

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of

GEMTRONICS, INC.,
a corporation, and

WILLIAM H. ISELY,
individually and as the owner
of Gemtronics, Inc.

PUBLIC

DOCKET NO. 9330

**COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE A RESPONSE IN
SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION
FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Pursuant to Rule 3.22 of the Commissions' Rules of Practice, Complaint Counsel respectfully moves for leave to file a response ("Response") in support of its Answer in Opposition to Respondents' Application For an Award of Attorney's Fees and Expenses Under the Equal Access to Justice Act ("EAJA").

Respondents initially filed their Application For An Award of Attorney Fees and Other Expenses ("Application") on December 2, 2009.¹ On December 23, 2009, Respondents filed a Supplemental request under EAJA for additional fees and expenses. Complaint Counsel filed its Answer in Opposition to the initial Application on January 6, 2010, which, *inter alia*, sought 1) supplemental information from Respondents qualifying the fees and expenses requested in both its fee applications, and 2) to reserve the right to further respond to the supplemental application and any supporting information filed since their initial application. Respondents served

¹ However, as a result of Respondents' Application being mislabeled as "PUBLIC," the Application was withdrawn, corrected, and treated as having been refiled on December 10, 2009.

Complaint Counsel with their Reply on January 22, 2010. This Reply contained no supplemental qualifying information supporting the fee application. Instead, Respondents included new requests for additional fees and expenses. The Court has scheduled a status conference on this case to be conducted on February 11, 2010.²

In support of this motion, Complaint Counsel states as follows:

1. Given Respondents' lack of any further specification in their Reply qualifying their request for attorneys fees and expenses, Complaint Counsel's Response will assist the Court in understanding the specific issues outlined in its Answer. In addition, Complaint Counsel has not had an opportunity heretofore to address the additional requested fees sought in Respondents filings of December 23, 2009, and January 22, 2010. Complaint Counsel's Response is necessary to demonstrate why specific fees and expenses requested are not eligible for an award under EAJA; and
2. Both the Commission's Rules of Practice and fundamental fairness support the filing of the instant Response. Section 3.22(d) of the Rules provides a mechanism for seeking leave to file a reply "in circumstances where the parties wish to draw the Administrative Law Judge's . . . attention to recent important developments . . . that could not have been raised earlier" The circumstances set forth above are precisely those anticipated by Rule 3.22(d) to permit a party to seek leave to file a reply.

Wherefore, Complaint Counsel respectfully requests that this Court grant leave to file a Response In Support of its Opposition to Respondents' Application For an Award of Attorney's

² Given the short time before the scheduled status conference and to educate the Court as to the outstanding issues, Complaint Counsel's proposed Response is being conditionally filed herewith.

Fees and Expenses Under the Equal Access to Justice Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara E. Bolton', is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

Barbara E. Bolton
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Federal Trade Commission
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Atlanta, GA 30303
404-656-1362 (direct line)
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bbolton@ftc.gov (email)

Dated: February 1, 2010

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**GEMTRONICS, INC.,
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**COMPLAINT COUNSEL'S RESPONSE IN SUPPORT OF ITS ANSWER IN
OPPOSITION TO RESPONDENTS' APPLICATION
FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Respondents Gemtronics, Inc. and William H. Isely (collectively "Respondents") filed their Application for an Award of Attorney Fees and Other Expenses on December 2, 2009, and supplemental fees requests on December 23, 2009, and January 22, 2010. According to their Reply to Complaint Counsel's Answer in Opposition to their Application, Respondents request a total award of \$140,305.47. Complaint Counsel files this Response in Support of its Answer in Opposition to Respondents' Application For an Award under the Equal Access to Justice Act ("EAJA") (hereinafter "Response") to provide this Court with specific objections to Respondents' billed fees and expenses.

I. RESPONDENTS' FEES AND EXPENSES ARE NOT REASONABLE

EAJA contemplates that an award to a prevailing party will be based, in significant part, on the time and effort reasonably expended by counsel (and associated personnel) to achieve the

favorable result.¹ To that end, Complaint Counsel, in its Answer to Respondents' EAJA Application, requested supplemental information to provide a clarified accounting of the attorney and paralegal hours and expenses previously submitted with their Application.

No documentation was provided by Respondents to support their request. No revised fee request was submitted by Respondents that would assist the Court in identifying and calculating the costs properly allocable to this matter. Respondents provided no supplemental affidavits or other documentation explaining and clarifying the entries in the billing statements.² The same is true with regard to the expenses billed – there are no dates or descriptions of the expenses that would allow the Court to determine if these expenses were related to this matter or if these expenses are duplicates.³ There is, in fact, nothing but Respondents' unsubstantiated assertion that these hours were spent in pursuit of the FTC's action. Respondents have, therefore, not satisfied their burden of showing the reasonableness of their EAJA claim.

Respondents' fee and expense request is excessive and inadequately supported, and is, therefore, unreasonable. In calculating the number of hours reasonably expended on the

¹ See 45 C.F.R. § 13.6(c) (indicating that a determination about the reasonableness of fees should be based on "time actually spent in the representation of the applicant" and "time reasonably spent in light of the difficulty or complexity of the issues").

² For instance, no attempt was made to provide a break down of numerous entries of block billing. No delineation was provided to distinguish between the secretarial duties and paralegal duties. Nor were any explanations provided for excessive amounts of billed time attributed to "emails with client." Further, the timesheet descriptions of attorney work and expenses are so unspecific and generic as to make it impossible to determine if they pertain to Respondents' case with the FTC or the Food and Drug Administration.

³ While it is reasonable to assume that there are photocopying, postage, legal research, and other expenses attributable to Respondents' FTC litigation work, Respondents have made no effort to link these expenses through dates or explanations with their legal fees. Instead, Respondents provide broad categories of expenses without any explanation as to how they relate to the legal services performed.

litigation, Respondents must submit evidence that justifies the hours claimed by their counsel.⁴ However, where, as here, no good faith effort has been made to qualify the billing, and the time entries “are so vaguely generic that the Court can not determine with certainty whether the activities they purport to describe were . . . reasonable,” Respondents have not met this burden.⁵

The time records submitted by Respondents render it impossible to know whether the billed time was “reasonably expended.”⁶ To the extent such timesheet entries fail to designate with any specificity that tasks performed were reasonable and attributed to the FTC’s action, reimbursement for these attorney hours should be denied. Even if the Court were to consider some of these fees compensable, it would be difficult if not impossible for the Court to make such an award because Respondents have not indicated the allocable amount these hours devoted to the FTC’s case.⁷

Accordingly, Complaint Counsel contests the reasonableness of Respondents’ requests and herewith files specific objections to individual items listed in the fee and expense schedules

⁴ See *Hensley v. Eckerhart*, 461 U.S. 424, 433-34 (1983) (Petitioner should make “a good-faith effort to exclude from [his] fee request hours that are excessive, redundant, or otherwise unnecessary, just as a lawyer in private practice ethically is obligated to exclude such hours from his fee submission.”)

⁵ *Cobell v. Norton*, 407 F. Supp. 2d 140, 158 (D.D.C. 2005), see also *Hensley v. Eckerhart*, 461 U.S. at 433 (“Where the documentation of hours is inadequate, the district court may reduce the award accordingly.”); *Nat’l Ass’n of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319, 1327 (D.C. Cir. 1982) (“[T]he application must be sufficiently detailed to permit the District Court to make an independent determination whether or not the hours claimed are justified.”)

⁶ See, e.g., *Daly v. Hill*, 790 F.2d 1071, 1079 (4th Cir. 1986).

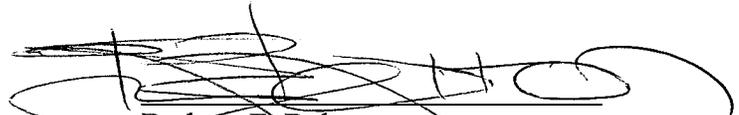
⁷ For instance, some portion of the claimed hours refer to dealings with the press without any support for any claim that these press dealings have to do with the FTC’s action.

submitted.⁸

II. CONCLUSION

Respondents have not, *inter alia*, met their burden in establishing the reasonableness of their requested EAJA award. Therefore, Complaint Counsel respectfully requests that Respondent's Application for attorney's fees and other expenses under EAJA be denied.

Respectfully submitted,



Barbara E. Bolton
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Federal Trade Commission
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Atlanta, GA 30303
404-656-1362 (direct line)
404-656-1379 (facsimile)
bbolton@ftc.gov (email)

Dated: February 1, 2010

⁸ Complaint Counsel's specific objections as appended as Attachment A.

**UNITED STATES OF AMERICA
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**GEMTRONICS, INC.,
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DOCKET NO. 9330

**ORDER GRANTING COMPLAINT COUNSEL LEAVE TO FILE A RESPONSE IN
SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION
FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Complaint Counsel's Motion for Leave to File a Response in Support of its Answer in Opposition to Respondents' Application for an Award under the Equal Access to Justice Act is hereby GRANTED.

SO ORDERED this ____ day of _____, 2010.

D. Michael Chappell
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed and served the attached:

- 1) COMPLAINT COUNSEL'S MOTION FOR LEAVE TO FILE A RESPONSE IN SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT;
- 2) PROPOSED ORDER; and
- 3) COMPLAINT COUNSEL'S RESPONSE IN SUPPORT OF ITS ANSWER IN OPPOSITION TO RESPONDENTS' APPLICATION FOR AN AWARD UNDER THE EQUAL ACCESS TO JUSTICE ACT.

The original and one (1) paper copy via overnight delivery and one (1) electronic copy via email to:

Donald S. Clark, Secretary
Federal Trade Commission
600 Pennsylvania Ave., N.W., Room H-159
Washington, D.C. 20580
email: secretary@ftc.gov

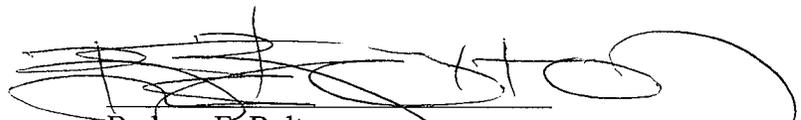
One (1) electronic copy via email and four (4) paper copies via overnight mail delivery to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., N.W. Room H-112
Washington, D.C. 20580
email: oalj@ftc.gov

One (1) electronic copy via email and one (1) paper copy via overnight delivery to:

William H. Isely
964 Walnut Creek Rd.
Franklin, NC 28734
email: b.isely@ftpmailbox.com

Dated: February 1, 2010


Barbara E. Bolton
Attorney for Complaint Counsel

ATTACHMENT A

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
4/2/2008	Telephone conference with William Isely. Telephone conference with Larry Isely regarding facts of case. (MVH)	1.0 hr.	\$200.00	\$125.00	Prior to complaint, vague subject matter
4/3/2008	Reviewed file received from Ed Gray, including correspondence and other documents from Barbara Bolton. (MVH)	1.0 hr.	\$200.00	\$125.00	Prior to complaint, vague subject matter
4/4/2008	Telephone conference with Barbara Bolton. Reviewed e-mail from Barbara Bolton and Attachments thereto. (MVH)	0.80 hr.	\$160.00	\$100.00	Prior to complaint, vague subject matter
4/9/2008	Office conference with Bill Isely and family. Reviewed documents related to FTC action. (MVH)	4.0 hrs.	\$800.00	\$500.00	Prior to complaint, vague subject matter; block billing
4/14/2008	Reviewed e-mail from Bill and Larry Isely. Prepared reply e-mail and document review. (MVH)	1.0 hr.	\$200.00	\$125.00	Prior to complaint, no subject matter
4/16/2008	Telephone conference with Barbara Bolton. Reviewed documents and proposed lawsuit by Federal Trade Commission. (MVH)	1.0 hr.	\$200.00	\$125.00	Prior to complaint, vague subject matter
4/16/2008	Telephone conference with Larry Isely. (MVH)	0.20 hr.	\$40.00	\$25.00	Prior to complaint; no subject matter
4/18/2008	Telephone conference with Larry Isely. Telephone conference with B. Bolton. Reviewed financial information questionnaire. (MVH)	0.80 hr.	\$160.00	\$100.00	Prior to complaint, vague subject matter
4/21/2008	Reviewed letter from FDA. Reviewed completed financial questionnaire from FTC. Reviewed e-mail from Bill Isely and Larry Isely. Telephone conference with Larry Isely. Reviewed website related to case. (MVH)	1.2 hrs.	\$240.00	\$150.00	Prior to complaint, vague subject matter; FDA - beyond scope
4/23/2008	Extended telephone conference with Barbara Bolton. Reviewed websites. (MVH)	1.0 hr.	\$200.00	\$125.00	Prior to complaint, vague subject matter
4/24/2008	Telephone conference with Larry Isely. Reviewed documents pulled from the internet. Prepared question list for Bill Isely. Telephone conference with Barbara Bolton. (MVH)	0.80 hr.	\$160.00	\$100.00	Prior to complaint, vague subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
4/25/2008	Reviewed e-mail from Bill Isely and responded to the same. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; no subject matter
4/26/2008	Reviewed e-mail from Bill Isely and responded to the same. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; no subject matter; duplicative
4/28/2008	Exchanged e-mail with Barbara Bolton of FTC. Telephone conference with Larry and Bill Isely. Prepared letter to Pablo at domain Discovery. (MVH)	1.0 hr.	\$200.00	\$125.00	
4/29/2008	Telephone conference with Pablo. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; no subject matter
5/1/2008	Telephone conference with Phil Campbell of FDA. E-mail to Client. (MVH)	0.60 hr.	\$120.00	\$75.00	Prior to complaint; no subject matter
5/1/2008	Telephone conference with Client. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; no subject matter
5/5/2008	Edit letters to Federal Trade Commission and to FDA. E-mail to Client for approval. (LR)	0.50 hr.	\$55.00		Prior to complaint; FDA - beyond scope; no subject matter
5/6/2008	Review and forward e-mail from Client to Matthew Van Horn. Edit letters to Federal Trade Commission and to FDA. Fax letter to Federal Trade Commission. Duplicate and process mail and certified mail to FDA and Client. (LR)	0.70 hr.	\$77.00		Prior to complaint; FDA - beyond scope; vague subject matter; secretarial tasks (processing mail); duplicative
5/6/2008	Conference with Matthew Van Horn. Legal File maintenance and organization. (LR)	1.0 hr.	\$110.00		Prior to complaint; no subject matter; secretarial tasks (filing)
5/8/2008	E-mail exchange with B. Bolton. Telephone conference with B. Bolton. (MVH)	0.40 hr.	\$80.00	\$50.00	Prior to complaint; vague subject matter
5/9/2008	Reviewed e-mail from Client and telephone conference with Barbara Bolton. (MVH)	0.40 hr.	\$80.00	\$50.00	Prior to complaint; vague subject matter
5/12/2008	Telephone conference with Client. Reviewed federal statutes and additional case law pertaining to definition of culpability. (MVH)	1.2 hrs.	\$240.00	\$150.00	Prior to complaint; vague subject matter
5/13/2008	Telephone conference with Barbara Bolton of FTC and telephone conference with Client. (MVH)	0.40 hr.	\$80.00	\$50.00	Prior to complaint; no subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
5/15/2008	Telephone conference with Larry Isely and Barbara Bolton. Reviewed Sloan-Kettering website. Began preparation of letter to FTC. (MVH)	0.80 hr.	\$160.00	\$100.00	Prior to complaint; vague subject matter
5/16/2008	Preparation of letter to Barbara Bolton, FTC. Reviewed e-mail from Larry Isely. Reviewed Sloan Kettering internet information. (MVH)	1.0 hr.	\$200.00	\$125.00	Prior to complaint; vague subject matter; duplicative
5/20/2008	E-mail exchange with Client. Telephone Conference with Barbara Bolton. (MVH)	0.60 hr.	\$120.00	\$75.00	Prior to complaint; no subject matter
5/21/2008	Telephone conference with FDA representative. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; no subject matter; FDA - beyond scope
5/31/2008	E-mail Client and telephone conference with B. Bolton. (MVH)	0.50 hr.	\$100.00	\$62.50	Prior to complaint; no subject matter
6/10/2008	E-mail exchange with Client. Case update. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; vague subject matter
6/17/2008	Reviewed e-mail from Client and responded to the same regarding handling the press. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; vague subject matter; press - beyond scope
6/17/2008	Reviewed e-mail from Client and responded to the same regarding receipt of renewal information from website and receipt of solicitation letter from law firm. (MVH)	0.40 hr.	\$80.00	\$50.00	Prior to complaint; renewal info/law firm solicitation - beyond scope
6/18/2008	Reviewed e-mail from Client and responded to the same regarding drafting correspondence to G. Otto. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; vague subject matter; Otto - beyond scope
6/18/2008	Reviewed letter from Schiff & Co. Telephone Conference with reporter of The News & Observer. Reviewed website for Schiff & Co. (MVH)	0.40 hr.	\$80.00	\$50.00	Prior to complaint; press, Schiff - beyond scope
6/18/2008	Email exchanges with Client. Reviewed file. Telephone conference with reporter. (MVH)	0.60 hr.	\$120.00	\$75.00	Prior to complaint; press - beyond scope; vague subject matter
6/19/2008	E-mail exchange with Client. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; no subject matter
6/19/2008	Telephone conference and e-mail exchange with Client. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; no subject matter; duplicative

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
6/20/2008	E-mail exchanges with Client and Client's son. (MVH)	0.70 hr.	\$140.00	\$87.50	Prior to complaint; no subject matter
7/14/2008	Reviewed letter from FDA and forwarded the same to Client. (MVH)	0.30 hr.	\$60.00	\$37.50	Prior to complaint; vague subject matter; FDA - beyond scope
7/15/2008	Reviewed e-mail from Client. Prepared letter to FDA. (MVH)	1.8 hr.	\$360.00	\$225.00	Prior to complaint; vague subject matter; FDA - beyond scope
9/18/2008	Telephone conference with Don Clark of Federal Trade Commission regarding issuance of administrative complaint. E-mail to Matthew Van Horn regarding same. (LR)	0.20 hr.	\$22.00		
9/18/2008	Telephone conferences with Bill Isely and Larry Isely. Conference with Matthew Van Horn. Fax Complaint and Exhibits to Client. (LR)	0.30 hr.	\$33.00		
9/18/2008	Reviewed Complaint and telephone conference with Larry Isely. (MVH)	1.0 hr.	\$225.00	\$125.00	Secretarial tasks (faxing); no subject matter
9/19/2008	Telephone conference with Bill Isely. Reviewed e-mail from Client. (MVH)	0.80 hr.	\$180.00	\$100.00	vague subject matter
9/23/2008	Research administrative filing rules regarding litigation before Administrative Law Judge/Commission. Telephone call to Client regarding service of litigation (LR)	0.50 hr.	\$55.00		No subject matter
9/23/2008	Reviewed press release video from FTC. Reviewed e-mail from Client. Reviewed Complaint and other documents from FTC. (MVH)	1.4 hrs.	\$315.00	\$175.00	
9/24/2008	Continued research (on-line) administrative filing rules regarding litigation before Administrative Law Judge/Commission. Set up litigation and litigation research files. Telephone conferences with Client. (LR)	1.5 hr.	\$165.00		vague subject matter; block billing
9/30/2008	Telephone conference with reporter for Macon City Frain. Reviewed e-mail from Client. (MVH)	0.80 hr.	\$180.00	\$100.00	Press - beyond scope; vague subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
10/1/2008	Telephone conference with Client and Phil Campbell of FDA. Prepared e-mail to Client. (MVH)	0.60 hr.	\$135.00	\$75.00	FDA - beyond scope; vague subject matter
10/6/2008	Prepared first draft of Answer to Federal Trade Commission's Complaint. Began research of Title 15, Code of Federal Regulations, Commerce and Trade, with special emphasis on procedures regarding modifying and setting aside orders/reviews of orders and rehearing/judicial review and appeals, etc. Began research of Title 16, Code of Federal Regulations, Commercial Practices (before the Commission). (LR)	3.5 hrs.	\$385.00		
10/6/2008	Telephone conference with Larry Isely. Reviewed Complaint and began preparing response to Complaint. (MVH)	1.4 hrs.	\$315.00	\$175.00	Block billing (combining drafting and researching)
10/7/2008	Continued research of Title 16, Code of Federal Regulations, Commercial Practices (before the Commission). Recorded notes from research and created Time-Line of Events through final hearing before Administrative Law Judge for the Federal Trade Commission. (LR)	2.0 hrs.	\$220.00		
10/7/2008	Continued preparing Answer to FTC Complaint. (MVH)	3.2 hrs.	\$720.00	\$400.00	
10/7/2008	Created files and organized research for use in proceedings before the Federal Trade Commission. Conference with Matthew Van Horn. (LR)	1.0 hr.	\$110.00		Secretarial tasks (filing); no subject matter
10/8/2008	Finalized Answer to Complaint. (MVH)	1.2 hrs.	\$270.00	\$150.00	
10/8/2008	Revised Answer to Complaint. Telephone conference with Federal Trade Commission. (MVH)	0.3 hr.	\$33.00	\$18.33	Vague subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
10/10/2008	Prepare Notice of Appearance (of counsel) and Addendum. Prepare transmittal letter to Federal Trade Commission and UPS delivery forms to Federal Trade Commission and opposing counsel. Prepare transmittal letter to Client. Duplicate documents and process for filing and service. (LR)	1.5 hr.	\$165.00		Secretarial tasks (delivery forms; copies; filing); block billing (secretarial tasks and drafting)
10/10/2008	Reviewed e-mail from Client. Reviewed, revised And edited Answer. (MVH)	2.0 hr.	\$450.00	\$250.00	No subject matter (e-mail); block billing (e-mail response and drafting Answer)
10/13/2008	Research Code of Federal Regulations regarding definition of initial disclosures and deadline for filing initial disclosures. E-mail to Matthew Van Horn. Calendared deadline. (LR)	0.20 hr.	\$22.00		Secretarial tasks (calendared); block billing (secretarial tasks and research)
10/13/2008	Letter to Client enclosing copy of letter to Federal Trade Commission, Notice of Appearance and Answer to Complaint. Duplicate documents, process and mail. (LR)	0.50 hr.	\$55.00		Secretarial tasks (mail, copies); block billing (secretarial tasks and drafting)
10/14/2008	Telephone conference with Office of the Secretary of Federal Trade Commission. (LR)	0.20 hr.	\$22.00		No subject matter
10/15/2008	Prepare additional Certificate of Service for service of process on additional parties (per FTC). Duplicate pleadings, process and mail to three parties. Prepare cover letter to Bernita Lofly, Federal Trade Commission. Transmittal letter to Client. (LR)	1.0 hr.	\$110.00		Secretarial tasks (copies, mail); block billing (secretarial tasks and drafting)
10/19/2008	Prepare draft Defense Counsel's Initial Disclosures document. Send to office via e-mail. (LR)	1.2 hr.	\$132.00		
10/20/2008	Conference with Matthew Van Horn. Organization of legal file. Edit draft of Defense Counsel's Initial Disclosures. Prepare facsimile coversheet to opposing counsel. (LR)	0.5 hr.	\$55.00		Secretarial tasks (faxing); vague subject matter; block billing (secretarial tasks and drafting)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
10/20/2008	Prepared Initial Disclosures filing. Reviewed Order of FTC setting hearing date. Reviewed file and related documents. Reviewed proposed FTC Order setting case deadlines. (MVH)	4.2 hrs.	\$945.00	\$525.00	Vague subject matter; block billing
10/21/2008	Continued preparing Initial Disclosures filing. Reviewed file in preparation of completing Initial Disclosures document. (MVH)	1.8 hrs.	\$405.00	\$225.00	
10/21/2008	Transmit copy of draft Scheduling Order and Complaint Counsel's Initial Disclosures via facsimile. (LR)	0.10 hr.	\$11.00		Secretarial tasks (faxing)
10/22/2008	Prepare letter to Client enclosing Respondents' Counsels initial disclosures. Duplicate, process and mail. (LR)	0.20 hr.	\$22.00		Secretarial tasks (copies, mail)
10/27/2008	Prepared for Scheduling Conference with Federal Trade Commission. Telephone conference with opposing counsel. (MVH)	3.0 hrs.	\$675.00	\$375.00	
10/28/2008	Prepared for and attended Scheduling Conference at Federal Trade Commission. Office conference with Barbara Bolton. (MVH)	4.6 hrs.	\$1,035.00	\$575.00	
10/30/2008	Update legal calendar per Scheduling Order (with notes regarding Rules). Legal file maintenance. (LR)	1.2 hrs.	\$132.00		Secretarial tasks (scheduling)
10/30/2008	Telephone conference with Client. (MVH)	0.40 hr.	\$90.00	\$50.00	No subject matter
11/1/2008	Reviewed e-mail from B. Isely regarding case strategy. (MVH)	0.20 hr.	\$45.00	\$25.00	
11/3/2008	Reviewed e-mail from Client and facts in support of Motion for Summary Decision provided by Client. Reviewed file documents. (MVH)	0.40 hr.	\$90.00	\$50.00	
11/3/2008	Reviewed e-mail from Bill Isely. (MVH)	0.40 hr.	\$90.00	\$50.00	No subject matter
11/3/2008	Telephone conference with Larry Isely. (MVH)	1.0 hr.	\$225.00	\$125.00	No subject matter
11/4/2008	Reviewed e-mail from B Isely regarding case facts and settlement strategy. (MVH)	0.20 hr.	\$45.00	\$25.00	Settlement - beyond scope
11/10/2008	Reviewed e-mail from Client. (MVH)	0.30 hr.	\$67.50	\$37.50	No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
11/10/2008	Reviewed e-mail from Client regarding task list in case. (MVH)	0.20 hr.	\$45.00	\$25.00	Vague subject matter
11/18/2008	Reviewed e-mail from Client as to facts of case and strategy. (MVH)	0.20 hr.	\$45.00	\$25.00	Vague subject matter
11/18/2008	Reviewed e-mail from Client and responded to the same. Telephone conference with Bill Isely. (MVH)	0.20 hr.	\$45.00	\$25.00	No subject matter; duplicative
11/19/2008	Telephone conference with Barbara Bolton regarding FTC witness list and telephone conference concerning discovery. E-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		
11/19/2008	Conference with Matthew Van Horn and telephone conference with Barbara Bolton. (LR)	0.20 hr.	\$22.00		
11/20/2009	Reviewed e-mail from Client regarding case facts and strategy. (MVH)	0.20 hr.	\$45.00	\$25.00	Duplicative; no subject matter
11/20/2008	Send FTC Preliminary Witness List to Client via facsimile. (LR)	0.20 hr.	\$22.00		Vague subject matter
11/20/2008	Reviewed Complaint Counsel's Preliminary Witness List. Telephone conference with B. Bolton. Reviewed e-mail from Client. (MVH)	1.0 hr.	\$225.00	\$125.00	Secretarial tasks (faxing)
11/21/2008	Telephone conference with Client. Telephone conference and e-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Vague subject matter (e-mail); block billing
11/21/2008	Telephone conference with Barbara Bolton regarding conference call between counsel. E-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		No subject matter
11/21/2008	Reviewed e-mail from Client regarding facts of case and case strategy. (MVH)	0.40 hr.	\$90.00	\$50.00	Vague subject matter; secretarial task (setting up conference call)
11/23/2008	Reviewed fact changes in draft Motion for Summary Decision. (MVH)	0.40 hr.	\$90.00	\$50.00	Vague subject matter
11/24/2008	Review voicemail from Client regarding Status and preparation of case. E-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Secretarial tasks (listening to voicemail and forwarding info)
11/25/2008	Reviewed e-mail from Client. (MVH)	0.10 hr.	\$22.50	\$12.50	No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
11/26/2008	Reviewed e-mail from Client regarding FTC financial disclosure document and discovery strategy. (MVH)	0.30 hr.	\$67.50	\$37.50	
12/1/2008	Telephone conference with B. Bolton regarding settlement, discovery and preliminary witness list. Prepared preliminary witness list. Reviewed e-mail from Client. (MVH)	2.0 hrs.	\$450.00	\$250.00	Settlement - beyond scope; block billing; no subject matter (e-mail)
12/1/2008	Telephone conference with Barbara Bolton regarding Court-Ordered conference of counsel. E-mail to Matthew Van Horn. Document preparation. (LR)	0.30 hr.	\$33.00		Secretarial tasks (doc prep); no subject matter (email)
12/1/2008	Create initial draft of Defense Counsel's Preliminary Witness List. (LR)	0.40 hr.	\$44.00		
12/2/2008	Clerical edit of Preliminary Witness List. (LR)	0.50 hr.	\$55.00		Secretarial tasks (clerical edits)
12/2/2008	Send draft of Preliminary Witness List to Client via e-mail. Telephone conferences with Matthew Van Horn (2). Reviewed Client's suggested revisions to draft of witness list. Telephone conference with Matthew Van Horn concerning same. Edited final witness list for submission. Prepared e-mail to Client attaching final witness list. Prepared fax coversheet to opposing counsel. Served opposing counsel via facsimile and United States Mail. Duplicated, processed and mailed. (LR)	1.2 hrs.	\$132.00		Secretarial tasks (faxes, copies, mail); block billing (drafting list, teleconferences and secretarial tasks)
12/3/2008	Telephone conference with B. Isely and reviewed financial questionnaire. (MVH)	1.4 hrs.	\$315.00	\$175.00	Vague subject matter
12/4/2008	Reviewed and responded to e-mail. (MVH)	0.30 hr.	\$67.50	\$37.50	No subject matter
12/6/2008	Reviewed e-mail and proposed modified draft of summary decision. (MVH)	0.40 hr.	\$90.00	\$50.00	
12/7/2008	Reviewed e-mail from Client. (MVH)	0.20 hr.	\$45.00	\$25.00	No subject matter
12/8/2008	Reviewed e-mail from Client. (MVH)	0.30 hr.	\$67.50	\$37.50	No subject matter
12/8/2008	Telephone conference with Client regarding discovery issues and strategy for filing Summary Decision Request. (MVH)	0.40 hr.	\$90.00	\$50.00	Vague subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
12/9/2008	Reviewed e-mail from Client. (MVH)	0.30 hr.	\$67.50	\$37.50	No subject matter
12/10/2008	Telephone conference with Matthew Van Horn. Fax to Barbara Bolton. (LR)	0.20 hr.	\$22.00		Secretarial tasks (faxing)
12/10/2008	Telephone conference with Barbara Bolton regarding settlement. (MVH)	0.60 hr.	\$135.00	\$75.00	Settlement - beyond scope
12/15/2009	Telephone conferences with Client and Larry Isely regarding written discovery and strategy of filing a motion for summary decision. Reviewed letter from Barbara Bolton. (MVH)	1.0 hr.	\$225.00	\$125.00	
12/16/2008	Prepare draft of discovery requests for service on Barbara Bolton. Several telephone conferences with Federal Trade Commission and one conference with Office of Administrative Law Judge. Conferences with Matthew Van Horn. legal research. (LR)	3.5 hrs.	\$385.00		Vague subject matter
12/16/2008	Prepare draft of discovery requests for service on Barbara Bolton. Conferences with Matthew Van Horn. Legal research. (LR)	4.0 hrs.	\$440.00		Undue delay by Gemtronics - Discovery; block billing (research, drafting and conferences); duplicative
12/16/2008	Begin preparation of final written discovery to FTC. Reviewed e-mail from Bill Isely. (MVH)	1.6 hrs.	\$360.00	\$200.00	Undue delay by Gemtronics - Discovery; vague subject matter (email)
12/17/2008	Prepare draft of discovery requests for service on Barbara Bolton. Conferences with Matthew Van Horn. Update legal files. (LR)	3.0 hrs.	\$330.00		Undue delay by Gemtronics - Discovery; secretarial tasks (filing); no subject matter (conferences)
12/17/2008	Completed preparing written discovery to be propounded to FTC. Reviewed written discovery served on Client by FTC. (MVH)	2.4 hrs.	\$540.00	\$300.00	Undue delay by Gemtronics - Discovery
12/17/2008	Prepare letter to Client with instructions regarding discovery requests served upon us. Duplicate pleadings, process and mail. (LR)	0.80 hr.	\$88.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, mail); block billing (secretarial tasks and letter)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
12/17/2008	Second telephone conference with Federal Trade Commission regarding issuance of subpoenas. E-mail to Matthew Van Horn regarding same. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery
12/17/2008	Make final revisions to discovery requests for service on Barbara Bolton. (LR)	0.30 hr.	\$33.00		Undue delay by Gemtronics - Discovery
12/17/2008	Serve discovery requests on Complaint Counsel. Prepare letter to Client enclosing Respondents' discovery requests. Duplicate, process and mail. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, mail)
12/18/2008	Telephone call to Bernita Loft, Federal Trade Commission. Telephone conference with Office of Secretary of Federal Trade Commission, and with Crystal and Linda Hodge in Records Division of FTC. Voicemail with assistant to Administrative Law Judge. All telephone calls were in reference to issuance of subpoenas duces tecum requested originally on 12/16/2008. E-mail to Matthew Van Horn. (LR)	0.80 hr.	\$88.00		Undue delay by Gemtronics - Discovery
12/18/2008	Telephone conference with Client regarding FTC Discovery requests, our discovery requests, and e-mail and letter from UK hosting company and George Otto. E-mail to Matthew Van Horn. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery
12/22/2008	Telephone conference with Larry Isely and Reviewed discovery requests. (MVH)	0.40 hr.	\$90.00	\$50.00	Undue delay by Gemtronics - Discovery; no subject matter
12/23/2008	Reviewed designation of expert witnesses by FTC. Reviewed e-mail from Bill Isely.	0.80 hr.	\$180.00		Undue delay by Gemtronics - Discovery; vague subject matter (email)
12/29/2008	Telephone conference with Client regarding discovery answers. E-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery
12/30/2009	Telephone conference with Barbara Bolton. Reviewed e-mail from Client, including Responses to discovery matters.	2.0 hrs.	\$450.00		Undue delay by Gemtronics - Discovery; vague subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
1/6/2009	Telephone conference with Barbara Bolton and e-mail correspondence (2). (LR)	0.30 hr.	\$33.00		Undue delay by Gemtronics - Discovery; no subject matter
1/6/2009	Telephone conference with Matthew Van Horn and e-mail. (2) (LR)	0.30 hr.	\$33.00		Undue delay by Gemtronics - Discovery; no subject matter
1/6/2009	Begin preparation of discovery responses. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery
1/6/2009	Telephone conference with Barbara Bolton, e-mail to Matthew Van Horn regarding discovery responses. Prepared letter to Barbara Bolton confirming extension of time and sent via facsimile. (LR)	0.60 hr.	\$66.00		Undue delay by Gemtronics - Discovery; secretarial tasks (faxing); block billing (teleconferences and secretarial tasks)
1/7/2009	Telephone conference with Client regarding status of discovery and case. E-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery; vague subject matter
1/8/2009	Reviewed e-mail from W. Isely. (MVH)	0.10 hr.	\$22.50	\$12.50	Undue delay by Gemtronics - Discovery; No subject matter
1/9/2009	Reviewed Expert Witness Report and revised Witness List. (MVH)	0.20 hr.	\$45.00	\$25.00	Undue delay by Gemtronics - Discovery
1/12/2009	Telephone conference with Barbara Bolton. Reviewed file documents. (MVH)	1.0 hr.	\$225.00	\$125.00	Undue delay by Gemtronics - Discovery; vague subject matter
1/12/2009	Reviewed e-mail from W. Isely. (MVH)	0.20 hr.	\$45.00	\$25.00	Undue delay by Gemtronics - Discovery; no subject matter
1/12/2009	Conference with Matthew Van Horn. Prepare facsimile to Client. Legal file maintenance. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; secretarial tasks (fax, filing)
1/12/2009	Telephone conference with Barbara Bolton. and e-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery; vague subject matter
1/13/2009	Telephone conference with Bill and Larry Isely. (MVH)	1.80 hr.	\$405.00	\$225.00	Undue delay by Gemtronics - Discovery; no subject matter
1/13/2009	Reviewed e-mail and evidence regarding number of bottles o RAAX11 sold by W. Isely. (MVH)	0.30 hr.	\$67.50	\$37.50	Undue delay by Gemtronics - Discovery
1/13/2009	Telephone conference with Barbara Bolton. E-Mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery; no subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
1/13/2009	Conference with Matthew Van Horn. Prepare letter to Barbara Bolton. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; no subject matter
1/13/2009	Telephone conference with Bill Isely. (LR)	0.10 hr.	\$11.00		Undue delay by Gemtronics - Discovery; no subject matter
1/15/2009	Prepare first draft of Client's answers to discovery. (LR)	5.0 hrs.	\$550.00		Undue delay by Gemtronics - Discovery
1/15/2009	Reviewed e-mails from Client and documents attached to e-mails relating to RAAX11 sales. (MVH)	0.30 hr.	\$67.50	\$37.50	Undue delay by Gemtronics - Discovery
1/16/2009	Conference with Matthew Van Horn. Copy documents to be produced to Government in discovery. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copying)
1/16/2009	Reviewed e-mails from W. Isely and began preparing responses to written discovery propounded by the FTC. (MVH)	1.4 hrs.	\$315.00	\$175.00	Undue delay by Gemtronics - Discovery; vague subject matter (email)
1/17/2009	Reviewed e-mails from W. Isely regarding deposition. (MVH)	0.30 hr.	\$67.50	\$37.50	Undue delay by Gemtronics - Discovery
1/19/2009	Reviewed e-mails from Client. (MVH)	0.30 hr.	\$67.50	\$37.50	Undue delay by Gemtronics - Discovery; no subject matter
1/20/2009	Reviewed e-mails from Client regarding deposition preparation. Continued preparing Isely's responses to FTC's written discovery. (MVH)	0.60 hr.	\$135.00	\$75.00	Undue delay by Gemtronics - Discovery
1/21/2009	Reviewed e-mail from Client and continued preparing responses to FTC's written discovery. (MVH)	0.80 hr.	\$180.00	\$100.00	Undue delay by Gemtronics - Discovery

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
1/23/2009	Prepared second draft of Clients' answers to discovery. Reviewed B. Bolton's Motion to Compel Discovery. Reviewed files (correspondence and pleadings). Reviewed Matthew Van Horn's memorandum. Drafted Reply and Opposition to Motion to Compel. Conference with Matthew Van Horn. Sent draft of reply and opposition via facsimile to Matthew Van Horn. Updated legal file maintenance in preparation for deposition and ongoing proceedings. Clerical edit of Notice of Deposition. Prepared Subpoena Duces Tecum. E-mail to Client regarding change of location of deposition. (LR)	6.0 hrs.	\$660.00		Undue delay by Gemtronics - Discovery; secretarial tasks (clerical edits, scheduling, filing); block billing (drafting and secretarial tasks)
1/23/2009	Reviewed e-mails from W. Isely regarding material to be precluded in response to written discovery. (MVH)	0.20 hr.	\$45.00	\$25.00	Undue delay by Gemtronics - Discovery
1/23/2009	Prepare transmittal letters to Secretary of Federal Trade Commission, Administrative Law Judge and Opposing Counsel. Duplicate documents and prepare UPS delivery instructions. E-mail to Matthew Van Horn. (LR)	1.0 hr.	\$110.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, mail); block billing (secretarial tasks and letter)
1/23/2009	Reviewed FTC's Motion and Memorandum to Compel Responses to FTC's written discovery. (MVH)	0.20 hr.	\$45.00	\$25.00	Undue delay by Gemtronics - Discovery
1/23/2009	Prepared Respondents' Reply and Opposition to Motion to Compel Responses to Written Discovery. (MVH)	0.40 hr.	\$90.00	\$50.00	Undue delay by Gemtronics - Discovery
1/24/2009	Reviewed e-mail from Client. (MVH)	0.30 hr.	\$67.50	\$37.50	Undue delay by Gemtronics - Discovery; no subject matter
1/24/2009	Prepared Notice of Deposition to Pablo Velasco and Subpoena Duces Tecum to Tierra.net. (MVH)	1.0 hr.	\$225.00	\$125.00	Undue delay by Gemtronics - Discovery

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
1/26/2009	Reviewed three e-mail from Client, one e-mail from Secretary of FTC and one email from Barbara Bolton. Reviewed facsimile transmissions from Client. Telephone conference with Matthew Van Horn regarding same. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; no subject matter
1/26/2009	Reviewed e-mails from Client. (MVH)	0.30 hr.	\$67.50	\$37.50	Undue delay by Gemtronics - Discovery; no subject matter
1/26/2009	Conference with Matthew Van Horn regarding status of the case. Review correspondence from B. Bolton to this office and to Administrative Law Judge. Draft Motion to Modify Scheduling Order. Draft Order regarding Motion to Modify Scheduling Order. Prepare transmittal letter to Secretary of Federal Trade Commission. Duplicate pleadings, process for mailing and e-mail to recipients. (LR)	2.5 hrs.	\$275.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, mail); block billing (secretarial tasks, conferences and order drafting)
1/27/2009	Telephone conferences with Client. Prepare e-mail to Client and to Matthew Van Horn. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; no subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
1/27/2009	Conference with Matthew Van Horn regarding status of Scheduling Order and deposition of Client. Research rules regarding service of Subpoena Duces Tecum. Edited Subpoena Duces Tecum and Notice of Deposition regarding Pablo Velasco. Prepared transmittal letter to P. Velasco and letter to Barbara Bolton. Duplicated all documents. Fax and mail letter and documents to Barbara Bolton. Telephone Conference With Federal Trade Commission Regarding Service of subpoena. E-mail to Matthew Van Horn regarding service. Review e-mail from Client regarding deposition and DirectNIC and Whois. Preparation of UPS forms for Legal Service of Subpoena Duces Tecum and Notice Of Deposition on Pablo Velasco. (LR)	3.0 hrs.	\$330.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, mail); block billing (secretarial tasks, conferences, and letter); no subject matter (conferences)
1/28/2009	Calendar Maintenance - Re: Scheduling Order. (LR)	0.80 hr.	\$88.00		Undue delay by Gemtronics - Discovery; secretarial tasks (scheduling)
1/28/2009	Reviewed Court's Order compelling responses To FTC's written discovery. (MVH)	0.10 hr.	\$22.50	\$12.50	Undue delay by Gemtronics - Discovery
1/28/2009	Review two email Orders received from Administrative Law Judge - print. E-mail to Matthew Van Horn. Telephone conference with Matthew Van Horn. Enter deadlines into calendar. (LR)	0.30 hr.	\$33.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, scheduling, mail); block billing (secretarial tasks and conferences); no subject matter (conferences)
1/29/2009	Review email Order received from Administrative Law Judge - print. E-mail to Matthew Van Horn. Enter deadline into calendar. (LR)	0.40 hr.	\$44.00		Undue delay by Gemtronics - Discovery; secretarial tasks (printing emails, scheduling)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
1/29/2009	Telephone conference with Barbara Bolton regarding deposition of William Isely, her intent to oppose deposition of Pablo Velasco, Order on Motion to Compel, and pending Motion to Amend Scheduling Order. E-mail to Matthew Van Horn. Telephone conference with Matthew Van Horn. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery
1/29/2009	Prepared letter to Barbara Bolton regarding deposition of William Isely. Telephone conference with Client regarding change of date. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; secretarial tasks (scheduling); block billing (secretarial tasks and conferences)
1/29/2009	Reviewed e-mails and talking points regarding deposition preparation and continued preparing responses to FTC's written discovery. (MVH)	1.0 hr.	\$225.00	\$125.00	Undue delay by Gemtronics - Discovery
1/30/2009	Reviewed e-mail from Client. Printed his notes regarding deposition preparation. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery; secretarial tasks (printing notes)
1/30/2009	Reviewed e-mails regarding preparation of Statement of Undisputed Facts for Motion For Summary Decision. (MVH)	0.80 hr.	\$180.00	\$100.00	Undue delay by Gemtronics - Discovery
1/30/2009	Conference with Matthew Van Horn. Preparation for conference call with Client. (LR)	0.50 hr.	\$55.00		Undue delay by Gemtronics - Discovery; no subject matter
1/30/2009	Reviewed FTC's Opposition to Respondents' Motion for Modification of Scheduling Order (MVH)	0.20 hr.	\$45.00	\$25.00	Undue delay by Gemtronics - Discovery
2/2/2009	Prepared Reply to FTC's opposition to our Motion to Modify Scheduling Order. Duplicated pleading and served on opposing counsel, FTC Secretary and Administrative Law Judge via electronic copy and United States mail. (LR)	2.5 hrs.	\$275.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, mail); block billing (secretarial tasks and drafting)
2/2/2009	Conference with Matthew Van Horn. Prepare e-mail to Bill Isely regarding location of deposition on February 4, 2009. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery; secretarial tasks (scheduling)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
2/3/2009	Prepare final responses to FTC's discovery requests. Duplicate pleadings, send first set via facsimile to Barbara Bolton. Draft letter to B. Bolton. Conferences with Matthew Van Horn. Conferences with Client. Organize, update & pack legal file for use at deposition. Edit and send remaining set of responses to B. Bolton via facsimile and all via U. S. mail. (LR)	5.0 hrs.	\$550.00		Undue delay by Gemtronics - Discovery; secretarial tasks (copies, fax, mail); block billing (secretarial tasks, conferences, and letter); no subject matter (conferences)
2/3/2009	Prepared responses to written discovery propounded by Complaint Counsel. Prepared for deposition of William Isely. Reviewed documents from Verizon and PayPal produced by B. Bolton. (MVH)	4.6 hrs.	\$1,035.00	\$575.00	Undue delay by Gemtronics - Discovery; block billing
2/4/2009	Prepared for and attended deposition of William Isely and Pablo Velasco. (MVH)	7.0 hrs.	\$1,575.00	\$875.00	Undue delay by Gemtronics - Discovery
2/5/2009	Prepared first draft of Status Report as ordered by Administrative Law Judge. (LR)	1.0 hr.	\$110.00		Undue delay by Gemtronics - Discovery
2/6/2009	Prepared Status Report as required by Court and reviewed Status Report of Complaint Counsel. (MVH)	1.0 hr.	\$225.00	\$125.00	Undue delay by Gemtronics - Discovery
2/6/2009	Telephone conference with Barbara Bolton regarding settlement and status of case. (MVH)	0.40 hr.	\$90.00	\$50.00	Undue delay by Gemtronics - Discovery; settlement - beyond scope
2/6/2009	Telephone conference with Barbara Bolton. Finalized Status Report. (MVH)	1.2 hrs.	\$270.00	\$150.00	Undue delay by Gemtronics - Discovery
2/9/2009	Telephone conference with Bill Isely. Conference with Matthew Van Horn. Scan and transmit copy of Status Report to Client. (LR)	0.30 hr.	\$33.00		Undue delay by Gemtronics - Discovery; secretarial tasks (scan and copy)
2/9/2009	Prepare first draft of Motion for Summary Decision. Prepare cover sheet to Barbara Bolton for transmission via facsimile of documents received from Pablo Velasco. (LR)	0.80 hr.	\$88.00		Undue delay by Gemtronics - Discovery; secretarial tasks (fax); block billing (secretarial tasks and letter); no subject matter (fax)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
2/13/2009	Telephone conference with Secretary of Federal Trade Commission regarding documents misplaced by FTC. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery
2/13/2009	Reviewed Order from Court regarding deadline extension on discovery. (MVH)	0.10 hr.	\$22.50	\$12.50	Undue delay by Gemtronics - Discovery
2/13/2009	Reviewed proposed motion to extend deadline by FTC. Reviewed chart prepared by Client. (MVH)	0.30 hr.	\$67.50	\$37.50	Undue delay by Gemtronics - Discovery; duplicative
2/15/2009	Researched case law in support of Motion for Summary Decision. Reviewed B. Bolton's motion to extend deadline in discovery. (MVH)	1.0 hr.	\$225.00	\$125.00	Undue delay by Gemtronics - Discovery
2/16/2009	Reviewed Motion of Opposing Counsel to Modify Scheduling Order and proposed new Scheduling Order attached. (LR)	0.60 hr.	\$66.00		Undue delay by Gemtronics - Discovery
2/17/2009	Reviewed Order of Judge regarding ex parte communications. Forwarded copy to Client. Telephone conference with court reporter regarding deposition transcripts. Conference with Matthew Van Horn and Client. Second conference with court reporter. Prepared check for COD delivery of transcripts. (LR)	0.80 hr.	\$88.00		Undue delay by Gemtronics - Discovery; secretarial tasks (fwd copy, phone call to and conference with court reporter); block billing (secretarial tasks and reviewing court order); no subject matter (conference)
2/18/2009	Reviewed Order extending deadline to file Motion for Summary Decision. (MVH)	0.10 hr.	\$22.50	\$12.50	Undue delay by Gemtronics - Discovery
2/18/2009	Docketed dates from new Scheduling Order and compared and deleted, when necessary, old dates. Ticklers entered for preparation time. (LR)	0.60 hrs.	\$66.00		Undue delay by Gemtronics - Discovery; secretarial tasks (scheduling)
2/19/2009	Telephone conference with Client. (LR)	0.10 hr.	\$11.00		Undue delay by Gemtronics - Discovery; no subject matter
2/20/2009	Conference with Matthew Van Horn. Prepare draft of Oath regarding Velasco deposition. Prepare letter of instructions to Pablo Velasco and UPS shipment label. (LR)	1.00 hr.	\$110.00		Undue delay by Gemtronics - Discovery; secretarial tasks (mail); block billing (secretarial tasks, conferences, and letter)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
2/20/2009	Prepare letter of instructions to Client regarding deposition. Prepare UPS shipment label. (LR)	0.80 hr.	\$88.00		Undue delay by Gemtronics - Discovery; secretarial tasks, duplicative
2/23/2009	Prepare e-mail to B. Bolton regarding oath of Pablo Velasco. Conference with Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Undue delay by Gemtronics - Discovery
2/23/2009	Reviewed e-mail from Client and responded to the same. (MVH)	0.10 hr.	\$22.50	\$12.50	Undue delay by Gemtronics - Discovery; no subject matter
3/5/2009	Conference with Matthew Van Horn. Research Federal Code of Regulations database regarding Depositions - print pertinent findings. (LR)	0.50 hr.	\$55.00		
3/5/2009	Telephone conference with Client regarding motion for summary decision and e-mail to Matthew Van Horn regarding same. (LR)	0.20 hr.	\$22.00		no subject matter (conference)
3/10/2009	Reviewed Deposition of Bill Isely and Pablo Velasco. Reviewed answers to interrogatories, deposition exhibits, initial disclosures and documents produced by FTC pursuant to Motion for Production of Documents. Prepared Motion for Summary Decision and Supporting Memorandum. Prepared Statement of Undisputed Facts. (MVH)	5.6 hrs.	\$1,260.00	\$700.00	
3/11/2009	Prepared Motion for Summary Decision and Supporting Memorandum. Prepared Statement of Undisputed Facts. (MVH)	6.0 hrs.	\$1,350.00	\$750.00	Block billing
3/12/2009	Prepared Motion for Summary Decision and Supporting Memorandum. Prepared Statement of Undisputed Facts. (MVH)	4.4 hrs.	\$990.00	\$550.00	Block billing
3/12/2009	Review e-mail from Matthew Van Horn regarding preparation for filing of Motion for Summary Judgment. Assimilate documents. Telephone conversation with Secretary of Federal Trade Commission after conference with Bernita Lofly. Memo to Matthew Van Horn. (LR)	0.60 hr.	\$66.00		Secretarial tasks (assimilate documents, filing)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
3/12/2009	Telephone conferences with Client regarding filing of Motion for Summary Decision. Telephone conference with opposing counsel. (LR)	0.20 hr.	\$22.00		
3/13/2009	Conference with Matthew Van Horn. Telephone (LR)	0.20 hr.	\$22.00		No subject matter
3/13/2009	Assist in preparation of exhibits for filing in relation to Separate Statement of Material Facts as to Which There is No Genuine Issue. Assemble, duplicate and index approximately 150 pages into eight sets. Preparation of cover letter to Federal Trade Commission. Telephone conference with Secretary of Federal Trade Commission. Deliver exhibits to International Minute Press for conversion into PDF CD-Rom format as required. Preparation of e-mail filing transmittal as required. (LR)	7.0 hrs.	\$770.00		Block billing; secretarial tasks (copies)
3/16/2009	Telephone conferences with Client and Larry Isely. Telephone conference with Secretary's Office, Federal Trade Commission. Telephone conference with Bernita Lofty, Federal Trade Commission. Initial preparation for filing of witness and exhibit lists and conference with Matthew Van Horn. Telephone conferences with Barbara Bolton regarding Government's witness list and hearing exhibits. (LR)	0.90 hr.	\$99.00		Vague subject matter (conferences)
3/17/2009	Draft letter to Administrative Law Judge requesting oral argument. Duplicate and mail to Client and opposing counsel. (LR)	0.30 hr.	\$33.00		Secretarial tasks (copies); block billing (secretarial tasks and letter)
3/18/2009	On-line research of FTC website public Actions. (LR)	0.50 hr.	\$55.00		
3/18/2009	E-mail to Client forwarding PDF copy of FTC Motion for Summary Decision. (LR)	0.10 hr.	\$11.00		Secretarial tasks (fwd doc)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
3/18/2009	Conference with Matthew Van Horn regarding preparation of Respondents' Proposed Witness and Exhibit Lists. Prepared first draft of same. (LR)	2.2 hrs.	\$242.00		
3/19/2009	Preparation of Respondents' Proposed Witness List and Respondents' Exhibit List. (LR)	0.60 hr.	\$66.00		
3/19/2009	Telephone conference with administrative law Judge and Barbara Bolton. Telephone conference with Larry Isely. (MVH)	1.0 hr.	\$225.00	\$125.00	No subject matter
3/23/2009	Telephone conference with client regarding Transmittal of depositions. Duplicate, complete UPS shipping labels and deliver. (LR)	0.50 hr.	\$55.00		No subject matter
3/25/2009	Telephone conference with Barbara Bolton. Prepared Consent Order to Barbara Bolton. Prepared e-mail to Client. Reviewed various Versions of Consent Order. (MVH)	2.8 hrs.	\$630.00	\$350.00	Secretarial tasks (copies, mail)
3/26/2009	Prepared settlement agreement Consent Orders and letter to Barbara Bolton. Telephone conferences with Bill Isely and Barbara Bolton. E-mail exchanges with Barbara Bolton and Bill Isely. (MVH)	1.6 hrs.	\$360.00	\$200.00	Block billing
3/27/2009	Telephone conference with Barbara Bolton. Finalized letter to Barbara Bolton. (MVH)	0.40 hr.	\$90.00	\$50.00	Settlement - beyond scope; block billing; no subject matter (e-mail)
3/27/2009	Scan and serve final draft of proposed settlement agreement via e-mail. Duplicate and mail. (LR)	0.30 hr.	\$33.00		No subject matter
3/30/2009	Reviewed e-mails from Client regarding settlement strategy. E-mailed Client. Prepared for telephone conference with Judge Chappell. (MVH)	0.60 hr.	\$135.00	\$75.00	Secretarial tasks (scan, copy, mail)
3/31/2009	Telephone conference with Judge Chappell and Barbara Bolton. Telephone conferences with Bill Isely. (MVH)	1.0 hr.	\$225.00	\$125.00	Settlement - beyond scope
4/2/2009	Telephone conference with Barbara Bolton regarding terms of settlement. E-mail to Bill Isely. (MVH)	0.60 hr.	\$135.00	\$75.00	No subject matter
					Settlement - beyond scope

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
4/6/2009	Reviewed e-mails from Bill Isely and responded to the same. Reviewed FTC's proposed settlement agreement. (MVH)	1.2 hrs.	\$270.00	\$150.00	Settlement - beyond scope
4/4/2009	Telephone conference with Barbara Bolton. (MVH)	0.20 hr.	\$45.00	\$25.00	No subject matter
4/7/2009	Reviewed Client e-mails and responded to the same. Telephone conference with court clerk. (MVH)	0.40 hr.	\$90.00	\$50.00	No subject matter
4/7/2009	Telephone conference with Barbara Bolton and e-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		No subject matter
4/7/2009	Telephone conference with Client and e-mail to Matthew Van Horn (LR)	0.20 hr.	\$22.00		No subject matter
4/8/2009	Telephone conference with Judge and FTC. Representative. Reviewed and responded to e-mails. (MVH)	1.0 hr.	\$225.00	\$125.00	No subject matter
4/13/2009	Telephone conferences with Bill Isely regarding Proposed settlement negotiations and conference Call with Judge. Reviewed settlement proposed Consent Orders. (MVH)	1.6 hrs.	\$360.00	\$200.00	No subject matter
4/13/2009	Telephone conferences with Client and e-mails To Matthew Van Horn. (LR)	0.30 hrs.	\$33.00		Settlement - beyond scope
4/14/2009	Reviewed preparation notes for oral argument. Telephone conferences with Barbara Bolton and Bill Isely. (MVH)	1.3 hrs.	\$292.50	\$162.50	No subject matter
4/14/2009	Telephone conference with client. E-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Block billing
4/14/2009	Review e-mail between Matthew Van Horn and Barbara Bolton. (LR)	0.20 hr.	\$22.00		No subject matter
4/15/2009	Reviewed proposed consent order from FTC. Prepared Opposition to Summary Decision Motion filed by FTC. (MVH)	2.2 hrs.	\$495.00	\$275.00	No subject matter
4/15/2009	E-mail to Client. (LR)	0.20 hr.	\$22.00		No subject matter
4/15/2009	Telephone conference with Barbara Bolton. (LR)	0.20 hr.	\$22.00		No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
4/15/2009	Telephone conference with Bill Isely. Prepared e-mail to the Court per the Court's request. (MVH)	1.6 hrs.	\$360.00	\$200.00	No subject matter
4/16/2009	Telephone conference with Client and conference Call with Judge and Barbara Bolton. (MVH)	2.2 hrs.	\$495.00	\$275.00	No subject matter
4/16/2009	Telephone conference with Client and e-mail to Matthew Van Horn. Review e-mail from Client and reply. (LR)	0.30 hr.	\$33.00		No subject matter
4/22/2009	Telephone conference with Bill Isely regarding Opposition to FTC's summary decision Motion. E-mail to Barbara Bolton. (MVH)	0.60 hr.	\$135.00	\$75.00	No subject matter
4/27/2009	Telephone conference with Bill Isely. Drafted e-mails with Bill Isely. Telephone conferences with Barbara Bolton. (MVH)	1.3 hrs.	\$292.50	\$162.50	No subject matter
4/28/2009	Telephone conference with Bill Isely. Telephone Conference with Barbara Bolton. E-mail to Court. (MVH)	0.60 hr.	\$135.00	\$75.00	No subject matter
4/29/2009	Reviewed e-mail from Client. (MVH)	0.20 hr.	\$45.00	\$25.00	No subject matter
4/29/2009	Reviewed e-mails from FTC and from counsel For FTC. Telephone conference and e-mail exchange with Client. (MVH)	1.0 hr.	\$225.00	\$125.00	No subject matter
4/30/2009	Review, print and file e-mail from Matthew Van Horn to Client regarding status of case dated 4/27/2009. (LR)	0.50 hr.	\$55.00		Secretarial tasks (filing); no subject matter
4/30/2009	Review e-mail from Client dated 4/27/2009. (LR)	0.20 hr.	\$22.00		No subject matter
4/30/2009	Telephone conferences with Client and e-mails. (LR)	0.30 hr.	\$33.00		No subject matter
4/30/2009	Review e-mail regarding scheduling order. Fax To Client and e-mail to Client. (LR)	0.30 hr.	\$33.00		Secretarial tasks (fax); vague subject matter
4/30/2009	Scanned signature page of joint motion to Barbara Bolton via e-mail. Telephone conference with Barbara Bolton and Matthew Van Horn. (LR)	0.50 hr.	\$55.00		Secretarial tasks (scan); no subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
4/30/2009	Reviewed Motion for Revised Scheduling Order and Proposed Scheduling Order. Telephone conference with Client and FTC counsel. (MVH)	0.30 hr.	\$67.50	\$37.50	
05/04/2009	Reviewed e-mails from Client. Reviewed and docketed Revised Scheduling Order. (LR)	0.40 hr.	\$44.00		Vague subject matter
5/5/2009	Conference with Matthew Van Horn. Sent Order on Joint Motion to Amend the Scheduling Order to Client via facsimile. Telephone conference with Client. (LR)	0.20 hr.	\$22.00		
5/5/2009	Prepared Final Proposed Exhibit and Witness List. (MVH)	3.0 hrs.	\$675.00	\$375.00	
5/6/2009	Calendar new deadlines per Scheduling Order. (LR)	0.70 hr.	\$77.00		Secretarial tasks (scheduling)
5/6/2009	Assist in preparation of Respondents' Counsels' Final Proposed Witness List and Respondents' Counsels' Exhibit List. Prepared Table of Exhibits. Serve documents via scanned Adobe Acrobat e-mail and overnight delivery. (LR)	4.0 hrs.	\$440.00		Block billing (exhibit prep and secretarial tasks); secretarial tasks (scan and delivery prep)
5/7/2009	Reviewed and responded to e-mails from Client. (MVH)	0.40 hr.	\$90.00	\$50.00	No subject matter
5/8/2009	Telephone conference with Client regarding e-mail sent to him by Matthew Van Horn, documents filed with the FTC, and procedure concerning testimony. E-mail to Matthew Van Horn. (LR)	0.30 hr.	\$33.00		
5/11/2009	Telephone conference with Barbara Bolton concerning exhibit list. E-mail to Matthew Van Horn concerning same. (LR)	0.20 hr.	\$22.00		
5/11/2009	Telephone conference with Matthew Van Horn and e-mails to Barbara Bolton regarding exhibits. (LR)	0.40 hr.	\$44.00		
5/11/2009	Telephone conference with Barbara Bolton and sent her the Distribution Agreement via e-mail. (MVH)	0.30 hr.	\$67.50	\$37.50	
5/12/2009	Review e-mail from Client. (LR)	0.10 hr.	\$11.00		No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
5/13/2009	Assist in preparation of Respondents' Motion to Strike and Proposed Order. Prepared Certificate of Service and e-mail transmissions to the judge, secretary and opposing counsel. Prepared UPS forms for overnight delivery to same parties. Prepared transmittal letters to the Administrative Law Judge and Secretary of the Commission. (LR)	2.0 hrs.	\$220.00		Block billing (secretarial tasks and preparation of order, letters); secretarial tasks (delivery prep)
5/13/2009	Prepared Motion to Strike Exhibits from Complaint Counsel's Final Exhibit List. Prepared final Order on Motion for consideration of ALJ. (MVH)	3.6 hrs.	\$810.00	\$450.00	
5/14/2009	Telephone conference with Client. Conference with Matthew Van Horn. (LR)	0.10 hr.	\$11.00		No subject matter
5/15/2009	Telephone Conference with Client. Review Client's e-mail of this date. E-mail to Matthew Van Horn. (LR)	0.50 hr.	\$55.00		No subject matter
5/15/2009	Reviewed e-mail from Bill Isely and proposed Opposition to FTC's Motion for Summary Judgment. (MVH)	0.30 hr.	\$67.50	\$37.50	No subject matter
5/20/2009	Telephone conference with Client. E-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		No subject matter
5/21/2009	Telephone conference with Client. Conference with Matthew Van Horn. (LR)	0.10 hr.	\$11.00		No subject matter
5/21/2009	Reviewed FTC's Opposition to Respondents' Motion to Strike information from website with names similar to agarcus.net. (MVH)	0.40 hr.	\$90.00	\$50.00	
5/22/2009	Reviewed Court's Revised Scheduling Order. Reviewed e-mail from Client and responded to the same. (MVH)	0.40 hr.	\$90.00	\$50.00	
5/22/2009	Telephone conference with Client. Conference with Matthew Van Horn. (LR)	0.10 hr.	\$11.00		No subject matter
5/26/2009	Review e-mails and attached correspondence and pleading from Client. (LR).	0.30 hr.	\$33.00		No subject matter; secretarial tasks (adding email attachments)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
5/26/2009	Prepared Opposition to FTC's Motion for Summary Decision. Reviewed case law, Rules of Procedure for FTC and FTC Regulations. (MVH)	1.30 hrs.	\$292.50	\$162.50	
5/27/2009	Completed preparation of Opposition to FTC's Motion for Summary Decision. Reviewed e-mails from Client and prepared e-mails to Client. (MVH)	5.2 hrs.	\$1,170.00	\$650.00	Block billing (Opposition and emails); no subject matter (emails)
5/27/2009	Review e-mails and correspondence/pleadings from Client. (LR)	0.5 hr	\$55.00		No subject matter
5/27/2009	Assist Matthew Van Horn in preparation and service of Respondents' Counsel's Opposition to Complaint Counsel's Motion for Summary Decision. Prepare UPS labels and transmittal letter to Secretary of Federal Trade Commission for filing. (LR)	1.0 hr.	\$110.00		Block billing; secretarial tasks (labels)
5/28/2009	Review e-mail from Client. Download and save Government supplemental discovery document and discovery. Download and save FTC Opposition to Respondents' Motion for Summary Decision. Send to Client with e-mail. (LR)	0.50 hr.	\$55.00		
5/29/2009	Assisted Matthew Van Horn in Preparation of Final Proposed Witness and Exhibit List. Prepared transmittal letters to ALJ and opposing counsel. Prepared UPS labels for service of documents. (LR)	2.0 hrs.	\$220.00		Secretarial tasks (filing, saving documents; fwd docs)
5/29/2009	Reviewed e-mail from Court Clerk for ALJ regarding Pretrial Briefs. Reviewed FTC's Order Denying Motion to Strike and FTC's Revised Scheduling Order. (MVH)	1.6hrs	\$360.00	\$200.00	
5/29/2009	Prepared Final Proposed Witness and Exhibit List to be filed with Court and served on Opposing Counsel. Reviewed exhibits to be submitted in defense of FTC's claims. (MVH)	3.0 hrs	\$675.00	\$375.00	

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
5/29/2009	Prepared e-mails to Client. Reviewed and prepared e-mails to Barbara Bolton, (MVH)	0.2hrs	\$45.00	\$25.00	
5/30/2009	Reviewed e-mails from Client. Reviewed Barbara Bolton's Final Proposed Exhibit List to be served on the ALJ. Reviewed e-mails from Barbara Bolton regarding filing of Stipulations. (MVH)	1.0 hr	\$225.00	\$125.00	
6/1/2009	Telephone conferences with Client Email to Matthew Van Horn (LR)	.2hr	\$22		No subject matter
6/1/2009	Reviewed emails from B. Bolton and the FTC and responded to the same (MVH)	.3hr	\$67.50	\$37.50	No subject matter
6/2/2009	Telephone conference with Bill Isely in preparation of filing Pretrial Brief (MVH)	.3hr	\$67.50	\$37.50	Vague subject matter
6/2/2009	Review email of B. Bolton. Telephone conferences with Client and email Matthew Van Horn (LR)	.3hr	\$33		No subject matter
6/3/2009	Telephone conference with Client. Send Respondents' Counsel Motion for Summary Decision and Separate Statement relating thereto via e-mail. (LR)	.2hr	\$22		No subject matter
6/3/2009	Reviewed B. Bolton's Pretrial Brief, Proposed Findings of Fact and Conclusions of Law. Prepared comments of the same. (MVH) researched case law cited by FTC (MVH)	.8hr	\$180	\$100.00	No subject matter
6/4/2009	Review email from Matthew Van Horn. Save FTC Pretrial Brief and forward to Client via e-mail. Print brief. (LR)	.2hr	\$22		Secretarial tasks (fwd docs, print)
6/4/2009	Researched case law cited by FTC and case law and other authority for Pretrial Brief (MVH)	2.8hr	\$630	\$350.00	
6/4/2009	Review email and attachments from Client. Save drafts into Client directory and reply to email (LR)	0.1hr	\$11		Secretarial tasks (filing)
6/5/2009	Review email from Client. Telephone conferences with Client. Email to Matthew Van Horn (LR)	.4hr	\$44		No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
6/8/2009	Prepared pretrial brief and proposed findings of fact, and reviewed case law (MVH)	6.0hr	\$1,350.00	\$750.00	Block billing; vague subject matter
6/9/2009	Prepared Pretrial Brief and Proposed Findings of Fact, Conclusions of Law and case law. (MVH)	4.6hr	\$1,035.00	\$575.00	Block billing; vague subject matter
6/9/2009	Began file preparation for trial including updating of all legal files and exhibits, etc., in anticipation of trial. Conferences with Matthew Van Horn. (LR)	6.5 hrs.	\$715.00		Vague subject matter; secretarial tasks (updating files)
6/10/2009	Prepared Pretrial Brief, Proposed Findings of Fact and Conclusions of Law and researched case law. Reviewed documents and deposition transcripts in support of Proposed Findings of Fact and Conclusions of Law. Reviewed FTC's proposed Stipulations for trial. (MVH)	6.2 hrs.	\$1,395.00		Vague subject matter
6/10/2009	Review Client's e-mails pertaining to pretrial brief and trial. (LR)	0.20 hr.	\$22.00		Vague subject matter
6/10/2009	Prepare transmittal letters to Administrative Law Judge and Secretary of FTC. Prepare e-mails and UPS labels to Administrative Law Judge, Secretary of FTC and Barbara Bolton. (LR)	0.80 hr.	\$88.00		Secretarial tasks (labels); block billing (letters and secretarial tasks)
6/10/2009	Review Client's e-mail and attachment, and documents sent via fax. Saved Client's attachment (commentary) in client computer directory. (LR)	0.30 hr.	\$33.00		Secretarial tasks (save doc)
6/11/2009	File maintenance and trial preparation. Conference with Matthew Van Horn. (LR)	0.50 hr.	\$55.00		Secretarial tasks (filing)
6/12/2009	File maintenance and trial preparation. (LR)	2.0 hrs.	\$220.00		Secretarial tasks (filing)
6/15/2009	Review, print and save e-mail documents from Client. Telephone conference with Client. Prepared memorandum from Client to Matthew Van Horn. (LR)	0.60 hr.	\$66.00		Secretarial tasks (filing); no subject matter (conferences)
6/15/2009	Initial preparation of Respondents' Trial Exhibits. (LR)	6.30 hrs.	\$693.00		Vague subject matter; block billing

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
6/16/2009	Reviewed Stipulations and Declarations proposed by FTC and respond to mail all same via e-mail. (MVH)	0.40 hr.	\$90.00	\$50.00	
6/16/2009	Continuation of preparation of Respondents' Trial Exhibits and FTC Trial Exhibits. (LR)	6.0 hrs.	\$660.00		Vague subject matter; block billing
6/17/2009	Continuation of preparation of Respondents' Trial Exhibits. Telephone conference with Client. Email to Matthew Van Horn. Conference with Matthew Van Horn. (LR)	2.5 hrs.	\$275.00		Vague subject matter; block billing
6/18/2009	Continuation of preparation of Respondents' Trial Exhibits. Telephone conference with Client. E-mails to and from Matthew Van Horn. E-mails to Larry Isely, et al. General pretrial preparation assistance to Matthew VanHorn. (LR)	6.0 hrs.	\$660.00		Vague subject matter; block billing
6/18/2009	Prepared for trial, including review of Joint Trial Exhibits, supporting documents, witness examination preparation and other trial issues. (MVH)	5.6 hrs.	\$1,260.00	\$700.00	Vague subject matter; block billing
6/19/2009	Prepared for trial, including preparation of Joint Trial Exhibits, Stipulations document, opening statement, witness examinations and review of documents. Prepared e-mails to FTC counsel regarding Proposed Stipulations. (MVH)	5.2 hrs.	\$1,170.00	\$650.00	Vague subject matter; block billing
6/19/2009	Provided general legal assistance to Matthew Van Horn in trial preparation. Telephone conference with Client and e-mails to and from Matthew Van Horn. (LR)	0.30 hr.	\$330.00		No subject matter
6/21/2009	Prepared witness examinations of FTC Investigator and Bill Isely. Reviewed e-mails from Bill Isely and prepared for admission of supporting exhibits and deposition transcripts. (MVH)	3.0 hrs.	\$675.00	\$375.00	
6/22/2009	Prepared for trial, including preparation of Joint Trial Exhibits, Stipulation documents, witness examination and document review. (MVH)	5.0 hrs.	\$1,125.00	\$625.00	Vague subject matter; block billing

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
6/23/2009	Prepared for trial and travel to Washington, D. C. from Raleigh, NC. (MVH)	4.6 hrs.	\$1,035.00	\$575.00	Vague subject matter; block billing (does this include travel time? Secretarial tasks?)
6/24/2009	Prepared for and attended trial at Federal Trade Commission. Attended Pretrial Conference. (MVH)	9.0 hrs.	\$2,025.00	\$1,125.00	Block billing (prepared for vs. attended)
6/16/2009	Continuation of preparation of Respondents' Trial Exhibits and FTC Trial Exhibits. (LR)	6.0 hrs.	\$660.00		Vague subject matter; block billing
6/17/2009	Continuation of preparation of Respondents' Trial Exhibits. Telephone conference with Client. Email to Matthew Van Horn. Conference with Matthew Van Horn. (LR)	2.5 hrs.	\$275.00		Vague subject matter; block billing
6/18/2009	Continuation of preparation of Respondents' Trial Exhibits. Telephone conference with Client. E-mails to and from Matthew Van Horn. E-mails to Larry Isely, et al. General pretrial preparation assistance to Matthew VanHorn. (LR)	6.0 hrs.	\$660.00		Vague subject matter; block billing
6/18/2009	Prepared for trial, including review of Joint Trial Exhibits, supporting documents, witness examination preparation and other trial issues. (MVH)	5.6 hrs.	\$1,260.00	\$700.00	Vague subject matter; block billing
6/19/2009	Prepared for trial, including preparation of Joint Trial Exhibits, Stipulations document, opening statement, witness examinations and review of documents. Prepared e-mails to FTC counsel regarding Proposed Stipulations. (MVH)	5.2 hrs.	\$1,170.00	\$650.00	Vague subject matter; block billing
6/19/2009	Provided general legal assistance to Matthew Van Horn in trial preparation. Telephone conference with Client and e-mails to and from Matthew Van Horn. (LR)	0.30 hr.	\$330.00		Vague subject matter
6/21/2009	Prepared witness examinations of FTC investigator and Bill Isely. Reviewed e-mails from Bill Isely and prepared for admission of supporting exhibits and deposition transcripts. (MVH)	3.0 hrs.	\$675.00	\$375.00	Vague subject matter; block billing

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
6/22/2009	Prepared for trial, including preparation of Joint Trial Exhibits, Stipulation documents, witness examination and document review. (MVH)	5.0 hrs.	\$1,125.00	\$625.00	Vague subject matter; block billing
6/23/2009	Prepared for trial and travel to Washington, D. C. from Raleigh, NC. (MVH)	4.6 hrs.	\$1,035.00	\$575.00	Vague subject matter; block billing (does this include travel time? Secretarial tasks scheduling?)
6/24/2009	Prepared for and attended trial at Federal Trade Commission. Attended Pretrial Conference. (MVH)	9.0 hrs.	\$2,025.00	\$1,125.00	Block billing (prepared for vs. attended)
6/25/2009	Prepared for and attended trial at Federal Trade Commission. (MVH)	9.0hrs	\$2,025.00	\$1,125.00	Block billing (prepared for vs. attended)
6/26/2009	Travel time from Washington, D. C. to Raleigh, NC. (MVH)	2.0hrs	\$450.00	\$250.00	Travel time
6/29/2009	E-mailed the FTC with schedule for closing arguments. E-mailed Bill Isely. Reviewed emails from Bill Isely and trial summary from Bill Isely. (MVH)	1.0hr	\$225.00	\$125.00	
6/29/2009	Review e-mail from Client. Review e-mail to Client from Matthew Van Horn regarding trial transcript. (LR)	0.2hr	\$22.00		Vague subject matter
7/1/2009	Reviewed Orders from Administrative Trial Judge. Printed Orders for file and saved to Client Directory. Prepared e-mail to Client attaching Orders. Docketed deadlines on litigation calendar. (LR)	0.50 hr.	\$55.00		Secretarial task (fwd doc)
7/1/2009	Reviewed e-mail from Court, Order Closing Record and Setting closing Arguments and Order on Post Trial Briefs. Forwarded the same to Client with comments. (MVH)	0.40 hr.	\$90	\$50.00	Secretarial tasks (filing, scheduling)
7/6/2009	Review e-mail exchange between Client and Matthew Van Horn. (LR)	0.10 hr.	\$11.00		
7/6/2009	Reviewed e-mail from Bill Isely. (MVH)	0.30 hr.	\$67.50		No subject matter
7/6/2009	Research Code of Federal Regulations. (LR)	0.30 hr.	\$33.00	\$37.50	No subject matter
7/7/2009	Reviewed e-mail regarding messages from Bill Isely. (MVH)	0.20 hr.	\$45.00	\$25.00	No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
7/7/2009	Review e-mail exchange between Client and Matthew Van Horn. Telephone conference with Client. Copied Orders concerning closing argument and briefing schedule and sent to Client via facsimile. (LR)	0.30 hr.	\$33.00		No subject matter; secretarial tasks (fax)
7/7/2009	Conference with Court Reporter. Conference with Matthew Van Horn. Prepared e-mail regarding same to Client. Telephone conference with Client. Ordered transcript from Court Reporter. (LR)	0.30 hr.	\$33.00		Secretarial tasks (scheduling court reporter)
7/8/2009	Telephone conference with Client. (MVH)	0.40 hr.	\$90.00	\$50.00	No subject matter
7/8/2009	Conference with Matthew Van Horn. Telephone conference With Court Reporter. Telephone conference with Client. (LR)	0.50 hr.	\$55.00		No subject matter
7/9/2009	Reviewed and printed e-mail from Client. (LR)	0.10 hr.	\$11.00		No subject matter; secretarial tasks (print email)
7/10/2009	Reviewed and/or participated in series of e-mail communications with Client and with Matthew Van Horn. (LR)	0.60 hr.	\$66.00		No subject matter
7/10/2009	Conference with Matthew Van Horn. Prepared e-mail to Barbara Bolton and to Matthew Van Horn. Telephone calls to Barbara Bolton. (LR)	0.30 hr.	\$33.00		No subject matter
7/11/2009	Preparation for submission of OCR-formatted disk of trial and deposition exhibits per Order of the Court. (LR)	2.5 hrs.	\$275.00		No subject matter
7/10/2009	Review and reply to four e-mails concerning case. (MVH)	0.30 hr.	\$67.50	\$37.50	Secretarial tasks (formatting disk)
7/10/2009	Reviewed e-mails from Barbara Bolton. Reviewed trial exhibits. Began preparing Post-Trial Brief. (MVH)	1.4 hrs.	\$315.00	\$175.00	No subject matter
7/12/2009	E-mail to Paralegal. Continued examination of trial exhibits and transcripts. (MVH)	0.30 hr.	\$67.50	\$37.50	Vague subject matter
7/13/2009	Reviewed e-mails from Client. Listen to and report voicemail message left by Client. (LR)	0.20 hr.	\$22.00		Vague subject matter
					No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
7/14/2009	Reviewed e-mail from Matthew Van Horn. Telephone conferences with court reporter regarding trial exhibits. Reviewed e-mail from Client and saved in Client directory. (LR)	0.30 hr.	\$33.00		No subject matter; secretarial tasks (filing, court reporter)
7/14/2009	Reviewed e-mail from B. Isely and began reviewing transcript. Continued drafting of Post-Trial Memorandum. (MVH)	2.6 hrs.	\$585.00	\$325.00	Vague subject matter
7/14/2009	Reviewed and/or replied to several emails related to case, including Client and B. Bolton. (MVH)	0.30 hr.	\$67.50	\$37.50	No subject matter
7/14/2009	Additional conference with court reporter and e-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		No subject matter; secretarial tasks (court reporter)
7/14/2009	Review disk of exhibits and compare each individual exhibit to index and identifying numbers. (LR)	2.0 hrs.	\$220.00		
7/15/2009	Telephone conferences with Client and with Matthew Van Horn. Copied condensed trial transcript and send via UPS to Client. (LR)	0.50 hr.	\$55.00		Secretarial tasks (disk format)
7/17/2009	Review and respond to e-mail from Client. Copy transcripts of pretrial conference and first and second volumes of trial transcript. Prepare for mailing. (LR)	0.60 hr.	\$66.00		Secretarial tasks (copies, mail)
7/17/2009	Reviewed trial transcripts and exhibits. Prepared Post-Trial Brief and Proposed Statement of Facts and Conclusions of Law. (MVH)	3.4 hrs.	\$765.00	\$425.00	
7/17/2009	Check search function of disk submitted to Administrative Law Judge. (LR)	0.20 hr.	\$22.00		Block billing; vague subject matter
7/18/2009	Prepared Post-Trial Brief and Proposed Statement of Facts and Conclusions of Law. (MVH)	6.0 hrs.	\$1,350.00	\$750.00	Secretarial tasks (disk format)
7/19/2009	Prepared Post-Trial Brief and Proposed Statement of Facts and Conclusions of Law. Reviewed trial transcripts and deposition transcripts. (MVH)	6.70 hrs.	\$1,507.50	\$837.50	Block billing; vague subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
7/20/2009	Prepared Post-Trial Brief and Proposed Statement of Facts and Conclusions of Law. Reviewed trial transcripts and deposition transcripts. (MVH)	6.40 hr.	\$1,440.00	\$800.00	Block billing; vague subject matter
7/21/2009	Prepared Post-Trial Brief and Proposed Statement of Facts and Conclusions of Law. (LR)	6.0 hrs.	\$660.00		Block billing; vague subject matter
7/21/2009	Reviewed Barbara Bolton's Post Trial Brief. and Proposed Findings of Fact and Conclusions of Law. Prepared notes to the Same in preparation of Reply Brief. (MVH)	1.8 hrs.	\$405.00	\$225.00	
7/29/2009	Prepared for closing argument and prepared Reply Brief to Complaint Counsel's Post-Trial Brief. (MVH)	4.25 hrs.	\$956.25	\$531.25	Block billing; vague subject matter
7/30/2009	Prepared for and attended Closing Arguments. Telephone conference with Bill Isely.	5.25 hrs.	\$1,181.25		Block billing (prepared for vs. attended)
7/21/2009	Prepared Proposed Statement of Facts and Conclusions of Law. (LR).	2.0 hrs.	\$220.00		Vague subject matter
7/23/2009	Reviewed and responded to e-mail from Client by sending FTC Post-Trial Brief to Client via e-mail. (LR)	0.20 hr.	\$22.00		
7/27/2009	Reviewed e-mail from B. Isely. (MVH)	0.30 hr.	\$67.50	\$37.50	Secretarial tasks (fwd doc)
8/1/2009	Reviewed e-mails from Bill Isely and notes from Isely related to Reply to Complaint Counsel's Post-Trial Brief. Prepared Reply to Complaint Counsel's Post-Trial Brief and Findings of Fact. (MVH)	5.6 hrs.	\$1,260.00	\$700.00	
8/2/2009	Reviewed transcripts from trial. Reviewed Joint Trial Exhibits. (MVH)	5.4 hrs.	\$1,215.00	\$675.00	Block billing; vague subject matter
8/3/2009	Review e-mail from Client. Telephone conference with Client and prepared e-mail to Matthew Van Horn. (LR)	0.20 hr.	\$22.00		
8/3/2009	Telephone conference with Client and prepared e-mail to Matthew Van Horn. (LR)	0.10 hr.	\$11.00		No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
8/3/2009	Reviewed Trial Transcripts and Joint and Respondents' Exhibits. Prepared Respondents' Reply to Complaint Counsel's Post-Trial Brief and Proposed Findings of Fact. Telephone conference with Bill Isely. (MVH)	7.2 hrs.	\$1,620.00	\$900.00	Block billing; vague subject matter
8/4/2009	Telephone conferences with Client. Reviewed faxes from Client. Assisted in preparation of Respondents' Reply and Opposition to Complaint Counsel's Post-Trial Brief and Respondents' Response to Complaint Counsel's Proposed Findings of Fact in the above referenced matter. Prepared transmittal letter to Secretary of Federal Trade Commission. Prepared UPS mailing letters and e-mail to opposing counsel, Administrative Law Judge and Secretary of FTC. (LR)	6.0 hrs.	\$660.00		Block billing (secretarial tasks and conferences); vague subject matter; secretarial tasks (mail, fax)
8/4/2009	Prepared Reply to Complaint Counsel's Post-Trial Brief and Complaint Counsel's Post-Trial Proposed Findings of Fact. (MVH)	6.8 hrs.	\$1,530.00	\$850.00	Block billing; vague subject matter
8/5/2009	Reviewed Complaint Counsel's Reply to Respondents' Post-Trial Brief. (MVH)	1.0 hr.	\$225.00	\$125.00	
08/0612009	Reviewed e-mails from Client and Matthew Van Horn. Printed opposing counsel's Response to our Post-Trial Brief and sent same via e-mail to Client. Telephone conference with Client. Prepared e-mail to Matthew Van Horn. (LR)	0.70 hr.	\$77.00		Block billing; vague subject matter; secretarial tasks (print doc; fwd doc)
8/10/2009	Review e-mail from Client. Respond and attach Respondents' proposed findings of fact and Conclusions of law - pretrial and post-trial. (LR)	0.20 hr.	\$22.00		
8/11/2009	Review e-mail from Client. Locate and send documents requested by Client and transmittal e-mail. (LR)	0.50 hr.	\$55.00		Secretarial tasks (locate and fwd doc)

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
8/12/2009	Comprehensive review of case accounting and prepared e-mail to Client regarding same.	1.0 hr.	\$110.00		Vague subject matter
Oct-09	Research concerning deadlines for filing of objections, appeals and stay of decision. Research concerning eligibility and procedures for filing application to be reimbursed for attorney fees and costs of defense. Preparation of memorandum to Matthew Van Horn with copy of applicable rules of Code of Federal Regulations. (LR)	1.4 hrs.	\$154.00		
Oct-09	Telephone conference with Client. E-mail to Client. Review response and reply. Prepared e-mail to Matthew Van Horn. Researched accounting matter for Client. (LR)	0.80 hr.	\$88.00		No specific date? Block billing?
Oct-09	Review and respond to e-mail from Client. Conference with Matthew Van Horn. Locate and send corporate/individual financial statements to Client via fax. (LR)	0.80 hr.	\$88.00		No specific date? Block billing?; secretarial tasks (fax)
Oct-09	Review and respond to e-mail from Client. (LR)	0.10 hr.	\$11.00		No specific date? No subject matter
Oct-09	Review and respond to e-mail from Client. (LR)	0.10 hr.	\$11.00		No specific date? No subject matter
Oct-09	Read and respond to e-mail from Client. (LR)	0.10 hr.	\$11.00		No specific date? No subject matter
10/23/2009	Read e-mail from Client and sent January, 2009, invoice via fax. Telephone conference with Client. (LR)	0.20 hr.	\$22.00		Secretarial tasks (fax invoice)
10/29/2009	E-mail exchange with Client. (LR)	0.30 hr.	\$33.00		No subject matter
11/2/2009	Review and respond to e-mails from Client. (LR)	0.20 hr.	\$22.00		No subject matter
11/6/2009	Copy Closing Arguments transcript and mail to Client. (LR)	0.50 hr.	\$55.00		Secretarial tasks (fwd doc)
11/13/2009	Telephone conference with Office of the Secretary of Federal Trade Commission. (LR)	0.10 hr.	\$11.00		No subject matter

Date	Client Matter	Hours	Cost	Accepted Cap (\$)	Keywords
11/17/2009	Review e-mail from William Isely and Matthew Van Horn. Review Code of Federal Regulations pertaining to applications for reimbursement of expenses as prevailing par and time-table related thereto. Telephone conference with Office of the Secretary of the Federal Trade Commission. Telephone conference with Matthew Van Horn. Telephone conference with Client. (LR)	0.60 hr.	\$66.00		
11/17/2009	Telephone conference with Office of the Secretary Of the Federal Trade Commission in response to review of message left responding to my call. Prepared memo to Matthew Van Horn and to file. (LR)	0.20 hr.	\$22.00		
11/18/2009	Research Code of Federal Regulations and Title 5 U.S.C. as they pertain to filing Application for an Award of Attorney Fees and Other Expenses. Prepare first draft of Application. Telephone conversations with Client. Research and itemize legal fees and costs since inception of case. (LR)	4.3 hrs.	\$473.00		Block billing
11/19/2009	Reviewed and responded to e-mails from Client. (LR)	0.20 hr.	\$22.00		No subject matter
11/20/2009	Reviewed and responded to e-mail from Client. Printed Client research on attorney fee hourly rates for file and Matthew Van Horn. (LR)	0.20 hr.	\$22.00		Secretarial tasks (filing)
11/23/2009	Amended First Draft of Application. Continued preparation of Exhibit "A" to Application. (LR)	1.2 hr.	\$132.00		