

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
) SS:
COUNTY OF MONROE) CAUSE NO.: 53C06-1906-PL-001293

CITY OF BLOOMINGTON, INDIANA,)
)
 Plaintiff,)
)
 v.)
)
 222 HATS LLC, and GERMAN AMERICAN)
 BANCORP, INC.,)
)
 Defendants.)
)

Exhibit A

ATTORNEY FEE AFFIDAVIT FOR J. ERIC ROCHFORD

Affiant, J. Eric Rochford, makes the following declaration under the penalties for perjury.

1. I am an individual more than 21 years old, and I have personal knowledge of the facts stated in this affidavit.

2. I am an attorney at Cohen & Malad, LLP and was one of the attorneys who represented Defendant Landowner, 222 Hats, LLC (“Hats”) in the above-captioned case.

3. Cohen & Malad billed Hats for time spent defending Hats’ constitutional rights regarding the improper attempted taking of its real estate by the City of Bloomington, Indiana.

4. The amounts incurred by Hats for legal services performed by Cohen & Malad, LLP are set forth on Exhibit “A” attached hereto.

5. The attorneys’ fees and expenses as detailed on Exhibit “A” are reasonable in light of the legal services performed by Cohen & Malad, LLP for and at the request of Hats.

DECLARANT SAYS NOTHING FURTHER

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS STATED IN THIS
AFFIDAVIT ARE TRUE

Date: January 29, 2020

/s/ J. Eric Rochford

COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, Indiana 46204
(317) 636-6481 (phone)
(317) 636-2593 (fax)

Exhibit A

Time and Expense Details

1/1/1900 - 1/29/2020

Client		Matter			Billing Timekeeper		
8400		8400-099 222 Hats LLC / City of Bloomin			Rochford, J. Eric		
Unbilled Fees							
Date	Tkpr	Hours Worked	Rate	Amount	Task Code	Activity Code	Narrative
06/27/2019	JER	6.30	\$400.00	\$2,520.00			Traveled to Bloomington for meeting w/client and his attorney; meeting; returned from Bloomington
06/28/2019	JER	2.20	\$400.00	\$880.00			Emails w/client and co-counsel; p/c w [REDACTED]
07/02/2019	JER	2.70	\$400.00	\$1,080.00			Phone call w/client; rev. emails and statutes sent by client; drafted Appearance, Motion for Extension and to Continue Hearing, and Order Extending and Continuing Hearing; further emails w/client and co-counsel; conferenced w/Law Clerk on research issues
07/03/2019	JER	3.20	\$400.00	\$1,280.00			Emails; rev. City's response and objection; filed reply; conferenced w/Law Clerk; p/c w [REDACTED]; further emails; p/c w/co-counsel.
07/05/2019	JER	1.20	\$400.00	\$480.00			Research; drafted and filed MOtion for Change of Venue and Order; emails w/client
07/08/2019	JER	5.90	\$400.00	\$2,360.00			Rev. research; performed additional legal research; rev. project plans; emails w/client and co-counsel; met w/client and IJ reps at subject property in Bloomington; returned from Bloomington
07/10/2019	JER	0.80	\$400.00	\$320.00			Emails w/client; emails w/co-counsel; rev. legal research;
07/11/2019	JER	0.60	\$400.00	\$240.00			Emails w/client
07/12/2019	JER	2.70	\$400.00	\$1,080.00			Rev. case file; drafted discovery; drafted motion to expedite discovery responses; emails w/co-counsel
07/12/2019	JER	0.20	\$400.00	\$80.00			Sent documents to [REDACTED]; sent email and additional documents to [REDACTED]
07/14/2019	JER	5.50	\$400.00	\$2,200.00			Rev. case file; performed legal research; drafted Objections, Motion to Shorten Time to Respond to Discovery and proposed Order
07/15/2019	JER	2.80	\$400.00	\$1,120.00			Emails and phone calls w/co-counsel; text messages w/client; further rev. and revised Objections; performed legal research; further revised Objections; rev. and revised Motion to Shorten Time to Respond to Discovery Requests, Order Shortening Time to Respond, and discovery requests; filed Objections and Motion; served discovery requests upon opposing counsel
07/16/2019	JER	0.60	\$400.00	\$240.00			Rev. email from [REDACTED], reporter; forwarded email to client and co-counsel; rev. Court's Order for Extension, Order Shortening Time and Order for Change of Venue
07/25/2019	JER	0.80	\$400.00	\$320.00			Emails w/client; emails w/co-counsel; rev. Court's Order Granting Change of Venue; rev. Appearance by Alan Townsend for City; rev. email from Mr. Townsend; sent email to Mr. Townsend; rev. email from Mr. Townsend
07/26/2019	JER	0.70	\$400.00	\$280.00			Emails w/co-counsel; emails w/opposing counsel; left v/m message for co-counsel; p/c w/co-counsel; p/c w/Alan Townsend, opposing counsel
07/29/2019	JER	0.80	\$400.00	\$320.00			Voicemail from opposing counsel; left v/m message for opposing counsel; emails w/co-counsel; p/c w/opposing counsel; p/c w/co-counsel

Time and Expense Details

1/1/1900 - 1/29/2020

Unbilled Fees

Date	Tkpr	Hours Worked	Rate	Amount	Task Code	Activity Code	Narrative
07/30/2019	JER	0.60	\$400.00	\$240.00			Emails w/co-counsel; performed legal research
08/06/2019	JER	0.90	\$400.00	\$360.00			Rev. City's Motion for Extension of Time; rev. case file; drafted Response to Motion for Extension of Time and proposed Order
08/08/2019	JER	0.20	\$400.00	\$80.00			Rev. CCS; sent email and copy of Order Extending Objections Deadline to client and co-counsel
08/09/2019	JER	2.20	\$400.00	\$880.00			Emails w/opposing counsel; rev. City's discovery responses; conferenced w/co-counsel
08/11/2019	JER	1.40	\$400.00	\$600.00			Rev. discovery responses; emails w/co-counsel
08/12/2019	JER	1.70	\$400.00	\$680.00			Rev. discovery responses; conference with co-counsel
08/13/2019	JER	0.40	\$400.00	\$160.00			Rev. case file; drafted Agreed Case Management Order on Objections
08/16/2019	JER	1.50	\$400.00	\$600.00			Emails w/client and co-counsel; p/c w/co-counsel; research; revised objections
08/20/2019	JER	0.60	\$400.00	\$240.00			Rev. Court's Order setting Show Cause Hearing; emails w/client; emails w/co-counsel
08/21/2019	JER	2.20	\$400.00	\$880.00			Emails w/co-counsel; prepared Stipulations; p/c w/co-counsel; p/c w/client
08/22/2019	JER	0.30	\$400.00	\$120.00			Emails w/client and co-counsel
08/22/2019	JER	0.40	\$400.00	\$160.00			Emails w/co-counsel; emails w/opposing counsel
08/22/2019	JER	2.40	\$400.00	\$960.00			Phone conference w/all attorneys; further revised Stipulations; emails w/client; rev. email from opposing counsel; rev. Figg rental rate appraisal
08/27/2019	JER	1.50	\$400.00	\$600.00			Emails w/co-counsel; further rev. and revised Agreed Factual Stipulations; sent email and Stipulations to opposing counsel
09/03/2019	JER	0.40	\$400.00	\$160.00			Emails w/co-counsel; emails w/opposing counsel
09/09/2019	JER	0.20	\$400.00	\$80.00			Rev. case file; sent email to opposing counsel abt. status of Agreed Stipulations
09/11/2019	JER	0.80	\$400.00	\$320.00			Emails w/opposing counsel; rev. City's revisions to Stipulations; emails w/co-counsel
09/12/2019	JER	0.50	\$400.00	\$200.00			Emails w/co-counsel and client; p/c w/co-counsel
09/13/2019	JER	1.60	\$400.00	\$640.00			Emails w/co-counsel; phone conference w/co-counsel; further revised Agreed Factual Stipulations; sent draft to co-counsel via email
09/17/2019	JER	1.10	\$400.00	\$440.00			Emails w/Alan Townsend, City's atty.; p/c w/Townsend and Rouker; further rev. Stipulations
09/18/2019	JER	0.50	\$400.00	\$200.00			Emails w/co-counsel; rev. email and further revised Stipulations from City's attorneys
09/19/2019	JER	2.30	\$400.00	\$920.00			Emails and text messages w/client and co-counsel; p/c w/co-counsel; sent email to opposing counsel; p/c w/co-counsel and client
09/20/2019	JER	0.30	\$400.00	\$120.00			Emails w/opposing counsel
09/23/2019	KL2	0.50	\$110.00	\$55.00			Indiana Code research [REDACTED]
09/24/2019	JER	1.20	\$400.00	\$480.00			Rev. email and further revised Stipulations from Michael Rouker; emails w/co-counsel; rev. and revised [REDACTED]; sent email and letter to client and co-

Time and Expense Details

1/1/1900 - 1/29/2020

Unbilled Fees

Date	Tkpr	Hours Worked	Rate	Amount	Task Code	Activity Code	Narrative
09/24/2019	KL2	1.00	\$110.00	\$110.00			counsel Conference with Eric Rochford. Review research and draft [REDACTED]. Email to Eric Rochford regarding same.
09/26/2019	JER	1.20	\$400.00	\$480.00			Performed research on constitutionality of ordinance; p/c w [REDACTED]; rev. email and depiction from Mr. Townsend; emails to co-counsel; conferenced w/Mike McBride abt. zoning ordinance/petition
09/30/2019	JER	2.40	\$400.00	\$960.00			Organized paper file; began prep for hearing; emails w/co-counsel; emails w/opposing counsel
10/02/2019	JER	0.80	\$400.00	\$320.00			Emails; began drafting outline
10/03/2019	JER	2.20	\$400.00	\$880.00			Hearing prep; rev. and revised letters; p/c w/co-counsel and client
10/07/2019	JER	0.40	\$400.00	\$160.00			Emails w/co-counsel and client; began outline of response to City's memo
10/07/2019	JER	8.30	\$400.00	\$3,320.00			Traveled to Bloomington; met w/client and co-counsel; Show Cause Hearing; met w/client and co-counsel; returned from Bloomington; emails w/co-counsel
10/15/2019	JER	1.50	\$400.00	\$600.00			Began drafting Response to City's Memo
10/16/2019	JER	2.20	\$400.00	\$880.00			Rev. case file; drafted Response to City's Memorandum; emails with client and co-counsel
10/17/2019	JER	1.50	\$400.00	\$600.00			Further rev. and revised Response to City's Memo; emails w/co-counsel
10/18/2019	KL2	0.60	\$110.00	\$66.00			Review and revise Response to City's Memorandum; email to Eric Rochford.
10/22/2019	JER	1.20	\$400.00	\$480.00			Rev. case file; began drafting Findings of Fact and Conclusions of Law
10/23/2019	JER	2.20	\$400.00	\$880.00			Rev. and revised Findings of Fact and Conclusions of Law
10/24/2019	JER	1.80	\$400.00	\$720.00			Further rev. and revised Findings of Fact and Conclusions of Law
10/25/2019	JER	1.80	\$400.00	\$720.00			Emails w/co-counsel; finalized Findings of Fact and Conclusions of Law; emails w/Court staff; rev. City's Findings and Conclusions
10/25/2019	KL2	0.10	\$110.00	\$11.00			Email to Court with proposed Findings of Fact Conclusions of Law.
10/30/2019	JER	0.20	\$400.00	\$80.00			Rev. letter from [REDACTED]; sent email and letter to client and co-counsel
11/05/2019	JER	0.20	\$400.00	\$80.00			Text messages w/client and co-counsel
12/20/2019	JER	0.80	\$400.00	\$320.00			Text messages w/client; rev. Court's Order Following Hearing on Objections and Sustaining Objection to Complaint for Appropriation; p/c w/client
12/23/2019	JER	1.20	\$400.00	\$480.00			Emails w/client; emails w/co-counsel; phone conference w/client and co-counsel to discuss next steps
12/30/2019	JER	1.80	\$400.00	\$720.00			Performed legal research on [REDACTED]
12/31/2019	JER	1.30	\$400.00	\$520.00			Rev. Motion for Leave to File Amended Complaint and proposed Order filed by City; emails w/client; p/c w/client; emails w/co-counsel; rev. case file; drafted Notice of Intent to Respond and Object

Time and Expense Details

1/1/1900 - 1/29/2020

Unbilled Fees

Date	Tkpr	Hours Worked	Rate	Amount	Task Code	Activity Code	Narrative
01/02/2020	JER	0.80	\$400.00	\$320.00			Legal research on [REDACTED]
01/06/2020	JER	3.20	\$400.00	\$1,280.00			Rev. case file; performed legal research; drafted Objection to Motion for Leave to File Amended Complaint, Motion for Attorney Fees and Costs, and Attorney Fee Affidavit; rev. and revised documents and sent to co-counsel and client for review
01/07/2020	JER	1.60	\$400.00	\$640.00			Emails w/client and co-counsel; rev. revised Objection; performed legal research; further revised Objection to Motion for Leave to Amend Complaint; emails w/client and co-counsel
01/09/2020	JER	0.50	\$400.00	\$200.00			Rev. case files; Conferenced w/co-counsel abt. filings
01/10/2020	JER	0.60	\$400.00	\$240.00			Rev. and revised Objection, Motion for Fees, Attorney Fee Affidavit; emails w/co-counsel; final revision of documents prior to filing w/Court
01/28/2020	JER	2.40	\$400.00	\$960.00			Emails w/co-counsel; emails w/client; rev. case file; drafted Surreply in Support of Objection to Motion for Leave to Amend; emails w/co-counsel and client; rev. Court's Order Denying Leave to Amend; emails w/client and co-counsel; p/c w/client
Total		106.50		\$42,002.00			

Unbilled Expenses

Date	Expense	Amount	Narrative
08/02/2019	MILE	\$57.77	Mileage to and from subject property for meeting with client, co-counsel and Institute for Justice; Mileage Reimbursement
10/04/2019	DOC	\$2.70	Document Related Fees__Monroe County DEED 2000004277
10/30/2019	MILE	\$55.59	Mileage to and from Monroe County Courthouse for Show Cause Hearing; Mileage Reimbursement
Total		\$116.06	

	Hours Worked	Fee Amount	Expense Amount	Total Amount
Matter Totals	106.50	\$42,002.00	\$116.06	\$42,118.06