/16	IVICS	l ^G	1.50	203.00	397.50	necessary documents included, properly labeled and included in
						lists.
02/09/18	BDV	Е	0.30	425.00	127.50	Review LUC Memo in Opp to Motion for Reconsideration [0.2];
02/00/19	MCC	E	0.60	265.00	150.00	review Judge Mollway communications re: timing of Order [0.1].
02/09/18	MCS		0.60	205.00	159.00	Review Memorandum in Opposition to Motion for Reconsideration [0.3]; conf w/JDF re: arguments, outline analysis for reply
						memorandum [0.3].
02/10/18	MCS	G	2.00	265.00	530.00	Review prior jury instructions from last year, analyze same, compare
						to trial brief and move recent filings to updated newer case law.
02/12/18	JDF	E	2.30	215.00	494.50	Draft Reply in Support of Motion for Reconsideration.
02/12/18	MCS	E	0.60	265.00		Review reply memorandum re: motion for reconsideration.
02/13/18	JDF	E	8.50	215.00		Further draft Reply in Support of Motion for Partial Reconsideration.
02/10/10	0DI	_	0.50	210.00	1,027.50	a dialet tepty in Support of Motion for Farital Neconsideration.
02/13/18	CAW	G	2.10	150.00	315.00	Conference w/ MCS and review joint trial exhibits to prepare for
						assembly of trial binders.
02/14/18	BDV	G	1.20	425.00	510.00	Tel call w/Deputy AG W. Wynhoff re: exhibits, trial date, related
						issues [0.4]; review witness lists, final naming, and draft e-mail memo to John Baldwin and H. Paoa [0.8].
02/14/18	MCS	G	1.50	265.00	397.50	Lengthy tel call w/D. Day re: exhibits, labelling, joint exhibit list [0.2];
						review joint list [0.8]; conf w/CAW re: organizing final exhibit set,
				1=		revising and updating lists [0.5].
02/14/18	CAW	G	1.20	150.00	180.00	Begin reviewing exhibits in preparation for assembling trial binders.
02/15/18	BDV	G	0.70	425.00	297.50	Review Judge Mollway pre-trial order issued today [0.2]; draft e-mail
5	1] 3., 0	0.00	_07.00	response to John Baldwin re: trial dates [0.2]; begin reviewing
						parties' Final Pre-Trial Statements in preparation for trial [0.3].

02/15/18	case A;₩1-c	V- <u>@</u> 0∠	14.360	DIM =16:300	Doggring	เรื่องสีที่เกิด reviewing ซึ่งสามีเรื่อก คือคลาเช็กครื่อสระคที่ติดตู เกิด เต็กอย่าง
02/16/18	BDV	G	0.50	425.00	212.50	Review Order from Judge Mollway issued today re: John Baldwin testimony, use of Chee and Burger expert reports.
02/16/18	MCS	Α	0.50	265.00	132.50	Review supplemental depositions counter-designations of T. Contrades.
02/16/18	MCS	G	1.60	265.00	424.00	Review exhibits re: e-mails from AG re: discrepancies in exhibits [0.8]; review lengthy decision by Judge Mollway re: denying motion for reconsideration [0.6]; email JDF re: same [0.2].
02/16/18	CAW	G	3.10	150.00	465.00	Continue reviewing exhibits in preparation for assembling trial binders.
02/19/18	MCS	G	3.50	265.00	927.50	Review exhibits [1.0]; research re: rules re: position on Contrades counter-designation [0.8]; e-mail BDV re: same [0.2]; review prior jury instructions and other pre-trial filings to prepare for team meeting [1.5].
02/20/18	BDV	G	2.00	425.00	850.00	Team meeting w/MCS and JDF re: exhibits, jury instructions, just compensation evidence, theory of case [0.8]; follow-up legal research re: state law cases on just compensation [1.2].
02/20/18	MCS	G	2.60	265.00	689.00	Tel call w/D. Day re: exhibits [0.2]; exchange e-mails w/excel format exhibit lists, and review same [0.3]; review transcript re: T. Contrades re: supplemental designations [1.6]; analyze action items and next steps for preparing for jury trial [0.5].
02/20/18	JDF	G	2.00	215.00	430.00	Conf w/BDV and MCS re: trial strategy, logistics, and need to update jury instructions re: just compensation [0.8]; perform legal research and analysis re: same [1.2].
02/20/18	CAW	G	3.90	150.00	585.00	Continue reviewing exhibits in preparation for assembling trial binders.
02/21/18	BDV	G	4.50	425.00	1,912.50	In preparation for trial, review and annotate deposition transcripts of John Baldwin, Hoolae Paoa, and LUC Chairman Vlad Devens [2.5]; draft and revise Concise Statement of Case to be read to jury [1.0]; brief legal research re: blight damages [0.6]; review Verdict Form [0.4].
02/21/18	MCS	G	6.00	265.00	1,590.00	Review research re: state compensation claims [1.0]; draft special verdict form [1.0]; review jury instructions and latest revisions [0.6]; exchange e-mails w/opposing counsel re: set meet and confer time and exchange re: same [0.4]; begin reviewing deposition transcript of A. Meyer re: drafting witness outlines [2.0]; further review deposition transcript of S. Derrickson [1.0].
02/21/18	JDF	G	4.50	215.00	967.50	Perform legal research and analysis re: additional jury instructions [3.0]; begin drafting supplemental jury instructions [1.5].
02/22/18	BDV	G	6.00	425.00	2,550.00	Review and annotate State LUC Jury Instructions, Verdict Form, and Statement of Case received today [1.0]; read through all new Supreme Court and federal cases cited in State LUC Jury Instructions [2.5]; for Monday's meet and confer on jury instructions [2.5].
02/22/18	MCS	G	4.00	265.00	1,060.00	Review jury instructions prior to exchanging with opposing counsel [1.0]; e-mail concise statement of case, jury instructions and verdict form to opposing counsel [0.1]; review same submitted by AG's office [2.0]; review their proposed stipulations re: Callies report and joint exhibits [0.2]; continue review of A. Mayer transcript and S. Derrickson transcripts and related exhibits [0.7].
02/22/18	JDF	G	5.00	215.00	1,075.00	Complete legal research and analysis and complete drafting supplemental jury instructions re: just compensation [4.0]; review and analyze proposed jury instructions from State [1.0].

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02/23/18	BDV	G	3.20	425.00		Draft initial outline of all key points for trial testimony of H. Paoa and John Baldwin.				
02/23/18	MCS	G	1.50	265.00	397.50	Exchange e-mails w/opposing counsel re: further joint exhibits [0.2]; check exhibits re: same [0.3]; prepare final submissions for court set [1.0].				
02/23/18	JDF	G	1.00	215.00	215.00	Review and analyze State's proposed jury instructions, statement of the case, and verdict form, and begin checking citations.				
02/23/18	CAW	G	6.60	150.00	990.00	Continue reorganizing, renaming, and relabeling exhibits to follow Federal Court guidelines.				
02/24/18	CAW	G	6.00	150.00	900.00	Continue to reorganize, rename, and relabel exhibits to follow Federal Court guidelines.				
02/25/18	MCS	G	1.50	265.00	397.50	Further review jury instructions for meet and confer tomorrow [0.5]; compare instructions re: possible bases to submit joint instructions [1.0].				
02/25/18	CAW	G	3.50	150.00	525.00	Continue to reorganize, rename, and relabel exhibits to follow Federal Court guidelines.				
02/26/18	BDV	G	5.20	425.00	2,210.00	Prepare for, attend meet and confer with Deputy Attorney General on Jury Instructions [1.5]; discuss non-cash settlement issues with Deputy AG [0.3]; draft revisions to Jury Instructions for trial, following meet and confer [2.0]; begin working on Hoolae direct testimony [1.4].				
02/26/18	MCS	G	5.20	265.00	1,378.00	Prepare for and attend meeting w/opposing counsel re: meet and confer jury instructions, verdict form [2.0]; draft joint instructions based on meet and confer [1.0]; revise proposed instructions to exclude same [0.5]; review and approve final stipulation re: exhibits, and revise all instructions and verdict form to prepare for filing tomorrow [0.2]; draft voir dire questions [1.5].				
02/26/18	JDF	G	1.00	215.00	215.00	Review, analyze and annotate State's proposed jury instructions in preparation for meet and confer and objections to same.				
02/26/18	CAW	G	4.30	150.00	645.00	Revise trial exhibit lists.				
02/27/18	MCS	G	0.50	265.00	132.50	Review bench brief filed by LUC re: special verdict form [0.3]; e-mail experts re: setting up pretrial prep meetings [0.2].				
02/27/18	JDF	G	0.40	215.00	86.00	Review, analyze, and comment on pretrial filings; conf w/MCS re: same.				
02/28/18	BDV	G	2.60	425.00		Draft H. Paoa trial testimony outline; [1.5]; review Court order issued today on evidentiary issues [0.5]; conf. w/JDF re: drafting objections to State Jury Instructions, Verdict Form [0.6].				
02/28/18	JDF	G	0.50	215.00		Review, analyze and annotate State's final proposed jury instructions.				
03/01/18	MCS	G	7.50	265.00	1,987.50	Review and analyze deposition transcripts for first anticipated witnesses, A. Mayer, S. Derrickson, C. Lezy [4.8]; analyze deposition transcripts and begin outlining potential questions re: admissions [1.5]; conf w/CAW re: updating exhibit list, preparing trial binders, complying with court requirements re: same [0.5]; draft template letter re: trial subpoenas re: scheduling [0.2]; review and approve trial subpoenas [0.5].				
03/01/18	JDF	G	1.00	215.00	215.00	Track case law and other authorities cited as sources for State's proposed jury instructions.				
03/01/18	CAW	G	6.30	150.00	945.00	Review defendant's exhibits and compare to Plaintiff and Joint exhibit lists [4.6]; conf w/ MCS re: exhibit binders [0.5]; prepare exhibit supplies and flash drive to be sent to Honolulu Copy for printing [1.0]; tel conf w/ Darren Sato of Honolulu Copy [0.2].				

03/02/18	ase_вы,11-с	v-660₂	14.360	1425.00	P _Q Q ₂ P ₃ Q	Dragatings 8 ក្ដុំដូច្នូន Vallanda Bald Wing Greek that Witness and the [2.5]; in			
						#- 9108 preparation for trial, review and annotate deposition transcript testimony of County Rule 30b6 witness, County deputy planning director [0.8].			
03/02/18	MCS	G	6.00	265.00	1,590.00	Continued analysis and review of deposition transcripts, N. Teves, L. Judge, R. Wong, K. Chock.			
03/02/18	JDF	G	7.00	215.00	1,505.00	Perform legal research and analysis re: State's proposed jury instructions [3.0]; begin drafting comprehensive objections to same [4.0].			
03/02/18	CAW	G	6.80	150.00	1,020.00	16 4			
03/03/18	JDF	G	6.00	215.00	1,290.00	Continue legal research and analysis re: critical points of law and cases cited by State [5.0]; continue drafting comprehensive objections to State's proposed jury instructions [1.0].			
03/03/18	CAW	G	6.00	150.00		Receive binders from Honolulu Copy [0.5]; create additional trial binders for opposing counsel [5.5].			
03/03/18	CAW	G	5.00	150.00		Replace and make adjustments to certain exhibits in trial binders.			
03/04/18	BDV	G	4.80	425.00	2,040.00	For John Baldwin trial testimony outline, review various sources information re: just compensation John could testify to, rates of return, property taxes [1.8]; draft final 15 pages of John Baldwin testimony outline [2.0]; draft first 6 pages of LUC Chairman Vlad Devens witness outline [1.0].			
03/04/18	MCS	G	6.50	265.00	1,722.50	Preparation for jury trial: review exhibits, expert reports [1.0]; begin drafting proof of facts [1.5]; begin drafting cross-examination outline for S. Derrickson [2.0]; review exhibits to deposition re: Hemmeter docket reversion and other orders to show cause to prepare for redirect [2.0].			
03/04/18	JDF	G	5.80	215.00	1,247.00	Continue performing legal research and analysis re: points of law raised and cases cited by State [3.3]; continue drafting comprehensive objections to State's proposed jury instructions [2.5].			
03/05/18	BDV	G	6.70	425.00	2,847.50	Meet w/appraisal expert S. Chee to prepare him for his trial testimony [2.6]; go to federal court for lengthy final Pre-Trial Conference with Judge Mollway [1.0]; review and respond to e-mails from Deputy AG W. Wynhoff re: opening statement, witness order [0.3]; draft e-mail response to John Baldwin re: trial preparation [0.4]; review and edit Objections to Jury Instructions, brief conf. w/JDF re: incorporating into objections as to verdict form [0.3]; review exhibits for pictures, photos to use in Hoolae and John Baldwin testimony [1.8]; draft e-mail memo to John Baldwin [0.3].			
03/05/18	MCS	G	8.00	265.00	2,120.00	Further draft and revise trial cross-examination outline of S. Derrickson [1.3]; draft cross-examination outline of N. Teves [4.0]; conf w/CAW re: copying of exhibits, submission of final copies and list to court [0.3]; revise exhibit lists [1.0]; pull maps from exhibits re: demonstrative for opening statement [0.5]; briefly review objections to LUC's proposed jury instructions and e-mail JDF re: brief comments re: same [0.9].			
03/05/18	MCS	G	3.00	265.00	795.00	Prepare for and attend prepare meeting w/S. Chee.			
03/05/18	JDF	G	####	215.00		Conf w/BDV re: draft of objections to State proposed jury instructions [0.5]; continue legal research and analysis on critical points of law and case cited by State [6.0]; continue drafting comprehensive objections to same [3.7].			
03/05/18	CAW	G	6.50	150.00	975.00	Revise Plaintiff's and Joint exhibit lists [3.5]; continue making adjustments to trial binders; [3.0].			

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03/06/189	. as<u>в</u>. (11- 0	,v- <u>e</u> o-	7- 21 .20°	21425:001	D @38:00	Frampreparation: Review ease law data religible in Indice of interest return, rates of return, calculate S and P 500 return during takings period, review T-Bill returns during takings period [0.8]; review and edit objections to last five State Jury Instructions [0.4]; review State voluminous objections to our jury instructions filed today [1.0].
03/06/18	MCS	G	6.50	265.00	1,722.50	Prepare for federal takings trial and continue drafting cross- examination outline of former LUC commissioner N. Teves [5.5]; briefly review objections to jury instructions filed by LUC [1.0].
03/06/18	JDF	G	8.70	215.00	1,870.50	Finish objections to State's Jury Instructions and Verdict Form [8.0]; conf w/BDV re: same and evidence in support of various applicable rates re: just compensation [0.7].
03/06/18	CAW	G	4.70	150.00	705.00	Finalize Plaintiff's exhibit binders for trial.
03/07/18	BDV	G	6.80	425.00	2,890.00	Trial Preparation: Review and annotate Plasch Report, in preparation for meeting him [1.0]; meet w/Bruce Plasch [2.5]; review and annotate State's Greg Mooers Report, review all exhibits attached to Mooers Report, review statutory and related cites [1.5]; draft and respond to numerous e-mails with State Deputy AG W. Wynhoff re: opening statements, exhibits [0.2]; brief conf. w/MCS re: Commissioners' availability of witnesses [0.6]; review, revise, supplement H. Paoa trial outline [1.0].
03/07/18	MCS	G	5.00	265.00	1,325.00	Draft witness outline re: R. Heller [4.0]; begin drafting re: A. Mayer [1.0].
03/07/18	MCS	G	2.50	265.00	662.50	Prepare for and attend witness prepare meeting w/B. Plasch.
03/08/18	BDV	G	7.00	425.00	2,975.00	Trial preparation: draft changes, additions to John Baldwin [2.5]; draft e-mail memo to John Baldwin [0.5]; draft e-mail memo to H. Paoa [0.5]; review and respond to e-mails from H. Paoa re: trial prepare [0.5]; review and respond to revised order of witnesses [0.5]; draft 20-minute Opening Statement for Tuesday trial [2.5].
03/08/18	MCS	G	6.00	265.00	1,590.00	Draft proof of facts and basic chronology to assist with finalizing witness outlines, exhibits and preparing for trial [3.0]; revise draft witness outline re: N. Teves, R. Heller [1.5]; revise and send out final exhibit lists [1.0]; draft and analyze witness schedule based on availability and trial subpoenas [0.5].
03/08/18	JDF	G	1.00	215.00	215.00	Review and analyze State objections to Bridge's jury instructions and special verdict form [0.5]; begin short responses in support of Bridge's jury instruction and special verdict form [0.5].
03/08/18	JDF	G	3.90	215.00	838.50	Perform legal research and analysis re: FRE Rule 201 and its application re: rates of return [1.4]; perform research and analysis re: recognized rates [1.5]; review arguments and record on appeal in Colony Cove [1.0].
03/08/18	CAW	G	6.60	150.00	990.00	Finalizing trial exhibit binders and exhibit lists [5.4]; tel call and emails w/ courtroom manager re: delivery of trial exhibit binders [0.2]; taking trial exhibit binders and exhibit lists to courtroom [1.0].
03/09/18	BDV	G	4.60	425.00	1,955.00	Prepare for jury trial: Review Juror cards that came from federal court today, review comments from other law firm staffers as to jurors, create chart as to which jurors would be acceptable [1.6]; draft additional voir dire questions for jurors [1.0]; practice Opening Statement [1.0]; legal research in temporary takings cases re: consequential damages [1.0].
03/09/18	MCS	G	6.50	265.00	1,722.50	Draft witness outline for S. Derrickson [3.0]; finalize final comprehensive witness list, exhibit list to submit hard copies to court [1.0]; revise proof of facts and e-mail to BDV [1.5]; review G. Mooers report re: use and value, ability to subdivide [1.0].

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03/09/18	JDF	G	1.50	215.00	322.50	Perform further research and analysis re: FRE Rule 201, judicial notice, and evidence available to fit within rule and applicable case law.
03/09/18	CAW	G	4.30	150.00	645.00	Correcting exhibit lists [3.6]; conf w/ MCS re: working binders [0.2]; creating index of key documents for use at trial [0.5].
03/10/18	MCS	G	6.50	265.00	1,722.50	Briefly review deposition transcript of R. Wong to prepare for drafting cross-examination outline [2.0]; begin drafting cross examination outline of R. Wong [1.5]; begin drafting cross-examination outline for A. Mayer [2.5]; revise same [0.5].
03/11/18	BDV	G	5.50	425.00	2,337.50	Meet w/H. Paoa to prepare him for his trial testimony [5.0]; continue working with exhibits for trial presentation [0.5].
03/11/18	MCS	G	5.00	265.00	1,325.00	Lengthy prepare meeting w/BDV, H. Paoa re: witness preparation.
03/12/18	BDV	G	8.50	425.00	3,612.50	Prepare for tomorrow's trial: Meet w/John Baldwin, H. Paoa, revise direct examination outlines of Paoa and Baldwin, make final revisions to opening statement, prepare exhibits for Paoa direct examination tomorrow.
03/12/18	MCS	G	####	265.00	2,650.00	Revise Derrickson witness outline [2.2]; review draft outline re: V. Devens drafted by BDV and compare to same [1.0]; compile key documents for trial working binder re: Motion in Limine orders, deposition designation orders, witness lists, exhibit lists, objections re: same previously filed with court [2.0]; review and analyze key exhibits based on anticipated outlines [3.0]; detailed review of jury cards for jury selection tomorrow [1.0]; briefly review responses to objections to jury instructions filed by LUC [0.8].
03/12/18	JDF	G	####	215.00	2,580.00	Continue review and analysis of State's objections to Bridge's proposed jury instructions and special verdict form [2.0]; draft responses in support of Bridge's proposed jury instructions and special verdict form and in opposition to State's proposed alternative jury instructions and special verdict form [10.0].
03/12/18	CAW	G	2.00	150.00	300.00	Assemble working binders for BDV and MCS.
03/13/18	BDV	G	####	425.00	4,675.00	First day of federal court jury trial [8.0]; meet with John Baldwin after trial [2.0]; revise Baldwin trial outline and send to him and K. Kroot [1.0].
03/13/18	MCS	G	8.00	265.00	2,120.00	Attend federal court takings trial: jury selection, opening statements, H. Paoa.
03/13/18	JDF	G	8.90	215.00	1,913.50	Finish review and analysis of State's objections to Bridge's proposed jury instructions and special verdict form [1.0]; finish responses in support of Bridge's proposed jury instructions and special verdict form and opposition to State's proposed alternative jury instructions and special verdict form [3.5]; perform legal research and analysis re: FRCP Rule 50 and judgment as a matter of law, and start memorandum in opposition to anticipated JMOL motion [1.9]; continue legal research and analysis re: FRE Rule 201 and memorandum re: judicial notice of various interest rates for use in just compensation calculation [2.5].
03/14/18	BDV	G	####	425.00	4,887.50	Second day of trial, and meet with John Baldwin and group [9.0]; research legal issues for tomorrow's hearing with Judge Mollway [2.5].
03/14/18	MCS	G	####	265.00	2,915.00	Attend federal court takings jury trial: oral arguments re: admissible and foundation issues for H. Paoa to testify re: other dockets, unfair treatment; continued testimony of H. Paoa, testimony re: J. Baldwin [9.0]; revise deposition outlines and practice for witnesses tomorrow including N. Teves, A. Mayer and S. Derrickson [2.0].

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03/14/16	, and a sign of the sign of th	. 65	9.00	7.72 1.2.00.	7,900:00	##. 02011 judgment as a matter of law, judicial notice, and owner testimony
						permissible under FRE Rule 701 [6.5]; conf w/BDV and MCS re:
						same [0.5]; draft memoranda re: same [2.0].
03/15/18	BDV	G	####	425.00	4,377.50	Go to federal court to argue just compensation evidence with Judge
00/10/10	221			120.00	1,077.00	Mollway, third day of trial [9.0]; meet with, prepare Bruce Plasch for
						his expert testimony tomorrow [1.3].
03/15/18	MCS	G	####	265.00	3,180.00	Attend federal court takings trial: morning hearing re: admissibility of
					•	J. Baldwin testimony re: rate of return and interest, limiting
						instruction, continue testimony of J. Baldwin, testimony of former
						Office of Planning Director A. Mayer, former LUC member N. Teves,
						and LUC planner S. Derrickson [9.0]; revise and practice witness
						outlines for R. Heller and R. Wong for tomorrow, and prepare and
						review deposition designation for T. Contrades to be read into record
						[3.0].
03/15/18	MRK	G	0.70	195.00	136.50	Conf w/MCS and BDV re: assisting with trial by reading deposition
						transcript of T. Contrades [0.2]; review deposition transcript of T.
00/40/40	DD\/		0.00	405.00	0.400.00	Contrades [0.5].
03/16/18	BDV	G	8.00	425.00		Prepare for, participate in fourth day of trial.
03/16/18	MCS	G	8.00	265.00	2,120.00	Attend federal court takings trial: testimony of R. Heller, R. Wong, T. Contrades, B. Plasch.
03/16/18	JDF	G	6.50	215.00	1,397.50	Continue legal research and analysis re: federal courts' taking of
						judicial notice of economic and market conditions, and rates of return
						and interest in particular [5.0]; perform online searches to obtain
						Moody's information [0.5]; continue draft of request for judicial notice
						of Moody's rate and appropriate relief [1.0].
03/16/18	MRK	G	1.10	195.00	214.50	Assist MCS with trial by reading sections of the deposition transcript
03/17/18	BDV	G	4.00	425.00	1,700.00	of T. Contrades. Review all transcripts of LUC proceedings for cross-examination of
03/17/10	DDV	G	4.00	423.00	1,700.00	V. Devens, and draft cross examination outline of V. Devens,
						focusing on character of government action [3.0]; conf w/JDF re:
						motion for judicial notice, rates to use [1.0].
03/17/18	MCS	G	4.00	265.00	1,060.00	Review and annotate deposition transcripts to prepare for next week,
					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	re: B. Wessels, J. Baldwin, and H. Paoa [2.0]; begin revisions to
						cross-examination outline of N. Lezy [2.0].
03/17/18	JDF	G	2.80	215.00	602.00	Continue draft of request for judicial notice of Moody's rate for
						purposes of establishing market rate of return or interest.
03/18/18	BDV	G	4.60	425.00	1,955.00	Draft revisions to Vlad Devens cross-examination outline, finalize for
						tomorrow's trial [1.5]; outline Closing Argument topics, issues [0.4];
						select pictures and images from admitted trial exhibits for Closing
						Argument, to have imaged and draft first 12 slides of Closing
						Argument PowerPoint [1.0]; tel call w/appraiser Steven Chee re: his
						testimony tomorrow [0.2]; review, annotate Chee appraisal in
						preparation for tomorrow's testimony, draft brief direct witness outline
03/18/18	MCS	G	6.00	265.00	1,590.00	[1.5]. Revise deposition outlines of C. Lezy and K. Chock [5.5]; review
33, 13, 10	14100		0.00	200.00	1,000.00	motion re: judicial notice drafted by JDF [0.5].
03/18/18	JDF	G	6.30	215.00	1,354.50	Finish legal research and analysis re: federal courts' taking of judicial
						notice, use of Moody's rate and other comparable sources of
						information to determine rates of return and interest, specifically for
						purposes of calculating just compensation [5.0]; finish request for
						judicial notice of Moody's rate and other appropriate relief [1.3].
03/19/18	BDV	G	####	425.00	4,887.50	Fifth day of trial [8.0]; prepare Chee, appraiser witness [1.5]; review
						and annotate State's Motion for Judgment as a Matter of Law [1.0];
						draft next 40 slides of PowerPoint presentation for closing argument
						[[1.0].

	tasq _M £₫1-c			गिर्युत्तर् <u>ग</u> ुरुष		Attend that in lederal coult: Restiringly 50 V. Devens, N. Dezy, K. Chock, appraisal expert S. Chee [8.0]; prepare cross-examination outlines for S. Derrickson re: Hemmeter docket, other dockets where orders to show cause issued by LUC [1.0]; revise cross-examination outline of L. Judge re: LUC decision to call her in case in chief [1.5]; briefly review Sierra Medical Services takings case cited by Judge Mollway [0.5]; review and analyze Judgment as a Matter of Law filed by LUC [1.0]; conf w/JDF re: response to Judgment as a Matter of Law motion filed by LUC, re: drafting outline for response for BDV based on testimony heard during trial [0.5].				
03/19/18	JDF	G	9.80	215.00	2,107.00	Perform legal research and analysis re: standard for judgment as a matter of law under FRCP Rule 50 [2.0]; review and analyze State's JMOL [1.8]; finish draft of memorandum for use in opposing State's anticipated Motion for Judgment as a Matter of Law [6.0].				
03/19/18	CAW	G	1.10	150.00	165.00	Convert BDV selected pictures from exhibits, for closing arguments.				
03/20/18	BDV	G	####	425.00	4,547.50	Sixth day of trial, finish up Chee, cross examine State witnesses [8.0]; for jury instructions, read through and annotate all objections jury instructions, legal research in US Supreme Court and Ninth Circuit cases re: Lucas and Penn Central factors and issues [2.7].				
03/20/18	MCS	G	####	265.00	2,782.50	Attend federal court trial: finish testimony of expert S. Chee, rest case, argue Judgment as a Matter of Law, testimony of County planning officer D. Arai, LUC expert G. Mooers, begin reading deposition testimony of H. Paoa into record [8.0]; review exhibits referenced in depositions of J. Baldwin and R. Wessels re: prepare objections for further trial tomorrow, specifically re: contract documents that are hearsay and not properly established as business records [2.5].				
03/20/18	JDF	G	8.40	215.00	1,806.00	Prepare for and attend trial and hearing on JMOL [6.0]; perform legal research and analysis re: proper procedure for instructing jury following Court's order granting in part and denying in part State's JMOL [1.0]; draft short memo re: effect and proper means of proceeding in light of Court's ruling, per Court order [0.4]; perform legal research and analysis re: potential compromise or supplemental jury instructions [1.0].				
03/20/18	CAW	G	0.50	150.00	75.00	Revise and redact Plaintiff's Exhibit 232 per court ruling.				
03/21/18	BDV	G	####	425.00	4,420.00	Prepare for, attend seventh day of trial [8.0]; work on closing argument [0.9]; review, annotate jury instructions and objections, prepare for tomorrow's argument on jury instructions [1.5].				
03/21/18	MCS	G	9.00	265.00	2,385.00	Attend federal takings trial: LUC's reading of deposition designations of H. Paoa, R. Wessels, and J. Baldwin, direct testimony of S. Derrickson [8.0]; briefly review jury instructions for hearing tomorrow to argue jury instructions in chambers [1.0].				
03/21/18	JDF	G	8.30	215.00	1,784.50	Finish short bench memorandum re: proper means of proceeding light of Court's JMOL Order [4.0]; continue legal research and analysis re: supplemental or compromise jury instructions; draft same [4.3].				
03/22/18	BDV	G	9.20	425.00	3,910.00	Argue Jury Instructions, Jury Verdict Form at court [5.0]; finalize, practice closing argument [4.2].				
03/22/18	MCS	G	5.50	265.00	1,457.50	Attend hearing in chambers re: jury instructions [4.0]; briefly review revise instructions circulated by Judge Mollway's clerk [0.8]; participate in tel call hearing to put objections on record [0.5]; e-mail court clerk revised Exhibit 262 re: redactions that were entered into evidence [0.1]; briefly review closing argument power point by BDV and provide comments re: same [0.1].				

03/22/18	tasej <u>á</u> ;11-с	V- <u>Q</u> O∠	14.580	PMZTIS.AM	1 982411561	Prepare for all dathered some rendered to the color, box, rates, and box of prosing counsel re: argument and resolution of jury instructions and verdict form [6.0]; review and comment on closing argument and presentation [2.0]; conf w/BDV and MCS re: same [0.5].
03/22/18	CAW	G	1.70	150.00	255.00	Review pleadings for all documents related to jury instructions and assemble binder.
03/23/18	BDV	G	5.20	425.00	2,210.00	Prepare for, perform Closing Argument at Court [3.0]; go to Court for reading of jury verdict [1.0]; meet w/jurors after verdict [1.0]; draft e-mail memo to John Baldwin re: jury verdict [0.2].
03/23/18	MCS	G	4.00	265.00	1,060.00	Attend closing arguments [2.0]; jury verdict of liability on both remaining counts [2.0].
03/23/18	JDF	G	4.00	215.00	860.00	Prepare for and attend final day of trial, closing arguments and verdict [2.0]; confs w/BDV and MCS re: same [2.0].
03/27/18	JDF	Е	4.50	215.00	967.50	Perform legal research and analysis re: theories to recover attorneys' fees where award of just compensation is nominal.
03/28/18	JDF	E	5.50	215.00	1,182.50	Continue legal research and analysis re: recoverability of attorneys' fees under state and federal law [3.0]; draft of motion seeking recovery of same [2.5].
03/29/18	MCS	A	1.20	265.00	318.00	Brief tel call w/W. Wynhoff re: deposition designations that were read to the jury, and filings same [0.2]; briefly review transcript of W. Wessels sent by W. Wynhoff that was read to the jury, compare to Bridge's version, and e-mail W. Wynhoff corrections to supplement [1.0].
03/30/18	MCS	Е	1.50	265.00	397.50	Begin redacting legal invoices for attorneys' fees application.

2,336.20 \$ 635,742.50

Breakdown of Attorneys and Paralegal Time for Each Task

				9204						
Total		\$109,059.00	\$1,766.50	\$58,667.50	\$21,924.00	\$219,655.00	\$18,397.00	\$206,273.50	\$0.00	\$635,742.50
		376.5	8.8	220.7	76.2	840.5	53.4	760.1	0.0	2336.2
SLC (Hour/Rate)	\$110	\$385.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ 385.00
H)		3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.5
CAW (Hour/Rate)	\$150	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,515.00	\$0.00	\$ 13,515.00
н)		0.0	0.0	0.0	0.0	0.0	0.0	90.1	0.0	90.1
MMR (Hour/Rate)	\$150	\$75.00	\$0.00	\$4,800.00	\$0.00	\$810.00	\$0.00	\$7,065.00	\$0.00	\$ 12,750.00
4)		0.5	0:0	32.0	0.0	5.4	0.0	47.1	0.0	85.0
JKB (Hour/Rate)	\$165	\$0.00	\$0.00	\$0.00	\$0.00	\$1,137.50	\$0.00	\$0.00	\$0.00	\$ 1,137.50
1)		0.0	0.0	0.0	0.0	6.5	0.0	0.0	0.0	6.5
MRK (Hour/Rate)	\$195	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$351.00	\$0.00	\$ 351.00
Ŧ)		0.0	0.0	0.0	0.0	0.0	0.0	8:1	0.0	1.8
JDF (Hour/Rate)	\$180 - \$215	\$992.00	\$0.00	\$0.00	\$0.00	\$57,143.00	\$0.00	\$32,707.00	\$0.00	\$ 90,842.00
4)	\$	5.2	0.0	0.0	0.0	293.4	0.0	153.2	0.0	451.8
MCS (Hour/Rate)	\$185 - \$265	\$37,670.50	\$1,552.50	\$29,598.00	\$16,117.50	\$58,022.00	\$3,807.50	\$71,818.00	\$0.00	916.4 \$ 218,586.00
Ŧ)	\$1	183.1	8.1	126.9	61.5	245.1	15.3	276.4	0.0	916.4
MCC (Hour/Rate)	\$265 - \$275	\$1,298.00	\$106.00	\$0.00	\$0.00	\$21,042.00	\$0.00	\$0.00	\$0.00	\$ 22,446.00
H)	\$2	4.8	0.4	0.0	0.0	78.8	0.0	0:0	0.0	84.0 \$
BDV (Hour/Rate)	\$360 - \$425	\$68,638.50	\$108.00	\$24,269.50	\$5,806.50	\$81,500.50	\$14,589.50	\$80,817.50	\$0.00	\$275,730.00
T)	\$3	179.4	0.3	61.8	14.7	211.3	38.1	191.5	0.0	697.1
		A - Case development, background investigation and case administration.	B - Pleadings	C - Interrogatories, document production and other written discovery	D - Depositions	E - Motions practice	F - Attending court hearing	G - Trial preparation and attending trial	H - Post-trial motions	TOTAL

EXHIBIT 5

UNITED STATES DISTRICT COURT

for the

	for the	
Distric	et of Hawaii	
Bridge Aina Le`a LLC, Plaintiff v. State of Hawaii Land Use Commission, et al., Defendants)) Case No.: 11-00414 SOM-KJM)	
BILL	OF COSTS	
Judgment having been entered in the above entitled action on	03/30/2018 against Defendar	<u>nts</u> ,
the Clerk is requested to tax the following as costs:	Date	
Fees of the Clerk		\$519.00
Fees for service of summons and subpoena		1,656.54
Fees for printed or electronically recorded transcripts necessari	ly obtained for use in the case	13,966.20
Fees and disbursements for printing		
Fees for witnesses (itemize on page two)		512.00
Fees for exemplification and the costs of making copies of any necessarily obtained for use in the case		7,251.15
Docket fees under 28 U.S.C. 1923		
Costs as shown on Mandate of Court of Appeals		
Compensation of court-appointed experts		
Compensation of interpreters and costs of special interpretation	services under 28 U.S.C. 1828	
Other costs (please itemize)		-
	TOTAL	\$\$23,904.89
SPECIAL NOTE: Attach to your bill an itemization and docum	nentation for requested costs in all categories.	
De	eclaration	
Other:		een served on all parties
Name of Attorney: Bruce D. Voss		
For: Plaintiff Bridge Aina Le`a Name of Claiming Party	LLC Date:	04/13/2018
Taxat	tion of Costs	
Costs are taxed in the amount of	and inc	luded in the judgment.

Deputy Clerk

Date

By:

Clerk of Court

UNITED STATES DISTRICT COURT

Witness Fees (computati	Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)											
	ATTEN	DANCE	SUBSIS	SUBSISTENCE		EAGE	Total Cost					
NAME , CITY AND STATE OF RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness					
Honolulu, HI (11 Depositions in total)	11	440.00				72.00	\$512.00					
							\$0.00					
							\$0.00					
							\$0.00					
							\$0.00					
							\$0.00					
					Т	OTAL	\$512.00					

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the partyclaiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions: RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, cost s — other than attorney's fees — should be allo wed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

Case 1:11-cv-00414-SOM-KJM Document 384-9 Filed 04/13/18 Page 1 of 2 PageID #: 9207

_	_		9207	
Date	Category	Amount	Narrative	
07/11/11	File		First Circuit Court - Filing Fee re: Complaint & Jury Demand	
07/11/11	Server		Process Servers Exclusive - Service Fee re: Complaint on Vladimir P. Devens	
07/11/11	File		First Circuit Court - Filing Fee re: Complaint & Jury Demand	
07/11/11	Server	82.72	Process Servers Exclusive - Service Fee re: Complaint on Land Use Commission, Normand Lezy and Ronald Heller	
05/10/13	Photo	178.04	HonBlue - Copies and binding of Brief	
10/10/13	Photo		HonBlue - Copies and binding of Brief filed in Ninth Circuit Court	
07/14/14	Photo	40.47	Professional Image - Copy and binding charges for 13 originals	
02/22/16	Server	49.74	AAA Legal Process, Inc #1117 - Service Fee re: Abbey Seth Meyer c/o Bryan C. Yee, Esq.	
02/26/16	Witness	45.00	REUBEN WONG - Witness and mileage fee.	
02/29/16	Witness	45.00	REUBEN S.F. WONG - #02292016 - Witness and mileage fee.	
03/03/16	Depo		Ralph Rosenberg Court Reporters, Inc #69070 - Deposition of Nicholas Teves, Jr. taken on March 3, 2016.	
03/07/16	Depo		Ralph Rosenberg Court Reporters, Inc #69142 - Deposition of Abbey Mayer taken on March 7, 2016	
03/08/16	Server		AAA Legal Process, Inc11276 - Service Fee re: attempted service on Reuben S.F. Wong (9 attempts made).	
03/10/16	Travel		Travel expenses - Taxi	
03/10/16	Travel		Travel expenses - Airport parking	
03/10/16	Travel		Travel expenses - Roundtrip Airfare to Lihue	
03/10/16	Depo	1,170.16	Ralph Rosenberg Court Reporters, Inc #68977 - Deposition of Thomas Contrades taken on March 10, 2016.	
03/11/16	Depo		Ralph Rosenberg Court Reporters, Inc#69360 - Deposition of Ronald Heller taken on March 11, 2016	
03/15/16	Depo	940.62	Atkinson-Baker, Inc - Deposition of Robert Wessels taken on March 15, 2016	
03/15/16	Travel	10.26	Travel expenses - Meal on 03/15/16	
03/15/16	Travel		Travel expenses - Meal on 03/14/16	
03/15/16	Travel		Travel expenses - Transportation via Uber from airport	
03/15/16	Travel		Travel expenses - Transportation via Uber to airport	
03/15/16	Travel	64.52	Travel expenses - Taxi	
03/15/16	Travel	84.95	Travel expenses - Lodging from 03/14/16 - 03/15/16	
03/15/16	Travel	900.30	Travel expenses - Change in airfare fee for roundtrip between Honolulu and Los Angeles	
03/15/16	Travel	475.96	Travel expenses - Roundtrip airfare to Las Vegas	
03/24/16	Depo	513.78	Ralph Rosenberg Court Reporters, Inc #69713 - Deposition of Kyle Chock taken on March 24, 2016	
03/31/16	Depo		Ralph Rosenberg Court Reporters, Inc Deposition of Vladimir Devens taken on March 31, 2016.	
04/05/16	Depo	1,039.53	Ralph Rosenberg Court Reporters, Inc Deposition of Reuben Wong taken on April 5, 2016	
04/07/16	Depo	1,054.71	Ralph Rosenberg Court Reporters, Inc Deposition of Daryn Arai taken on April 7, 2016	
04/07/16	Travel		Travel expense - Lodging	
04/07/16	Travel		Travel expense - Car rental	
04/07/16	Travel		Travel expense - Meal	
04/07/16	Travel	272.20	Travel expense - Roundtrip airfare to Hilo	
04/07/16	Travel	11.51	Travel expense - Meal	
04/07/16	Travel	9.47	Travel expense - Meal	
04/07/16	Travel	23.00	Travel expense - Airport parking	
04/11/16	Depo	623.13	Ralph Rosenberg Court Reporters, Inc Deposition of Normand Lezy taken on March 29, 2016	
04/14/16	Depo	610.99	Ralph Rosenberg Court Reporters, Inc Deposition of Scott Derrickson taken on April 14, 2016.	
04/18/16	Depo	1,768.64	Ralph Rosenberg Court Reporters, Inc Deposition of Hoolae Paoa taken on April 18, 2016	

05/05/16 [©]	cas _{epo} 11-	cv-q 0,451,44 \$	Ramprikalden berg wolft he 384 teas, Trile of Deplosit land of Total Ballowia take 129 PAPril 20, 2016
05/05/16	Depo	604.92	Ralph Rosenberg Court Reporters, Inc Deposition of Lisa Judge taken on April 26, 2016
05/17/16	Witness	46.00	NICHOLAS TEVES, JR Witness and mileage fees.
05/17/16	Witness	46.00	ABBEY SETH MAYER - Witness and mileage fees.
05/17/16	Witness	42.00	VLADIMIR DEVENS - Witness and mileage fees.
05/17/16	Witness	42.00	RONALD HELLER - Witness and mileage fees.
05/17/16	Witness	42.00	NORMAND LEZY - Witness and mileage fees.
05/17/16	Witness	42.00	REUBEN S.F. WONG - Witness and mileage fees.
05/17/16	Witness	46.00	KYLE CHOCK - Witness and mileage fees.
05/19/16	Witness	58.00	LISA JUDGE - Witness and mileage fee.
05/19/16	Witness	58.00	THOMAS CONTRADES - Witness and mileage fee.
05/23/16	Expert	309.79	Debra Kekuna Chun - Transcript of Proceeding (5/19/16) expedited.
06/16/16	Mediation	2,500.00	Dispute Prevention & Resolution, Inc - Initial Deposit for mediation on 06/30/16
06/28/16	Expert	12,000.00	Plasch Econ Pacific LLC - Consulting Services from September 2015 through June 2016
07/01/16	Photo	519.28	Professional Image, Inc - Photocopies of Documents
07/14/16	Expert	1,458.34	Lesher Chee Stadlbauer - Appraisal Report, work in progress
07/28/16	Mediation	-	Dispute Prevention & Resolution, Inc Mediation Services Rendered by Mark Bennett, Esq Final Invoice.
10/19/16	Mediation		Dispute Prevention & Resolution, Inc Mediation Services Rendered by Mark Bennett, Esq Supplemental Final Invoice
02/28/18	Photo	1,121.80	Honolulu Copy LLC - 1/2 cost Photocopies of Exhbits 2001 to 2083
02/28/18	Server		Lowen Young - Service on Abbey S. Mayer, Nicholas Teves Jr., Scott Derrickson, Ronald Heller, Normand C. Lezy, Kyle Chock
02/28/18	Photo	5,262.30	Honolulu Copy LLC - Photocopies of Documents
03/06/18	Server	62.83	Nelson Tamayori - Service fee - Reuben S.F. Wong.
03/09/18	File	44.00	Clerk, United States District Court - Jury cards for trial starting on 3/13/18
03/12/18	Photo	53.40	Professional Image, Inc KIP print color oversize mounted on foancore
03/16/18	Server		Nelson Tamayori - Service of Subpoena on Vladamir Devens on March 16, 2018
03/19/18	Courier	79.18	FedEx - Courier service to Lackay Hershman LLP, Dallas, TX 75219
03/29/18	Expert	10,938.00	Plasch Econ Pacific LLC - Expert Testimony.
03/29/18	Expert	6,184.92	Lesher Chee Stadlbauer, Inc Appraisal Report - Work In Progress

\$ 62,810.06

MAR 1 5 2016

RALPH ROSENBERG

Court Reporters, Inc.
A Referral Service

Fed. I.D. #99-0193243

American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

3/15/2016

INVOICE NO: 68977

RE: BRIDGE AINA LEA, LLC VS

STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF THOMAS CONTRADES TAKEN ON 3/10/2016	S IN LIHUE, HI	
EXPEDITED TRANSCRIPT E-MAILED 03/15/16	ORIGINAL & ONE COPY	\$1,117.50
1A 93EX31 350EH 350EH2 1S 1SF 15TB 1CT1 347Z2		\$52.66
1AD 93RX RITA KING	TOTAL DUE	\$1,170.16

Invoices payable within 30 days. A finance charge of one and one-half percent ($1^1/2\%$) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

3/15/2016 68977

INVOICE NO: TOTAL DUE:

\$1,170.16 3/10/2016

DATE TAKEN:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

RE:

THOMAS CONTRADES

WITNESS(ES):

1A 93EX31 350EH 350EH2 1S 1SF 15TB 1CT1 347Z2

1AD 93RX

RITA KING

RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/18 Page 2 of 14 PageID #: 9210

MAR 1 7 2016

RALPH ROSENBERG

2214-031

Court Reporters, Inc. A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

3/17/2016

INVOICE NO: 69070

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

 $RE\colon \ \ \mathsf{BRIDGE}$ AINA LEA VS STATE OF HAWAII LAND USE COMMISSION

SUITE 900 HONOLULU, HI 96813

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF NICHOLAS TEVES, JR. TAKEN ON 3/3/2016 II	N HONOLULU, HI	
	ORIGINAL & ONE COPY	\$1,285.95
1A 130ST1 603EH 603EH2 1S 1SF 10CC 48TB 1CT1 599Z2 4Z2CC 1AD	Tax	\$60.59
JESSICA PERRY	TOTAL DUE	\$1,346.54

Invoices payable within 30 days. A finance charge of one and one-half percent (1 1/2%) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

3/17/2016

INVOICE NO:

69070

TOTAL DUE:

\$1,346.54

DATE TAKEN:

3/3/2016

RE:

BRIDGE AINA LEA VS STATE OF HAWAII LAND USE COMMISSION

WITNIECC/EC

NICHOLAS TEVES, JR.

WITNESS(ES):

1A 130ST1 603EH 603EH2 1S 1SF 10CC 48TB 1CT1

599Z2 4Z2CC 1AD

JESSICA PERRY

RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/18 Page 3 of Page 10 Pa

RALPH ROSENBERG

Court Reporters, Inc.

A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

HD 338pm

BILLED

3/18/2016

INVOICE NO:

69142

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

RE: BRIDGE AINA LEA, LLC VS
STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF ABBEY MAYER TAKEN ON 3/7/2016 IN HONOLULU, HI		
ROUGH ASCII E-MAILED 03/07/16	GINAL & ONE COPY	\$745.84
1A 101MS1 27EH 27EH2 1S 1SF 10.1WC 2TB 1CT1	Tax	\$35.14
27Z 1AD SHARON ROSS	TOTAL DUE	\$780.98

Invoices payable within 30 days. A finance charge of one and one-half percent (11/2%) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

3/18/2016

INVOICE NO:

69142

TOTAL DUE:

\$780.98

DATE TAKEN:

3/7/2016

RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

WITNESS(ES):

ABBEY MAYER

1A 101MS1 27EH 27EH2 1S 1SF 10.1WC 2TB 1CT1

27Z 1AD

SHARON ROSS

RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/18

RALPH ROSENBERG

Court Reporters, Inc.

A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

3/25/2016

INVOICE NO:

69360

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

RE: BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF RONALD HELLER TAKEN ON 3/11/2016 IN HO	NOLULU, HI	
	ORIGINAL & ONE COPY	\$715.40
1A 103ST1 141EH 141EH2 1S 1SF 1TB 1CT1 138Z2 1AD	Tax	\$33.71
SHARON ROSS	TOTAL DUE	\$749.11

Invoices payable within 30 days. A finance charge of one and one-half percent $(1^{1}/2\%)$ per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

3/25/2016

INVOICE NO:

69360

TOTAL DUE:

\$749.11

DATE TAKEN:

3/11/2016

RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

RONALD HELLER

WITNESS(ES):

1A 103ST1 141EH 141EH2 1S 1SF 1TB 1CT1 138Z2

1AD

SHARON ROSS

RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/18 Page 5 of 14 APPage 12016

#: 9213

RALPH ROSENBERG

Court Reporters, Inc.

A Referral Service Fed. I.D. #99-0193243

Bridge-Luc Lawsuit American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813

Telephone: (808) 524-2090

BILLED 4/4/2016 TO:

69713 **INVOICE NO:**

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

RE: BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSIO

SUITE 900

CIVIL NO. 11-00414 SOM BMK

HONOLULU, HI 96813

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF KYLE CHOCK TAKEN ON 3/24/2016 IN HONOLU	LU, HI	
	ORIGINAL & ONE COPY	\$490.66
1A 78ST1 8EH 1S 1SF 1CT1 8Z 1AD	Tax	\$23.12
SHARON ROSS	TOTAL DUE	\$513.78

Invoices payable within 30 days. A finance charge of one and one-half percent ($1^{1}/2\%$) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET SUITE 900

HONOLULU, HI 96813

4/4/2016 **INVOICE DATE:** 69713 **INVOICE NO:** \$513.78 TOTAL DUE:

3/24/2016 DATE TAKEN:

BRIDGE AINA LEA. LLC VS STATE OF HAWAII LAND USE COMMISSION

RE: KYLE CHOCK WITNESS(ES):

1A 78ST1 8EH 1S 1SF 1CT1 8Z 1AD

SHARON ROSS

RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/18 Page 6 to 04

RALPH ROSENBERG

Court Reporters, Inc. A Referral Service

Fed. I.D. #99-0193243

Pagelotofaal Pagelid I 2016 Bridge-Luc HD 225pm Lawsuit

American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

4/11/2016

INVOICE NO:

70028

RE: BRIDGE AINA LEA, LLC VS

STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF NORMAND LEZY TAKEN ON 3/29/2016 IN HO	ONOLULU, HI	
	ORIGINAL & ONE COPY	\$595.09
1A 94ST1 52EH 52EH2 1S 1SF 1TB 1CT1 52Z 1AD	Tax	\$28.04
SHARON ROSS	TOTAL DUE	\$623.13

Invoices payable within 30 days. A finance charge of one and one-half percent ($1^{1}/2\%$) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

4/11/2016

INVOICE NO:

70028

TOTAL DUE:

\$623.13 3/29/2016

DATE TAKEN: RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

WITNESS(ES):

NORMAND LEZY

1A 94ST1 52EH 52EH2 1S 1SF 1TB 1CT1 52Z 1AD

SHARON ROSS

RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/22 Page 7 of 14 APROLID 2016

RALPH ROSENBERG

Court Reporters, Inc. A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

TO: MATTHEW SHANNON, ESQ.

700 BISHOP STREET

BAYS LUNG ROSE HOLMA

SUITE 900

HONOLULU, HI 96813

4/11/2016

INVOICE NO: 70030

RE: BRIDGE AINA LEA, LLC VS

STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION	33 0	AMOUNT
DEPOSITION OF REUBEN WONG TAKEN ON 4/5/2016 IN HONOLULU, HI		
EXPEDITED TRANSCRIPT E-MAILED 04/10/16	ORIGINAL & ONE COPY	\$992.75
1A 87EX41 339EH 339EH2 1S 1SF 25CC 15TB 1CT1 Tax		\$46.78
336Z2 10Z2CC 1AD SHARON ROSS	TOTAL DUE	\$1,039.53

Invoices payable within 30 days. A finance charge of one and one-half percent (1 1/2%) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO: MATTHEW SHANNON, ESQ.

BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE: 4/11/2016

INVOICE NO: 70030 TOTAL DUE: \$1,039.53

DATE TAKEN: 4/5/2016

RE: BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

WITNESS(ES): REUBEN WONG

1A 87EX41 339EH 339EH2 1S 1SF 25CC 15TB 1CT1

336Z2 10Z2CC 1AD

SHARON ROSS RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/18 Page 8 of 14 A D

RALPH ROSENBERG

Court Reporters, Inc. A Referral Service Fed. I.D. #99-0193243

American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

4/14/2016

INVOICE NO:

70172

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

BRIDGE AINA LEA, LLC VS m RE: BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF VLADIMIR DEVENS TAKEN ON 3/31/2016 IN HONOLUL	U, HI	
ORIG	SINAL & ONE COPY	\$1,065.60
		¢50.21
2A 180ST1 120EH 120EH2 1S 1SF 12TB 1CT1 116Z2 1AD	Tax	\$50.21
SHARON ROSS	TOTAL DIE	\$1,115.81
	TOTAL DUE	

Invoices payable within 30 days. A finance charge of one and one-half percent ($1^{1/2}$ %) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

4/14/2016

INVOICE NO:

70172

TOTAL DUE:

\$1,115.81

3/31/2016

DATE TAKEN: RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

WITNESS(ES):

VLADIMIR DEVENS

2A 180ST1 120EH 120EH2 1S 1SF 12TB 1CT1 116Z2

1AD

SHARON ROSS

RALPH ROSENBERG COURT REPORTERS, INC.

RALPH ROSENBERG

Court Reporters, Inc. A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

4/14/2016

INVOICE NO: 70159

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

RE: BRIDGE AINA LEA, LLC VS

STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM LEK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF DARYN ARAI TAKEN ON 4/7/2016 IN HILO, HI		
	COPY	\$1,007.25
192ST2 319EH 20AF 6.25CC 18TB 1CT1 314Z2 5Z2CC 1AD 192RX	Tax	\$47.46
DEBORAH NG	TOTAL DUE	\$1,054.71

Invoices payable within 30 days. A finance charge of one and one-half percent (11/2%) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

4/14/2016

INVOICE NO:

70159

TOTAL DUE:

\$1,054.71

DATE TAKEN:

4/7/2016

RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION DARYN ARAI

WITNESS(ES):

192ST2 319EH 20AF 6.25CC 18TB 1CT1 314Z2 5Z2CC

1AD 192RX

DEBORAH NG

RALPH ROSENBERG COURT REPORTERS, INC.

RALPH ROSENBERG

Court Reporters, Inc.

A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

70503

BILLED

4/25/2016

INVOICE NO:

TO:

BRUCE VOSS, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

RE: BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION	O	AMOUNT
DEPOSITION OF HOOLAE PAOA TAKEN ON 4/18/2016 IN HONOLULU, I	- 11	
EXTENTED TO MODINI TE IMMEED ON ZENTO	COPY	\$1,689.05
260EX42 718EH 38.75CC 16TB 1CT1 713Z2 31Z2CC	Tax	\$79.59
SHARON ROSS	TOTAL DUE	\$1,768.64

Invoices payable within 30 days. A finance charge of one and one-half percent (1½%) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO: BRU

BRUCE VOSS, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

4/25/2016

INVOICE NO:

70503

TOTAL DUE:

\$1,768.64

DATE TAKEN:

4/18/2016

RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

WITNESS(ES):

HOOLAE PAOA

260EX42 718EH 38.75CC 16TB 1CT1 713Z2 31Z2CC

1AD

SHARON ROSS

RALPH ROSENBERG COURT REPORTERS, INC.

Case 1:11-cv-00414-SOM-KJM Document 384-10 Filed 04/13/18 Page 11 of 14 APR 201016 #: 9219

RALPH ROSENBERG

Court Reporters, Inc.

A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

4/26/2016

INVOICE NO: 70545

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

RE: BRIDGE AINA LEA, LLC VS

STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF SCOTT DERRICKSON TAKEN ON 4/14/2016 IN F	HONOLULU, HI	
	ORIGINAL & ONE COPY	\$583.50
1A 80ST1 85EH 85EH2 1S 1SF 2.5CC 21TB 1CT1 82Z2		\$27.49
1Z2CC 1AD SHARON ROSS	TOTAL DUE	\$610.99

Invoices payable within 30 days. A finance charge of one and one-half percent $(1^{1}/2\%)$ per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

4/26/2016

INVOICE NO:

70545

TOTAL DUE:

\$610.99

DATE TAKEN:

4/14/2016

RE: WITNESS(ES):

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

SCOTT DERRICKSON

1A 80ST1 85EH 85EH2 1S 1SF 2.5CC 21TB 1CT1 82Z2

1Z2CC 1AD

SHARON ROSS

RALPH ROSENBERG COURT REPORTERS, INC.

#: 9220

RALPH ROSENBERG

HD C4:05 Bridge-LUCLAWSHIN 2214-031

MANE 18 5 2016

Court Reporters, Inc.
A Referral Service

Fed. I.D. #99-0193243

American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

TO: BRUCE VOSS, ESQ.

BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

5/5/2016

INVOICE NO:

70889

RE: BRIDGE AINA LEA, LLC VS

STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF JOHN BALDWIN TAKEN ON 4/20/2016 IN HONOLULU, H		
ROUGH ASCII E-MAILED 4/22/16	COPY	\$1,277.30
193MS2 615EH 18TB 1CT1 612Z2 1AD	Tax	\$60.19
JESSICA PERRY	TOTAL DUE	\$1,337.49

Invoices payable within 30 days. A finance charge of one and one-half percent ($1^{1}/2\%$) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO: BRUCE VOSS, ESQ.

BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

5/5/2016

INVOICE NO:

70889

TOTAL DUE:

\$1,337.49

DATE TAKEN:

4/20/2016

RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

WITNESS(ES):

JOHN BALDWIN

193MS2 615EH 18TB 1CT1 612Z2 1AD

JESSICA PERRY

RALPH ROSENBERG COURT REPORTERS, INC.

#: 9221

RALPH ROSENBERG

MAY 05 2016

PageID

2214031

Court Reporters, Inc.

A Referral Service Fed. I.D. #99-0193243 American Savings Bank Tower 1001 Bishop Street, Suite 2460 Honolulu, Hawaii 96813 Telephone: (808) 524-2090

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

5/5/2016

INVOICE NO:

70890

RE: BRIDGE AINA LEA, LLC VS

STATE OF HAWAII LAND USE COMMISSIO

CIVIL NO. 11-00414 SOM BMK

A Full Service Court Reporting Firm with Offices Throughout the State

DESCRIPTION		AMOUNT
DEPOSITION OF LISA JUDGE TAKEN ON 4/26/2016 IN HONOLULU, HI		
ORIG	INAL & ONE COPY	\$577.70
1A 102ST1 1S 1SF 1CT1 1AD	Tax	\$27.22
JESSICA PERRY	TOTAL DUE	\$604.92

Invoices payable within 30 days. A finance charge of one and one-half percent (11/2%) per month together with reasonable fees and costs of collection will apply on all past-due accounts.

THANK YOU

(Please return this portion with your payment for proper credit.)

BILLED

TO:

MATTHEW SHANNON, ESQ. BAYS LUNG ROSE HOLMA 700 BISHOP STREET

SUITE 900

HONOLULU, HI 96813

INVOICE DATE:

5/5/2016

INVOICE NO:

70890

TOTAL DUE:

\$604.92

DATE TAKEN:

4/26/2016

RE:

BRIDGE AINA LEA, LLC VS STATE OF HAWAII LAND USE COMMISSION

WITNESS(ES):

LISA JUDGE

1A 102ST1 1S 1SF 1CT1 1AD

JESSICA PERRY

RALPH ROSENBERG COURT REPORTERS. INC.

Bridge - LUC Lawsuit

ATKINSON-BAKER, INC. 500 NORTH BRAND BOULEVARD, THIRD FLOOR GLENDALE, CA 91203-4725 800-288-3376, 800-925-5910 fax www.depo.com

Matthew C. Shannon Bays, Lung, Rose & Holma P.O. Box 1760 Honolulu, HI 96806-

INVOICE NO.

AA01DFB AB

FIRM NO.

0863701

INVOICE DATE

04/06/2016

DUE UPON RECEIPT

Please refer to the Invoice No. and your Firm No. in any correspondence.

Contact Anne Quiroz aquiroz@depo.com

ABI'S Federal ID No.:

95-4189037

Setting Firm:

Hawaii Attorney General Land/Trans Div.

Taking Attorney:

David D. Day

Case Name:

Bridge Aina Le'a LLC vs State of Hawaii

Case No .:

11-00414 SOM BMK

Description: Certified copy of the reporter's transcript of the

deposition of Robert Wessels, taken 3/15/2016.

ITEM	QTY	PRICE	LINE TOTAL
Copy Pages - Business Rate	216.00	\$ 2.90	\$ 626.40
Exhibit Copies (pages)	482.00	\$.45	\$ 216.90
Exhibit Copies (pages) - Color	2.00	\$ 1.75	\$ 3.50
CD Copy: Ascii/etrans/PDF/exhibits	1.00	\$ 25.00	\$ 25.00
Condensed Transcript	1.00	\$ 15.00	\$ 15.00
Processing & Handling Fee - Copy	1.00	\$ 30.00	\$ 30.00
Regular Delivery - Copy	1.00	\$ 23.82	\$ 23.82

PAYMENTS	- \$ 0.00
BALANCE DUE	\$ 940.62

A service fee of .75% per month will be added to any invoice over 30 days old.

Fold and tear at this perforation, then return stub with payment.

BALANCE DUE \$ 940.62 INVOICE NO. AA01DFB AB 0863701 FIRM NO.

For:

Certified copy of the reporter's transcript of the

deposition of Robert Wessels, taken

3/15/2016.

From: Matthew C. Shannon

Bays, Lung, Rose & Holma

P.O. Box 1760 Honolulu, HI 96806Remit To:

Atkinson-Baker, Inc.

500 NORTH BRAND BOULEVARD,

THIRD FLOOR

GLENDALE, CA 91203-4725

If you have already paid for this service by COD, then this invoice is for your records only.

HONBLUE

1003 Bishop St. • Pauahi Twr., Ground Flr. • Honolulu, HI 96813 *Phone:* **808.533.2967** *Fax:* **808.533.6626**

www.HONBLUE.com

INVOICE

Page 1 Number 10424269 Date 04/18/13 Order No. SO0437195

BIII To: 0024 BAYS LUNG ROSE & BABA 1099 ALAKEA ST 16TH FLR HONOLULU, HI 96813

Ship To: BAYS LUNG ROSE & BABA 1099 ALAKEA ST 16TH FLR HONOLULU, HI 96813

Ordered By:	Job or P.O. No.:	HB Order No.:
Shanen Cruz	2214-031	SO0437195
Phone:	Job Name:	Project Desc.:
523-9000	Brief & Excerpt Books	Project ID:

DESCRIPT	TION	ORIG	COPIES	Size UOM	TOTAL QTY	HAUT DRICE	
2001A	8.5x11 S/S B/W	66	•		****	UNIT PRICE	EXTENSION
	Red Cvr Books	00	9	Each	594.00	0.09	53.46
2066	VELO BIND	10	1	Each	10.00	2.95	20.50
_					10.00	2.90	29.50
2001A	8.5x11 S/S B/W	123	6	Each	738.00	0.00	
	White Cvr Books		Ū	Lacii	730.00	0.09	66.42
2066	VELO BIND	7	1	Fash	7.00		
		•	,	Each	7.00	2.95	20.65

P108683

Fed ID #99-0117143		
7 54 12 1100 0111 140	Product Subtotal:	170.03
TERMS:	Postage and / or Fuel Charge:	0.00
NET 30- 1.5% PER MONTH ON ALL PAST DUE ACCOUNTS	Other:	0.00
	Subtotal:	170.03
Please check your work carefully	General Excise Tax:	8.01
- 15555 STOOK YOUR WOLK CATERDITY	Invoice Total:	178.04

Case 1:11-cv-00414-SOM-KJM Document 384-11 Filed 04/13/18 Page 2 of 7 PageID #:

501 Sumner Street #3b1 Honolulu, Hawaii 96817

Phone: 808.531.4611 Fax: 808.528.1248

www.HONBLUE.com

Page Number 10429052 Date

05/29/13 Order No. SO0442028

Bill To: 0024

BAYS LUNG ROSE & BABA 1099 ALAKEA ST 16TH FLR HONOLULU, HI 96813

Ship To:

9224

BAYS LUNG ROSE & BABA 1099 ALAKEA ST 16TH FLR HONOLULU, HI 96813

Ordered By:	Job or P.O. No.:	HB Order No.:
Shanen Cruz	2214-031	SO0442028
Phone:	Job Name:	Project Desc.:
523-9000	Bridge Aina Le'a	Project ID:

DESCRIPT	TION	ORIG	COPIES	Size UOM	TOTAL QTY	UNIT PRICE	EXTENSION
2001D	8.5X11 CARDSTOCK S/S B/W	2	11	Each	22.00	0.15	3.30
2001A	8.5x11 S/S B/W	38	10	Each	380.00	0.09	34.20
2066	VELO BIND	1	11	Each	11.00	2.95	32.45
	orig book and 10 sets to Velo bind						
	1-1-1-5441-						

total of 11 sets

P111312

Fed ID #99-0117143	Product Subtotal:	69.95
TERMS: NET 30- 1.5% PER MONTH ON ALL PAST DUE ACCOUNTS	Postage and / or Fuel Charge:	2.50
	Other:	0.00
	Subtotal:	72.45
	General Excise Tax:	3.41
Please check your work carefully	Invoice Total:	75.86



125 Merchant Street Honolulu, Hawaii 96813 email: merchant@proimagehawaii.com Tel: (808) 524-8585 • Fax: (808) 532-7878 Fed. ID 99-0184341

358700 No. M-

Date 06/10/14

Customer P.O. No.

Nick

Bays Lung, Rose & Holma 700 Bishop St. #900 Honolulu Hawaii 96813 Phone: 523-9000

Terms: Net ten days from invoice date.

QUANTITY	DESCRIPTION		AMOUNT
10	B & W , 8.5 x 11 White 20# Bond (*STANDARD*) , 13 originals side	11.70	
11	Velo Binding - 80# Hammermill covers, 1s b/w front + blank ba original.	icks, incl	26.95
			30.65
Sales Rep: Andr	ew REF: 2214-031	SUBTOTAL	38.65
		TAX	1.82
	P 115575	SHIPPING	
A finance	e charge of 1 1/2% per month will apply on past due amounts.	TOTAL	40.47

This is your only invoice: No other copies will be sent.

Remittance Advice Please return with your payment.

BA-YS CUMS
Invoice No: M- 358700

Amount Due: \$ 40.47

Professional Image, Inc. Accounting Dept. 125 Merchant Street Honolulu, Hawaii 96813



INVOICE

No. M- 363534

125 Merchant Street Honolulu, Hawaii 96813 email: merchant@proimagehawaii.com Tel: (808) 524-8585 • Fax: (808) 532-7878 Fed. ID 99-0184341

No. WI 363534

Date 06/01/16 Customer P.O. No.

Melody Robbins Bays, Lung, Rose & Holma 700 Bishop St. #900 Honolulu Hawaii 96813 Phone: 808-523-9000

Terms: Net ten days from invoice date.

QUANTITY	DESCRIPTION		AMOUNT
3,413	3,413 B & W output from digital file , 8.5 x 11 White 20# Bond (*STANDARD*) , copied on 1 side		
4			
9			
	9 Engineer fold 11x17 to 8.5x11.		
28			
	28 Engineer fold 11x17 to 8.5x11. 83 Process digital files (83 files).		
83			
		SUBTOTAL	495.91
Sales Rep: And	Sales Rep: Andrew Ref: Bridge - LUC 2214-031		23.37
		SHIPPING	
A finance	e charge of 1 1/2% per month will apply on past due amounts.	TOTAL	519.28

This is your only invoice: No other copies will be sent.

Remittance Advice Please return with your payment.

Bays Lung Rose + Holma

Invoice No: M- 363534

Amount Due: \$ 519.28

Professional Image, Inc. Accounting Dept. 125 Merchant Street Honolulu, Hawaii 96813

OLD TO



Honolulu Copy 1230 Ainakoa Ave. Honolulu, HI 96821 Phone: (808) 944-3037 Email sales@honcopy.com

Invoice

Invoice #	231776
Invoice Date	3/2/2018
P.O. #	

Bill To

Bays Lung Rose & Holma Topa Financial Center 700 Bishop Street, Ste. 900 Honolulu, HI 96813

For all your
Scanning • Printing • Copying •
E-Discovery • Layout & Design •
Archiving needs!

Satisfaction Guaranteed

Client Contact	Project Name		
Chad Wago			

	Chad Wago		V		
Qnty	Item	Description		Price Each	Amount
	Blowback B& Blowback Colo Service	Bridge Aina Lea v State Land Use Commission 5 sets of exhibits - 2001 to 2083 Client provided tabs and binders; 5 binders per set Black & White Copies, shrink to fit on size, staple or collated Color Copies, shrink to fit on size, staple or collated, hole pur Document assembly	, hole punch nch	0.12 0.23 25.00	1,958.407 109.257 75.007
			9		
		:-			

Payment is due upon receipt of this invoice. Should you have any questions regarding your payment, please call (808) 944-3037.

Please make checks payable to: Honolulu Copy LLC, 1230 Ainakoa Ave, Honolulu, HI 96821

\$100.96	Sales Tax (4.712%)
\$2,142.65	INVOICE TOTAL
\$0.00	Payments Received
\$2,243.61	Invoice Balance Due



Honolulu Copy 1230 Ainakoa Ave. Honolulu, HI 96821 Phone: (808) 944-3037 Email sales@honcopy.com

2214031

Invoice

Invoice #	231802
Invoice Date	3/5/2018
P.O. #	alah kemilikan kenan mendalah keminya menyakan mendalah sebagai mendalah sebagai mendalah sebagai mendalah seb

Bill To

Bays Lung Rose & Holma Topa Financial Center 700 Bishop Street, Ste. 900 Honolulu, HI 96813

For all your
Scanning • Printing • Copying •
E-Discovery • Layout & Design •
Archiving needs!

Satisfaction Guaranteed

			Client Contact	Project N	Vame
			Chad W		
Qnty.	Item	Description		Price Each	Amount
29,770 1,750 3 6,450	Blowback B& Blowback Colo Service Blowback B& Blowback Colo	Bradge Aina Lea VS State Land Use 2 sets of Black binders 5 sets of White binders Client supplies binders and tabs White binders Black & White Copies, shrink to fit, 3 hole punch Color Copies, shrink to fit, 3 hole punch Document assembly delivered 3/3/18 Black binders Black & White Copies, shrink to fit, 3 hole punch Color Copies, shrink to fit, 3 hole punch Color Copies, shrink to fit, 3 hole punch Document assembly delivered 3/5/18		0.12 0.23 25.00 0.12 0.23 25.00	Amount 3,572.40T 402.50T 75.00T 774.00T 363.40T 75.00T

Payment is due upon receipt of this invoice. Should you have any questions regarding your payment, please call (808) 944-3037.

Please make checks payable to: Honolulu Copy LLC, 1230 Ainakoa Ave, Honolulu, HI 96821

\$247.96	Sales Tax (4.712%)
\$5,262.30	INVOICE TOTAL
\$0.00	Payments Received
\$5,510.26	Invoice Balance Due



INVOICE

125 Merchant Street
Honolulu, Hawaii 96813
email: merchant@proimagehawaii.com
Tel: (808) 524-8585 • Fax: (808) 532-7878
Fed. ID 99-0184341

No. M-367497

Date 3/12/18

Customer P.O. No.

Chad Wago
Bays, Lung, Rose & Holma
700 Bishop St. #900
Honolulu Hawaii 96813

Terms: Net ten days from invoice date.

QUANTITY	DESCRIPTION		AMOUNT
1	KIP Print: Color, 36 x 24 32# on 1 side	***	\$ 21.00
l:	Foam Core Mounted		\$ 30.00
			İ
EXHIBIT 037			1115
		SUBTOTAL	\$ 51.00
	P 3 3503	TAX	\$ 2.40
Taken By: Clo	ver	SHIPPING	\$ 0.00
A fina	nce charge of 1% per month will apply on past due amounts.	TOTAL	\$ 53.40

This is your only invoice: No other copies will be sent.

Remittance Advice
Please return with your payment.

Invoice No.: M-367497

Amount Due: \$53.40

Professional Image, Inc. Accounting Dept. 125 Merchant Street Honolulu, Hawaii 96813

Bays, Lung, Rose and Holma

Dean S. Aoki

Subject:

FW: Bridge v. LUC Mediation Agreement--June 30 Mediation

From: Kelly Bryant [mailto: KellyBryant@dprhawaii.com]

Sent: Tuesday, June 14, 2016 8:01 AM

To: Bruce D. Voss; 'Wynhoff, Bill J'; Matthew C. Shannon; Mark Bennett; Joannie Carreiro

Cc: 'Henderson, Jr., Harvey E'; 'Day, David D'; John D. Ferry III

Subject: RE: Bridge Aina Le`a, LLC v. State of Hawaii Land Use Commission/16-0288-M

Dear Counsel:

The mediation on <u>June 30, 2016 will be held at Mark Bennett's office starting</u> at 9:00 a.m.

Confidential pre-mediation statements are due **directly** to Mark by **June 23, 2016**.

To document the parties' agreement to mediate, we ask that each party sign the attached Mediation Agreement and return a copy to DPR by **June 20, 2016.**

Regarding fees, we ask that each party remit a \$2,500.00 initial deposit to Dispute Prevention & Resolution, Inc. (Fed ID No. 99-0320429) by **June 20, 2016**.

Thank you, and please call or email me if you have any questions.

Kelly Bryant

DPR Case Manager

1003 Bishop Street, Suite 1155

Case 1:11-cv-00414-SOM-KJM Document 384-12 Filed 04/13/18 Page 2 of 4 PageID #: 9231

Honolulu, Hawaii 96813

(808) 523-1234

(808) 599-9100 fax

www.dprhawaii.com



Dispute Prevention & Resolution, Inc.

Keith Hunter

President/CEO keithhunter@dprhawaii.com

1003 Bishop Street Suite 1155 Honolulu, Hawaii 96813

(808) 523-1234 (808) 599-9100 fax www.dprhawaii.com July 28, 2016

Bruce Voss, Esq. Matt Shannon, Esq. J.D. Ferry, Esq. Bays Lung Rose & Holma Topa Financial Center 700 Bishop Street, Suite 900 Honolulu, Hawaii 96813

Bill Wynhoff, Esq. Harvey Henderson, Esq. Dept. of the Attorney General 465 S King Street, Room 300 Honolulu, Hawaii 96813

David Day, Esq.
Dept. of the Attorney General
Kekuanao'a Building
465 So. King Street, Third Floor
Honolulu, Hawaii 96813

RE: 16-0288 -M: Mediation of: Bridge Aina Le'a, LLC – and – State of Hawaii Land Use Commission

FINAL INVOICE

For Mediation Services Rendered by Mark Bennett, Esq.

Hours: 17.9
Rate Per Hour: \$500.00
Subtotal: \$8,950.00
GET (4.712%): \$421.72
TOTAL DUE: \$9,371.72

\$9,371.72 / 2 Parties = \$4,685.86 Due Per Party

Total due per party: \$4,685.86
Initial deposit: - \$2,500.00
BALANCE DUE: \$2,185.85

Please remit your \$2,185.85 payment to Dispute Prevention & Resolution, Inc. (Fed ID No. 99-0320429) upon receipt of this invoice.

Please refer to our DPR Case Number when submitting payment.

Should you have any questions regarding this matter, please feel free to contact Kelly Bryant at 523-1234. Thank you.



Dispute Prevention & Resolution, Inc.

Keith Hunter

President/CEO keithhunter@dprhawaii.com

1003 Bishop Street Suite 1155 Honolulu, Hawaii 96813

(808) 523-1234 (808) 599-9100 fax www.dprhawaii.com October 19, 2016

Bruce Voss, Esq. Matt Shannon, Esq. J.D. Ferry, Esq. Bays Lung Rose & Holma Topa Financial Center 700 Bishop Street, Suite 900 Honolulu, Hawaii 96813 Bill Wynhoff, Esq. Harvey Henderson, Esq. Department of the Attorney General 465 S King Street, Room 300 Honolulu, Hawaii 96813

David Day, Esq.
Department of the Attorney General
Kekuanao'a Building
465 So. King Street, Third Floor
Honolulu, Hawaii 96813

RE: 16-0288 -M: Mediation of: Bridge Aina Le'a, LLC – and – State of Hawaii Land Use Commission

SUPPLEMENTAL FINAL INVOICE

For Mediation Services Rendered by Mark Bennett, Esq.

Hours:4.2Rate Per Hour:\$500.00Subtotal:\$2,100.00GET (4.712%):\$98.95TOTAL DUE:\$2,198.95

\$2,198.95 / 2 Parties = \$1,099.48 Due Per Party

Please remit your \$1,099.48 payment to Dispute Prevention & Resolution, Inc. (Fed ID No. 99-0320429) upon receipt of this invoice.

Please refer to our DPR Case Number when submitting payment.

Should you have any questions regarding this matter, please feel free to contact Kelly Bryant at 523-1234. Thank you.

Bays Lung Rose & Holma Travel Expense Summary 03/31/16

Matter: 2214-031

Re: BRIDGE-LUC LAWSUIT

Travel Date(s): 03/10/15

Traveler: MCS
Destination: Lihue

Descriptions Date Payment Receipt Amount Airfare 03/10/15 CC Yes 266.60 CC **Parking** 03/10/15 Yes 18.00 Taxi 03/10/15 Cash Yes 12.00 296.60



eTicket Receipt

Prepared For SHANNON/MATTHEW CORY

RESERVATION CODE	KOSSQO
ISSUE DATE	08Mar16
TICKET NUMBER	1732155707785
ISSUING AIRLINE	HAWAIIAN AIRLINES
ISSUING AGENT	Hawaiian Airlines/HBQ
TOUR CODE	ITCHBDL000001B
FREQUENT FLYER NUMBER	HA183514476

Itinerary Details

TRAVEL DATE	AIRLINE	DEPARTURE	ARRIVAL	OTHER NOTES
10Mar	HAWAIIAN AIRLINES HA303	HONOLULU, HI Time 9:03am Terminal INTER-ISLAND TERMINAL	LIHUE KAUAI, HI Time 9:44am	Class ECONOMY Seat Number 15D (CONFIRMED) Booking Status OK TO FLY Fare Basis XCPAO3/WEB Not Valid Before 10MAR Not Valid After 10MAR
10Mar	HAWAIIAN AIRLINES HA264	LIHUE KAUAI, HI Time 5:21pm	HONOLULU, HI Time 5:55pm Terminal INTER-ISLAND TERMINAL	Class ECONOMY Seat Number 07E (CONFIRMED) Booking Status OK TO FLY Fare Basis XCPAO3/WEB Not Valid Before 10MAR Not Valid After 10MAR

Payment/Fare Details

Form of Payment	CREDIT CARD - MASTERCARD : XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Endorsement / Restrictions	VALID ON HA ONLY/CORPORATETIER 3
Fare Calculation Line	HNL HA LIH117.67XCPAO3/WEB HA HNL117.67XCPAO3/WEB235.34END ZPHNLLIH
Fare	USD 235.34
Taxes/Fees/Carrier-Imposed Charges	USD 17.66 US (US DOMESTIC TRANSPORTATION TAX)
	USD 5.60 AY (US SECURITY FEE)
tariban Turangkan dan dan karatan dalam kemangkan dalam 1979 dan dan 1974 dan dan 1972 dan dan 1972 dan dan 19	USD 8.00 ZP (SEGMENT TAX)

Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 3 of 28 PageID #: 9236

Total Fare USD 266.60

Positive identification required for airport check in

Notice:

Important Legal Notices

Bridge - LUC Lawshit 2214-031

Ciffue Faxi & Fare: \$

Waimea "Grand" Canyon • Spouting Horn
Wailua & Opaeka'a Falls • Kilauea Lighthouse • Hanalei Bay

Date:

Air Davit

To:

To:

Pan of Joyn holds

26-958

HONOLULU INTERNATIONAL AIRPORT 300 RODGERS BLVD. UNIT #30, HONOLULU, HI 96819 (808)-861-1260

THANK YOU FOR YOUR PATRONAGE!

SSSB2 = 2000 010 00 03/16 16:50

LANE# CREDIT AMT DATE EXIT

TR# CARD# PAID EXIT TIME

Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 5 of 28 PageID #: 9238

Bays Lung Rose & Holma 03/31/16

Travel Expense Summary

Matter: 2214-031 Travel Date(s): 03/14/16 - 03/15/16

Re: BRIDGE-LUC LAWSUIT Traveler: MCS
Destination: Las Vegas

Descriptions Date **Payment** Receipt Amount Airfare 03/15/16 CCYes 475.96 Airfare (Change fee) 03/15/16 CC Yes 450.15 Airfare (Change fee) 03/14/16 CCYes 450.15 Hotel 03/15/16 CC Yes 84.95 Taxi 03/14/16 CC Yes 64.52 Transportation 03/14/16 Cash Yes 62.73 Transportation 03/15/16 Cash Yes 28.14 Meal 03/14/16 CC Yes 22.03 CC Meal 03/15/16 Yes 10.26 \$ 1,648.89

John K. Lee

To:

Sharon M. Hockridge

Subject:

RE: eTicket Itinerary and Receipt for Confirmation NZM3KM

From: "United Airlines, Inc." <unitedairlines@united.com>

Date: March 10, 2016 at 5:14:06 PM HST

To: MATTHEWCSHANNON@YAHOO.COM

Subject: eTicket Itinerary and Receipt for Confirmation NZM3KM

Receipt for confirmation NZM3KM





A STAR ALLIANCE MEMBER

United logo link to home page

Confirmation: NZM3KM

Check-In > Issue Date: March 11, 2016

TRAVELER IN Traveler SHANNON/MATTI SHANNON/AUDR	ION/MATTHEWC		eTicket Number 0162484302443 0162484302444	Frequent FlyerNumber UA-XXXXX268 Premier Silver / *S UA-XXXXX731		Seats /
FLIGHT INFORMATION Day, Date Flight Class Sun, 13MAR16 UA1221 T		Departure City and Time HONOLULU, HI (HNL) 11:00 AM	Arrival City and Time Aircraft LOS ANGELES, CA 737-800 (LAX) 7:44 PM			
Sun, 20MAR16	UA1	Н	LOS ANGELES, CA (LAX) 3:34 PM	SAN FRANCISCO, CA (SFO) 5:01 PM	737-800	
Sun, 20MAR16	UA1670	Н	SAN FRANCISCO, CA (SFO) 7:00 PM	HONOLULU, HI (HNL) 9:37 PM	757-300	Purchase

FARE INFORMATION

Fare Breakdown

Form of Payment: **MASTERCARD** Last Four Digits 2888

Airfare:

1,032.69

USD

U.S. Transportation Tax:

18.11

U.S. Flight Segment Tax:

12.00

Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 7 of 28 PageID #: 9240

September 11th Security Fee:

11.20

U.S. Passenger Facility Charge:

13.50

Per Person Total:

1,087.50

USD

eTicket Total:

2,175.00

USD

The airfare you paid on this itinerary totals: 2,065.38 USD

The taxes, fees, and surcharges paid total: 109.62 USD

Fare Rules:

Additional charges may apply for changes in addition to any fare rules listed.

NONREF/0VALUAFTDPT/CHGFEE

Cancel reservations before the scheduled departure time or TICKET HAS NO VALUE.

Add Collect:

Baggage allowance and charges for this itinerary.

Baggage fees are per traveler

Origin and destination for checked baggage	1st bag	2 nd bag	Maximum weight and dimensions per piece of baggage Max wt / dim per piece
3/13/2016 Honolulu, HI (HNL) to Los Angeles, CA (LAX)	0.00 USD	35.00 USD	50.0lbs (23.0kg) - 62.0in (157.0cm)
3/20/2016 Los Angeles, CA (LAX) to Honolulu, HI (HNL)	0.00 USD	35.00 USD	50.0lbs (23.0kg) - 62.0in (157.0cm)

Baggage check-in must occur with United or United Express, and you must have valid MileagePlus Premier® Silver membership at time of check-in to qualify for waiver of the service charge for the first checked bag (within specified size ar weight limits).

MileagePlus Accrual Details

SHANNON/M	ATTHEW.	6				
Date	Flight					
		From/To	Award Miles	PQM	PQS	POD
3/13/2016	1221	Honolulu, HI (HNL)-Los Angeles, CA (LAX)	2268	2556	1	324
3/20/2016	1	Los Angeles, CA (LAX)-San Francisco, CA (SFO)	616	500	1	88
3/20/2016	1670	San Francisco, CA (SFO)-Honolulu, HI (HNL)	4354	2398	1	622
			Award Miles	РОМ	POS	POD

Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 8 of 28 PageID

Matthewc's N	4ileagePl	#. 9241 us Accrual totals:	7238	5454	3	1034
SHANNON/A	UDREYJA	Y			······································	
Date	Flight	From/To	Award Miles	PQM	PQS	PQD
3/13/2016	1221	Honolulu, HI (HNL)-Los Angeles, CA (LAX)	1620	2556	1	324
3/20/2016	1	Los Angeles, CA (LAX)-San Francisco, CA (SFO)	440	337	1	88
3/20/2016	1670	San Francisco, CA (SFO)-Honolulu, HI (HNL)	3110	2398	1	622
			Award Miles	PQM	PQS	PQD
Audreyjay's I	MileagePl	us Accrual totals:	5170	5291	3	1034

Important Information about MileagePlus Earning

. .

Accruals vary based on the terms and conditions of the traveler's frequent flyer program, the traveler's frequent flyer status and the itinerary selected. United MileagePlus® mileage accrual is subject to the rules of the MileagePlus program

. .

Once travel has started, accruals will no longer display. You can view your MileagePlus account for posted accrual

. .

You can earn up to 75,000 award miles per ticket. The 75,000 award miles cap may be applied to your posted flight activity in an order different than shown

. .

PQD are a Premier status requirement for members in the U.S. only.

. .

Accrual is only displayed for MileagePlus members who choose to accrue to their MileagePlus account.

Additional Baggage Information

The above amounts represent an estimate of the first and second checked baggage service charges that may apply to your itinerary.

If your itinerary contains multiple travelers, the service charges may vary by traveler, depending on status or memberships.

Carry-on baggage information

United accepts one carry-on item with maximum dimensions of 9"x14"x22" (22

Michyle R. Tamaru

From: Matthew Shannon [matthewcshannon@yahoo.com]

Sent: Sunday, March 13, 2016 10:32 AM

To: Michyle R. Tamaru

Subject: Fwd: Flight reservation (90W4NP) | 14MAR16 | BUR-LAS | Shannon/Matthew

Please make sure gets to business office and file.

Sent from my iPhone

Begin forwarded message:

From: "Southwest Airlines" < Southwest Airlines@luv.southwest.com>

Date: March 13, 2016 at 10:28:58 AM HST **To:** MATTHEWCSHANNON@YAHOO.COM

Subject: Flight reservation (90W4NP) | 14MAR16 | BUR-LAS | Shannon/Matthew

Reply-To: "Southwest Airlines" <<u>no-reply@luv.southwest.com</u>>

Thanks for choosing Southwest® for your trip.



Log in | View my itinerary

Check In Online	Check Flight Status	Change Flight	Special Offers	Hotel Offers	Car Offers

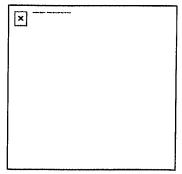
Ready for takeoff!



Thanks for choosing Southwest® for your trip. You'll find everything you need to know about your reservation below. Happy travels!

Upcoming Trip: 03/14/16 - Las Vegas









Check in for your flight(s): 24 hours before your trip on Southwest.com or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.



Bags fly free®: First and second checked bags. Weight and size limits apply. One small bag and one personal item are permitted as carryon items, free of charge.



30 minutes before departure: We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as we may begin boarding as early as 30 minutes before your flight.



10 minutes before departure: You must obtain your boarding pass(es) and be in the gate area for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.



If you do not plan to travel on your flight: In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfelted.

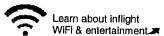
Air Cost: 475.96

Fare Rule(s): 5262191841004: NONTRANSFERABLE. Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase.

BUR WN LAS208.26YL WN BUR208.26YL 416.52 END ZPBURLAS XFBUR4.5LAS4.5 AY11.20\$BUR5.60 LAS5.60



Learn about our boarding process ...



Cost and Payment Summary

X AIR - 90W4NP

Total Air Cost

Base Fare \$ 416.52 Payment information **Excise Taxes** \$ 31.24 Payment Type: Mastercard XXXXXXXXXXXX2888 Segment Fee 8.00 Date: Mar 13, 2016 Passenger Facility Charge 9.00 Payment Amount: \$475.96 September 11th Security Fee 11.20

\$ 475.96

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- Guaranteed low rates
- Free cancellation

Bookacar >

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Southwest*

Rapid Rewards'

- Unlimited reward seats
- No blackout dates
- Redeem for International flights and more

Enroll now >

Useful Tools

Check In Online Early Bird Check-In View/Share Itinerary Change Air Reservation Cancel Air Reservation Check Flight Status **Flight Status Notification**

Know Before You Go

In the Airport Baggage Policles Suggested Airport Arrival Times Security Procedures Customers of Size In the Air

Purchasing and Refunds

Special Travel Needs

Traveling with Children Traveling with Pets Unaccompanied Minors Baby on Board Customers with Disabilities

Book a Car

Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 11 of 28 PageID #: 9244

Legal Policies & Helpful Information

Privacy Policy <u>Customer Service Commitment</u> <u>Contact Us</u>

Notice of Incorporated Terms FAQs

Book Air | Book Hotel | Book Car | Book Vacation Packages | See Special Offers | Manage My Account

This is a post-only mailing from Southwest Airlines. Please do not attempt to respond to this message. Your privacy is important to us, Please read our <u>Privacy Policy</u>.

¹ All travel involving funds from this Confirmation Number must be completed by the expiration date.

² Security Fee is the government-imposed September 11th Security Fee.

See Southwest Airlines Co. Notice of Incorporation See Southwest Airlines Limit of Liability

Southwest Arrines P O. Box 36647-1CR Dalias, TX 75235

Contact Us

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2214-031 Bridge-LUC Lawsuits

Hawthorn Suites by Wyndham Las Vegas/Henderson 910 South Boulder Highway Henderson, NV 89015 Tel: (702) 568-7800 Fax: (702) 568-8430

03-15-16

Matthew Shannon Folio No. : 2195 Room No. : 316 Po Box 1760 A/R Number Arrival 03-14-16 Honolulu HI 96806 Group Code Departure : 03-15-16 Company Conf. No. : 32565223 Wyndham Rewards: Rate Code: SR2 Invoice No. Page No. : 1 of 1

. Date		Description		Charges	Credits
03-14-16	Room Charge	1		79.00	****
03-14-16	State Tax - 7.5%			5.93	
03-14-16	Lodging Tax - 4.5%			3.56	
03-15-16	MasterCard	XXXXXXXXXXXX2888			88.49
			Total	88.49	88.49
			Balance	0.00	- 3.5

\$ 84.95 1

Please contact the Manager about any issues with your stay. Hawthorn Suites by Wyndham or affiliates may contact you about goods and services unless you call 888-297-2778 or write to Wyndham Hotel Worldwide Hotels, Inc. 22 Sylvan Way, Parsippany, NJ 07054 to opt out. View our Hawthorn Suites by Wyndham website about privacy.

Guest Signature: _

Thank you for staying with us. It was our pleasure to serve you.

Bridge-Luc Lawsuits

taxi to notel DRIVER COPY CARD RECEIPT TERMINAL ID: C288564012 DRIVER ID : 00028377 CABNUMBER: 2955 DATE ; 03/14/2016 START TIME: 19:20 END TIME : 19:41 PASSNUMBER: TRIPNUMBER: 22344 DISTANCE : 15.50 mi RATE 1 FARE \$ 47.20 EXTRA \$ 2.00 EXCISE TAX RECOVERY : \$ 1.57 TIP \$ 10.75 : VOUCHER ; \$ 3.00 TOTAL : \$ 64.52 ****2888 CARDNUMBER: AUTHNUMBER: 06392J SIGNATURE:

1(888) 432-7031 www.verifonets.com

Michyle R. Tamaru

From: Matthew Shannon [matthewcshannon@yahoo.com]

Sent: Monday, March 14, 2016 1:22 PM

To: Michyle R. Tamaru

Subject: Fwd: Your Monday afternoon trip with Uber

For Bridge billing. Reimburse to me for automatic uber charge. Ride to airport receipt.

Sent from my iPhone

Begin forwarded message:

From: Uber Receipts < receipts@uber.com > Date: March 14, 2016 at 4:19:52 PM PDT

To: matthewcshannon@yahoo.com

Subject: Your Monday afternoon trip with Uber



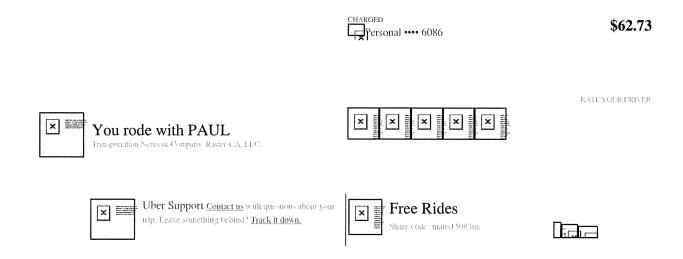
MARCH 14, 2016

\$62.73 I ((ash)

Thanks for choosing Uber, Matt

	Santa Clarita	210	FARE BREAKDOWN		
Simi Valley ② Thousan, \	405		Base Fare		0.00
Oaks			Distance		27.18
① Malibu	Bev Santa Mor	rerly Hills Los Angeli lica	Time		8.75
03:20pm		data ©2016 Google	Normal Fare		\$35.93
5920 Greenbriar C	t, Agoura Hills, CA		Surge x1.7		25.15
04:19pm Airport, Burbank,	CA				
			Subtotal		\$61.08
CAR uberX	MR.ES 30.20	TRIPTIME 00:58:19		Booking Fee (?)	1.65

Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 15 of 28 PageID #: 9248



Read about our zero tolerance policy. Finail support@uber.com or respond to this receipt to report a zero tolerance complaint.

Michyle R. Tamaru

From: Matthew Shannon [matthewcshannon@yahoo.com]

Sent: Tuesday, March 15, 2016 1:48 PM

To: Michyle R. Tamaru
Cc: Sharon M. Hockridge

Subject: Fwd: Your Tuesday afternoon trip with Uber

Follow Up Flag: Follow up Flag Status: Flagged

Bridge. For billing and reimburse. Taxi from Depo to airport, paid with my personal credit card through uber, like the other one.

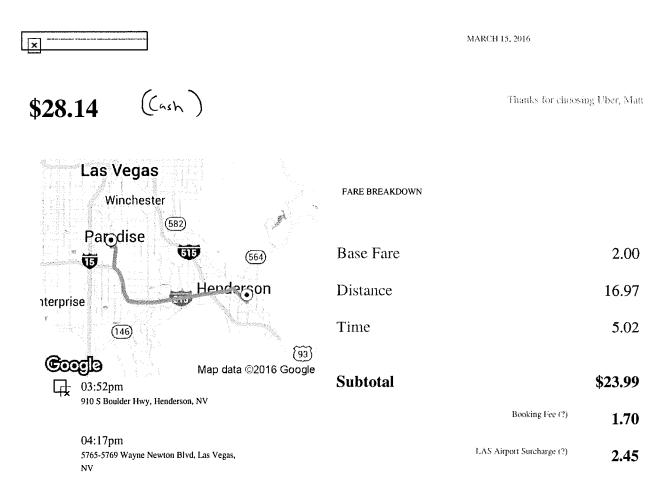
Sent from my iPhone

Begin forwarded message:

From: Uber Receipts < receipts@uber.com > Date: March 15, 2016 at 4:17:55 PM PDT

To: matthewcshannon@yahoo.com

Subject: Your Tuesday afternoon trip with Uber



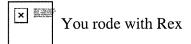
Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 17 of 28 PageID #: 9250

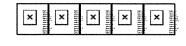
CAR MILES TRIPTIME uberX 15.43 00:25:05

CHARGED
Personal •••• 6086

\$28.14

RATE YOUR DRIVER







. Uber Support <u>Contact us</u> with questions about your uip. Leave something behind? <u>Track it down.</u>





OFF LARGE SANDWI

dinner

Wendy's Store #00011073 McCarran International 5757 Wayne Newton Blvd (702) 261-4409

MATTHEW

03/15/2015 Host: Fernandez 4:36 MATTHEW 10095 Order Type: IN 6H GR FULL-SIZE SALAB *** #6 *** Spicy Chicken NO Mayo Small Fries Small Combo Soft Drink Coke # Items Sold 3 Tax 10.25 IN Total \$10.35 Mastercard Auth:09548J How was your visit? Call us at (702) 261-4409 Want coupons? Join WendyMail! https://www1.wendys.com/mywendysonline --- Check Closed ---

dinner

MCS BURBANK LLC BOB HOPE AIRPORT 2627 Hollywood Way Burbank, CA 91505 (818) 972-1331

Server: LAILANIE Fast Close/1 Guests: O	03/14/2016 4:42 PM
duests: 0	#90266
CYO Burrito FOUNTAIN BEVERAGE	13.95 3.50
Subtotal Tax	17.45 1.58
Total	19.03
Balance Due	19.03

43.00 LET US KNOW IF YOU ENJOYED SUPERB SERVICE MGR@MCSBURBANK.COM HAVE A NICE FLIGHT

THANK YOU & PLEASE COME AGAIN



Bays Lung Rose & Holma **Travel Expense Summary** 04/21/16

Matter: 2214-031

Re:

BRIDGE-LUC LAWSUIT

Airport Parking

Travel Date(s):

CC

04/06/16 - 04/07/16

Yes

Traveler:

MCS Destination: Hilo

Descriptions	Date	Payment	Receipt	Amount
Airfare	04/07/16	СС	Yes	272.20
Hotel	04/07/16	CC	Yes	111.84
Car Rental	04/07/16	CC	Yes	45.16
Meal	04/06/16	CC	Yes	40.73
Meal	04/06/16	Cash	Yes	11.51
Meal	04/07/16	CC	Yes	9.47

04/07/16

513.91

23.00



eTicket Receipt

Prepared For

SHANNON/MATTHEW CORY

RESERVATION CODE	FJBJIY	
ISSUE DATE	04Apr16	
TICKET NUMBER	1732156110075	
ISSUING AIRLINE	HAWAIIAN AIRLINES	
ISSUING AGENT	Hawaiian Airlines/GUM	
TOUR CODE	ITCHBDL000001	
FREQUENT FLYER NUMBER	HA183514476	

Itinerary Details

TRAVEL DATE	AIRLINE	DEPARTURE	ARRIVAL	OTHER NOTES
06Apr16	HAWAIAN AIRLINES HA392 Time 7:09pm Terminal INTER-ISLAND TERMINAL		Time	Class ECONOMY Seat Number 07D (CONFIRMED) Baggage Allowance NIL Booking Status OK TO FLY Fare Basis XCPAO3/WEB Not Valid Before 06APR16 Not Valid After 06APR17
07Apr16	HAWAIIAN AIRLINES HA141	HILO, HI Time 5:55pm	HONOLULU, HI Time 6:47pm Terminal INTER-ISLAND TERMINAL	Class ECONOMY Seat Number 12D (CONFIRMED) Baggage Allowance NIL Booking Status OK TO FLY Fare Basis XCPAO3/WEB Not Valid Before 07APR16 Not Valid After 06APR17

Allowances

Baggage Allowance

HNL to ITO - 0 Pieces HAWAIIAN AIRLINES

Prices of additional baggage pieces:

- 1. 25.00 USD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters
- 2. 35.00 USD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters

ITO to HNL - 0 Pieces HAWAIIAN AIRLINES

Prices of additional baggage pieces:

- 1. 25.00 USD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters
- 2. 35.00 USD up to 50 pounds/23 kilograms and up to 62 linear inches/158 linear centimeters

ADDITIONAL ALLOWANCES AND/OR DISCOUNTS MAY APPLY DEPENDING ON FLYER-SPECIFIC FACTORS /E.G. FREQUENT FLYER STATUS/MILITARY/ CREDIT CARDFORM OF PAYMENT/EARLY PURCHASE OVER INTERNET, ETC

Carry On Allowances

Notice:

HNL to ITO, ITO to HNL - 2 Pieces (HA - HAWAIIAN AIRLINES)

Payment/Fare Details

Endorsement / Restrictions	VALID ON HA ONLY/CORPORATE/TIER 3
Fare Calculation Line	HNL HA ITO117.67HA HNL117.67USD235.34END ZPHNLITO
Exchanged Ticket	1732156033279
Fare	USD 235.34
Additional fare	USD 0.00
Taxes/Fees/Carrier-Imposed Charges	USD 17.66 US1 (US DOMESTIC TRANSPORTATION TAX)
	USD 8.00 ZP (SEGMENT TAX)
	USD 11.20 AY (US SECURITY FEE)
Total Fare	USD 272.20

Positive identification required for airport check in

Important Legal Notices



Thank you for booking with us! Please carefully review the confirmation below.

Confirmation Numbers

Reservation:

NG1017039786

Hotel:

Room

HBNEAT5203275594

174325

Hotelitinerary

Travelername(s):

Matthew Shannon

All travelers age 18 and older must present a valid photo ID that matches the name(s) on this itinerary. Please read the full rules and restriction for complete details

Loyalty Number Information

HawaiianMiles Number 183514476
Promo Code (if applicable) [agent number]

Hotel

Hilo Naniloa Hotel, a LITE Hotel

1 guest, 1 night, 1 Room(s)

Check-in: Wed, Apr 6, 2016

Check-out: Thu, Apr 7, 2016

93 Banyan Drive, Hilo (Big Island of Hawaii), HI 96720 1-808-969-3333

Room 1

Matthew Shannon holds the reservation for this room

Room Type

Bay View Room - 2 double beds or 1 king bed

Special Offer: Rate includes: Book Now and Save 30% Rate includes: Free Round of Golf Daily

Number of Guests 1 Adult

Room preference: Non-smoking

Trip Cost Summary

Hotel:

\$99.00 USD

Taxes and Fees:

\$12.84 USD

Total Price:

\$111.84 USD

Billing Information

Name:

Matthew C. Shannon

Card type/number:

Master Card *********2888

Your payment card will be billed as OWW*HA VACATIONS

E-mail:

mcs@legalhawaii.com

Customer Care Information

Customer Care Associates are available to assist you Monday through Sunday, 24 hours a day.

By phone:

From the US or Canada 1-800-725-2185

From Australia: +61 286078904 From New Zealand: +6498875333

From all other locations: 800-921-6407 (regular

toll charges apply).

By E-mail:

hawaiianairlinesvacations@neatsupport.com

Please have your confirmation numbers ready for faster service.

Changes to this reservation will incur change and/or cancellation fees in addition to any price increase from the original reservation price. Changes are subject to availability and restrictions imposed by airlines, hotels and other providers. Please read the full rules and

3/30/2016 Case 1:11-cv-00414-SQM-KJM-awaiianan/Printed-Alla Filed 04/13/18 Page 23 of 128 og 10/10/3978 ageID #: 9256

Cancellation policy

restrictions for complete details

Free cancellation before 11:00 PM local hotel time on 4/3/16!If you cancel or change your reservation after 11:00 PM local hotel time on 4/3/16, the hotel will charge you \$109.36.If you cancel or change your reservation after 11:00 PM local hotel time on 4/6/16, the hotel will charge you for the total cost of your reservation.

Hotel cancellation policy

Hotel fees if applicable are paid upon check-in or check-out, unless otherwise specified by the hotel policies



Thank you Matthew, for renting with us! Your car is reserved

YOUR CONFIRMATION NUMBER: 34303482US3

Base Rate for 1 day(s) 02 hour(s)	32.00
Base Rate	32.00
Mileage:	Unlimited
Rental Options	
None Selected	
Protections & Coverages	
None Selected	
Surcharges & Fees / Taxes	13.12
Surcharges	
Concessionaire Fee (11.11%)	3.56
Customer Facility Charge	4.50
Highway Surcharge	3.00
Vehicle License Fee Recoupment	0.38
One-Way Equip. Fee	0.00
Taxes	
Tax	1.68

Estimated Total (USD) 45.12

Rate Terms

- Your rate was calculated based on the information provided. Some modifications may change this rate.
- · Under Age Surcharges are applicable at this location.

One-Way Fee (One-Way Fee is subject to tax in certain locations. This tax is not reflected in the Estimated Total)

CONTACT US

Reservations & Avis.com Assistance 1-800-230-4898

PageID

Wizard Number / Preferred Profile Updates 1-866-842-5552 Monday - Friday 8am-5pm EST

YOUR TIME & PLACE

PICKUP

Wednesday, April 06, 2016 @ 08:00 PM

HILO INTL AIRPORT - ITO

1 General Lyman Field Suite 15 NA Hilo (Hawaii), HI 96720, U S A

(1) 808-935-1298

Sun - Sat 6:00 AM - 9:00 PM

AvisPreferred

RETURN

Thursday, April 07, 2016 @ 06:00 PM

Same as Pick-up Location

RATE & BENEFIT INFORMATION

AWD#

H011300

Wizard Number

***71M

Rate Type

Corporate

Coupon Code

N/A

Rate Code

ΧI

Bridge - Luc Lawsuit

HILO BAY CAFE 123 Lihiwai Street Hilo, Hawaii 96720 (808) 935-4939

Date/Time:

2016-04-06 09:22 PM

Order Number: 70253

Account Type: CREDIT EDC Tran ID: 618437463

Server:

Cheri C2

Table: POS:

4

Entry Mode:

Swiped

Card Number:

XXXXXXXXXXXXXX2888

Card Expire:

XX/XX

Card Type:

Mastercard

Cardholder Name: Approval Code:

MATTHEW SHANNON

05307J

Reference Number:

PURCHASE:

\$30.73

Gratuity:

Total:

40.73

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by cardmember's agreement with issuer

Signature: ___

123 Lihiwai Street

Hilo, Hawaii 96720 (808) 935-4939

Server: Cheri	Station: 2
Order #: 70253	Dine In
Table: C2	Guests: 1
1 kirin ichiban	7.00
1 hand cut fries	7.50
1 california	7.00
1 spicy tuna	8.00
GUB TOTAL:	29.50
Tax 1:	1.23
TOTAL:	\$30.73

************* Please join us next Wednesday night for some live jazz from Soul on a Roll. Doors open at 5:15pm and music begins at 6pm. Reservations can be made at the host stand. We hope to see yo u then!







Case 1:11-cv-00414-SOM-KJM Document 384-13 Filed 04/13/18 Page 28 of 28 PageID #: 9261

2214-031 Bridge-Luc Lawsuit Parking 4/7/16 (MCS)

TR#

HONOLULU INTERNATIONAL AIRPORT 300 RODGERS BLVD. UNIT #30, HONOLULU, HI 96819 (808)-861-1260

THANK YOU FOR YOUR PATRONAGE!

LANE # **CREDIT**

DIBUR *ZUUU UU.ESU UUUS* UUddec

AMT CARD # PAID

DATE **EXIT**

EXIT TIME

Bridge 11 20: 20: 2214-031 Process Servers Exclusive Invoice 550 Halekauwila St Ste 301 Honolulu HI 96813 8308 Number: Tel: (808) 521-5800 Date: June 08, 2011 Bill To: ATTN: Accounts Payable Bays Deaver Lung Rose & Holma Alii Place, 16th Floor Attorney: 1099 Alakea Street Contact: j Honolulu, HI 96813 Case Name Case No Code Due Date 59314 06/19/11 Bridge Aina v State CV11-1-1145-06 KKS Date Description Qty Mileage/Service | Tax **Amount** Served State of Hawaii Land Use Commission at 235 S Beretania St 060711 1.00 4.00 4.00 #406, Honolulu HI Served Normand R. Lezy, in his individual and official capacity, at 841 060711 Bishop St #1212, Honolulu HI Served Ronald Heller, in his individual and official capacity, at 700 060711 Bishop St, 15th Fl, Honolulu HI C&S - Complaint &Summons 3.00 25.00 75.00 Sub-Total \$79.00 State Tax 4.712% on 79.00 3.72 Total \$82.72 Please remit payment - thank you. WE APPRECIATE YOUR BUSINESS - MAHALO **All invoices are due in full no later than due date**

A fee of 1.5% per month will be charged on all overdue invoices. **Accounts 60 days and over will be charged a \$10.00 late fee per month. **
No reminders will be sent. 0 - 30 days 31 - 60 days 61 - 90 days > 90 days Total \$346.60 \$111.00 \$26.18 \$0.00 \$483.78

Case 1:11-cv-00414-SOM-KJM Document 384-14 Filed 04/13/18 Page 2 of 8 PageID #: 9263

Briage-Luc Lausuit JUN 22 2011 2214-031 40 @3:55

Process Servers Exclusive

550 Halekauwila St Ste 301 Honolulu HI 96813 Tel: (808) 521-5800

Bill To.

Bays Lung Rose & Holma Alii Place, 16th Floor 1099 Alakea Street Honolulu, HI 96813

Invoice

8595 Number

Date

June 21, 2011

ATTN

Accounts Payable

Contact:

Case Name

Case No

Code

Due Date

Endge Aina v State

CV11-1-1145-06 KKS

59315

07/01/11

Date

Description

Qty

Mileage/Service Tax Amount

062011

Served Vladimir P. Devens, in his individual and official capacity at 707

Richards St PH1, Honolulu HI

C&S - Complaint &Summons

1.00

25.00

25.00

P97637

Sub-Total

\$25.00

State Tax 4,712% on 25.00

1.18

Total

\$26.18

Please remit payment - thank you.

WE APPRECIATE YOUR BUSINESS - MAHALO

"All invoices are due in full no later than due date" "A fee of 1.5% per month will be charged on all overdue invoices." "Accounts 60 days and over will be charged a \$10.00 late fee per month." No reminders will be sent

0 - 30 days

31 - 60 days

61 - 90 days

> 90 days

Total

\$26.18

\$63.87

\$0.00

\$0.00

\$90.05

Case 1:11-cv-00414-SOM-KJM Document 384-14 Filed 04/13/18 Page 3 of 8 Page 9264



921 4th Ave Honolulu, HI 96816 (808) 729-1778 Melissa@aaalegalprocess.com

Date	Invoice #
2/22/2016	11117

Work Order # 16471

Bill To
Bays Lung Rose & Holma 700 Bishop St #900 Honolulu HI 96813

Case No.	Case Name
CV11-00414 SOM BMK	BRIDGE V SOH

Date of Service	Description	Quantity	Rate	Amount
2/18/2016	SERVED ABBEY SETH MAYER C/O BRYAN C YEE ESQ AT 425 QUEEN ST, HONOLULU HI 96813 Subpoena Subtotal Sales Tax		4.50 43.00 4.712%	4.50 43.00 47.50 2.24
		Tota		\$49.74

Pafyna

Case 1:11-cv-00414-SOM-KJM Document 384-14 Filed 04/13/18 Page 4 of 85 中央 19265



921 4th Ave Honolulu, HI 96816 (808) 729-1778 Melissa@aaalegalprocess.com

Date	Invoice #
3/8/2016	11276

Work Order # 16687

Bill To
Bays Lung Rose & Holma 700 Bishop St #900 Honolulu HI 96813

Case No.	Case Name
CV11-00414 SOM BMK	BRIDGE AINA V SOH

Date of Service	Description	Quantity	Rate	Amount
3/7/2016	NON-SERVED REUBEN S.F. WONG AT 1164 BISHOP ST #1006, HONOLULU HI 96813 (9 ATTEMPTS MADE, SECRETARY SAID HE IS NOT IN AND SHE DOESN'T HAVE HIS CALENDAR) Sales Tax	7	4.50 4.712%	31.50
		Tota		\$32.98

PURSYS

Pringe Case 1:13 ev-00414-SOM-KJM Document 384-14 9266 Filed 04/13/18 Page 5 of 8 PageID #: 10WEN YOUNG

1506 Ala Mahamoe Street Honolulu, Hawaii 96819 808-371-1245

Date	Invoice #		
3/6/2018	7328		

Bill To	
Bays Lung Rose & Holma 700 Bishop St. #900 Honolulu, Hi. 96813	

Terms

Due on receipt

Item	Quantity	Description	Rate		Amount
Complaint/ Summons	6	Bridge Aina Lea vs State of Hawaii Land Use Commis Abbey Seth Mayer Nicholas Teves Jr Scott Derrickson	sion	60.00	360.00
Rush Fee Mileage Hi State Tax	579	Ronald Heller Normand Chip Lezy Kyle Chock 465 S King St 3x 425 Queen St 700 Bishop St 3x 841 Bishop St 2x 1010 Paapu St 1311 Houghtailing St		180.00 39.00	180.00 39.00
		Attn: Vicky			
			Total		\$606.28

ıotai

\$606.28

PageID #: **Invoice**

Nelson Tamayori 1617 Maluawai Street Pearl City, Hi 96782 808-479-5544 ntama805@aol.com

Bill To

Bays Lung Rose & Holma 700 Bishop Street, Suite 900 Honolulu, HI 96813

Date	Invoice No.	P.O. Number	Terms	Project
03/08/18	1411		Due on receipt	

Item	Description	Quantity	Rate	Amount
Subpoena	Reuben SF Wong/ Civil 11-00414 SOM KJM/ Served on 3-08-18@1043 hours	1	60.00	60.007
Mileage	.60 cents per mile/ 1164 Bishop Street #1006 Honolulu/ No mileage charge-within downtown Re: Bridge Aina Le'a, LLC vs. State of Hawaii Land Use Comission, et al		0.60	0.007
Please make o	check payable to: Nelson Tamayori	s	Subtotal	\$60.00

P33475

\$2.83

\$62.83

Sales Tax (4.712%)

Total

Page P #2 8: 20

Nelson Tamayori 1617 Maluawai Street Pearl City, Hi 96782 808-479-5544 ntama805@aol.com

Bill To

Bays Lung Rose & Holma

700 Bishop Street, Suite 900

Honolulu, HI 96813

Date	Invoice No.	P.O. Number	Terms	Project
03/16/18	1429		Due on receipt	

Item	Description	Quantity	Rate	Amount
Subpoena	Vladamir Devens/ Civil 11-00414 (SOM/KJM)/ Personally served on 3-16-18@1037 hours	1	60.00	60.00T
Service Attempt 1/ Mileage	.60 cents per mile/ 707 Richards Street PH 2 Honolulu/ Attempt made on 3-8-18@1026 hours/ Per secretary, Devens was not in his office/ Included with hourly rate		0.60	0.00T
Surveillance	707 Richards Street. Vlads office was checked prior to surveillance. His secretary stated that Vlad was not in the office. Set up at 0845 hours in the lobby facing the elevators. 1st half hour of surveillance conducted by Charlene Tamayori. No activity. Surveillance from 0915 to 1400 hours conducted by Nelson Tamayori. 1130 hours: Keani Alapa whom I know as an aquaintance entered the lobby. Alapa is an attorney working under Devens. We spoke briefly and he stated that he would call Vlad when he got upstairs to his office. This was prior to my knowledge of Devens possibly avoiding service. 15 minutes passed before I went upstairs to check. I was now informed by the secretary that Alapa was no longer	5.5	100.00	550.00T
ease make chec	ck payable to: Nelson Tamayori		Subtotal	\$760.00
			Sales Tax (4.712%)	\$35.81

Page 1

Total See page 2

Invoice

Nelson Tamayori 1617 Maluawai Street Pearl City, Hi 96782 808-479-5544 ntama805@aol.com

Bill To

Bays Lung Rose & Holma

700 Bishop Street, Suite 900

Honolulu, HI 96813

Date	Invoice No.	P.O. Number	Terms	Project
03/16/18	1429		Due on receipt	

Item	Description	Quantity	Rate	Amount
	there. I conducted constant surveillance of the only entrance/exit out of the building. It is my belief that Alapa no longer wanted to assist me in locating Devens. I waited downstairs in the lobby until 1400 hours with no further activity.			
Service Attempt 2/Mileage	.60 cents per mile/ 707 Richards Street PH 2 Honolulu/ Attempt made on 3-12-18@0945 hours/ Per secretary, Devens was not in his office/ Included with hourly rate.		0.60	0.00.0
Service Attempt 3/ Wait time	830 Punchbowl Street Honolulu/ Labor Board Room 434. Vlad Devens was to arrive for a meeting at 0930 hours. Samuel Leong arrived at the hearing at 0915 hours as I waited outside. Devens was already inside the conference room behind locked doors. The receptionist confirmed that Devens was present. Leong waited outside of the room until 1037 hours, where Devens was served as he emerged from the meeting. Re: Bridge Aina Le'a, LLC vs. State of Hawaii Land Use Commission	1.5	100.00	150.00T
Please make chec	ck payable to: Nelson Tamayori		Subtotal	\$760.00
			Sales Tax (4.712%)	\$35.81
			Total	\$795.81

2214-031 Bridge-Luc

										··
AO44 (Rev. 11/07) UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII										
				INVO	ICE NO:	20160042				
Bruce D. Voss Bays Deaver Lung Rose & Holma Topa Financial Ctr. 700 Bishop St., Ste. 900 Honolulu, HI 96813 Phone: (808) 523-9000			United 300 Ala Honolu Phone: Tax ID:	Kekuna C States Co	Chun, Rourt Re Blvd., 850 41-2061	Ste. C271	SLE IO:			
☐ CRIM	MINAL	X (CIVIL	DATE O	RDERED:	05-20-2016	3	DATE	DELIVERED: 05-	-23-2016
Case Style: 11-00414 SOM-KJM, BRIDGE AINA LE'A, LLC v STATE OF HAWAII LAND USE COMMI 5/19/16 - Motion to Exclude Expert Reports of David J. Berger and Steven D. Chee										
CATEGORY		ORIGINA	L		1ST CO	PY	21	1D COE	PΥ	TOTAL
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	CHARGES
Ordinary										
14-Day										
Expedited	61	4.85	295.85	atananan da kananan pananan kananan kanan						295.85
Daily										
Hourly										
Realtime										
Misc. Desc.								MISC.	CHARGES:	
									TOTAL:	295.85
						LESS DISC	DUNT FO	R LATE	DELIVERY:	
	TAX (If Applicable):				13.94					
						LE	ESS AMO	UNT O	F DEPOSIT:	
	***************************************							TOTA	AL REFUND:	
TOTAL DUE:				\$309.79						
ADDITIONAL INFORMATION Full price may be charged only if the transcript is delivered within the required time frame. For example, if an ordefor expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.										
CERTIFICATION I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.										
SIGNATURE:					-2016					
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(All previous editions of this form are cancelled and should be destroyed)

PLASCH ECON PACIFIC LLC

1655 Kamole Street Honolulu, Hawaii 96821

INVOICE FOR CONSULTING SERVICES

Provided to

Bruce D. Voss, Esq. Bays Lung Rose & Holma, Attorneys at Law

for

Bridge 'Āina Le'a: Potential Economic Uses, Agricultural Districting, 2009 to 2014

D ATE: June 28, 2016	Invoice No: 1	PERIOD: Sept. 2015 to June 2016
Invoice Amount:		
Services (31+ hrs x \$330)	/hr)	\$ 10,117
Munekiyo Hiraga (Tessa	Ng)	\$ 5,580
Tom Nance Water Resour	rce Engineering	\$ 623
Excise Tax (4% of Total)		<u>\$ 680</u>
Total (contract limit)		\$ 17,000
Less Retainer		<u>\$-5,000</u>
Total Amount Due		\$ 12,000

SERVICES COMPLETED:

- Conducted research and wrote a report covering the following:
 - The location and acreage of the 'Āina Le'a property
 - Agronomic and other conditions (soils types and characteristics, soil ratings, elevation, slopes, water availability, road access, other improvements, surrounding land uses, locational advantages and disadvantages.
 - Past and current uses of the property
 - Economic feasibility of allowed activities (crop farm, hydroponic farm, cattle grazing, sheep grazing, goat grazing, dairy, horse stables and riding trails, poultry

farm, pig farm, bee operation, aquaculture farm, aquaponic farm, solar farm, and wind farm)

• Summary of findings

Bruce S. Plasch
Bruce S. Plasch

President

Real Estate Valuation & Consulting

Pioneer Plaza, 900 Fort Street, Suite 1500, Honolulu, Hawaii 96813 pb(808)524-1511 fax (808)524-1606 info@lcs-consulting.com

Bruce D. Voss, Esq.

BAYS LUNG ROSE & HOLMA

Attorneys at Law

Topa Financial Center

700 Bishop Street, Suite 900

Honolulu, Hawai'i 96813

Re: WORK IN PROGRESS INVOICE

Appraisal Report

Bridge 'Aina Le'a Development Queen Kaahumanu Highway District of South Kohala Island and State of Hawaii

JOB NO.: 2015-1863A

DATE: July 14, 2016

AMOUNTS DUE:

Hourly Charges [1]: \$1,400.00 General Excise Taxes: 58.34

Balance Due: \$1,458.34

[1] Accounting of hourly charges can be provided upon request. Please make checks payable to: Lesher Chee Stadlbauer

Federal ID No.: 91-2173381

Terms: Payable Upon Receipt

Note: A late fee of one (1%) percent per month will be charged against all outstanding balances subsequent to our submission of a final invoice for payment.

Real Estate Valuation
Arbitration
Consulting
Going Concern Valuation
Market Research

PLASCH ECON PACIFIC LLC

1655 Kamole Street Honolulu, Hawaii 96821

INVOICE FOR CONSULTING SERVICES

Provided to

Bruce D. Voss, Esq. Bays Lung Rose Holma

for

Bridge 'Āina Le'a: Expert Testimony

DATE: March 29, 2018 INVOICE No. 2 Period: March. 2018

INVOICE AMOUNT:

Total Amount Due	\$ 1	0.9	938	3
Excise Tax (4% of Total)	<u>\$</u>		438	3
Services (30+ hrs x \$350/hr)	\$ 1	0,:	500)

SERVICES COMPLETED:

- Reviewed my report, "Āina Le'a: Economic-Feasibility Assessment of Allowed Activities, 2009–2014," November 2015.
- Met with project attorneys to discuss the upcoming 'Āina Le'a trial and my testimony.
- Reviewed my analysis that was originally conducted for the economic-feasibility assessment.
- Drafted oral testimony, covering:
 - My qualifications (education, speciality, work experience, projects, clients, etc.)
 - My assignment.
 - Location and size of the 'Āina Le'a property.
 - Agronomic conditions of the property.
 - Historic and recent agricultural uses of the property.
 - Summary of my findings presented in 1988 to the State Land Use Commission.

- A summary of the economic feasibility of the 14 allowed uses of the property under Agricultural Districting during the 2009-to-2014 period, with the testimony drafted to be understandable in oral testimony by a lay jury.
- Responses to anticipated questions.
- Prepared for and met with project attorneys a second time to review my planned testimony.
- Rewrote sections of the planned testimony to simplify the presentation.
- Memorized key sections of the testimony.
- Presented expert testimony in Federal Court on March 16, 2018.

Bruce S. Plasch
Bruce S. Plasch

President

Pioneer Plaza, 900 Fort Street, Suite 1500, Honolulu, Hawaii 96813 pb(808)524-1511 fax (808)524-1606 info@lcs-consulting.com

Bruce D. Voss, Esq.

BAYS LUNG ROSE & HOLMA

Attorneys at Law

Topa Financial Center

700 Bishop Street, Suite 900

Honolulu, Hawai'i 96813

Re: WORK IN PROGRESS INVOICE

Appraisal Report

Bridge 'Aina Le'a Development Queen Kaahumanu Highway District of South Kohala Island and State of Hawaii

JOB NO.: 2015-1863B

DATE: March 29, 2018

AMOUNTS DUE:

Hourly Charges [1]: \$5,937.50 General Excise Taxes: 247.42

Balance Due: \$6,184.92

[1] S. Chee 4.5 hours @ 475/hr.; 9.5 hours @ 400/hr. Please make checks payable to: Lesher Chee Stadlbauer

Federal ID No.: 91-2173381

Terms: Payable Upon Receipt

Note: A late fee of one (1%) percent per month will be charged against all outstanding balances subsequent to our submission of a final invoice for payment.

Real Estate Valuation
Arbitration
Consulting
Going Concern Valuation
Market Research



Invoice Number Account Number Invoice Date Page 1029-9769-7 4 of 4 6-128-19584 Mar 23, 2018

FedEx Express Shipment Detail By Payor Type (Original)

Ship Date: Mar 14, 2018 Cust. Ref.: 2805-062 Ref.#2: Ref.#3: Payor: Shipper

Fuel Surcharge - FedEx has applied a fuel surcharge of 5.50% to this shipment.

Distance Based Pricing (HI Metro to U.S) Zone 14

AWB Recipient Automation <u>Sender</u> MICHAEL R KIRGAN ESQ MICHELLE P QUINN ESQ Tracking ID 808219769064 **BAYS LUNG ROSE & HOLMA** BERGER HARRIS LLP Service Type FedEx First Overnight 700 BISHOP ST STE 900 1105 N. MARKES ST Package Type FedEx Envelope HONOLULU HI 96813-4101 US WILMINGTON DE 19801 US Zone 14

Packages Rated Weight N/A

Delivered Mar 16, 2018 07:19 60.98 Transportation Charge Svc Area Fuel Surcharge 3.57 Signed by M.JAMISON Courier Pickup Charge 4.00

007449942/2281/_ USD **Total Charge** \$68.55 FedEx Use

Ship Date: Mar 16, 2018 Cust. Ref.: 2805-062 Ref.#2:

Payor: Shipper Ref.#3:

Fuel Surcharge - FedEx has applied a fuel surcharge of 5.50% to this shipment.

Distance Based Pricing (HI Metro to U.S) Zone 14

Package Delivered to Recipient Address - Release Authorized

AWB Recipient Automation Sender Tracking ID 808219769075 MICHAEL R KIRGAN LINDSAY TALVE ESQ PAUL HASTINGS LLP BAYS LUNG ROSE & HOLMA Service Type FedEx First Overnight FedEx Pak 700 BISHOP ST STE 900 200 PARK AVE Package Type 14 HONOLULU HI 96813-4101 US NEW YORK NY 10166 US

Zone **Packages** 1

Rated Weight 2.0 lbs, 0.9 kgs Mar 19, 2018 07:26 Delivered

Svc Area **Transportation Charge** 78.32 Signed by see above Fuel Surcharge 4.31 **Total Charge** USD FedEx Use 007671059/4831/02 \$82.63

Ref.#2: Ship Date: Mar 19, 2018 Cust. Ref.: 2214-031

Payor: Shipper Ref.#3:

Fuel Surcharge - FedEx has applied a fuel surcharge of 5.25% to this shipment. Business Closed or Adult Recipient Unavailable - Delivery Not Completed.

Distance Based Pricing (HI Metro to U.S) Zone 14

1st attempt Mar 21, 2018 at 07:47 AM.

Automation	AWB	<u>Sender</u>	<u>Recipient</u>	
Tracking ID	809428326365	BRUDE D VOHH	DEOBRAH DEITCSCH PEREZ	
Service Type	FedEx First Overnight	BAYS LUNG ROSE & HOLMA	LACKAY HERSHMAN LLP	
Package Type	FedEx Envelope	700 BISHOP ST STE 900	3102 OAK LAWN AVE	
Zone	14	HONOLULU HI 96813-4101 US	DALLAS TX 75219 US	
Packages	1			
Rated Weight	N/A			
Delivered	Mar 21, 2018 10:20	Transportation Charge		60.98
Svc Area	A1	Fuel Surcharge		3.20
Signed by	K.PARKER	Account Number Correction		15.00
FedEx Use	007984703/2281/_	Total Charge	USD	\$79.18

Shipper Subtotal USD **Total FedEx Express** USD \$230.36

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BRIDGE AINA LE`A, LLC,) Civil No. 11-00414 SOM-KJM) (Other Civil Action)
Plaintiff,)
,) CERTIFICATE OF WORD COUNT
VS.)
)
STATE OF HAWAII LAND USE)
COMMISSION, VLADIMIR P.)
DEVENS, in his individual and official)
capacity, KYLE CHOCK, in his)
individual and official capacity,)
THOMAS CONTRADES, in his)
individual and official capacity,)
LISA M. JUDGE, in her individual and)
official capacity, NORMAND R.)
LEZY, in his individual and official)
capacity, NICHOLAS W. TEVES, JR.,)
in his individual and official capacity,)
RONALD I. HELLER, in his individual)
and official capacity, DUANE)
KANUHA, in his official capacity, and)
CHARLES JENCKS, in his official)
capacity, JOHN DOES 1-10, JANE)
DOES 1-10, DOE PARTNERSHIPS 1-)
10, DOE CORPORATIONS 1-10, DOE)
ENTITIES 2-10 and DOE)
GOVERNMENTAL UNITS 1-10,)
)
Defendants.)
)

CERTIFICATE OF WORD COUNT

I hereby certify, pursuant to Local Rules 7.5(b)and (e), that Plaintiff Bridge Aina Le`a, LLC's Memorandum in Support of its Motion for Attorneys' Fees and Costs, filed concurrently herein, contains 7,418 words.

DATED: Honolulu, Hawaii, April 13, 2018.

/s/ Bruce D. Voss BRUCE D. VOSS MATTHEW C. SHANNON JOHN D. FERRY III

Attorneys for Plaintiff BRIDGE AINA LE'A, LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BRIDGE AINA LE`A, LLC,) Civil No. 11-00414 SOM-KJM) (Other Civil Action)
Plaintiff,	
,) CERTIFICATE OF SERVICE
VS.)
)
STATE OF HAWAII LAND USE)
COMMISSION, VLADIMIR P.)
DEVENS, in his individual and official)
capacity, KYLE CHOCK, in his)
individual and official capacity,)
THOMAS CONTRADES, in his	
individual and official capacity,	
LISA M. JUDGE, in her individual and)
official capacity, NORMAND R.)
LEZY, in his individual and official)
capacity, NICHOLAS W. TEVES, JR.,)
in his individual and official capacity,)
RONALD I. HELLER, in his individual)
and official capacity, DUANE)
KANUHA, in his official capacity, and)
CHARLES JENCKS, in his official)
capacity, JOHN DOES 1-10, JANE)
DOES 1-10, DOE PARTNERSHIPS 1-)
10, DOE CORPORATIONS 1-10, DOE)
ENTITIES 2-10 and DOE)
GOVERNMENTAL UNITS 1-10,)
)
Defendants.)
)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served electronically through CM/ECF on the following parties, on April 13, 2018.

WILLIAM J. WYNHOFF, ESQ. (Bill.J.Wynhoff@hawaii.gov)
E. DIANE ERICKSON, ESQ. (Diane.Erickson@hawaii.gov)
DAVID DANA DAY, ESQ. (David.D.Day@hawaii.gov)
Deputy Attorneys General
465 S. King Street, Suite 300
Honolulu, Hawaii 96813

Attorneys for Defendants

DATED: Honolulu, Hawaii, April 13, 2018.

/s/ Bruce D. Voss BRUCE D. VOSS MATTHEW C. SHANNON JOHN D. FERRY III

Attorneys for Plaintiff BRIDGE AINA LE`A, LLC