




August 24, 2015

MEMORANDUM

TO: District Board of Trustees
FROM: Jim Murdaugh, President 
SUBJECT: Attorney Invoice - Andrews, Crabtree, Knox & Andrews, LLP June 30, 2015

Item Description

Request for approval to pay the Board's attorney.

Overview and Background

On a monthly basis, the Board's attorney submits an invoice for services provided.

Past Actions by the Board

The Board of Trustees approved the contract at the October 18, 2010 Board meeting and shall be effective through October 31, 2011. The contract may be renewed on an annual basis with four (4) consecutive one (1) year renewals for a total contract period of five (5) years. The Board approved year five (5) of the contract at the October 20, 2014 Board meeting which shall be effective until October 31, 2015. The Board shall be billed on an annual flat fee of \$175,000 for services of the firm as approved by the Board at the October 21, 2013 Board meeting.

Funding/Financial Implications

Funding is budgeted in Fund 1, the Current Unrestricted Fund. The current amount due is \$14,583.33.

Staff Resource

Barbara Wills,

Recommended Action

Authorize payment of invoice as presented.

ANDREWS, CRABTREE, KNOX & ANDREWS, LLP

1558 VILLAGE SQUARE BLVD.

SUITE 1

TALLAHASSEE, FL 32309

TAX ID #59-3621660

July 23, 2015

Bobby Jones
Interim Vice President for Administrative Services and Chief
Financial Officer
Tallahassee Community College
444 Appleyard Drive
Tallahassee, FL 32304

Invoice# 13139 JCK
Our file# T00007 02276
Billing through 06/30/2015

Tallahassee Community College (General)
P.O. Number: PO-000023

FOR PROFESSIONAL SERVICES RENDERED

05/26/2015	JCK	Receipt and review of email from L. Kling re President's evaluation (.1); Email to L. Kling re President's evaluation (.1); Receipt and review of email from D. Wildes re WEI utility easement (.1); Receipt and review of email from D. Robinson re revised OVID eBook Agreement (.1); Review and analysis of OVID eBook Agreement (1.2); Receipt and review of email from L. Kling re President's evaluation (.1); Receipt and review of email from J. Chaires-Lacey re President's evaluation (.1); Review and analysis of President's evaluation survey results (.1); Attend President's evaluation at TCC (1.6); Email to D. Robinson re revised OVID contract (.2); Receipt and review of email from E. Jones re public records request and Complaint of A. Nelson (.4); Receipt and review of email from D. Robinson re OVID contract (.1); Email to D. Robinson re OVID contract (.1); Email to E. Jones re public records request and length of document (.2); Review and analysis of current law on compensation for college presidents (1.1);	5.60 hrs.
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05/26/2015	MK	Review and analysis of Florida statutes and case law re whether a student is entitled to documents stored on a learning management system for the past two years (1.2); Review and analysis of retention schedule for colleges in Florida for how long they have to keep documents related to lecture notes, essays and text book materials (.7); Review and analysis of Florida statutes and case law re what limitations or restrictions are in place for a president of a college's salary (1.1);	3.00 hrs.
05/27/2015	JCK	Receipt and review of email and related emails from E. Jones re disclosure of student telephone numbers (.3); Email to E. Jones re student telephone numbers exempt under FERPA (.1); Receipt and review of email from B. Ingerman re SOW for Workday admission (.1); Review and analysis of proposed SOW for Workday admission (1.4); Email to B. Ingerman re SOW for Workday (.2); Receipt and review of email from E. Jones re student waiting list (.1); Email to E. Jones re student waiting list (.1); Receipt and review of email from B. Ingerman re SOW Workday contract (.1); Receipt and review of emails (3) from B. Ingerman re Sunshine Law issue with digital tablets (.3); Receipt and review of email from E. Jones re definition of "student" under FERPA (.1); Receipt and review of email from E. Jones to B. Ballard re Oyster Aquaculture students (.1); Receipt and review of email from H. Mitchell re draft alcohol policy (.1); Review and analysis of draft alcohol policy (.4); Revise draft alcohol policy (1.3); Email to H. Mitchell re draft policy (.2); Email to B. Ingerman re public record with notes (.1); Telephone call from J. Young re letters (.1); Email to H. Mitchell re revised alcohol policy (.1);	5.20 hrs.
05/27/2015	MK	Review and analysis of Florida statutes and case law re whether or not a student who is on a waiting list or audits a class but is not	2.80 hrs.

enrolled is considered a student under FERPA (1.2); Review and analysis of Florida statutes and case law re how long after a student graduates are his files no longer exempt to disclosure under FERPA (.7); Review and analysis of Florida statutes and case law re whether a trustee's notes are considered public records when kept on an electronic device such as an iPad (.9);

05/28/2015	JCK	Receipt and review of email from H. Mitchell re proposed alcohol policy (.1); Receipt and review of email from R. Frazier re J. Young (.1); Review and analysis of response of R. Frazier to J. Young (.2); Email to R. Frazier re J. Young (.2); Receipt and review of email from B. Ingerman re conflict of interest (.1); Receipt and review of email from B. Ingerman re outside employment issue (.2); Receipt and review of email from H. Mitchell re existing TCC alcohol policy (.1); Review and analysis existing alcohol policy (.2); Consolidate TCC's existing alcohol policy with proposed alcohol policy (.8); Review proposed alcohol policy for consistency with new alcohol policy (.6); Email to H. Mitchell (.1);	2.70 hrs.
05/28/2015	MK	Review and analysis of Florida statutes and case law re whether an employee at TCC must disclose all clients or potential clients of his/her business consulting practice with TCC before taking on a consultation and draft memorandum discussing this (1.5); Review and analysis of TCC policy and procedures manual re whether an employee at TCC must disclose all clients or potential clients of his/her business consulting practice with TCC before taking on a consultation (.8);	2.30 hrs.
05/29/2015	JCK	Receipt and review of email from H. Mitchell re proposed alcohol policy (.1); Review and analysis of second revised alcohol policy (.6); Telephone call to H. Mitchell re proposed alcohol policy and amendment to current	1.20 hrs.

		policy (.3); Receipt and review of email from H. Mitchell re proposed alcohol policy (.1); Preparation of email to H. Mitchell re proposed alcohol policy (.1);	
06/02/2015	JCK	Receipt and review of email from B. Ingerman re note taking and Public Records Act (.1); Receipt and review of email from D. Robinson re OVID Agreement and acceptance of requested contract changes (.1); Review and analysis of third revised OVID Agreement (.8); Email to D. Robinson re approval of OVID Agreement (.1); Receipt and review of correspondence from D. Robinson re OVID contract (.1); Telephone conference with A. Moran re potential conflict of interest (.1); Receipt and review of email from A. Moran re potential conflict of interest (.1); Receipt and review of email from B. Jones re NOCTI contract (.1); Review and analysis of NOCTI contract (.8);	2.30 hrs.
06/03/2015	JCK	Receipt and review of email from C. Summers re a request for information (.1); Email to C. Summers re request for information (.2); Review Security Policy Agreement with NOCTI (.4); Receipt and review of email from C. Summers re request for information (.1); Email to C. Summers re request for information (.1);	0.90 hrs.
06/04/2015	JCK	Receipt and review of email from C. Summers re request for information (.1); Receipt and review of email from R. Frazier re J. Young request for information (.1); Review proposed response and information provided to J. Young (.3); Email to R. Frazier re response to request for information (.2); Receipt and review of email from A. Gaughf re Embassy Suites Agreement (.1); Review and analysis of proposed Embassy Suites Agreement (.6); Email to A. Gaughf re proposed Embassy Suites Agreement (.2); Email to B. Jones re changes to security policy with NOCTI (.2);	3.90 hrs.

Receipt and review of email from C. Summers re Threat Assessment Team (.2); Email to C. Summers re Threat Assessment Team (.1); Receipt and review of email from C. Summers re Threat Assessment Team (.1); Preparation of email to C. Summers re Threat Assessment Team (.1); Telephone conference with C. Summers re Threat Assessment Team (.4); Receipt and review of email from E. Jones re record retention for Blackboard/Canvas (.1); Review and analysis of memorandum from M. Kelly re law re retention of academic records (.8); Email to E. Jones re record retention law (.3);

06/04/2015	MK	Review and analysis of Florida case law and drafted a memo re the length of time a collegiate institution is required to keep materials available on a learning management system;	1.60 hrs.
06/05/2015	JCK	Receipt and review of email from A. Moran re Trustee conflict information (.1); Email to A. Moran re Trustee conflict information (.1); Receipt and review of email from A. Moran re Trustee conflict law (.1); Receipt and review of email from D. Frost re Subway contract (.1); Review and analysis of Subway contract (1.2); Receipt and review of email from D. Frost re revised Subway contract (.2); Review and analysis of revised Subway contract (.9);	2.70 hrs.
06/05/2015	MK	Review and analysis of Federal and Florida case law and draft memo re whether FERPA applies to information gathered through personal knowledge or observation (.7); Review and analysis of Federal and Florida case law and drafted a memo re whether education records that are defined under FERPA include disciplinary information from a student when in school (.5); Review and analysis of Federal and Florida case law and draft memo re whether teacher's files are included under "education records" as defined	4.40 hrs.

by FERPA (.4); Review and analysis of Federal and Florida case law and draft a memo re which law enforcement files are exempt from disclosure under FERPA (2.1); Review and analysis of Federal and Florida case law and draft memo re whether FERPA applies to agency employee records made and maintained in the normal course of business (.3); Review and analysis of Federal and Florida case law and draft memo re whether FERPA applies to medical records of a student or records from a medical provider (.4);

06/08/2015 JCK Receipt and review of email from C. Summers re interagency agreement with Consolidated Dispatch Agency (.1); Review and analysis of MOU between TCC and CDA (.8); Receipt and review of email from D. Wilde re Subway lease agreement with TCC (.1); Receipt and review of email from D. Frost re Subway contract (.1); Receipt and review of email from D. Frost re other restaurant leases (.2); Review and analysis of proposed lease template (1.3); 2.60 hrs.

06/09/2015 JCK Receipt and review of email from D. Wilde re Subway contract (.2); Receipt and review of email from D. Herr re Subway contract (.1); Review and analysis of memorandum from M. Kelly re Behavioral Assessment Team records (1.2); Email to D. Frost re Subway contract (.1); Preparation of monthly litigation report to J. Murdaugh (.9); Receipt and review of email from D. Frost re revised Subway contract (.1); Revise food vendor contract (6); Email to D. Frost re food vendor contract (.1); Prepare second revision of Subway contract (.6); Email to D. Frost re revised Subway contract (.2); 4.10 hrs.

06/09/2015 MK Review and analysis of various college behavioral assessment team FERPA policies throughout the country to analyze what kind of documents they recorded and for how long they retained these documents in preparation for communicating with TCC what type of 1.50 hrs.

procedures they should follow;

06/10/2015	JCK	<p>Receipt and review of email from A. Gaughf re VAR Resources, Inc. IT lease (.1); Review and analysis of VAR Resources, Inc. IT lease (1.0); Email to A. Gaughf re VAR Resources, Inc. IT lease (.1); Receipt and review of email from B. Ingerman re Admissions and Umbrella SOW (.2); Review and analysis of Admissions and Umbrella SOW (1.4); Email to B. Ingerman re Admissions and Umbrella SOWs (.1); Email to C. Summers re record maintenance for Behavioral Assessment Team (.4); Receipt and review of email from C. Summers re record maintenance for Behavioral Assessment Team (.1); Receipt and review of email from A. Maxwell re public records request, cost estimates, and response (.1); Review and analysis of proposed response to public records request and cost estimates (.8); Email to A. Maxwell re response to public records request (.1); Telephone conference with D. Wildes re Kent Street Property contract (.2); Telephone conference with C. Smith re potential Quiet Title Action (.3); Email to D. Wildes re Quiet Title Action (.1); Receipt and review of email from D. Wildes re Quiet Title Action (.1); Email to B. Ingerman re Admissions SOW and Umbrella SOW for Workday students (.2);</p>	5.30 hrs.
06/10/2015	MK	<p>Review and analysis of Florida case law re whether or not a state agency can waive, by contract the limitations of section 768.28 (sovereign immunity statute) (1.0); Review and analysis of Florida case law re whether a public or state entity can waive venue for trial and any exceptions that may arise under this rule (1.1);</p>	2.10 hrs.
06/11/2015	JCK	<p>Receipt and review of email from B. Ingerman with suggested changes to Workday SOWs (.2); Email to B. Ingerman re suggested changes to Workday SOW (.1); Telephone call</p>	3.80 hrs.

from A. Moran re Gadsden Sign Ordinance (.1); Email to A. Moran re Gadsden Sign Ordinance (.1); Receipt and review of email from A. Moran re Gadsden Sign Ordinance (.1); Review and analysis of MOU between TCC and Gadsden County Development Council (.2); Review and analysis of proposed text amendment to Gadsden Billboard prohibition (.5); Email to A. Moran re execution of MOU and text amendment (.2); Receipt and review of email from A. Moran re execution of MOU and Text Amendment by B. Hinson (.1); Receipt and review of email from A. Moran re TCC's Owners Authorization for Text Application (.1); Email to A. Moran re TCC's Owners Authorization for Text Application (.1); Receipt and review of email from A. Moran re TCC is not the owner for Gadsden County Text Application purposes (.1); Receipt and review of email from T. Folsom re Titanium Software Agreements (.1); Review and analysis of Titanium Software Agreement (.7); Review and analysis of Titanium Software Agreement Addendum (.4); Revise Titanium Software Agreement (.3); Email to T. Folsom re Titanium Software Agreement (.1); Receipt and review of email from T. Folsom re proposed revisions to Titanium Agreement sent to vendor (.1); Receipt and review of email from R. Frazier re J. Young record response (.1); Email to R. Frazier re J. Young record response (.1);

06/12/2015	JCK	Receipt and review of email from R. Frazier re response to J. Young (.1); Receipt and review of email from D. Wildes re property on Tennessee and Appleyard (.2); Review and analysis of Property Deed (.2); Receipt and review of memorandum from D. Wildes to B. Jones of property related documents re transfers and restrictions (.3); Review Florida law on deed restrictions disclaimer (.9); Email to D. Wildes re deed restrictions (.2);	1.90 hrs.
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06/12/2015	MK	Review and analysis of case law re whether a restrictive covenant that is eventually transferred back to original owner can be avoided by the original owner (.8);	0.80 hrs.
06/15/2015	JCK	Receipt and review of email from D. Wildes re Food Service contract (.1); Receipt and review of email from S. Search re student complaint (.3); Receipt and review of email from D. Wildes re property at Tennessee and Appleyard (.1); Email to D. Wildes re property at Tennessee and Appleyard (.1); Receipt and review of email from R. Frazier re response to J. Young (.1); Receipt and review of email from Ki. Moore re Leadercast 2016 contract (.1); Review and analysis of Leadercast 2016 contract (.8); Email to Ki. Moore re Leadercast 2016 contract (.1); Receipt and review of email from B. Ingerman re Workday SOW and Umbrella SOW (.1); Review and analysis of revised SOW for Workday student (.6); Review and analysis of revised Umbrella SOW (.4); Email to B. Ingerman re revised contract (.1); Review and analysis of Board Agenda (1.2); Receipt and review of email from C. Summers re document retention for Behavioral Assessment Team (.2); Email to C. Summers re Behavioral Assessment Team (.1); Receipt and review of email from C. Summers re Behavioral Assessment Team (.1); Attend Board of Trustees Meeting (3.7); Email to B. Ballard re request to work as outside consultant (.1); Receipt and review of email from C. Stringer re dual enrollment issue (.4);	8.70 hrs.
06/15/2015	MK	Review and analysis of case law re whether B. Ballard serving as a consultant for private oyster company creates a conflict of interest with TCC (1.5);	1.50 hrs.
06/16/2015	JCK	Receipt and review of email from D. Wildes re contractor prequalification (.2); Receipt and review of email from B. Ballard re outside employment (.1); Receipt and review of email	0.80 hrs.

from A. Gaughf re additions to Subway lease (.2); Email to D. Frost re lease definition of "gross sales" and contract term (.1); Receipt and review of email from D. Frost re payment terms of Subway lease (.1); Email to A. Gaughf re approval of Subway lease (.1);

06/16/2015	MK	Review and analysis of case law on scope of dual enrollment programs and draft memo reflecting such (.8); Review and analysis of case law re whether TCC can refuse to deal with a particular student for dual enrollment purposes and draft memo reflecting such (.7);	1.50 hrs.
06/17/2015	JCK	Receipt and review of email from C. Stringer re dual enrollment and private schools (.4); Review and analysis of memo and research from M. Kelly re Dual Articulation Agreements (1.6); Telephone call to C. Stringer re dual enrollment issue (.2); Telephone call to D. Callaway re Private School Dual Enrollment Articulation Agreement (.2); Email to TCC re dual enrollment issue (.4); Receipt and review of email from C. Stringer re domestic travel for dual enrolled students (.1); Review Florida law re dual enrolled students and travel (.8); Review Leon County School Board Dual Enrollment Articulation Agreement with TCC (.4); Email to C. Stringer re domestic travel for dual enrollees (.2); Receipt and review of email from C. Stringer re whether Articulation Agreement for dual enrollees is required by Florida law (.1); Receipt and review of email from J. Murdaugh re Dual Enrollment Articulation Agreements for private schools (.1); Review Florida law re charter schools and dual enrollment requirements (1.2);	5.70 hrs.
06/18/2015	JCK	Telephone call from A. Moran re data breach information request (.2); Receipt and review of email string from A. Moran re data breach records request (.2); Telephone conference with A. Moran re record request (.1);	6.90 hrs.

Telephone conference with A. Maxwell re record request (.4); Receipt and review of email string from A. Moran re documents located re data breach (.2); Review and analysis of documents related to data breach (.8); Receipt and review of email from A. Maxwell re whether current investigation is still open (.1); Review law on dual enrollment and charter schools (1.3); Receipt and review of email from W. Rabon re FDLE investigation (.1); Telephone call to C. Stringer re dual enrollment issue (.4); Receipt and review of email from A. Moran re 10News public record request (.1); Receipt and review of email from A. Moran re TCC PD Reports re data breach (.1); Review and analysis of TCC PD Reports re data breach (.6); Receipt and review of email from J. Chaires-Lacey re employee dismissal (.1); Review and analysis of employee file materials (.1); Review TCC Board Policy (.8); Review law on law enforcement records and public records exemption (1.2); Email to A. Moran re public records request (.1);

06/18/2015	MK	Review and analysis of Florida and federal case law re whether there is any issue providing a TV station with names or other directory information of victims who had tax returns filed in their name under FERPA (1.1);	1.10 hrs.
06/19/2015	JCK	Telephone conference with J. Chaires-Lacey re employee termination (.4); Continued review of TCC Policy re FMLA and leave exhaustion (.7); Review and analysis of proposed termination letter (.2); Receipt and review of email from A. Moran re data breach case (.1); Email to J. Chaires-Lacey re employee dismissal (.1); Telephone conference with A. Moran re data breach record requests (.3); Telephone conference with A. Moran and C. Summers re data breach (.4);	2.20 hrs.
06/19/2015	MK	Review and analysis of Senate and House Bills	2.80 hrs.

analyses for the past 10 years re whether any discussion was made in sessions about charter schools being offered for dual enrollment (1.5); Review and analysis of Federal case law re what happens when a conflict arises for disclosing a law enforcement record (subject to disclosure under FERPA) that is created because of a financial aid issue (withheld from disclosure) (1.3);

06/22/2015	JCK	<p>Receipt and review of multiple emails from D. Wildes re Kent Street property (.4); Receipt and review of email from A. Power re estimate of Quiet Title Action (.1); Receipt and review of email from A. Moran re Channel 10 public records request (.2); Receipt and review of email from C. Summers re Channel 10 public records request (.1); Email to A. Moran re public record request (.4); Receipt and review of email from S. Search re MOU between TCC and Veterans Affairs and FSU (.1); Review and analysis of MOU between TCC and Veterans Affairs and FSU (1.2); Revise MOU between TCC and FSU and Veterans Affairs (.3);</p>	2.80 hrs.
06/23/2015	JCK	<p>Receipt and review of email from B. Spiers re data breach, public records request, and FERPA (.1) Email to S. Search re proposed revisions to MOU with FSU and TCC and Veterans Affairs (.1); Telephone conference with J. Young re trespass warning (.4); Telephone call to C. Summers re trespass warning (.1); Telephone call to C. Summers re J. Young (.1); Email to C. Summers re J. Young (.1); Receipt and review of email from C. Summers re J. Young (.1); Email to C. Summers re J. Young (.1); Telephone conference with W. Raybon re J. Young (.2); Telephone call to J. Young re his complaint (.4); Receipt and review of email from J. Chaires-Lacey re employee issue (.1); Telephone call to J. Chaires-Lacey re employee issue (.8); Receipt and review of</p>	3.80 hrs.

email from S. Search re FSU and TCC and Veterans Affairs MOU (.1); Receipt and review of email from R. Frazier re J. Young letters (.1); Receipt and review of six letters from J. Young (.4); Email to R. Frazier re request (.1); Receipt and review of email from R. Frazier re request (.1); Telephone conference with R. Frazier re J. Young requests (.2); Email to R. Frazier re J. Young requests (.2);

06/24/2015	JCK	Receipt and review of email from W. Rayborn re Young Complaint (.1); Telephone conference with J. Chaires-Lacey re employee issue (.4); Telephone conference with G. Eastman, E. Cummings, and J. Chaires-Lacey (.4); Receipt and review of email from R. Frazier re J. Young letters (.1); Review and analysis of three letters from J. Young (.2);	1.20 hrs.
06/25/2015	JCK	Review and analysis of Dual Enrollment Bill (.4); Email to C. Stringer re Dual Enrollment Appropriation Bill (.2);	0.60 hrs.
06/26/2015	JCK	Receipt and review of email from C. Stringer re dual enrollment bill (.1); Receipt and review of email from J. Fowler re TCC-CLA Agreement (.1); Review and analysis of TCC-CLA Agreement (1.6); Revise TCC-CLA Agreement (.5); Email to J. Fowler re revised TCC-CLA Agreement (.4); Receipt and review of email from C. Makala re deposition of T. Smith (.1); Email to C. Makala re deposition of T. Smith (.1); Receipt and review of email from J. Chaires-Lacey re potential employee dismissal (.1); Review and analysis of materials relating to potential employee dismissal (.4); Receipt and review of email from T. Smith re deposition (.1); Email to J. Chaires-Lacey re employee dismissal (.2);	3.70 hrs.
06/29/2015	JCK	Telephone conference with B. Ingerman re CenturyLink contract (.2); Receipt and review of email from E. Jones re public records	2.40 hrs.

request from A. Nelson (.1); Review and analysis of public records request from A. Nelson (.2); Email to E. Jones re public records request from A. Nelson (.1); Review and analysis of public records request from Rumberger, Kirk & Caldwell (.1); Receipt and review of email from E. Jones re public records request (.1); Email to E. Jones re public records request (.1); Receipt and review of email from E. Jones re legal invoices (.1); Preparation of email to E. Jones re legal invoices (.1); Email to E. Jones re A. Nelson public records request (.1); Receipt and review of email from E. Jones re public records request for legal invoices (.1); Receipt and review of email from E. Jones re A. Nelson public records request (.1); Email to E. Jones re A. Nelson public records request (.1); Receipt and review of email from Ki. Moore re an NDA for college (.1); Review and analysis of NDA (.7); Email to Ki. Moore re NDA (.1);

06/29/2015	MK	Analyzed nondisclosure and confidential agreement between TCC and Armada Ammunition in preparation for analyzing case law to see if the language in the agreement can remain confidential (.3); Analyzed case law re: when a nondisclosure and confidential agreement can be entered into by a public entity and have information that remains confidential (.9);	1.20 hrs.
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06/30/2015	JCK	Email to Ki. Moore re Confidential Agreement review and approval (.2); Receipt and review of email from Ki. Moore re Confidential Agreement (.1);	0.30 hrs.
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06/30/2015	JCK	Portion of Monthly Fee;	10,937.49
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06/30/2015	MK	Portion of Monthly Fee;	<u>3,645.84</u>
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Fees for this matter	\$14,583.33
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Bobby Jones

Invoice# 13139

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BILLING SUMMARY

Knox, J. Craig	Partner	81.30 hrs	\$10,937.49
Kelly, Michael	Attorney	26.60 hrs	\$3,645.84
Fees		107.90 hrs	<hr/> \$14,583.33
Disbursements			<hr/> \$0.00
TOTAL CHARGES FOR THIS BILL			\$14,583.33