

NO. 2022-83673

<b>WESTDALE CAPITAL INVESTORS 3, L.P.</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	
	§	<b>129th JUDICIAL DISTRICT</b>
<b>MICHAEL KAFROUNI, MICHAEL EISENBERG, BRYAN UPTON, AND TASO MOUGOURIS,</b>	§	
	§	
<b>Defendants.</b>	§	<b>HARRIS COUNTY, TEXAS</b>

**AFFIDAVIT OF MICHAEL L. JONES**

STATE OF TEXAS	§
	§
COUNTY OF DALLAS	§

BEFORE ME, a Notary Public for the State of Texas, personally appeared Michael L. Jones, who, being by me first duly sworn on his oath stated:

1. I am over the age of eighteen years. I have never been convicted of a felony, nor any crime involving moral turpitude. I am duly qualified, competent and authorized to make this Affidavit and the facts stated herein are within my personal knowledge and are true and correct.

2. I am duly licensed to practice law in the State of Texas by the Supreme Court of Texas and have been licensed since 1984. I have practiced commercial litigation in Texas for thirty-eight years. I am board certified by the Texas Board of Legal Specialization in Civil Trial Law and Civil Appellate Law. I received my board certifications in 1992. Attached hereto as Exhibit A is a true and correct copy of my resume. I have represented clients in numerous lawsuits in Harris County, Texas. I am familiar with the customary and usual legal fees charged for matters of this nature in Harris County, Texas.

3. The Law Office of Michael Jones, PLLC was engaged by Plaintiff Westdale Capital

Investors 3, L.P. (“WD”) to represent it in the above-referenced litigation. WD agreed to pay a reasonable fee for legal services in connection with this litigation.

4. I record my time spent for WD in this lawsuit on a daily basis. I record my time by the tenth of an hour. My daily time summaries are then used to create an invoice at the end of each month. Attached hereto as Exhibit B are true and correct copies of The Law Office of Michael Jones, PLLC’s invoices to WD in this engagement. Each invoice reflects the date of each service, the attorney providing the service, a description of the service performed, the time spent, and the dollar charge for the service.

5. To date I have spent 13 hours on WD’s claims against Defendants Michael Kafrouni, Michael Eisenberg, and Taso Mougouris and anticipate spending an additional five hours through the hearing on Plaintiff's Motion for Summary Judgment. None of the hours reflected were incurred with respect to WD’s claims against Bryon Upton other than his inclusion in Plaintiff’s Original Petition. It is my opinion that a reasonable hourly rate for my services is \$400.00 per hour. The services provided to WD were necessary to prosecute WD’s claims and are reasonable based upon the usual and customary fees charged by attorneys in Harris County, Texas. The rates charged are this firm's usual and customary fees.

6. I have reviewed The Law Office of Michael Jones, PLLC’s invoices in this matter. In my opinion, the hourly rates charged by The Law Office of Michael Jones, PLLC reflected in the invoices are reasonable in Harris County, Texas. It is also my opinion that the fees reflected in the invoices are reasonable and necessary based upon the usual and customary fees charged by attorneys in Harris County, Texas. I anticipate spending an additional four hours on this matter through a hearing on Plaintiff’s Motion for Summary Judgment (including reviewing Defendants’ response, research, preparing a reply, and attending the hearing) which will be an additional \$2,000.00. These

additional fees will be necessary and are reasonable. Based upon my review of the information listed above, the invoices, and my experience, a reasonable fee in Harris County, Texas for the legal services rendered to WD in this matter through a hearing on Plaintiff's Motion for Summary Judgment is \$7,200.

7. I have handled numerous appeals in my career. I am familiar with the usual and customary fees which would be involved for representation of WD if an appeal is filed in this case. In my opinion, \$14,000.00 would be a reasonable and necessary fee in Harris County, Texas in the event of an appeal to the Court of Appeals. I have handled numerous appeals to the Texas Supreme Court. I am familiar with the usual and customary fees which would be involved if an appeal is filed in this case to the Texas Supreme Court. In my opinion, for representation of The Law Office of Michael Jones, PLLC's at the petition for review stage in the Supreme Court of Texas, a reasonable and necessary fee in Harris County, Texas is \$5,000; for representation at the merits briefing stage in the Supreme Court of Texas, a reasonable and necessary fee in Harris County, Texas is \$14,000, and for representation through oral argument and the completion of proceedings in the Supreme Court of Texas, a reasonable and necessary fee in Harris County, Texas is \$10,000.

8. In reaching my opinions set forth in this affidavit, I have considered the factors set forth in Rule 1.04(b) of the Texas Disciplinary Rules of Professional Conduct, including the following factors: the time and labor required in prosecuting plaintiff's claims, the novelty and difficulty of the questions presented in this case, the skills required to perform the legal services rendered to the client properly, the customary fee for such services, the amount involved, and the experience and ability of the attorneys involved in this case.



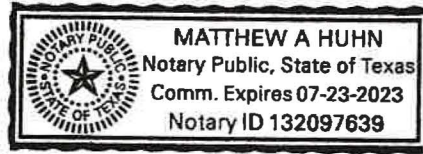
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MICHAEL L. JONES

SUBSCRIBED AND SWORN TO BEFORE ME ON this 2<sup>nd</sup> day of May, 2023, to certify which witness my hand and official seal of office.



Notary Public State of Texas



# EXHIBIT A

**MICHAEL L. JONES**  
16901 DALLAS PARKWAY, SUITE 202  
ADDISON, TEXAS 75001  
(214) 954-9704

**EMPLOYMENT**

LAW OFFICE OF MICHAEL JONES, PLLC

Partner, Commercial Litigation and Appellate Practice

**EXPERIENCE**

Commercial litigation and appellate practice in state and federal courts involving tort defense, probate, real estate, contracts, and general business litigation.

**EDUCATION**

Doctor of Jurisprudence (*cum laude*)  
The University of Houston Law Center (May 1984)

Bachelor of Arts  
The University of Texas at Austin (May 1981)

**BOARD CERTIFICATIONS**

Civil Trial Law, Texas Board of Legal Specialization, 1992  
Civil Appellate Law, Texas Board of Legal Specialization, 1992

**HONORS AND ACTIVITIES**

Texas Super Lawyer, Appellate law, Texas Monthly Magazine, 2004 - 2022  
Fellow, Dallas Bar Foundation  
President, Turtle Creek Manor (United Way Agency), 1997  
Board of Directors, Turtle Creek Manor (United Way Agency), 1990 - 1998  
Who's Who in Litigation, Dallas Business Journal, 1993  
Articles Editor, Houston Law Review, 1983 - 1984  
Member, Order of the Barons, 1983

# EXHIBIT B

Law Office of Michael Jones, PLLC

16901 Dallas Parkway  
Suite 202  
Addison, Texas 75001

# Invoice

Date	Invoice #
10/31/2022	194

Bill To
Westdale Capital Investors 3, L.P.

Date	Attny	Description	Hours	Rate	Amount
10/5/2022	MLJ	Review email and documents received from Justin concerning Refined Holdings; research concerning foreclosure credit; conference with Andrew; prepare demand letter.	1.4	400.00	560.00



Law Office of Michael Jones, PLLC

16901 Dallas Parkway  
Suite 202  
Addison, Texas 75001

# Invoice

Date	Invoice #
11/28/2022	212

Bill To
Westdale Capital Investors 3, L.P.

Date	Attny	Description	Hours	Rate	Amount
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
11/16/2022	MLJ	Review email from Justin concerning Refined deficiency; revise demand letter; prepare payoff statement; review email from Justin concerning Greenville Memorycare; revise amendment.	1.1	400.00	440.00
11/26/2022	Postag...	Postage and Delivery	1	31.40	31.40
			<b>Total</b>		\$951.40

Law Office of Michael Jones, PLLC

16901 Dallas Parkway  
 Suite 202  
 Addison, Texas 75001

# Invoice

Date	Invoice #
1/2/2023	228

Bill To
Westdale Capital Investors 3, L.P.

Date	Attny	Description	Hours	Rate	Amount
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12/11/2022	MLJ	Review email from Andrew concerning Refined Holdings; research concerning guarantors and email Andrew.	0.2	400.00	80.00
12/27/2022	MLJ	Review information received from Andrew concerning guarantors; email Andrew.	0.2	400.00	80.00
12/28/2022	MLJ	Prepare lawsuit; review bank documents; email Andrew.	1.5	400.00	600.00
12/29/2022	MLJ	Revise and file lawsuit; research concerning venue; request citations.	0.6	400.00	240.00
12/20/2022	Filing ...	Filing fees	1	360.12	360.12
12/20/2022	Servic...		1	33.00	33.00
			<b>Total</b>		\$2,793.12

Law Office of Michael Jones, PLLC

16901 Dallas Parkway  
Suite 202  
Addison, Texas 75001

# Invoice

Date	Invoice #
3/31/2023	277

Bill To
Westdale Capital Investors 3, L.P.

Date	Attny	Description	Hours	Rate	Amount
2/1/2023	MLJ	Prepare disclosures; email Justin; review response and documents received from Justin; prepare discovery to defendants.	1.6	400.00	640.00
3/1/2023	MLJ	Finalize discovery requests to Defendants; email to Defendant's attorney with documents.	0.5	400.00	200.00
3/2/2023	MLJ	Review email and disclosures received from Defendant's counsel.	0.1	400.00	40.00
3/10/2023	MLJ	Prepare motion for summary judgment and Lavine affidavit; email Justin; review documents; review email and documents rec'd from Justin.	2.3	400.00	920.00
3/29/2023	MLJ	Review and reply to email from Defendants' counsel; email Andrew and Justin.	0.1	400.00	40.00
			<b>Total</b>		<b>\$1,840.00</b>

Law Office of Michael Jones, PLLC

16901 Dallas Parkway  
Suite 202  
Addison, Texas 75001

# Invoice

Date	Invoice #
4/30/2023	296

Bill To
Westdale Capital Investors 3, L.P.

Date	Attny	Description	Hours	Rate	Amount
4/27/2023	MLJ	Finalize motion for summary judgment; revise Lavine affidavit; email Justin.	0.7	400.00	280.00
4/28/2023	MLJ	Review Defendants' discovery responses and crossclaim.	0.4	400.00	160.00
			<b>Total</b>		\$440.00

Law Office of Michael Jones, PLLC

16901 Dallas Parkway  
Suite 202  
Addison, Texas 75001

# Invoice

Date	Invoice #
4/30/2023	297

Bill To
Westdale Capital Investors 3, L.P.

Date	Attny	Description	Hours	Rate	Amount
5/1/2023	MLJ	Review email from Justin concerning payoff; revise payoff summary; email Justin; prepare Jones Affidavit.	0.9	400.00	360.00
5/2/2023	MLJ	Revise Jones Affidavit; revise Levine Affidavit; email Mr. Levine; redact legal invoice; prepare judgment.	1.4	400.00	560.00
			<b>Total</b>		\$920.00