

EXHIBIT “C”

October 28, 2020

Town of Chester
1786 Kings Highway
Chester, NY 10918
Attn: Robert Valentine, Town SupervisorIn Reference To: CHESTER, TOWN (Federal) H-3400-19 BDN
Invoice #40536

Professional Services

			<u>Hours</u>	<u>Amount</u>
5/16/2020	DJF	Reviewed e-mail from Professor Green re recusal issue	0.10	\$25.00
5/17/2020	MEM	Prepare for and participate in conference call with Prof. Green re recusal/disqualification opinion; obtain additional cases/treatises and submit to Prof. Green for his consideration in final opinion/recommendation; receive and review draft written opinion	1.80	\$450.00
	DJF	Telephone conference with Bruce Green's and Mary Marzolla regarding opinion. Email from Marzolla to Professor Green.	1.30	\$325.00
5/18/2020	MEM	Draft pre-letter motion re recusal/stay pending determination	0.70	\$175.00
	MEM	Receipt and review plaintiff's discovery position; outline electronically store information (ESI) protocols needed to be determined prior to same	1.10	\$275.00
	MEM	Review stay issue and support for same	1.40	\$350.00
	MEM	T/c county atty re joint strategy on discovery inquiry, reconsideration issues, etc	0.50	\$125.00
	MEM	Review 28 USC Section regarding recusal and requirement that motion be heard by another Judge	1.50	\$375.00
	PK	Receive, review, and analyze ethics opinion from expert and revise pre-motion letter to Court	1.60	\$400.00
5/19/2020	MEM	Draft answer with affirmative defenses to first amendment complaint	3.30	\$825.00
	MEM	Begin draft answer with affirmative defenses to NYAG complaint	1.30	\$325.00
	MEM	Receipt and review inquiry re pro Green's opinion from NYAG and reply to same	0.30	\$75.00
	DJF	Reviewed necessity of sharing expert's opinion.	0.30	\$75.00
5/20/2020	MEM	Revise answer to First Amended Complaint	2.10	\$525.00
	PK	Receive and review County's motion for reconsideration	1.20	\$300.00

			<u>Hours</u>	<u>Amount</u>
5/21/2020	BN	Draft email to Supervisor Valentine regarding Greens and settlement;	0.10	\$25.00
	MEM	For motion for reconsideration draft ripeness arguments	2.10	\$525.00
	PK	Draft futility argument for reconsideration motion; Revise letter to Court regarding recusal based on discussions with clients	3.00	\$750.00
	DJF	Reviewed request to stay reconsideration pending recusal motion hearing. Reviewed email exchange with Opposing Counsel regarding stay. Edit letter to Court. Received Opposing Counsel Grauer's letter in opposition. Reviewed expert's final report	2.30	\$575.00
	MEM	Draft no legitimate claim of entitlement to building permit argument and obtain cases to support same	1.60	\$400.00
	MEM	Draft qualified immunity argument and research cases to support same	1.70	\$425.00
	MEM	Draft legislative immunity argument and research cases to support	1.80	\$450.00
	MEM	Draft NYAG intervenor complaint futile based on Plaintiff's First Amended Complaint impediments and obtain cases to support same	0.80	\$200.00
5/22/2020	MEM	Revise motion to reconsider; draft notice of motion	0.90	\$225.00
	MEM	Receipt and review of Judge Halpern Order; receipt and review of Plaintiff and co-defendant attorney emails re order & discovery; reply to same	0.30	\$75.00
	PK	Revise memorandum of law in support of motion for reconsideration	2.40	\$600.00
	DJF	For memorandum of law in support of motion for reconsideration. Draft argument to deny NYAG intervention. Reviewed Town's answer to Plaintiff's complaint and affirmative defenses.	2.50	\$625.00
5/23/2020	DJF	Reviewed Court order terminating letter motion for conference and directing submission of affidavits detailing confidential information shared with Judge. Considered detail.	1.20	\$300.00
	MEM	Draft report to client re: order; draft proposed declaration for Town Attorney Bonacic for motion to recuse	2.00	\$500.00
5/25/2020	DJF	Consider stay in reconsideration pending resolution of recusal motion.	0.20	\$50.00
5/26/2020	MEM	Revise Town Attorney Bonacic declaration;	0.60	\$150.00
	BN	Receipt and review draft in camera letter;	0.20	\$50.00
	MEM	Per court order, begin analyze/outline discovery needs from Plaintiff and NYAG for Rule 26 conference;	0.40	\$100.00
	MEM	Telephone conference with Town Attorney Bonacic re: additional facts needed for declaration	0.50	\$125.00

			<u>Hours</u>	<u>Amount</u>
5/26/2020	PK	Revise Scott Bonacic Declaration for recusal submission	0.90	\$225.00
5/27/2020	MEM	T/c with county atty re anticipated discovery issues;	0.60	\$150.00
	MEM	Confirm Town strategy for addressing ESI	0.80	\$200.00
	MEM	email to/from Town Attorney Bonacic re declaration	0.30	\$75.00
	PM	Preparation for and attend phone conference with Patrick Mangan of Town of New Windsor IT dep't. regarding client's electronic data sources, storage, accessibility, searchability, etc. in preparation for tomorrow's Rule 26 phone conference with all parties' counsel; prepare notes for tomorrow's call based on same; follow up phone call with co-counsel regarding preparing and strategy for same; follow up phone call with Patrick Mangan; draft language for request to client for information regarding any relevant electronic data sources outside of Town-hosted email server.	2.80	\$700.00
	PK	Further drafting of memorandum of law in support of recusal/disqualification motion; Further revisions to Scott Bonacic declaration; Telephone conference with County attorney, Anthony Cardoso	3.90	\$975.00
	DJF	Consider former Supervisor's declaration per Court Order requesting subdivision on recusal motion	1.50	\$375.00
5/28/2020	MEM	Preparation for and attendance at rule 26 conference	1.50	\$375.00
	MEM	Conference with A. Jamieson re additional facts Sherman mediation for recusal, also ESI sources, addresses; draft Jamieson declaration	2.10	\$525.00
	MEM	Draft two letters to court re in camera submission; draft report to client	1.10	\$275.00
	PK	Email to Plaintiff's counsel regarding no waiver of rights in proposed discovery order	0.20	\$50.00
	PK	Telephone conference with Alex Jamieson regarding mediation with Judge Halpern	0.80	\$200.00
	JK	Review and provide FOIL requests and responses for discovery purposes.	0.20	\$50.00
	DJF	Revised Jamieson declaration.	0.80	\$200.00
5/29/2020	MEM	For appeal, prepare Forms C, D and draft addendums to same	2.10	\$525.00
	MEM	For recusal issue, further t/c with Alex Jameson re mediation session and revise declaration to reflect additional facts	0.80	\$200.00
	MEM	For appeal, revise addeddums	0.60	\$150.00
	MEM	For recusal motion draft certificate/declaration pursuant to 28 USC 144; review requirements and incorporate into same	0.70	\$175.00

			<u>Hours</u>	<u>Amount</u>
5/29/2020	MEM	Revise letter to judge re recusal issue; revise client updated status report re appeal, insurance related developments and personal device ESI case needs	0.40	\$100.00
	PK	Legal research on Westlaw regarding disqualification of attorney where previously acted as mediator and section 144 requirements; Further drafting of memorandum of law in support of motion to recuse/disqualify	2.00	\$500.00
	PK	Review and finalize ex parte letter to Judge Halpern; Review and finalize ECF letter to Judge Halpern regarding stay of reconsideration motion pending decision on recusal and confirm filing of ex parte submission; Email courtesy copy of letter to Judge Halpern as per Judge's rules	1.80	\$450.00
	DJF	Reviewed case law on conflict standard from Lee v. Pacific Telesis Group Comp Dis. Bene. Plan. Reviewed Susan Shapiro letter.	1.50	\$375.00
	DJF	Reviewed status of Sherman case and possibility of 60 Offer of Judgement.	1.00	\$250.00
6/1/2020	MEM	Continue draft NYAG answer, confirm certain facts alleged	3.10	\$775.00
6/2/2020	PM	Telephone conference with former Town Bd members, Town atty, engineer, and former Town Building Inspector regarding e-discovery; phone call to Town Clerk regarding same; begin organizing master roster IDing people from whom e-discoverable info potentially exists, what devices, formats, accounts, etc. it exists in; draft letter to all relevant parties regarding request for same and send to all Town related IDd persons.	2.20	\$550.00
6/3/2020	MEM	Strategize re additional ESI needs from clients and ESI needs from Plaintiff; draft report to client	0.80	\$200.00
	MEM	Revise answer to intervenor complaint in final; add additional affirmative defenses	2.30	\$575.00
	PM	Telephone conference with former Bd. members Finizia and Wensley regarding e-discovery; follow up with litigation team regarding same.	0.20	\$50.00
	PK	Draft and file notice of appearance in second circuit	0.10	\$25.00
	DJF	Reviewed/edited client correspondence.	0.10	\$25.00
6/4/2020	BN	Receipt and review of letter from Plaintiff's counsel regarding settlement terms; Telephone conference with Supervisor Valentine; Draft email to Plaintiff's counsel; Receipt and review of additional email with redline;	0.50	\$125.00
	PK	Draft memorandum of law in support of recusal motion	0.50	\$125.00
	PK	Revise answer and affirmative defenses; Receipt and review of Plaintiff's revised proposed settlement dated 6/4/2020	1.80	\$450.00
	DJF	Reviewed Term Sheet with construction game plan.	0.80	\$200.00

			<u>Hours</u>	<u>Amount</u>
6/5/2020	MEM	Receipt and review County's answer to intervenor complaint	0.40	\$100.00
	MEM	T/c with NYAG re status, settlement issue, CAMP settlement conference	0.30	\$75.00
	PM	Telephone conference with Town engineer Mr. Fusco regarding e-discovery obligations; follow up email to litigation team regarding same.	0.20	\$50.00
	PK	Revise affirmative defenses to NYAG's complaint	1.00	\$250.00
	PK	Receipt and review of Plaintiff's opposition to Town's motion for reconsideration; Outline and preliminary drafting of argument for reply	2.80	\$700.00
6/8/2020	MEM	Consider motion to stay discovery pending appeal and gather supporting SDNY cases; draft pre-motion letter	1.60	\$400.00
	MEM	Receipt and review court orders; review emails from co-counsel, reply to same;	0.40	\$100.00
	DJF	Reviewed and edited letter to Judge regarding stay pending appeal with pre-motion conference request; Received Court Order scheduling conference; Received letter to Court in light of same.	0.30	\$75.00
6/9/2020	MEM	Receipt and review County application to Court; revise letter to court; emails to and from other counsel;	0.70	\$175.00
	BN	Review Settlement term documents from Plaintiffs; Revise settlement document	0.70	\$175.00
	PM	Receipt and review of email from A. Fusco	0.10	\$25.00
	PK	Review and revise letter to Judge Halpern re: extension to reply on motion for reconsideration and motion for stay pending appeal	0.20	\$50.00
	DJF	Follow up emails with Prof. Green regarding Ex Parte submission and whether they change his opinion; Review status of settlement talks	0.50	\$125.00
6/10/2020	BN	Telephone conference with Supervisor Valentine regarding settlement and related issues; Revise settlement stipulation terms and conditions	1.30	\$325.00
	MEM	Prep for and participate in conference with Prof. Green re recusal motion, issues, etc	0.90	\$225.00
	DJF	E-mail from Professor Green. Received Opposing Counsel's letter opposing recusal and disqualification conference. Telephone conference with Professor Green regarding opinion.	1.50	\$375.00
6/11/2020	MEM	Telephone conference with attorney for County re status, strategy, sewer issue	0.50	\$125.00
6/12/2020	PM	Receipt and review of email from engineer Fusco regarding ESI sources; reply to same	0.20	\$50.00
6/15/2020	MEM	Begin draft FRCP 26 disclosure per court order	2.50	\$625.00

		<u>Hours</u>	<u>Amount</u>
6/15/2020	MEM Receive, review several emails from NYAG, County, etc; t/c with NYAG atty re settlement issues, etc; email to all parties re same; t/c County Atty re settlement issues, mediation, etc	0.90	\$225.00
	MEM Pull additional information from file re County and NYS witnesses; add to Rule 26 disclosure	0.50	\$125.00
	MEM On motion for reconsideration, review Plaintiff's opp re legislative immunity; draft reply to same; pull additional cases to refute same	1.90	\$475.00
	MEM On motion for reconsideration, review Plaintiff's opp re qualified immunity; draft reply to same; pull additional cases to refute same	1.60	\$400.00
	JK Receipt and review of an email from the Orange County Attorney regarding document request for the Town Clerk; research the Town's archives; email to the Town Clerk regarding retrieving documents.	0.40	\$100.00
	PM Draft letters to persons identified as potential ESI sources for discovery; email communications with J. Farr; R. Wensley, T. Becker regarding discovery and ESI sources; download and save received information regarding same as necessary	1.60	\$400.00
	DJF Reviewed Rule 26 initial Disclosures. Prepared for Pre-Motion conference.	0.70	\$175.00
	For professional services rendered	107.60	\$26,900.00
	Previous balance		\$15,355.00
	Accounts receivable transactions		
10/20/2020	Payment for Inv# 40172. Check No. 81435		(\$15,355.00)
	Total payments and adjustments		(\$15,355.00)
	Balance due		\$26,900.00

Please make checks payable to: FEERICK NUGENT MacCARTNEY PLLC

For the convenience of our Clients payments
can be made by the following credit cards:
Visa/MC/AMEX/Discover Card
Please contact our Accounts Manager for Payment Forms

April 20, 2021

Town of Chester
 1786 Kings Highway
 Chester, NY 10918
 Attn: Robert Valentine, Town Supervisor

In Reference To: CHESTER, TWN (Federal) H-3400-19 BDN
 Invoice #41504

Professional Services

			<u>Hours</u>	<u>Amount</u>
6/16/2020	MEM	Prep for argument on pre-motion recusal conference;	2.10	\$525.00
	MEM	Participate in pre-motion conference; report to client re outcome of conference;	0.60	\$150.00
	MEM	For motion for reconsideration, review NYAG opp and begin draft reply;	1.90	\$475.00
	MEM	Receipt and review Plaintiff proposed submission to Second Circuit mediation re NYAG; email changes needed to same	0.30	\$75.00
	PM	Receipt and review of email from councilmember Perez; save data provided regarding ESI and reply to email.	0.20	\$50.00
	PK	Review NYAG's complaint re: named defendants and draft email regarding request for NYAG to remove same	0.50	\$125.00
	PK	Legal research on motion for stay pending appeal	0.90	\$225.00
	PK	Review Plaintiff's opposition to motion to dismiss and NYAG's opposition to motion for reconsideration for admissions to use in recusal motion	0.60	\$150.00
	DJF	Receipt and review Plaintiff's letter regarding Extension and Stay: Reviewed AG's letter to Court; Reviewed AO's Opposition to Motion for Reconsideration; Submit Notice of Appearance; Reviewed holding in <u>Noel Payne v. Town of Greenburg</u> ; Allocate work assignment; Review Court entry.	3.50	\$875.00
6/17/2020	MEM	For motion to stay discovery pending appeal, obtain additional cases re district court divested of jurisdiction upon filing notice of appeal	1.90	\$475.00
	MEM	For motion to stay discovery pending appeal, begin outline argument	2.10	\$525.00
	MEM	For motion to recusal motion, further analyze SDNY mediation protocol and related conflict rules	1.30	\$325.00
	MEM	For motion to stay discovery pending appeal, begin draft preliminary statement, summary of argument, facts	1.40	\$350.00

			<u>Hours</u>	<u>Amount</u>
6/17/2020	PK	Begin draft memorandum of law in support of motion for recusal	2.50	\$625.00
	DJF	Reviewed case law supporting recusal and disqualification including <u>In re: Cartwright Star Elec, Inc. v. North Post Office Tower LP; Provine v. Provine; In re: BLG, Duinick Bros v. Howe Precast, Inc.; West Va. Inv.. Mgt Bd. v. Variable Annuity Life Ins. Co.;</u>	2.40	\$600.00
	DJF	For recusal motion re: waiver of argument reviewed impacts of COVID-19 policies on local governors to address waiver by lapse of time in moving;	0.69	\$172.50
	DJF	Revised Notice of Motion; Frame background facts narrative for MOL.	1.20	\$300.00
6/18/2020	MEM	For motion to stay discovery pending appeal, continue draft facts	0.80	\$200.00
	MEM	T/c with former Councilperson Wensley re discovery issues; email confirming resolution of issue	0.50	\$125.00
	MEM	For motion to stay discovery pending appeal, complete draft re argument divestiture of jurisdiction; research to support same and add to motion;	2.30	\$575.00
	MEM	For motion to stay discovery pending appeal, draft re stay analysis/factors re irreparable harm to client if not granted and lack of harm to plaintiff	1.80	\$450.00
	MEM	For motion to stay discovery pending appeal, draft re stay analysis/factors re public interest and likelihood of success	1.70	\$425.00
	DJF	For motion to recuse, draft preliminary statement and relevant statutes discussion	1.80	\$450.00
	DJF	For motion to recuse, draft factual background	2.30	\$575.00
	DJF	Specify <u>Sherman</u> connection to <u>Greens</u> case in factual background	1.10	\$275.00
6/19/2020	MEM	For motion to stay, revise point re irreparable harm and likelihood of success to reflect recent SDNY decisions granting stay	1.30	\$325.00
	MEM	For motion to stay, draft attorney declaration and notice of motion	0.50	\$125.00
	MEM	For motion to recuse, continue analyze additional potential arguments supporting conflict	1.10	\$275.00
	MEM	For appellate mediation, receive email from CAMP coordinator re submission; begin prepare submission	1.10	\$275.00
	PM	Receipt and review of emails from Alex Jamieson and Ryan Wensley, respectively, regarding ESI sources; update internal file regarding same.	0.80	\$200.00
	PK	Revise memorandum of law in support of motion to stay pending appeal	1.40	\$350.00
	BN	Receipt and review initial disclosures from Intervenor;	0.30	\$75.00

			<u>Hours</u>	<u>Amount</u>
6/19/2020	DJF	Reviewed holding of <u>Kearney v. Milwaukee County</u> regarding dicta. Reviewed proposed Town mediation statement. Continued drafting of memorandum of law on motion to recuse and disqualify. NEED BREAKDOWN	3.60	\$900.00
6/20/2020	DJF	Continued draft memorandum of law on motion to recuse and disqualify. Draft attorney declaration without any argument contained therein. Reconcile memorandum of law and declaration.	4.20	\$1,050.00
6/22/2020	MEM	Analyze Plaintiff's, NYAG and County's rule 26 disclosures to determine case/discovery needs; draft report to client re same;	1.30	\$325.00
	MEM	For motion to recuse, revise statement of facts and procedure, preliminary statement;	3.10	\$775.00
	MEM	For motion to recuse, revise and condense argument section to conform to Judge's Rules	3.20	\$800.00
	DJF	Edit memorandum of law. Email to Professor Green. Organize attorney declaration. Organize exhibits for attorney declaration in support of motion to recuse and disqualify.	3.20	\$800.00
6/23/2020	BN	Telephone conference with Supervisor Valentine; Review Proposed Settlement agreement to send to Plaintiff;	1.90	\$475.00
	MEM	For reply to reconsideration, obtain additional cases from SDNY re legislative immunity barring declaratory and injunctive relief to rebut NYAG argument and add to MOL	0.80	\$200.00
	MEM	For reply to reconsideration, revise MOL in final;	1.30	\$325.00
	MEM	For settlement terms, revised terms of settlement	1.30	\$325.00
	MEM	For motion to recuse, begin draft atty affirmation re nature of motion, overlap of Sherman and Greens cases	2.20	\$550.00
	MEM	For motion to recuse, begin draft atty affirmation re nature of motion, overlap of Sherman and Greens cases	2.20	\$550.00
	PK	Revise reply memorandum of law in further support of motion for reconsideration	2.00	\$500.00
	PK	Further legal research on motion for recusal and revise memorandum of law in support of motion	3.70	\$925.00
	DJF	Greens - Reviewed NYAG's Rule 26 disclosures; Reviewed holding in <u>Rivero v. Board of Regents of Uni. of New Mexico</u> ; Reviewed holding in <u>Blackman v. Caton Corp.</u> ; T/C with Bruce Green; Revised Memo of Law; Reviewed proposed settlement term sheet.	5.30	\$1,325.00

			<u>Hours</u>	<u>Amount</u>
6/24/2020	MEM	For motion to recuse, draft atty affirmation re allegation/issue overlap of Sherman and Greens cases, timeline/overlap of each case, judge statements, Greens discovery and disclosure of issue to court;	2.00	\$500.00
	PK	Further drafting and revisions to memorandum of law in support of motion for recusal	3.00	\$750.00
	BN	Revise settlement terms document for Town;	0.20	\$50.00
	DJF	Receipt and review tables in Memo of Law; Revise attorney declaration in Support of Motion.	3.30	\$825.00
	MEM	For motion to recuse, draft atty affirmation re discovery and disclosure of issue to court;	1.40	\$350.00
6/25/2020	MEM	For motion to recuse, cull file for exhibits and conform in Decl;	0.80	\$200.00
	PK	Revise declaration in support of motion for reconsideration	0.60	\$150.00
	PK	Review and revise Donald Feerick declaration in support of motion for recusal	1.30	\$325.00
	BN	Review documents fore mediation;	0.50	\$125.00
6/26/2020	MEM	rework dec, exhibits 9-	2.10	\$525.00
	PK	Finalize and file reply memorandum of law in support of motion for reconsideration	0.80	\$200.00
	PK	Revise, finalize, and file motion for recusal	3.20	\$800.00
	DJF	Greens - Filed motion to Recuse and Disqualify.	0.80	\$200.00
6/29/2020	MEM	Finalize motion for stay, notice of motion, MOL;	0.50	\$125.00
	MEM	Per Judge order, draft tailored demand for production of documents and things from Plaintiff; review file to determine case needs and add to demand;	2.30	\$575.00
	MEM	Per Judge order, draft tailored demand for interrogatories from Plaintiff;	1.60	\$400.00
	MEM	Per Judge order, draft tailored demand for production of documents and things from NYAG;	1.40	\$350.00
	MEM	T/c NYAG Atty Khan re mediation, settlement liklihood, goals;	0.30	\$75.00
	MEM	Per Judge order, draft tailored demand for interrogatories from NYAG;	1.20	\$300.00
	MEM	T/c Cty Atty re settlement status	0.20	\$50.00
	PM	Telephone conference with V. Finizia regarding potential ESI sources; make notes to file regarding same.	0.30	\$75.00

			<u>Hours</u>	<u>Amount</u>
6/29/2020	BN	Receipt and review Term sheet for settlement from Plaintiff counsel - redlined;	0.50	\$125.00
	BN	Preparation for mediation session; Review all pleadings and settlement documents;	1.40	\$350.00
	DJF	Finalized Attorney Declaration on Motion to Recuse; Included correspondence to avoid waiver defense; Edit reply Memo of Law on Motion for Reconsideration.	1.90	\$475.00
6/30/2020	MEM	Prepare for, meet with client, and attend CAMP Mediation	5.60	\$1,400.00
	BN	Preparation and attendance in mediation conference with Plaintiffs, NYS Attorney General and Mediator Leslie; Review settlement documents and related papers;	4.90	\$1,225.00
	PK	Receipt and review of Plaintiff's letter motion to Court seeking to strike Point I of reply memorandum of law in support of motion for reconsideration; Draft, revise, and file letter in response	1.60	\$400.00
	PK	Telephone conference with Mary Marzolla re: CAMP conference in 2d Circuit and Plaintiff admissions in same	0.20	\$50.00
	DJF	Reviewed letter to Court on reconsideration. Reviewed possible consent decree language.	0.40	\$100.00
7/1/2020	MEM	Analyze NYAG's proposed settlement and research for support to favorably revise same	1.70	\$425.00
	DJF	Receipt and review Order permitting Sur-Reply on Motion for Reconsideration by 7/10/20; Discuss Response	0.30	\$75.00
7/6/2020	PM	Revise Town Initial Discovery Demands and Interrogatories to both parties and review file to confirm compliance	1.40	\$350.00
	PK	Receipt and review of email from Plaintiff's counsel regarding motion to dismiss appeal and respond to same; Receipt and review of Plaintiff's motion to dismiss appeal; Review 2d Circuit rules regarding time to respond to Plaintiff's motion and potential cross-motion for stay	2.50	\$625.00
7/7/2020	PM	Legal research regarding timing and procedure of opposition to motion in Second Circuit under Local Rules and Federal Rules of Appellate Procedure	0.20	\$50.00
	PK	Receipt and review of NYAG's proposed consent decree	0.20	\$50.00
	PK	Telephone conference with County Attorney, Anthony Cardoso	0.50	\$125.00
7/8/2020	BN	Receipt and review email from J Grauer regarding settlement;	0.10	\$25.00
	PK	Telephone conference with County Attorney, Anthony Cardoso, regarding recent 2d Department case (BBFC v. Warwick) concerning contract zoning	0.20	\$50.00

			<u>Hours</u>	<u>Amount</u>
7/8/2020	DJF	Legal research; reviewed case law in SDNY and NDNY on stay of discovery pending appeal	0.50	\$125.00
7/9/2020	MEM	Receipt and review NYAG email request for consent to extension on Town pending motions; draft reply re consent conditioned on all parties staying discovery until decision on motions; multiple communications with all parties re same, basis for Town's objection/non waiver of stay/recusal relief	0.60	\$150.00
	PK	Receipt and review of letter filed by NYAG to Court for adjournment, and draft and file letter in opposition to NYAG's request	0.90	\$225.00
7/10/2020	DJF	Receipt and review of Court's Orders on revised motion briefing schedules; receipt and review of Plaintiff's Reply Memo of Law on Motion for Reconsideration (Plaintiff's sur-reply) receipt and review of second motion to file amicus brief; reviewed NYAG's First Set of Interrogatories	2.50	\$625.00
	MEM	Finalize Town discovery demands	0.80	\$200.00
7/11/2020	DJF	Receipt and review of Plaintiff's First Request for Production of Documents to Town and County	0.50	\$125.00
7/13/2020	MEM	Draft further proposed revisions to settlement term sheet	1.10	\$275.00
	MEM	For Plaintiff motion to dismiss appeal begin opposition begin	1.80	\$450.00
	PK	Receive, review, and analyze Plaintiff's sur-reply on motion for reconsideration	0.10	\$25.00
	PK	Receipt and review of NYAG's discovery demands; Draft correspondence to NYAG regarding demands directed at Individual Defendants	0.30	\$75.00
	PK	Receive, review, and analyze motion to file amicus brief filed by Edward Winters, et al.	0.50	\$125.00
	DJF	Reviewed proposed settlement terms; reviewed letter to client; email from client rejecting settlement terms	0.40	\$100.00
	MEM	For Plaintiff motion to dismiss appeal begin draft introduction and summary of argument	1.40	\$350.00
	MEM	For Plaintiff motion to dismiss appeal begin opposition begin draft statement of facts and procedure;	1.10	\$275.00
	MEM	For Plaintiff motion to dismiss appeal break down all of PI's factual arguments, contrast with FAC and point out inconsistencies;	2.30	\$575.00
	MEM	For Plaintiff motion to dismiss appeal begin review cases cited by Plaintiff re Qualified Immunity and collateral order doctrine, factual issues;	1.10	\$275.00
7/14/2020	MEM	For opposition to motion to dismiss appeal, complete draft facts	1.20	\$300.00

			<u>Hours</u>	<u>Amount</u>
7/14/2020	BN	Receipt and review email from Plaintiff's Attorney regarding land use attorney participating in mediation; Draft email in response	0.20	\$50.00
	DJF	Reviewed and revised opposition to Motion to Dismiss Appeal to ensure consistency with Town's position in pending motion to accuse	0.80	\$200.00
	MEM	For opposition to motion to dismiss appeal, complete draft argument re: collateral order doctrine jurisdiction	2.20	\$550.00
	MEM	For opposition to motion to dismiss appeal, draft argument re: legislative and qualified immunity herein	1.70	\$425.00
	MEM	For opposition to motion to dismiss appeal, further analyze pendent jurisdiction issue, research for analogous cases	1.30	\$325.00
	MEM	For opposition to motion to dismiss appeal, draft pendent jurisdiction argument	1.90	\$475.00
7/15/2020	MEM	Revise and finalize MOL in opp to motion to dismiss appeal;	1.40	\$350.00
	MEM	Analyze <u>Clubside v. Valentin</u> and similar cases re pendent app jurisdiction, ripeness as giving rise to pendent appellate jurisdiction	1.50	\$375.00
	MEM	Emails to/from County Atty re joint strategy to push back NYAG; t/c County Atty re same;	0.50	\$125.00
	MEM	Draft attorney declaration in opp to Plaintiff motion to dismiss appeal	0.50	\$125.00
	MEM	Analyze NYAG settlement demand and draft consent decree consider violation of public policy by ceding legislative/zoning authority to NYAG as well as other avenues of attack and basis for MTD NYAG complaint	1.50	\$375.00
	BN	Receipt and review emails regarding mediation; Draft email in response; Review update settlement process;	0.20	\$50.00
	MEM	Analyze limits of NYAG power to intervene in town's legislative zoning authority under separation of powers doctrine and home rule provision in constitution	1.40	\$350.00
7/16/2020	MEM	Continue analyze NYAG statutory authority vs Town legis authority/home rule and NYAG attempt to usurp same as violation of public policy	2.10	\$525.00
	BN	Prepare for and attend Mediation;	4.50	\$1,125.00
	MEM	Prepare for Second Circuit Mediation, meet with client, and attend same	4.50	\$1,125.00
	PK	Finalize opposition to Plaintiff's motion to dismiss 2d Circuit appeal for filing, cite check and confirm exhibits	1.90	\$475.00
	DJF	Review Plaintiff's Mediation open items.	0.50	\$125.00

			<u>Hours</u>	<u>Amount</u>
7/17/2020	MEM	Draft settlement status report to Town Board	0.40	\$100.00
	DJF	Reviewed post mediation report for client; Received letter from Plaintiff's counsel to Court regarding Amicus Application.	0.30	\$75.00
7/20/2020	DJF	Receipt and review Memo Endorsement permitting opposition to Amicus.	0.10	\$25.00
7/21/2020	BN	Receipt and review of email from J Grauer regarding settlement; Revise response;	0.10	\$25.00
	DJF	Receipt and review NYAG's Memo of Law opposing recusal;	0.70	\$175.00
	DJF	Receipt and review Plaintiff's opposition to Motion for Recusal.	0.80	\$200.00
7/22/2020	DJF	Continued review of opposition to Motion to Recuse for reply purposes; Reviewed holding in <u>Edgar v. K.L.</u> , 93 F3d 256, <u>Liljeberg v. Health Services Acq. Corp.</u> , 486 US 817, In re <u>IBM</u> , 45 F3d 641.	2.90	\$725.00
	DJF	Reviewed bond estimate correspondence.	0.30	\$75.00
7/23/2020	DJF	Receipt and review of Plaintiff's Reply on Motion to Dismiss Appeal;	0.40	\$100.00
	DJF	Reviewed County's Reply Memo of Law on Motion for Reconsideration	0.30	\$75.00
	DJF	Draft reply to Plaintiff opposition argument to motion to recuse, outline proposed reply argument points	1.70	\$425.00
	DJF	Analyze cases cited by Plaintiff to distinguish same and cite check for further support for recusal	1.90	\$475.00
7/24/2020	MEM	Receipt and review Plaintiff opposition to SDNY motion to stay discovery pending appeal; outline reply argument;	1.70	\$425.00
	MEM	Re reply to Plaintiff opposition to SDNY motion to stay discovery pending appeal, begin draft summary of reply argument, reply statement of facts	2.20	\$550.00
	PK	Receipt and review of NYAG opposition to recusal motion, legal research on issues raised, by NYAG in opposition to motion to recuse	2.10	\$525.00
	DJF	Greens - Edited Reply on Motion to Recuse Judge; Reviewed Intervenor's Motion Papers and Plaintiff's Opposing Memo of Law.	1.20	\$300.00
	PK	Draft preliminary outline reply to NYAG argument in opposition to recusal motion	1.40	\$350.00
7/25/2020	DJF	Reviewed NYAG proposed consent decree.	0.30	\$75.00
7/27/2020	MEM	For reply on motion to stay, review cases cited by PI and draft argument re divestiture of jurisdiction to Second Circuit, obtain further cases to support;	1.70	\$425.00

			<u>Hours</u>	<u>Amount</u>
7/27/2020	MEM	Complete summary of reply argument and reply statement of facts;	2.10	\$525.00
	MEM	Review NYAG opposition to stay motion and review cases cited in same to distinguish;	1.60	\$400.00
	PK	Receipt and review of Plaintiff's opposition to motion to file amicus brief	0.10	\$25.00
	PK	Research and draft argument for reply memorandum of law in recusal motion re: reasonable person would question impartiality, Section 544(a), and <u>Liteky</u> 510 U.S. 540 and progeny	1.60	\$400.00
	PK	Research and draft argument for reply memorandum of law on recusal motion re: role of mediation and presumption of receipt of confidential information	2.20	\$550.00
	PK	Research and draft argument for reply memorandum of law on recusal motion re: Plaintiff/NYAG reliance of <u>Sherman</u> case requires recusal	2.00	\$500.00
	PK	Research and draft argument for reply memorandum of law on recusal motion re: untimeliness is feigned	0.80	\$200.00
	DJF	Reviewed holding in City of Albany case regarding futility and application on Motions for Stay Pending Appeal; research to distinguish this case and progeny	1.60	\$400.00
	MEM	For reply on motion to stay, review cases cited by Plaintiff and draft argument re factors warrant stay pending appeal, obtain further cases to support;	1.80	\$450.00
	MEM	Draft reply to NYAG opposition to stay and obtain cases to support stay	1.70	\$425.00
	DJF	Revised Reply Memo on Motion to Recuse on departing Judge;	2.20	\$550.00
7/28/2020	MEM	Draft attorney declaration for reply to motion to stay; obtain exhibits needed	0.80	\$200.00
	MEM	For motion to recuse timeliness issue, review Town minutes re COVID emergency orders, operations, etc., to determine whether additional facts required to show Town raised issues as promptly as possible	1.00	\$250.00
	MEM	Receipt notices of deposition from plaintiff; draft updated status report with cases needs/strategy to Town and individual defendants Farr and Jamieson;	1.30	\$325.00
	PK	Finalize all papers on motion to stay to conform with Judge's rules for filing	0.70	\$175.00
	PK	Finalize Reply on motion to recuse to conform with Judge's rules for filing	1.30	\$325.00
	DJF	Reviewed client status update letter; Reviewed holding of <u>Callka v. Krucker, Kraus and Bruh</u> regarding CAMP confidentiality as it relates to motion to recuse and new information obtained by client; Finalized Reply Memo of Law on Motion for Recusal and Disqualification.	2.60	\$650.00

			<u>Hours</u>	<u>Amount</u>
7/31/2020	MEM	Contemplate strategy in event adverse decision/no decision from SDNY on motion to stay requires immediate OTSC/TRO application to Second Circuit; obtain support for same;	1.20	\$300.00
	MEM	Emails re ongoing mediation efforts Plaintiff, NYAG;	0.30	\$75.00
8/1/2020	BN	Receipt and review email from Supervisor Valentine regarding settlement;	0.10	\$25.00
	DJF	Reviewed latest settlement forms	0.40	\$100.00
8/3/2020	MEM	Strategize response/objection to deposition notices for Jamieson, Farr and Valentine and research to support same;	1.70	\$425.00
	MEM	T/c with NYAG office re mediation efforts, email re same;	1.40	\$350.00
	PM	Review Plaintiff's and Attorney General's 1st Set of Demands for Production of Documents; begin drafting written objections and responses thereto;	2.90	\$725.00
	BN	Receipt and review of responses to Attorney General on Consent Decree; Telephone conference with with Attorney General's office regarding Consent Decree;	1.40	\$350.00
	PK	Legal research on motion to quash/protective order re: deposition and subpoena notices, and privilege issues	1.80	\$450.00
	DJF	Reviewed plan for tackling discovery; Reviewed NYAG's email regarding deposition.	0.30	\$75.00
	PM	Telephone call with Town Clerk and Don Serotta regarding accepting service of subpoena on behalf of Mr. Serotta as Town Planning Board Chair.	0.60	\$150.00
8/4/2020	PM	Receipt and review of Attorney General's office's emails regarding FRCP 30(b)(6) demands served on it where AG raises issues of privilege; legal research regarding deliberative privilege and investigative privilege as claimed by NYAG	0.90	\$225.00
	PM	Continue drafting specific objections and responses to Plaintiff's D&I Demands;	1.80	\$450.00
	PM	Receipt and review of subpoenas for Al Fusco, D. Serotta, and S. Bonacic; emails to appropriate persons to deliver subpoenas and coordinate availability regarding appearing to answer same.	0.60	\$150.00
	MEM	For discovery re: Plaintiff's demands multiple e-mails all parties and review for potential items to be disclosed;	2.20	\$550.00
	BN	Telephone conference with Supervisor Valentine regarding Greens;	0.20	\$50.00
	PK	Receipt and review of emails from AG regarding AG's position on 30(b)(6) deposition	0.40	\$100.00

			<u>Hours</u>	<u>Amount</u>
8/4/2020	PK	Further legal research on westlaw and analysis of issues re: objecting to Plaintiff's deposition notices and subpoenas directed at Town	3.00	\$750.00
	PM	Telephone calls with Town Clerk Linda regarding discovery needs and documents previously produced pursuant to FOIL requests.	0.60	\$150.00
	MEM	Several communications by telephone and email to NYAG re: clarification no fact witness to allegations in Intervenor Complaint; telephone call with County Attorney re: joint strategy on NYAG;	1.60	\$400.00
	MEM	On discovery responses to Plaintiff demand numbers 16-36 research for certain objections and support same, review documents for responsive items subject to disclosure and begin itemize same	4.20	\$1,050.00
8/5/2020	MEM	Draft memo on meet and confer topics per FRCP, Local Rules and Judge's Rules	3.00	\$750.00
	MEM	Legal research protective order for discovery directed to Town Attorney Bonacic	1.00	\$250.00
	MEM	Analyze impact of NYAG admission re: no fact witnesses other than Plaintiff	0.90	\$225.00
	MEM	Continued drafting remaining discovery responses to Plaintiff's demands	1.20	\$300.00
	DJF	Re: NYAG regarding no first hand knowledge of underlying events. Reviewed Law Review Article on case law on whether a party can rely on allegations in another case to support its claims; 32 Touro Law Review Art. 10, 2016.	0.80	\$200.00
8/6/2020	MEM	Finalize draft response/objections to Plaintiff's demands	2.30	\$575.00
	MEM	Continued culling documents for response to Plaintiff's demands	0.80	\$200.00
	MEM	Review/draft response to NYAG document demands	3.80	\$950.00
	PK	Legal research on limited number of depositions and plaintiff's using subpoenas as end-run around limit	0.70	\$175.00
	PK	Further legal research on FRCP 30(b)(6) and implications of a party's failure to possess knowledge of its complaint's allegations	0.60	\$150.00
	DJF	Reviewed email from NYAG's office that no employee has first hand knowledge of events; Reviewed SEC Marelli holding (143 F.R.D.42 SDNY 1992)	0.50	\$125.00
8/10/2020	PM	E-mail to Alexa Burchianti; email to Town Clerk, all regarding discovery; phone call with Town clerk regarding responding to Plaintiff's and AG's Document Demands and coordinating effort for same among Town staff and departments to get it done on time; circulate email to litigation team regarding same and regarding Plaintiff's Request No. 27.	0.60	\$150.00

			<u>Hours</u>	<u>Amount</u>
8/10/2020	PK	Telephone conference with Sania from AG's office regarding stay of discovery and other issues; Memo to team regarding same	0.40	\$100.00
8/11/2020	MEM	Receipt and review of multiple messages from NYAG; email NYAG re: status of proposed settlement	0.30	\$75.00
	MEM	Revise NYAG settlement with recommended changes adding comments/explanations for same	4.20	\$1,050.00
	MEM	Analyze restrictions on consent decree and further revise NYAG settlement with comments/explanations	1.10	\$275.00
	PM	Receipt and review of email from Al Fusco; phone call with Mr. Fusco regarding his deposition notice.	0.10	\$25.00
	DJF	Reviewed NYAG proposed Consent Decree.	0.20	\$50.00
8/12/2020	BN	Receipt and review email from Josh Grauer regarding term sheet; Draft email in response	0.10	\$25.00
	MEM	Receive emails from PI re stay of discovery pending discovery talks; draft email to PI re parallel stay; receive email from PI refusing to stay appeal pending discovery talks;	0.30	\$75.00
	MEM	For appeal, begin outline argument; review updated cases to support	1.40	\$350.00
	MEM	For appeal, review docket and cull record on appeal; draft proposed TOC for record on appeal; email to Plaintiff for input per court rules;	0.80	\$200.00
8/13/2020	MEM	Finalize NYAG consent decree changes; draft email report to client with recommendations; emails to and from NYAG re status, expectations;	1.60	\$400.00
	MEM	For appeal, draft preliminary statement, jurisdictional statement, statement of the case, statement of facts	4.20	\$1,050.00
	BN	Receipt and review Term Sheet;	0.20	\$50.00
	PK	Revise AG proposed consent decree	0.60	\$150.00
8/14/2020	MEM	For appeal, draft point regarding standard of review and point regarding appellate jurisdiction, analyze Clubside 468 F.3d 144 on these issues to propose similar outcome herein	2.20	\$550.00
	MEM	For appeal, draft point re individual defendants have qualified immunity, including no federally protected or clearly established right to building permit and that any such claim is unripe	1.40	\$350.00
	MEM	Receipt and review Plaintiff email regarding appellate appendix; reply to same;	0.20	\$50.00
	MEM	For appeal, analyze unripe claim cannot give rise to clearly established right under qualified immunity analysis	1.20	\$300.00

			<u>Hours</u>	<u>Amount</u>
8/18/2020	BN	Telephone conference with Supervisor Valentine regarding settlement process; Revise term sheet for settlement;	1.20	\$300.00
	MEM	Emails to/from NYAG re settlement/consent decrees	0.40	\$100.00
	MEM	Emails to/from County Atty re settlement decree; t/c County Atty re settlement decrees/status	0.80	\$200.00
8/19/2020	BN	Revise term sheet and send email to Supervisor with Term Sheet;	0.20	\$50.00
8/21/2020	MEM	For appeal, receipt and review proposed record from appellate printer; begin review same for compliance	1.10	\$275.00
	MEM	For appeal legislative immunity issue, confirm remaining allegations against Jamieson fall within same; draft this portion of brief	2.10	\$525.00
	BN	Receipt and review email from Supervisor Valentine indicating term sheet acceptable;	0.10	\$25.00
8/24/2020	MEM	Receipt and review email from Building Inspector re recent application submissions; t/c Building inspector and email re same;	0.40	\$100.00
	MEM	For appeal, draft jurisdictional argument	1.40	\$350.00
	BN	Revise and send Term Sheet to J Grauer for settlement purposes;	0.30	\$75.00
	DJF	Reviewed Town letter for each model submitted in plans.	0.30	\$75.00
	MEM	For appeal, revise facts to highlight how falls squarely into jurisdiction of 2d cir and both immunities	2.40	\$600.00
8/25/2020	MEM	For Appeal conform brief to record citations	2.60	\$650.00
	MEM	Emails to/from Town Atty re bond, building permit app; review Building Inspector email attachments;	0.70	\$175.00
	MEM	Prep for and participate in further mediation settlement call with NYAG	1.50	\$375.00
	BN	Receipt and review bond document regarding Greens; Proposed revision; Review building permit review letters and applications; Draft email with concerns;	0.70	\$175.00
	SMH	Receipt and review application for Building Permit for Duplex, single family and other model and review application instructions.	0.90	\$225.00
	MEM	For appeal further analyze conclusions as to ripeness insufficient and add to brief	1.30	\$325.00
8/26/2020	MEM	draft status report to client re all negotiations; t/c with Building Inspector re pending apps and basis for proposed action on same;	0.60	\$150.00

			<u>Hours</u>	<u>Amount</u>
8/26/2020	BN	Receipt and review email from J Grauer regarding Term Sheet; Draft email in response; Draft email to Alexa regarding applications;	0.40	\$100.00
	SMH	Receipt and review email regarding Town forms for building permit.	0.10	\$25.00
	SMH	Review applications and compare 2 different forms for building form.	0.20	\$50.00
8/27/2020	MEM	Telephone conference with Building Inspector re determinations on applications; analyze potential outcomes/scenarios for defense, including mootness; draft proposed amendment;	1.10	\$275.00
	MEM	Draw out additional facts linking Plaintiff's own failure to bond under Town Law 277 as self-created/non discriminatory reason for denial and tie it to discretionary denial by Building Inspector; tie together all arguments behind this theme	2.20	\$550.00
	SMH	Review docs and conduct telephone conference with MM and Alexa B. BI of Town and discuss approval of Bld. Dept and required items for applicant. Re-draft letter of Grant with conditions and receipt and review email of MM to Alexa regarding same.	1.40	\$350.00
	PM	Draft, cite-check legal citations and Record citations; legal research; proofread and make edits to appellate brief	2.40	\$600.00
	PK	Revise appellate brief to Second Circuit	4.20	\$1,050.00
	DJF	Review and revise Brief of Appeal	1.50	\$375.00
	MEM	Finalize brief	1.80	\$450.00
8/28/2020	SMH	Receipt and review email of Building Inspector with attached building permit letters to builder;	0.30	\$75.00
	SMH	Receipt and review email of Building Inspector with attached building permit letters to builder.	0.30	\$75.00
	PK	Further revise and finalize appellate brief to Second Circuit	3.00	\$750.00
	DJF	Finalize edits to Federal Appeal Brief	0.80	\$200.00
9/1/2020	BN	Telephone conference with Supervisor regarding scheduling meeting; Review term sheet;	0.30	\$75.00
9/3/2020	BN	Preparation and attendance settlement discussion via Zoom;	2.60	\$650.00
	MEM	Preparation for and attendance at settlement conference;	2.60	\$650.00
9/4/2020	BN	Draft and revise Term Sheet; Draft email with term sheet to Supervisor Valentine	1.10	\$275.00

			<u>Hours</u>	<u>Amount</u>
9/8/2020	BN	Receipt and review bond document for phases; Revise Term Sheet with Mary M changes; Draft email to Supervisor Valentine; Draft email to Josh Grauer;	0.80	\$200.00
	MEM	Receipt and review NYAG's proposed revisions to consent decree; revise same, review OC CDBG, Town status as grantee, and obligations if any over same; emails back and forth with NYAG re consent decree, discovery, etc;	2.60	\$650.00
	MEM	Receipt and review revised term sheet re Plaintiff negotiations and propose revisions to same;	0.50	\$125.00
	MEM	Preparation for and participate in further conference call with NYAG;	1.30	\$325.00
	MEM	Contemplate motion strategy re discovery if not stayed for further settlement discussions; receive email confirming further stay until 9.16.20	0.40	\$100.00
	MEM	Further edit NYAG consent decree reflecting discussion while meeting Town's needs of no-cost resolution	0.60	\$150.00
	PK	Review emails from parties re: stay of discovery and continuing settlement discussions	0.30	\$75.00
	DJF	Reviewed performance Bond Documents. Reviewed proposed Term sheet.	0.30	\$75.00
9/9/2020	BN	Telephone conference with Supervisor regarding Term Sheet; Review changes; Telephone call with Supervisor; Revise Term Sheet and email to Josh Grauer; Provide Terms Limits case law;	0.80	\$200.00
	MEM	Draft report to client re discovery stay, settlement status, NYAG consent decree changes; draft emails to NYAG re status, enclosing draft	0.50	\$125.00
	DJF	Reviewed proposed consent decree.	0.30	\$75.00
9/10/2020	PK	Review emails from parties' counsel re: stay of discovery and continuing settlement discussions	0.10	\$25.00
9/11/2020	MEM	Receipt and review NYAG email regarding further settlement conversations; reply to same;	0.20	\$50.00
	DJF	Edited Reply Brief on Motion to Dismiss.	1.50	\$375.00
9/14/2020	MEM	Preparation for and attendance at NYAG conference call re settlement	1.80	\$450.00
	BN	Preparation and attendance on conference call with NY Attorney General's office regarding Consent Decree;	1.80	\$450.00
	MEM	Revise NYAG consent decree per conversation; confirm additional language from FHA to bridge gap without requiring Town to do anything more than has to do now under law;	0.50	\$125.00
	DJF	Reviewed proposed consent decree and edits.	0.30	\$75.00

			<u>Hours</u>	<u>Amount</u>
9/14/2020	BN	Telephone conference with Alexa B regarding land use applications; Draft email to J Grauer regarding term sheet;	0.30	\$75.00
9/15/2020	MEM	Receipt and review NYAG email re Plaintiff objection to continued discovery stay pending settlement discussions; review pending demands and, per court rules, draft Town's general objections to same as required prior to motion for protective order;	2.20	\$550.00
	MEM	Review FRCP for protective order and indicative ruling giving pending appeal; Review Judge's Rules re same; draft letter to court re application for protective order and, in view of appeal, indicative ruling on motion barred by pending appeal	0.80	\$200.00
	MEM	Begin outline objections to NYAG interrogatories to individuals/Town and request for production to individuals/Town for meet and confer/responses	1.20	\$300.00
	PM	Revise and make edits to letter to Judge Halpern regarding continued stay of discovery pending decision on motions at 2nd Cir.	0.20	\$50.00
	PK	Receive, review, and analyze Plaintiff's letter dated 9/15/2020 re: bond and damage	0.20	\$50.00
	PK	Revise letter re: objections to discovery	0.70	\$175.00
	DJF	Receipt and review Plaintiff's letter attempting to avoid mootness and non justiciability; Reviewed proposed discovery objection letter; Reviewed letter re-asserting mootness, non justiciability, and lack of jurisdiction.	0.50	\$125.00
9/16/2020	MEM	Receipt and review Plaintiff letter re mootness/damages; draft reply to same;	0.30	\$75.00
	MEM	For use in settlement discussions, research to obtain support for premise that contractual/liquidated damages would constitute unconstitutional gift or otherwise violation public policy	0.80	\$200.00
	MEM	Prep for and participate in meet and confer re discovery with all parties	1.50	\$375.00
	MEM	For use in settlement discussions/set up for case moving forward, research re mootness via building permit granted and bond accepted; duty to notify court of changed circumstances; draft letter to plaintiff re voluntarily withdrawal of case	1.70	\$425.00
	MEM	Begin preparation of emergency motion to stay pending appeal to 2d circuit	1.80	\$450.00
	MEM	received PI email re meet and confer, intent to move for relief; prep response to same;	0.80	\$200.00
	PK	Legal research on punitive/liquidated damages against municipality; Draft email re: same	2.20	\$550.00
	PK	Preparation for and attendance at "meet and confer" teleconference with AG and Plaintiff	1.50	\$375.00

			<u>Hours</u>	<u>Amount</u>
9/16/2020	PK	Further legal research on westlaw re: divestiture of District Court's jurisdiction pending appeal; Revise letter to Plaintiff re: divestiture of jurisdiction; Revise further letter to District Court re: same; Revise 28(j) letter to 2d Circuit	2.50	\$625.00
	PK	Receipt and review of email from County attorney re: qualified immunity and appeal issues, and respond to same	0.20	\$50.00
	PK	Receipt and review of email from Plaintiff's counsel re: "meet and confer" teleconference and formulate response to same	0.30	\$75.00
	PK	Receipt and review of discovery responses from Plaintiff and NYAG; Review NYAG's privilege log	0.80	\$200.00
	DJF	Reviewed performance bond papers. Reviewed proposed mootness letter to Opposing Counsel. Reviewed case law on jurisdiction in district Court pending appeal. Revised letter to Opposing counsel regarding same.	1.30	\$325.00
9/17/2020	MEM	Per Plaintiff's position letters, consider anticipated motion to compel by plaintiff and prep opp to same; research to support, add to opp;	2.20	\$550.00
	MEM	Prepare remainder of emergency stay application for 2d Cir. to stop discovery from moving forward	2.40	\$600.00
	PK	Further revisions to letter to District Court in opposition to Plaintiff's motion to compel; Revise proposed 28(j) letter to 2d Circuit; Revise letter to Plaintiff re: divestiture of jurisdiction; Legal research on ethical duties of government attorneys	2.50	\$625.00
	DJF	Reviewed lack of privilege for NYAG's privilege assertion over Plaintiff's complaint letters; Reviewed case law on informant's privilege; Reviewed and finalized letters with eye toward immunity for government officials.	1.50	\$375.00
9/18/2020	MEM	Receipt and review Plaintiff's letter application to SDNY to compel Town discovery; review cases cited in same; revise Town letter objection; draft report to client;	1.90	\$475.00
	MEM	Update MOL in support of anticipated emergency motion to stay discovery to reflect new filings today and law cited in same;	1.30	\$325.00
	MEM	Draft atty declaration for anticipated emergency motion to stay discovery pending appeal to submit to second circuit; review file for exhibits; incorporate additional facts from exhibits into MOL	1.60	\$400.00
	PK	Revise and finalize opposition to Plaintiff's pre-motion letter to compel discovery	1.50	\$375.00
9/23/2020	PK	Receipt and review of NYAG's pre-motion letter to compel discovery; Review cases cited by NYAG in same; Reviewed response options.	1.70	\$425.00

			<u>Hours</u>	<u>Amount</u>
9/24/2020	MEM	Re: NYAG letter to court re discovery motion edit prior draft in opposition Plaintiff's pre-motion letter to compel discovery to include objection; review file for exhibits and pull same;	1.10	\$275.00
	PK	Further analyze NYAG's pre-motion letter to compel discovery, revise response/opposition to same, and file response/opposition letter	1.70	\$425.00
9/25/2020	DJF	Received Notice of Court conference. Reviewed latest term sheet for settlement.	0.30	\$75.00
9/28/2020	BN	Revise Term Sheet document per client's direction	0.60	\$150.00
9/29/2020	MEM	Prep for and participate in conference with Court;	1.50	\$375.00
	MEM	Draft report to client re outcome of conference;	0.40	\$100.00
	MEM	Telephone conference with NYAG re follow up on case needs for Town to participate in settlement conference; receive and review email from Plaintiff re confirming Town's participation in settlement conference will not constitute waiver of any claim in any jurisdiction; reply to Town's email	0.50	\$125.00
	PK	Preparation for and attendance of telephone appearance before Judge Halpern	1.50	\$375.00
	DJF	Preparation for and attendance at teleconference with Judge Halpern; Emails from opposing counsel regarding no prejudice.	1.50	\$375.00
10/1/2020	MEM	Receipt, review and revise Plaintiff's latest term sheet for client consideration	1.00	\$250.00
	BN	Telephone conference with Supervisor Valentine regarding Term Sheet; Review and revise Term Sheet per client direction	1.10	\$275.00
10/2/2020	BN	Revise building permit form; Draft email to Alexa with draft building permit form PDF	0.40	NO CHARGE
	BN	Revise settlement Term Sheet; Draft email to Supervisor Valentine;	0.60	\$150.00
10/7/2020	MEM	Receipt and review Plaintiff response and settlement position on damages provision; to refute same, draft inquiry for Building Inspector to support continuing and increasing mootness argument; research case law support for Town's position to use with magistrate judge	2.40	\$600.00
	BN	Receipt and review email from J Grauer regarding settlement conference;	0.10	\$25.00
	DJF	Reviewed status of progress on building lots.	0.30	\$75.00
10/8/2020	MEM	Prep for and participate in conference call with pl re settlement	2.10	\$525.00
	BN	Send update proposals to J Grauer; Receipt and review of email from J Grauer; Preparation and participation in Zoom conference; Revise	2.10	\$525.00

			<u>Hours</u>	<u>Amount</u>
10/8/2020	DJF	Reviewed settlement exchange regarding money damages and attorneys fees. Reviewed new permits issued.	0.30	\$75.00
10/9/2020	BN	Draft and revise Term Sheet regarding changes to document from 10-08-2020; Draft email with revised agreement to Josh G;	0.70	\$175.00
	MEM	Prepare updated status report to client	0.20	\$50.00
	DJF	Revised term sheet; receipt and review of notice of appearance of new counsel	0.20	\$50.00
10/13/2020	BN	Receipt and review email from J. Grauer; Draft email in response; Review Resolution of Approval and Bond documents; Draft email in response; Receipt and review of additional email from J Grauer; Draft email in response	0.90	\$225.00
10/14/2020	DJF	Reviewed NYAG's proposed consent decree	0.20	\$50.00
10/16/2020	PK	Receipt and review multiple notices from Plaintiff's new litigation counsel; review background of new attorneys for purposes of advising client	0.50	\$125.00
	DJF	Receipt and review of notice of substitution on appeal	0.10	\$25.00
10/19/2020	MEM	Receipt and review Plaintiff's letter to 2d Cir re new counsel; consider FRAP 28j under circumstances re bond/building permit	0.70	\$175.00
	MEM	Research mootness re building permit/bond related claims	1.80	\$450.00
	MEM	Receive NYAG's revised consent decree; draft email replying to NYAG inquiry and requesting further information/documentation necessary	1.40	\$350.00
	DJF	Reviewed settlement exchange with Plaintiff's counsel.	0.10	\$25.00
10/27/2020	MEM	Receipt and review court order re mediation; draft report to client re status and conference;	0.30	\$75.00
10/28/2020	MEM	Receipt and review County Attorney emails re settlement; telephone call with County Attorney re status, negotiations, etc; draft email report to client;	0.60	\$150.00
	DJF	Reviewed County's settlement agreement.	0.20	\$50.00
10/29/2020	MEM	Receipt and review email from Plaintiff re mediation submission and reply to same	0.20	\$50.00
10/30/2020	MEM	Receipt and review email from NYAG re mediation; reply to same	0.20	\$50.00
	MEM	Receipt and review email from NYAG re settlement documents; reply to same; begin analyze additional changes by NYAG	1.40	\$350.00
	DJF	Receipt and review letter regarding County's Settlement with Plaintiff.	0.20	\$50.00
11/2/2020	DJF	Received So-Ordered Settlement Agreement between Defendant and County. Reviewed impacts on Town of same	0.30	\$75.00

			<u>Hours</u>	<u>Amount</u>
11/3/2020	MEM	Review J. Davison's orders re mediation submission; begin draft same as to Town's position regarding Plaintiff with exhibits	1.90	\$475.00
	MEM	Draft mediation submission as to Town's position regarding NYAG, prep exhibits	1.70	\$425.00
	DJF	Reviewed Confidential Mediation Statement	0.50	\$125.00
11/4/2020	DJF	Reviewed news report of on-going construction at project site, with quote from Plaintiff's principal and its impacts	0.20	\$50.00
11/5/2020	BN	Receipt and review of term sheet; Review changes; Draft email to Supervisor Valentine; Telephone conference with Supervisor Valentine; Receipt and review of plan documents from Building Inspector regarding community center	1.10	\$275.00
	MEM	Receipt and review Plaintiff email with revised term sheet; Conference call with client and BN re issues raised by same	0.60	\$150.00
	PK	Review and revise confidential mediation submission to Magistrate Judge Davison in advance of scheduled mediation	1.40	\$350.00
11/6/2020	MEM	Receipt and review press inquiry/Chester Chronicle re County settlement; Receipt and review press inquiry/Times Herald Record re damages issue; respond to same	0.50	\$125.00
	SMH	Receipt and review email of Building Inspector with attached Al Fusco Comment Letter with applicant P.E. responses in red on Community Center	0.40	\$100.00
11/8/2020	BN	Receipt and review email from J Grauer regarding term sheet and settlement	0.10	\$25.00
11/9/2020	BN	Review file regarding settlement agreement; Telephone conference with Supervisor Valentine and M Marzolla; Revise Term Sheet after receipt of Town document; Receipt and review of community center plans; Telephone conference with Josh Grauer; Revise Term Sheet provisions; Draft email to Josh Grauer	3.20	\$800.00
	MEM	Prepare for and participate in conference call re settlement terms	0.50	\$125.00
	MEM	Review community center plans, consider permanent placement of religious symbols/fixtures as violating FHA, etc; compare <u>Winterton Properties, LLC v. Town of Mamakating Zoning Bd. of Appeals</u> , 132 A.D.3d 1141, 18 N.Y.S.3d 743 (2015) vs Town zoning/approval here	2.90	\$725.00
	MEM	For use in settlement discussions with NYAG, analyze FHA liability for religious fixtures endorsing one religion only over others	1.30	\$325.00
	MEM	Continue review and revise Plaintiff settlement docs for submission before conference tomorrow; continue review and revise NYAG settlement docs for conference tomorrow	1.40	\$350.00

			<u>Hours</u>	<u>Amount</u>
11/9/2020	MEM	Compare Plaintiff - County terms to additional terms Plaintiff seeks herein	0.60	\$150.00
	DJF	Reviewed impacts of referee to Mikvah in community center drawing	0.50	\$125.00
11/10/2020	BN	Attend client meeting - and settlement conference mediation with Judge Davidson via telephone conference and Plaintiffs; Exchange emails to schedule meeting; Telephone conference with Supervisor Valentine	3.10	\$775.00
	MEM	For settlement conference re NYAG negotiations, review FHA obligations for Town vs Plaintiff; revise NYAG's new draft based on same	1.40	\$350.00
	MEM	Telephone conference with County attorney re strategy/issues NYAG settlement approach for mediation	0.80	\$200.00
	MEM	Attend settlement conference; report to client; follow up with Plaintiff re further discussions tomorrow	2.50	\$625.00
	MEM	For settlement conference re NYAG negotiations, revise NYAG's new draft based regarding additional FHA obligations for Plaintiff	1.20	\$300.00
	DJF	Received engineer's report regarding Community Center is Code Compliant	0.20	\$50.00
11/11/2020	MEM	Attend phone conference with Plaintiff and client re settlement; discuss follow up with client	1.00	\$250.00
11/12/2020	MEM	Further contemplate Plaintiff proposed settlement term re engineer to resolve disputes with Building inspector and whether this could give rise to a successful third-party objection based on usurpation of ZBA powers (similar to <u>Buckley v. Town of Wappinger</u> , 12 A.D.3d 597, 598 (2d Dept. 2004))("The petitioner commenced this CPLR article 78 proceeding claiming, inter alia, that in authorizing the execution of the stipulation, the Town usurped the authority of the Zoning Administrator, Zoning Board of Appeals, and the Planning Board of the Town of Wappinger").	1.40	\$350.00
	BN	Draft and revise Term Sheet/Consent Decree regarding Special Inspector process	0.40	\$100.00
11/13/2020	MEM	Emails to/from NYAG re outstanding discovery issues and discussion of same	0.40	\$100.00
	BN	Receipt and review email from Attorney General's office regarding conference	0.10	\$25.00
	DJF	Follow up conference with Attorney Marzolla regarding Insurance Cost Settlement Proposal and Options	0.40	\$100.00
11/15/2020	BN	Review and revise proposed term sheet	0.60	\$150.00
11/16/2020	MEM	Review further changes to Plaintiff/Town proposed consent decree and edit same reflecting recent discussions/case law limitations	0.50	\$125.00
	BN	Revise Term sheet regarding ZBA issue and Building Inspector; Telephone conference with AG's office	1.30	\$325.00

			<u>Hours</u>	<u>Amount</u>
11/16/2020	MEM	Prep for NYAG further settlement conference call, consider response/approach arising out of mikvah admission and NYAG and Town FHA obligations relative to same	1.80	\$450.00
	MEM	Receipt and review 2d circuit decision on motion	0.10	\$25.00
	MEM	Further conference call with NYAG re settlement and emails re same	0.80	\$200.00
	MEM	Draft updated status reports to client re case needs/conferences/party availability for mediation/status/strategy	0.50	\$125.00
	DJF	Received Decision dismissing appeal as premature. Reviewed engineers comments regarding Clubhouse and permit and application. Revised letter to Clients regarding Status	1.30	\$325.00
11/17/2020	DJF	Received Order on County's Motion to Re open	0.10	\$25.00
11/18/2020	BN	Prepare for and participate in mediation conference with Magistrate and Plaintiffs	2.60	\$650.00
	MEM	Receipt and review new term sheet from Plaintiff, contrast to prior and Town needs	1.10	\$275.00
	MEM	Attend mediation conference with Plaintiff and report to client	2.00	\$500.00
	DJF	E-mail from Michael Feierman regarding Expert Witness. Considered alternate experts. Reviewed latest term sheet.	0.50	\$125.00
11/19/2020	BN	Draft and revise term sheet; Draft email to J Grauer; Receipt and review of email from J Grauer; Preparation and participation in mediation call with Judge Davison, County of Orange and NYAG; Draft email to Josh Grauer regarding building code and authority under Consent Decree; Review Town Code; Convert Plaintiff's term sheet; Revise provisions	2.80	\$700.00
	MEM	Review and further edit latest term sheet from Plaintiff reflecting conference and client direction	0.90	\$225.00
	MEM	Receipt and reply to emails from NYAG with new proposal; prepare for conference with Judge Davison	1.40	\$350.00
	MEM	Attend settlement conference with Judge Davison; report to client	2.10	\$525.00
	DJF	Attempt to solve Clubhouse issue regarding Mikvah	0.50	\$125.00
	DJF	Telephone conference with Whiteman, Osterman's Hanna Attorney regarding expert at Feierman's recommendation	0.20	\$50.00
11/20/2020	MEM	Receipt and review further revisions to proposed Plaintiff's settlement document; revise continuing juris/remedies provision to protect Town's interest against abusive/non-meritorious litigation	0.80	\$200.00

			<u>Hours</u>	<u>Amount</u>
11/20/2020	MEM	Receive telephone call from client re new community center and other issues impacting settlement and case; begin review plans/approvals re community center	1.80	\$450.00
	BN	Draft and revise Term Sheet; Receipt and review of Term Sheet; Receipt and review of email from J Grauer; Draft email in response	0.40	\$100.00
	DJF	Reviewed and revised Post Conference Term Sheet. Received report of direct client contact initiated by Plaintiff's principal to Supervisor	0.30	\$75.00
11/23/2020	BN	Telephone conference with Supervisor Valentine; Review and revise Term Sheet to remove Special Inspector provisions at client direction	0.60	\$150.00
	MEM	Receipt and review of multiple emails to and from Plaintiff counsel re: settlement	0.60	\$150.00
	MEM	E-mails, telephone conference with client re: settlement issues	0.80	\$200.00
	MEM	Draft joint status letter to Court; obtain Plaintiff's approval to file same	0.20	\$50.00
	DJF	Reviewed revised term sheet with good faith clause language	0.20	\$50.00
11/25/2020	MEM	Telephone conference with client re status, strategy, settlement conferences next week	0.40	\$100.00
	BN	Receipt and review revised Consent Decree from NYAG office with proposed changes;	0.30	\$75.00
11/30/2020	BN	Receipt and review email from Josh Grauer regarding Term Sheet; Receipt and review of updated Term Sheet from J Grauer	0.50	\$125.00
12/1/2020	MEM	Review latest drafts from Plaintiff and participate in further settlement conference re same;	2.30	\$575.00
	MEM	Telephone conference with client reporting in following settlement conference with Plaintiff	0.20	\$50.00
	MEM	Review latest drafts from NYAG and participate in further settlement conference re same	2.20	\$550.00
	BN	Review proposed, revised Term Sheet; Legal Research regarding Consent Decree; Telephone conference with Josh Grauer and David Zalensky regarding Term Sheet; Telephone conference with Supervisor Valentine; Preparation and participation in NYAG conference call	2.80	\$700.00
	MEM	Receipt and review NYAG email and County emails re joint submission; reply to same	0.20	\$50.00
	MEM	Draft email to Plaintiff re status/joint submission with town only; receive replies from Plaintiff, draft proposed joint status letter to court	0.30	\$75.00

			<u>Hours</u>	<u>Amount</u>
12/1/2020	MEM	Draft updated status report to Town re negotiations, reporting requirements, next steps	0.30	\$75.00
	MEM	Receipt and review email from County Atty with proposed changes to NYAG's latest draft	0.30	\$75.00
	DJF	Review status letter to Judge	0.10	\$25.00
12/3/2020	MEM	For NYAG settlement discussions, further analyze duty/liability imposed under FHA for permanent mikvah in community center which serves only one religion and consider protection for Town from future NYAG action re: same	2.10	\$525.00
12/6/2020	DJF	E-mail from Opposing Counsel Grauer. Reviewed revised settlement term sheet	0.30	\$75.00
12/7/2020	BN	Receipt and review Term Sheet and review for changes; Telephone conference with Josh Grauer and David Salensky regarding Term Sheet provisions; Telephone conference with Supervisor Valentine regarding negotiations	1.40	\$350.00
	MEM	Emails to/from plaintiff's counsel re settlement, receipt and review various versions from plaintiff for conference call today	1.30	\$325.00
	MEM	Continued settlement conference call with Plaintiff;	1.40	\$350.00
	MEM	Telephone call with client report in status of settlement talks	0.20	\$50.00
	DJF	Reviewed latest revision to settlement term sheet	0.20	\$50.00
12/8/2020	MEM	Emails to/from Plaintiff attorney re joint submission; draft joint submission	0.40	\$100.00
	BN	Receipt and review email regarding Community Preservation; Telephone conference with J Grauer; Telephone conference with Supervisor Valentine; Review transfer tax issues; Receipt and review of email from J Grauer	1.10	\$275.00
	DJF	Review latest term sheet	0.20	\$50.00
12/9/2020	MEM	Receive and review additional drafts from Plaintiff with revisions; revise to include omitted but discussed revisions	1.70	\$425.00
	MEM	For continued NYAG mediation in light of developments with Plaintiff discussion, consider outreach/further requirements to be implemented in settlement (i.e., MLS/etc)	1.80	\$450.00
	MEM	Several continued communications and exchanges with Plaintiff re basis/need for certain revisions	1.30	\$325.00
	MEM	Emails to, from NYAG re settlement, status	0.30	\$75.00
	BN	Receipt and review email and Term Sheet documents from Joshua Grauer	0.20	\$50.00

			<u>Hours</u>	<u>Amount</u>
12/9/2020	DJF	Conference regarding terms missing from latest proposal. Receipt and review of possible fees able to be charged on developments	0.70	\$175.00
12/10/2020	MEM	Further explore remaining fee issue/ability to compromise same/impact of term limits rule/ways to appease both sides to bridge gap	1.90	\$475.00
	MEM	Receive and review plaintiff's latest proposal re PDR issue, draft reply to same together with reply on fee issue	0.50	\$125.00
	MEM	Draft email to plaintiff outlining counter proposal re fee/freeze/PDR issues; receive Plaintiff's response to same; draft email report to client with recommendations	0.60	\$150.00
	MEM	emails to/from county atty per Joint Defense Agreement re next anticipated steps, positions moving forward in event settlement fails	0.40	\$100.00
	MEM	Receive email from NYAG with further proposed draft/revisions; reply to same indicating more time needed to review changes meaningfully but would consent to further mediation session with Judge Davison; receive emails from county re NYAG's proposal; receive further emails with proposed joint letter submissions to court by NYAG and reply to same	0.50	\$125.00
	DJF	Reviewed South Liberty Partners v. Haverstraw holding. Reviewed exchange with Opposing Counsel regarding same. Received Attorney General's settlement terms. Reviewed response to Greens' counsel	0.70	\$175.00
12/11/2020	MEM	Receipt and review further revisions from Plaintiff and final position on fee/freeze, do side by side comparison as to remaining terms provided; telephone call with client re status, recommendations, various outcomes possible	1.40	\$350.00
	BN	Receipt and review email From J Grauer regarding final term sheet; Review document	0.30	\$75.00
	DJF	Receipt and review Opp Counsel's Settlement Response; Receipt and review letter from Opp Counsel to Judge regarding Stay of Motion	0.20	\$50.00
12/13/2020	BN	Receipt and review term sheet from Plaintiff; mark-up	0.80	\$200.00
12/14/2020	BN	Receipt and review of additional term sheet from J Grauer; Telephone conference with Supervisor Valentine regarding terms; Preparation and participation in court conference with Judge Halpern, Plaintiff and NYAG	0.90	\$225.00
	MEM	Receipt and review multiple further revisions from Plaintiff; multiple emails from Plaintiff; telephone call with client re status, recommendations, confirm settlement in principle; email to Plaintiff re same	2.40	\$600.00
	MEM	Participate in conference with Judge Halpern	0.50	\$125.00
	MEM	Draft report to client, highlight terms of settlement with Plaintiff, report in on conference with court, further steps, NYAG status	0.50	\$125.00

			<u>Hours</u>	<u>Amount</u>
12/14/2020	PK	Preparation for and attendance of telephone conference before Judge Halpern	0.50	\$125.00
	DJF	Reviewed latest iterations of settlement terms; Receipt and review email from Opp Counsel	0.20	\$50.00
12/16/2020	MEM	Draft updated status report to client re global status, strategy to conclude all matters	0.20	\$50.00
12/17/2020	MEM	Consider impact on Town in event of settlement only with Plaintiff, not NYAG	2.10	\$525.00
	BN	Review and revise Chester Term Sheet	0.90	\$225.00
12/18/2020	MEM	Receipt Plaintiff's latest revisions to term sheet and review same for compliance with discussions in anticipation of 1/8/21 joint consent order settling action	1.60	\$400.00
	BN	Revise Term sheet to send to Plaintiffs; Receipt and review of email from J Marrero regarding Greens	0.40	\$100.00
	DJF	Reviewed Allied Public Officials and Umbrella policies. Reviewed NYAG settlement request	0.50	\$125.00
12/21/2020	MEM	Receipt and review emails from NYAG, County re settlement of this portion of case; report to client re same; draft email to NYAG re inquiry status of PI-NYAG settlement and terms of same; receive replies from NYAG and County	0.50	\$125.00
12/23/2020	BN	Draft email with revised Term Sheet to Plaintiffs with summarization of changes;	0.40	\$100.00
1/4/2021	MEM	Re settlement with Plaintiff, review multiple submissions re appendixes/exhibits to consent decree; determine and outline needs to finalize settlement	2.50	\$625.00
	MEM	Draft outline settlement needs/allocation of same to Plaintiff; report to client	0.30	\$75.00
	MEM	Receive email from County Attorney re NYAG recusal in related matter and inquiry whether appropriate herein; consider recusal on same grounds here and cross-reference individuals/entities cited in related matter to individuals/entities herein	0.60	\$150.00
	BN	Receipt and review email from Josh Grauer; Draft email in response; Draft email to J Grauer regarding exhibits and 20 building permits	0.40	\$100.00
1/5/2021	MEM	Review settlement terms/docs in similar case Cong CTU v Village of Airmont approved by Judge Bricetti for consideration herein	0.40	\$100.00
1/6/2021	DJF	Review status of settlement	0.10	\$25.00
1/7/2021	BN	Receipt and review updated consent Decree from plaintiff's counsel	0.30	\$75.00

			<u>Hours</u>	<u>Amount</u>
1/7/2021	DJF	Receipt and review latest Settlement Agreement revisions	0.20	\$50.00
1/8/2021	MEM	Receipt and review multiple communications from Plaintiff attorney re settlement, appendices, plans, etc and reply to same	1.80	\$450.00
	MEM	Receive and review NYAG, County atty emails re settlement; reply to same	0.30	\$75.00
	MEM	Emails to client re status, strategy, new issue re permit/escrow/pre-consent decree review/payment for same; telephone call with Building Inspector re same	0.30	\$75.00
	BN	Review draft AG letter to Court; Receipt and review of emails from Plaintiff's counsel regarding settlement status; Receipt and review of HOA document	0.30	\$75.00
1/11/2021	BN	Review Greens HOA document; Preparation for telephone conference with Plaintiff regarding appendices to Consent Decree; Participation in telephone conference regarding exhibits for Decree	0.80	\$200.00
	MEM	Prepare for and participate in conference call with Plaintiff's counsel re appendices/exhibits to consent decree, allocate work re same so as not to duplicate efforts	1.20	\$300.00
1/12/2021	MEM	Begin review draft consent decree prepared by Plaintiff and contrast to term sheet to ensure consistency with material terms	2.10	\$525.00
	BN	Receipt and review email from Supervisor regarding commercial element and Consent Decree	0.20	\$50.00
1/14/2021	MEM	Receive several emails from client re settlement needs/issues/proposed revisions; draft reply to client emails; emails to/from Plaintiff attorney re further settlement needs/issues/proposed revisions;	0.50	\$125.00
	MEM	Analyze client's request for further settlement needs/issues; prep for and participate in conference call with Plaintiff attorney re same; draft follow up email to Plaintiff's counsel confirming discussions/issues; draft email to client re update on foregoing	1.40	\$350.00
	MEM	Telephone Call with County Attorney re status settlement with plaintiff and joint strategy re NYAG thereafter	0.50	\$125.00
	BN	Telephone conference with Jordan Brooks regarding Consent Decree	0.40	\$100.00
	MEM	Received telephone call from Town Building Inspector re settlement performance/issues for finalizing including representative plans, scheduling and other terms; review file re lot size/calculations maximum lot coverage for settlement purposes; draft email outlining response to client inquiry	0.70	\$175.00
	MEM	Continue review/revise Consent Decree to reflect discussions and conform to rules	1.40	\$350.00

			<u>Hours</u>	<u>Amount</u>
1/15/2021	MEM	Receipt and review emails from NYAG; draft joint application to Judge Davison per NYAG and circulate same	0.20	\$50.00
1/18/2021	BN	Receipt and review email from J Grauer with conceptual plan for commercial center; Review revised consent decree accordingly; Review exhibits to Consent Decree	0.40	\$100.00
1/19/2021	MEM	Receipt and review multiple emails from Plaintiff's counsel re certain proposed attachments to consent decree; revise Plaintiff's proposed stipulation of discontinuance attachment, pull stipulation of discontinuance with County, revise accordingly; draft email to client re continuing discussions re PDR, expert listing and commercial attachments	0.70	\$175.00
	MEM	Receipt and review further emails from Plaintiff's counsel re conference; reply to same; received information from client re ex A/expert exhibit to consent decree and email same to Plaintiff attorney	0.30	\$75.00
	MEM	Draft proposed additional language for consent decree re commercial component	0.80	\$200.00
	BN	Receipt and review language regarding commercial center; Receipt and review of consent decree; Draft revision to consent decree	0.40	\$100.00
1/20/2021	BN	Review and Revise Consent Decree	1.10	\$275.00
	MEM	Draft final changes to consent decree; draft email to Plaintiff re same with explanation of changes; draft status report to client with recommendations, strategy and steps moving forward	1.30	\$325.00
1/21/2021	MEM	Receipt and review Plaintiff further edits to CD; as to outstanding points, outline what is agreed to and what remains outstanding and email Plaintiff as talking points for conference call	1.30	\$325.00
	MEM	Consider definitions needed for Water Section of Consent Decree, speak to engineer re same, review law for definitions that could be incorporated herein; draft proposals for incorporation in Consent Decree	1.40	\$350.00
	MEM	Telephone call with Jim Farr re settlement proposed, impact to him, need for signature and confidentiality until passed	0.30	\$75.00
	MEM	Telephone call with Alex Jamieson re settlement proposed, impact to him, need for signature and confidentiality until passed	0.50	\$125.00
	BN	Receipt and review revised Consent Decree; Review changes and definitions; Revise; Telephone conference with Plaintiff's attorneys; Revise language regarding water impacts	1.90	\$475.00
	MEM	Several emails to/from Plaintiff counsel narrowing issues/language in dispute prior to conference call	0.60	\$150.00

			<u>Hours</u>	<u>Amount</u>
1/21/2021	MEM	Conference call with BN and Plaintiffs' counsel re remaining issues, revisions needed	0.80	\$200.00
	MEM	Telephone call with Building Inspector Alexa re expectations, case needs for settlement; email to Alexa confirming same	0.50	\$125.00
	MEM	Draft updated status report to client with HOA exhibit for Town Atty Scott Bonacic request for review/approval/placement on agenda	0.20	\$50.00
	MEM	Draft email to Plaintiff re confirmation of needs with Building Inspector, request for final documents for Town Board circulation/consideration for meeting asap	0.20	\$50.00
	MEM	For point in dispute re payment of expert in event of dispute (i.e., plaintiff reinserted payment to be split among parties), pull prior term sheets where same was previously rejected by Town and accepted by Plaintiff for use during conference call/negotiations	0.30	\$75.00
1/22/2021	MEM	For NYAG settlement discussions, analyze N.Y. State Rifle v. City of NY, 140 SCt 1525 and similar cases re mootness and Plaintiff/Town settlement rendering NYAG complaint moot	2.60	\$650.00
	MEM	Emails to/from Plaintiff re Ex J inspection schedule; telephone call with Building Inspector re inspection schedule and other implementation issues and questions; email to Building Inspector re clarifying additional implementation issues; draft updated status report to client	0.90	\$225.00
	BN	Receipt and review emails regarding Building Inspector question; Receipt and review of review additional emails from Plaintiff's counsel	0.30	\$75.00
	DJF	E-mail to ethics expert regarding status; Email from Bruce Green regarding same	0.10	\$25.00
1/25/2021	MEM	Email to Plaintiff outlining issues with Plaintiff proposed Ex. J to consent decree with proposed considerations/changes and basis for same	0.20	\$50.00
	BN	Draft email to Alexa with Lot List and sizes to monitor calculations	0.40	\$100.00
	MEM	Telephone conference with client re: update settlement status, items to be completed so this can be put on agenda	0.30	\$75.00
1/26/2021	MEM	Several e-mails to and from Plaintiff attorney re: final needs to complete settlement, court notifications, review Exhibit K etc.	0.30	\$75.00
	MEM	Several e-mails to and from client re: updated status and proposed Exhibit K, meeting notice, etc.	0.30	\$75.00
	MEM	Return telephone call to former Councilperson Ryan Wensley, left message	0.10	\$25.00
	BN	Receipt and review emails regarding special meeting; Draft email in response regarding notice; Receipt and review of emails from Building Inspector regarding Exhibit K document to Consent Decree	0.40	\$100.00

			<u>Hours</u>	<u>Amount</u>
1/27/2021	MEM	Emails to/from client re items needed to push settlement forward	0.30	\$75.00
1/28/2021	MEM	Telephone call with client re confirming approval of inspection schedule as edited for exhibit to consent decree, discuss HOA concern; Emails to/from Plaintiff re items needed to push settlement forward including HOA concern and inspection schedule	0.60	\$150.00
	MEM	Telephone call with former Board Member Wesley re status, settlement, implications of same	0.30	\$75.00
	MEM	Receipt and review emails from County Attorney and NYAG re PI/Town settlement status, NYAG settlement conference and reply to same	0.40	\$100.00
	MEM	Review model/escrowed plan issue for Building Inspector for Ex E to consent decree; telephone call with Building Inspector to confirm same; telephone call with Plaintiff attorney re same	0.40	\$100.00
	MEM	Further emails re Ex E (sample plan issue) and Ex. I (HOA issue) to/from Plaintiff and client	0.20	\$50.00
1/29/2021	MEM	E-mails to and from Plaintiff re: adjustments/changes to Exhibit F (escrowed plans)	0.40	\$100.00
	MEM	E-mails to and from Plaintiff re: consent to post proposed settlement documents on Town website	0.30	\$75.00
	MEM	E-mails from Plaintiff and to client re: remaining issues re: HOA exhibit	0.20	\$50.00
	MEM	Draft updated status report to client re: remaining steps to finalize settlement	0.20	\$50.00
	MEM	Draft emails to individual defendants Jamieson and Farr re: status	0.20	\$50.00
	BN	Receipt and review of Consent Decree and exhibits from Jordan Brooks	0.30	\$75.00
1/31/2021	MEM	Receipt and review emails from Town Attorney re: proposed notice of special meeting and remaining issues re: HOA	0.20	\$50.00
	MEM	Draft proposed joint status report to Court re: Plaintiff/Town settlement; several emails with Plaintiff re: same; file report with the Court; draft report to client	0.50	\$125.00
	BN	Review Consent Decree provisions	0.40	\$100.00
2/1/2021	BN	Review Consent Decree and exhibits; Review process for execution of settlement; Review Exhibits to Consent Decree; Review sewer issue	0.60	\$150.00
	MEM	Receipt and review of multiple emails from Plaintiff with proposed final consent decree and exhibits; contrast to all prior versions to ensure accurate and ready for publication to public	1.60	\$400.00

			<u>Hours</u>	<u>Amount</u>
2/1/2021	MEM	E-mails to and from Plaintiff re: proposed changes needed to consent decree i.e. Ex F language and lot B-1 plan, "neighboring properties" definition, etc.	0.40	\$100.00
	MEM	Multiple telephone calls and emails with client and Plaintiff attorney re: remaining issues of Ex. F (escrowed plans) and proposed F-1, remaining issues with Ex. H re: certification of sewer	1.40	\$350.00
	MEM	E-mail to client re: bullet points of favorable outcome of settlement for discussion with media and public	0.20	\$50.00
	MEM	Draft proposed resolution authorizing Supervisor to sign settlement documents	0.50	\$125.00
2/2/2021	BN	Telephone conference with Supervisor Valentine; Review Consent Decree with Plaintiff; Receipt and review of Consent Decree from NYAG; Draft email to NYAG; Receipt and review of response from NYAG Draft email in response; Receipt and review of additional responses from NYAG and County; Draft email in response	0.90	\$225.00
	MEM	Receipt and review of emails from Plaintiff re: outlining remaining issues and reply to same	0.20	\$50.00
	MEM	For Ex. I - inspection of fee schedule, review Town Board minutes and obtains same for 2019 as proposed exhibit; email client for input/approval	0.30	\$75.00
	MEM	For mediation submission re: NYAG complaint, review November 2020 NYAG Consent Decree and Town's position re: same; draft same re: mootness, points of contention, likely obstacles to settlement	2.40	\$600.00
	MEM	Receipt and review of email from NYAG with new proposed Consent Decree; begin review of same; reply email that will not have time to vet Board before conference due to this late submission; multiple emails re: contentions NYAG issues	1.30	\$325.00
	MEM	Revise mediation submission to reflect NYAG new consent decree version submitted to Judge Davison	0.40	\$100.00
	MEM	Revisit sewer issue/language per client; revise and send to Plaintiff	0.40	\$100.00
	MEM	Confirm HOA issue resolved with client; email to Plaintiff	0.20	\$50.00
	MEM	Telephone calls with client and Plaintiff re: Moodna sewer confirmation needed before final documents; strategy for meeting and edits to resolution needed to reflect same	0.50	\$125.00
	MEM	Review Moodna documents; email County Attorney re: input on same; emails to and from Plaintiff Attorney re: need to confirm Moodna data	0.50	\$125.00
2/3/2021	BN	Telephone conference with Anthony Cardoso regarding sewer capacity issue; Review 2010 Guarantee and Consent Decree; Review engineer reports in prior documents concerning sewer capacity from 2014; Telephone conference with Supervisor Valentine regarding sewer issue; Telephone conference with Jordan Brooks regarding sewer capacity issue; Receipt and review of email	1.80	\$450.00

			<u>Hours</u>	<u>Amount</u>
		from Jordan Brooks; Draft email in response; Receipt and review of email from Cardoso with Moodna reports		
2/3/2021	MEM	Continue analyze Moodna/sewer issue; pull and analyze 2014 NYSEC approvals and Plaintiff Engineering report to use in negotiating down/defining "reserve capacity" in Consent Decree and limit town's liability on purported sewer guarantee	4.20	\$1,050.00
	MEM	Strategize Moodna/sewer issue revisions needed with co-counsel; telephone call with Plaintiff's counsel re same	1.20	\$300.00
2/4/2021	BN	Review documents regarding sewer capacity; Research regarding sewer guarantee; Review submissions from Plaintiffs on sewer capacity; Review subdivision plans; Planning Board approvals, etc.; Telephone conference with Supervisor Valentine regarding sewer issue	2.40	\$600.00
	MEM	Emails to/from Plaintiff final resolution of water issue; report to client	0.30	\$75.00
	MEM	For court conference re NYAG settlement, further review Mikvah issue and impact on FHA present/future liabilities as well as need to address in any settlement via hold harmless or other provisions	3.60	\$900.00
	MEM	Emails to/from County Attorney re status of Town Board vote/remaining sewer issue	0.20	\$50.00
	MEM	In event settlement not finalized, consider FRCP 12(c) motion re mootness due to Plaintiff compliance and Town's issuance of building permits without Court intervention	1.20	\$300.00
	MEM	Attend settlement conference before Judge Davison	2.50	\$625.00
	MEM	Telephone conference with client; re status/outcome of conference; email confirming same	0.20	\$50.00
	PK	Legal research re: interplay between mootness and intervention under Rule 24, res judicata, FHA claims for potential motion against NYAG	3.20	\$800.00
	DJF	Reviewed settlement progress. Reviewed parens patriae res judicata principles from Atlantic Sport v. Exxon Corp.	0.40	\$100.00
2/5/2021	MEM	Post conference, receipt and review County attorney email re injunctive relief section of proposed CD; outline remaining unresolved issues post-conference and needs/proposed resolution of same	1.40	\$350.00
	BN	Draft and revise language regarding Consent Decree and Exhibit for sewer capacity	0.20	\$50.00
	MEM	Continue vet sewer dispute for possible resolution, draft proposed language	2.20	\$550.00
	PK	Legal research on recent parens patriae standing cases in event NYAG case moves forward without settlement	1.30	\$325.00

			<u>Hours</u>	<u>Amount</u>
2/8/2021	MEM	Continued consideration of mootness issue in event settlement not finalized	1.30	\$325.00
2/9/2021	MEM	Preparation for phone conference with Plaintiff attorney re sewer issue; review video of Town Board meeting re consent decree/settlement/confirm resolutions passed; pull additional Moodna sewer background including NYSDEC involvement/request for MOODNA agreement modification and need to revisit NYSDEC in event Plaintiff does not back down on sewer issue	2.20	\$550.00
	MEM	Examine 6 NYCRR Subpart 750 re NYSDEC 2014 sewer extension approval and implications/violations of same that arise via Plaintiff's proposed certification/language	1.50	\$375.00
	MEM	Phone conference with Plaintiff counsel re sewer issue	1.40	\$350.00
	BN	Preparation and participation in telephone conference with Plaintiff's Attorneys regarding sewer issue; Receipt and review of email from Anthony Cardoso with Consent Decree modifications	1.40	\$350.00
2/10/2021	MEM	Review Town Planning Board/Building Department file for all sewer references cited by Plaintiff to refute same; email to County Attorney per JDA re further inquiry/backup needed	2.20	\$550.00
	MEM	Draft report to client outlining sewer issue status, sewer guarantee language in prior 2010 settlement and Town resolution, Plaintiff position and import, Town position and import, recommended resolution/impact	1.60	\$400.00
	MEM	Receive emails/responses with docs from County Attorney re county/state approvals	0.70	\$175.00
	MEM	Receipt and review email from Plaintiff re joint status report question; draft proposed joint status report with request for 2 week extension to resolve sewer issue; email same to Plaintiff	0.40	\$100.00
	MEM	Revise report to client with foregoing information	0.40	\$100.00
	MEM	Receipt and review revised NYAG/Defendants changes to Consent Decree from County Attorney	1.20	\$300.00
	BN	Receipt and review emails regarding sewer capacity issues from County	0.20	\$50.00
	PK	Receipt and review of Court's 2/10/2021 Order re: what motions should be decided/terminated	0.10	\$25.00
	DJF	Receipt and review of order directing parties to withdraw those motions that need to be resolved on settlement	0.10	\$25.00
2/11/2021	MEM	Receipt and review court order re granting extension application, add to report to client	0.10	\$25.00
	MEM	Receipt and review court order directing joint submission re motions, review docket and draft proposed reply to same; email to parties	0.50	\$125.00

			<u>Hours</u>	<u>Amount</u>
2/11/2021	DJF	Legal research re: law on maintaining appeal post settlement	0.30	\$75.00
2/16/2021	MEM	Emails to/from County Attorney re proposed NYAG Consent Decree; Receive and review emails from County Attorney to NYAG and reply re same	0.40	\$100.00
	MEM	Review proposed NYAG CD draft from County Attorney, edit per conference and other concerns	2.60	\$650.00
	MEM	Email all parties re joint submission due Friday 2/19/21	0.10	\$25.00
	PK	Revise proposed letter to Court re: open motions and discuss legal strategy with MEM re: same	0.40	\$100.00
	DJF	Reviewed letter to Court regarding disposition of pending motions	0.20	\$50.00
2/17/2021	MEM	Finalize draft NYAG CD for client review/approval; draft updated status report for client with NYAG CD and needs as to both NYAG CD and Plaintiff/Town CD; receive inquiry from client, draft reply to same	1.20	\$300.00
	MEM	Telephone call with client re sewer issue, direct contact with Plaintiff, proposed solution; consider proposed solution	0.40	\$100.00
	BN	Review and revise status update regarding Attorney General proceeding	0.20	\$50.00
	DJF	Reviewed draft NYAG Consent Decree; Review Clients e-mails re: same	0.30	\$75.00
2/18/2021	MEM	Receipt and review County Attorney and NYAG emails re joint submission directed by Court; reply to same with objections and proposed resolution	0.40	\$100.00
	MEM	Receipt and review County Attorney further revisions to NYAG CD; email to County Attorney re additional edit and joint submission to NYAG	0.50	\$125.00
	BN	Receipt and review emails regarding Attorney General Consent Decree from County and Attorney General's office	0.20	\$50.00
	PK	Receipt and review of emails exchange between parties re: letter to court on open motions	0.20	\$50.00
2/22/2021	BN	Telephone conference with Supervisor Valentine regarding sewer capacity issue; Receipt and review of proposal from Plaintiffs; Review SEQRA documents	0.40	\$100.00
	MEM	Receipt and review client inquiry re current settlement docs and reply to same	0.20	\$50.00
	MEM	Receipt and analyze Plaintiff email re proposed sewer language; draft proposed response/counter proposal	0.80	\$200.00
	DJF	Received Memo Endorsement on withdrawal of motion for stay pending appeal	0.10	\$25.00

			<u>Hours</u>	<u>Amount</u>
2/23/2021	MEM	Receipt and review further sewer language proposal from Plaintiff; review docs cited in same to distinguish (i.e., different sized projects/creators/etc); draft proposed response, edited proposal; draft report to client; receive email from Plaintiff re conference call to discuss and reply to same	1.10	\$275.00
	BN	Review file; Review 1998 Findings regarding sewer issue; Summarize findings; Telephone conference with Plaintiff's counsel regarding sewer issue; Revise proposed sewer language and send to Town and Plaintiff's counsel	1.60	\$400.00
	MEM	Receipt and review proposed edits from NYAG re CD; emails to and from NYAG, County Attorney re same	1.20	\$300.00
	MEM	Conference call with Plaintiff re sewer language; draft revisions with co-counsel; relay status to client	1.50	\$375.00
	MEM	Emails to/from Building Inspector clarifying needs for CD; telephone call with Building Inspector re same	0.40	\$100.00
	MEM	E-mails to/from Town Clerk re exhibits needed for CD	0.20	\$50.00
2/24/2021	MEM	Revisit changes to Plaintiff/Town CD re exhibits; confirm exhibits for filing	1.10	\$275.00
	MEM	Multiple emails to/from Plaintiffs re final negotiations, documents, exhibits, etc	0.90	\$225.00
	BN	Receipt and review emails from J Grauer and D Zensky regarding Greens and sewer capacity issue; Review documents	0.40	\$100.00
	PK	Legal strategy meeting with MM re: settlement	0.30	\$75.00
2/25/2021	BN	Receipt and review email with Consent Decree and documents	0.40	\$100.00
	MEM	Receive multiple emails from/to Plaintiff re approved plans; communicate with Building Inspector re confirm same; confirm needs for CD before filing; approve statement in lieu of final plan	1.70	\$425.00
	MEM	Receive multiple emails from/to Plaintiff re final submission additional needs, review same; confirm accurate filings with Court	1.80	\$450.00
	PK	Review all documents sent by Plaintiff's counsel for settlement and emails exchanged; Revise stipulation of discontinuance re: attorney's fees; Exchange emails with Plaintiff's counsel re: finalizing and filing settlement	3.70	\$925.00
	DJF	Review law on post consent decree attorneys fee from Carter Alamo Group (Fed Cir May 1, 2014); Proposed revision to Stipulation of Discontinuance; Reviewed e-mails with Opposing Counsel re: same	0.80	\$200.00
2/26/2021	PK	Receipt and review of Court's So-Ordered docket entry re: consent decree	0.20	\$50.00
3/2/2021	MEM	Draft emails to Farr and Jamieson re settlement status both with Plaintiff and NYAG	0.20	\$50.00

			<u>Hours</u>	<u>Amount</u>
3/2/2021	MEM	Draft emails to Farr and Jamieson re settlement status both with Plaintiff and NYAG	0.20	\$50.00
	MEM	Draft text to former Councilman Wensley re settlement status both with Plaintiff and NYAG	0.10	\$25.00
	MEM	Email Supervisor et al copy of signed consent decree	0.10	\$25.00
	MEM	Draft letter to Court per Consent Decree re disposition/withdrawal of remaining motions involving Plaintiff, but retaining motion to extent seeks relief against NYAG	0.20	\$50.00
	DJF	Review letter to Judge re: treatment of open motions	0.10	\$25.00
3/3/2021	MEM	Review NYAG latest CD proposal for NYAG conference	0.50	\$125.00
	MEM	Telephone call with County Attorney re joint strategy/issues for NYAG conference	0.50	\$125.00
	BN	Telephone conference with NYAG and County regarding Consent Decree	1.80	\$450.00
	MEM	Telephone conference with NYAG re settlement , CD remaining issues	1.80	\$450.00
3/4/2021	PK	Research and review U.S. Fish and Wildlife Services v. Sierra Club (SCOTUS Op. March 4, 2021) re: deliberative process privileged for AG in event discovery must proceed	0.40	\$100.00
3/8/2021	BN	Review AG Consent Decree; Review Intervenor Complaint and FHA cases; Receipt and review of email from County Attorney's office	0.60	\$150.00
	MEM	Receipt and review email from NYAG re revised proposed CD and outline issues accepted vs issues that remain pending for settlement conference; draft updated status report/recommendation to client	1.10	\$275.00
3/9/2021	BN	Receipt and review AG Draft Consent Decree for conference; Review FHA provisions	0.40	\$100.00
	MEM	Receipt and review emails from Plaintiff attorney re revised submission to court; review to confirm compliance/consistency with prior submission; email to Plaintiff re filing same	0.50	\$125.00
	MEM	Receipt and review email from NYAG to Court re settlement conference with proposed CD to work off of for same; review for consistency with revisions/discussions	0.40	\$100.00
3/10/2021	MEM	Receipt and review email and stipulation of discontinuance signed by court; per CD, draft and file letter withdrawing Town motions; email to Plaintiff re confirming all complete re filings required by CD	0.40	\$100.00
	MEM	Prep for and participate in further settlement conference with NYAG	1.70	\$425.00

			<u>Hours</u>	<u>Amount</u>
3/10/2021	BN	Telephone conference with Judge Davidson, Attorney General and County regarding settlement;	1.70	\$425.00
	MEM	Post conference phone call with County Attorney re strategy to force NYAG settlement; draft email report to client re outcome of conference and next steps	1.80	\$450.00
3/11/2021	MEM	Analyze impact of NYAG's proposed injunctive relief language on future insurance coverage/defense, review Allied policy re same; consider disclaimers in instant case and others involving alleged breaches of settlement/consent decrees; draft proposed language to alleviate negative impact to Town arising from same; email to County Attorney per JDA	1.40	\$350.00
	BN	Draft and revise Consent Decree language regarding remedies for breach	0.40	\$100.00
	DJF	Receipt and review of notice of withdrawal of motion to recuse/disqualify; review impact on AG's claims	0.40	\$100.00
3/12/2021	BN	Receipt and review of documents for representation issue; Review spreadsheets regarding Building Inspector request for calculations and review terms of calculation	0.50	\$125.00
3/15/2021	MEM	Receipt and review proposed edits from County Atty to revised NYAG CD; incorporate County changes and email to NYAG	0.30	\$75.00
	BN	Receipt and review revised draft of Attorney General consent decree	0.10	\$25.00
3/16/2021	BN	Receipt and review emails regarding AG Consent Decree; Draft email to Joel Marerro regarding scheduling; Review Consent Decree provisions	0.30	\$75.00
3/17/2021	BN	Review of spreadsheet for calculations of building lot coverage	0.40	\$100.00
3/19/2021	MEM	Receipt and review proposed revisions from NYAG and emails from County; telephone call with County Attorney re joint strategy for settlement conference	0.60	\$150.00
	MEM	Prep for and attend settlement conference	1.30	\$325.00
	BN	Conference with AG and County regarding Consent Decree; Legal Research regarding injunctive relief	1.20	\$300.00
3/21/2021	BN	Further legal research on injunctive relief under Rule 65 regarding Attorney General positions	0.60	\$150.00
3/22/2021	RZ	Legal research into Federal Rule of Civil Procedure 65 re: preliminary injunctions being narrowly tailored; "obey the law" injunctions. Drafted legal research in preparation for conference call	0.80	\$200.00
	BN	Receipt and review of proposal from Attorney General; Review cases; Receipt and review of email from Jessica Clarke; Draft email in response	1.10	\$275.00
	MEM	Receipt and review further revised language proposed by NYAG; emails to/from County Attorney	0.50	\$125.00

			<u>Hours</u>	<u>Amount</u>
3/22/2021	MEM	Receive further emails with purported support for NYAG's relief requested in CD; review cases to confirm/distinguish NYAG's representations and draft reply to NYAG rejecting same	1.70	\$425.00
3/23/2021	MEM	Receive further email from NYAG re final settlement position; draft email to client re status; review intervenor complaint for strategy given intervening facts/NYAG final settlement position to formulate recommendation with pros and cons of each path moving forward to client	1.10	\$275.00
	BN	Telephone conferences with Supervisor; Review AG emails and law; Review intervenor complaint; Participation in mediation court conference with Judge	1.90	\$475.00
	MEM	Telephone call with client re NYAG final settlement position to formulate recommendation with pros and cons of each path and proposed alternatives	0.50	\$125.00
	MEM	Prep for and attend settlement conference re NYAG CD	1.50	\$375.00
	PK	Legal research on motion to dismiss against AG given status of settlement reaching impasse; Legal research on standing of intervening party after main plaintiff is out of case as well as effect of consent decree with main plaintiff; Draft argument re: same	4.60	\$1,150.00
3/24/2021	PK	Further legal research on effect of consent decree with main plaintiff on intervening plaintiff; Legal research on recent parens patriae cases, including recent 2d Cir case involving NYAG; Draft motion against NYAG re: mootness, failure to state claim for relief, and lack of standing	4.20	\$1,050.00
3/25/2021	MEM	Receipt and review NYAG email requesting information re development histories; review certain Town documents for potential response to aid in settlement; confer with County Attorney re aligning joint response to aid settlement	0.50	\$125.00
3/26/2021	BN	Receipt and review email from J Marerro regarding Attorney General revised Consent Decree	0.30	\$75.00
3/30/2021	MEM	Receipt and review further proposed revisions by NYAG to CD; emails to/from County Attorney re NYAG inquiry; Preparation for and attendance at further telephone conference with NYAG; conference with client re status/recommendations/negotiation strategy	2.10	\$525.00
	MEM	Further Telephone Conferences with NYAG re central sewer/water definitions; review email NYAG re same with revised language; review Town code and state law re definitions to resolve impasse	1.70	\$425.00
	BN	Draft language for Consent Decree settlement with NYAG	0.30	\$75.00
3/31/2021	MEM	Prepare for further settlement via analyzing various options to limit Town exposure upon enforcement action; telephone conference with client to discuss status/strategy and recommendation for conference; participate in court conference re NYAG settlement	0.70	\$175.00

			<u>Hours</u>	<u>Amount</u>
3/31/2021	BN	Telephone conference with Supervisor and Mary Marzolla regarding Attorney General Settlement; Telephone conference with NYAG's office regarding settlement	0.70	\$175.00
For professional services rendered			685.89	\$171,372.50
Additional Charges :				
7/17/2020	FedEx/Dana Elwood, Case Manager			32.92
Total additional charges				\$32.92
Total amount of this bill				\$171,405.42
Previous balance				\$26,900.00
Balance due				\$198,305.42

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