

**LAW OFFICES OF G. DAVID WESTFALL, P.C.**

714 Jackson Street, Suite 700

Dallas, Texas 75202

(214) 741-4741

**BILLING STATEMENT**

December 31, 1999

Mr. Udo Birbaum  
Route 1 Box 295  
Eustace, Texas 75124

RE: No. 3:99-CV-0696-R  
Birbaum v. Ray, et al.

**PROFESSIONAL SERVICES RENDERED:**

5/3/99	Telephone conference with Kathy Young	
5/5/99	Review portions of file; conference with client; telephone conferences (3)	
5/6/99	Review Rule 12(b) Motions (4); telephone conferences (4)	
5/7/99	Telephone conferences with client (2); legal research on Rule 12(b); Rule 56; conference with client (@ 7points)	4.9
5/8/99	Legal research and case preparation	4.3
5/10/99	Review fax (Scheduling Order); telephone conferences (3); correspondence; telephone conferences with other attorneys regarding extension of time (3)	2.4
5/11/99	Correspondence; telephone conference with office of Roxie Cluck; review file; work on amended complaint; conference with client; legal research	3.7
5/13/99	Receipt and review correspondence (2) and Davis and Malone's 12b Motions; prepare stipulations and order re: enlargement of time, motion and order to file amended complaint and motion and order for notice of appearance; correspondence; telephone conferences (14); court appearance to review file	7.1
5/14/99	Telephone conference with client	0.2
5/17/99	Review Amended Complaint with Exhibits; telephone conferences with other attorneys (3)	2.9
5/18/99	Review correspondence, Order re: Scheduling Order	0.6

*2nd Reminder - 2-1-00*  
*Reminder - please remit 4-3-00*  


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*Udo - what's the problem? 6-1-00*  
*Just notice B-4*  
*formal collection 7-31-00*  
*certified 6.1 mail*  
*7099-3220*  
*3.1 0000-4166*  
*1131*

5/19/99	Receipt and review correspondence and Order of Stipulation signed by Richard Davis	0.2
5/21/99	Receipt and review Order of Stipulation signed by Richard Ray; court appearance to file Motion and Order; review file and amended complaint with exhibits	2.9
5/22/99	Review file and case preparation	3.3
5/24/99	Legal research; case preparation	2.7
5/25/99	Legal research; case preparation	2.3
5/26/99	Receipt and review signed Order of Stipulation; review draft of amended complaint; conference with client	2.9
5/27/99	Receipt and review Defendant Young's 1st W.I. to Plaintiff; telephone conference with A.G.'s office; correspondence	4.5
5/28/99	Legal research and case preparation	3.1
6/1/99	Telephone conference with client	0.3
6/2/99	Receipt and review correspondence and proposed Amended Complaint and proposed W.I. Answers	1.4
6/4/99	Review file; work on Amended Complaint	1.6
6/5/99	Review file; work on draft of Amended Complaint; legal research	3.8
6/8/99	Legal research; work on Amended Answer	2.6
6/9/99	Legal research re: 11(b) and 12(b) Motions	3.1
6/11/99	Receipt and review Defendant Young's 1st Request for Production; conference with staff and S.Podvin	3.8
6/12/99	Review file; legal research	1.8
6/15/99	Telephone conference	0.1
6/21/99	Review file; work on response to W.I.; telephone conferences (2)	1.9
6/24/99	Review file; review draft of Amended Complaint; review draft of responses to W.I.; telephone conferences (2)	3.9
6/25/99	Review file; conference with client; prepare and file Answers to Defendant Young's W.I.	3.5
6/29/99	Telephone conferences (8); correspondence	2.3

6/30/99	Receipt and review correspondence; telephone conferences (8); correspondence	1.7
7/1/99	Review faxes (3) and correspondence; sent 3 faxes; telephone conference with D.Maseo; R.Davis' office and C.Van Cleef	1.3
7/2/99	Receipt and review correspondence; review faxes (4); prepare and file Joint Status Report; telephone conferences (6); correspondence; conference with client	6.4
7/5/99	Telephone conferences (2); conference with client	1.8
7/9/99	Receipt and review correspondence; telephone conferences (6); legal research; work on response to 12(b) motions	3.5
7/10/99	Legal research and case preparation	4.6
7/13/99	Telephone conferences (3); legal research	2.9
7/14/99	Legal research	1.6
7/16/99	Receipt and review Original Answer of K.Young to Amended Complaint; telephone conferences (3)	0.8
7/17/99	Legal research; conference with S.Podvin; work on Response to 12(b) Motions, etc.	3.2
7/18/99	Conference with S.Podvin; legal research; work on Response to 12(b) motions, etc.	4.6
7/19/99	Conference with S.Podvin; work on Response to 12(b) motions	3.9
7/23/99	Receipt and review correspondence (3)	0.3
7/28/99	Receipt and review correspondence, Defendants' Amended Motion to Dismiss Under 12(b)(6)	2.1
8/2/99	Review file; pleadings; correspondence	1.2
8/4/99	Review file; correspondence pleadings; telephone conferences (4)	1.9
8/5/99	Telephone conferences (4)	0.4
8/6/99	Receipt and review correspondence and Davis' Objection to U.Birnbaum's Affidavit	0.4
8/18/99	Telephone conference with client	0.2
8/25/99	Supplemental response to Defendants' 12(b)	0.5

7-9 14.7  
43.2

9/1/99	Receipt and review Defendant Young's Designation of Expert Witnesses; telephone conferences (3)	0.4
9/3/99	Telephone conferences with other attorneys (3)	0.6
9/9/99	Review proposed Findings and Conclusions; telephone conferences (3)	1.6
9/10/99	Review file; review rules re: reply to Findings and Conclusions	1.6
9/13/99	Review file; legal research re: Findings of Facts and Conclusions of Law; telephone conferences (2); review fax (10 pages); telephone conference with Mike Collins	5.1
9/14/99	Conference with client; legal research and work on Findings of Fact and Conclusions of Law	5.7
9/15/99	Conference with client; conference with S.Podvin; legal research; review findings of fact and conclusions	5.3
9/17/99	Conference with client; work on objections to Findings and Conclusions; legal research; conference with S.Podvin; court appearance to review file	5.5
9/20/99	Receipt and review Young's Motion to Dismiss under FRCP 12(b)(6) and Brief; correspondence; telephone conferences (3)	0.9
9/24/99	Receipt and review Order re: File Amended Complaint and 12(b) Motions; correspondence; telephone conferences (3)	0.7
9/25/99	Legal research re: prospective appeal	2.3
9/28/99	Legal research re: appeal	1.2
9/29/99	Telephone conferences (3)	0.7
9/29/99	Telephone conferences (2); conference with client	1.7
9/30/99	Legal research; work on Plaintiff's response to Young's 12(b); conference with C.McGarry and S.Bush	4.8
10/1/99	Telephone conferences (3); legal research	1.9
10/2/99	Legal research re: appeal	2.3
10/4/99	Telephone conferences with client (2)	0.4
10/6/99	Receipt and review correspondence; legal research; conference with client; conference with S.Podvin; review Plaintiff's response to Young's 12(b) Motion	4.3
10/7/99	Telephone conferences (4); conference with client and S.Podvin; to	

	courthouse to file response to Young's 12(b) motion	2.8
10/9/99	Conference with S.Podvin; legal research re: appeal	3.4
10/11/99	Conference with staff; legal research	1.3
10/13/99	Telephone conferences (7); telephone conference with client	1.6
10/14/99	Conference with client	0.6
10/15/99	Telephone conference with court clerk; legal research re: appeal	3.1
10/16/99	Legal research; conference with S.Podvin	2.6
10/18/99	Telephone conferences (3); telephone conference with 5th Circuit Clerk's office	0.6
10/19/99	Telephone conferences (2); legal research	1.9
10/22/99	Legal research and work on appeal	2.2
10/23/99	Conference with S.Podvin; additional legal research re: appeal	5.1
10/26/99	Telephone conferences (3)	0.6
10/27/99	Receipt and review correspondence; telephone conference with court clerk	0.4
10/27/99	Telephone conferences with court clerk at 5th Circuit (3)	0.6
10/28/99	Telephone conference with Judge's briefing clerk	0.3
10/29/99	Telephone conference with client	0.1
10/30/99	Conference with S.Podvin	2.4
11/1/99	Telephone conference with client and M.Collins	0.2
11/2/99	Telephone conference with court clerk; conference with client and M.Collins; legal research and conference with S.Podvin	5.8
11/4/99	Telephone conferences (2) with court clerk	0.3
11/5/99	Telephone conference with court clerk's office (3)	0.3
11/6/99	Conference with S.Podvin; legal research	2.6
11/8/99	Telephone conference with court clerk; conference with staff; legal research	2.3
11/9/99	Conference with S.Podvin; legal research	3.9

11/13/99	Conference with S.Podvin	0.6
11/16/99	Telephone conferences (3)	0.6
11/17/99	Telephone conference with court clerk	0.2
11/23/99	Telephone conferences (2)	0.2
12/1/99	Receipt and review correspondence; telephone conference with court clerk	0.3
12/6/99	Receipt and review Plaintiff's Pro Se Appearance and correspondence; telephone conference with M.Collins	0.5
12/8/99	Telephone conferences (2)	0.3
12/9/99	Telephone conference with District Clerk's office and Judge's briefing clerk	0.4
12/10/99	Receipt and review Young's Response to Plaintiff's MSJ and Brief; telephone conference with Young's attorney and court clerk	0.9
12/11/99	Draft Motion and Order to Withdraw	1.2
12/13/99	Receipt and review Order Denying Plaintiff's MSJ; telephone conference	0.3
12/14/99	Telephone conference with court clerk and other attorneys (3)	0.6
12/20/99	Telephone conference with court clerk	0.2
12/21/99	Finalize Motion and Order to Withdraw; correspondence	0.9
100	HOURS at \$200.00 per hour	\$ 20,000.00
129.9	HOURS at \$100.00 per hour	\$ 12,990.00

**EXPENSES:**

Paralegal: 68.6 at \$60.00 per hour	\$ 4,116.00
Photocopies: 3,384 at \$.25 per page	\$ 846.00
Facsimiles: 105 at \$1.00 per page	\$ 105.00
Long Distance telephone expense	\$ 64.10

Total expenses: \$ 5,131.10

Total amount: \$ 38,121.10

Less: \$ (20,000.00)

**\*\*\* TOTAL AMOUNT DUE: \$ 18,121.10**