

2010 NOV -5 PM 12: 02

CLERK DISTRICT COURT

Patty Bayle
DEPUTY *YB*

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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

JIM BRANNON,

Case No. CV-09-10010

Plaintiff,

Vs.

SUSAN K. WEATHERS, in her capacity)
as the City of Coeur d'Alene City Clerk;)
MIKE KENNEDY, in his capacity as the)
incumbent candidate for the City of)
Coeur d'Alene Council Seat #2;)
Defendants.)

MEMORANDUM OF COSTS OF
DEFENDANT MIKE KENNEDY

Pursuant to Rule 54 (d) (1), I.R.Civ.P. defendant Mike Kennedy as a prevailing party
makes claim to the following costs as against plaintiff Jim Brannon:

(C) COSTS AS A MATTER OF RIGHT		<u>Amount</u>
1. Court filing fees:		
Court filing fee		\$ 58.00

MEMORANDUM OF COSTS

2. Actual fees for service of any pleadings or document In the action whether served by a public officer or other person:	
3. Service by Steve Reed, AAYS of contempt pleadings upon William R. McCrory.	\$ 58.00
4. Witness fees of \$25.00 per day for each day in which a witness, other than a party or expert, testifies at a deposition or in the trial of an action:	None
5. Travel expenses of witnesses who travel by private transportation, other than a party, who testify in the trial of an action, computed at the rate of \$.30 per mile, one way, from the place of residence, whether it be within or without the State of Idaho:	None
6. Expenses or charges of certified copies of documents admitted as evidence in a hearing or trial of an action:	None
7. Reasonable costs of the preparation of models, maps, pictures, photographs, or other exhibits admitted in evidence as exhibits in a hearing or trial of an action, but no to exceed the sum of \$500.00 for all of such exhibits of each party:	None
8. Cost of all bond premiums:	None
9. Reasonable expert witness fees for an expert who testifies at a deposition or at a trial of an action not to exceed the sum of \$2,000 for each expert witness for all appearances:	None
10. Charges for reporting and transcribing of a deposition taken in preparation for trial of an action, whether or not read into evidence in the trial of an action:	None
11. Charges for one (1) copy of any deposition taken by any of the parties to the action in preparation for trial of the action:	None
Total Costs as Matter of Right pursuant to I.R.C.P. 54 (d) (1) (C):	\$ 116.00

D. DISCRETIONARY COSTS

Defendant Kennedy seeks discretionary costs as provided in Rule 54 d) (1) (D) for the following necessary and exceptional costs.

FOR TRANSCRIPTS OF COURT HEARING

February 12, 2010 Joann Shaffer, Court Reporter	60.42
June 19, 2010 Anne McManus	62.40
October 27, 2010 Coeur d'Alene Reporting	<u>73.75</u>
Total:	\$196.60

JUSTIFICATION

The hearings always involved multiple motions filed by plaintiff. Transcripts were necessary to verify the Court's various rulings in this complicated case.

FOR INVESTIGATION OF VOTERS

Bill Morlin, Morlin investigations April to September, 2010	\$ 5,387.50
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JUSTIFICATION

The number of net illegal votes to change the result was six (6) out of 6,375. Investigators for plaintiff commenced interviews by telephone and in person as soon as or before suit was filed and continued to date of trial.

Plaintiff in response to discovery requests provided names of over Fifty (50) questionable voters. It was necessary to check these voters with the election office and to interview or investigate. In addition, a concerted effort was undertaken to endeavor to

find persons who had voted illegally for plaintiff. These were leads did not produce any questionable voters.

All of this investigation peculiar and unique to this case constituted costs that were necessary and exceptional costs reasonably incurred.

Total Discretionary Costs \$5,584.16

RECAPITULATION OF COSTS

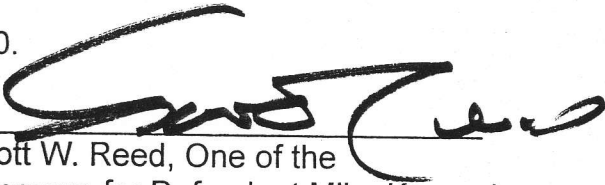
COSTS AS A MATTER OF RIGHT \$ 116.00

DISCRETIONARY COSTS \$5,584.10

TOTAL COSTS \$ 5,700.10

The foregoing statement of costs actually incurred by defendant Mike Kennedy in this action is correct and in compliance with Rule 54(d) of the Idaho Rules of Civil Procedure.

Dated this 5th day of November, 2010.

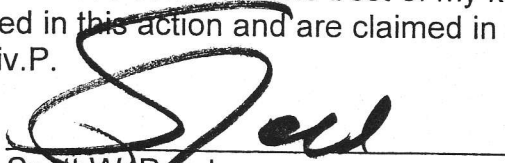


Scott W. Reed, One of the
Attorneys for Defendant Mike Kennedy

STATE OF IDAHO)
)ss.
County of Kootenai)

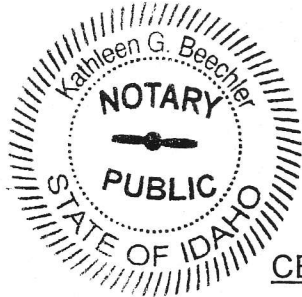
Scott W. Reed, being first duly sworn on oath, deposes and says:

That I am one of the attorneys for defendant Mike Kennedy in the above-entitled matter and as such am better informed relative to the above charges than said defendant, that the charges as above shown are correct to the best of my knowledge and belief, have been necessarily incurred in this action and are claimed in accordance with all provisions of Rule 54(d)(1), I.R.Civ.P.



Scott W. Reed

SUBSCRIBED AND SWORN to before me this 5th day of November, 2010.



Kathleen G. Beecher
NOTARY PUBLIC for Idaho
Residing at Coeur d'Alene
My Commission Expires: 9/1/11

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing was served by first class mail, postage prepaid, this 5th day of November, 2010 to:

Starr Kelso
Attorney at Law
P. O. Box 1312
Coeur d'Alene, Idaho 83816
FAX (208) 664-6261

Michael L. Haman
Haman Law Office
P. O. Box 2155
Coeur d'Alene, Idaho 83816
FAX (208) 676-1683

Art Macomber
Attorney at Law
408 E. Sherman Avenue – Suite 215
Coeur d'Alene, Idaho 83814
FAX (208) 664-9983

Art Macomber

morlinvestigations LLC

Bill Morlin *investigative research and journalism*
 509.961.0096 bmorlin@gmail.com
 P.O. Box 18781 Spokane, WA 99228

October 5, 2010

TO: SCOTT W. REED
 Scott W. Reed Law Office
 401 Front Street, P.O. Box A
 Coeur d'Alene, Idaho 83816

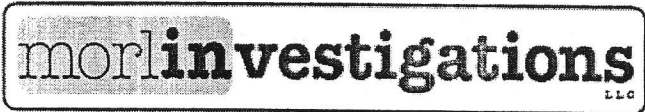
PROFESSIONAL SERVICES for August and September 2010
 re: Mike Kennedy 2009 Coeur d'Alene City Council election

	HOURS	
	@40	@75
Aug. 2 – interview D.Ainsworth; research other names on plaintiffs' list; confer with MKennedy, SReed and CDA investigator		7.0
Aug. 3 – additional research of names on plaintiffs' list; conference calls with CDA investigator, MKennedy, SReed		3.0
Aug. 4 – trip to Kootenai Elections Office to get poll books and confer with elections officials	2.0	1.0
Aug. 14 – prepare CD of Kootena Co. voters and deliver to City of CDA Investigator		1.0
Aug. 30 – contact by Haman law and city investigator re: names on list		1.0
Sept. 11 – various attempts to contact Rawana Zellers per counsel		1.0
SUMMARY:	2.0 HOURS @ 40.00 --	\$80.00
	14.0 HOURS @ 75.00 --	\$1050.00

(unpaid balance from Aug. 16, 2010
 for work done in March and July 2010) -- \$2945.00

TOTAL DUE: \$4075.00

PAYABLE TO: Morlinvestigations LLC
 P.O. Box 18781
 Spokane, WA. 99228



Bill Morlin *investigative research and journalism*
509.981.0096 bmorlin@gmail.com
P.O. Box 18781 Spokane, WA 99228

May 5, 2010

TO: SCOTT W. REED
Scott W. Reed Law Office
401 Front Street, P.O. Box A
Coeur d'Alene, Idaho 83816

PROFESSIONAL SERVICES
re: Mike Kennedy 2009 Coeur d'Alene City Council election

	HOURS	
	@40.00	@75.00
March 16 – travel Spokane-Coeur d’Alene-Spokane	2.0	
March 16 – case review with Scott Reed and Mike Kennedy		1.5
March 17 – research, phone calls 2009 election		1.0
March 18 – travel Spokane-Coeur d’Alene-Spokane	2.0	
March 18 – pickup voter data Kootenai Co.; confer with Kennedy		4.0
March 19 – research data base, phone calls; find five voters who registered after 11-3-09		5.0
March 22 – case review and telephone calls; confer with Scott Reed		2.0
March 23 – calls to obtain mortgage purchase records and review		2.0
March 26 – research, phone calls, e-mails re: 2009 election		2.0

SUMMARY: 4.0 HOURS @ 40.00 -- \$160.00
17.5 HOURS @ 75.00 -- \$1312.50

TOTAL: \$1472.50

PAYABLE TO: Morlinvestigations LLC
P.O. Box 18781
Spokane, WA. 99228

scottwreed

From: "Mike Kennedy" <mike@idahokennedys.com>
To: "scottwreed" <scottwreed@frontier.com>
Sent: Wednesday, October 27, 2010 1:21 PM
Attach: Reed(Kennedy)5-10.doc
Subject: FW: first billing

FYI – the numbers are what I sent earlier, Scott.

From: Bill Morlin [mailto:bmorlin@gmail.com]
Sent: Wednesday, October 27, 2010 12:52 PM
To: Mike Kennedy
Subject: first billing

Mike:

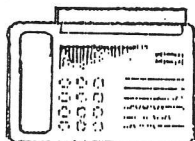
Here's the first bill I sent to Scott Reed on May 5. It totaled \$1,472.50, but I was only paid \$1312.50; the \$160 balance was carried over to the August bill and then to the September bill which he just paid.

Thanks again for the opportunity to work for you guys.

--
- Bill Morlin
Spokane

F A X**INTERMAX NETWORKS**

7600 Mineral Drive, Ste. 900
Coeur d'Alene, ID 83815
208-762-8065 ext. 11
www.intermaxnetworks.com



To: Scott Reed
Fax number: 208-765-5117

From: Mike Kennedy
Fax number: 762-8308

Date: 10/27/2010 - 2 pages total with cover

Regarding:
Morlin Billing

Phone number for follow-up:
762-8065 ext. 11

Comments:

Scott,

I'm attaching one invoice for \$4,075.00. The other invoice was for \$1,312.50. Unfortunately I cannot find a copy of that invoice, though I got the amount from my campaign account check register. Both checks were made out to Scott Reed Law Office, as Bill was hired by you to do the investigative work.

Thus the total invoiced by Bill Morlin was: \$ 5,387.50.

Let me know if you have any questions.

Thanks,

Mike