

Court documents filed by Mark
Stevens saying his usual hourly
rate is \$150 per hour

No. 15CV0344

ALAN CRAMER

IN THE 122ND DISTRICT COURT

V.

OF GALVESTON COUNTY,

GEORGE WOOD

TEXAS

Affidavit in Support of Rule 13 Motion

State of Texas

County of Galveston

Before me the undersigned Notary Public Came on to be sworn Mark W. Stevens who, being sworn, deposes and states as follows:

My name is Mark W. Stevens. I am the attorney of record for George Wood in the above case. All statements made herein are based upon my personal knowledge and are true and correct.

Attached hereto are time entries from my billing records for George Wood. These entries are kept in the normal course of my business as an attorney in Mr. Wood's case and most others. It is my duty and practice to make an accurate entry of the acts or events at or close to the time in question.

I charge Mr. Wood on an hourly rate of \$150 per hour. I have been an attorney licensed in Texas since November 11, 1977 (39 years) and have practiced in and around Galveston County, Texas since May of 1982. I am familiar with the usual, customary and reasonable charges for attorneys fees in Galveston County, Texas and believe that the rate of \$150 per hour is at or below the prevailing rate for an attorney of my experience.

I am suggesting to the court that attorneys fees as a sanction be assessed in this case against Plaintiff Alan Cramer or, in the discretion of the court, his

attorney, in the amount of \$3,210 (Three Thousand Two Hundred Ten and no/100) Dollars. The time entries supporting that figure are attached hereto.

I am suggesting that attorneys fees be assessed only from the entry of September 15, 2015 and forward. According to the evidence and the Court's Finding of Fact No. 38, it was approximately September 5, 2015 when Mr. Cramer and his counsel were notified that the federal tax liens has been released. The first entry of the attachment, September 15, 2015, records that Mr. McQuage on that date determined that the case would move forward, notwithstanding the release of the liens.

Thereafter, about 7 days before trial, Mr. McQuage amended his pleadings and proceeded to use an "expert" to pursue a contrived claim of "damages" which could not be supported in fact or law. The "damage" model was based on lost rentals. However, the evidence demonstrated that the building in question could not be rented because it was uninhabitable at all relevant times, and other evidence before the court and since, including the recent settlement agreement with Mr. Roger Coble in Case No. 6CV0269, show that there never was any intention to repair or rent the property.

A form of Judgment is submitted herewith.

NOTE: In the event that this affidavit is objected to on the basis of timeliness or otherwise, I would request on behalf of my client a brief hearing at which I may offer direct testimony as to the amount, reasonableness and necessity of the attorneys fees requested.

Respectfully submitted,

 *Mark W. Stevens*

Mark W. Stevens
TBN 19184300
PO Box 8118
Galveston, TX 77553
409.765.6306

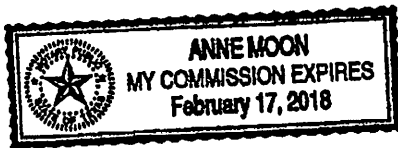
Fax 409.765.6469
Email: markwandstev@sbcglobal.net
Counsel for Defendant George Wood

Certificate of Service

A true and correct copy of the foregoing instrument was served upon
Thomas McQuage, Counsel for Plaintiff, via PDF email on September 13, 2016.

Mark W. Stevens
Mark W. Stevens

Sworn to and subscribed before me the undersigned Notary Public on
September 13, 2016.



Anne Moon

Time Sheet Extracts

09.15.15 1.5 TC w/Tom McQuage; message in return suggests no extension and no letup on cramer case. Prepare discovery in draft form in Cramer case. Email draft to G. Wood w/Request for meeting on 9/16. No response as of AM 9/16.

9.19.15 .4 TC w/Geo Wood re Cramer: Wood has no recollection of receiving tax lien in questin. Notes an earlier tax lien was filed and released; GW thought it was over. Then the lien was re-filed. Wood notes that he has done what he was required to do, i.e., defend the title. Also, the properties deeded to Cramer were owned in part by others meaning (a) he could not have had any sales interrupted and (b) he did not join parties needed for a just adjudication under TRCP 39. MWS to draft responses.

11.17.15 NC TC w/McQuage re Cramer. OK to do Rule 11 on disxcovery. Recent inquiries are whether GW wants to reacquire others interests in property which was partially deeded to Mr. Cramer. MWS to inquire

11.28.15 1.0 Cramer: attention to draft of Discvoery and email to G. wood for revision & signature.

1.8.16 .5 Cramer. Visit w Tom McQuage and Judge Ellisor122nd. OK to Continue; OK to pass mediation. T McQuage to file brief motion re discovery. MWS to advise client as to responsibilities. OK for Tom McQuage to Late Designate expert (NB expert is probably irrelevant as there was no opportunity or even effort to sell the property).

2.7.16 .4 Cramer; TC w/ Geo Wood re Int. Answers. GW says he was aware of "lien" for taxes before R 11 but that he was in process of clearing it up. He will check in particular for date of his payment to IRS of the amount of the Lien. Also, his answers will include ref to Tex. Prop. Code Sec. 13.002 which makes cramer and the public aware of matters filed in the deed records.

02.23.16 .4 Cramer: TC w/Geo. Wood re completing Interrogs.

02.26.16 NC Interruption due to Fam Illness; TC GW re production of CRAMER interogs.

02.27.16 .3 CRAMER Retrieve Interrgos from GW mailbox at 29 Ellis Road; Examine, copy and fax to McQuage.

4.20.16 .2 Cramer. TC Geo Wood re status (May 10 Trial) Decide to move forward if possible; GW ok for May 10 and 11. MWS to check w/McQuage re contacting other owners.

4.28.16 1.5 Cramer: TC w/McQuage 4.27; Receive designation of new expert Cindy Kates (Realtor) on 4/28. TC w/McQuage; He explains that his client wants damage for the 8 months he could not "invest" in the property because of the lien, even though the property was not habitable since Ike. Query view of the property? Check background of Ms. Kates. Nothing remarkable. CV mostly involves other pursuits. Was apparently licensed prior to 2016 per state commissioner records. Discussion re further discovery; Ok to contact Dravian and others but no claim that they were contacted.

5.8.16 4.5 Cramer. Prepare for trial; Research on issues e.g. specificity of damaged proof; slander of title vs. contractual remedies; items from Amended petition. Conference 1 hour w/Geo Wood at 29 Ellis Road. GW confirms he redeceived deeds from Cramer. Further research into Coble case and note that claims vs. Coble are for partition rather than development. Work on Amended Answer. Advise email McQuage that Stipulations are OK provided Rule 263 disclaimer is added.

5.9.16 *. * Finalize & File Amended Answer.

5.9.16 3.0 trial Prep

5:10: 16 5.0 10:00 -15:00 Trial to court. Taken under consideration; Court advises talking before he rules in c. 1 week.

5:11.16 .7 Review FF/CI submitted by McQuage. Draft Proposed FF/CI for Wood. Wkl resume

Various 2.0 Hours For preparation and filing of Rule 13 Motion and Affidavit
in support thereof.

21.4 hours x \$150/Hr. = \$ 3,210.—

No. CV0070286

GEORGE WOOD

IN THE COUNTY COURT

V.

**COUNTY COURT AT LAW NO. 2
OF GALVESTON COUNTY**

JUAN FIGUEROA,
BBVA COMPASS BANK;
Et al

NUMBER 2, GALVESTON

COUNTY, TEXAS

GALVESTON COUNTY, TEXAS

13 DEC -3 PM 12:37

FILED

PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES

Plaintiff hereby designates the following expert witnesses in the above entitled and numbered cause of action:

1. Robert "Bob" Pisaturo, 16915 Spring Creek Oaks Court, Spring, Texas 77379 Ph. 281.630.3521. Mr. Pisaturo participated in the events following the discovery of the forged checks in approximately July of 2011. Mr. Pisaturo holds a bachelor's degree from Baylor University in business administration, including approximately 16 credit hours of accounting. Mr. Pisaturo has been in the property management business since approximately the late 1970's. Mr. Pistaturo will testify as to the procedures used in handling Plaintiff's bank accounts and in general and may testify that such procedures met generally accepted accounting principles. Otherwise Mr. Pisaturo will testify as a lay witness, e.g., as to the procedures used to monitor Plaintiff's bank accounts and statements, and that that it was necessary to use magnifying lenses to examine the reduced size check copies provided by Compass Bank.

Mr. Pisaturo's resume is attached. Also attached is a final draft of Mr. Pisaturo's affidavit to be filed herein, which is presented as his report for these purposes. It is understood that Mr. Pisaturo is having the affidavit notarized this date, December 3, 2013.

2. Dr. Mary Ellen Kuhlmann, PhD, OTR, 29 Ellis Road, League City, Texas 77573 409.766 7271 is married to George Wood. Dr. Kuhlmann is a licensed occupational therapist with a sub-emphasis on visual impairments. Dr. Kuhlman

will testify that she participated in the review of the miniature checks provided by the Bank after the forgeries were initially suspected, and that it was necessary to employ 7x magnifying lens, and that ultimately it was necessary to acquire enlarged check copies, i.e., copies approximating the actual size of the checks. It is anticipated that Dr. Kuhlmann's testimony will bear on whether the check copies, in the form provided by the Bank, were legible or not.

A copy of Dr. Kuhlmann's resume is attached, as is the final draft of her affidavit. It is understood that Dr. Kuhlmann is having the affidavit notarized this date, December 3, 2013.

3. Mark W. Stevens, Plaintiff's Counsel, PO Box 8118, Galveston, Texas 77553, 409.765.6306 will testify as to reasonable and necessary attorneys fees at the rate of \$150 per hour. Mr. Stevens Texas Bar Summary is attached in lieu of a resume. Mr. Stevens will testify by affidavit or otherwise to an attorneys fee rate of \$150 per hour.

Respectfully submitted,



Mark W. Stevens

TBN 19184300

PO Box 8118

Galveston, Texas 77553

409.765.6306

Fax 409.765.6469

Email: markwandstev@sbcglobal.net

Counsel for Plaintiff

Certificate of Service

A true and correct copy of the foregoing was served on William P. Huttenbach via Fax 713.223.9319 on December 3, 2013.



Mark W. Stevens

FILED
13 DEC -3 PM 12:37
GALVESTON, TEXAS

No. CV0074886

DOCTOR COOL AND PROFESSOR
HEAT, INC.

IN THE COUNTY COURT AT

V.

LAW NO. 3 OF GALVESTON

WAYNE RICE

COUNTY, TEXAS

Designation of Expert Witnesses

TO THE HONORABLE JUDGE OF SAID COURT:

The following are designated as non-retained expert witnesses in the above call.

1. Wayne Rice is designate as an expert on the technology of air conditioning and heating installation and repairs, including the reasonable and necessary charges therefore in Galveston County, Texas. He will testify as to all issues involved herein including but not limited to the quality of his own work, custom and usage in the business of heating and repair, and agreements and communications between himself and plaintiff or Plaintiff's owner or agents.
2. In the event attorneys fees for Defendant become and issue, Mark W. Stevens is designated as an expert witness as to his own attorneys fees at the rate of no more than \$150 per hour. A lesser rate may be claimed. Mark W. Stevens has been licensed as an attorney in Texas since November of 1977 and has a general civil and criminal practice in Galveston County, Texas. CV is attached.

Respectfully submitted,

/s/ Mark W. Stevens

Mark W. Stevens

TBN 19184300

PO Box 8118

Galveston, Texas 77553

409.765.6306

Fax 409.765.6469

Email: markwandstev@sbcglobal.net

Counsel for Defendant and Counter-Plaintiff Wayne Rice

No. 16CV0051

JAMES NEAL, Individually
JAMES NEAL INDIVIDUALLY IN THE 10th DISTRICT
And CRAFTSMAN
MASONRY, INC.

V.

THE CITY OF LA MARQUE, TEXAS; COURT OF GALVESTON
CAROL BUTTLER, IN HER OFFICIAL
CAPACITY AS CITY MANAGER; ROBIN
ELDRIGE, CITY CLERK, IN HER OFFICIAL
CAPACITY, AND ROBERT "BOBBY"
HOCKING, IN HIS OFFICIAL CAPACITY
AS MAYOR OF LA MARQUE, TEXAS COUNTY, TEXAS

Plaintiff's Designation of Expert Witnesses

Plaintiffs hereby designate the following expert witnesses:

1. Nick Stepchinski, report and vita attached, will testify in accordance with his report, attached hereto. Mr. Stepchinski is a licensed realtor in Texas and has been a resident in La Marque for all of his life, approximately 60 plus years.
2. James Neal will testify as a nonretained expert or otherwise give his opinion as to the value of the property in question if sold for its present use. It is anticipated that he will testify that the building if sold for its present use, as opposed to use for residential ownership only, would be \$ 200,000. It is also anticipated that Mr. Neal will testify that the tax appraisal of the land and building are currently \$11,000 for land and \$41,000 for building.
3. Mark W. Stevens, trial counsel, will testify as to attorneys fees at a rate of \$150 per hour. Mr. Stevens' vita is attached.

Respectfully submitted,

Mark W. Stevens

Mark W. Stevens

TBN 19184300

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Email: markwandstev@sbcglobal.net

Counsel for Plaintiffs James Neal et al

Certificate of Service

A copy of this instrument, together with hard copies of the discovery items listed above, were served via electronic means on October 21, 2016 to the following Counsel of Record:

Mr. Scott Bounds/Olson & Olson
2727 Allen Parkway
Suite 600
Houston, Texas 77019-2133

Mark W. Stevens