



IN THE DISTRICT COURT FOR CLEVELAND COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }  
**FILED** In The  
Office of the Court Clerk

APR 29 2010

VELIE AND VELIE, P.L.L.C.

Plaintiff,

v.

Case No. CJ-07-498

DOCKET PAGE RECORDED  
Rhonda Hall, Court Clerk  
DEPUTY

THE UNITED KEETOOWAH BAND  
OF CHEROKEE INDIANS OF  
OKLAHOMA,

Defendant.

**DEFENDANT UKB'S**  
**APPLICATION FOR ATTORNEYS' FEES AND COSTS**

Defendant, the United Keetoowah Band of Cherokee Indians in Oklahoma ("UKB"), moves this Court for an Order awarding UKB its reasonable attorneys' fees and costs incurred in this action against Plaintiff, Velie and Velie, P.L.L.C. ("Plaintiff" or "Velie"). UKB seeks an award of \$30,513.25 in attorney's fees and \$885.45 in costs associated with this matter. In support of its request, UKB states and shows this Court as follows:

**FACTUAL BACKGROUND**

**State Court Action**

1. On March 21, 2007, Plaintiff filed this lawsuit (the "State Court Action") claiming to be owed \$25,000 for services rendered to UKB based on an alleged contract entered into with the UKB Council on April 17, 2004.
2. On April 10, 2007, UKB filed a Motion to Dismiss., which was denied May 9, 2007.
3. On August 7, 2007, Plaintiff filed a motion for summary judgment, which was granted following a hearing, and over the UKB's objections, on September 5, 2007.

HEARING FOR THIS MOTION

Time: 6-9-10 2:00 pm  
Judge: [Signature]

4. On October 4, 2007, the UKB filed a Petition in Error with the Oklahoma Supreme Court, (the "First Appeal") which appeal was dismissed on November 13, 2007, for lack of a final appealable order and remanded to this Court for further proceedings. Case No. 105122.

5. On April 25, 2008, following a hearing on the Plaintiff's motion to settle the journal entry, this Court entered summary judgment in favor of Plaintiff in the amount of \$25,000.

6. On May 22, 2008, the UKB filed a Petition in Error with the Oklahoma Supreme Court, Case No. 105886 (the "Second Appeal"). On June 1, 2009, the Oklahoma Court of Appeals, Division II, reversed the judgment in favor of Plaintiff and remanded for further proceedings.

#### **Tribal Court Action**

7. On May 29, 2007, following this Court's denial of the Motion to Dismiss, UKB filed suit in the District Court for the United Keetoowah Band of Cherokee Indians (hereinafter "Tribal Court Action") to resolve interpretation of tribal law and custom regarding the "Special Council Meeting," the absence of an official Tribal Resolution, and the necessary authority to contractually bind UKB. On the same day, the UKB filed a motion in the State Court Action asking the Court to stay the litigation pending the resolution of the Tribal Court Action.

8. On December 21, 2007, following a hearing held October 3, 2007, the UKB District Court entered judgment holding that the "special meeting" was invalid and that the Contract was not approved consistent with UKB law. As a result, the UKB District Court ruled that the Contract was invalid and unenforceable.

### **Trial Following Remand**

9. Following a trial held March 11 and 12, 2010, the Court rendered judgment in favor of UKB.

10. Having prevailed at trial, UKB is entitled to reasonable attorneys' fees and costs from Plaintiff associated with this action.

### **DEFENDANT UKB IS ENTITLED TO ATTORNEYS' FEES AND COSTS**

UKB is entitled to recover its attorneys fees and costs pursuant to 12 O.S.Supp. 2009, § 936, which provides as follows:

In any civil action to recover for labor or services rendered, or on an open account, a statement of account, account stated, note, bill, negotiable instrument, or contract relating to the purchase or sale of goods, wares, or merchandise, unless otherwise provided by law or the contract which is the subject of the action, the prevailing party shall be allowed a reasonable attorney fee to be set by the court, to be taxed and collected as costs.

Because UKB was successful in this contract claim against Plaintiff, UKB should be entitled to reasonable attorneys' fees. UKB's attorneys' fees related to this litigation total \$30,513.25. (*See* Affidavit of Michael McMahan with attached Detailed Billing Sheet, attached hereto as Exhibit "A").

Furthermore, UKB is entitled to fees associated with work performed by its attorneys' legal assistants and paralegals. In *Taylor v. Chubb Group of Insur. Co., et al.*, 1994 OK 47, 874 P.2d 806, 809, the Oklahoma Supreme Court held that a party entitled to recover attorneys' fees may recover fees for work performed by legal assistants and paralegals as long as they are attributable to "work that a lawyer would have had to perform but for the performance of such services by a legal assistant." The Court listed several categories of tasks that would qualify for potentially recoverable legal fees. *Id.* That list included drafting pleadings, document preparation and legal research, all of which are included in the tasks included in UKB's requested fees. *Id.*

(See Affidavit of Michael D. McMahan with attached Detailed Billing Sheet, attached hereto as Exhibit "A"). The non-attorney fees UKB has applied for total \$4,439.25.

Pursuant to 12 O.S.2001, § 930, the court may award costs to the parties in its discretion as it sees right and equitable. UKB's costs associated with this action include filing fees, postage and mileage and total \$885.45. (See Affidavit of Michael D. McMahan with attached Detailed Billing Sheet, attached hereto as Exhibit "A"). Since judgment was entered for UKB, it is just and equitable to award it associated costs.

### **DEFENDANT UKB'S ATTORNEYS' FEES ARE REASONABLE**

Under both the statutory and common law of Oklahoma the amount of attorneys' fees awarded to UKB must be "reasonable." UKB seeks to recover \$30,513.25 in attorney fees for services rendered by the attorneys and attorney services performed by paralegals and legal assistants. The amount sought is reasonable considering the nature of this matter.

In *Burk v. Oklahoma City*, 1979 OK 115, 598 P.2d 659, the Oklahoma Supreme Court set forth the manner in which reasonable attorneys' fees are determined. Under *Burk*, the court uses a three-step process. First, the court determines the number of hours spent by the attorney. *Burk* at 661. Second, a reasonable hourly rate is determined for the attorney. *Id.* Finally, the hours spent are multiplied by the reasonable hourly rate and that results in the reasonable fee by the attorney. *Id.* In certain cases, a bonus may be awarded. In order to award a bonus, the court must consider the twelve factors set forth in *Burk*. See *Burk* at 661.

The attorneys for UKB spent 147.1 hours on this matter. (See Affidavit of Michael D. McMahan with attached Detailed Billing Sheet, attached hereto as Exhibit "A"). The number of hours is reasonable in light of the issues involved in this case and the amount of recovery.

The average hourly fee for the attorneys involved in this matter is \$171.58, which is

commensurate with their experience and in line with rates in this area. The average hourly fee for non-attorneys is \$50.25. Finally, UKB does not seek a bonus under *Burk*. Therefore, UKB is allowed an award of its reasonable attorney's fees of \$30,513.25 in defending this action.

### CONCLUSION

WHEREFORE, Defendant, Michael UKB, respectfully seeks an Order of this Court against the Plaintiff awarding reasonable attorneys' fees in the amount of \$30,513.25, and costs in the amount of \$885.45. UKB also prays for such other relief to which it may be entitled under this Motion.

Respectfully submitted April 29 2010.

Rubenstein McCormick & Pitts, P.L.L.C.



Kennis M. Bellmard II, OBA #13965

Michael D. McMahan, OBA# 17317

1503 E. 19<sup>th</sup> Street

Edmond, OK 73013

Telephone: 405-340-1900

Facsimile: 405-340-1001

ATTORNEYS FOR DEFENDANT  
THE UNITED KEETOOWAH BAND OF  
CHEROKEE INDIANS IN OKLAHOMA

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing was mailed this 29 day of April, 2010, to the following counsel of record:

Kenneth Limore  
Route 5 Box 6300  
Stillwell, OK 74960

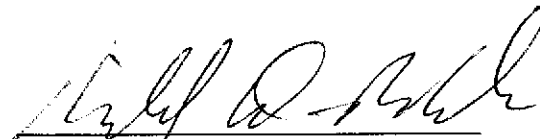
ATTORNEY FOR THIRD-PARTY  
DEFENDANT JAMES LIMORE

John Velie  
401 West Main Street, Suite 310  
Norman, OK 73069

ATTORNEY FOR PLAINTIFF  
VELIE AND VELIE PLLC

Betsy Brown  
Kirk A. Cullimore  
BROWN & CULLIMORE PLLC  
115 S. Peters Suite 8  
Norman, OK 73069

ATTORNEYS FOR THIRD-PARTY  
DEFENDANTS BETTY MOUSE,  
FRANK SWIMMER AND DONALD  
ADAIR

  
Michael D. McMahan

**IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA**

**VELIE AND VELIE, P.L.L.C.**

**Plaintiff,**

**v.**

**THE UNITED KEETOOWAH BAND  
OF CHEROKEE INDIANS OF  
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**Defendant.**

**Case No. CJ-07-498**

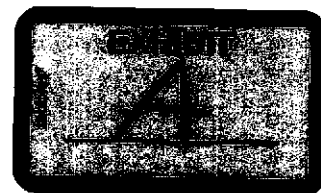
**AFFIDAVIT OF MICHAEL D. MCMAHAN**

STATE OF OKLAHOMA     )  
  ) ss.  
COUNTY OF OKLAHOMA    )

Michael D. McMahan, of lawful age, and upon oath duly sworn, states:

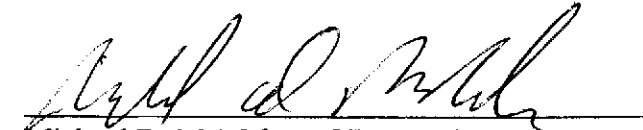
1. I am an attorney for the Defendant, United Keetoowah Band of Cherokee Indians in Oklahoma ("UKB"), in the above captioned matter. The statements made herein are based upon my own personal knowledge.

2. To date, 147.1 attorney hours and 88.35 paralegal, legal assistant and law clerk hours have been spent in defending against Plaintiff's claim. The rate charged for attorney time ranged from \$120 to \$195 per hour, and the rate charged for law clerk, legal assistant and paralegal legal assistant time ranged from \$20.00 per hour to \$100.00 per hour. The total amount of reasonable and necessary attorney's fees incurred defending against Plaintiff's claim to date is \$25,240.00. The total amount of reasonable and necessary fees incurred by law clerks, paralegals and legal assistants defending against Plaintiff's claim to date is \$4,439.25. See Exhibit "A.1" attached hereto.




3. To date, Plaintiff has incurred reasonable and necessary costs of \$885.45. See  
Exhibit "A.1" attached hereto.

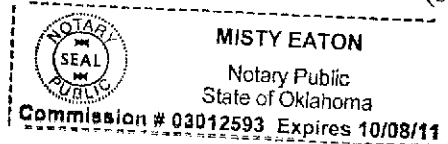
Further Affiant Sayeth Naught.

  
Michael D. McMahan, OBA# 17317

Subscribed and sworn to before me this 29th day of April, 2010.

NOTARY PUBLIC  
(seal)





My Commission Expires: \_\_\_\_\_



# EXHIBIT "A-1"

07/05/07	MDM	Exchange correspondence with K. Bellmard and J" McBee regarding coverage for motion to dismiss hearing on July 14; transmit copies of pleadings to McBee in connection with possible attendance at hearing; telephone conference with McBee regarding case background,	1.80	\$ 333.00
07/09/07	JHM	Review and revise Response to Motion to Dismiss regarding Velie Matter	.40	\$ 66.00
07/09/07	MDM	Regarding Velie litigation: Conduct more thorough review of Velie motion to dismiss and prepare draft response	1.70	\$ 314.50
07/10/07	MDM	Regarding Velie litigation: Conference with J. McBee regarding procedural status of declaratory judgment action, revisions to draft response to Velie motion to dismiss and other matters related to hearing scheduled for 7/14/07; revise draft response and forward to Francine Rozell; telephone conference with Rozell regarding filing	1.10	\$ 203.50
07/12/07	MDM	Regarding Velie litigation: Attention to strategy and potential arguments for hearing on Velie motion to dismiss, scheduled for 7/14/07	0.20	\$ 37.00
07/13/07	JHM	Review pleadings, exhibits and brief in tribal and state court cases in preparation for hearing and oral argument.	1.20	\$ 198.00
07/13/07	MDM	Regarding Velie litigation: Correspond with Francine Rozell to confirm filing of response to Velie motion to dismiss and other matters for hearing scheduled for 7/14/07	.20	\$ 37.00
07/14/07	JHM	Travel to Tahlequah for appearance and arguments in Tribal Court in opposition to Velie's Motion to Dismiss. (50% Travel Discount given, as reflected on first page of Invoice as Courtesy Adjustment)	4.20	\$ 693.00
07/14/07	JHM	Appearance and arguments in Tribal Court in opposition to Velie's Motion to Dismiss	2.20	\$ 363.00
07/14/07	SBH	Correspondence with J. McBee regarding Velie hearing	0.20	\$ 35.00
07/16/07	SBH	Regarding Velie litigation, brief research regarding legality of headers on a resolution.	0.20	\$ 35.00
07/18/07	MDM	Regarding Velie litigation: Conference with T. Ishmael regarding background of case and issues for brief due next week	0.20	\$ 37.00
07/18/07	SBH	Regarding Velie, correspondence with T. Ishmael and J. McBee;	0.30	\$ 52.50

research in legislative action.

07/20/07	JHM	Draft Supplemental Legal Authority/Brief regarding Motion to Dismiss Response regarding Velie matter	2.30	\$ 379.50
07/20/07		Draft Memorandum of Law re: what constitutes a case in controversy for declaratory judgment	3.30	\$ 330.00
07/23/07	JHM	Draft proposed Scheduling Order; revisions to Supplemental Brief regarding Velie matter	1.40	\$ 231.00
07/23/07	MDM	Regarding Velie litigation: Review and make minor revisions to revised brief prepared by J. McBee; conference with T. Ishmael regarding additional documentation needed; telephone conference with Rozell regarding other declaratory judgment cases; forward pleadings to Rozell via fax for filing	0.90	\$ 166.50
07/23/07		Telephone call to UKB court clerk regarding declaratory judgment decisions	0.20	\$ 20.00
07/24/07	MDM	Regarding Velie litigation: Telephone conference initiated by Francine Rozell regarding filing of supplemental brief and additional entries into case; prepare supplemental certificate of service for service on former Council members who have appeared	0.60	\$ 111.00
07/26/07	MDM	Regarding Velie litigation: Telephone conferences with Francine Rozell regarding litigation; conference with K. Bellmard and J. McBee regarding strategy related to submission of a proposed order to court; draft proposed order text	0.90	\$ 166.50
08/07/07	MDM	Regarding Velie litigation: Review Velie motion for summary judgment; memorandum to J. Clark regarding issues and arguments for response brief.	1.10	\$ 203.50
08/08/07	SBH	Correspondence with M. McMahan regarding response to Motion for Summary Judgment; research request to J. Clark regarding same for issue of settlement proposal not meeting evidentiary standard	0.10	\$ 17.50
08/09/07		Legal research for motion for summary judgment and case law regarding sovereign immunity, contracting with Indian tribe, Begin drafting response	2.20	\$ 220.00
08/13/07		RE: Velie. Legal research on Opposition to Motion for Summary Judgment regarding standard for motion and waiver of	5.10	\$ 510.00

sovereign immunity" Begin draft the motion

08/15/07		RE: Velie. Complete drafting and revise the motion in opposition to motion for summary judgment.	3.50	\$ 350.00
08/15/07	MDM	Regarding Velie litigation: Review and comment on draft brief in response to Velie summary judgment motion	.30	\$ 55.50
08/15/07	SBH	Review and revise Brief in Opposition to Plaintiff's Motion for Summary Judgment.	.60	\$ 105.00
08/16/07		RE: Velie" Revise motion in opposition to summary judgment Add additional legal research regarding the process for passing legislation/special meeting and its analogy to Indian tribes,	2.60	\$ 260.00
08/16/07	MDM	Regarding Velie litigation: Review and comment on revised draft response to Velie motion for summary judgment; make substantial revisions; conference with K Bellmard regarding strategy in connection with response and exhibits; conference with J., Clark regarding revisions; review further revised drafts and special entry of appearance; review finalized drafts and sign	2.00	\$ 370.00
09/05/07	MDM	Regarding Velie litigation: Prepare for and attend hearing on Velie's motion for summary judgment; conference with K Bellmard regarding hearing, outcome and strategy for next steps; conference with A Waldrip regarding docketing deadlines for appeal and preparation of draft appellate documents,	5.10	\$ 943.50
09/13/07	MDM	Regarding Velie litigation: Conference with T, Brown and Aaron Waldrip regarding appeal timeframes and supersedes bond issues; conference with B, Tohee and A. Waldrip regarding appendix preparation, appellate procedures and applicable rules, organization of tasks, information needed and minimizing trips to Norman for filing and documentation,	.60	\$ 111.00
09/19/07	MDM	Regarding Velie litigation: Conference with K. Bellmard and A. Waldrip regarding bonding requirements; memorandum to client regarding bond terms; telephone conference with Dane Tucker regarding same,	.50	\$ 92.50
09/20/07	JSM	Obtain revised Certificate of Record from Cleveland County Court Clerk.	.30	\$ 45.00
09/24/07	MDM	Regarding Velie litigation: Revise draft petition in error for filing in Oklahoma Supreme Court, including additional research into exhaustion of tribal remedies.	.60	\$ 111.00
09/27/07	MDM	Regarding Velie litigation: Revise and finalize draft of Petition in Error pleadings and forward to K, Bellmard for review;	.60	\$ 111.00

conference with A Waldrip and B. Tohee regarding preparation for filing appeal; correspond with Dane Tucker regarding bond,

10/01/07	JSM	Re: Velie. File Order granting defendant's Motion to Stay Litigation in Cleveland County	.50	\$ 75.00
10/01/07	MDM	Regarding Velie litigation: Telephone conference initiated by Dave Tucker requesting case documentation; pull case Documentation and transmit to Tucker	.30	\$ 74.00
10/03/07	KMB	Travel to Tahlequah for hearing in Velie Contract Matter (50% Travel Discount given, as reflected on first page of invoice as Courtesy Adjustment)	5.00	\$ 975.00
10/03/07	KMB	Hearing in Tribal Court on Velie matter and meeting with Chief Wickliffe, Assistant Chief Locust and Rod Fourkiller.	2.60	\$ 507.00
10/03/07	MDM	Regarding Velie litigation: Revise draft Petition in Error and forward to K. Bellmard for review	.30	\$ 55.50
10/04/07	MDM	Regarding Velie litigation: Conference with K Bellmard regarding revisions to Petition in Error and revise per comments; work with B. Tohee and A, Waldrip to finalize appeal pleadings	1.80	\$ 333.00
10/08/07	MDM	Regarding Velie litigation: Prepare draft order relating to October 3 hearing	.70	\$ 129.50
10/10/07	MDM	Regarding Velie litigation: Review show cause order received from Oklahoma Supreme Court and conference with J. Duffy regarding possible basis for order strategy in connection with order; perform additional review of case and rules in relation to appeal; additional revisions to draft order.	1.40	\$ 259.00
10/12/07	JVD	RE: Velie Legal research on final order, final judgments, and other "final" determinations as appealable under Oklahoma rules to enable appeal to Oklahoma Supreme Court.	1.10	\$ 143.00
10/12/07	MDM	Regarding Velie litigation: Conference with K, Bellmard regarding status of case and issues relating to show cause order entered by Oklahoma Supreme Court; review e-mail from Velie's office regarding appeal; conference with A Waldrip regarding service of appellate documents on Velie; conference with J, Clark regarding approach to show cause brief, including arguments based on Oklahoma Constitution, district court rules and other issues to be addressed; exchange correspondence with Craig from Velie's office regarding delay in delivery of Petition in Error	1.30	\$ 240.50

10/17/07	MDM	Regarding Velie litigation: Prepare for hearing on motion for stay pending appeal; contact court to confirm hearing date – advised hearing not on docket; set new hearing date; correspond with Craig in Velie's office regarding hearing dates"	.90	\$ 166.50
10/19/07	JVD	RE: Velie. Draft the Response to Order to Show Cause before the Oklahoma Supreme Court Draft to S .. Harrison and M. McMahan for their review and changes.	2.30	\$ 299.00
10/19/07	MDM	Regarding Velie litigation: Conference with J Duffy regarding research and progress of show cause brief as ordered by Oklahoma Supreme Court; review and comment on draft show cause brief; conference with J" Clark regarding additional revisions and position	1.20	\$ 222.00
10/22/07	JVD	RE: Velle Edit and revise the Response to Order to Show Cause to be filed on Tuesday 10/23.	1.40	\$ 182.00
10/23/07	JVD	RE: Velie. Edit and revise the Response to the Order to Show Cause and finalize for filing today.	.60	\$ 105.00
10/23/07	SBH	Regarding Velie Supreme Court Brief - review Brief for filing today and provide revisions to same	.60	\$ 105.00
10/12/07	ADW	Prepare Pleading Index for Velie appeal in Oklahoma Supreme Court	.30	\$ 22.50
11/13/07	JVD	Re: Velie, Locate and review Order to be entered in Velie tribal court case regarding the findings of the court at the October 3rd hearing regarding the invalid nature of the Council decision and meeting which Velie alleges approved the Contract for legal services	1.30	\$ 156.00
11/15/07	JVD	Re: Velie. Review order from Oklahoma Supreme Court denying the appeal for lack of an appealable order; begin drafting Motion to Settle Journal Entry for filing in Cleveland County	.40	\$ 48.00
11/26/07	JVD	Re: Velie" Review the tribal court order; begin drafting the Motion to Settle Journal Entry in Cleveland County	.40	\$ 48.00
11/26/07	MDM	Regarding Velie litigation: Review signed order received from tribal court	.10	\$ 18.50
11/27/07	JVD	Complete drafting the motion to settle journal entry in Cleveland County to allow UKB to file a renewed appeal with the Oklahoma Supreme Court pending Judge Hetherington's filing of a final order; draft proposed order to be submitted with the Motion	2.80	\$ 336.00

11/27/07	MDM	Regarding Velie litigation: Work on motion to settle journal entry; begin preparations for hearing on motion to stay state court litigation pending appeal set for November 28	.30	\$ 55.50
11/28/07	MDM	Regarding Velie litigation: Prepare for and attend hearing on motion for stay pending appeal; review and comment on draft motion to settle journal entry; review order received from tribal court and note error; prepare revised version of order and transmit to Francine Rozell; telephone conference with Francine Rozell regarding corrected version of orderconference regarding changes to order; transmit copy of proposed corrected order to Craig McDougal in Velie's office.	4.70	\$ 869.50
12/06/07	JHM	Review Velie Order and judgment.	.10	\$ 16.50
12/12/07	MDM	Exchange correspondence with Craig from Velie's office regarding journal entry; memorandum regarding same.	.20	\$ 37.00
12/14/07	JVD	Draft letter to Velie regarding the proposed journal entry and the issue of such including a monetary award when the Judge did not enter such an award	.40	\$ 48.00
12/17/07	JVD	Revise letter to Velie regarding the proposed Journal Entry and send letter via fax to Velie	.40	\$ 48.00
12/17/07	MDM	Review and comment on draft letter to Velie regarding Proposed journal entry	.20	\$ 37.00
03/12/08	JVD	Review the Velie pleadings to determine the important facts as pertain to the Motion for Journal Entry filed by Velie.	.70	\$ 84.00
03/12/08	MDM	Prepare for and attend hearing on Motion to Settle Journal Entry, including travel to and from Norman regarding Velie state court litigation	2.50	\$ 462.50
03/25/08	MDM	Work on proposal from Velie regarding stipulation as to billing issues and identification of possible witnesses; review file regarding billing data submitted by Velie	.20	\$ 37.00
03/28/08	MDM	Draft emergency motion to continue hearing; telephone conference with court regarding likelihood of hearing on 3/31; telephone conference with court clerk's office and court reporter regarding arranging for court reporter to be present at hearing.	1.60	\$ 296.00
03/31/08	KMB	Travel to Norman from OKC and return regarding Velie lawsuit. (50% Travel Discount given, as reflected on first page of Invoice as Courtesy Adjustment)	.90	\$ 175.50
03/31/08	KMB	Attend Court in Cleveland County regarding Velie lawsuit.	.70	\$ 136.50

03/31/08	MDM	Review proposed journal entry received from Jon Velie's office for conformance to summary order entered at today's hearing and requirements imposed by earlier hearings.	.10	\$ 18.50
04/18/08	MDM	Continue revisions to questions for appeal; review pending journal entry and prior minute orders in file to determine whether motion for stay pending appeal is necessary (probably not).	.90	\$ 166.50
04/29/08	MDM	Review court docket and note filing of journal entry of judgment; work with A. Waldrip to update draft petition in error to prepare for filing appeal.	.30	\$ 55.50
05/14/08	MDM	Regarding Velie appeal: Inquire regarding status of appellate record with Appeals Clerk at Cleveland County Courthouse (personal visit); work on related appellate record issues	.30	\$ 58.50
05/21/08	MDM	Regarding Velie appeal; Finalize appeal documents;	.40	\$ 78.00
05/22/08	MDM	Regarding Velie appeal; Review and comment on revised draft Petition in Error and work on filing appeal documents.	.30	\$ 58.50
06/09/08	MDM	Regarding Velie litigation: Review response to Petition in Error filed by Velie	.20	\$ 37.00
06/03/2009	ALD	Receipt and review of Oklahoma Supreme Court decision; Memo to Mr. McMahan and Ms. McBee regarding same (Velie)	0.8	\$ 68.00
06/04/2009	ALD	Draft Notice of Change of Address of Mr. McMahan for Cleveland County (Velie)	1.3	\$ 110.50
06/04/2009	ALD	Draft Notice of Change of Address of Mr. Bellmard for Cleveland County (Velie)	1.2	\$ 102.00
06/04/2009	ALD	Draft Notice of Change of Address on behalf of Ken Bellmard and Michael McMahan for State Court; Distribution of same to all known parties of interest; Conference with Mr. McMahan re filing Motion to Withdraw Sandra	0.7	\$ 59.50
06/04/2009	ALD	Conference with Mr. McMahan re Notice of Change of Address and Motion to Withdraw as to Sandra Harrison and Andrews Davis	0.3	\$ 25.50
06/05/2009	ALD	Preparing Notices of Change of Address for Mr. McMahan and Mr. Bellmard for distribution	0.4	\$ 34.00
06/09/2009	ALD	Draft Motion to Withdraw Counsel Sandra Harrison and Andrews Davis	1.3	\$ 110.50

06/09/2009	ALD	Velie – Draft Notice of Change of Address for Supreme Court	0.8	\$ 68.00
06/19/2009	JML	Filing of documents in Oklahoma Supreme Court	0.5	\$ 20.00
06/19/2009	ALD	Revise and edit Notice of Change of Address of Michael McMahan and Ken Bellmard for Oklahoma Supreme Court; Distribution of same (Velie)	0.6	\$ 51.00
06/24/2009	ALD	Receipt and review of memorandum re Court Setting deadline to file Scheduling Order	0.2	\$ 17.00
06/24/2009	MDM	Regarding Velie litigation: Review docket in Cleveland County case; memorandum to K. Bellmard regarding status of matter and preparation of scheduling order and related case strategy.	0.4	\$ 76.00
06/25/2009	ALD	Receipt and review of filed Motion to Withdraw as Counsel with hearing date; Conference with Mr. McMahan and Mr. Bellmard re same	0.5	\$ 42.50
06/26/2009	ALD	Distribution of filed stamped Motion to Withdraw as Counsel to all parties of interest	0.3	\$ 25.50
07/02/2009	MDM	Regarding Velie litigation: Prepare draft scheduling order in response to court order directing filing of joint scheduling order by 7/3/09; work with K. Bellmard related to strategy in light of Velie's failure to contact us regarding preparation of scheduling order.	2.2	\$ 418.00
08/25/2009	ALD	Velie-Selecting documents for attorney use in preparing to defend client at hearing on motion to withdraw	0.8	\$ 68.00
08/26/2009	KMB	Travel from Edmond to Norman and return re: Hearing in Velie case.		\$ 95.00
08/26/2009	KMB	Preparation for and Hearing in Velie case.	1.5	\$ 285.00
08/31/2009	ALD	Velie-Distribution of Summary Order to opposing counsel	0.3	\$ 25.50
09/01/2009	KMB	Telecon with Jon Velie re: Discovery request in Attorney fees case and call to Tribal HQ to get Resolution ..	0.3	\$ 77.50
09/02/2009	JML	Research and review of various pleadings; preparation of documents for attorney review	0.5	\$ 10.00
09/18/2009	ALD	In re Velie- Receipt and review of Summary Order; Prepare updated litigation calendar for attorney review	0.3	\$ 25.50



09/21/2009	ALD	In re Velie-Telephone call to Cleveland County Court to determine whether or not status conference can occur telephonically; Conference with Mr. McMahan and Mr. Bellmard re same	0.4	\$ 34.00
09/28/2009	MDM	Regarding Velie litigation: Telephone conference initiated by Jon Velie regarding proposed schedule for litigation; prepare summary memorandum outlining dates.	0.3	\$ 57.00
10/22/2009	KMB	In Tahlequah for Velie Deposition and other legal strategy meetings.	4.5	\$ 855.00
10/23/2009	JML	Filing of documents in Cleveland County Court	2	\$ 80.00
10/23/2009	ALD	In re Velie-Draft Summons to Third Party Petition for Defendant Donald Adair	0.5	\$ 42.50
10/23/2009	ALD	In re Velie-Draft Summons to Third Party Petition for Defendant Henry Dreadfulwater	0.5	\$ 42.50
10/23/2009	ALD	In re Velie-Draft Summons to Third Party Petition for Defendant Betty Holcomb	0.5	\$ 42.50
10/23/2009	ALD	In re Velie-Draft Summons to Third Party Petition for Defendant Jim Limore	0.5	\$ 42.50
10/23/2009	ALD	In re Velie-Draft Summons to Third Party Petition for Defendant Betty Moore	0.5	\$ 42.50
10/23/2009	ALD	In re Velie-Draft Summons to Third Party Petition for Defendant Soldier Shell	0.5	\$ 42.50
10/23/2009	GKB	Velie - Work on amended petition; develop causes of action	0.75	\$ 150.00
10/23/2009	ALD	In re Velie-Draft Summons to Third Party Petition for Defendant Frank Swimmer	0.5	\$ 42.50
10/23/2009	MDM	Regarding Velie litigation: Prepare motion to join additional parties and related pleadings, including summonses and third-party petition and draft witness and exhibit list.	4.3	\$ 817.00
10/26/2009	MDM	Regarding Velie litigation: Finalize petition for filing and service on third-party defendants; finalize summonses for issuance and coordinate service issues.	3	\$ 570.00
10/26/2009	ALD	Distribution of Summons and Petition to Third Party Defendant Henry Dreadfulwater	0.5	\$ 42.50
10/26/2009	ALD	Distribution of Summons and Petition to Third Party Defendant Betty Holcomb	0.5	\$ 42.50

10/26/2009	ALD	Distribution of Summons and Petition to Third Party Defendant James Limore	0.5	\$ 42.50
10/26/2009	ALD	Distribution of Summons and Petition to Third Party Defendant Betty Moore	0.5	\$ 42.50
10/26/2009	ALD	Distribution of Summons and Petition to Third Party Defendant Soldier Shell	0.5	\$ 42.50
10/26/2009	ALD	Distribution of Summons and Petition to Third Party Defendant Donald Adair	0.5	\$ 42.50
10/27/2009	KMB	Travel to Tahlequah from OKC and return re: for Velie	5	\$ 475.00
10/28/2009	MDM	Regarding Velie litigation: Begin work on motion for summary judgment and motion in limine.	0.8	\$ 152.00
10/28/2009	ALD	Velie-Revised edit UKB's Witness and Exhibit List; Distribution of same	0.4	\$ 34.00
10/29/2009	MRE	Prepare Viele documents for filing; Mail to opposing counsel;	0.25	\$ 21.25
10/29/2009	MDM	Continue work on motion for summary judgment and motion in limine; finalize and file motions; telephone conferences with Jon Velie and court staff regarding filing of motions and filing of joint pretrial order submitted by Velie ..	8.7	\$1,653.00
10/29/2009	GKB	Vellie - work on late provided pre-trial conference statement	0.5	\$ 100.00
11/09/2009	ALD	Searching for process servers close to third party defendant's for service of petition and summons	0	\$ 0.00
11/09/2009	ALD	In re Velie-Reviewing received green cards for third party defendants to determine which Defendants have been served with Third Party Petition; Create database to reflect parties served and date answer due for distribution to attorneys	0.7	\$ 59.50
11/10/09	ALD	Update pleading index	0	\$ 0.00
11/11/2009	ALD	Velie-Verifying with USPS whether or not outstanding summons and petitions claimed by remaining unserved Third Party Defendants. Update calendar to reflect new deadlines for Velie	0.4	\$ 34.00
11/11/2009	ALD	In re Velie-Telephone call to process server Whitley in Miami, OK re service of process in Jay, OK (given name and number of more local process server); Telephone call to Kent Vice re service of process of Third Party Petition and Summons in Jay, OK	0.6	\$ 51.00

11/11/2009	ALD	In re Velie- Draft email to Mr. Bellmard to determine whether or not there is another address for Frank Swimmer; Receipt and review of same from Mr. Bellmard	0.3	\$ 25.50
11/16/2009	ALD	In re Velie-Telephone call to UKB Court Clerk re list of process servers (instructed to all the Muskogee Court Clerk's office; Telephone to the Muskogee Court Clerk's office requesting a list of process servers for area	0.5	\$ 42.50
11/19/2009	ALD	Telephone call to process server Gary Garrison re service of process on third party Defendants Holcomb, Dreadfulwater, and Swimmer	0.3	\$ 25.50
11/19/2009	ALD	In re Velie-Draft correspondence to Mr. Kent Vice re service of Summons and Third Party Petition on Third Party Defendant Soldier Shell	0.5	\$ 42.50
11/30/2009	MDM	Regarding Velie litigation: Pull and review court docket; review pleadings filed in case and begin work on opposition to motion to dismiss filed by Mouse, Swimmer and Adair.	2.6	\$ 494.00
12/01/2009	MDM	Regarding Velie litigation: Continue work on response to Motion to dismiss.	1.1	\$ 209.00
12/02/2009	MDM	Research issues relating to statute of limitations claim and related issues raised by motion to dismiss filed by Betty Mouse and others.	5.1	\$ 969.00
12/03/2009	MDM	Regarding Velie litigation: Additional substantial revisions to draft response to motions to dismiss and submit for review by K. Bellmard.	2.5	\$ 475.00
12/07/2009	JML	Filing of documents in Cleveland County Court	2	\$ 80.00
12/07/2009	MDM	Revise and finalize brief in opposition to motions to dismiss filed by Betty Mouse, Frank Swimmer and Donald Adair	1.8	\$ 342.00
12/07/2009	ALD	Memo from Mr. McMahan re time of December 21st, hearing	0.3	\$ 25.50
12/10/2009	JML	Receipt and review of various correspondence, multiple pleadings, attorney notes, client documents and research; preparation of documents for attorney review	2	\$ 40.00
12/15/2009	ALD	In re Velie- Draft Certificate of Service by Mail as to Third Party Defendant Betty Mouse	0.5	\$ 42.50

12/15/2009	JML	Receipt and review of various correspondence, Order (Setting deadlines) and UKB's Brief in Opposition to Motions to Dismiss Filed by Third Party Defendants Betty Mouse, Frank Swimmer, Donald Adair, and Jim Limore; preparation of documents for attorney review	0.75	\$	15.00
12/15/2009	ALD	In re Velie- Draft Certificate of Service by Mail as to Third Party Defendant James Limore	0.5	\$	42.50
12/15/2009	ALD	In re Velie- Draft Certificate of Service by Mail as to Third Party Defendant Donald Adair	0.5	\$	42.50
12/15/2009	ALD	In re Velie- Draft correspondence to Cleveland County Court Clerk re Certificates of Service by Mail to Third Party Defendants Betty Mouse, James Limore and Donald Adair	0.5	\$	42.50
12/15/2009	ALD	Telephone call to Cleveland County Court Clerk to determine whether or not hearings on December 21, 2009 going forward as previously noticed (according to clerk hearings going forward)	0.3	\$	25.50
12/17/2009	ALD	Conference with Mr. Bellmard re status of December 21st hearings; Telephone call to Court Clerk re same; Telephone call to Cheryl in Judge Hetherington's office to determine whether or not motion hearing going forward as previously noticed (left message)	0.5	\$	42.50
12/17/2009	ALD	In re Velie-Receipt and review of proposed Summary Order	0.2	\$	17.00
12/17/2009	ALD	In re Velie- Receipt and review of emails from opposing counsel re possible continuation of Motion for Summary Judgment and Motion in Limine Hearings	0.3	\$	25.50
12/17/2009	ALD	In re Velie-Receipt and review of Third Party Defendant's Response to Defendant's Motion for Summary Judgment Regarding Undisputed Material Facts and other Allegations Against Third Party Defendants	0.3	\$	25.50
12/18/2009	ALD	In re Velie-Telephone call from Cheryl in Judge Heatherington's office re motion hearings moved to January 14, 2010	0.2	\$	17.00
12/21/2009	ALD	Receipt and review of filed stamped Certificate of Service by Mail (x4)	0.3	\$	25.50
12/31/2009	JML	Receipt and review of various client related notes; preparation of documents for attorney review	0.25	\$	5.00
01/13/2010	ALD	In re Velie-Filing	0	\$	0.00

01/14/2010	ALD	In re Velie-Conference with Mr. Bellmard re Notice of Deposition and Voluntary Dismissal and Notice of Deposition	0.3	\$ 25.50
01/15/2010	ALD	Draft Order of Dismissal as to Third-Party Defendants Mouse, Adair, and Swimmer	0.6	\$ 51.00
01/15/2010	ALD	In re Velie-Draft Notice of Deposition of James Limore	0.7	\$ 59.50
03/02/2010	MDM	Regarding Velie litigation: Review Velie's motion for summary judgment and prepare response.	1.9	\$ 361.00
03/04/2010	MDM	Regarding Velie case: Prepare initial draft of trial brief	4.5	\$ 855.00
03/05/2010	MDM	Regarding Velie litigation: Review and prepare revised version of pretrial statement.	1.5	\$ 285.00
03/05/2010	MRE	Prepare Second Request for Findings of Fact regarding UKB vs. Velie;	1	\$ 85.00
03/10/2010	KMB	March 4-10, Preparation for Trial of Velie matter in Cleveland Co. District Court on March 11 and 12.	5	\$ 950.00
03/10/2010	ALD	In re Velie-Printing off Order; Email Ms. Berry address to courthouse	0	\$ 0.00
03/10/2010	MDM	Regarding Velie litigation: Work with K. Bellmard and G. Bertman to assist with preparations for trial scheduled for	0.8	\$ 152.00
03/11/10	GKB	Velie - Work on trial preparations	1	\$ 200.00
03/12/2010	KMB	Two day Trial of Velie matter in Cleveland Co. District Court on March 11 and 12.	9	\$1,710.00
03/23/2010	KMB	Pretrial Conference for Velie matter in Cleveland Co. District Court.	1.25	\$ 237.50
03/24/2010	MDM	Regarding Velie litigation: Prepare draft proposed journal entry of judgment	0.5	\$ 95.00
03/24/2010	MRE	Re-format wording for pleadings in Velie;	0.5	\$ 42.50
03/26/2010	MDM	Regarding Velie trial: Revise draft journal entry and forward to Velie.	0.3	\$ 57.00
03/29/2010	ALD	Revise and edit Journal Entry	0.5	\$ 42.50
03/29/2010	ALD	Draft email to Mr. Velie re revised proposed Journal Entry	0.3	\$ 25.50

03/29/2010	ALD	Receipt and review of memo from Mr. McMahan re proposed Journal Entry (x4)	0.2	\$	17.00
03/29/2010	MDM	Work with A. Davidson on revisions to proposed journal entry as proposed by Velie.	0.4	\$	76.00
03/30/2010	MDM	Exchange correspondence with Jon Velie regarding finalizing journal entry of judgment.	0.54	\$	102.60

#### EXPENSES

10/04/07		Payable to Appellate Court Clerk for filing fees re: Velie		\$	200.00
03/05/08		Payable to Ken Bellmard for mileage reimbursement for travel to Tahlequah, OK on October 3, 2007 for hearing regarding Velie contract matter		\$	189.15
03/28/08		Payable to Cleveland County Clerk for Court Reporter Fees in CJ-07-498; Velie & Velie v. UKB		\$	20.00
05/21/08		Filing fees re: Velie		\$	200.00
06/23/2009		Mileage: Filing of docs in OK supreme court on 06/19/09 3 mi		\$	1.65
10/26/2009		Postage-Velie Service of Process on Defendant Henry Dreadfulwater		\$	10.45
10/26/2009		Postage-Velie Service of Process on Defendant Betty Holcomb		\$	10.45
10/26/2009		Postage		\$	6.05
10/26/2009		Postage- Velie Service of Process on Defendant James Limore		\$	10.45
10/26/2009		Postage-Velie Service of Process on Defendant		\$	10.45
10/26/2009		Postage-Velie Service of Process on Defendant Soldier Shell		\$	10.45
10/26/2009		Postage-Velie Service of Process on Defendant Frank Swimmer		\$	10.45
10/26/2009		Postage-Velie Service of Process on Defendant Donald Adair		\$	10.45
10/30/2009		Mileage: Filing of docs in Cleveland Co. Court on 10/23/09 50 miles		\$	27.50
12/14/2009		Mileage: Filing of Docs in Cleveland Co. Court on 12/07/09 50 miles		\$	27.50
01/25/2010		Filing fee re: Velie litigation on 10/26/09		\$	35.00
01/25/10		Filing fee for Motion of Summary Judgment on 10/29/09		\$	50.00
02/26/2010		Service of Process (Service of Soldier Shell, 12/07/09)		\$	45.00