

CLERK OF THE COURT

AFFT

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Ronald D. Green, NV Bar # 7360
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Attorneys for Plaintiff,
James McGibney

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JAMES MCGIBNEY,

Plaintiff,

vs.

HUNTER MOORE,

Defendant.

) Case No.: A-12-667156-C

) Dept. No.: XXIV

) **AFFIDAVIT OF J. MALCOLM DEVOY**

I, J. MALCOLM DEVOY, do hereby swear under penalty of perjury that the following assertions are true to the best of my knowledge and belief.

1. I am an associate attorney employed by Randazza Legal Group and duly licensed in the state of Nevada. I have participated in representing Plaintiff James McGibney in this matter and on that basis have personal knowledge of the matters set forth herein.

2. On December 3, 2012, Plaintiff filed an Application for Default Judgment seeking relief including his reasonable attorneys' fees incurred in this matter through November 29, 2012.

3. On February 27, 2013, during the scheduled hearing on Plaintiff's Application for Default Judgment, the Court allowed Plaintiff to request the attorneys' fees incurred between filing

1 his Application for Default Judgment and the hearing, wherein the Court approved Plaintiff's
2 Application for Default Judgment.

3 4. Attached as Exhibit A is a true and correct copy of Plaintiff's redacted billings from
4 December 3, 2012 through February 27, 2013 in this matter. These billings have been redacted
5 where necessary to preserve the attorney-client privilege and attorney work product.

6 5. From December 3, 2012 to February 27, 2013, Plaintiff incurred an additional 25.51
7 hours of attorney time in this case. The reasonable market value of these services is \$8,003.00.

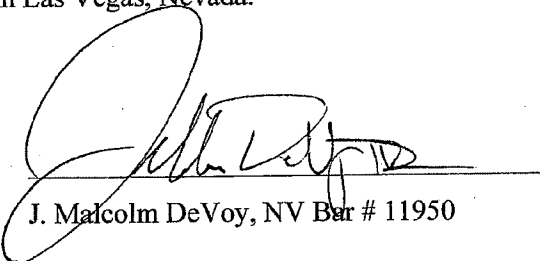
8 6. These fees are in addition to the \$11,581.00 identified in Plaintiff's Application for
9 Default Judgment.

10 7. All attorneys' fees charged to the client in this matter are reasonable under law.

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14 FURTHER YOUR AFFIANT SAYETH NAUGHT.

15 Executed this 27th day of February, 2013 in Las Vegas, Nevada.

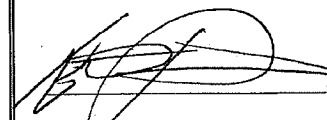
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J. Malcolm DeVoy, NV Bar # 11950

State of Nevada
County of Clark

On February 27, 2013, J. Malcolm DeVoy acknowledged
this instrument and provided his driver's license for
identification.

 notary public
My commission expires: 11/1/2015

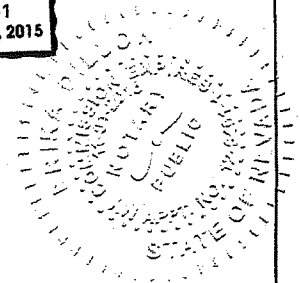
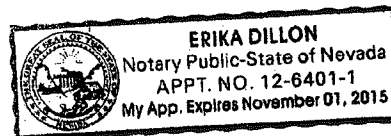


EXHIBIT A

Randazza Legal Group - Matter Summary

Starting : 11/30/2012 | Ending : 02/27/2013 | Client : Cheateville | Matter : HM-Hunter Moore | User : All Users | Account Manager : All | Client Type : All | Matter Type : All Matter Types | Activity Type : All Activity Types | Expense Type : All | Billable : All | Billing Status : All

Date	User	Description	Rate/ Unit Price	Labor Time/ Quantity	Billable Time/ Cost Price	Bill Amt/ Sell Price	Non-Billable Time
Cheateville							
Hunter Moore							
12/03/2012	Erika Dillon	Updating forms for default judgment motion in compliance with Nevada rules; reviewing and editing same as [REDACTED]; providing final drafts to client for review.	\$125.00 hr	2.10	2.10	\$262.50	0.00
12/03/2012	Marc Randazza	Review and finalize default papers	\$450.00 hr	0.30	0.30	\$135.00	0.00
12/03/2012	Jay DeVoy	Review and revise application for default with EED. Revise [REDACTED] and other elements of motion. E-file motion with court.	\$292.50 hr	0.70	0.50	\$146.25	0.20
01/07/2013	Jay DeVoy	Phone call and e-mail exchanges with client regarding [REDACTED]	\$292.50 hr	0.20	0.20	\$58.50	0.00
01/08/2013	Jay DeVoy	E-mails with client, confer with staff regarding [REDACTED]	\$292.50 hr	0.10	0.10	\$29.25	0.00
01/08/2013	Erika Dillon	Coordinating [REDACTED] as requested by client; follow-up with runner to confirm delivery; updating client with delivery details.	\$125.00 hr	0.20	0.20	\$25.00	0.00
01/09/2013	Erika Dillon	Updating proposed order for Court and sending courtesy copy of same to Court.	\$125.00 hr	0.10	0.10	\$12.50	0.00
01/14/2013	Jay DeVoy	Review status of Moore case with court, EED.	\$292.50 hr	0.10	0.10	\$29.25	0.00
01/15/2013	Marc Randazza	Meeting regarding default.	\$450.00 hr	0.20	0.20	\$90.00	0.00

Randazza Legal Group - Matter Summary

Starting : 11/30/2012 | Ending : 02/27/2013 | Client : Cheaterville | Matter : HM-Hunter Moore | User : All Users | Account Manager : All | Client Type : All | Matter Type : All Matter Types | Activity Type : All Activity Types | Expense Type : All | Billable : All | Billing Status : All

Date	Attorney	Description	Rate	Hours	Billable	Non-Billable	Expenses	Other
01/17/2013	Jay DeVoy	Prepare, organize and supervise service of revised default judgment motion documents for the 8th Judicial District. Supervise EED with respect to execution of service and filing.	\$292.50 hr	0.30	0.30		\$87.75	0.00
01/17/2013	Marc Randazza	Review default matter and exchange emails with client on same.	\$450.00 hr	0.20	0.20		\$90.00	0.00
01/18/2013	Ron Green	Review and approval of McGibney affidavit re: Motion for Default Judgment.	\$0 hr	0.10	0		\$0.00	0.10
01/18/2013	Jay DeVoy	Prepare revisions to James McGibney's affidavit regarding [REDACTED]	\$292.50 hr	0.20	0.20		\$58.50	0.00
01/21/2013	Erika Dillon	Drafting and finalizing notice of motion for submission to update default judgment package.	\$125.00 hr	0.20	0.20		\$25.00	0.00
01/21/2013	Jay DeVoy	Follow up with MDR regarding [REDACTED] supplied to client on 1/18 and review documents for filing in default action.	\$175.00 hr	0.10	0.10		\$17.50	0.00
01/22/2013	Erika Dillon	Filing updated materials for default judgment package with the court.	\$125.00 hr	0.10	0.10		\$12.50	0.00
01/22/2013	Marc Randazza	Meeting regarding default and assembly of default judgment matter.	\$450.00 hr	0.20	0.20		\$90.00	0.00
01/31/2013	Marc Randazza	Receipt and review of email from client regarding [REDACTED] Call up case in file and meet with EED regarding [REDACTED] and delegation of tasks to EED.	\$450.00 hr	0.30	0.10		\$45.00	0.20
01/31/2013	Marc Randazza	Review default file.	\$0 hr	0.20	0.00		\$0.00	0.20
02/01/2013	Marc Randazza	Review default file.	\$0 hr	0.20	0.00		\$0.00	0.20
02/06/2013	Marc Randazza	Review default file.	\$0 hr	0.20	0.00		\$0.00	0.20
02/11/2013	Marc Randazza	Review default file.	\$0 hr	0.20	0.00		\$0.00	0.20
02/15/2013	Ron Green	Discuss prove up hearing with M. Randazza and commence analysis re: whether client's presence is required.	\$360.00 hr	0.40	0.40		\$144.00	0.00

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Date	Expert Name	Description	Rate	Hours	Amount	Other
02/20/2013	Jay DeVoy	Conduct preliminary research for PSU expert affidavit and draft memoranda concerning relevant sections. Identify expert analysis needed and craft memoranda to MJR to best direct expert's research. Submit to MJR for review.	\$292.50	2.40	\$702.00	0.00
02/20/2013	Ron Green	Instruct paralegals on information needed from the Court prior to prove-up hearing.	\$360.00	0.20	\$72.00	0.00
02/20/2013	Jay DeVoy	Review potential expert materials after receiving instructions from MJR, template for expert testimony.	\$292.50	0.20	\$58.50	0.00
02/20/2013	Erika Dillon	Discussion with JMD and RDG re information needed from the Court; telephone call with Court regarding requirements of prove-up hearing and Judge preferences; reviewing court room administrator's advice with RDG and JMD.	\$150.00	0.30	\$45.00	0.00
02/20/2013	Marc Randazza	Meeting with JAF regarding prove up hearing. Review of Steve Stern issues. Review of PR issues and PR professionals. Communication with Jessica R for PR expert referral. Call to Professor Ahern for same. Delegation of tasks to lower cost associate. Review and revise affidavit of Colleen Ahern and communication with Professor Ahern.	\$450.00	2.50	\$1,125.00	0.00
02/21/2013	Marc Randazza	Call to Colleen Ahern. Emails with client regarding PR person.	\$450.00	0.30	\$45.00	0.20
02/22/2013	Jay DeVoy	Exchange of information, explanation to PSU expert witness.	\$292.50	0.10	\$29.25	0.00
02/22/2013	Ron Green	Analysis of additional materials needed for prove up hearing. Review topics of potential discussion for experts. Analysis of necessary material for new expert declaration and instruct J. DeVoy re: same.	\$360.00	1.10	\$396.00	0.00

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Date	Attorney	Description	Rate	Hours	Billable	Expensed	Net	Other
02/24/2013	Jay DeVoy	Prepare memo for Steven Rohr for McClintey v Moore; e-mail to Colleen Connolly-Ahern regarding same.	\$292.50 hr	0.80	0.80		\$234.00	0.00
02/24/2013	Marc Randazza	Confer with experts and prepare for prove up hearing. Outlining arguments for James and Christina. Call with Professor Ahern. Memos to Professor Ahern. Emails with staff.	\$450.00 hr	2.50	1.00		\$450.00	1.50
02/25/2013	Jay DeVoy	Exchange messages with experts and review proposed affidavits for content and alterations; submit same to MDR for review. Coordinate obtaining signatures with experts.	\$292.50 hr	0.50	0.50		\$146.25	0.00
02/25/2013	Marc Randazza	Meeting with JMD and RDG regarding expert testimony. (2 meeting, value billed to reflect multiple lawyer billing)	\$450.00 hr	0.20	0.06		\$27.00	0.14
02/25/2013	Marc Randazza	Call with J. McClintey regarding preparation for Hunter Moore hearing.	\$450.00 hr	0.30	0.30		\$135.00	0.00
02/26/2013	Jay DeVoy	Numerous e-mails, phone calls with default damage experts and correspondence with MDR, EED regarding status of same.	\$292.50 hr	0.20	0.20		\$58.50	0.00
02/26/2013	Jay DeVoy	Further e-mail exchanges with Steve Rohr regarding Hunter Moore prove-up hearing.	\$292.50 hr	0.10	0.10		\$29.25	0.00
02/26/2013	Jay DeVoy	Review and file affidavit of Colleen Connolly-Ahern with court and NRCPC 5 rules on service; prepare for courtesy copy delivery. Share with Steven Rohr and coordinate call with MDR.	\$175.00 hr	0.20	0.20		\$35.00	0.00
02/26/2013	Jay DeVoy	Receipt, review and filing of Rohr affidavit. Coordinate conference call with Rohr and MDR; update Rohr with additional filings in case (i.e., Connolly-Ahern affidavit).	\$175.00 hr	0.30	0.30		\$52.50	0.00
02/26/2013	Jay DeVoy		\$0 hr	0.00	0.00		\$0.00	0.00

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Date	Attorney	Description	Rate	Hours	Billable	Expense	Billable	Expense	Billable
02/26/2013	Jay DeVoy	Coordinate preparation of hearing materials with EED; review of hearing materials and confer with MJR concerning hearing prep.	\$292.50 hr	0.40	0.40	\$117.00		0.00	
02/26/2013	Jay DeVoy	Review of materials for 2/27 hearing.	\$0 hr	0.50	0	\$0.00		0.50	
02/26/2013	Erika Dillon	Creating three sets of binders of materials for hearing as per JMD and instructions from court for prove-up hearing on default judgment; coordinating provision of courtesy copies of expert affidavits to court ASAP upon receipt of same; inclusion of affidavits in binders for court. Receipt and review of Steve Rohr declaration.	\$150.00 hr	3.25	3.25	\$487.50		0.00	
02/26/2013	Marc Randazza	Call with Rohr and JMD	\$450.00 hr	0.20	0.20	\$90.00		0.00	
02/26/2013	Marc Randazza	Conference call with MJR and Steven Rohr in preparation for default judgment hearing on 2/27	\$450.00 hr	0.30	0.30	\$135.00		0.00	
02/26/2013	Jay DeVoy	Travel to attend, assist and participate in Moore default judgment hearing.	\$0 hr	0.30	0	\$0.00		0.30	
02/27/2013	Marc Randazza	Hearing for prove up	\$450.00 hr	2.50	3.50	\$1,575.00		0.00	
02/27/2013	Jay DeVoy	Travel to attend, assist and participate in Moore default judgment hearing.	\$292.50 hr	3.00	0.50	\$146.25		2.50	
02/27/2013	Jay DeVoy	Draft memo to MJR regarding contents of proposed judgment after reviewing Eighth District Rules.	\$292.50 hr	0.30	0.30	\$87.75		0.00	
02/27/2013	Ron Green	Review and revision of Default Judgment against Hunter Moore and Instruct Associate J. DeVoy re: same.	\$360.00 hr	0.30	0.30	\$108.00		0.00	
02/27/2013	Jay DeVoy	Review, revise and entry of MJR edits to proposed judgment.	\$175.00 hr	0.20	0.20	\$35.00		0.00	
02/27/2013	Jay DeVoy	Review of NRCP 62(a) for proposed judgment concerning duration of stay.	\$292.50 hr	0.10	0.10	\$29.25		0.00	
02/27/2013	Marc Randazza	Review and revise proposed order.	\$450.00 hr	0.30	0.30	\$135.00		0.00	

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Date	Description	Rate	Hours	Amount	Billable
02/27/2013	Jay DeVoy				
	Enter further edits from MJR and correspond with [redacted] office, client regarding [redacted]	\$292.50 hr	0.20	0.20	\$58.50
	Total Labor For Hunter Moore		30.95	25.51	\$8,003.00
	Total Expense For Hunter Moore			\$0.00	\$0.00
	Total For Hunter Moore				\$8,003.00
	Total Labor For Cheaterville		30.95	25.51	\$8,003.00
	Total Expense For Cheaterville			\$0.00	\$0.00
	Total For Cheaterville				\$8,003.00
	Grand Total Labor		30.95	25.51	\$8,003.00
	Grand Total Expenses			\$0.00	\$0.00
	Grand Total				\$8,003.00