

1 **THE REIS LAW FIRM, A.P.C.**
Sean P. Reis (Cal. State Bar #184044)
2 30021 Tomas Street, Suite 300
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4 sreis@reisfirm.com
(Admitted *Pro Hac Vice*)

5 Attorneys for Victoria L. Gunvalson, David Brooks Ayers and Woo Hoo Productions, LLC

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

9 ROBERT WILLIAMSON, III, an individual,

10 Plaintiff,

11 vs.

12 VICTORIA L. GUNVALSON, an individual; DAVID
13 BROOKS AYERS, an individual,

14 Defendants.

BASE CASE NO.:
2:13-cv-01019-JAD-GWF

MEMBER CASE NO.:
2:13-cv-02022-JAD-GWF

(Honorable Jennifer A. Dorsey)

**DECLARATION OF DAVID BROOKS
AYERS IN SUPPORT OF DAVID
BROOKS AYERS' MOTION FOR
AWARD OF ATTORNEYS' FEES
PURSUANT TO N.R.S. 18.010 AND
THE COURT'S INHERENT POWERS
AGAINST PLAINTIFF ROBERT
WILLIAMSON, III**

16 DAVID BROOKS AYERS, an individual,

17 Counterclaimant,

18 vs.

19 ROBERT WILLIAMSON, III, an individual; CATE
20 WAKEM-WILLIAMSON, an individual; ANGELA
21 TORRES, an individual,

22 Counterdefendants.

1 I, David Brooks Ayers, declare as follows:

2 1. I am a party to this action. I am making this declaration in support of my motion for
3 attorneys' fees against Robert Williamson, III ("R. Williamson"). I have personal knowledge of the
4 facts set forth in this declaration and if called to testify, I would testify truthfully to such facts.

5 **I Respectfully Request An Award Of \$132,641.00 From R. Williamson For Legal Bills**
6 **Incurred To The Reis Law Firm, A.P.C.**

7 2. I have reviewed the Declaration of Sean P. Reis, Esq., which is being filed concurrently
8 with this Declaration. The bills attached to Mr. Reis' declaration are true and correct (redacted) copies
9 of bills that have been sent to me and Victoria Gunvalson. Ms. Gunvalson and I are jointly and
10 severally liable for these bills pursuant to our retainer agreement with Mr. Reis' firm, The Reis Law
11 Firm, A.P.C. Ms. Gunvalson and I have jointly paid the sum of \$106,650.37, and there is still a
12 remaining balance due to Mr. Reis' firm in the sum of \$53,822.21. As set forth in Mr. Reis'
13 declaration, I request the Court to award me the sum of \$132,641.00 for attorneys' fees expended to
14 his firm.

15 **I Respectfully Request An Award Of \$5,567.50 From R. Williamson For Legal Bills**
16 **Incurred To The Rufus-Isaacs Firm**

17 3. In addition to those sums incurred and paid to The Reis Law Firm, A.P.C., I have also
18 incurred and paid additional legal fees prior to my retention of Mr. Reis. Specifically, attached as
19 Exhibit A are true and correct copies of invoices sent to me and Ms. Gunvalson from the law firm of
20 Rufus-Isaacs, Acland & Grantham, LLP, as a result of being sued by R. Williamson. As reflected on
21 those invoices, Ms. Gunvalson and I hired the Rufus-Isaacs firm in early June, 2013, shortly after R.
22 Williamson filed his first lawsuit against us.

23 4. Although the first two invoices from the Rufus-Isaacs firm (dated 6/21/13 and 7/23/13)
24 were addressed only to Ms. Gunvalson, the work performed by the Rufus-Isaacs firm was on behalf of
25 both myself and Ms. Gunvalson. For example, the invoices reflect that (1) Mr. Rufus-Isaacs had
26 conferences with both myself and Ms. Gunvalson in preparation for our defense of R. Williamson's
27 lawsuit; (2) Mr. Rufus-Isaacs conducted legal research and analyzed the case for both of us; (3) Mr.
28 Rufus-Isaacs drafted a letter to R. Williamson's attorney demanding that the lawsuit be dropped; (4)

1 he sent out a press release on behalf of both myself and Ms. Gunvalson; and (5) Mr. Rufus-Isaacs
2 continued to communicate with both myself and Ms. Gunvalson regarding strategies to defend the
3 case. The Rufus-Isaacs firm billed a total of \$8,415.00 for these first two invoices (\$7,607.50 and
4 \$807.50), and I respectfully request the Court to award me half of the amount billed, in the sum of
5 \$4,207.50.

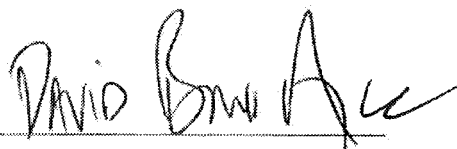
6 5. The third invoice from the Rufus-Isaacs firm (dated 8/5/13) was addressed only to me,
7 and the entirety of that bill was my responsibility. This is because by this time, Ms. Gunvalson had
8 settled the first lawsuit filed by R. Williamson (as the Court is aware, R. Williamson later re-sued Ms.
9 Gunvalson in the second lawsuit). Because Ms. Gunvalson had been dismissed, I was the only
10 remaining defendant and the Rufus-Isaacs firm therefore defended me exclusively. The firm billed me
11 the sum of \$1,360.00 on this third invoice, and I respectfully request the Court to award me the
12 entirety of this amount from R. Williamson.

13 6. Therefore, in total, I respectfully request an award against R. Williamson in the sum of
14 \$5,567.50 for legal fees incurred to the Rufus-Isaacs firm.

15 **I Respectfully Request An Award Of \$2,500.00 From R. Williamson For Legal Bills**
16 **Incurred To Tony Abbatangelo, Esq.**

17 3. In addition to those sums incurred and paid to The Reis Law Firm, A.P.C., and the
18 Rufus-Isaacs firm, I have also incurred and paid additional legal fees to Tony Abbatangelo, Esq., who
19 serves as local counsel to Mr. Reis in this litigation, on behalf of myself and Ms. Gunvalson. Attached
20 as Exhibit B are invoices from Mr. Abbatangelo, reflecting payment to his firm in the total sum of
21 \$5,000.00. I respectfully request the Court to award one-half of this amount incurred and paid, in the
22 sum of \$2,500.00, against R. Williamson.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed this 24th day of July, 2015 at Rancho Santa Margarita,
25 California.

26 
27 _____
28 David Brooks Ayers

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CERTIFICATE OF SERVICE

I, Sean P. Reis, hereby certify that on July 24, 2015, I filed through the Court's ECF system and served either through the ECF system or by electronic mail (per agreement) the foregoing document(s) described as: **DECLARATION OF DAVID BROOKS AYERS IN SUPPORT OF DAVID BROOKS AYERS' MOTION FOR AWARD OF ATTORNEYS' FEES PURSUANT TO N.R.S. 18.010 AND THE COURT'S INHERENT POWERS AGAINST PLAINTIFF ROBERT WILLIAMSON, III** on interested parties in this action as follows:

Via ECF

Dean Y. Kajioka, Esq.
(attorneys@kajiokalaw.com)
Kajioka & Associates
8530 West Charleston Blvd., Suite 100
Las Vegas, NV 89117

Via U.S. Mail

Michael Nicholson
(mike@cjvodka.com)
PO Box 32
Calistoga, CA 94515

Robert Williamson, III
2272 S. McClelland Pl.
Chandler, AZ 85286

Cate-Wakem Williamson
2272 S. McClelland Pl.
Chandler, AZ 85286

/s/ Sean P. Reis

EXHIBIT A

Rufus-Isaacs, Acland & Grantham, LLP

232 N. Canon Drive
 Beverly Hills, CA 90210
 Telephone: 310-274-3803
 Fax: 310-860-2430

6/21/2013

Vicki Gunvalson

Invoice No. 3297

President

Coto Insurance & Financial Services

30212 Tomas, Suite 110

Rancho Santa Margarita, CA 92688

Client Number: 8563 Vicki Gunvalson
 Matter Number: 8563-2 Vicki's Vodka
For Services Rendered Through 6/21/2013.

Fees

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
6/8/2013	ARI	Telecons with Ms. Gunvalson and atty. Brull re VV suit; legal research to locate complaint; and review and analyze same, and attachments; email correspondence with Ms. Gunvalson, atty. Brull and Mr. Ayers	3.00	\$1,275.00
6/9/2013	ARI	Telecon with Ms. Gunvalson and Mr. Ayers; review IM messages and numerous emails, operating agreement, releases etc.; legal research re Vicki's Vodka LLC in CA and NV; prepare emails re same	3.50	\$1,487.50
6/10/2013	ARI	Telecon and email correspondence with Ms. Gunvalson	0.40	\$170.00
6/11/2013	ARI	Email correspondence with Ms. Gunvalson; draft letter to atty Johnson; revise same	7.50	\$3,187.50
6/12/2013	ARI	Email correspondence with clients; revise letter to atty Johnson; conference call with clients; finalize letter; revise press announcement	3.50	\$1,487.50

Billable Hours / Fees: 17.90 \$7,607.50

Timekeeper Summary

Timekeeper ARI worked 17.90 hours at \$425.00 per hour, totaling \$7,607.50.

Continued On Next Page

Client Number: 8563
Matter Number: 8563-2

6/21/2013
Page: 2

Prior Balance:	\$0.00
Payments Received:	\$0.00
Current Fees:	\$7,607.50
Advanced Costs:	\$0.00
Amount to be Applied from Trust:	<u>(\$5,000.00)</u>
TOTAL AMOUNT DUE:	\$2,607.50

Thank You for Letting Us Serve You.
Payment Due Upon Receipt.

Continued On Next Page

Client Number: 8563
Matter Number: 8563-2

6/21/2013
Page: 3

TRUST ACTIVITY RECAP

<u>Date</u>	<u>Description</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
				\$0.00
6/11/2013	Retainer deposit	\$5,000.00		\$5,000.00
6/21/2013	Trust monies to be applied to this bill.		\$5,000.00	\$0.00

Rufus-Isaacs, Acland & Grantham, LLP

232 N. Canon Drive
 Beverly Hills, CA 90210
 Telephone: 310-274-3803
 Fax: 310-860-2430

7/23/2013

Invoice No. 3407

Vicki Gunvalson
 President
 Coto Insurance & Financial Services
 30212 Tomas, Suite 110
 Rancho Santa Margarita, CA 92688

Client Number: 8563 Vicki Gunvalson
 Matter Number: 8563-2 Vicki's Vodka
For Services Rendered Through 7/23/2013.

Fees

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
6/21/2013	ARI	Review documents served by plaintiff's counsel; email correspondence with Ms. Gunvalson re same (no charge for email correspondence re billing issues)	0.30	\$127.50
7/1/2013	ARI	Email correspondence with clients	0.10	\$42.50
7/2/2013	ARI	Email correspondence with Mr. Ayers re service; limited research re due date for response; telecon to Ms. Gunvalson	0.30	\$127.50
7/3/2013	ARI	Email correspondence with clients re service issues; prepare letter to atty. Johnson acknowledging service; telecon with clients (0.6)	1.10	\$467.50
7/8/2013	ARI	Email Ms. Gunvalson re message from other counsel	0.10	\$42.50
Billable Hours / Fees:			1.90	\$807.50

Timekeeper Summary

Timekeeper ARI worked 1.90 hours at \$425.00 per hour, totaling \$807.50.

Continued On Next Page

Client Number: 8563
Matter Number: 8563-2

7/23/2013
Page: 2

Prior Balance:	\$2,607.50
Payments Received:	\$0.00
Current Fees:	\$807.50
Advanced Costs:	\$0.00
Amount to be Applied from Trust:	<u>(\$3,415.00)</u>
TOTAL AMOUNT DUE:	\$0.00

Thank You for Letting Us Serve You.
Payment Due Upon Receipt.

Continued On Next Page

Client Number: 8563
 Matter Number: 8563-2

7/23/2013
 Page: 3

TRUST ACTIVITY RECAP

<u>Date</u>	<u>Description</u>	<u>Deposit</u>	<u>Withdrawal</u>	<u>Balance</u>
	Balance Forward			\$5,000.00
6/25/2013	Trust money applied to invoice: 3297 Our Check: 164 Payee: Vicki Gunvalson		\$5,000.00	\$0.00
7/3/2013	Retainer deposit	\$4,500.00		\$4,500.00
7/3/2013	8563-1 June 2013 Invoice Our Check: 169 Payee: Vicki Gunvalson		\$1,062.50	\$3,437.50
7/23/2013	Trust monies to be applied to this bill.		\$3,415.00	\$22.50

Rufus-Isaacs, Acland & Grantham, LLP

232 N. Canon Drive
 Beverly Hills, CA 90210
 Telephone: 310-274-3803
 Fax: 310-860-2430

Brooks Ayers
 9 Paseo Dalia
 Rancho Santa Margarita, CA 90210

8/5/2013
 Invoice No. 3465

Client Number: 8542 Brooks Ayers
 Matter Number: 8542-2 Williamson
For Services Rendered Through 7/31/2013.

Fees

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
7/8/2013	ARI	Telecon with Mr. Ayers; review Acceptance of Service form, and research effect on counsel of record status; email correspondence with opposing counsel and forward signed form; prepare email to Mr. Ayers re options	1.10	\$467.50
7/15/2013	ARI	Email correspondence with Mr. Ayers, including location and review of voluntary dismissal	0.30	\$127.50
7/16/2013	ARI	Telecon with Mr. Ayers	0.20	\$85.00
7/19/2013	ARI	Prepare email to Mr. Ayers	0.10	\$42.50
7/22/2013	ARI	Prepare Answer; telecon with Mr. Ayers and revise Answer	1.50	\$637.50
Billable Hours / Fees:			3.20	\$1,360.00

Timekeeper Summary

Timekeeper ARI worked 3.20 hours at \$425.00 per hour, totaling \$1,360.00.

Continued On Next Page

Client Number: 8542
Matter Number: 8542-2

8/5/2013
Page: 2

Prior Balance:	\$0.00
Payments Received:	\$0.00
Current Fees:	\$1,360.00
Write Off of Fees:	(\$360.00)
Advanced Costs:	\$0.00
TOTAL AMOUNT DUE:	<u>\$1,000.00</u>

Thank You for Letting Us Serve You.
Payment Due Upon Receipt.

EXHIBIT B

Tony Abbatangelo, Esq.

INVOICE

Attorney at Law

321 S. Casino Center Blvd.

Ste. 112

Las Vegas, NV 89101

Phone: (702) 384-1000

Fax: (702) 543-2197

Email: LasVegasLawOffice@gmail.com

DATE: AUGUST 23, 2013

TO:

Victoria Gunvalson

FOR:

Robert Williamson, III, et al., v. Victoria Gunvalson, et al.

Case No: A-13-688129-C

DESCRIPTION	HOURS	RATE	AMOUNT
Retainer			\$5,000.00
Payment			-\$2,500.00
Payment			-\$2,500.00
TOTAL AMOUNT DUE			\$ 0.00

Thank you for your business!