



mhdecoursey . <mhdecoursey@gmail.com>

RE: FW: V&E Medical Imaging Services v. DeCoursey; No. 85563-3

McBride, Ryan P. <McBrideR@lanepowell.com>

Thu, Jun 16, 2011 at 1:36 PM

To: Carol DeCoursey <cdecoursey@gmail.com>, "Gabel, Andrew J." <GabelA@lanepowell.com>, Mark DeCoursey <mhdecoursey@gmail.com>

Cc: "Degginger, Grant" <DeggingerG@lanepowell.com>

Grant won't record any time, so no worries. Please copy him on our exchanges. Thanks!

From: Carol DeCoursey [mailto:cdecoursey@gmail.com]
Sent: Thursday, June 16, 2011 12:54 PM
To: McBride, Ryan P.; Gabel, Andrew J.; Mark DeCoursey
Subject: Re: FW: V&E Medical Imaging Services v. DeCoursey; No. 85563-3

We cannot quite follow your response to No. 2, but if you have already presented your arguments to the court and you wish to remind the court, the court could not object We agree that defending a favorable ruling is wise.

Regarding copying Grant: Why? His name does not appear as an attorney of record on the case. He does not add value that we have ever seen. Paying him \$470 an hour to be cc'd on emails -- to do what? -- does not make sense.

The court is already objecting to \$440 per hour. There is no way we could justify \$1,200 per hour (Ryan+Andrew+Grant), as you noted earlier.

On Thu, Jun 16, 2011 at 10:59 AM, McBride, Ryan P. <McBrideR@lanepowell.com> wrote:

1. I recommend cross-moving in the alternative. That is, we say that the court should deny the motion but if it is going to modify the commissioner's award, it should reverse his finding that my rate was excessive. I don't think this argument will take much of my time; all I'd say is that the trial court and Division found our rates reasonable and the standard shouldn't be different in the Supreme Court. If the court takes away our non-CPA fees, we still want as much as we can get.
2. The court commissioner granted our request for an undifferentiated award of fees based on the language of the RAP regarding petitions for review; we need to defend that ruling. It is not a new argument; it is the argument we made in our reply when Hickman objected on the same ground he raises here. If we don't make the argument, the court will grant Hickman's motion, which it may do in any event. I don't think defending a favorable ruling is ever a waste of money.
3. See point 1.

Please copy Grant and Andrew on these emails so they can keep in the loop.

From: Carol DeCoursey [mailto:cdecoursey@gmail.com]
Sent: Thursday, June 16, 2011 10:48 AM
To: McBride, Ryan P.
Cc: Mark DeCoursey
Subject: Re: FW: V&E Medical Imaging Services v. DeCoursey; No. 85563-3

Point 2 raises questions. It is not a recommendation. What are the answers to the questions?

Carol & Mark

On Thu, Jun 16, 2011 at 10:40 AM, McBride, Ryan P. <McBrideR@lanepowell.com> wrote:
[I don't understand point 2. Are you saying that we should not oppose their motion to modify?](#)

From: Carol DeCoursey [mailto:cdecoursey@gmail.com]
Sent: Thursday, June 16, 2011 10:33 AM
To: McBride, Ryan P.
Cc: Mark DeCoursey
Subject: Fwd: FW: V&E Medical Imaging Services v. DeCoursey; No. 85563-3

Ryan:

Three issues:

1. Our rough arithmetic says you billed for about 40 hours on that petition. If they are saying that only \$340 per hour is reasonable, we are arguing about just a few thousand dollars. It is going to cost at least that much to make the argument, with no certainty of prevailing.
2. Surely the time to argue the issue of the CPA and attorney fees and costs before the court has come and gone? Recall that you refused to bring the matter before the Supreme Court when we answered Windermere's petition. Can we now bring up new arguments and expect a Commissioner to consider them when we denied the judges an opportunity to consider them? Would not that be a waste of money?
3. Are the fees -- in the scenario you suggest -- taxable to Windermere and would you include them in the request?

Carol & Mark

On Wed, Jun 15, 2011 at 4:43 PM, McBride, Ryan P. <McBrideR@lanepowell.com> wrote:
[Obviously, we'll respond and now that they've opened the door, we should consider cross-petitioning, at least in the alternative, on the commissioner's ruling re my rate. I'm not sure when it is due, but we'll check with the court.](#)

From: Key, Cathi [mailto:ckey@rmlaw.com]
Sent: Wednesday, June 15, 2011 4:30 PM
To: supreme@courts.wa.gov
Cc: McBride, Ryan P.; mdavis@demcolaw.com; peter@tal-fitzlaw.com; Hickman, William; Clifton, Mary
Subject: V&E Medical Imaging Services v. DeCoursey; No. 85563-3

from
William R. Hickman WSBA #1705
Reed McClure
601 Union Street, Suite 1500

Seattle, WA 98101-1363
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Email: whickman@rmlaw.com

by

Cathi Key

*Assistant to Earle Q. Bravo, Michael N. Budelsky,
William R. Hickman, William L. Holder and Pamela A. Okano*

Reed McClure

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