

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

SANDY PHILLIPS, individually and as :  
surviving parent of Jessica Ghawi, decedent; :  
LONNIE PHILLIPS, individually and as :  
surviving parent of Jessica Ghawi, decedent :

Plaintiffs

Civil Action No. 1:14-cv-02822-RPM

v.

BRIAN PLATT, d/b/a BTP Arms, *et al.* :

Defendants

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**AFFIDAVIT OF BRUCE A. MONTOYA, ESQ.**  
**IN SUPPORT OF PLATT’S MOTION FOR ATTORNEYS’ FEES UNDER**  
**RULE 54(d) AND D.C.COLO.LCivR 54.3**

Affiant, Bruce A. Montoya, being first duly sworn states and alleges the following based on his own personal knowledge:

1. My name is Bruce A. Montoya, and I am an attorney with the law firm of Messner Reeves, LLP of Denver, Colorado. My business address is 1430 Wynkoop Street, Suite 300, Denver, Colorado 80202, and my business phone number is (303) 623-1800.

2. I am an attorney licensed to practice in the State of Colorado, and I am one of the attorneys of record for Defendant Brian Platt, d/b/a BTP Arms (“Platt”) in this matter.

3. I make this Affidavit in response to the Court’s dismissal prior to trial under Fed. R. Civ. P. 12(b)(6) of the action brought by Plaintiffs Sandy and Lonnie Phillips, and I have personal knowledge of the facts set forth herein.

4. I received my Juris Doctor degree in 1984 from the University of Denver.

5. I was first licensed to practice law in the United States District Court for the District of Colorado in 1984 and I have been continuously admitted from that time through the present.

6. I have been continuously employed in the private practice of law as a trial lawyer, trying cases before federal and State courts and arbitration panels throughout the country for more than thirty years. I have managed and assisted with numerous complex litigation matters involving commercial litigation, copyright and trademark laws, medical defense, corporate health care defense and administrative law.

7. On March 27, 2015, this honorable Court entered judgment in favor of Defendant Platt. Defendant Platt now requests attorney fees pursuant to C.R.S. § 13-17-201 and *Jones v. Denver Post Corp.*, 203 F.3d 748 (10th Cir. 2000). I have assisted with and overseen Messner Reeves' efforts continuously throughout the trial of this matter. My billing rate is \$300.00 per hour.

8. Several Messner Reeves attorneys and legal professionals provided legal services and assistance on issues related to preparing Defendant's Motion to Dismiss and responding to Plaintiffs' Opposition thereto. Messner Reeves' work was performed efficiently and economically, utilizing the legal skills, experience and knowledge of its attorneys and legal professionals. In addition to myself, the following individuals assisted with this matter:

a. Katherine E. Whitney provided significant assistance in this matter, including drafting and research. Ms. Whitney is an associate with Messner Reeves, and has less than a year of litigation experience. She earned her Juris Doctor in 2014 from the University of Colorado. Ms. Whitney's billing rate was \$225.00 per hour.

b. Thomas R. Blackburn provided significant assistance at the commencement of this matter, including research. Mr. Blackburn was an associate with Messner Reeves, and has five years of litigation experience. He earned his Juris Doctor in 2009 from the University of Denver. Mr. Blackburn's billing rate was \$225.00 per hour.

9. I believe that the rates set forth above are reasonable and consistent with market rates for the Denver metro-area legal community. I also reviewed each bill and have not asked to recover expenses that were incurred in this matter but were hours that were written off or down.

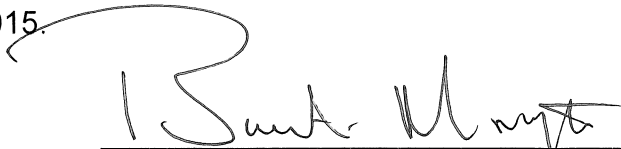
10. Platt incurred \$9,645.00 in legal services and \$209.90 in legal research costs from Messner Reeves, which were reasonably related to the efforts to defend against Plaintiff's suit. These legal services are based on the following hours worked by each Messner Reeves attorney:

<b>INDIVIDUAL</b>	<b>POSITION</b>	<b>HOURS WORKED</b>	<b>TOTAL BILLED</b>
Bruce A. Montoya	Attorney	15.20	\$4,560.00
Katherine E. Whitney	Attorney	19.50	\$4,162.50
Thomas R. Blackburn	Attorney	4.10	\$922.50
<b>LEGALSERVICE TOTALS</b>			<b>\$9,645.00</b>
<b>COSTS TOTALS</b>			<b>\$209.90</b>
<b>TOTAL</b>			<b>\$9,854.90</b>

11. In my opinion, these legal services were necessary and appropriate based on the facts and circumstances of this matter. In my opinion, these fees are also reasonable and appropriate under the Colorado Rules of Professional Conduct.

Further Affiant sayeth naught.

DATED this 10 th day of April 2015.

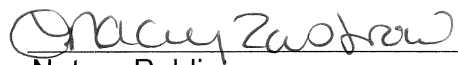
  
Bruce A. Montoya, Esq., #14233

STATE OF COLORADO                     )  
                                                          ) ss  
CITY AND COUNTY OF DENVER        )

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Bruce A. Montoya, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was his act.

Given under my hand and seal of office, this 10 th day of April 2015.

[SEAL]

  
Notary Public

TRACEY ZASTROW  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20034041256  
MY COMMISSION EXPIRES DECEMBER 9, 2015

My commission expires:  
12/9/15

CERTIFICATE OF SERVICE

I certify that on this 10<sup>th</sup> day of April 2015, a true and correct copy of the foregoing **AFFIDAVIT OF BRUCE A. MONTOYOA, ESQ. FOR ATTORNEYS' FEES AND COSTS** was electronically served via Lexis Nexis File & Serve on all counsel of record.

*/s/ Kylee Ashmore*

*This document was filed electronically pursuant to C.R.C.P. 121 § 1-26. Duly signed original on file at the offices of Messner Reeves, LLP*