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SUPERIOR COURT OF WASHINGTON FOR GRANT COUNTY

VANDYKE & CEDERGREEN)

FARMS, LLC,)

Plaintiff,)

NO. 19-2-00744-13

vs.)

DALLAS HINTZ FARMS, INC.,)

et al.,)

Defendants.)

PARTIAL VERBATIM REPORT OF WEBEX
HEARING RE HINTZ MOTION FOR
ATTORNEY FEES & COSTS

DATE: January 29, 2021

LOCATION: Via WebEx

JUDGE: John M. Antosz

Shari M. Canet, Transcriber
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A P P E A R A N C E S

FOR PLAINTIFF: MATTHEW S. HITCHCOCK

Attorney for Plaintiff

FOR DEFENDANT: GEORGE M. AHREND

Attorney for Defendants

JUDGE: HON. JUDGE JOHN M. ANTOSZ

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PROCEEDINGS

Judge's Ruling

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(start time for transcription is 9:09:41)

JUDGE ANTOSZ: Thank you. Okay. Just a moment here. Well, we did have a significant summary judgment hearing that was just a few days before trial. Now, we don't want summary judgment hearings right before trial, but there was unusual circumstances with judges being disqualified and the like, and I was the last one standing, so to speak, and then had to kind of rush to hear the summary judgment, and it was just before the trial. It was, as I indicated in my comments at the summary judgment hearing, it was a very effective, well-written, well-analyzed summary judgment motion. It was dispositive of the case. I even made the comment, I believe, that I don't usually like to say what he said, the judge just saying well, what he said, that's what happens. There should be some articulation or description from the judge and I found myself saying, I really couldn't add to what was analyzed and what was stated in the brief, and that it would be a futile effort to try to do that. I try to make some comments about the case and my impressions, but that's how well-analyzed and well-written I thought it was. I said that on the record and that then becomes important again on the issue of attorney's fees, especially with the case law and the lodestar method and the like, we do have to look at the efficacy of

1 representation as part of the analysis of the fees. I went
2 through step by step every entry of Mr. Ahrend's firm and
3 the time that they spent on it, and I have to admit, well,
4 first of all, it brought back memories of the things that I
5 liked least about being an attorney, was those darn
6 billings statements and having to write things out, it
7 brought back, but I was really actually very impressed
8 how well-written that was. I see a lot of billing
9 statements and they're not all created equal and I thought
10 this was at a very high level of description of what was
11 done and the time to, the time that was done. It was easy
12 for me follow. I thought, if I was a client, you know, it
13 would be easy to follow. There was some question about
14 block billing and if you list too many things and then just
15 have one entry, it can be confusing. I just didn't see that
16 as an issue there in this case at all, so I thought that the
17 billing was well-written and descriptive, and I thought
18 then as far as the equity and fairness of the amounts, I
19 thought it was—all the time spent was necessary because
20 I noted again, as I brought up earlier, we were coming
21 right up to trial, so I even looked at the file to see there
22 was ER 904 filings getting ready for trial and also
23 demand for the defendant, excuse me, for the plaintiff to
24 appear in court, or a representative of the corporation, so
25 they were gearing up for trial. I also thought that the

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1 defendant, Mr. Ahrend's firm, they kind of kept their
2 powder dry to a reasonable extent in that they didn't
3 spend a lot of time, even though they were on the eve of
4 trial, 7 or 8 days, I would have seen a lot of other firms
5 that might have spent more time for trial preparation in
6 what they did. They were kind of waiting to see what
7 happens with summary judgment. I guess they were going
8 then devote a whole lot of time to get ready for trial and
9 so they easily could have spent more time getting ready
10 for a trial just because it was so close. That also adds to
11 my analysis of the reasonableness of the fees, and I do
12 understand the amount in controversy might have been
13 close to the amount of fees at least from some of the
14 damages that were represented, but it was still, in my
15 mind, a significant lawsuit. Counsel, wasn't there also
16 the possibility of double damages or treble damages too?
17 Was that an—

18 MR. AHREND: Treble.

19 THE COURT: Treble. Okay. So, you might want to, when you
20 look at it, to triple the amount to see what's in
21 controversy too. But all in all, I thought that the fees
22 were extremely reasonable and I know it's been a long
23 time since I've been in practice, and I remember when I
24 was in practice, if the judge had been on the bench too
25 long, I'd hear other attorneys say, well, he doesn't know,

1 he's been on the bench so long he doesn't know what a
2 fair fee is or what a reasonable amount is anymore. Well,
3 I've tried to kind of keep up with your hourly rates as
4 they've gone along and there's a thing called inflation
5 and cost of living, and so I know these rates go up. So,
6 you know, the time entries were extremely reasonable, I
7 thought. So, I am awarding all the fees and costs
8 requested by the defendant. And just before the hearing
9 here and if anybody's waiting for me at 9:30, I'll be over
10 there in the other courtroom for the trial to start back up.
11 I did copy the proposed Order that was filed. I didn't see
12 on my desk a separate Order for me to consider, so there
13 was one in the file already filed, so what I did is I went
14 to Odyssey and has it copied, so I can just use that Order
15 again, I whited-out the word "proposed" when it was filed
16 and just use that, unless someone has some objection to
17 the form of that Order. None. Mr. Hitchcock is shaking
18 his head, and that's you're Order requested then, Mr.
19 Ahrend, with \$32,497.50 in fees and costs at \$2,832.90?

20 MR. AHREND: Yes, Your Honor.

21 THE COURT; And, Mr. Hitchcock, you know, unfortunately, I
22 had to praise Mr. Ahrend so much because—only because
23 I had to analyze his work and fees, that's not to diminish
24 what you did, you were a very worthy advocate for your
25 client's side too.

1 MR. HITCHCOCK: Thank you.

2 (end time of transcription is 9:15:52)

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1 STATE OF WASHINGTON)

2)

3 COUNTY OF GRANT)

4 C E R T I F I C A T E

5 I, SHARI M. CANET, Notary Public, in and for the
6 County of Grant, State of Washington, do hereby certify that:

7 Pages 1 through 7 contained in the foregoing PARTIAL
8 VERBATIM TRANSCRIPT OF WEBEX HEARING OF
9 SUMMARY JUDGMENT MOTIONS ON JANUARY 29, 2021, is
10 a true, correct and complete partial transcription of the
11 recording taken at the time and place hereinbefore stated, and
12 was transcribed personally by myself to the best of my ability
13 and completed on the 10th day of February, 2021.

14

15



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Notary Public in and for the State of
Washington, residing in Moses Lake.

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My commission expires: 01/16/2023.

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