



# MEMORANDUM

To: Diane Pelletier, Finance Director

From: Kiernan McManus, Mayor

Date: September 15, 2020

Re: Request for Payment to Bailey Kennedy in the Matter of Contract Dispute  
with the City Manager and City Attorney

I have reviewed the enclosed billing information from the law firm of Bailey Kennedy and find the requested costs are appropriate. My understanding is that the information required to remit payments to Bailey Kennedy have been submitted. Please issue payment to Bailey Kennedy as detailed on the enclosed statement# 38448.

**Bailey Kennedy, LLP**

8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
(702) 562-8820  
Federal Tax ID: 20-3951680

As Of: 8/31/2020

Statement Date: 9/3/2020 Statement Number: 38448

City of Boulder City  
Kiernan McManus  
401 California Avenue  
Boulder City, NV 89005

**11578-001 / Contract Dispute with City Manager and City Attorney**

**Professional Fees**

		Hours	Rate	Amount	
08/04/2020 JG	Call with Dennis L. Kennedy, Andrea M. Champion, Noah Allison, and Mayor McManus regarding filing of Complaint and potential defense of City Council (0.5 hours); Review documents provided by Mr. Allison, including notice of special meeting and supporting materials for agenda (0.5 hours); Review portions of Open Meeting Law to determine whether advance notice was sufficiently given for special meeting (0.25 hours); Call with Dennis L. Kennedy, Andrea M. Champion, and Councilmembers regarding potential lawsuit (1.0 hours).	2.25	550.00	1,237.50	KM
08/04/2020 AMC	Prepare/attend multiple telephone conferences with Dennis L. Kennedy, Joshua P. Gilmore, and City Council members regarding newly filed complaint (1.5); review/analyze complaint (.5).	2.00	400.00	800.00	KM
08/04/2020 DLK	Review Complaint (0.25). Telephone conference with Noah Allison, Mayor McManus, Andrea M. Champion, and Joshua P. Gilmore (0.5). Review materials regarding open meeting law and allegations of violations (1.0).	1.75	550.00	962.50	KM
08/04/2020 DLK	Telephone conference with Mayor McManus and members of City Council.	1.00	550.00	550.00	KM
08/05/2020 JG	Review/analyze Order granting Temporary Restraining Order and related Ex Parte Application (0.5 hours); Call with Dennis L. Kennedy, Andrea M. Champion, Mayor McManus, and Councilmembers regarding lawsuit (0.75 hours).	1.25	550.00	687.50	KM

08/05/2020 AMC	Briefly review/analyze ex parte application for temporary restraining order (including conferring with Joshua P. Gilmore regarding the same) (.25); telephone conference with Dennis L. Kennedy, Joshua P. Gilmore, and City Counsel members regarding lawsuit (.5).	0.75	400.00	300.00	<i>JKM</i>
08/05/2020 DLK	Telephone conference with Mayor McManus and members of City Council.	0.50	550.00	275.00	<i>JKM</i>
08/06/2020 JG	Review City Charter for assistance with Opposition to Motion for Temporary Restraining Order (0.5 hours); Review various correspondence regarding entry of Temporary Restraining Order, cancellation of Special Meeting, appointment of interim City Manager, and handling of potential extension pending retention of special counsel (0.25 hours); Review decision in OAG File No. 13897-354 for relevance to issues presented in Motion for Temporary Restraining Order (0.5 hours); Review contracts for plaintiffs (0.25 hours); Research handling of agenda items for City Council (0.25 hours).	1.75	550.00	962.50	<i>JKM</i>
08/06/2020 DLK	Work on Opposition to Motion for Preliminary Injunction.	1.00	550.00	550.00	<i>JKM</i>
08/06/2020 AMC	Conduct legal research related to Plaintiffs' claims (and confer with Joshua P. Gilmore regarding the same).	0.50	400.00	200.00	<i>JKM</i>
08/07/2020 JG	Meeting with Andrea M. Champion regarding Opposition to Motion for Preliminary Injunction, and email Mayor regarding timing for hearing in conjunction with upcoming City Council meeting.	0.25	550.00	137.50	<i>JKM</i>
08/07/2020 AMC	Meeting with Joshua P. Gilmore regarding Opposition to Motion for Preliminary Injunction (.25); review/analyze documents received from the client in anticipation of preparing our opposition to the motion for preliminary injunction (1.25); begin drafting opposition to motion for preliminary injunction (4).	5.50	400.00	2,200.00	<i>JKM</i>
08/10/2020 JG	Review Stipulation and Order regarding extended hearing date on Motion for Preliminary Injunction and conferences with Dennis L. Kennedy and Andrea M. Champion regarding potentially accelerating hearing date.	0.25	550.00	137.50	<i>JKM</i>

08/10/2020 AMC	Continue drafting opposition to motion for preliminary injunction (including conducting relevant legal research) (6.75); Confer with Dennis L. Kennedy and Joshua P. Gilmore regarding strategy (0.25).	7.00	400.00	2,800.00	<i>DKM</i>
08/10/2020 DLK	Numerous conferences with Andrea M. Champion and Joshua P. Gilmore. E-mail with Mayor McManus regarding case.	0.50	550.00	275.00	<i>DKM</i>
08/11/2020 AMC	Edit/revise opposition to motion for preliminary injunction.	3.75	400.00	1,500.00	<i>DKM</i>
08/11/2020 DLK	Review and analyze all materials provided by client (1.0). Prepare for meeting with client regarding case (0.5).	1.50	550.00	825.00	<i>DKM</i>
08/12/2020 AMC	Revise draft opposition to motion for preliminary injunction (including conducting additional legal research on plaintiff's knowledge that allegations of misconduct would be publicly addressed and considered) (1.0); Prepare supporting declarations (1.25).	2.25	400.00	900.00	<i>DKM</i>
08/12/2020 JG	Edit/revise Opposition to Motion for Preliminary Injunction (3.75 hours); Confer with Andrea M. Champion regarding additional authority to support irreparable harm analysis (0.25 hours).	4.00	550.00	2,200.00	<i>DKM</i>
08/13/2020 AMC	Telephone conference with Dennis L. Kennedy, Joshua P. Gilmore, Mayor McManus, and Councilmembers regarding strategy (.5); continue editing/revising draft opposition to the motion for preliminary injunction (.75).	1.25	400.00	500.00	<i>DKM</i>
08/13/2020 JG	Edit/revise Opposition to Motion for Preliminary Injunction (1.0 hours); Edit/revise Declarations of Mayor McManus and Councilwoman Folda supporting Opposition (1.25 hours); Call with Dennis L. Kennedy, Andrea M. Champion, Mayor McManus, and Councilmembers regarding strategy (0.5 hours).	2.75	550.00	1,512.50	<i>DKM</i>
08/13/2020 DLK	Telephone conference with clients regarding proposed action and strategy.	0.50	550.00	275.00	<i>DKM</i>
08/14/2020 AMC	Edit/revise opposition to motion for preliminary injunction.	0.75	400.00	300.00	<i>DKM</i>
08/14/2020 DLK	Review draft Opposition to Plaintiffs' Motion for Preliminary Injunction. Conference with Andrea M. Champion.	0.50	550.00	275.00	<i>DKM</i>

08/17/2020 JG	Review notes from Mayor McManus with regard to Opposition to Motion for Preliminary Injunction and related Rules of Procedure for City Council meetings (0.25 hours); Call with Dennis L. Kennedy, Andrea M. Champion, Mayor McManus, and Councilmembers regarding Opposition (0.5 hours).	0.75	550.00	412.50	KKM
08/17/2020 AMC	Finish drafting opposition to motion for preliminary injunction (1.75); email correspondence with clients regarding the same (including conferring with Joshua P. Gilmore regarding rules of procedure for City Council) (.5); telephone conference with Dennis L. Kennedy, Joshua P. Gilmore, Mayor McManus, and Councilmembers regarding Opposition (.5); edit/revise opposition to incorporate client's comments and rules of procedure (1).	3.75	400.00	1,500.00	KKM
08/17/2020 DLK	Telephone conference with clients regarding strategy in opposing motion and additional evidence (0.5). Conference with Joshua P. Gilmore and Andrea M. Champion regarding opposition (0.25). Review materials in support of opposition (0.25).	1.00	550.00	550.00	KKM
08/18/2020 JG	Review/revise Opposition to Motion for Preliminary Injunction and supporting Declarations.	1.00	550.00	550.00	KKM
08/18/2020 AMC	Edit/revise opposition to motion for preliminary injunction and pull all exhibits in support thereof.	2.50	400.00	1,000.00	KKM
08/19/2020 LT	Prepare Appendix and related exhibits to Opposition to Motion for Preliminary Injunction.	1.50	200.00	300.00	KKM
08/19/2020 AMC	Confer with Dennis L. Kennedy and Joshua P. Gilmore regarding case strategy.	0.25	400.00	100.00	KKM
08/19/2020 JG	Discussions with Dennis L. Kennedy and Andrea M. Champion regarding case strategy.	0.25	550.00	137.50	KKM
08/20/2020 AMC	Conduct legal research on wrongful injunction damages (.5); confer with Dennis L. Kennedy and Joshua P. Gilmore regarding case strategy (.25); email correspondence with City Council members regarding the same (.25); begin drafting motion to increase bond (1.5).	2.50	400.00	1,000.00	KKM
08/20/2020 JG	Meeting with Dennis L. Kennedy and Andrea M. Champion regarding strategy with hearing on motion for preliminary injunction.	0.25	550.00	137.50	KKM

08/21/2020 AMC	Multiple emails with City Council members regarding motion to increase bond (.25); email correspondence with Plaintiffs' counsel regarding hearing date on the motion for preliminary injunction (.25).	0.50	400.00	200.00	<i>NKM</i>
08/24/2020 AMC	Confer with Dennis L. Kennedy and Joshua P. Gilmore regarding case strategy and email correspondence to opposing counsel to inquire about Boulder City's request to move up the hearing date on the Motion for Preliminary Injunction (.25); draft ex parte application for order shortening time on the motion for preliminary injunction (1.75); edit/revise the same (.5); review/analyze email correspondence from Plaintiffs' counsel regarding the City's request to move up the hearing date (.25); edit/revise the same in light of Plaintiffs' counsel's position (.75).	3.50	400.00	1,400.00	<i>NKM</i>
08/24/2020 JG	Edit/revise Application for Order Shortening Time on Plaintiffs' Motion for Preliminary Injunction (0.75 hours); Discuss strategy with Dennis L. Kennedy and Andrea M. Champion (0.25 hours).	1.00	550.00	550.00	<i>NKM</i>
08/24/2020 DLK	Several conferences with Andrea M. Champion and Joshua P. Gilmore regarding motion to increase bond.	0.25	550.00	137.50	<i>NKM</i>
08/25/2020 AMC	Edit/revise/finalize ex parte application for order shortening time.	0.75	400.00	300.00	<i>NKM</i>
08/25/2020 JG	Edit/revise Application for Shortening Time for hearing on Motion for Preliminary Injunction.	0.75	550.00	412.50	<i>NKM</i>
08/25/2020 DLK	Review and revise motion to re-set hearing on preliminary injunction. Numerous emails with client.	0.50	550.00	275.00	<i>NKM</i>
08/26/2020 JG	Review Amended Complaint and analyze options, including special motion to dismiss under Anti-SLAPP statute (0.5 hours); Confer with Dennis L. Kennedy regarding private conversations between City Manager and Councilmembers and send email to City Council regarding same (0.25 hours).	0.75	550.00	412.50	<i>NKM</i>
08/27/2020 AMC	Confer with Joshua P. Gilmore regarding case strategy.	0.50	400.00	200.00	<i>NKM</i>

08/27/2020 JG	Review/analyze letter from Plaintiffs' counsel regarding demand for abstention by councilmembers due to lawsuit and options in response, including possible counterclaims (0.25 hours); Research regarding anti-SLAPP motions brought by governmental entities and their officials (0.5 hours); Research regarding conspiracy claims against councilmembers (0.5 hours); Confer with Andrea M. Champion regarding strategy responding to Plaintiffs' demand (0.25 hours); Review items for upcoming City Council meeting per request of Mayor McManus (0.25 hours).	1.75	550.00	962.50	<i>JKM</i>
08/28/2020 JG	Research regarding intentional interference claims against members of a city council (1.0 hours); Call with Dennis L. Kennedy regarding strategy in response to First Amended Complaint (0.5 hours); Call with Andrea M. Champion regarding potential motion to dismiss claims against Mayor McManus and Councilwoman Folda (0.5 hours); Call with Mayor McManus, Councilwoman Folda, and Andrea M. Champion regarding strategy responding to First Amended Complaint (0.75 hours); Prepare/send email to opposing counsel regarding (i) acceptance of service and (ii) questions regarding abstention demand (0.5 hours).	3.25	550.00	1,787.50	<i>JKM</i>
08/28/2020 AMC	Telephone call with Joshua P. Gilmore regarding case strategy (.5); telephone conference with Joshua P. Gilmore, Mayor McManus and Councilwoman Folda regarding Plaintiffs' First Amended Complaint (1).	1.50	400.00	600.00	<i>JKM</i>
08/28/2020 DLK	Read all emails. Telephone conference with Joshua P. Gilmore regarding case status and strategy.	0.50	550.00	275.00	<i>JKM</i>
08/31/2020 SJG	Conference with Joshua P. Gilmore regarding history of case and strategy of research.	0.25	300.00	75.00	<i>JKM</i>
08/31/2020 AMC	Discuss case strategy with Joshua P. Gilmore and Dennis L. Kennedy (.5); review/analyze motion for preliminary injunction and discuss the same with Joshua P. Gilmore (.75).	1.25	400.00	500.00	<i>JKM</i>
08/31/2020 SJG	Research whether a pending lawsuit constitutes a conflict of interest.	3.25	300.00	975.00	<i>JKM</i>

08/31/2020 JG	Confer with Stephanie J. Glantz regarding researching filing of lawsuit against council members as a basis for interfering with governmental action (0.25 hours); Review Reply in Support of Motion for Preliminary Injunction (0.25 hours); Analyze argument being made by Plaintiffs regarding NRS 241.033 (0.5 hours); Review/analyze Motion for Preliminary Injunction seeking to enjoin participation by Mayor McManus and Councilwoman Folda (0.5 hours); Confer with Dennis L. Kennedy and Andrea M. Champion regarding strategy for Opposition (0.5 hours); Begin drafting Opposition to latest Motion for Preliminary Injunction (1.5 hours).	3.50	550.00	1,925.00	<i>KJM</i>
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08/31/2020 DLK	Numerous emails regarding case status and strategy. Meeting with Joshua P. Gilmore and Andrea M. Champion regarding case strategy.	0.50	550.00	275.00	<i>KJM</i>
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Sub-total Fees:	\$37,312.50
Discount::	(1,375.00)

**Rate Summary**

Andrea Champion	40.75 hours at \$400.00/hr	16,300.00
Joshua Gilmore	25.75 hours at \$550.00/hr	14,162.50
Stephanie Glantz	3.50 hours at \$300.00/hr	1,050.00
Dennis L. Kennedy	10.00 hours at \$550.00/hr	5,500.00
Linda Thomas	1.50 hours at \$200.00/hr	300.00
Total hours:	81.50	

**Expenses**

	Units	Price	Amount
08/04/2020 Conference Call Charges - Telephone conference with Council Members.	1.00	15.45	15.45
08/05/2020 Conference Call Charges - Telephone conference with Councilmembers.	1.00	11.35	11.35
08/13/2020 Conference Call Charges - Telephone conference with Councilmembers.	1.00	7.45	7.45
08/17/2020 Conference Call Charges - Boulder City - all councilmembers except Claudia Bridges. Discuss Opposition to Motion for Preliminary Injunction.	1.00	5.58	5.58
08/28/2020 Conference Call Charges - Mayor McManus, Councilwoman Folda, Andrea M. Champion and Joshua P. Gilmore discuss First Amended Complaint.	1.00	8.48	8.48
08/31/2020 Downloads from Public Access to Court Electronic Records (PACER) for the month ending 08/31/2020.	1.00	7.00	7.00
Document Reproduction	45.00	0.25	11.25

Bailey Kennedy, LLP

Matter ID: 11578-001

08/31/2020 On-line Legal Research.

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	1.00	902.00	902.00
Sub-total Expenses:			<u>\$968.56</u>

Total Current Billing: \$36,906.06

Total Now Due: \$36,906.06

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