



Control Number: 44211



Item Number: 14

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

44211

RECEIVED

Filed
10 November 30 P2:56
Amalia Rodriguez-Mendoza
District Clerk
Travis District
D-1-GV-10-001692

2015 JAN 12 AM 7:48

No. D-1-GV-10-001692
PUBLIC CLERK
FILING CLERK

STATE OF TEXAS,

Plaintiff,

v.

MICHAEL L. O'NEILL, d/b/a
FRONTIER PARK RESORT and
MARINA,

Defendant.

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

353rd JUDICIAL DISTRICT

AFFIDAVIT FOR ATTORNEY'S FEES

BEFORE ME, the undersigned authority, on this day personally appeared David Green, whose identity is known to me. After I administered an oath to him, upon his oath he said:

1. My name is David Green and I am an Assistant Attorney General representing the State of Texas in the above captioned matter. I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am a licensed attorney in the State of Texas and have been licensed since November 6, 2002.
3. I am generally familiar with the value of services of an attorney of my experience, reputation, and ability in Travis County and correspondingly value my time at \$225.00 per hour, which I believe to be a modest and reasonable rate. The rate for the legal assistants is \$85.00 per hour, which I believe to be a modest and reasonable rate.



More Information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:U80KGEG8C2

4. I spent 115.25 hours working on this case. These hours comprised file review, legal research, drafting of pleadings, and conferring with agency personnel.

5. The amount of time for legal assistant services performed Wanda Pittman, a legal assistant employed by the Environmental Protection and Administrative Law Division of the Office of the Attorney General, working on the case totals 12.25 hours.

6. I consequently request that the court award attorney's fees in the amount of \$26,972.50, which I believe to be a modest and reasonable fee. These fees were reasonable and necessary for the services performed.

7. In the event that proceedings to collect judgment in this case become necessary, I believe that additional attorney's fees in the amount of \$2,000.00 would be a reasonable amount. In the event of an appeal of this judgment to the Court of Appeals, I believe that additional attorney's fees in the amount of \$5,000.00 would be a reasonable amount. In the event of a petition for review before the Texas Supreme Court by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$8,000.00 would be a reasonable amount. And, in the event that the Texas Supreme Court should grant review of the petition by the Defendant of this judgment, I believe that additional attorney's fees in the amount of \$15,000.00 would be a reasonable amount. I therefore request that the Court award attorney's fees in these amounts, which I believe to be modest and reasonable.



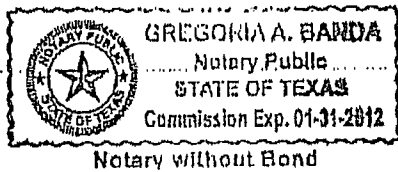
DAVID GREEN

Assistant Attorney General
State Bar No. 24037776

On this day personally appeared DAVID GREEN, known to me to be the person whose name is subscribed to the foregoing instrument, and after being duly sworn, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on November 30th, 2010.

(Seal)



Megoria A. Banda
Notary Public in and for the State of Texas

My commission expires: 1/31/2012

| Filed Date | Category | Description | Additional Info |
|------------|-----------|-------------------------------|--|
| 10/4/2010 | PET-PL | ORIGINAL PETITION/APPLICATION | PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR PERMANENT INJUNCTION |
| 10/6/2010 | OTHER | LETTER | LETTER FROM WANDA PITTMAN (CITATION REQUEST) |
| 11/18/2010 | OTHER | AFFIDAVIT | PLAINTIFF'S SOLDIERS & SAILOR'S AFFIDAVIT |
| 11/30/2010 | OTHER | AFFIDAVIT | AFFIDAVIT FOR ATTORNEY'S FEES |
| 12/7/2010 | OTHER | CERT OF LAST KNOWN ADDRESS | CERTIFICATE OF LAST KNOWN ADDRESS |
| 12/7/2010 | SRVPRO... | EXE SERVICE OF CITATION | MICHAEL L. O'NEILL |