

NO. 2019-58104

ASSOCIATED ENERGY GROUP, LLC,

PLAINTIFF,

v.

YANAIR LTD. AND
EASTOK AVIA FZC,

DEFENDANTS.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, T E X A S

295th JUDICIAL DISTRICT

MOTION FOR DEFAULT JUDGMENT

EXHIBIT B

ASSOCIATED ENERGY GROUP, LLC,

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

PLAINTIFF,

v.

HARRIS COUNTY, T E X A S

YANAIR LTD. AND
EASTOK AVIA FZC,

DEFENDANTS.

295th JUDICIAL DISTRICT

**DECLARATION OF ROBERT J. KRUCKEMEYER IN SUPPORT OF
ASSOCIATED ENERGY GROUP, LLC'S
MOTION FOR DEFAULT JUDGMENT**

My name is Robert J. Kruckemeyer, my date of birth is July 14, 1959, and my address is 919 Milam, Suite 1500, Houston, Texas 77002, USA.

1. I have been licensed to practice law in Texas since 1984, and I am duly admitted to practice in good standing in Texas and in various federal courts, including the Southern, Northern and Eastern districts of Texas.

2. I am experienced in state and federal court litigation and Litigation in Texas. Since 1984, I have concentrated my practice on civil litigation matters that include breach of contract, oil and gas, product liability, shareholder disputes, business divorce, business disputes of all kinds, as well as serious personal injury matters. I have represented both plaintiffs and defendants in these types of cases. I was recognized as the "Litigator of the Week" in the May 14, 2012 edition of Texas Lawyer magazine, and I am a Sustaining Life Fellow of the Texas Bar Foundation.

3. I graduated from St. Louis University in 1981 with a Bachelor of Arts degree in

Political Science, *magna cum laude*. In 1984, I received my Juris Doctor from the St. Louis University School of Law, *cum laude*.

4. I have represented Plaintiff since 1996 in general and in connection with the above-captioned litigation (the "Litigation") beginning in May of 2019. My customary hourly rate is \$425/hour.

5. Based on my education and experience, described above at paragraphs 2-4, my personal communications with lawyers handling similar types of matters, and my review of court filings, case law, and published literature pertaining to such hourly rates, I am familiar with the hourly rates that lawyers and support staff customarily charge in Houston, Harris County, Texas and elsewhere in complex cases and Litigations, such as this Litigation. Based on the foregoing, I am also familiar with the attorney and support staff time and effort that it takes and can reasonably take to prosecute and defend matters such as the Litigation and what constitutes reasonable and necessary attorneys' fees for doing so. As a result, I am able to offer opinions pertaining to the amount, reasonableness, and necessity of all attorneys' fees sought by Plaintiff in the Litigation. I was also requested to offer opinions pertaining to whether such attorneys' fees are equitable and just.

6. I am familiar with the nature of this case and the work that was performed in the course of this representation. I am familiar with the number of hours spent and the amounts I have charged and what would be a reasonable charge by the Plaintiff's attorneys.

7. I am familiar with and have considered the factors bearing upon the reasonableness of attorneys' fees in Texas, as articulated in Rule 1.04(b) of the Texas Disciplinary Rules of Professional Conduct and the Texas Supreme Court in *Arthur Andersen & Co. v. Perry Equipment*, 945 S.W.2d 812 (Tex. 1997), which are as follows: (1) the time and

labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal services properly; (2) the likelihood ... that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or contingent on the results obtained or uncertainty of collection before the legal services have been rendered.

8. Specifically, with reference to Paragraph 8 of this Affidavit and to form my opinions with regard to the reasonable and necessary attorneys' fees incurred by Plaintiff in this Litigation, I will address the factors bearing upon the reasonableness of attorneys' fees in Texas, as follows:

a. **The Time and Labor Required, the Novelty and Difficulty of the Questions Involved and the Skill Requisite to Perform the Legal Service Properly.** I have considered the time and labor required to handle Plaintiff's claims which has included, without limitation: (1) determining the proper amount of the claim and the method by which the defendant could be served; (2) filing pleadings; and (3) preparing Plaintiff's Motion for Default Judgment.

b. **The Likelihood, if Apparent to the Client, That the Acceptance of the Particular Employment Will Preclude Other Employment by the Lawyer.** Plaintiff has agreed to pay me on an hourly fee basis. Plaintiff understands that my working for Plaintiff necessarily precludes me from accepting other employment by other clients.

c. **The Fee Customarily Charged in the Locality for Similar Legal Services.** I have been practicing law in Harris County since 1984. Based on my education and experience, described above at paragraphs 2-4, my personal communications with lawyers handling similar types of matters, and my review of court filings, case law, and published literature pertaining to such hourly rates, I am familiar with the hourly rates that lawyers and support staff customarily charge in Houston, Harris County, Texas and elsewhere in complex cases and Litigations, such as this Litigation. My hourly rate of \$400.00 is reasonable.

d. **The Amount Involved and the Results Obtained.** Plaintiff's seeks recovery of \$66,989.28 principal together with prejudgment interest in the amount of \$12,509.16 with interest accruing at the rate of \$34.02 per day pursuant to the agreement. Plaintiff anticipates obtaining a judgment for the amount requested.

e. **The Time Limitations Imposed by the Client or by the Circumstances.** No time limitations have been imposed by the client or by the circumstances.

f. **The Nature and Length of the Professional Relationship with the Client.** I have represented Plaintiff since 1996.

g. **The Experience, Reputation, and Ability of the Lawyer or Lawyers Performing the Services.** As noted above, I have been licensed to practice law in Texas since 1984. I was awarded an AV rating by Martindale-Hubbell in 1999 and have been a member of the Bar Register of Preeminent Lawyers since 2005. I was recognized as the "Litigator of the Week" in the May 14, 2012 edition of Texas Lawyer magazine, and I am a Sustaining Life Fellow of the Texas Bar Foundation.

h. **Whether the Fee is Fixed or Contingent on Results Obtained or**

Uncertainty of Collection Before the Legal Services Have Been Rendered. Plaintiff has agreed to pay me an hourly rate. My compensation is not fixed or contingent on the results obtained. My fees are not affected by the uncertainty of collection before the legal services have been rendered.

9. Attached hereto as Exhibit 1 are invoices that I have sent to my client for work that I have done on this matter. The invoices total \$3,693.75. I have performed additional work this month in finalizing the Motion for Default Judgment and I anticipate appearing at a hearing on the Motion for Default Judgment.

10. Based upon my experience, training, and expertise, it is my opinion that Plaintiff's request for attorneys' fees in the amount of \$5,000.00 is reasonable and necessary and equitable and just. Further, in the event an appeal to the Court of Appeals is made but is unsuccessful, reasonable attorney's fees would be an additional \$25,000.00; in the event an appeal is made to the Texas Supreme Court is made but is unsuccessful, reasonable attorney's fees would be an additional \$25,000.00;

I declare under penalty of perjury that the facts stated herein are within my personal knowledge and are true and correct.


Robert J. Kruckemeyer

CAUSE NO. 2019-58104

ASSOCIATED ENERGY GROUP, LLC,

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

PLAINTIFF,

v.

HARRIS COUNTY, T E X A S

YANAIR LTD. AND
EASTOK AVIA FZC,

DEFENDANTS.

295th JUDICIAL DISTRICT

DECLARATION OF ROBERT J. KRUCKEMEYER IN SUPPORT OF
ASSOCIATED ENERGY GROUP, LLC'S
MOTION FOR DEFAULT JUDGMENT

EXHIBIT 1

ROBERT J. KRUCKEMEYER

ATTORNEY AT LAW
919 Milam, Suite 1500
Houston, TX 77002
713-860-0547

Invoice submitted to:
Associated Energy Group, LLC
25025 I-45 North
Suite 550
The Woodlands, TX 77380

June 02, 2019
In Reference To:
Invoice # 12067

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>May 2019</u>		
5/17/2019 RJK A110 Manage data/files Review Client Documents. Work on Plaintiff's Original Petition. YANAIR, LTD.	1.25 400.00/hr	500.00
SUBTOTAL:	[1.25	500.00]
For professional services rendered	1.25	\$500.00
Balance due		<u>\$500.00</u>

Invoices are due and payable upon receipt. Any amount not paid within 30 days of the date of the invoice will accrue interest at the rate of 18% per annum. Thank you for your business.

Please make checks payable to Robert J. Kruckemeyer and mail to:
919 Milam, Suite 1500
Houston, Texas 77002

ROBERT J. KRUCKEMEYER

ATTORNEY AT LAW
919 Milam, Suite 1500
Houston, TX 77002
713-860-0547

Invoice submitted to:
Associated Energy Group, LLC
25025 I-45 North
Suite 550
The Woodlands, TX 77380

September 02, 2019

In Reference To:

Invoice # 12170

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
<u>August 2019</u>			
8/14/2019	RJK A110 Manage data/files Work on Plaintiff's Original Petition. Communicate with Mr. Old re status of lien filings. Communicate with Mr. Mendez re SOA. YANAIR, LTD.	1.25 425.00/hr	531.25
8/15/2019	RJK A110 Manage data/files Finalize Plaintiff's Original Petition and attendant documents and send to Mr. Clementi for review and signature. YANAIR, LTD.	1.25 425.00/hr	531.25
8/20/2019	RJK A110 Manage data/files Finalize Petition and attend to filing. YANAIR, LTD.	0.75 425.00/hr	318.75
8/28/2019	RJK A110 Manage data/files Attend to service of citation and petition on Travis County Constable. YANAIR, LTD.	0.75 425.00/hr	318.75
SUBTOTAL:		[4.00	1,700.00]
For professional services rendered		4.00	\$1,700.00

Additional Charges :

		<u>Qty/Price</u>	<u>Amount</u>
<u>August 2019</u>			
8/20/2019	RJK E112 Court fees Fee to file Original Petition. YANAIR, LTD.	1 324.67	324.67
8/28/2019	RJK E113 Subpoena fees Fees to Travis County Constable for Service on Texas Secretary of State. YANAIR, LTD.	2 75.00	150.00
	RJK E113 Subpoena fees Fees to Texas Secretary of State for service on Defendants. YANAIR, LTD.	2 55.00	110.00
SUBTOTAL:			[584.67]
Total costs			\$584.67
Total amount of this bill			\$2,284.67
Previous balance			
Balance due			<u><u>\$2,284.67</u></u>

Invoices are due and payable upon receipt. Any amount not paid within 30 days of the date of the invoice will accrue interest at the rate of 18% per annum. Thank you for your business.

Please make checks payable to Robert J. Kruckemeyer and mail to:
919 Milam, Suite 1500
Houston, Texas 77002

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120 Days</u>
2,284.67	0.00	0.00		0.00

THE KRUCKEMEYER LAW FIRM

ATTORNEYS AT LAW
919 Milam, Suite 1500
Houston, TX 77002
713-860-0547

Invoice submitted to:
Associated Energy Group, LLC
25025 I-45 North
Suite 550
The Woodlands, TX 77380

November 30, 2019

In Reference To:
Invoice # 12248

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
<u>November 2019</u>			
11/13/2019	MTK A110 Manage data/files Obtain Whitney Certificates from Secretary of State and attend to filing with District Clerk. YANAIR, LTD.	0.50 225.00/hr	112.50
11/19/2019	RJK A110 Manage data/files Work on Yanair Motion for Default Judgment. YANAIR, LTD.	1.25 425.00/hr	531.25
11/21/2019	RJK A110 Manage data/files Work on Motion for Default Judgment. YANAIR, LTD.	0.75 425.00/hr	318.75
SUBTOTAL:		[2.50	962.50]
For professional services rendered		2.50	\$962.50
Previous balance			
Balance due			<u><u>\$962.50</u></u>

Invoices are due and payable upon receipt. Any amount not paid within 30 days of the date of the invoice will accrue interest at the rate of 18% per annum. Thank you for your business.

Please make checks payable to Robert J. Kruckemeyer and mail to:
919 Milam, Suite 1500
Houston, Texas 77002

Current	30 Days	60 Days	90 Days	120 Days
962.50	0.00		0.00	

THE KRUCKEMEYER LAW FIRM

ATTORNEYS AT LAW
919 Milam, Suite 1500
Houston, TX 77002
713-860-0547

Invoice submitted to:
Associated Energy Group, LLC
25025 I-45 North
Suite 550
The Woodlands, TX 77380

January 02, 2020

In Reference To:

Invoice # 12275

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>December 2019</u>		
12/17/2019 RJK A110 Manage data/files Work on Motion for Default Judgment. YANAIR, LTD.	1.25 425.00/hr	531.25
SUBTOTAL:	[1.25	531.25]
For professional services rendered	1.25	\$531.25
Previous balance		\$962.50
12/4/2019 Payment - thank you		(\$962.50)
Total payments and adjustments		(\$962.50)
Balance due		\$531.25

Invoices are due and payable upon receipt. Any amount not paid within 30 days of the date of the invoice will accrue interest at the rate of 18% per annum. Thank you for your business.

Please make checks payable to Robert J. Kruckemeyer and mail to:
919 Milam, Suite 1500
Houston, Texas 77002

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120 Days</u>
531.25	0.00	0.00	0.00	