



Mark DeCoursey <mhdecoursey@gmail.com>

Feb. 16 call. Let's do the math

1 message

Carol DeCoursey <cdecoursey@gmail.com>

Thu, Feb 17, 2011 at 8:59 AM

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

Cc: "McBride, Ryan" <mcbriider@lanepowell.com>, "Gabel, Andrew J." <GabelA@lanepowell.com>, Mark DeCoursey <mhdecoursey@gmail.com>

Grant:

This email will confirm that on February 16, at your request, Mark and I spoke to you, Ryan McBride, and Andrew Gabel, via conference call on the subject of our response to Windermere's petition before the Supreme Court. The phone call took place between 10:00 and 10:31 a.m. approximately.

Among other things, you said Lane Powell would not represent us if we asked the Court to consider Windermere's abuse of the courts and its strategic attack on the CPA.

During the phone conversation, I expressed concern that by the time we paid off what we owed (our legal fees and expenses, the loans we took out to support the case, etc.) we would not be able to fix our house. You corrected me. I understood you to say that Mark and I had been awarded "a million and a half" dollars in our lawsuit – that there would be plenty of money to fix the house.

On August 5, 2010 we sent you a letter asking that Lane Powell not charge us 9% interest on outstanding fees and costs, and that Lane Powell be satisfied with a 3.49% interest, the same interest rate Windermere is paying us. In a response on August 5, you refused our request.

On November 7, 2010, we sent you a letter pointing out some of the problems we found in Lane Powell's representation of us on the subject of fees and awards. We again mentioned the 9% interest rate you are changing. On November 18, 2010, you wrote back, stating you did not have the time to answer the points we raised.

Concerning the exorbitant legal expenses and costs Windermere has racked up for us in their strategy of litigation by attrition warfare: Please be reminded that several times throughout the litigation, we asked for a motion to impose CR 11 sanctions on Windermere. We were told that Lane Powell has a policy which prohibits its attorneys from requesting such sanctions.

1. Grant, please address the points we raised in our November 7, 2010 letter.
2. It is necessary for us to get a picture of how much we will owe Lane Powell at the end of this siege. Please include the fees/expenses you have already incurred in the preparation of Ryan's Supreme Court response. And an estimate of how much the remand will cost. Of course we understand that you cannot predict what portion of our costs will be disallowed during the remand. Nor can you estimate the taxes we will have to pay to the IRS on the fees and costs award. (By the way, Lane Powell told us there would be no IRS taxes due on the fees and costs award. As it happens, Lane Powell was wrong about that.)
3. Please confirm that we have been awarded a million and a half dollars.

With this information, we can do the math.

Best wishes,

Carol & Mark

