

IN RE: ESTATE OF
MAX D. HOPPER,
DECEASED

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IN THE PROBATE COURT

JO N. HOPPER,

Plaintiff,

v.

JP MORGAN CHASE, N.A., STEPHEN
B. HOPPER, and LAURA S. WASSMER,

Defendants.

NO. 1

DALLAS COUNTY, TEXAS

EXPERT REBUTTAL REPORT OF MARK SALES REGARDING ATTORNEYS’ FEES

I. INTRODUCTION

As part of my expert engagement on behalf of JPMorgan Chase Bank, N.A. (“JPMC”), I have been asked to provide my expert rebuttal opinions regarding the expert report of John T. Cox III disclosed by Jo Hopper, and regarding the expert reports of Jerry F. Jones and Anthony L. Vitullo disclosed by Stephen Hopper and Laura Wassmer (collectively, the “Children”). This rebuttal report documents my opinions in connection with the case, *Jo N. Hopper v. Stephen B. Hopper, et al.*, Dallas County Probate Court Number 1, Case Number PR-11-3238-1, as well as the associated appellate case, *Wassmer v. Hopper*, Court of Appeals of Texas—El Paso, Case Number 08-12-00331-CV (collectively referred to as the “Litigation”) as of the date of issuance on August 22, 2016, and I reserve the right to supplement and/or amend my report and my opinions as Case Number PR-11-3238-1 is still ongoing. As part of this rebuttal report, I incorporate by reference as if fully stated herein my July 13, 2016, expert report, including all my qualifications, the background facts, and the opinions expressed therein. My expert rebuttal

to each expert report submitted by Jo Hopper and the Children and the opinions therein is as follows.

II. REBUTTAL TO JO HOPPER'S EXPERT REPORT

Jo Hopper designated John T. Cox III as her expert regarding the reasonable, customary, and necessary attorneys' fees she allegedly would be entitled to in the event she prevails on her claims in the Litigation. Following my review and analysis of Mr. Cox's report, the fee statements produced by Jo Hopper, and the materials I reviewed in preparation of my initial report, it is my opinion that the vast majority Jo Hopper's attorneys' fees are neither reasonable nor necessary because (a) the amount of fees sought grossly exceeds the known amount in controversy and the benefit of the results obtained; (b) fees were unnecessarily expended in pursuing claims and strategies that Jo Hopper later voluntarily abandoned; and (c) fees were unnecessarily incurred due to the turnover, duplication, and redundancy of efforts between the many different lawyers and law firms who represented Jo Hopper throughout the course of the Litigation. Moreover, it is my expert opinion that the fee statements produced by Jo Hopper cannot form the basis of a credible expert opinion as to the reasonableness and necessity of the attorneys' fees charged by Jo Hopper's counsel because they are so heavily redacted that it is impossible to determine the performance of specific tasks, the time required for those tasks, and the person who performed the work.¹

¹ In my view, general and conclusory expert opinions that are based on billing records that do not contain enough information or detail to understand what activities, work, or service was performed, and the amount of time it took to perform such activities, work, or service, lack credibility and should not be considered sufficient proof of reasonableness and necessity.

A. Jo Hopper Unnecessarily and Aggressively Pursued Expensive Litigation Costing Far More than the Amount in Controversy and Failed to Obtain Desired Results

Jo Hopper testified under oath that if 9 Robledo Drive, Dallas, Texas 75230 (the “Robledo Property”) had been distributed in undivided interests between Jo Hopper and the Children, as intended in mid-2011 by JPMC in its capacity as independent administrator of the Estate of Max D. Hopper (the “IA”), then she would not have initiated the Litigation, which included her removal action against JPMC as independent administrator of Max Hopper’s estate (the “Estate”). *See* Deposition Testimony of J. Hopper, p. 90:2–17. Jo Hopper further testified that she believed the equity in the Robledo Property to be less than \$800,000 prior to the Litigation based on a July 2010 appraisal, with her and the Children’s respective one-half community interests in the Property worth less than \$400,000 each. *See id.* at 45:21–48:18. Given the known amount in controversy, Jo Hopper nevertheless initiated the Litigation on or about September 21, 2011, following a series of communications from Tom Cantrill of Hunton & Williams, counsel for the IA, urging settlement between Jo Hopper and the Children. Following resolution of the Robledo Property distribution at the Texas Court of Appeals in 2014, Jo Hopper voluntarily dismissed her removal action against the IA in late 2015, and continued to pursue litigation against the IA (as well as the Children), including a breach of contract claim and a DTPA claim with only approximately \$100,000 in alleged economic damages between the two claims. *See* Jo Hopper’s Supplemental Responses to JPMC’s Request For Disclosures. Despite the minimal economic damages alleged by Jo Hopper remaining at issue in the Litigation, she continues to aggressively litigate and continues to expend legal fees at a prolific rate. To that end, the analysis of the reasonableness and necessity of Jo Hopper’s attorneys’ fees

must be considered unreasonable and unnecessary in light of the limited amount in controversy and the results of Jo Hopper's removal action against the IA.

In his expert report, Mr. Cox cites the factors for reasonableness and necessity of attorneys' fees listed by the Texas Supreme Court in *Andersen v. Perry Equipment Corp.*, 945 S.W.2d 812 (Tex. 1997). The fourth *Andersen* factor requires the Court to consider "the amount involved and the results obtained", which the Texas Supreme Court has indicated is "the most critical factor in determining the reasonableness of a fee award." *Smith v. Patrick W.Y. Tam Trust*, 296 S.W.3d 545, 548 (Tex. 2009) (holding that a damages award of \$65,000 could not support an award of \$62,438.75 in attorneys' fees as such amount "was unreasonable in light of the amount involved and the results obtained"). However, despite the emphasis placed on this factor by Texas courts, Mr. Cox did not directly address the limited amount in controversy in his report, and glossed over this factor with only the conclusory statement that "the dollar values and other intangibles involved in the various claims are significant." Moreover, Mr. Cox did not address in his report the fact that Jo Hopper initiated, and aggressively pursued, the Litigation despite the amount in controversy and despite repeated urgings by the IA to reach an agreement with the Children that would have saved Jo Hopper from paying attorneys' fees and expenses totaling nearly eight times the amount in controversy.

Jo Hopper has been represented by numerous attorneys and law firms in the Litigation, including The Graham Law Firm, PC; Erhard & Jennings, PC; Professor Tom F. Featherston, Jr.; Thompson, Coe, Cousins & Irons, LLP; and Loewinsohn Flegle Deary Simon LLP, and has incurred \$3,836,053.19 in attorneys' fees and expenses through May 2016. (**Exhibit A**, Jo Hopper Attorneys' Fees Chart). Based on the chart included within Mr. Cox's expert report, it appears to be his expert opinion that the reasonable and necessary fees related to the Robledo

Property total \$2,586,835.01², and his opinion that the reasonable and necessary fees related to Jo Hopper's breach of contract and DTPA claims total \$2,905,872.89 and \$2,765,959.65, respectively.³ However, these amounts are neither reasonable nor necessary and cannot be supported under Texas law. Indeed, not only is the amount in controversy vastly eclipsed by the attorneys' fees charged to Jo Hopper, but Jo Hopper ultimately did not obtain all the results she sought, instead opting to voluntarily dismiss her removal action against the IA after four (4) years of incurring substantial legal fees aggressively litigating the issue. Under Texas law, these factors weigh heavily against the reasonableness and necessity of Jo Hopper's attorneys' fees.

B. Jo Hopper's Removal Action Against the IA Did Not Advance the Litigation and Was Ultimately Abandoned by Jo Hopper, Exhibiting Waste in the Prosecution of Jo Hopper's Claims

Claims for attorneys' fees must be based on work "necessary to the prosecution of the case at bar." *Anderson*, 945 S.W.2d at 819. Failed or abandoned initiatives do not meet this standard, and although litigants may chase red herrings at their own expense, the law does not give litigants the luxury of pursuing such at the expense of an opposing party. *See, eg., Smith v. Reid*, 2015 WL 3895465, at *11 (Tex. App.—San Antonio June 24, 2015, pet. denied) (finding the attorneys' fees based on time attributable to abandoned claims were not reimbursable). Jo Hopper's removal action, which she abandoned after four (4) years of aggressive litigation, was an inappropriate legal strategy that was neither reasonable nor necessary under the circumstances, and served only to increase the attorneys' fees expended by the parties. In my

² In prior pleadings with the Court, the Children have taken the position that attorneys' fees related to the Robledo Property are not recoverable by Jo Hopper because the Texas Court of Appeals decision related to the Robledo Property was a final judgment which effectively ended the dispute, including those issues regarding the recovery of her related attorneys' fees.

³ It appears from Mr. Cox's expert report that he also believes \$462,052.86 spent by Jo Hopper in attorneys' fees "Preparing and Defending Against Declaratory Judgment Action Claims Regarding H&W Fee & Expense Allocation", valued at approximately \$400,000, to be reasonable and necessary.

expert opinion, all attorneys' fees incurred in connection with the claim must be excluded from any prospective award and Mr. Cox in his report has failed to segregate such inappropriate fees.

C. The Significant Turnover and Duplication of Efforts Among Jo Hopper's Attorneys was Neither Reasonable nor Necessary

Jo Hopper seeks reimbursement of attorneys' fees charged by at least four (4) law firms in their representation of her over the course of the Litigation. However, even a cursory review of the fee statements demonstrates extensive turnover and overlap between the firms which almost assuredly caused major duplication and redundancy of efforts which were not reasonable or necessary. For example, the fee statements produced by Jo Hopper demonstrate numerous lengthy time entries involving communications between the firms. (**Exhibits B, C, and D**, Fee Statement Excerpts from The Graham Law Firm, PC; Erhard & Jennings, PC; and Thompson, Coe, Cousins & Irons, LLP, respectively), and indicate that between June 14, 2012, and August 19, 2014, Jo Hopper simultaneously retained the services of Erhard & Jennings, P.C.; The Graham Law Firm, PC; and Thompson, Coe, Cousins & Irons, LLP.⁴ In his expert report, Mr. Cox states that the attorneys retained by Jo Hopper were "some of the finest, most successful and well respected attorneys in this town." If taken as true, the turnover and necessity of Jo Hopper repeatedly changing her counsel must be questioned, especially considering that the IA needed only to retain the services of Hunton & Williams, with its core team of three (3) attorneys and one (1) paralegal providing 92% of the total hours and 95% of the total charges billed to the IA in the Litigation through June 27, 2016.

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- Erhard & Jennings, P.C. charged fees to Jo Hopper from May 20, 2011, through July 19, 2015;
- The Graham Law Firm, PC charged fees to Jo Hopper from February 9, 2010, through August 19, 2014;
- Thompson, Coe, Cousins & Irons, LLP charged fees to Jo Hopper from June 14, 2012, through July 21, 2015; and
- Loewinsohn Flegle Deary Simon LLP has charged fees to Jo Hopper from August 12, 2015, through the present.

I attempted to review the fee statements from each firm to determine the extent of duplication and redundancy of efforts in the representation of Jo Hopper in light of the turnover and overlap between the firms, but was unable to do so due to substantial redactions which rendered them almost meaningless. *See In re Frazin*, 413 B.R. 378, 418 (Bankr. N.D. Tex. 2009) (subsequently aff'd in part, rev'd in part on other grounds) (applying Texas law). Although Mr. Cox acknowledged the waste and redundancy caused by all the turnover, he makes no reference in his report as to whether he attempted to segregate or quantify the amount of waste. Rather, he chose to reduce the fees of each firm by 10% to account for "potentially duplicative work." Such a figure, however, is not based on any of the fee statements produced by Jo Hopper and appears to have been reached arbitrarily. In fact, neither myself, Mr. Cox, nor the Court has any way of knowing how much duplication and redundancy occurred between the four (4) law firms because the information "has simply been deleted" from the fee statements. *See id.* In my expert opinion, the turnover among law firms representing Jo Hopper, the retention of multiple firms simultaneously throughout the Litigation, and the inability to determine the amount of duplication and redundancy of efforts due to substantial redactions of the fee statements produced by Jo Hopper requires significant reduction in any prospective award of attorneys' fees in favor of Jo Hopper.

D. The Fee Statements Produced by Jo Hopper are So Heavily Redacted that They Cannot Form the Basis of an Attorneys' Fee Award, and Expert Testimony Regarding the Fee Statements are Entitled to Little or No Weight

In reviewing claims for attorneys' fees, a court must be able to determine from the fee statements "whether the services performed reasonably required the time expended, . . . which particular motion or pleading in the case the services related to, and which of several theories of liability the services related to." *In re Frazin*, 413 B.R. at 417 (reducing the award of attorneys'

fees under Texas law where the court was unable to assess which particular pleadings and theories of liability time entries applied to in the fee statements, and thus their reasonableness, due to fee statement redactions); *see also El Apple I, Ltd. v. Olivas*, 370 S.W.2d 757 (Tex. 2012) (stating that to establish the number of hours reasonably spent on a case, as required under the lodestar method, that there must be “proof documenting the performance of specific tasks, the time required for those tasks, the person who performed the work, and his or her specific rate”). In my opinion, the reasoning set forth in *El Apple* should apply in the context of an examination under the *Andersen* factors, particularly where detailed billing records already exist and could be used to support a claim for attorneys’ fees or for segregation of non-recoverable fees. Where substantial redactions of submitted fee statements render it impossible to determine these details, opinions of retained experts as to the reasonableness and necessity of incurred attorneys’ fees based on the substantially redacted fee statements “is simply not credible” and “entitled to little weight.” *Frazin* at 418.

Mr. Cox’s expert opinions relate to the attorneys’ fees charged to Jo Hopper by The Graham Law Firm, PC; Erhard & Jennings, PC; Thompson, Coe, Cousins & Irons, LLP; and Loewensohn Flegle Deary Simon LLP. Each of the fee statements from these law firms is substantially redacted such that the information necessary to form an opinion as to the reasonableness and necessity of the fees has simply been deleted. Exhibits B, C, and D, *supra*, as well as **Exhibit E**, Fee Statement Excerpt from of Loewensohn Flegle Deary Simon LLP, provide examples from each of above-listed firm’s redacted fee statements demonstrating the impossibility of determining the actual work performed, and whether the work and time spent was reasonable and necessary in the Litigation. Indeed, the impossibility of determining the

reasonableness and necessity of the fees extends to each of Jo Hopper's numerous counsel and each of the substantially redacted fee statements.

For instance, due to the substantial redactions of the fee statements, it is impossible to determine the basis of Mr. Cox's opinion that Loewinsohn Flegle Deary Simon LLP charged reasonable and necessary attorneys' fees in "Preparing and Defending Against Declaratory Judgment Action Claims Regarding Partition of Homestead and Related Issues", in the total amount of \$510,355.31. The redacted fee statements do not support, or allow for review of, the time charged by the firm to substantiate Mr. Cox's opinions, especially considering the December 3, 2014, decision from Texas Court of Appeals effectively ended the Robledo homestead issues made the subject of Jo Hopper's declaratory judgment action, yet Loewinsohn's fee statement entries do not begin until after that date on August 12, 2015 (8 months later). In other words, the issues involving the Robledo Property and homestead issues already were long-resolved by the time Loewinsohn Flegle Deary Simon LLP was hired by Jo Hopper, and long after they began charging fees to Jo Hopper. Likewise, the amount of the attorneys' fees attributable to the removal action cannot be determined as a result of the substantial redactions of fee statements produced by Jo Hopper, and Mr. Cox's report makes no attempt to segregate the fees related to the abandoned claim.

The fees related to the Robledo Property and the removal action are but two examples of how the redacted fee statements do not provide the minimum level of detail necessary for a determination of the reasonable number of hours worked by counsel. Overall, the fee statements submitted on behalf of Jo Hopper do not contain sufficient proof documenting the performance of specific tasks or the time required for those tasks, and render it impossible to determine the reasonable number of hours worked by her counsel in the Litigation.

III. REBUTTAL TO THE CHILDREN'S EXPERT REPORTS

The Children produced two (2) expert reports attacking the reasonableness and necessity of the legal fees incurred by the IA. The first report, attached as Exhibit 1 to the Children's Expert Designation filed on or about July 13, 2016, contains the expert opinions of Jerry F. Jones. The second report, attached as Exhibit 2 to the Children's Expert Designation, contains the expert opinions of Anthony L. Vitullo. My rebuttal opinions to both are as follows.

A. Rebuttal to Mr. Jones' Report

i. The Report Submitted by Mr. Jones Indicates that he Did Not Base his Expert Opinions on Texas Law

Mr. Jones addresses the legal fees charged by Hunton & Williams beginning on page 3 of his expert report. However, nowhere in his expert report does Mr. Jones mention any legal basis upon which he forms his expert opinions; instead, it appears as though Mr. Jones ignored the Texas Supreme Court decision in *Andersen v. Perry Equipment Corp.*, 945 S.W.2d 812 (Tex. 1997), Rule 1.04 of the Texas Disciplinary Rules of Professional Conduct, and every other source stating the factors a Texas court must follow in determining the reasonableness and necessity of attorneys' fees. Additionally, Mr. Jones' report does not address any particular bill of Hunton & Williams or any particular task that he asserts to be unreasonable or unnecessary, but includes a discussion as to whether the IA contacted other attorneys before retaining Hunton & Williams and whether the IA challenged or objected to the attorneys' fees charged by Hunton & Williams. Neither of these issues is a factor for reasonableness under Texas law and, simply put, both are irrelevant in determining whether the IA's legal fees charged by Hunton & Williams in the Litigation are reasonable and necessary.

ii. The Expert Report Submitted by Mr. Jones Indicates that He Did Not Review the Fee Statements Produced by Hunton & Williams

Mr. Jones contends in his expert report that “Hunton & Williams block bill. Block billing is not appropriate and results in excessive fees.” *See* Jerry Jones Expert Report, p. 3. To the contrary, with respect to Hunton & Williams’ attorneys’ fees in the Litigation (to which my initial report is addressed), each bill submitted by Hunton & Williams used an incremental billing format showing each specific task performed and the amount of time spent on that task. The time entries that do not follow this format are negligible compared to the overall legal fees charged by Hunton & Williams. The failure to notice the itemized billing in the Hunton & Williams fee statements relating to the Litigation leads me to the conclusion that Mr. Jones did not actually review these fee statements before rendering his opinions. As a result, I believe this Court should give little or no weight to this aspect of Mr. Jones’ expert report.

Mr. Jones also contends in his expert report that the Hunton & Williams “statements do not segregate fees for administration” *See* Jerry Jones Expert Report, p. 3. Mr. Jones’ opinion that Hunton & Williams did not segregate fees regarding the administration of the Estate from fees regarding the Litigation is inconsistent with the fee statements produced by the IA. Indeed, Hunton & Williams created a separate billing matter for timekeepers to use when performing work in the Litigation so as to segregate all Litigation time entries from those for services relating to administration of the Estate, beginning with the initial review of the Petition filed by Jo Hopper in the Litigation on September 21, 2011.⁵ The failure to notice the

⁵ The lead attorney representing the IA, John Eichman, further segregated the attorneys’ fees charged by Hunton & Williams, including his opinion that essentially all of the fees and expenses through December 6, 2015, are attributable to the defense of the removal action brought by Jo Hopper (\$1,185,775 in total). Of the fees attributable to the removal action, Mr. Eichman concluded that approximately \$964,798 are attributable to the dispute over distribution of ownership interests in the Robledo Property.

segregation of billing between the time entries related to the Litigation and the services related to the administration of the Estate in the Hunton & Williams once again leads me to the conclusion that Mr. Jones did not actually review the Hunton & Williams fee statements produced by the IA before rendering his opinions, and this Court should not give any weight to this opinion of Mr. Jones.

iii. It was Reasonable and Necessary for the IA to Expend Resources Defending the Allegations Against it in the Litigation

In his expert report, Mr. Jones states that the IA should have minimized its role in the Litigation. In making this conclusory statement, Mr. Jones ignores that, despite the IA's urging settlement between Jo Hopper and the Children as part of its good faith attempts to avoid protracted litigation, the animosity between Jo Hopper and the Children⁶ – as well as their extreme positions and litigation tactics – were the cause of the IA's legal fees. In fact, the Children admitted under oath that they pursued extensive litigation against the IA based upon guarantees by their counsel, Mr. Stolbach, that they would prevail on the Robledo Property issue and that JPMC would be forced to pay their attorneys' fees. Notably, the Children testified

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- Counsel for Jo Hopper stated in open court that Jo Hopper's purpose of the Litigation was "to strike a blow for all the widows of Texas", even as the cost of the Litigation exceeded the amount in dispute. *See* January 31, 2012, Probate Court Hearing Transcript, pp. 107–08.
- Jo Hopper testified under oath that she had decided not to purchase the Children's interests in the Robledo Property following correspondence in May of 2011 from the Children's attorney listing several personal property items as community property that Jo Hopper thought were already resolved as being her separate property. *See* Deposition Testimony of L. Wassmer, pp. 72:10–75:14.
- Jo Hopper testified under that she had her attorneys send correspondence to Laura Wassmer's child ("Nick") that Jo hopper would no longer pay for Nick's tuition, with the correspondence stating the cause as "everything that has transpired in the past several months related to [the Estate]." *See* Deposition Testimony of L. Wassmer, pp. 85:24–86:21 and exhibit 53 thereto.
- In email correspondence from August 2, 2011, between Jo Hopper and Stephen Hopper, Jo Hopper stated that Max Hopper "would be horrified at the [current] scenario" and that it was not his goal during his life "to fund an army of lawyers over nothing." Mr. Hopper replied that Jo Hopper has "taken every opportunity to control, manipulate, hide and reclassify assets", and asked Jo Hopper "how much is self-righteousness worth?" *See* August 2, 2011, email correspondence between Jo Hopper and the Children.

under oath that they believe the advice from Mr. Stolbach regarding the Robledo Property and the attorneys' fees issues was wrong, and in their disclosures stated Mr. Stolbach's conduct constituted attorney malpractice that caused them substantial economic loss.⁷

Therefore, under the circumstances, I believe it was necessary and reasonable for the IA to incur the legal fees charged by Hunton & Williams to defend against the claims raised by Jo Hopper and the Children. My initial report provides all the grounds as to why the specific charges were both reasonable and necessary.

iv. The Hourly Rates Charged by Hunton & Williams are Reasonable and Customary

Mr. Jones contends in his expert report that the fees charged to the IA by Hunton & Williams are excessive, and as support cites the Dallas County Probate Courts' approved rate for court-appointed fiduciaries, without explanation that the guidelines "govern[] dual compensation

⁷ I note that in Texas, all lawyers are held to the standard of care which would be exercised by a reasonably prudent attorney under similar circumstances. *Cosgrove v. Grimes*, 774 S.W.2d 662, 664 (Tex. 1989). An attorney does not meet that standard when the acts he pursues are unreasonable as measured by those that a reasonably competent practitioner would take based on the information available to the attorney at the time. *Id.* The standard is an objective exercise of professional judgment; it is not based on the attorney's subjective belief that his acts are in good faith. *Id.* Among other things, reasonably prudent lawyers in Texas comport their actions with the Disciplinary Rules of Professional Conduct promulgated by the State Bar of Texas. Rule 2.01 provides that in advising or otherwise representing a client, a lawyer shall exercise independent professional judgment and render candid advice. That means providing a client with straightforward advice, even when such advice involves unpleasant facts and alternatives, and will be unpalatable to the client. *See* Comment 1 to Rule 2.01. Lawyers are also prohibited from making a communication that is likely to create an unjustified expectation about the results a lawyer can achieve. *See* Rule 7.02(a)(3). In this case, Stephen Hopper testified that his counsel guaranteed the Children would prevail on the issue of whether the Robledo Property had to be included in a partition proceeding, and that the Children would recover their attorneys' fees from the IA if it pursued an undivided interest distribution. Deposition Testimony of S. Hopper, p. 331:3-13. He also testified that he never was advised that he could be responsible for Jo Hopper's fees. *Id.* at 363:6-8. Laura Wassmer testified similarly, also swearing that her attorneys were responsible for the \$1.2 million spent fighting the Robledo Property issue. Deposition Testimony of L. Wassmer, p. 377:14-25. I have no personal knowledge of these facts and have made no independent investigation of the Children's claims, and thus express no opinion regarding whether such statements were made. It is my opinion, however, that if such testimony is taken as true, then such conduct would not satisfy the standard of care mentioned above.

where the attorney is also the fiduciary”, which does not apply here. In my personal experience, these guidelines are used when a court appoints an attorney for more routine probate matters and are inapplicable to the issues in the Litigation, where the IA has been required to retain outside counsel to defend against numerous allegations and claims for reimbursement of attorneys’ fees. Further, the Guidelines for Court Approval of Attorney Fee Petitions provide for higher rates for “a particularly difficult probate . . . matter [that requires] special expertise that should be compensated at a higher rate” *See* Dallas Guidelines for Court Approval of Attorney Fee Petitions. Not only are the guidelines entirely inapplicable because the IA is not seeking dual compensation as a fiduciary and attorney, but the complexity of the Litigation warrants the hourly rates charged by Hunton & Williams, which are reasonable and customary for lawyers and law firms with the proficiency to handle complex litigation involving a hotly contested fiduciary litigation battle between contentious family members. Indeed, the rates charged by Hunton & Williams are consistent with, and in the same range as, the rates charged by Jo Hopper’s and the Children’s own attorneys.

Mr. Jones also seemingly contends the staffing of Hunton & Williams was improper, stating the hourly rates were not reasonable “for the work done and when you accumulate the number of attorneys billing for most issues.” Mr. Jones only provides this conclusory statement without any support, despite the IA retaining the same core four-member legal team throughout the Litigation. This is a stark difference to the multiple counsel used by the Children – Glast, Phillips & Murray, PC; Professor Stanley Johansen; Block, Garden & McNeil, LLP; Fee, Smith, Sharp & Vitullo, LLP; and James S. Bell, PC – through their pursuit of claims in the Litigation, which necessarily resulted in duplicative efforts, redundancy, and time incurred transitioning between firms. Although the Children no longer seek reimbursement of attorneys’ fees, the

multiple attorneys used by the Children in the Litigation compared with the consistent and efficient staffing of Hunton & Williams demonstrates the reasonableness of the legal fees charged by Hunton & Williams and paid by the IA.

v. The IA has Multiple Bases for Recovery of its Attorneys' Fees and Expenses

Mr. Jones contends, with no legal support, that “an administrator is not entitled to charge to the estate its fees in defending a breach of fiduciary duty action. None of [the IA’s] legal fees associated with the damage action should be taken from the estate.” My initial report, which I incorporate as if fully stated herein, details four (4) appropriate bases for the payment of the IA’s legal fees and expenses to be paid from the Estate, including under the Fee Agreement between JPMC, Jo Hopper, and the Children; Texas Estates Code Section 404.0037; Texas Estates Code Section 352.051; and Texas Civil Practice and Remedies Code Section 37.009. In my expert opinion, the above each create a proper basis for the payment from the Estate of the IA’s legal fees and expenses, including those related to the IA’s defense of breach of fiduciary duty claims.

B. Rebuttal to Mr. Vitullo’s Report

In the single page expert report prepared by Mr. Vitullo there is no mention of the legal basis upon which he forms his expert opinions regarding the legal fees charged by Hunton & Williams. Instead, in the single paragraph related to the IA’s legal fees, Mr. Vitullo provides only conclusory statements without any support in the record.

To begin, Mr. Vitullo contends that the fees charged by “Chase are excessive, unnecessary, unreasonable and outside the scope of Chase’s agreement to provide administrative services” and contends that “[t]he contract setting forth Chase’s responsibilities limit the use of attorneys to representing the estate in court and overseeing legal matters.” Each of these issues is addressed in my initial report, incorporated herein, which demonstrates the reasonableness and

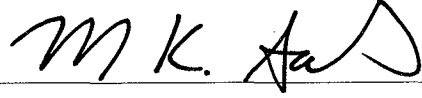
necessity of the legal fees charged by Hunton & Williams, as well as the contractual basis for an award of those legal fees in favor of the IA.

Mr. Vitullo, similar to Mr. Jones, also contends that Chase “had its attorneys perform work that should have properly been performed by Chase.” Presumably, Mr. Vitullo is referencing services performed relating to the administration of the Estate, as opposed to the Litigation, as there does not exist any requirement for a party to a lawsuit to represent itself without the aid of counsel. Regarding the services performed by Hunton & Williams related to the administration of the Estate, such legal fees are properly segregated from the legal fees related to the Litigation charged by Hunton & Williams.

Mr. Vitullo, as did Mr. Jones, thereafter contends that the legal rates charged by Hunton & Williams were too high and that the IA did not give adequate consideration that its defense of the claims brought against it by Jo Hopper and the Children were depleting their inheritance. I address fully in my initial expert report how the IA was entitled to defend against the claims raised by Jo Hopper and the Children, and also entitled to seek the proper distribution of the Robledo property under its fiduciary obligations as the IA. I address in my initial report my opinion that the IA was well within its rights to retain the services of Hunton & Williams as competent counsel to defend against the claims brought by Jo Hopper and the Children, and that the rates of Hunton & Williams are reasonable and customary.

Mr. Vitullo also contends that “multiple attorneys [from Hunton & Williams] charged for the same type of work, resulting in unnecessary overbilling.” However, without providing any support in the form of specific Hunton & Williams tasks and fee statements, I am unable to evaluate the conclusory opinion of Mr. Vitullo. Based upon my review of the Hunton & Williams fee statements, I do not see instances of attorney overbilling and maintain my expert

opinion that the fees charged to the IA by Hunton & Williams were reasonable, necessary, and customary in Dallas County, Texas.

A handwritten signature in black ink, appearing to read "M K. Sales", is written above a horizontal line.

Mark K. Sales

Exhibit A

Jo Hopper's Aggregate Attorneys' Fees Expenses

<u>Date</u>	<u>Aggregate of Jo Hopper's Attorneys' Fees & Expenses</u>
2010-Mar	\$ 1,164.50
2010-April	\$ 7,763.00
2010-May	\$ 9,919.00
2010-June	\$ 24,597.60
2010-July	\$ 27,079.60
2010-Aug	\$ 34,379.60
2010-Sept	\$ 38,129.60
2010-Oct & Nov	\$ 41,519.60
2010-Dec	\$ 44,219.60
2011-Mar	\$ 47,499.60
2011-April	\$ 54,092.55
2011-May	\$ 100,717.73
2011-Jun	\$ 155,202.89
2011-Jul	\$ 222,288.05
2011-Aug	\$ 338,239.40
2011-Sept	\$ 478,810.73
2011-Oct & Nov	\$ 638,091.59
2011-Dec	\$ 774,902.92
2012-Jan	\$ 951,078.03
2012-Feb	\$ 1,040,201.28
2012-Mar	\$ 1,122,997.03
2012-April	\$ 1,234,451.56
2012-May	\$ 1,311,942.04
2012-Jun	\$ 1,389,981.99
2012-July	\$ 1,446,836.87
2012-Aug	\$ 1,529,721.92
2012-Sept	\$ 1,584,190.97
2012-Oct	\$ 1,658,637.72
2012-Nov	\$ 1,716,529.57
2012-Dec	\$ 1,796,987.77
2013-Jan	\$ 1,939,218.87
2013-Feb	\$ 2,155,975.34
2013-Mar	\$ 2,220,149.06
2013-April	\$ 2,302,729.18
2013-May	\$ 2,379,163.33
2013-June	\$ 2,480,602.58
2013-July	\$ 2,525,557.23
2013-Aug	\$ 2,580,356.98
2013-Sept	\$ 2,626,585.23
2013-Oct	\$ 2,685,697.18
2013-Nov	\$ 2,689,987.13
2013-Dec	\$ 2,706,377.08
2014-Jan	\$ 2,713,647.87
2014-Feb	\$ 2,718,978.65

Jo Hopper's Aggregate Attorneys' Fees Expenses

2014-Mar	\$	2,724,309.43
2014-April	\$	2,728,389.38
2014-May	\$	2,732,469.33
2014-June	\$	2,736,549.28
2014-July	\$	2,741,267.43
2014-Aug	\$	2,745,347.38
2014-Sept	\$	2,760,125.13
2014-Oct	\$	2,774,902.88
2014-Nov	\$	2,789,680.63
2014-Dec	\$	2,806,750.98
2015-Jan	\$	2,827,858.53
2015-Feb	\$	2,851,863.58
2015-Mar	\$	2,875,726.03
2015-April	\$	2,884,768.88
2015-May	\$	2,893,436.00
2015-June	\$	2,901,727.52
2015-July	\$	2,910,507.14
2015-Aug	\$	2,930,343.07
2015-Sept	\$	2,993,828.95
2015-Oct	\$	3,058,805.21
2015-Nov	\$	3,124,604.26
2015-Dec	\$	3,171,829.38
2016-Jan	\$	3,257,523.57
2016-Feb	\$	3,370,028.77
2016-Mar	\$	3,486,165.13
2016-Apr	\$	3,685,466.53
2016-May	\$	3,836,053.19

Exhibit B

FILE COPY

The Graham Law Firm, P.C.
100 Highland Park Village, Suite 200
Dallas, Texas 75205

Ph: 214-599-7000 Fax: 214-599-7010

January 8, 2013

Jo Hopper
9 Robledo Drive
Dallas, Texas 75230

File #: 32119-0102

Inv #: 1625

RE: Hopper, Jo (Individual Re: Hopper, Max)

DATE	DESCRIPTION	HOURS	TIMEKEEPER
Dec-02-12	Work on [REDACTED]	3.50	MLG
Dec-03-12	[REDACTED]	0.30	MLG
Dec-04-12	[REDACTED]	1.80	MLG
Dec-05-12	Jim and Michael Y about [REDACTED] [REDACTED] [REDACTED]	0.90	MLG
Dec-06-12	Jennings [REDACTED] [REDACTED] [REDACTED]	2.70	MLG
Dec-12-12	Work with Jim Jennings on [REDACTED] [REDACTED] [REDACTED]	0.80	MLG
Dec-26-12	[REDACTED]	3.00	MLG
Dec-27-12	[REDACTED]	1.80	MLG
Dec-28-12	Review [REDACTED]	3.80	MLG
Dec-29-12	[REDACTED]	4.20	MLG

{00074962.RTF;}

JHOPPER 000102

	[REDACTED]		
Dec-30-12	Send [REDACTED], discuss by telephone	4.20	MLG
Dec-31-12	Go over [REDACTED] conf calls with Jim and Jo [REDACTED]	2.00	MLG

Total Hours and Fee

29.00

\$14,500.00

Total Fee & Disbursements

\$14,500.00

[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]

The Graham Law Firm, P.C.
100 Highland Park Village, Suite 200
Dallas, Texas 75205

FILE COPY

Ph:214-599-7000

Fax:214-599-7010

February 23, 2013

Jo Hopper
9 Robledo Drive
Dallas, Texas 75230

File #: 32119-0102

Inv #: 1638

RE: Hopper, Jo (Individual Re: Hopper, Max)

DATE	DESCRIPTION	HOURS	TIMEKEEPER
Jan-07-13	Work on [REDACTED] [REDACTED]	2.90	MLG
Jan-08-13	[REDACTED]	1.40	MLG
Jan-09-13	[REDACTED] [REDACTED]	1.20	MLG
Jan-10-13	[REDACTED]	1.50	MLG
	Consult with Mike and Jim regarding [REDACTED] [REDACTED] [REDACTED]	2.00	JPS
Jan-14-13	Work on [REDACTED]	8.00	MLG
Jan-22-13	[REDACTED] brief	0.30	MLG
Jan-23-13	[REDACTED] [REDACTED]	1.40	MLG
Jan-25-13	[REDACTED]	1.10	MLG
Jan-29-13	[REDACTED]	2.20	MLG
Jan-30-13	[REDACTED]	1.50	MLG
Jan-31-13	[REDACTED] [REDACTED]	1.80	MLG

Total Hours and Fee Total Fee & Disbursements	25.30	\$12,250.00 \$12,250.00
[REDACTED]		[REDACTED]
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		
[REDACTED]		[REDACTED]
[REDACTED]		
[REDACTED]		

FILE COPY

The Graham Law Firm, P.C.
100 Highland Park Village, Suite 200
Dallas, Texas 75205

Ph: 214-599-7000 Fax: 214-599-7010

March 25, 2013

Via Email

Jo Hopper
9 Robledo Drive
Dallas, Texas 75230

File #: 32119-0102

Inv #: 1666

RE: Hopper, Jo (Individual Re: Hopper, Max)

DATE	DESCRIPTION	HOURS	TIMEKEEPER
Feb-03-13	[REDACTED]	2.90	MLG
Feb-04-13	[REDACTED]	4.00	MLG
Feb-05-13	[REDACTED] [REDACTED] [REDACTED]	2.40	MLG
Feb-08-13	[REDACTED]	6.80	MLG
Feb-11-13	[REDACTED] [REDACTED] send to Jim	2.80	MLG
Feb-12-13	Work with Jo and Meagan on [REDACTED] [REDACTED]	2.10	JPS
Feb-13-13	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	3.90	MLG
	Attention to [REDACTED] [REDACTED]	2.90	JPS

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JHOPPER 000108

	[REDACTED]	2.70	MDF
Feb-14-13	[REDACTED]	1.70	MLG
	Attention to [REDACTED]	1.10	JPS
	[REDACTED]	3.70	MDF
Feb-15-13	Discuss [REDACTED] with Ken Tomlinson	0.40	JPS
	[REDACTED]	4.40	MDF
Feb-18-13	Contact Megan to [REDACTED]	0.30	JPS
Feb-19-13	[REDACTED]	4.30	MDF
Feb-20-13	[REDACTED]	5.00	MLG
	[REDACTED]	5.80	MDF
Feb-21-13	Research [REDACTED]	3.10	JPS
Feb-22-13	[REDACTED]	5.00	MLG
	[REDACTED]	4.40	JPS
	[REDACTED]	1.20	MDF
Feb-24-13	[REDACTED]	3.20	MLG

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Feb-25-13	[REDACTED]	2.50	MLG
	Attention to [REDACTED] [REDACTED] [REDACTED]	2.10	JPS
Feb-26-13	[REDACTED]	6.50	MLG
Feb-28-13	Review of [REDACTED] [REDACTED]	0.60	JPS

Total Hours and Fee

85.80 \$29,555.00

Total Fee & Disbursements

\$29,555.00

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Exhibit C

11/11/11	JAJ	<p>Work on issues on [REDACTED]</p> <p>[REDACTED]</p> <p>go over [REDACTED]</p> <p>MM and KT [REDACTED]</p> <p>[REDACTED]; very early email from Mike with his [REDACTED]</p> <p>email back to Mike re: [REDACTED]</p> <p>[REDACTED]; send him [REDACTED]</p> <p>[REDACTED] work on [REDACTED] revisions and send out with letter to [REDACTED] emails back and forth with Enoch; correspondence [REDACTED]; emails from Jo very late; review and call her back [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	6.75	\$3,780.00
11/11/11	KT	<p>Review and revise [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]; review and revise [REDACTED]</p> <p>[REDACTED]</p>	1.60	\$520.00
11/11/11	MM	<p>Review [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] t/c to client regarding [REDACTED]</p>	6.00	\$900.00
11/11/11	MM	<p>Discuss [REDACTED] with Ken and Jim [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	.30	\$45.00
11/12/11	JAJ	<p>Early morning emails from Mike;</p> <p>[REDACTED]</p>	.40	\$224.00
11/13/11	MM	<p>Review [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	1.50	\$225.00

11/14/11	JAJ	<p>Early morning email from Jo; call; email from Mike re: [REDACTED] letter from Cantrill re: documents/warehouse issue; numerous calls thereafter with Jo, etc., with KT involved as well; draft [REDACTED] various discussions, letter to Cantrill; additional emails and conversations with Jo; [REDACTED]</p>	4.70	\$2,632.00
11/14/11	KT	<p>Work on [REDACTED] review letter [REDACTED] TC with Jo regarding [REDACTED] review and revise [REDACTED]</p>	3.30	\$1,072.50
11/14/11	MM	<p>Discuss [REDACTED] discuss [REDACTED] then make revisions and [REDACTED]</p>	5.00	\$750.00

11/16/11	KT	Review and analyze [REDACTED] [REDACTED] research [REDACTED] [REDACTED] work on [REDACTED] [REDACTED]; discuss [REDACTED]	2.30	\$747.50
11/16/11	MM	Discuss in detail the [REDACTED] [REDACTED] make last set of revisions to [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Meet with Jim and discuss [REDACTED] then Ken and Jim and I meet to discuss [REDACTED] [REDACTED] [REDACTED] [REDACTED] We will start on Monday after Thanksgiving.	6.00	\$900.00

11/17/11

JAJ

Early morning trip (7:45) for meeting with Mike Graham re: [REDACTED]

7.10

\$3,976.00

[REDACTED]; [REDACTED] TC thereafter with Mike's office re: [REDACTED] review emails from Mike; TC to Cantrill; have Mike [REDACTED]; TC back from Eichman; extended call; discuss [REDACTED] work out [REDACTED]

[REDACTED] work on [REDACTED]

[REDACTED] receive in and review emails later in day from both Gary Stolbach and Melinda Sims on different subject; several efforts to reach Enoch - left word and also sent email; confer with Megan re: [REDACTED]

[REDACTED]

[REDACTED] revisions; meeting with Mike and go over same and go over same with Ken as well; forward on same in early evening to Mike; also email to [REDACTED]; several calls throughout day with Jo into early evening on various topics;

[REDACTED]

[REDACTED] TC's regarding [REDACTED]

01/11/13	KT	Review and analyze [REDACTED] [REDACTED] [REDACTED] review and analyze [REDACTED] [REDACTED] [REDACTED] review [REDACTED] [REDACTED] [REDACTED] discuss [REDACTED] [REDACTED] with JAJ; review [REDACTED] [REDACTED] review and analyze [REDACTED] [REDACTED] [REDACTED] review and analyze [REDACTED] [REDACTED] [REDACTED]; research [REDACTED] [REDACTED]	4.40	\$1,105.00
01/12/13	JAJ	Email from Janet Strong re: [REDACTED] [REDACTED]	.30	\$168.00
01/13/13	JAJ	Review [REDACTED] [REDACTED] [REDACTED] [REDACTED]	1.50	\$560.00

01/14/13	JAJ	<p>Conference with Ken and Megan re: [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] confer later independently with both Megan and Ken on different points throughout day; [REDACTED]</p> <p>[REDACTED]; TC to Court to check on status; email from Yanof; [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] review various points; never heard from opposing counsel; brief TC with client; call to Court to check on status; extended TC and discuss [REDACTED]</p> <p>[REDACTED]</p>	4.40	\$2,464.00
01/14/13	KT	<p>Conference with JAJ and MM regarding [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] research related [REDACTED]</p> <p>[REDACTED] discussions with MM regarding the [REDACTED] review letter from Eichman to Taylor regarding fee statements. [N/C .50 of time shown]</p>	3.80	\$1,072.50
01/14/13	MM	<p>Meet with Jim and Ken; discuss [REDACTED]</p> <p>[REDACTED] after meeting; t/c to Janet Strong - [REDACTED]; review [REDACTED] Ken; [REDACTED]</p> <p>[REDACTED]; review [REDACTED]</p> <p>[REDACTED]; discuss with Jim at end of day as well. [REDACTED]</p>	2.00	\$150.00

01/15/13 JAJ Early morning TC to Yanof re: [REDACTED] 5.40 \$3,024.00
[REDACTED]
TC back from Yanof; [REDACTED]
[REDACTED]
several discussions thereafter and involve Ken as well; attempt to reach Enoch - left word; further look at [REDACTED]
[REDACTED]
[REDACTED]
TC later from Enoch with message; TC earlier with Jo [REDACTED]
[REDACTED]
[REDACTED] and then conference call back with Yanof and Ken; extended discussion and then calls in afternoon and attempt to reach Mike Graham; [REDACTED]
[REDACTED] forward out email from Yanof with note attached; general work on matter; confer with Ken and ask him to do [REDACTED]
[REDACTED]
[REDACTED] later TC again with Jo [REDACTED]
[REDACTED]
[REDACTED] generally on matter; evening meeting with Yanof to discuss [REDACTED]
[REDACTED]

01/15/13 KT Discuss [REDACTED] 4.40 \$1,105.00
[REDACTED] review [REDACTED]
[REDACTED] TC with Enoch and JAJ and Mike Yanof regarding [REDACTED]; research [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

01/15/13	MM	Review [REDACTED]	.75	\$112.50
01/16/13	JAJ	Various calls with Yanof; attempt to reach Mike - left word; work extensively throughout day on p [REDACTED] TC with Jo [REDACTED] [REDACTED] extensive work and multiple revisions to [REDACTED] [REDACTED]; TC's in afternoon with Yanof; TC with KT (he's out of office) and discuss [REDACTED] [REDACTED] send [REDACTED] [REDACTED] TC in the meantime with Mike Graham and discuss [REDACTED] also email from Yanof [REDACTED]	6.90	\$3,864.00
01/16/13	KT	Review and comment on [REDACTED]	1.10	\$357.50
01/16/13	MM	Discuss with Jim late in afternoon [REDACTED] [REDACTED] and discuss with Jim on phone after hours; [REDACTED]	.75	N/C

01/16/13	MM	Late in afternoon receive Supplemental Disclosure responses from Eichman's office adding Cantrill as expert in the Probate case only; [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	.75	\$112.50
01/17/13	JAJ	Work on [REDACTED]; work on [REDACTED] various calls and emails with Yanof, etc.; confer with Ken; work on [REDACTED] [REDACTED]; email from Jo, TC with Jo.	4.80	\$2,688.00
01/17/13	KT	Analyze [REDACTED] [REDACTED]; conference with JAJ on [REDACTED] [REDACTED] review [REDACTED] [REDACTED]	1.60	\$520.00
01/17/13	MM	Review [REDACTED] [REDACTED]	.50	\$75.00
01/18/13	JAJ	Work on [REDACTED] confer with Ken and [REDACTED] [REDACTED] work [REDACTED] [REDACTED] TC to Yanof; emails to Yanof and email back; continue work on [REDACTED] [REDACTED] [REDACTED] email to Jo [REDACTED] [REDACTED] [REDACTED] additional conference with Ken re: appeal; [REDACTED] - it is closed on Monday - [REDACTED] [REDACTED] [REDACTED] general work on [REDACTED]; early evening call with Yanof - [REDACTED] [REDACTED] [REDACTED]	5.20	\$2,912.00

01/18/13	KT	Research on [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] TC with Jo regarding [REDACTED] [REDACTED]	5.60	\$1,332.50
01/18/13	MM	Discuss [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	.75	\$112.50
01/20/13	JAJ	Work on [REDACTED] look at [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	1.25	\$420.00

02/06/13	JAJ	Work extensively throughout day on [REDACTED]; later in day [REDACTED]; extended discussions with both Ken and Mike Yanof; confer with Mike Graham; TC's late in day regarding [REDACTED]	6.80	\$3,808.00
02/06/13	KT	Conference with JAJ and MM regarding [REDACTED] [REDACTED] draft [REDACTED] [REDACTED] lengthy TC with Jo regarding [REDACTED]	5.80	\$1,722.50
02/06/13	MM	Meeting with Jim and Ken regarding [REDACTED] discuss [REDACTED] [REDACTED]; discuss [REDACTED] [REDACTED] discuss with Jim [REDACTED]; later in day t/c with Jo regarding [REDACTED]	2.50	\$300.00

02/07/13	JAJ	Work on [REDACTED] [REDACTED] [REDACTED] [REDACTED] early morning visit with Mike Graham; calls with Yanof and exchange drafts with Mike Yanof; confer with Ken and discussions with paralegal re: [REDACTED] [REDACTED]; TC from Jo and late discussion with Jo re: [REDACTED] forward on drafts to Yanof for his review and comment.	6.20	\$3,472.00
02/07/13	KT	Discuss [REDACTED] with MM; review and revise [REDACTED] [REDACTED] [REDACTED] discuss [REDACTED] [REDACTED] discuss o [REDACTED] [REDACTED] with MM; discuss [REDACTED] [REDACTED] with JAJ.	4.70	\$1,527.50
02/07/13	MM	Discuss [REDACTED] with Ken [REDACTED] [REDACTED] start reviewing [REDACTED] [REDACTED] [REDACTED] Later in day [REDACTED] [REDACTED] [REDACTED] [REDACTED]	2.25	\$337.50
02/08/13	JAJ	Work throughout day on [REDACTED] extended work with Mike Yanof; work on all [REDACTED] [REDACTED]; confer with Tomlinson and Mike Graham as well; general review of situation; late in day forward [REDACTED] [REDACTED] [REDACTED]; TC with client in evening - [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] forward on to Mike Graham and Tomlinson as well.	7.60	\$4,256.00
02/08/13	KT	Review [REDACTED] [REDACTED] [REDACTED] extensive work on [REDACTED] discuss [REDACTED] with JAJ.	3.90	\$1,367.50
02/10/13	JAJ	Work on [REDACTED] [REDACTED].	1.75	\$980.00

Exhibit D

ThompsonCoe
Thompson, Coe, Cousins & Irons, L.L.P.

Plaza of the Americas
700 N. Pearl Street, Twenty-fifth Floor, Dallas, TX 75201-2832
Telephone (214) 871-8200
E.I.N. 75-0889070

Michael Yanof

February 22, 2013

Invoice No. 317168

Jo N. Hopper
9 Robledo Dr.
Dallas TX 75230

In Re: Estate of Max D. Hopper, Deceased
TCCI File No. 10293.002

STATEMENT FOR PROFESSIONAL SERVICES RENDERED

Date	Atty.	Hrs.	Description
01/02/13	MAY	1.50	Meeting with Jim Jennings to discuss [REDACTED]
01/03/13	RJP	1.30	Research [REDACTED]
01/03/13	RJP	.80	Research [REDACTED]
01/03/13	RJP	1.70	Research [REDACTED]
01/03/13	RJP	.90	Research [REDACTED]
01/03/13	RJP	.70	Analyze [REDACTED]
01/03/13	RJP	3.50	Draft [REDACTED]
01/04/13	MAY	2.30	Draft [REDACTED]
01/04/13	MAY	.30	Telephone conference with Jim Jennings regarding [REDACTED]

<u>Date</u>	<u>Atty.</u>	<u>Hrs.</u>	<u>Description</u>
01/04/13	RJP	1.70	Conduct further research [REDACTED] [REDACTED]
01/04/13	RJP	2.50	Research [REDACTED] [REDACTED]
01/04/13	RJP	.60	Research [REDACTED] [REDACTED]
01/04/13	RJP	.30	Draft [REDACTED] [REDACTED]
01/07/13	MAY	.50	Analysis of [REDACTED] [REDACTED]
01/07/13	MAY	.30	Telephone conference with Ken Tomlinson regarding [REDACTED] [REDACTED]
01/07/13	RJP	.60	Conference regarding [REDACTED] [REDACTED]
01/07/13	RJP	1.90	Analyze [REDACTED] [REDACTED]
01/07/13	RJP	1.50	Draft [REDACTED] [REDACTED]
01/09/13	MAY	2.30	Further draft and edit [REDACTED] [REDACTED]
01/09/13	MAY	.40	Telephone conference with Jim Jennings and Ken Tomlinson [REDACTED] [REDACTED]
01/09/13	MAY	1.40	Continue drafting, editing and revising [REDACTED]
01/09/13	RJP	1.50	Review [REDACTED] [REDACTED]

Date	Atty.	Hrs.	Description
01/10/13	MAY	.90	Finalize [REDACTED] [REDACTED]
01/10/13	RJP	.80	Review [REDACTED]
01/10/13	RJP	.90	Edit [REDACTED] [REDACTED]
01/11/13	MAY	.20	Telephone conference with Court of Appeals regarding emergency nature of motion to suspend briefing deadlines;
01/11/13	MAY	.40	Telephone conference with Jim Jennings regarding [REDACTED]
01/14/13	MAY	.40	Receive the Bank's responses to our Motion to Dismiss and Motion to Suspend Briefing Deadlines;
01/14/13	MAY	.80	Telephone conference with Jim Jennings regarding [REDACTED] [REDACTED]
01/15/13	MAY	.20	Telephone conference with Court of Appeals regarding decision on motion to suspend briefing deadlines;
01/15/13	MAY	.50	Telephone conference with Jim Jennings regarding [REDACTED] [REDACTED]
01/15/13	MAY	.30	Analysis of [REDACTED] [REDACTED]
01/15/13	MAY	3.80	Research [REDACTED] [REDACTED]
01/15/13	MAY	.10	Email correspondence to all counsel regarding conversation with Court of Appeals clerk;
01/15/13	MAY	.50	Meeting with Jim Jennings to discuss [REDACTED] [REDACTED]
01/16/13	MAY	2.50	Research [REDACTED] [REDACTED]

Date	Atty.	Hrs.	Description
01/16/13	MAY	.10	Receive correspondence from Court of Appeals regarding deadline for Stepkids to respond to Motion to Dismiss;
01/16/13	MAY	2.90	Draft and edit [REDACTED]
01/18/13	MAY	.80	Research [REDACTED]
01/18/13	MAY	.90	Revise, edit and further draft [REDACTED]
01/21/13	MAY	1.40	Receive the Stepkids' Response to our Motion to Dismiss, and outline [REDACTED]
01/22/13	MAY	2.40	Research [REDACTED]
01/22/13	MAY	6.20	Meeting with Jim Jennings to [REDACTED]
01/22/13	MAY	2.20	Further draft and edit [REDACTED]
01/22/13	RJP	2.70	Research [REDACTED]
01/22/13	RJP	1.60	Research [REDACTED]
01/22/13	RJP	2.70	Draft [REDACTED]
01/23/13	MAY	4.80	Further draft, edit and finalize [REDACTED]
01/29/13	MAY	.10	Receive order from Court of Appeals passing on ruling on our Motion to Dismiss;
01/29/13	MAY	.20	Telephone conference with Jim Jennings regarding [REDACTED]

Date	Atty.	Hrs.	Description
01/29/13	MAY	.30	Telephone conference with Jo and Jim Jennings regarding [REDACTED]
01/29/13	MAY	2.40	Analysis of [REDACTED]
01/29/13	MAY	3.70	Outline [REDACTED]
01/30/13	MAY	2.60	Further outline [REDACTED]
01/30/13	MAY	4.10	Meeting with Jim Jennings to [REDACTED]
01/31/13	MAY	3.90	Detailed analysis of [REDACTED]
01/31/13	MAY	3.50	Further draft [REDACTED]

ATTORNEY SUMMARY

Attorney/Legal Assistant	Hours	Rate	
Michael Yanof Partner	62.10	375.00	23,287.50
Robert Pathroff Associate	28.20	260.00	7,332.00
	90.30		TOTAL FEES \$30,619.50

EXPENSES THROUGH 01/31/13

	Photocopy Charges	14.40
	Rate=0.15 Quantity=96	
	Fax Charges	91.50
	Rate=0.50 Quantity=183	
	Federal Express Charges	24.88
01/10/13	Filing Fee - - VENDOR: EIGHTH COURT OF APPEALS	20.00
	Filing for Motions in appeals court;	
01/20/13	Westlaw Legal Research - Pg. No. 111 - Research	106.17
	incurred by Michael A Yanof;	
01/27/13	Westlaw Legal Research - Pg. No. 119 - Research	59.50
	incurred by Robert J Pathroff;	
01/27/13	Westlaw Legal Research - Pg. No. 120 - Research	49.06
	incurred by Michael A Yanof;	

TOTAL EXPENSES \$365.51

TOTAL THIS STATEMENT \$30,985.01

Jo N. Hopper
TCCI File No. 10293.002

Invoice No. 317168
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***** THIS STATEMENT IS DUE AND PAYABLE UPON RECEIPT *****
unless the Firm has consented in writing to other terms
If you have questions about this statement, please call (214) 880-2532

ThompsonCoe
Thompson, Coe, Cousins & Irons, L.L.P.

Plaza of the Americas
700 N. Pearl Street, Twenty-fifth Floor, Dallas, TX 75201-2832
Telephone (214) 871-8200
E.I.N. 75-0889070

Michael Yanof

March 15, 2013

Invoice No. 318249

Jo N. Hopper
9 Robledo Dr.
Dallas TX 75230

In Re: Estate of Max D. Hopper, Deceased
TCCI File No. 10293.002

STATEMENT FOR PROFESSIONAL SERVICES RENDERED

Date	Atty.	Hrs.	Description
02/01/13	MAY	1.20	Further draft [REDACTED]
02/01/13	MAY	2.50	Meeting with Jim Jennings to [REDACTED] [REDACTED]
02/01/13	MAY	6.40	Draft [REDACTED] [REDACTED]
02/01/13	TMB	.80	Research [REDACTED] [REDACTED]
02/04/13	MAY	7.10	Continue working on [REDACTED] [REDACTED]
02/04/13	MAY	2.10	Begin analyzing [REDACTED] [REDACTED]
02/05/13	MAY	1.60	Draft [REDACTED] [REDACTED]
02/05/13	MAY	3.60	Continue drafting [REDACTED] [REDACTED]
02/05/13	MAY	3.90	Begin drafting [REDACTED] [REDACTED]
02/06/13	MAY	6.10	Continue drafting [REDACTED] [REDACTED]

Date	Atty.	Hrs.	Description
02/06/13	MAY	.20	Telephone conference with Court of Appeals regarding [REDACTED]
02/06/13	MAY	.30	Telephone conference with Jim Jennings regarding [REDACTED]
02/07/13	MAY	.80	Analysis [REDACTED]
02/07/13	MAY	5.10	Analysis [REDACTED]
02/08/13	MAY	1.10	Continue drafting [REDACTED]
02/08/13	MAY	7.10	Work with Jim Jennings on [REDACTED]
02/11/13	MAY	4.10	Continue editing and organizing [REDACTED]
02/11/13	MAY	4.30	Meeting with Jim Jennings to [REDACTED]
02/12/13	MAY	6.90	Research [REDACTED]
02/13/13	MAY	7.60	Draft [REDACTED]
02/14/13	MAY	8.90	Continue drafting [REDACTED]
02/14/13	RJP	.80	Research [REDACTED]
02/14/13	RJP	.50	Research [REDACTED]
02/14/13	RJP	.70	Analyze [REDACTED]
02/15/13	MAY	7.10	Continue drafting [REDACTED]
02/15/13	MAY	.50	Conference calls with Jim Jennings and Ken Tomlinson to [REDACTED]
02/15/13	RJP	1.50	Research [REDACTED]
02/18/13	MAY	5.30	Begin editing [REDACTED]

Date	Atty.	Hrs.	Description
02/18/13	MAY	3.70	Continuing drafting [REDACTED]
02/19/13	MAY	4.70	Continue drafting [REDACTED]
02/19/13	MAY	4.90	Meeting with Jim Jennings to [REDACTED]
02/20/13	MAY	5.30	Continue drafting and editing [REDACTED]
02/20/13	MAY	5.10	Meeting with Jim Jennings to [REDACTED]
02/21/13	MAY	7.80	Continue drafting [REDACTED]
02/21/13	MAY	3.40	Draft [REDACTED]
02/22/13	MAY	6.40	Continue drafting [REDACTED]
02/25/13	MAY	7.30	Further draft [REDACTED]
02/25/13	MAY	.20	Telephone conference with Jo Hopper regarding [REDACTED]
02/26/13	MAY	1.10	Draft [REDACTED]
02/26/13	MAY	.90	Draft [REDACTED]
02/26/13	MAY	7.40	Analysis of [REDACTED]
02/27/13	MAY	4.90	Further draft, edit and finalize [REDACTED]
02/27/13	MAY	6.90	Edit and finalize [REDACTED]
02/28/13	MAY	3.60	Finalize editing of [REDACTED]
02/28/13	MAY	.90	Organize [REDACTED]
02/28/13	MAY	1.40	Edit [REDACTED]

ATTORNEY SUMMARY

Attorney/Legal Assistant		Hours	Rate	
Michael Yanof	Partner	169.70	375.00	63,637.50
Robert Pathroff	Associate	3.50	260.00	910.00
Travis Brown	Associate	.80	260.00	208.00
		174.00		TOTAL FEES \$64,755.50

EXPENSES THROUGH 02/28/13

Exhibit E

LOEWINSOHN FLEGLE DEARY
 L · L · P

Jo Hopper
 9 Robledo Drive
 Dallas TX 75230

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 Account No: 15520-H
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15-520; Hopper - Estate

For Services Rendered through 01/31/2016

		Hours	
01/04/2016			
ASL	Draft and review [REDACTED]; revise [REDACTED]; review [REDACTED]	3.50	2,187.50
KFS	Revise [REDACTED]; review [REDACTED]; review [REDACTED]	1.75	612.50
LLF	Review [REDACTED]; calendar deadlines; prepare [REDACTED]; prepare [REDACTED].	3.50	577.50
JLF	Review and reply [REDACTED].	0.25	143.75
01/05/2016			
ASL	Draft [REDACTED]; draft and review [REDACTED].	3.50	2,187.50
LLF	Review [REDACTED]; prepare [REDACTED]; prepare [REDACTED]; calendar deadlines.	3.25	536.25
JLF	Review and reply [REDACTED].	0.25	143.75
01/06/2016			
ASL	Draft and review [REDACTED].	2.50	1,562.50
LLF	Review [REDACTED]; prepare [REDACTED]; calendar deadlines.	1.25	206.25

Jo Hopper

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15-520; Hopper - Estate

		Hours	
01/07/2016			
KFS	Conference with C. Munson; conference with A. Loewinsohn.	0.50	175.00
LLF	Review [REDACTED]	0.25	41.25
ASL	Draft and review [REDACTED].	2.00	1,250.00
01/08/2016			
ASL	Draft and review [REDACTED]	1.00	625.00
LLF	Review [REDACTED]; prepare [REDACTED].	0.50	82.50
01/10/2016			
ASL	Review [REDACTED].	1.25	781.25
01/11/2016			
ASL	Review [REDACTED].	1.50	937.50
LLF	Review and respond [REDACTED]; prepare [REDACTED]; review docket; prepare [REDACTED]; telephone conference with Court.	1.50	247.50
01/12/2016			
ASL	Review [REDACTED]; draft and review [REDACTED]	1.75	1,093.75
KFS	Review [REDACTED].	0.25	87.50
LLF	Review [REDACTED]; prepare [REDACTED]; prepare [REDACTED].	0.50	82.50
01/14/2016			
ASL	Draft and review [REDACTED].	1.50	937.50
LLF	Prepare [REDACTED].	0.25	41.25
01/16/2016			
ASL	Prepare for [REDACTED].	7.00	4,375.00
01/17/2016			
ASL	Prepare for [REDACTED].	2.50	1,562.50

Jo Hopper

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15-520; Hopper - Estate

		Hours	
01/18/2016			
KFS	Review [REDACTED].	0.25	87.50
LLF	Review [REDACTED]; prepare [REDACTED]; prepare [REDACTED].	5.50	907.50
ASL	Prepare [REDACTED].	2.50	1,562.50
JLF	Review [REDACTED].	0.25	143.75
01/19/2016			
ASL	Draft and review [REDACTED]; conference with L. Flatt.	1.50	937.50
LLF	Telephone conference with Court clerk.	0.25	41.25
01/20/2016			
KFS	Research [REDACTED]; research [REDACTED] [REDACTED].	2.25	787.50
LLF	Prepare [REDACTED]; update [REDACTED] [REDACTED].	0.75	123.75
ASL	Draft and review [REDACTED].	2.50	1,562.50
01/21/2016			
KFS	Research [REDACTED]; research [REDACTED] [REDACTED]; draft memo [REDACTED]; review [REDACTED]	5.25	1,837.50
ASL	Draft and review [REDACTED]; prepare [REDACTED].	3.00	1,875.00
LLF	Travel to courthouse [REDACTED]; review [REDACTED]; obtain orders from docket; prepare [REDACTED] [REDACTED].	3.50	577.50
JLF	Review [REDACTED]	0.25	143.75
01/22/2016			
ASL	Revise [REDACTED]; draft and review [REDACTED] conference with L. Flatt; conference with K. Schonwald; research.	6.50	4,062.50

Jo Hopper

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15-520; Hopper - Estate

		Hours	
	KFS Research [REDACTED]; draft memo [REDACTED]; review and redact [REDACTED]	5.50	1,925.00
	LLF Review [REDACTED]; prepare [REDACTED]; telephone conference with Court; prepare and send out document production.	2.50	412.50
	JLF Review and reply [REDACTED]	0.25	143.75
01/23/2016	ASL Revise [REDACTED]	2.50	1,562.50
01/24/2016	ASL Draft and review [REDACTED]	1.75	1,093.75
01/25/2016	ASL Prepare [REDACTED]	8.00	5,000.00
	KFS Research [REDACTED]; draft memorandum [REDACTED]; draft [REDACTED]; review and respond [REDACTED]	5.50	1,925.00
	JLF Review and reply [REDACTED]	0.25	143.75
01/26/2016	KFS Research [REDACTED]; revise [REDACTED]; research [REDACTED]; draft and review [REDACTED]	4.75	1,662.50
	LLF Review [REDACTED] calendar deadlines; prepare [REDACTED]; prepare [REDACTED]; serve [REDACTED]	6.75	1,113.75
	ASL Draft and review [REDACTED]; prepare [REDACTED]	8.00	5,000.00
01/27/2016	ASL Prepare [REDACTED]	7.00	4,375.00
	KFS Review and respond [REDACTED]; review [REDACTED]		

Jo Hopper

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15-520; Hopper - Estate

		Hours	
	finalize and file [REDACTED]; review [REDACTED] [REDACTED]; research [REDACTED]; draft memorandum [REDACTED]	7.00	2,450.00
LLF	Review [REDACTED]; prepare [REDACTED]; prepare [REDACTED]; telephone conference with Court.	3.25	536.25
01/28/2016			
KFS	Review and respond [REDACTED]; review [REDACTED]; draft and send [REDACTED]; conference [REDACTED] [REDACTED]; research [REDACTED].	5.25	1,837.50
LLF	Review [REDACTED]; prepare [REDACTED]; calendar deadlines; prepare [REDACTED]; prepare for hearings in Probate Court.	6.50	1,072.50
JLF	Review and reply [REDACTED]; review [REDACTED].	0.25	143.75
ASL	Review [REDACTED]; conference with K. Schonwald; prepare [REDACTED].	4.00	2,500.00
01/29/2016			
KFS	Review [REDACTED]; review [REDACTED] review and respond [REDACTED].	6.75	2,362.50
LLF	Review [REDACTED]; prepare [REDACTED]; prepare [REDACTED] [REDACTED]; telephone conference with probate clerk.	4.25	701.25
JLF	Review [REDACTED]; review and reply [REDACTED].	1.00	575.00
ASL	Prepare [REDACTED]; review [REDACTED]; draft [REDACTED] [REDACTED]; telephone conference [REDACTED]; draft and review [REDACTED].	6.50	4,062.50
01/30/2016			
ASL	Draft and review [REDACTED].	1.00	625.00

Jo Hopper

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15-520; Hopper - Estate

		Hours	
01/31/2016			
JLF	Review and reply [REDACTED]	0.50	287.50
	For Current Services	175.25	76,638.75

Expenses

Photocopies	3,300.30
Long Distance	0.10
Delivery	34.74
Computer Research	52.86
Parking	10.00
Total Expenses thru 01/31/2016	3,398.00

Advances

Filing Fee	17.44
Expert Fees	5,640.00
Total Advances thru 01/31/2016	5,657.44

Total Current Work	85,694.19
Previous Balance	\$22,225.12

