No. D-1-GN-14-004290

DON ZIMMERMAN, Plaintiff, v. AUSTIN INVESTIGATIVE REPORTING PROJECT d/b/a THE AUSTIN BULLDOG, and KEN MARTIN, Defendants.	§ § § § § § § § § § §	IN THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS 53RD JUDICIAL DISTRICT

SUPPLEMENTAL AFFIDAVIT OF PETER D. KENNEDY
SUPPORTING APPLICATION FOR ATTORNEY'S FEES AND COSTS

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

Personally appeared before me the undersigned Peter D. Kennedy, a person known to me, who, being duly sworn on oath, stated as follows:

1. My name is Peter D. Kennedy. I am over the age of 18, and have not been convicted of a felony. The facts contained in this Affidavit are within my personal knowledge and are true and correct.

2. I am an attorney and shareholder with the law firm of Graves, Dougherty, Hearon & Moody, P.C. ("Graves, Dougherty"), counsel for Defendants. This affidavit supplements my affidavit filed December 9, 2014 with documentation of the attorney's fees and expenses incurred after the December 18, 2014 hearing in this matter through today.

3. I remain lead counsel with primary responsibility for all aspects of this case. I have personal knowledge of all work done from December 19, 2014, through today.

4. Court costs. Between December 19, 2014 and today, the Defendants incurred an additional $16.70 in court costs, as shown in Exhibit A.

5. Expenses. Between December 19, 2014 and today, the Defendants incurred an additional $5.66 in other expenses, as shown in Exhibit A.

6. Attorney's fees. Between December 19, 2014 and today, the Defendants consequently incurred an additional $5,712.00 in reasonable and necessary attorney's fees, as shown in the attached Exhibit A.

7. Reasonableness of attorney's fees. It is my opinion that the attorney's fees incurred between December 19, 2014 and today were reasonable and necessary. The general basis for this opinions is stated in Paragraphs 9-12 of my original affidavit. The time additional time spent on this case after the December 18, 2014 was reasonable and necessary to receive, review and analyze the Plaintiff's response to the Motion to Dismiss and the request for discovery; to research, analyze, draft and file the Defendants' Reply in support of their motion to dismiss; and to prepare for and present the merits of the Motion to Dismiss on January 5, 2014.

8. The descriptions of of the work performed, time spent, and fees incurred between January 19, 2014 and today are contained in Exhibit A. Exhibit A consists of true and correct copies of records obtained from Graves, Dougherty's billing system. These contemporaneously-kept records contain entries describing my work on this case. These records were made at or near the time of the activity by me, a personal with personal knowledge. These records were kept in the course of a regularly-conducted business activity. It is the regular practice of Graves, Dougherty to keep such records. The amount of time spent and the billing for those tasks was reasonable and necessary. I have carefully reviewed each entry, and I have marked by hand and removed any additional time spent on this litigation that may be considered redundant, unnecessary or not directly related to the defense of the lawsuit. The total hours and attorney's fees sought reflects this review and editing.

9. Combining the figures of actually incurred fees in my original affidavit with those in this affidavit, the total reasonable and necessary attorney's fees, court costs and expenses incurred to date are no less than the following:

10. Attorney's fees: $28,420.00

11. Court costs: $ 111.70

12. Expenses: $ 489.76

13. My estimate of the minimum additional reasonably and necessary attorney's fees that the Defendants would incur in the event of an appeal of the Court's ruling has not changed from my original affidavit:

- In the event of an appeal to the Court of Appeals requiring briefing: an additional $20,000;
- In the event of oral argument in the Court of Appeals: an additional $5,000;
- In the event of a Petition for Review to the Texas Supreme Court filed by the Defendants: an additional $10,000;
- In the event of a request for a Response to a Petition for Review to the Texas Supreme Court filed by the Plaintiffs: an additional $10,000;
-
- In the event of merits briefing in the Texas Supreme Court: an additional $20,000;
- In the event of oral argument in the Texas Supreme Court: an additional $10,000.

FURTHER AFFIANT SAYETH NOT.

Peter D. Kennedy

SUBSCRIBED AND SWORN TO BEFORE ME on the 6th day of January, 2015, to certify which witness my hand and official seal.

Notary Public in and for the
State of Texas

Nancy T. Karnes
Notary Public
State of Texas
My Commission Expires
OCTOBER 15, 2017

Nancy T. Karnes
Typed/Printed Name of Notary
My Commission Expires: 10/15/2017

CERTIFICATE OF SERVICE

I certify that on January 6, 2014, a true and correct copy of the foregoing was served via electronic filing service and as follows:

Stephen Casey
CASEY LAW OFFICE, P.C.
595 Round Rock West Drive, Suite 102
Round Rock, Texas 78681
(*via* Fax: 512-853-4098)

David Andrew Rogers
Law Office of David Rogers
1201 Spyglass, Suite #100
Austin, Texas 78746
(*via* First Class Mail)

/s/ Peter D. Kennedy
Peter D. Kennedy

Austin Bulldog - Zimmerman A28608.1

Date	Name	Hours	Amount	Description
12/19/2014	Peter D. Kennedy	0.4	168.00	Draft Supplemental Affidavit on Attorney's fees
				without final figures;
12/20/2014	Peter D. Kennedy	0.3	126.00	Complete draft of supplemental fee affidavit
				without figures; Update order granting motion
				to dismiss; Arrange matters on setting and
				calendaring of hearing;
12/22/2014	Gail Nelms	0.2	29.00	Attention to January 5, 2015 docket call
				regarding Defendant's Motion to Dismiss;
12/26/2014	Peter D. Kennedy	1.4	588.00	Draft chronology for use at hearing on motion
				to dismiss; Review proposed order filed by
				Plaintiff; Draft letter to Judge Meachum; Begin
				work on reply in support of motion to dismiss;
				Receipt and review of order and non-suit in
				Delgado v. Alvarado awarding fees;
12/30/2014	Peter D. Kennedy	0.3	126.00	Prepare for hearing;
1/2/2015	Peter D. Kennedy	1.0	420.00	Receipt and review of Response to Motion to Dismiss
				and attached exhibits; Begin outline of Reply; Circulate
				to co-counsel and client;
1/3/2015	Peter D. Kennedy	3.5	1,470.00	Research cases cited in Response to Motion to Dismiss;
				Outline and begin drafting Reply in support of motion;
				Identify and prepare exhibits in support of Reply;
1/4/2015	Peter D. Kennedy	4.1	1,722.00	Research, draft, revise and circulate Reply in support
				of motion to dismiss; Prepare for hearing;
1/5/2015	Peter D. Kennedy	5.0	2,100.00	Finalize and file Reply brief with exhibits; Prepare for
				and attend hearing to present Motion to Dismiss; Confer
				with client after hearing;
		16.2	6,749.00	

$5,712.00

Date	Amount	Description
12/19/2014	5.66	Computer Research
12/31/2014	3.34	Filing fees 11/25 Travis County District Clerk
		Bank of America Visa
12/31/2014	3.34	Filing fees 11/25 Travis County District Clerk
		Bank of America Visa
12/31/2014	3.34	Filing fees 11/26 Travis County District Clerk
		Bank of America Visa
12/31/2014	3.34	Filing fees 12/9 Travis County District Clerk -
		Bank of America - Visa
12/31/2014	3.34	Filing fees 12/17 Travis County District Clerk
		Bank of America Visa
	22.36	