

**Daily & Woods, P.L.L.C.**

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CITY OF FORT SMITH  
PO Box 1908  
Fort Smith, AR 72902

May 9, 2014

Inv #: 215526  
Matter: City-General

**RE:** General Legal Services

<b>DATE</b>	<b>DESCRIPTION</b>	<b>HOURS</b>	<b>RATE</b>	<b>AMOUNT</b>	<b>TMKPR</b>
Apr-01-14	Re: Convention Center. Received and reviewed e-mail from Mr. Jeremy Richey regarding TNA Wrestling contract; reviewed proposed contract changes; phone conference with Mr. Richey regarding changes	1.00	\$140.00	140.00	WRW
	Re: RREF RB SBL v. City of FS (1001 North 37th Street). Received and reviewed Plaintiff's rebuttal brief	0.40	\$140.00	56.00	WRW
	Re: Board Meeting. Telephone conference with Attorney Canfield; review Agenda and prepare for Board meeting; attend Board meeting	2.50	\$140.00	350.00	DMC
Apr-02-14	Re: Arvest v. City of FS (9509 Bryn Mawr Circle). Phone conference with Burton & Stacey regarding judgment; received and reviewed proposed Consent Judgment; faxed precedent to Ms. Nancy Bane	0.80	\$140.00	112.00	WRW
	Re: Sanitation. E-mail to Mr. Baridi Nkokheli regarding Juan's Tree Service	0.30	\$140.00	42.00	WRW
	Re: Court Street. Exchanged e-mails with Ms. Jayne Hughes regarding maintenance agreement	0.40	\$140.00	56.00	WRW
	Re: Police Department. Office conference with Captain Copeland and Detective Smithson regarding dispatch room	1.20	\$140.00	168.00	WRW
	Re: Bales v. City. Conference with Attorney Wade and Capt. Copeland	0.30	\$140.00	42.00	DMC

	Re: ERISA. Letter from Mr. Jones	0.10	\$140.00	14.00	DMC
	Re: Sanitation. Memo to Attorney Wade	0.10	\$140.00	14.00	JLC
	Re: Phillip Taylor. Receipt and review of letter from Attorney Taylor; update file	0.20	\$140.00	28.00	RRB
Apr-03-14	Re: Fire Department. Exchanged e-mails with Chief Richards regarding materials warranties for new fire station; phone conference with Chief Richards	0.80	\$140.00	112.00	WRW
	Re: Human Resources. Phone conference with Mr. Richard Jones regarding police applicant; legal research regarding USERRA	0.90	\$140.00	126.00	WRW
	Re: Police Department. Phone conference with Corporal Sullivan regarding JAG grant through Sebastian County Prosecutor	0.50	\$140.00	70.00	WRW
	Re: Bales v. McCabe. Review letter from Attorney Campbell and litigation file	0.30	\$140.00	42.00	DMC
	Re: Human Resources. Memo from Mr. Jones; review Meritan agreement and schedules; review Catalystrx agreement; memo to Mr. Jones; telephone call to Mr. Jones	1.30	\$140.00	182.00	JLC
	Re: Sanitation. Telephone conference with Attorney Turner	0.10	\$140.00	14.00	JLC
Apr-04-14	Re: Bales v. McCabe. Review complaint and related file materials; telephone call to Ms. McCabe; telephone call to Attorney Campbell	0.50	\$140.00	70.00	DMC
	Re: Sanitation. Letter from Attorney Turner; letter to Mr. Nkokheli and Mr. Gosack	0.20	\$140.00	28.00	JLC
	Re: Fire Department. Attended Fire Code Appeal Board hearing; phone call to Chief Richards	1.80	\$140.00	252.00	WRW
Apr-07-14	Re: City Prosecutor. Exchanged e-mails with Ms. Jessica Michael regarding prosecuting in District Court	0.20	\$140.00	28.00	WRW
	Re: Agenda Items. Memo from Ms. Andrews; approve ordinance	0.10	\$140.00	14.00	JLC
	Re: Bales v. City. Receive and study plaintiffs' reply to defendants' response to motion to compel; research re motion to limit contact with City personnel	1.50	\$140.00	210.00	DMC
Apr-08-14	Re: Bales v. City. Legal research; draft brief in support of motion to prohibit contact	1.20	\$140.00	168.00	DMC

Apr-09-14	Re: Human Resources. Received and reviewed e-mail from Mr. Richard Jones regarding common law marriage under health plan; legal research regarding same; phone conference with Mr. Jones	1.80	\$140.00	252.00	WRW
	Re: Planning. Legal research regarding sign regulations; phone conference with Mr. Wally Bailey	1.60	\$140.00	224.00	WRW
	Re: Employees. Telephone call from Mr. Jones; memo from Mr. Jones; memo to Mr. Jones, Attorney Wade and Attorney Carson	0.60	\$140.00	84.00	JLC
	Re: Planning. Conference with Mr. Bailey and Ms. Rice regarding trash receptacles, historic district signs, and right-of-way signs; conference with Attorney Wade	1.00	\$140.00	140.00	JLC
	Re: Bales v. City. Research information and work on responses to plaintiffs' discovery requests to City	2.40	\$140.00	336.00	DMC
	Re: Bales v. McCabe. Telephone conference with Ms. McCabe	0.30	\$140.00	42.00	DMC
	Re: Spouse Definition Under City Healthcare Plan. Letter from Mr. Jones; legal research; review information re City employee benefits plan; letter to Mr. Jones; letter from Mr. Jones	1.30	\$140.00	182.00	DMC
Apr-10-14	Re: Planning. Travelled to Salvation Army to view sign; phone conference with Ms. Maggie Rice regarding same and regarding Juan's Tree Service	1.20	\$140.00	168.00	WRW
	Re: Fire Department. Received and reviewed e-mail from Chief Richards regarding Fire Station 11; phone conference with Chief Richards; drafted three resolutions related to approving projects for construction of Fire Station 11 and improvements to other fire stations	1.80	\$140.00	252.00	WRW
	Re: Agenda. Reviewed and approved several proposed agenda items	0.30	\$140.00	42.00	WRW
	Re: Bales v. City. Telephone conference with Sgt. Grubbs; telephone call to Mr. Gosack; work on answers to discovery requests to City; legal research	1.20	\$140.00	168.00	DMC
Apr-11-14	Re: City Clerk. Received and reviewed e-mail from Deputy Clerk James regarding resolutions; phone conference with Clerk James regarding same	0.40	\$140.00	56.00	WRW
	Re: Agenda. Received and approved several proposed agenda items	0.20	\$140.00	28.00	WRW

	Re: Sanitation. Phone call to Mr. Joe Hopper regarding Juan's Tree Service	0.20	\$140.00	28.00	WRW
	Re: Fluoridation. Phone conference with Deputy City Administrator Dingman (2); legal research regarding fluoridation law	1.50	\$140.00	210.00	WRW
	Re: Bales v. City. Telephone conference with Mr. Gosack; letter to Sgt. Grubbs; letter to Mr. Gosack and Mr. Jones; receive and study copies of 47 e-mails from Mr. Gosack re items requested in plaintiffs' discovery requests; review various documents provided with Mr. Gosack's e-mails; telephone conference with Mr. Jones; receive and study Handbook and Police Grievance Policy (58 pages) and several related documents; two letters from Mr. Jones; 2nd letter to Mr. Gosack; further draft responses to discovery requests	3.70	\$140.00	518.00	DMC
Apr-14-14	Re: Residential Zoning. Memo from Mr. Bailey; telephone conference with Mr. Bailey	0.40	\$140.00	56.00	JLC
	Re: Bales v. City. Letter from Sgt. Grubbs; letter to Sgt. Grubbs; two letters to Capt. Copeland; letter from Capt. Copeland; telephone conference with Capt. Copeland; telephone conference with Mr. Gosack; receive and study miscellaneous documents for discovery responses from Ms. Beshears; letter from Mr. Gosack; receive and study 2/10/14 letter from Mr. Gosack to Board of Directors; revise responses to discovery requests	2.20	\$140.00	308.00	DMC
Apr-15-14	Re: Police Department. Phone conference with Chief Lindsey regarding Police Academy seminar; prepared for April 22 presentation at seminar	1.00	\$140.00	140.00	WRW
	Re: Arvest v. City (9509 Bryn Mawr Circle). Received and reviewed Foreclosure Decree; letter to Clerk Gard transmitting same	0.70	\$140.00	98.00	WRW
	Re: Human Resources. Strategy conference with Attorney Carson regarding employee claiming common law marriage	0.50	\$140.00	70.00	WRW
	Re: Bales v. City. Worked on file	0.50	\$140.00	70.00	WRW
	Re: Berry. Telephone conference with Yvette Lisenby with Eighth Circuit Court of Appeals office	0.20	\$140.00	28.00	CTR
	Re: Employees. Review memo to Mr. Jones; telephone call to Mr. Jones and leave message; telephone conference with Mr. Jones; memo to Mr. Jones	0.60	\$140.00	84.00	JLC

	Re: Agenda Items. Review Mercy Hospital Revenue Bonds information; attend board of directors meeting	0.90	\$140.00	126.00	JLC
	Re: Healthcare Plan - Spouse Issue. Letter from Mr. Jones; confer with Attorney Canfield; letter from Attorney Canfield to Mr. Jones	0.50	\$140.00	70.00	DMC
Apr-16-14	Re: Planning. Phone conference with Mr. Wally Bailey regarding Juan's Tree Service	0.30	\$140.00	42.00	WRW
	Re: CDBG/Sisk. Email from Mr. Jennings	0.10	\$140.00	14.00	RRB
Apr-17-14	Re: Deutsche Bank v. City (Frank Brant 917 South 22nd). Received and reviewed Notice of Commissioner's Sale	0.30	\$140.00	42.00	WRW
	Re: Police Department. Received and reviewed e-mail from Corporal Sullivan regarding MOU with 12th Judicial District Drug Task Force; phone conference with Corporal Sullivan regarding same	1.00	\$140.00	140.00	WRW
	Re: CDBG/Sisk. E-mails from Matt Jennings; e-mail to Attorney Briggs	0.30	\$140.00	42.00	CTR
	Re: Bales v. City. Further draft and edit discovery responses; telephone call to Mr. Gosack; conference with Mr. Gosack; telephone conference with Capt. Copeland; telephone conference with Sgt. Grubbs; conference with Capt. Copeland; conference with Mr. Jones; letter from Mr. Jones; receive and study correspondence from Chief Lindsey to other City employees	4.40	\$140.00	616.00	DMC
Apr-18-14	Re: Landfill. Review Arkansas Valley application to PSC for power line certificate of convenience and necessity; letter to Mr. Nkokheli	0.70	\$140.00	98.00	JLC
	Re: Bales v. City. Phone call to Mr. Wally Bailey regarding Plaintiffs' discovery requests; office conference with Sgt. Daniel Grubbs	1.00	\$140.00	140.00	WRW
	Re: Police Department. Received and reviewed e-mail from Corporal Sullivan regarding revised MOU; phone call to Corporal Sullivan regarding same	0.40	\$140.00	56.00	WRW
	Re: Bales v. City. Further draft and edit responses to interrogatories and requests for documents; telephone conference with Capt. Copeland; further review City litigation reports for discovery responses; confer with Attorney Wade; review and organize documents for production; final drafting and editing of responses to discovery requests to City; letter to Attorney Campbell	6.20	\$140.00	868.00	DMC

	Re: CDBG/Sisk. Receipt and review of letter from Attorney Baber; update file	0.10	\$140.00	14.00	RRB
Apr-21-14	Re: Police Department. Received and reviewed several e-mails from Corporal Sullivan regarding 12th Judicial District Drug Task Force; reviewed and revised proposed MOU and Ordinance; phone conference with Corporal Sullivan regarding same (3); phone conference with Chief Lindsey regarding Academy	1.90	\$140.00	266.00	WRW
	Re: Human Resources. Phone conference with Mr. Richard Jones regarding arrested employees	0.30	\$140.00	42.00	WRW
	Re: Planning. Phone conference with Mr. Wally Bailey regarding zoning case	0.20	\$140.00	28.00	WRW
	Re: Town Club. Phone conference with Deputy City Administrator Jeff Dingman regarding lease of parking spaces (2); phone conference with Clerk Gard regarding prior agreements with Town Club	1.20	\$140.00	168.00	WRW
	Re: Town Club. Conference with Attorney Wade	0.20	\$140.00	28.00	JLC
	Re: CDBG/Sisk. Prepare Release of Affidavit; letter to Mr. Jennings	0.40	\$140.00	56.00	RRB
Apr-22-14	Re: Police Department. Gave civil rights presentation to Police Academy	3.50	\$140.00	490.00	WRW
	Re: Town Club. Received and reviewed e-mail from Clerk Gard with Town Club agreements	0.80	\$140.00	112.00	WRW
	Re: Entmeier v. City. Office conference with Officer Brandon Bird	1.30	\$140.00	182.00	WRW
	Re: RRFF RB SBL (1001 North 37th Street). Received and reviewed e-mail from Attorney Magness with proposed Judgment and Decree of Foreclosure; reviewed precedent; fax to Attorney Magness regarding same	0.90	\$140.00	126.00	WRW
	Re: Agenda Items. Attend board of directors meeting	1.00	\$140.00	140.00	CTR
	Re: CDBG/Sisk. Telephone call with Attorney Baker	0.20	\$140.00	28.00	RRB
Apr-23-14	Re: Police Department. Received and reviewed e-mail from Corporal Sullivan with revised MOU and Ordinance; phone conference with Corporal Sullivan regarding same (2)	0.90	\$140.00	126.00	WRW

	Re: City Clerk. Received and reviewed e-mail regarding FOIA request	0.20	\$140.00	28.00	WRW
	Re: Town Club. Phone conference with Attorney John Alford regarding lease agreement (2); reviewed Town Club agreements; e-mail to Attorney Alford	1.00	\$140.00	140.00	WRW
	Re: Whirlpool. Telephone call from Attorney Jones; memo to Mr. Snodgrass	0.20	\$140.00	28.00	JLC
	Re: FOIA. Memo from Mr. Gosack; review records of litigation; memo to city clerk	0.90	\$140.00	126.00	JLC
	Re: Sanitation. Telephone conference with Attorney Turner; memo to Mr. Hopper	0.30	\$140.00	42.00	JLC
	Re: Sanitation. Review parking improvements contract; telephone call to Mr. Hopper	0.20	\$140.00	28.00	JLC
	Re: Bales v. City. Telephone conference with Mr. Gosack	0.20	\$140.00	28.00	DMC
Apr-24-14	Re: Whirlpool. Memo from Mr. Snodgrass; memos to and from Attorney Jones	0.30	\$140.00	42.00	JLC
	Re: Police Department. Phone conference with Corporal Sullivan regarding MOU with Prosecuting Attorney's office	0.20	\$140.00	28.00	WRW
	Re: Entmeier v. City. Legal research regarding dismissal of individual employees sued in their official capacity	1.40	\$140.00	196.00	WRW
	Re: City-Clerk. Received and reviewed e-mail from Clerk Gard regarding FOIA request	0.10	\$140.00	14.00	WRW
	Re: FOIA. Memo from city clerk; memo from Ms. Deuster; memo to Mr. Dingman	0.20	\$140.00	28.00	JLC
	Re: Sanitation. Telephone conferences with Mr. Hopper regarding Beam contracts	0.10	\$140.00	14.00	JLC
	Re: Landfill. Memo from Mr. White; review Harberer's appraisal; telephone conference with Appraiser White; telephone conference with Mr. Hopper	0.70	\$140.00	98.00	JLC
	Re: Bales v. City. Review legal research re possible motion to dismiss individual officers	0.50	\$140.00	70.00	DMC
	Re: CDBG/Veach. Receive and review Order for Substitution; update file	0.10	\$140.00	14.00	RRB
Apr-25-14	Re: Police Department. Received and reviewed e-mail from Corporal Sullivan	0.40	\$140.00	56.00	WRW

	regarding JAG grant; phone conference with Corporal Sullivan regarding same				
	Re: FOIA. Received and reviewed e-mail from Mr. Jack Swink; legal research regarding creating a non-existent list; worked on response to Mr. Swink	1.20	\$140.00	168.00	WRW
	Re: Town Club. Reviewed prior agreements with Town Club regarding easements and lease of parking space	0.90	\$140.00	126.00	WRW
Apr-28-14	Re: RREF RB SBL (1001 N 37th Street). Received and reviewed file-marked Decree of Foreclosure; letter to Clerk Gard regarding same	0.60	\$140.00	84.00	WRW
	Re: Entmeier v. City. Phone conference with Captain Copeland regarding e-mails (2)	0.60	\$140.00	84.00	WRW
	Re: FOIA. Memo from Mr. Dingman; conference with Attorney Wade; complete and send letter to Mr. Swink	0.40	\$140.00	56.00	JLC
	Re: Merechka. Review file; telephone call to Mr. Merechka regarding access easement for tornado siren	0.40	\$140.00	56.00	CTR
Apr-29-14	Re: Merechka. Letter to Mr. and Mrs. Merechka	0.20	\$140.00	28.00	CTR
	Re: Berry. Research case law on whether an expert can testify as to whether officer's actions were objectively reasonable	2.90	\$140.00	406.00	CTR
Apr-30-14	Re: Police Department. Phone conference with Mr. John McGahey regarding alleged civil rights violation; phone conference with Captain Jarrard Copeland regarding same	0.50	\$140.00	70.00	WRW
	Re: Bales v. City. Telephone call from Capt. Copeland	0.20	\$140.00	28.00	DMC
	Re: CDBG/Sisk. Telephone call with Mr. Jennings	0.10	\$140.00	14.00	RRB
	Total Fees	86.30		<u>\$12,082.00</u>	

**EXPENSES INCURRED:**

Apr-01-14	04627	Expense Recovery	Photocopy Expense Re: Agenda Items.	26.70
	04630	Expense Recovery	Photocopy Expense - Convention Center	2.40
Apr-08-14	46597	Sebastian County Clerk	Re: CDBG/Craigne. Copies at Clerk's office during March	3.00
Apr-09-14	04639	Expense Recovery	Photocopy Expense - Planning (Salvation Army sign)	4.40



Apr-10-14	46608	FedEx	Re: Phillip Taylor. Shipment to Court of Appeals	34.47
Apr-15-14	04642	Expense Recovery	Photocopy Expense Re: Agenda Items.	14.70
	04643	Expense Recovery	Photocopy Expense - Arvest v. City (9509 Bryn Mawr Cricle)	3.20
Apr-22-14	04645	Expense Recovery	Photocopy Expense - Town Club Property/Parking	12.00
Apr-29-14	04647	Expense Recovery	Photocopy Expense - RREF RB SBL (1001 N 37th)	2.00
Total Expenses				\$102.87
<b>Total Fees &amp; Expenses</b>				<b>\$12,184.87</b>

**TIMEKEEPER SUMMARY:**

			<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
CTR	Colby T. Roe	Partner	5.00	\$140.00	\$700.00
DMC	Douglas M. Carson	Partner	29.50	\$140.00	\$4,130.00
JLC	Jerry L. Canfield	Partner	9.50	\$140.00	\$1,330.00
RRB	Robert R. Briggs	Partner	1.20	\$140.00	\$168.00
WRW	Wyman R. Wade, Jr.	Partner	41.10	\$140.00	\$5,754.00