

1 rate prevailing in the community for similar work because the rate charged by the lawyer
2 to the client is the best indication of what is reasonable under the circumstances of the
3 particular case.” *Schweiger*, 138 Ariz. at 187–88. “Thus, the affidavit submitted in
4 connection with an application for fees must indicate the agreed upon hourly billing rate
5 between the lawyer and the client for the services performed” *Id.* at 187–88. “The
6 affidavit of counsel should [also] indicate the type of legal services provided, the date the
7 service was provided, the attorney providing the service ..., and the time spent in providing
8 the service.” *Id.* at 188. “In order for the court to make a determination that the hours
9 claimed are justified, the fee application must be in sufficient detail to enable the court to
10 assess the reasonableness of the time incurred.” *Id.*

11 Moreover, factors to consider in determining the amount of a reasonable fee award
12 include: (1) the qualities of the advocate – his or her ability, training, education, experience,
13 professional standing and skill; (2) the character of the work to be done – its difficulty, its
14 intricacy, its importance, time and skill required, the responsibility imposed and the
15 prominence and character of the parties where they affect the importance of the litigation;
16 (3) the hourly rate charged; (4) the work actually performed by the lawyer – the skill, time
17 and attention given to the work; and (5) the result – whether the attorney was successful
18 and what benefits were derived. *Id.* at 187.

19 **II. THIS COURT SHOULD AWARD SECRETARY FONTES HIS**
20 **ATTORNEYS’ FEES BECAUSE THEY ARE REASONABLE**

21 In compliance with the requirements set forth in *Schweiger*, attached as **Exhibit A**
22 is the Declaration of Craig A. Morgan (“Counsel’s Declaration”). The content of Counsel’s
23 Declaration is incorporated herein by reference. Counsel’s Declaration outlines the
24 qualities of the advocates involved, the character of the work done, the work performed by
25 each lawyer or other professional, and the result obtained. *See Schweiger* at 187.

26 As discussed in Counsels’ Declaration, Secretary Fontes’ attorneys are qualified
27 and had the requisite ability, experience, and skill to carry out this representation efficiently
28 and successfully. This representation required intricate and important work, included

1 matters of statewide importance, and concerned parties of significant prominence and
2 character. This action never should have been filed and the fees incurred were necessarily
3 expended to achieve total success.

4 **III. CONCLUSION**

5 For the foregoing reasons, this Court should award Secretary Fontes \$36,820.00
6 in attorneys' fees.

7 RESPECTFULLY SUBMITTED: April 2, 2024.

8 SHERMAN & HOWARD L.L.C.

9 By /s/ Craig A. Morgan

10 Craig A. Morgan

11 Shayna Stuart

12 Jake T. Rapp

13 2555 East Camelback Road, Suite 1050

14 Phoenix, Arizona 85016

15 *Attorneys for Arizona Secretary of State*

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1 **ORIGINAL** of the foregoing electronically
2 filed and COPY eServed via TurboCourt
and emailed on April 2, 2024 to:

3 Ryan L. Heath
4 **HEATH LAW, PLLC**
5 16427 North Scottsdale Road, Suite 370
6 Scottsdale, Arizona 85254
7 ryan.heath@heathlaw.com
8 *Attorneys for Plaintiff*

9 Brett W. Johnson
10 Eric H. Spencer
11 Colin Ahler
12 Ian Joyce
13 SNELL & WILMER LLP
14 E-Mail:
15 bwjohnson@swlaw.com
16 espencer@swlaw.com
17 cahler@swlaw.com
18 ijoyce@swlaw.com
19 *Counsel for Bill Gates, Clint Hickman,*
20 *Jack Sellers, Thomas Galvin, Steve Gallardo,*
21 *The Maricopa County Board of Supervisors, and*
22 *Stephen Richer*

23 Karen J. Hartman-Tellez
24 Kara Karlson
25 Kyle Cummings
26 ARIZONA ATTORNEY GENERAL'S OFFICE
27 E-Mail:
28 Karen.Hartman@azag.gov
Kara.Karlson@azag.gov
Kyle.Cummings@azag.gov
Counsel for
Arizona Attorney General Kris Mayes

29
30 /s/ Ella Meshke

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