

Joseph W. Borton [ISB No. 5552]  
Brian K. Marshall [ISB No. 6654]  
BORTON LAKEY LAW OFFICES  
141 E. Carlton Ave.  
Meridian, Idaho 83642  
Office: (208) 908-4415  
Fax: (208) 493-4610  
joe@borton-lakey.com

*Attorneys for the Defendant*

**IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT  
IN THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

GREGORY L. COLLETT,  
  
Plaintiff,  
  
v.  
  
PATTI ANNE LODGE,  
  
Defendant.

Case No.: CV 2014-5506

AFFIDAVIT OF JOSEPH W.  
BORTON IN SUPPORT OF  
ATTORNEY'S FEES AND COSTS

STATE OF IDAHO        )  
                                  ) ss.  
County of Ada         )

JOPSEH W. BORTON, being duly sworn upon oath deposes and says as follows:

1. I am the attorney of record for the Defendant, Patti Anne Lodge, and make the following statements based upon my own personal knowledge.

2. I am an attorney duly licensed and in good standing with the Idaho State Bar. I have over seventeen years' experience litigating cases in and around the Third Judicial District. My hourly rate is \$200 per hour which is well within the range of the rate charged by practitioners with similar experience, and reasonable in light of the unique nature of the subject

matter at issue. The fees and costs incurred as set forth herein are provided in compliance with IRCP 54(d).

3. The attorney fees described herein were computed and charged on an hourly basis. Each attorney kept contemporaneous time records that detail the work performed and the time spent on the services provided. All of the Borton Lakey Law Offices Invoices related to this litigation are attached hereto as Exhibit A.

4. A summary of costs and attorney's fees incurred by Plaintiff thus far are as follows:

**ATTORNEY FEES**

**BORTON LAKEY LAW OFFICES**

<b>ATTORNEY</b>	<b>RATE</b>	<b>HOURS</b>	<b>FEES</b>
<b>JOSEPH W. BORTON</b>	<b>\$200/HR</b>	<b>5.7</b>	<b>\$1,140.00</b>

**ATTORNEY COSTS (as a matter of Right)**

**Filing Fee: IRCP 54(d)(1)©(1) \$66.00**

**TOTAL ATTORNEY'S FEES AND COSTS: \$6,517.25**

5. This total includes the fees for Brian K. Marshall, which total the sum of \$5,311.25. An Affidavit of Brian K. Marshall in Support of Attorney's Fees and Costs is filed contemporaneously herewith.

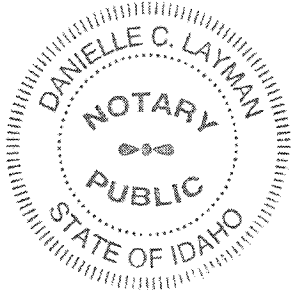
FURTHER AFFIANT SAITH NAUGHT.

DATED this 18 day of August, 2014.

**BORTON LAKEY LAW OFFICES**

By \_\_\_\_\_  
Joseph W. Borton

SUBSCRIBED AND SWORN to before me this 18 day of August, 2014.



\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at: Boise, ID  
My Commission Expires: 4/30/18

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18 day of August, 2014, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

Gregory L. Collett  
21255 Lonkey Ln  
Caldwell, Idaho 83697  
*Plaintiff*

- U.S. Mail
- Facsimile
- Overnight Mail
- Hand Delivery

\_\_\_\_\_  
Joseph W. Borton

**EXHIBIT A**

<p><b>Borton-Lakey Law Offices</b>                  141 E Carlton Ave                  Meridian, Idaho 83642                  208-908-4415 (w)                  208-493-4610 (f)                  www.borton-lakey.com</p>
<p>Patti Anne Lodge                  18500 Symms Rd.                  Caldwell, ID 83607</p>

<b>INVOICE</b>
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8/18/2014	3964
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Project
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Work Completed	Time	Description of Services	Rate	Date	Amount
Legal Service	0.3	Telephone conference with Judge Schillings secretary RE case status	175.00	7/21/2014	52.50
Legal Service	0.2	Correspondence with client	175.00	7/29/2014	35.00
Tele conference with client	0.2	Phone call with Patti	200.00	8/6/2014	40.00
Prepare for court proceeding	2.5	Prep	200.00	8/7/2014	500.00
Legal Service	0.6	Review of file with Todd Lakey; Preparations for Court Hearing on 8/11/14	175.00	8/8/2014	105.00
Court Appearance	1	Attended court hearing	200.00	8/11/2014	200.00
Legal Service	0.9	Research RE Collett's allegations; drafting response	175.00	8/13/2014	157.50
		Client Cost: Notice of Appearance filing fee in Canyon County	66.00	8/12/2014	66.00
Legal Service	2.4	Receipt and Review of Plaintiff's final pleadings	175.00	8/11/2014	420.00
Legal Service	1.1	Research RE accusations in Plaintiff's final Affidavit	175.00	8/11/2014	192.50
Legal Service	2	Research and drafting Response	175.00	8/13/2014	350.00
Legal Service	1.2	Research and drafting Response	175.00	8/14/2014	210.00
Legal Service	0.4	Review and revisions to Responsive pleadings	175.00	8/15/2014	70.00
<i>Thank you for your business!</i>			<b>\$2,398.50</b>		

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7/23/2014	3920
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Project

Work Completed	Time	Description of Services	Rate	Date	Amount
research	0.3	Research of disqualification of Judge	175.00	6/17/2014	52.50
Draft Documents	0.5	Drafting Motion and order for disqualification	175.00	6/18/2014	87.50
Draft Documents	1.3	Drafting Motion to Dismiss	175.00	6/18/2014	227.50
research	1.6	Legal Research	175.00	6/19/2014	280.00
review documents	0.5	Receipt and review of client documents & summons	175.00	6/19/2014	87.50
review documents	0.4	Review of case status and motions	175.00	6/26/2014	70.00
Tele conference with client	1.15	Telephone conference with client; revisions to Response; correspondence	175.00	6/27/2014	201.25
Draft Documents	3.5	Drafting/Filing Motion to Strike; Correspondence with client	175.00	6/30/2014	612.50
Tele conference with counsel	0.4	Communications with court RE disqualification of Judge & with client	175.00	7/1/2014	70.00
Legal Service	0.7	Correspondence with client; drafting revisions	175.00	7/3/2014	122.50
Office Meeting	1.1	with client to review and edit Affidavit in response	200.00	7/7/2014	220.00
Legal Service	0.4	Review of case status and correspondence from court	175.00	7/7/2014	70.00
meeting	1.4	Meeting with client; revisions to Response	175.00	7/7/2014	245.00
Draft Documents	0.9	amendments to Affidavit for client signature	200.00	7/8/2014	180.00
Legal Service	1	Review of new draft/ revisions; redacting exhibits and supporting documents	175.00	7/8/2014	175.00
Legal Service	0.5	Correspondence with client re revisions	175.00	7/8/2014	87.50
meeting	0.8	Meeting with client; revisions; filing	175.00	7/8/2014	140.00
Legal Service	0.3	Communications with Court RE scheduling case	175.00	7/18/2014	52.50
					\$2,981.25

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6/20/2014	3826
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Project

Work Completed	Time	Description of Services	Rate	Date	Amount
review documents	1	BM Review of file and pleadings (No Charge)	0.00	6/9/2014	0.00
review documents	1	BM Review of client files and documents from Colett (No Charge)	0.00	6/10/2014	0.00
Draft Documents	5.5	BM Drafting NOA and responsive pleadings	175.00	6/12/2014	962.50
research	1	legislative history	175.00	6/19/2014	175.00
					\$1,137.50