

STATE OF MICHIGAN
IN THE 17th CIRCUIT COURT FOR KENT COUNTY

THOMAS NEWTON LEITELT,

Plaintiff,

vs.

SERVISCREEN, INC.,

Defendant.

Case No. 14-04100-CKB

HON. CHRISTOPHER P. YATES

OPINION AND ORDER AWARDING ATTORNEY
FEES AND COSTS TO DEFENDANT SERVISCREEN

On March 25, 2016, a jury returned a verdict entirely in favor of Defendant Serviscreen, Inc. (“Serviscreen”) and against Plaintiff Thomas Newton Leitelt. Serviscreen then filed a motion for sanctions on two separate theories, and the Court heard oral arguments from both sides concerning the propriety of sanctions. Upon review, the Court concludes that Serviscreen is entitled to recover “reasonable” attorney fees and costs under MCR 2.405 as offer-of-judgment sanctions. Accordingly, the Court shall direct Leitelt to pay Serviscreen \$121,492.50 in attorney fees and \$2,596.41 in costs for a grand total of \$124,088.91 as offer-of-judgment sanctions.

I. Factual Background

Plaintiff Leitelt filed suit against Defendant Serviscreen on theories of breach of contract and violation of the Michigan Sales Representatives’ Commissions Act (“SRCA”), MCL 600.2961. The jury rendered a verdict on March 25, 2016, that not only rejected Leitelt’s claims, but also found that the “predominant purpose” of the contract between Leitelt and Serviscreen was the sale of services, rather than goods, so the SRCA did not apply to the parties’ dispute.

After prevailing at trial, Defendant Serviscreen filed a motion for sanctions on two grounds. First, Serviscreen contends that Plaintiff Leitelt and his attorneys engaged in a pattern of misleading and false statements to avoid summary disposition under MCR 2.116(C)(10). Second, Serviscreen relies upon Leitelt's rejection of a \$100,000 offer of judgment made by Serviscreen on January 27, 2016, see Defendant Serviscreen's Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions, Exhibit 18, coupled with the jury's verdict against Leitelt to form the basis for a demand for offer-of-judgment sanctions under MCR 2.405(D)(1).¹ After careful review, the Court concludes that offer-of-judgment sanctions are warranted, but the Court should not impose sanctions for false or misleading submissions by Leitelt.

II. The Propriety of Sanctions

Under Michigan law, "attorney fees are not recoverable as an element of costs or damages unless expressly allowed by statute, court rule, common-law exception, or contract." See Marilyn Froling Revocable Living Trust v Bloomfield Hills Country Club, 283 Mich App 264, 297 (2009). Here, Defendant Serviscreen has requested "reasonable" attorney fees as sanctions under MCR 2.114 for submission of false statements in affidavits and as offer-of-judgment sanctions pursuant to MCR 2.405. Each of these two theories provides an independent basis for an award of reasonable attorney fees, so the Court must devote separate consideration to each theory advanced by Serviscreen in its demand for reasonable attorney fees.

¹ As luck would have it, Defendant Serviscreen was so successful in its defense against the claims of Plaintiff Leitelt that Serviscreen even convinced the jury that the case involved the sale of services, rather than goods, so the SRCA did not apply. If the jury had agreed with Leitelt and found that the parties entered into a contract for the sale of goods, rather than services, Serviscreen would have been able to recover its reasonable attorney fees as the prevailing party under the SRCA. See MCL 600.2961(6).

A. Sanctions Under MCR 2.114.

The principal provision for imposing sanctions upon parties and attorneys alike is set forth in MCR 2.114, which affords courts broad discretion in fashioning penalties for any party or attorney who knowingly makes false statements in any submission to a court. See MCR 2.114(E). Of course, the Court can only employ MCR 2.114 if a party or an attorney violates the requirements of that rule, so the Court must decide whether Plaintiff Leitelt or his attorneys engaged in conduct sanctionable under MCR 2.114. The Court may sanction a party or an attorney for submitting a false or frivolous claim, see MCR 2.114(E), which includes circumstances where “(1) the party’s primary purpose was to harass, embarrass or injure the prevailing party; (2) the party had no reasonable basis to believe the underlying facts were true; or (3) the party’s position was devoid of arguable legal merit.” Jerico Construction, Inc v Quadrants, Inc, 257 Mich App 22, 35-36 (2003), citing MCL 600.2591. A good-faith representation does not give rise to sanctions merely because it is ultimately rejected by a court or jury. Jerico Construction, 257 Mich App at 36. “That the alleged facts are later discovered to be untrue does not invalidate a prior reasonable inquiry.” Id. Applying these standards, the Court must consider the conduct of Leitelt and his attorneys in order to resolve Defendant Serviscreen’s request for sanctions under MCR 2.114.

Defendant Serviscreen has traced the numerous factual representations made by Leitelt from his original complaint through several rounds of affidavits to lay out a compelling case that Leitelt adjusted his story as necessary to avoid summary disposition under MCR 2.116(C)(10). During the trial, Leitelt’s ever-shifting explanations of his relationship with Serviscreen and its personnel proved fatal, as counsel for Serviscreen destroyed Leitelt’s credibility with all of Leitelt’s inconsistencies. Consequently, the inconsistencies in Leitelt’s pleadings and affidavits cannot be gainsaid, but those

inconsistencies cannot necessarily be attributed to a naked effort to stave off summary disposition. Leitelt clearly began the case with an inflated understanding of his role in Serviscreen's sales efforts. As it turned out, Leitelt came to realize at trial that many others at Serviscreen played essential roles in landing new accounts, and Leitelt had to admit on the witness stand time and time again that what he had originally believed about the centrality of his role in obtaining new accounts was incorrect. Had Leitelt persisted in his original views in the face of overwhelming evidence to the contrary, the Court would be inclined to impose sanctions under MCR 2.114. But Leitelt's abandonment of most of those views under cross-examination leads the Court to conclude that he reevaluated his earlier inflated understanding of his own role when confronted with testimony and documents from others at Serviscreen. That realization and the resulting admissions Leitelt made on the witness stand lend substantial credence to the proposition that Leitelt eventually saw the light at trial and made a host of candid concessions that sank his claims. Accordingly, the Court ought not impose sanctions upon Leitelt under MCR 2.114. See Jerico Construction, 257 Mich App at 36.

B. Offer-of-Judgment Sanctions Under MCR 2.405.

“Under MCR 2.405, the offer of judgment rule, a party may serve on his or her opponent a written offer to stipulate the entry of a judgment.” Marilyn Froling Trust, 283 Mich App at 297. In this case, Defendant Serviscreen tendered an offer of judgment in the amount of \$100,000 to Plaintiff Leitelt on January 27, 2016. See Defendant Serviscreen's Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions, Exhibit 18. Because Leitelt did not accept the offer of judgment,² he rendered himself subject to sanctions if the result at trial turned out to be “more favorable to the

² Plaintiff Leitelt simply made a counteroffer of \$400,000. See Defendant Serviscreen's Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions, Exhibit 1.

offeror than the average offer[.]” See MCR 2.405(D)(1). Leitelt’s across-the-board loss at trial was much more favorable to Serviscreen than “the average offer” resulting from the offer of judgment, so MCR 2.405(D)(1) entitles Serviscreen to recover its “actual costs incurred in the . . . defense of the action” unless the Court, “in the interest of justice, refuse[s] to award an attorney fee under this rule.” See MCR 2.405(D)(3).

Our Court of Appeals has consistently ruled that offer-of-judgment sanctions should include reasonable attorney fees “absent unusual circumstances.” AFP Specialties, Inc v Vereyken, 303 Mich App 497, 518-519 (2014). Here, the Court finds nothing “unusual” about the circumstances of this case, so the Court must award the full measure of offer-of-judgment sanctions to Serviscreen. According to MCR 2.405(A)(6), Serviscreen’s “actual costs” include “the costs and fees taxable in a civil action and a reasonable attorney fee for services necessitated by the failure to stipulate to the entry of judgment.” To be sure, “[t]here must be a causal nexus between the attorney fees awarded and the rejection of the offer of judgment to qualify as ‘necessitated by’ the rejection.” AFP, 303 Mich App at 518. But all of the attorney fees incurred by Serviscreen from the date of rejection of the offer of judgment through the end of the case manifestly were necessitated by Leitelt’s rejection of the \$100,000 offer of judgment, so the Court must award reasonable attorney fees to Serviscreen for that entire period of time.

III. Determination of Reasonable Attorney Fees and Costs

Because Plaintiff Leitelt rejected Defendant Serviscreen’s offer of judgment and lost at trial, MCR 2.405(D)(1) dictates that Leitelt “must pay to the offeror the offeror’s actual costs incurred in the prosecution or defense of the action” when “the adjusted verdict is more favorable to the offeror

than the average offer[.]” Therefore, the Court must award Serviscreen its “actual costs,” see MCR 2.405(D)(3), which include “the costs and fees taxable in a civil action and a reasonable attorney fee for services necessitated by the failure to stipulate to the entry of judgment.” See MCR 2.405(A)(6). Our Supreme Court has noted, however, that “reasonable fees are different from the fees paid to the top lawyers by the most well-to-do clients.” Smith v Khouri, 481 Mich 519, 533 (2008). Thus, the Court must engage in a three-step process to establish a reasonable attorney fee in this case and then augment that award with the costs and fees taxable in this case.

A. Calculation of a Reasonable Attorney Fee.

Calculation of a reasonable attorney fee requires a three-step analysis under Smith v Khouri, 481 Mich 519, 522 (2008). The Court must begin by determining a “reasonable hourly or daily rate customarily charged in the locality for similar legal services[.]” Smith, 481 Mich at 522. The hourly rate then “should be multiplied by the reasonable number of hours expended.” Id. Finally, “the court may consider making adjustments up or down in light of the other factors listed in Wood [v DAIIE, 413 Mich 573 (1982)] and MRPC 1.5(a).” Id. The Court shall address each of these issues in turn.

1. Reasonable Hourly Rates

Although Defendant Serviscreen received legal representation from two law firms, David & Wierenga and then Rhoades McKee, only Rhoades McKee provided legal services after the date on which Plaintiff Leitelt rejected Serviscreen’s offer of judgment.³ Thus, the Court need not consider

³ Defendant Serviscreen presented its \$100,000 offer of judgment on January 27, 2016, see Defendant Serviscreen’s Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions, Exhibit 18, and Plaintiff Leitelt responded by tendering a counteroffer of judgment for \$400,000 on February 17, 2016, see id., Exhibit 19, so the Court concludes that Leitelt rejected Serviscreen’s offer of judgment on February 17, 2016. See MCR 2.405(C)(2).

the reasonableness of the hourly rate charged by any attorney at David & Wierenga. The Court must, however, assess the reasonableness of the hourly rates charged by the Rhoades McKee attorneys who provided services to Serviscreen on or after the date of rejection, *i.e.*, February 17, 2016. The lead attorney from Rhoades McKee, Attorney Stephen J. Hulst, billed at an hourly rate of \$355. That rate is in line with the billing practices of attorneys at the 75th percentile of the profession with Attorney Hulst's level of experience. See Defendant Serviscreen's Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions at 16 n39 (compilation of billing rates prescribed in the 2014 State Bar of Michigan Economics of Law Practice Attorney Income and Billing Rate Summary Report).⁴ Indeed, Attorney Hulst was nothing short of spectacular in representing Serviscreen before, during, and after trial. The other two attorneys from Rhoades McKee who represented Serviscreen, G. Will Furtado and Patrick E. Sweeney, billed at the relatively modest rate of \$250 per hour. That billing rate, which is commensurate with the customary billing practices of attorneys at the 75th percentile of the profession, see Defendant Serviscreen's Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions, Exhibit 20, strikes the Court as eminently reasonable. Therefore, the Court approves the billing rate of each Rhoades McKee attorney who worked on this matter.

2. Reasonable Number of Hours

The Court has reviewed the billing sheets furnished by Rhoades McKee in order to determine the number of hours for which Plaintiff Leitelt must compensate Defendant Serviscreen. Attorney Hulst devoted 375.75 hours to the case, but many of those hours were billed before Leitelt rejected Serviscreen's offer of judgment on February 17, 2016. From that date forward, Attorney Hulst had

⁴ That report is attached as Exhibit 20 to Defendant Serviscreen's Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions.

236 hours of billable time on the case.⁵ See Defendant Serviscreen’s Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions, Exhibit 25. Also, beginning on February 17, 2016, the two Rhoades McKee associates who worked for Serviscreen billed the following number of hours: Attorney Sweeney billed 10 hours;⁶ and Attorney Furtado billed 79.75 hours.⁷ Much to the Court’s satisfaction, none of the billing entries involves redundant time where two attorneys performed the same task, so the Court need not make an reductions in the hourly billing figures to account for such redundancy. See Van Elslander v Thomas Sebold & Associates, Inc, 297 Mich App 204, 231 (2012). (“‘excessive, redundant or otherwise unnecessary’ hours regardless of the attorneys’ skill, reputation or experience should be excluded”). Instead, the Court simply must multiply the approved hours by the attorneys’ billing rates to arrive at a “reasonable” attorney fee.

Completing the straightforward arithmetic necessary to calculate a reasonable attorney fee, the Court concludes that Defendant Serviscreen is entitled to \$83,780 for Attorney Hulst’s billing, *i.e.*, \$355 per hour times 236 hours, an additional \$2,500 for Attorney Sweeney’s billing, *i.e.*, \$250 per hour times 10 hours, and an additional \$19,937.50 for Attorney Furtado’s billing, *i.e.*, \$250 per hour times 79.75 hours. Therefore, the total reasonable attorney fees that Plaintiff Leitelt must pay to Serviscreen as offer-of-judgment sanctions under MCR 2.405 is \$106,217.50, as computed under the framework prescribed by our Supreme Court in Smith, 481 Mich at 522, and recently reaffirmed in Pirgu v United Services Automobile Ass’n, 499 Mich 269, 275 (2016).

⁵ In conformity with the Court’s practice, the billing sheets submitted by Rhoades McKee are attached in their entirety as Appendix A to this opinion. Each approved entry for Attorney Hulst is identified with a yellow highlighter mark.

⁶ Each approved entry for Attorney Sweeney is denoted by a pink highlighter mark.

⁷ Each approved entry for Attorney Furtado is denoted by a green highlighter mark.

Beyond attorney fees, Defendant Serviscreen has requested compensation for the work of two paralegals, Kim Connor of Rhoades McKee and Tina Longcore of David & Wierenga, who took part in the case. According to MCR 2.626, an “award of attorney fees may include an award for the time and labor of any legal assistant who contributed nonclerical, legal support under the supervision of an attorney, provided the legal assistant meets the criteria set forth in Article 1, § 6 of the Bylaws of the State Bar of Michigan.” Serviscreen has provided ample evidence that both paralegals meet the requirements of MCR 2.626. See Defendant Serviscreen’s Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions, Exhibits 27 & 28. The affidavit of Kim Connor demonstrates that she performed 117.50 hours of legal work on or after the rejection of Serviscreen’s offer of judgment on February 17, 2016, id., Exhibit 27, so the Court shall augment the attorney-fee award by \$15,275 to account for her time.⁸ In contrast, Tina Longcore did all of her work on this matter before Plaintiff Leitelt rejected the offer of judgment on February 17, 2016. See id., Exhibit 28, Consequently, the Court cannot award anything for her time as part of the offer-of-judgment sanctions. As a result, the Court’s computation of Serviscreen’s “reasonable” attorney fees under MCR 2.405 is \$121,492.50, *i.e.*, \$106,217.50 in fees generated by the attorneys at Rhoades McKee plus \$15,275 in fees from the paralegal work at Rhoades McKee.

3. Consideration of Adjustments

The Court’s computation of a reasonable attorney fee is subject to modification, either up or down, based upon eight factors. See Pirgu, 499 Mich at 282. The Court concludes, however, that none of those factors warrants an adjustment of the \$121,492.50 figure yielded by the first two steps

⁸ Defendant Serviscreen has requested compensation for Kim Connor’s time at the reasonable rate of \$130 per hour. The Court formally approves that hourly rate for her services.

of the analysis prescribed in Smith, 481 Mich at 522. That is, the parties presented a run-of-the-mill case, Defendant Serviscreen’s attorneys performed well but not well beyond expectations, the case did not require Serviscreen’s attorneys to turn down other employment, the case proceeded to trial at a normal pace, and Serviscreen’s attorneys billed their client by the hour. Pirgu, 499 Mich at 282. In sum, the Court finds nothing in the record to justify a modification of the \$121,492.50 award that the Court calculated by multiplying the approved billable hours by the approved billing rates. Thus, the Court shall award Serviscreen that amount as the attorney-fee component of offer-of-judgment sanctions under MCR 2.405.

B. Determination of Taxable Costs.

Under MCR 2.405(A)(6), Defendant Serviscreen’s offer-of-judgment award must include “the costs and fees taxable in a civil action[.]” In support of this request, Serviscreen has provided a chart listing total costs of \$2,596.41. See Defendant Serviscreen’s Brief in Support of Motion for Sanctions and Offer-of-Judgment Sanctions at 20. After carefully reviewing that chart, the Court finds that each element of costs claimed by Serviscreen is appropriate. Moreover, the Court notes that Plaintiff Leitelt has offered no objection to any element of costs claimed by Serviscreen. Thus, the Court shall award costs in the amount of \$2,596.41 to Serviscreen as a component of the offer-of-judgment sanctions in this case.

IV. Conclusion

For all of the reasons stated in this opinion, the Court concludes that Defendant Serviscreen is entitled to recover from Plaintiff Leitelt as offer-of-judgment sanctions \$121,492.50 in reasonable attorney fees. Additionally, the Court determines that Serviscreen is entitled to \$2,596.41 in costs.

That yields an aggregate award of \$124,088.91. The Court invites Serviscreen to submit a proposed judgment under the seven-day rule, see MCR 2.602(B)(3), which memorializes the verdict, adds the Court's award of attorney fees and costs, and closes the case.

IT IS SO ORDERED.

Dated: October 26, 2016



HON. CHRISTOPHER P. YATES (P41017)
Kent County Circuit Court Judge

Appendix A: Rhoades McKee Billing Sheets

Work Date	Timekeeper Name	Work Hours	Narrative
9/22/2015	Stephen J. Hulst	1.00	Phone call with Aria Van Os regarding commission case; review case law on procuring cause doctrine for purposes of same.
9/25/2015	Stephen J. Hulst	0.50	Emails with Mr. Van Os regarding motions; begin review of same.
9/28/2015	Stephen J. Hulst	1.00	Research and analysis of select procuring-cause cases regarding customer and sales procurement and elements to establish right to commissions under same.
9/28/2015	Stephen J. Hulst	2.00	Phone call with Mr. Van Os regarding [REDACTED]
9/28/2015	Stephen J. Hulst	2.00	Analysis of motion for summary disposition; response to same; reply to same; and letter from Attorney Lauka regarding outcome of hearing.
9/29/2015	Stephen J. Hulst	0.50	Phone call with Attorney Lauka regarding status of case and settlement conference; emails with Mr. Van Os regarding same; file appearance.
9/30/2015	Stephen J. Hulst	0.50	Emails and phone call with Attorney Lauka regarding settlement conference; emails and phone call with Mr. Van Os regarding same.
10/1/2015	Stephen J. Hulst	1.25	Begin review and analysis of file documents from Attorney Lauka.
10/1/2015	Stephen J. Hulst	0.50	Phone calls with Attorney Boncher regarding adjournment of motion; phone calls with court regarding same; begin review and analysis of motion to compel.
10/2/2015	Stephen J. Hulst	1.50	Continue review and analysis of file documents from Attorney Lauka; email to Mr. Van Os updating on status.
10/5/2015	Stephen J. Hulst	1.50	Prepare response to plaintiff's motion to compel; emails with Mr. Van Os regarding same; review emails from Jamie Wynsma and additional information regarding [REDACTED]
10/5/2015	Stephen J. Hulst	2.50	Continue review and analysis of file documents, including all correspondence, client documents, and deposition of plaintiff.
10/6/2015	Stephen J. Hulst	0.50	Finalize response to motion to compel.
10/6/2015	Stephen J. Hulst	0.25	Draft letter to Attorney Boncher regarding updated sales information.
10/8/2015	Stephen J. Hulst	0.75	Attend hearing on motion to compel; email to Mr. Van Os regarding same.
10/12/2015	Stephen J. Hulst	2.00	Review and analysis of deposition testimony of Arlen Van Os and Jamie Wynsma.
10/20/2015	Stephen J. Hulst	0.75	Finalize review of correspondence and past discovery requests and responses; email to Mr. Van Os regarding [REDACTED]
10/26/2015	Stephen J. Hulst	2.75	Research and analysis of case law regarding ability to pursue bonus/commission payments post-termination; research and analysis of case law regarding inability of court to add terms to party's agreement; research and analysis of case law regarding application of procuring-cause doctrine to bonus payments and commissions as percentage of profits.
10/26/2015	Stephen J. Hulst	1.25	Begin drafting answer and affirmative defenses to second amended complaint; email with client regarding same.
10/28/2015	Stephen J. Hulst	1.00	Research and analysis of Michigan Sales Representative Act and case law discussing application to services as opposed to the sale of products or goods.
10/28/2015	Stephen J. Hulst	0.75	Continue drafting answer and affirmative defenses to second amended complaint.
10/28/2015	Stephen J. Hulst	2.75	Preparation for client meeting; attend client meeting with Arlen and Aria Van Os.
10/29/2015	Stephen J. Hulst	2.00	Begin drafting section of motion for summary disposition regarding application of Michigan Sales Representative Commission Act to goods and products and not services.
10/29/2015	Stephen J. Hulst	1.00	Begin drafting affidavit for Arlen Van Os.
10/30/2015	Stephen J. Hulst	4.00	Continue drafting affidavit for Arlen Van Os; continue drafting section of brief regarding inapplicability of sales representative commission act to Serviscreen; begin drafting section of brief regarding inability of plaintiff to recover 2 percent bonus on net profits.
11/1/2015	Stephen J. Hulst	0.75	Continue drafting summary disposition brief.

11/2/2015	Stephen J. Hulst	3.50	Begin drafting section of summary disposition brief regarding procuring cause doctrine; research and analysis of case law regarding application of doctrine to employees as opposed to independent contractors; research and analysis of case law regarding ability to override contract terms by use of doctrine.
11/3/2015	Stephen J. Hulst	1.00	Research and analysis of Michigan and other jurisdictions' case law regarding meaning of procuring cause.
11/3/2015	Stephen J. Hulst	2.00	Continue drafting brief in support of summary disposition motion; begin drafting section regarding procuring cause doctrine.
11/4/2015	Stephen J. Hulst	2.00	Draft section of brief regarding procuring cause doctrine and inapplicability to plaintiff because he did not originate customers.
11/4/2015	Stephen J. Hulst	1.00	Research and analysis of case law from Michigan and other jurisdictions and secondary sources regarding requirement that agent introduce or originate customer or account in order to recover commissions as procuring cause.
11/5/2015	Stephen J. Hulst	2.00	Research and analysis of case law regarding requirement that agent continue to service account; draft section of brief regarding same.
11/9/2015	Stephen J. Hulst	1.00	Continue drafting and editing brief in support of motion for summary disposition.
11/11/2015	Stephen J. Hulst	1.25	Emails with Aria Van Os regarding [REDACTED]; begin drafting section of brief regarding same; review and analysis of deposition testimony and affidavits regarding agreement as to procurement of specific parts.
11/12/2015	Stephen J. Hulst	1.50	Further work on affidavit for Arlen Van Os; begin drafting section of brief regarding TSM.
11/13/2015	Stephen J. Hulst	3.00	Analysis of purchase orders and quotations for attachment to Arlen Van Os affidavit; further work on summary disposition brief; emails with Aria Van Os regarding same.
11/19/2015	Stephen J. Hulst	0.50	Edit summary disposition brief to address issues raised by opposing counsel regarding "bonus" payments.
11/19/2015	Stephen J. Hulst	0.25	Review correspondence from Attorney Boncher; email to Mr. Van Os regarding same and motion for summary disposition.
11/20/2015	Stephen J. Hulst	2.00	Analysis of Michigan law regarding definition of procuring cause; add section to brief regarding same; phone call with Aria Van Os regarding same; analysis of exhibits to summary disposition brief.
11/23/2015	Stephen J. Hulst	0.75	Review affidavit of Arlen Van Os and Aria Van Os' comments on brief; final edits to same and to exhibits.
11/24/2015	Stephen J. Hulst	0.50	Review multiple letters from Attorney Boncher; finalize and file motion and brief in support of motion for summary disposition.
12/1/2015	Stephen J. Hulst	0.25	Draft letter to Attorney Boncher regarding 2% bonus and refusal to produce documentation regarding profits of company.
12/11/2015	Stephen J. Hulst	1.25	Begin review and analysis of Leitelt response to summary disposition motion.
12/12/2015	Stephen J. Hulst	4.50	Further analysis of Leitelt response to motion for summary disposition; begin drafting reply brief to same; emails with Aria Van Os regarding [REDACTED]
12/13/2015	Stephen J. Hulst	3.00	Continue drafting reply brief; draft proposed affidavits for Shape and TSM; email to Aria Van Os regarding same; further research and analysis of sales rep act regarding application to businesses that sell or stock products.
12/14/2015	Stephen J. Hulst	3.00	Continue work on reply brief; further analysis of Leitelt's arguments and case law cited in brief; edit affidavits for Shape and TSM; emails with Aria Van Os regarding same.
12/15/2015	Stephen J. Hulst	1.50	Further edits to reply brief; research numerous cases cited by plaintiff in response brief; add section to reply brief regarding same; review updated affidavits for TSM representatives and emails with Aria Van Os regarding same.
12/16/2015	Stephen J. Hulst	1.50	Further edits to reply brief; phone call with Aria Van Os regarding same; email to Jim Post regarding affidavit; review signed affidavits from Mr. Ulla and Saleski and incorporate same into reply brief.

12/17/2015	Stephen J. Hulst	2.75	Finalize reply brief; prepare outline for hearing; further preparation for oral argument on motion.
12/18/2015	Stephen J. Hulst	4.00	Continue preparation for hearing; attend hearing on motion for summary disposition.
12/24/2015	Stephen J. Hulst	0.25	Review correspondence from Attorney Boncher regarding profit information.
1/6/2016	Stephen J. Hulst	0.25	Phone call with Ariaah Van Os regarding [REDACTED]
1/14/2016	Stephen J. Hulst	2.25	Review updated commission numbers; attend settlement conference; post settlement conference meeting with client.
1/15/2016	Stephen J. Hulst	1.50	Begin review of file documents in order to prepare trial exhibits; review notice of trial from court.
1/16/2016	Stephen J. Hulst	1.25	Research and analysis of SRCA and whether or not questions regarding SRCA are questions for the jury or judge.
1/16/2016	Stephen J. Hulst	1.00	Research and analysis of offer of judgment rule and email to client regarding same.
1/19/2016	Stephen J. Hulst	0.50	Follow up emails with Ariaah Van Os regarding [REDACTED]; analysis of impact of counteroffer from plaintiff.
1/21/2016	Stephen J. Hulst	0.25	Emails and phone call with counsel for PPG.
1/26/2016	George W.G. Furtado	1.50	Research application of MCR 2.405 offer of judgment sanctions; research jury instructions for procuring cause doctrine.
1/26/2016	Stephen J. Hulst	0.75	Review and analysis of Barb Hosteter deposition transcript.
1/26/2016	Stephen J. Hulst	2.75	Analysis of exhibits used in Arlen Van Os deposition and testimony of Arlen Van Os and Jamie Wynsma; emails with Ariaah Van Os regarding [REDACTED]
1/28/2016	George W.G. Furtado	0.75	Research procuring cause doctrine and efforts needed by salesperson to obtain relief under same.
1/28/2016	Stephen J. Hulst	0.25	Emails with PPG attorney regarding phone conference.
1/29/2016	George W.G. Furtado	2.25	Continued research on procuring cause doctrine and jury instructions for same.
1/29/2016	Stephen J. Hulst	0.75	Prepare for phone call with Ralph Brown and PPG counsel; phone call with same.
1/31/2016	Stephen J. Hulst	0.50	Email with Ariaah and Arlen Van Os regarding [REDACTED]
2/1/2016	Stephen J. Hulst	0.25	Emails with Jamie Wynsma regarding profit calculations and Thursday meeting; emails with Ariaah Van Os regarding [REDACTED]
2/1/2016	Stephen J. Hulst	2.00	Begin analysis of exhibits for use at trial.
2/1/2016	Stephen J. Hulst	1.25	Analysis of TSM documents and TSM documents relied upon by plaintiff in Arlen Van Os' deposition.
2/2/2016	George W.G. Furtado	3.50	Continued research on procuring cause doctrine and application when no breach of commission contract is found; assemble draft jury instructions on procuring cause.
2/2/2016	George W.G. Furtado	1.00	Conference with attorney Steve Hulst regarding jury instructions, trial strategy and additional procuring cause doctrine research.
2/2/2016	Stephen J. Hulst	0.75	Research methods for use of deposition transcripts as evidence at trial.
2/2/2016	Stephen J. Hulst	3.00	Continue review and analysis of customer documents and documents filed with pleadings in order to determine and identify exhibits for use at trial; begin organization of same.
2/3/2016	George W.G. Furtado	1.50	Draft proposed special jury instructions for procuring cause doctrine.
2/3/2016	Stephen J. Hulst	3.00	Continue review and analysis of file documents for purposes of identifying trial exhibits.
2/3/2016	Stephen J. Hulst	2.25	Begin preparation of deposition summary of Jamie Wynsma and preparation for meeting with Mr. Wynsma; review tax returns and profit and loss statements.
2/3/2016	Stephen J. Hulst	0.25	Phone call with accountant Jeff Elders regarding case and potential liability for same.
2/4/2016	George W.G. Furtado	1.25	Continued drafting of procuring cause proposed jury instructions.
2/4/2016	Stephen J. Hulst	4.00	Meeting with Ariaah Van Os, Jamie Wynsma, Esther Vanbronkhorst, and David White.
2/4/2016	Stephen J. Hulst	1.00	Further analysis of exhibits for use at trial; review purchase orders and invoices and other customer documentation.

2/4/2016 Stephen J. Hulst	1.00 Finalize deposition summary for Jamie Wynsma and further preparation for meeting with same.
2/5/2016 George W.G. Furtado	3.25 Research leniency afforded by a court regarding filing of witness lists and failure to identify specific individuals in witness list.
2/5/2016 Stephen J. Hulst	0.50 Begin review of motion in limine regarding TSM witnesses.
2/5/2016 Stephen J. Hulst	0.75 Review updated sales, commission, and profit statements from Jamie Wynsma; email to Mr. Wynsma regarding same; draft letter to Attorney Boncher regarding same.
2/5/2016 Stephen J. Hulst	1.25 Add notes to Wynsma deposition; draft email to Mr. Wynsma regarding [REDACTED]
2/5/2016 Stephen J. Hulst	0.75 Review and analysis of emails regarding PPG.
2/6/2016 Stephen J. Hulst	3.25 Draft deposition summary of Arlen Van Os deposition, Barb Hosteter deposition, and Jim Post deposition.
2/7/2016 Stephen J. Hulst	1.50 Draft deposition summary of Newton Leitelt deposition.
2/8/2016 George W.G. Furtado	2.25 Research and draft jury instructions for defendant's affirmative defenses.
2/8/2016 George W.G. Furtado	5.50 Draft brief in response to Plaintiff's motion in limine; conference with Stephen Hulst regarding same.
2/8/2016 Stephen J. Hulst	1.00 Begin preparing outline for direct examination of Arlen Van Os.
2/9/2016 George W.G. Furtado	3.00 Additional drafting of brief in opposition to Plaintiff's motion in limine - argument regarding Messrs. Ulla and Saleski's personal knowledge.
2/10/2016 George W.G. Furtado	4.00 Continued drafting of brief in opposition to Plaintiff's motion in limine - background and argument regarding competency of witnesses.
2/10/2016 Stephen J. Hulst	0.75 Analysis of timeline of Newton's promotion and sales at time of promotion; emails with Ariaiah Van Os regarding same.
2/10/2016 Stephen J. Hulst	2.00 Finish direct examination outline for Arlen Van Os.
2/11/2016 Stephen J. Hulst	0.50 Phone calls with Jeff Swiftney and Larry Saleski.
2/11/2016 Stephen J. Hulst	1.50 Prepare examination of Jamie Wynsma.
2/12/2016 Stephen J. Hulst	0.50 Emails with Ariaiah Van Os regarding [REDACTED]
2/12/2016 Stephen J. Hulst	2.00 Continue preparation of Newton Leitelt cross examination outline.
2/14/2016 Stephen J. Hulst	1.00 Research case law regarding affirmative defense of first substantial breach.
2/14/2016 Stephen J. Hulst	0.75 Research and analysis of submission of questions involving Sales Representative Act to jury.
2/14/2016 Stephen J. Hulst	1.25 Work on jury instructions regarding breach of contract, procuring cause and Sales Representative Act.
2/15/2016 Stephen J. Hulst	1.00 Edit response to motion in limine; analysis of exhibits to same.
2/15/2016 Stephen J. Hulst	1.50 Research and analysis of case law regarding affirmative defenses, burden of proof regarding same, accord and satisfaction, waiver, and faithless-agent defenses.
2/15/2016 Stephen J. Hulst	0.75 Review and analysis of previous witness lists and discovery responses regarding same.
2/15/2016 Stephen J. Hulst	1.25 Work on jury verdict form.
2/15/2016 Stephen J. Hulst	4.00 Continue work on jury instructions, including contract, procuring cause, Commission Act, damages, and preliminary instructions.
2/16/2016 Stephen J. Hulst	0.75 Finalize response to motion in limine.
2/16/2016 Stephen J. Hulst	1.00 Begin work on opening statement.
2/17/2016 Stephen J. Hulst	0.25 Review letter from Attorney Boncher regarding tax returns and profit/loss statements; emails with client regarding same.
2/17/2016 Stephen J. Hulst	0.50 Review counter offer from Boncher and emails with client regarding same.
2/18/2016 Stephen J. Hulst	1.75 Continue work on opening statement.
2/18/2016 Stephen J. Hulst	1.00 Review updated profit and loss information from Mr. Wynsma; review other profit and loss statements and previous productions of financial information.
2/18/2016 Stephen J. Hulst	0.25 Draft letter to Attorney Boncher regarding offer of judgment, profit and loss, and previously produced tax returns.
2/18/2016 Stephen J. Hulst	1.25 Review Arlen Van Os deposition and comment on same; send email to Mr. Van Os regarding same.
2/18/2016 Stephen J. Hulst	3.00 Continue work on Newton cross examination outline; review and analysis of Newton affidavits; review and analysis of Newton complaints for purposes of same.

8.0 hours for Attorney Hulst

2/19/2016 Stephen J. Hulst	1.00 Continue work on opening statement outline.
2/19/2016 Stephen J. Hulst	0.75 Analysis of Leitelt affidavits and emails with Aria Van Os regarding [REDACTED]
2/19/2016 Stephen J. Hulst	1.00 Analysis of TSM sales and emails with Aria Van Os regarding same.
2/19/2016 Stephen J. Hulst	0.50 Finalize response to motion in limine; review additional emails involving Larry Saleski.
2/19/2016 Stephen J. Hulst	1.00 Analysis of emails involving TSM and Ralph Brown; email to TSM counsel regarding same.
2/19/2016 Stephen J. Hulst	2.00 Continue preparation for Newton cross examination.
2/20/2016 Stephen J. Hulst	0.75 Further analysis of sales to at issue customers and timing of same.
2/20/2016 Stephen J. Hulst	1.00 Continue work on examination outline for plaintiff.
2/22/2016 Stephen J. Hulst	1.00 Begin drafting trial brief.
2/22/2016 Stephen J. Hulst	2.50 Continue preparation of exhibits for use at trial.
2/22/2016 Stephen J. Hulst	0.75 Continue preparation for examination of Jamie Wynsma.
2/22/2016 Stephen J. Hulst	1.25 Continue preparation for direct examination of Arlen Van Os.
2/22/2016 Stephen J. Hulst	1.00 Attend hearing on motion in limine.
2/22/2016 Stephen J. Hulst	1.00 Office meeting with Aria Van Os.
2/22/2016 Stephen J. Hulst	1.00 Preparation for hearing on motion in limine.
2/23/2016 Stephen J. Hulst	0.25 Emails with Attorney Brown at PPG regarding follow up phone call with Ralph Brown.
2/23/2016 Stephen J. Hulst	0.25 Emails with Attorney Moskal regarding service of trial subpoena as to Jim Post.
2/24/2016 Patrick E. Sweeney	1.75 Review and analyze law regarding use of prior, amended pleadings.
2/24/2016 Stephen J. Hulst	0.75 Begin preparation of outline for Larry Saleski testimony.
2/24/2016 Stephen J. Hulst	0.50 Begin preparation of outline for David White examination.
2/24/2016 Stephen J. Hulst	0.25 Review letter from Attorney Boncher regarding terms and conditions; emails with Aria Van Os regarding same.
2/24/2016 Stephen J. Hulst	0.25 Phone call with Larry Saleski regarding trial deposition; review subpoena and deposition notice for Mr. Saleski.
2/24/2016 Stephen J. Hulst	1.25 Begin preparation of direct examination outline for Aria Van Os.
2/24/2016 Stephen J. Hulst	0.50 Continue preparation of Arlen Van Os examination.
2/25/2016 Patrick E. Sweeney	1.25 Review and analyze the law regarding the use of prior amended pleadings.
2/25/2016 Stephen J. Hulst	0.25 Phone call with Attorney Brown of PPG regarding testimony of Ralph Brown.
2/25/2016 Stephen J. Hulst	0.50 Review information from client on TSM timeline.
2/25/2016 Stephen J. Hulst	1.00 Continue drafting trial brief.
2/26/2016 Patrick E. Sweeney	0.25 Review law regarding use of prior pleadings with Steve Hulst, discuss plaintiff's proposed expert testimony.
2/26/2016 Stephen J. Hulst	2.00 Continue review and analysis of documents in preparation for cross examination of Newton Leitelt and examination of Arlen Van Os, Aria Van Os, Jamie Wynsma, and Larry Saleski.
2/26/2016 Stephen J. Hulst	0.25 Phone call with Attorney Brown at PPG regarding testimony of Ralph Brown.
2/26/2016 Stephen J. Hulst	1.50 Analysis of admissibility of various exhibits for use at trial.
2/26/2016 Stephen J. Hulst	0.50 Continue drafting verdict form.
2/26/2016 Stephen J. Hulst	2.75 Continue drafting jury instructions and research case law regarding same.
2/26/2016 Stephen J. Hulst	0.75 Finalize trial brief.
2/27/2016 Stephen J. Hulst	1.50 Continued preparation for cross examination of Newton Leitelt.
2/27/2016 Stephen J. Hulst	2.50 Continued analysis and organization of exhibits to use at trial.
2/28/2016 Patrick E. Sweeney	0.25 Prepare bench memorandum regarding use of prior, superseded pleadings.
2/28/2016 Stephen J. Hulst	0.50 prepare exhibit summary list
2/28/2016 Stephen J. Hulst	2.25 Continued review and analysis of exhibits for use at examination of Jamie Wynsma, Arlen Van Os, Aria Van Os, and David White.
2/29/2016 Stephen J. Hulst	1.00 Review and analysis of emails involving Ralph Brown and PPG.
2/29/2016 Stephen J. Hulst	1.25 Continue preparation for Ralph Brown trial deposition.
2/29/2016 Stephen J. Hulst	1.75 Continue compiling exhibits for use at trial.
2/29/2016 Stephen J. Hulst	1.50 Begin review of emails in sales email account.
3/1/2016 Stephen J. Hulst	0.25 Emails with PPG and TSM regarding trial depositions.
3/1/2016 Stephen J. Hulst	2.00 Work on opening statement and exhibits to use for same.
3/2/2016 Patrick E. Sweeney	0.50 Draft bench memo regarding use of superseded pleadings as evidence.

44.5 hours for Attorney Hulst

4.0 hours for Attorney Sweeney

3/2/2016 Stephen J. Hulst	0.25 Emails to Attorney Bloch at PPG regarding Ralph Brown deposition.
3/2/2016 Stephen J. Hulst	1.50 Review and analysis of additional TSM and Shape emails for use at trial.
3/3/2016 Stephen J. Hulst	1.75 Begin drafting motion to quash subpoena and for protective order.
3/3/2016 Stephen J. Hulst	0.25 Phone call with Larry Saleski regarding subpoena.
3/4/2016 Stephen J. Hulst	0.50 Draft subpoena and letter to James Post of Shape.
3/4/2016 Stephen J. Hulst	1.25 Finalize brief in support of motion for protective order and to quash subpoena; draft motion regarding same.
3/5/2016 Stephen J. Hulst	1.25 Finalize trial brief and jury instructions.
3/5/2016 Stephen J. Hulst	0.75 Further work on examination outline for Larry Saleski.
3/5/2016 Stephen J. Hulst	1.00 Further work on opening and send same to paralegal.
3/6/2016 Stephen J. Hulst	0.25 Review and analysis of commission calculations and spreadsheet regarding same.
3/6/2016 Stephen J. Hulst	1.25 Further preparation for voir dire and research regarding same.
3/7/2016 George W.G. Furtado	0.50 Research party's standing to bring motion for protective order to quash subpoena to third-party; email to Steve Hulst regarding same.
3/7/2016 Stephen J. Hulst	0.50 Review and analysis of plaintiff's motion in limine.
3/7/2016 Stephen J. Hulst	1.00 Begin preparing for hearing on motions in limine and motion to quash subpoena.
3/7/2016 Stephen J. Hulst	0.75 Review and analysis of plaintiff's proposed jury instructions.
3/7/2016 Stephen J. Hulst	0.50 Review and analysis of plaintiff's trial brief.
3/7/2016 Stephen J. Hulst	0.75 Review and analysis of plaintiff's response to motion to quash subpoena and for protective order.
3/7/2016 Stephen J. Hulst	0.75 Research and analysis of character rules of evidence and admissibility of same.
3/7/2016 Stephen J. Hulst	1.50 Draft response to motion in limine.
3/8/2016 Patrick E. Sweeney	2.50 Review and analyze Michigan law regarding permissible expert witness testimony.
3/8/2016 Stephen J. Hulst	1.00 Begin review of exhibits produced by plaintiff.
3/8/2016 Stephen J. Hulst	1.00 Review and analysis of exhibits for use in examination of Esther Van Bronkhorst.
3/8/2016 Stephen J. Hulst	1.25 Review and analysis of exhibits for use at Ralph Brown deposition.
3/8/2016 Stephen J. Hulst	1.00 Post hearing meeting with Aria Van Os.
3/8/2016 Stephen J. Hulst	1.00 Attend hearing on motions in limine and motion to quash and informational conference with Judge Yates.
3/8/2016 Stephen J. Hulst	1.25 Further preparation of outline for use at deposition of Ralph Brown.
3/8/2016 Stephen J. Hulst	1.50 Further preparation for testimony of Esther Van Bronkhorst.
3/8/2016 Stephen J. Hulst	1.75 Further preparation for hearing on motion in limine and motion to quash subpoena.
3/8/2016 Stephen J. Hulst	2.00 Further preparation of exhibits for use at trial.
3/9/2016 George W.G. Furtado	2.50 Receipt and review of Plaintiff's Motion in Limine; drafting of brief in response to same.
3/9/2016 George W.G. Furtado	6.75 Review of Plaintiff's proposed jury instructions; notes and objections to same; email to Attorney Steve Hulst regarding review and objections to Plaintiff's special jury instructions.
3/9/2016 Patrick E. Sweeney	1.25 Draft bench memo regarding the proper scope of expert witness testimony.
3/9/2016 Stephen J. Hulst	0.50 Review and analysis of additional motion in limine filed by plaintiff.
3/9/2016 Stephen J. Hulst	0.25 Review order issued by court on motion in limine and conversation with Saleski regarding same.
3/9/2016 Stephen J. Hulst	2.00 Continue preparation for trial depositions of Saleski and Brown.
3/9/2016 Stephen J. Hulst	1.75 Continue review and analysis of plaintiff's trial exhibits.
3/9/2016 Stephen J. Hulst	6.50 Meeting at Serviscreen and preparation for testimony with Jamie Wynsma, Arlen Van Os, and Aria Van Os.
3/10/2016 George W.G. Furtado	1.25 Draft motion in limine to preclude evidence and admissions from Serviscreen's answer to complaint and answer to first amended complaint.
3/10/2016 George W.G. Furtado	2.25 Continued drafting and revision of brief in response to motion in limine; compile exhibits for same.
3/10/2016 Stephen J. Hulst	1.25 Further preparation for Saleski trial deposition.
3/10/2016 Stephen J. Hulst	2.25 Return travel to Grand Rapids.
3/10/2016 Stephen J. Hulst	2.00 Travel to and attend trial deposition of Ralph Brown.
3/10/2016 Stephen J. Hulst	1.00 Attend trial deposition of Larry Saleski.

13.25 hours billed by Attorney Furtado
45.0 hours billed by Attorney Hulst
3.75 hours billed by Attorney Sweeney

3/10/2016 Stephen J. Hulst	1.50 Further preparation for Ralph Brown trial deposition and analysis of exhibits to use at same.
3/10/2016 Stephen J. Hulst	4.00 Travel to Auburn Hills; attend discovery deposition of Larry Saleski.
3/11/2016 Patrick E. Sweeney	2.25 Draft bench memorandum regarding possible routes of impeaching former employee if she testifies at trial.
3/11/2016 Stephen J. Hulst	0.50 Review previous discovery responses regarding production of emails and objections to same.
3/11/2016 Stephen J. Hulst	0.50 Meeting with paralegal and assistant regarding exhibits.
3/11/2016 Stephen J. Hulst	0.75 Review and edit response to motion in limine and motion in limine regarding prior pleadings.
3/11/2016 Stephen J. Hulst	1.75 Analysis of prior Shape emails involving Esther Van Bronkhorst and further emails involving Esther Van Bronkhorst, Shape, and TSM customers.
3/11/2016 Stephen J. Hulst	1.25 Review plaintiff's updated trial exhibit list and phone call and emails with Ariaiah Van Os regarding same.
3/11/2016 Stephen J. Hulst	5.00 Meetings with Esther Van Bronkhorst, David White, Arlen Van Os, and Ariaiah Van Os.
3/11/2016 Stephen J. Hulst	2.00 Edit cross examination outline for Newton Leitelt.
3/11/2016 Stephen J. Hulst	1.50 Review opening and exhibits and prepare for same with paralegal.
3/12/2016 Stephen J. Hulst	0.50 Edit examination outline for Jamie Wynsma.
3/12/2016 Stephen J. Hulst	1.00 Edit examination outline for Arlen Van Os.
3/12/2016 Stephen J. Hulst	0.50 Edit examination outline for Jim Post of Shape.
3/12/2016 Stephen J. Hulst	2.00 Further analysis of plaintiff's trial exhibits and defendant's trial exhibits.
3/12/2016 Stephen J. Hulst	1.50 Review and analysis of plaintiff's proposed jury instructions and Attorney Furtado's analysis of same; send comments regarding same to Attorney Furtado.
3/12/2016 Stephen J. Hulst	1.00 Research and analysis of case law regarding dismissal and sanctions for lying under oath.
3/12/2016 Stephen J. Hulst	1.50 Continue analysis and preparation for Newton Leitelt cross examination.
3/12/2016 Stephen J. Hulst	1.00 Prepare examination for Sarah Ellison; research regarding same.
3/12/2016 Stephen J. Hulst	1.25 Continue work on opening statement.
3/13/2016 George W.G. Furtado	3.25 Draft Serviscreen's objections to Plaintiff's proposed jury instructions.
3/13/2016 Stephen J. Hulst	1.00 Review motions in limine and responses to same regarding amended pleadings and terms of contract.
3/13/2016 Stephen J. Hulst	1.00 Further preparation of trial notebook.
3/13/2016 Stephen J. Hulst	0.75 Review and analysis of edited objections to plaintiff's proposed jury instructions.
3/13/2016 Stephen J. Hulst	1.00 Further preparation of opening statement.
3/13/2016 Stephen J. Hulst	3.25 Review and edit examination outline for Esther Van Bronkhorst and analysis of exhibits/emails for use in same.
3/13/2016 Stephen J. Hulst	2.00 Review and edit direct examination outline for Ariaiah Van Os and analysis of exhibits for use in same.
3/14/2016 Stephen J. Hulst	0.25 Review reply to response to plaintiff's motion in limine.
3/14/2016 Stephen J. Hulst	0.25 Review response to motion in limine regarding amended pleadings.
3/14/2016 Stephen J. Hulst	1.00 Lunch conference with clients regarding jury and opening statements.
3/14/2016 Stephen J. Hulst	6.00 Attend trial.
3/15/2016 George W.G. Furtado	2.50 Review of trial deposition transcript of Larry Saleski; draft objections to same.
3/15/2016 George W.G. Furtado	2.25 Receipt and review of Plaintiff's proposed additional jury instructions; draft objections to same.
3/15/2016 Stephen J. Hulst	1.00 Further analysis of plaintiff's trial exhibits regarding Shape and TSM purchase orders.
3/15/2016 Stephen J. Hulst	0.25 Emails with Jamie Wynsma regarding [REDACTED].
3/15/2016 Stephen J. Hulst	1.25 Revise examination of Jamie Wynsma.
3/15/2016 Stephen J. Hulst	0.75 Revise examination of Jim Post and phone call to same regarding day to testify.
3/15/2016 Stephen J. Hulst	1.00 Review examination outline of Newton Leitelt with paralegal and prepare for presentation of exhibits regarding same.
3/15/2016 Stephen J. Hulst	3.75 Meeting with Jamie Wynsma, Ariaiah Van Os, and Arlen Van Os in preparation for testimony.
3/15/2016 Stephen J. Hulst	1.00 Further analysis of plaintiff's damages spreadsheet.

54.5 hours billed by Attorney Hulst
2.25 hours billed by Attorney Sweeney
8.0 hours billed by Attorney Furtado

3/16/2016 George W.G. Furtado	2.50 Continued drafting of objections to trial deposition of Larry Saleski; email to opposing counsel regarding same and requesting stipulation regarding objections; draft affidavit for Jeshua Lauka regarding production of Serviscreen email login and password to Fred Boncher.
3/16/2016 Stephen J. Hulst	0.25 Emails with Jamie Wynsma regarding anticipated questions.
3/16/2016 Stephen J. Hulst	1.00 Begin preparation of cross examination outline for plaintiff regarding prior discovery responses and gmail account.
3/16/2016 Stephen J. Hulst	0.25 Analysis of additional trial exhibits presented by plaintiff and of damages analysis.
3/16/2016 Stephen J. Hulst	5.00 Attend trial - examination of Newton Leitelt and beginning of cross examination.
3/17/2016 Stephen J. Hulst	1.00 Analysis of additional emails contained in Serviscreen email account and emails with client regarding same.
3/17/2016 Stephen J. Hulst	1.25 Begin preparation of closing argument outline.
3/17/2016 Stephen J. Hulst	1.25 Finalize outline for examination of Sarah Ellison and analysis of exhibits to use for same.
3/17/2016 Stephen J. Hulst	1.25 Continue preparation of examination outline for plaintiff regarding discovery responses and email production; analysis of additional exhibits to use for same.
3/18/2016 George W.G. Furtado	4.75 Draft motion in limine and brief in support regarding trial deposition of Larry Saleski; draft brief in response to Plaintiff's motion in limine regarding David White.
3/18/2016 Stephen J. Hulst	0.75 Further analysis of plaintiff's damages and email to Aria and Jamie regarding same and errors in same.
3/18/2016 Stephen J. Hulst	0.50 Draft email to Arlen regarding [REDACTED]
3/18/2016 Stephen J. Hulst	0.25 Review motion in limine regarding David White and conference with Attorney Furtado regarding same.
3/18/2016 Stephen J. Hulst	2.50 Work on closing argument outline.
3/18/2016 Stephen J. Hulst	3.00 Continue work on examination outlines for Arlen Van Os, Esther Van Bronkhorst, Jim Post, Sarah Ellison, Aria Van Os, and Jamie Wynsma.
3/19/2016 Stephen J. Hulst	2.00 Begin drafting bench memo in support of motion for directed verdict.
3/19/2016 Stephen J. Hulst	1.00 Review and edit outlines for Newton Leitelt and Jamie Wynsma.
3/19/2016 Stephen J. Hulst	1.25 Work on closing argument outline, exhibits, and argument.
3/20/2016 Stephen J. Hulst	1.50 Continue work on bench memo regarding directed verdict.
3/20/2016 Stephen J. Hulst	1.50 Continue work on closing argument outline.
3/21/2016 George W.G. Furtado	0.50 Research authority of court to exclude evidence sua sponte notwithstanding lack of objection.
3/21/2016 Stephen J. Hulst	0.50 Further preparation for closing argument.
3/21/2016 Stephen J. Hulst	1.00 Post-trial meeting with clients.
3/21/2016 Stephen J. Hulst	7.50 Attend trial - cross examination of plaintiff and Jamie Wynsma.
3/22/2016 George W.G. Furtado	2.50 Review bene esse deposition transcript of Ralph Brown; review same for objections. Email to Judge Yates, copying counsel, regarding Defendant's objections to Ralph Brown bene esse deposition testimony.
3/22/2016 Stephen J. Hulst	1.00 Work on redirect examination outline for Arlen Van Os.
3/22/2016 Stephen J. Hulst	0.50 Finalize memo in support of motion for directed verdict.
3/22/2016 Stephen J. Hulst	1.50 Further preparation for closing.
3/22/2016 Stephen J. Hulst	1.00 Post-trial meeting with clients.
3/22/2016 Stephen J. Hulst	6.00 Attend trial, including testimony of Jim Post, Larry Saleski, and Arlen Van Os.
3/23/2016 George W.G. Furtado	5.75 Review Court's proposed final jury instructions, and prepare objections and email to Court regarding same; conference with attorney Steve Hulst regarding objections to jury instructions, trial strategy, and closing argument strategy; review of Ralph Brown's bene esse deposition for purposes of presentation to jury.
3/23/2016 Stephen J. Hulst	0.75 Edit examination outline for Aria Van Os and exhibits for same.
3/23/2016 Stephen J. Hulst	0.25 Review draft verdict form from Judge Yates.
3/23/2016 Stephen J. Hulst	2.00 Review and analysis of jury instructions, procuring-cause case law, and plaintiff's objections and suggestions regarding same.
3/23/2016 Stephen J. Hulst	0.50 Review and analysis of trial transcript of cross examination of plaintiff.
3/23/2016 Stephen J. Hulst	2.00 Further preparation of closing argument, outline, and exhibits for use in same.

50.0 hours billed by Attorney Hulst
16.0 hours billed by Attorney Furtado

3/23/2016 Stephen J. Hulst	4.00 Attend trial, including further examination of Arlen Van Os, examination of Esther Van Bronkhorst, and Ralph Brown.
3/24/2016 George W.G. Furtado	2.00 Review jury instructions; argue revisions to jury instructions and argue in opposition to Plaintiff's motion for directed verdict.
3/24/2016 Stephen J. Hulst	1.00 Continued preparation for closing argument.
3/24/2016 Stephen J. Hulst	8.00 Attend trial, including continuation of Ralph Brown testimony, Aria Van Os testimony, rebuttal testimony of plaintiff, jury instruction arguments, plaintiff's directed verdict, and closing arguments.
3/25/2016 Stephen J. Hulst	5.00 Attend trial, jury instructions, and verdict.
4/5/2016 Stephen J. Hulst	2.50 Review plaintiff's motion for judgment notwithstanding the verdict or for new trial; begin research regarding standards for same and waiver of bench trial as to equitable claims.
4/6/2016 George W.G. Furtado	1.75 Draft motion for MCR 2.114 and offer of judgment sanctions; draft brief in support of same - introduction and background facts, law regarding offer of judgment sanctions.
4/7/2016 George W.G. Furtado	5.25 Continued drafting of brief in support of motion for sanctions.
4/7/2016 Stephen J. Hulst	2.00 Begin drafting response to plaintiff's motion for new trial and JNOV.
4/7/2016 Stephen J. Hulst	1.00 Research and analysis of case law regarding submission of procuring-cause issues to jury.
4/7/2016 Stephen J. Hulst	1.00 Further research and analysis of case law regarding standards for new trial and JNOV.
4/7/2016 Stephen J. Hulst	0.75 Review and analysis of pleadings and other court documents regarding plaintiff's demand for jury trial.
4/8/2016 George W.G. Furtado	3.50 Continued drafting of brief in support of motion for sanctions; review of prior motions for summary disposition and Leitelt's use of affidavits in response to same.
4/8/2016 Stephen J. Hulst	0.75 Research and analysis of case law regarding standards for granting new trial based on alleged misconduct of counsel.
4/8/2016 Stephen J. Hulst	3.50 Continue drafting brief in response to motion for JNOV or new trial.
4/11/2016 George W.G. Furtado	4.25 Continued drafting of brief in support of motion for sanctions - background regarding Plaintiff's motion in limine to exclude Saleski, legal standard for measuring "reasonable" attorney's fees.
4/11/2016 Stephen J. Hulst	2.00 Continue drafting brief in response to motion for JNOV and new trial.
4/12/2016 George W.G. Furtado	4.75 Drafting of brief in support of motion for sanctions - legal standard for determining reasonable hours and factual allegations of falsity of Leitelt's affidavits; review of 2014 Michigan State Bar Law and Economics Survey for inclusion in motion for sanctions.
4/12/2016 Stephen J. Hulst	0.25 Review and analysis of court rules regarding timing for motions for new trial and JNOV and timing for motion for offer of judgment sanctions.
4/12/2016 Stephen J. Hulst	0.25 Draft proposed judgment following jury verdict.
4/12/2016 Stephen J. Hulst	1.00 Finalize response to motion for JNOV and for new trial.
4/13/2016 George W.G. Furtado	7.50 Review of trial exhibits for use in motion for sanctions; draft brief in support of motion for sanctions - legal assistant fees are recoverable as attorney fees pursuant to MCR 2.626
4/14/2016 George W.G. Furtado	7.25 Continued drafting of brief in support of motion for sanctions - analysis for determining appropriate sanction under MCR 2.114, argument regarding same, and determine and compile exhibits; research statutes permitting recovery of costs for prevailing party in civil action.
4/18/2016 George W.G. Furtado	5.50 Revisions to motion for sanctions and brief in support of same; draft affidavits of Jeshua Lauka, Steve Hulst, Patrick Sweeney, and G. Will Furtado for use in same.
4/20/2016 George W.G. Furtado	0.75 Compile and review exhibits for use in motion for sanctions; draft affidavits of Tina Longcore and Kim Connor for use in same.
5/5/2016 Stephen J. Hulst	1.00 Review of brief in support of sanctions and analysis of exhibits to same.
Total Hours Incurred:	495.25

34.0 hours billed by Attorney Hulst
42.5 hours billed by Attorney Furtado