

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

File No. 27-CV-23-9758

City of Long Lake,

Plaintiff,

v.

City of Orono,

Defendant.

**DECLARATION OF CHRISTOPHER
H. YETKA IN SUPPORT OF INTERIM
PLAINTIFF'S ATTORNEYS' FEES
AND COSTS PURSUANT TO ORDER
FOR CONTEMPT**STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Christopher H. Yetka, declare and state as follows:

1. I submit this Declaration in support of an interim award pursuant to the Court's Order for Contempt dated November 21, 2023 (the "November 21 Order"), which ordered Defendant City of Orono "pay all costs and attorney's fees incurred by Long Lake in bringing its motion for an order to show cause and for a finding of constructive civil contempt" due to Defendant's failure to comply with the Court's Order granting Long Lake's Motion for Temporary Injunctive Relief dated July 14, 2023 (the "July 14 Order").

2. I represent Plaintiff City of Long Lake in the above-titled action. This Declaration is based upon personal knowledge unless otherwise indicated and is submitted in accordance with Rule 119 of the Minnesota General Rules of Practice for the District Courts.

3. I have been a member of the Minnesota State Bar since 1993. I am a Shareholder in the law firm of Larkin Hoffman Daly & Lindgren, Ltd., and also its designated Firm Legal Counsel, which is located in Minneapolis, Minnesota. I received my B.A. from Macalester College

in 1990 and my J.D. from the University of Minnesota Law School in 1993. I have thirty years of experience as a commercial litigator. I have tried numerous cases to both courts and juries as lead trial counsel. I have been recognized in Minnesota by *Super Lawyers*, am a Fellow of the American College of Coverage Counsel, and have published chapters in the Minnesota Insurance Law Deskbook (Minn. CLE), and the ABA's Reference Handbook on the Commercial General Liability Policy. I have represented parties in various commercial disputes ranging insurance coverage disputes, employment and shareholder disputes, product liability disputes, and contract disputes.

4. My standard hourly billing rate is \$615, which is equal to or below that of other attorneys with similar experience in the Twin Cities legal market and is reasonable based on my experience level.

5. However, in this case, I have billed the City of Long Lake at a substantially lower hourly rate, \$490, for my time worked on this matter.

6. Sarah Greening, an Associate with Larkin Hoffman Daly & Lindgren, Ltd., assisted me in connection with conducting legal research, analysis, and briefing for Plaintiff's Motion for an Order to Show Cause, which resulted in the November 21 Order. Ms. Greening has been practicing law for approximately four years, and her standard hourly billing rate is \$320, which is equal to or below that of other attorneys with similar experience in the Twin Cities legal market and is reasonable based on her experience level.

7. By utilizing an associate attorney to assist with research, analysis, and drafting Plaintiff's motion, this resulted in a significant reduction in the overall amount of legal fees and costs in connection with Plaintiff's Motion for an Order to Show Cause.

8. I have reviewed the original time entries for services performed in connection with my firm's work on Plaintiff's Motion for an Order to Show Cause, including reviewing evidence relevant to Plaintiff's motion, researching case law, drafting memoranda, preparing for oral argument, and appearing for oral argument. I have conducted this review in order to determine, in my professional opinion, the reasonable amount of attorneys' fees incurred in connection with these motions.

9. In reaching my conclusion regarding the reasonable amount of attorneys' fees, I have been mindful of, and have considered, the factors set forth in Rule 1.5 of the Minnesota Rules of Professional Conduct. I have been particularly mindful of the factors set forth in Rule 1.5(a)(1), (3), (4) and (7). I have also exercised my professional billing judgment based upon my over 30 years of practicing law. Based upon my experience level and knowledge of attorneys' rates in the Twin Cities area, the hourly billing rates charged in relation to this matter was reasonable.

10. The time and effort required to prosecute and successfully obtain the November 21 Order against Defendant was reasonable based upon the scope of Defendant's violations of the Order granting Plaintiff's Motion for Temporary Injunctive Relief, as more fully detailed in Plaintiff's previously filed memoranda.

11. Moreover, the issues involved are critical and central to the fair administration of justice, and the results obtained on behalf of Plaintiff (Order granting Plaintiff's Motion for Temporary Injunctive Relief requiring Defendant's to not directly or indirectly commit a violation of the contracts at issue, recruit Long Lake firefighters or hinder Long Lake's use of Fire Stations 1 and 2, and the November 21 Order which found Orono in contempt and awarded sanctions) are significant and crucial to protecting fire services in the Western Suburbs of Minneapolis.

12. Attached as **Exhibit A** is a true and accurate interim summary of the fees for time which my firm worked and costs incurred in connection with the prosecution of Plaintiff's Motion for an Order to Show Cause, which have been incurred by Plaintiff and for which reimbursement is being sought. A more detailed, itemize, summary is available to provide for in-camera review should the Court wish to review it.

13. The services reflected in Exhibit A were actually performed for the benefit of Plaintiff and were necessary for the proper representation of Plaintiff in light of Defendant's widespread violations of the July 14 Order. Furthermore, none of those services were unnecessary or duplicative. I have endeavored to be conservative in my approach, and believe that the total amount of fees is reasonable.

14. Ms. Greening and I strove to avoid overlapping time entries.

15. In total, the actual fees incurred in connection with Plaintiff's Motion for an Order to Show Cause are \$42,159.00. The costs for which Plaintiff seeks reimbursement total \$187.00.

16. Accordingly, Plaintiff respectfully requests that it be awarded **\$42,346.00** as an interim reimbursement for its attorneys' fees and costs incurred in connection with Plaintiff's Motion for an Order to Show Cause.

17. Plaintiff respectfully requests that the Court order Defendant City of Orono to reimburse Plaintiff for all amounts sought herein, with an order for Defendant to make the full required payment within two (2) weeks, and an explicit statement that Defendant's failure to do so will result in an additional finding of contempt and further orders by the Court, including without limitation a bench warrant for individual Orono representatives committing violations, other monetary sanctions and a judgment against Defendant in favor of Plaintiff for all amounts ordered herein.

18. Plaintiff further reserves the right to seek additional costs and attorneys' fees following the February 1, 2024 evidentiary hearing regarding whether Defendant's actions have hindered the Long Lake Fire Department within the meaning of the Court's July 14 Order.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Executed on December 22, 2023, in Hennepin County, Minnesota.

/s/Christopher H. Yetka

Christopher H. Yetka

4862-2356-8530, v. 1

MINNESOTA
JUDICIAL
BRANCH

Interim Summary of Time Entries for Contempt Motion Long Lake v. Orono

September 25-November 29, 2023:

Christopher Yetka, \$490 per hour, 57.5 hours

\$28,175

Review offending text; attend closed sessions; work with client to gather supporting evidence; assess evidence of affect on Long Lake firefighter morale; review evidence on recruiting events; communications with court clerk; review draft motion papers and edit same; work with client on edits to motion papers; review supporting declarations and edits to same; exchange e-mails with opposing counsel; review Orono's responsive brief; work with associate on facts for reply including witness declarations; review and edits to reply brief; prepare for hearing and review relevant research; review draft of response to motion to strike reply declarations; attend hearing on Order to Show Cause; update client; review agenda item for additional hire; review architectural plans and prepare letter to Court; review declarations filed by Paul Reuvers; review Contempt Order; prepare and participate in call with Court on evidentiary hearing

Sarah Greening, \$320 per hour, 43.7 hours

\$13,984

Review facts and conduct legal research on violation of Temporary Injunction; examine e-mails regarding recruiting and begin drafting motion; attention to scheduling order to comply with dispute resolution requirements; draft supporting declarations based upon communications from witnesses; listen to Orono council meeting; additional research on scope and requirements for Order to Show Cause hearings; review responsive brief in order to draft reply; draft reply memorandum and work with witnesses on supporting declarations; conduct research on civil contempt; review motion to strike and prepare response to same; attend contempt hearing; factual research into issue of hinderance in advance of evidentiary hearing

Costs:

10/13/23 Filing Fee	\$80
11/8/23 Filing Fee	\$80
11/8/23 Parking fee	\$27

Interim Total:	\$42,346
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