

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

CENTENNIAL BANK,
Guardian of the Estate of
Mary Moore Stiny

PLAINTIFF

v.

No. 3:17-cv-226-DPM

RENA WOOD

DEFENDANT

ORDER

1. Notice of delivery of the deed to the Hoxie house and deposit of sale proceeds, *No 140*, approved.

2. Have the parties resolved the trial subpoena/records issues, *No 136 & 138*? If not, they should confer, try to do so, and file a joint report by 31 October 2018 if no consensus emerges.

3. The Court notes and approves the joint report on tax-returns issues, *No 151*. The Court appreciates the parties' fruitful collaboration.

4. The Court grants Centennial Bank's unopposed motion for guardian fees and related attorney's fees, *No 143*. All of this is reasonable and justified. The Court authorizes the Bank to pay itself \$3,743.75, and to pay Lyons & Cone \$3,550.00, from the guardianship account.

5. Powell's motion for attorney's fees, *No 137*, is granted with directions. Centennial's objections based on duplication, possible

motion research, and who supplemented the discovery responses are overruled. It's clear that Lilly is acting as lead counsel. The challenge is the size of the task. The Darvish Firm is playing a larger role than anticipated because of all that must be done on Powell's behalf. The most practical and cost-effective solution, the Court concludes, is to authorize and encourage Lilly to engage additional local counsel for litigation support. The Court authorizes payment up to \$225/hour for a seasoned lawyer, or \$175/hour for a less-experienced lawyer, and \$100/hour for a paralegal. The Court notes: Centennial has three lawyers working on the case; and while the Darvish Firm has other lawyers and paralegals, all that firm's time is being billed at \$375/hour. Powell needs Darvish's expertise on the California law issues, and matters related to the California property. He must stay hitched up and collaborate. Powell is also entitled to a full legal team, at reasonable hourly rates for this area, to make her case. It is late in the litigation. Though we're two months from trial, the Court is confident that Lilly can find some local help to work under his leadership on briefing, pretrial preparations, and trial. He should do so now.

Other than a handful of criminal trials, which are likely to be eliminated by plea or continuance, this case is first out for trial on 10 December 2018. The Court does not intend to continue the trial date unless it must try a criminal case. This dispute needs resolution.

The Court authorizes Bank of American to pay the following amounts for reasonable attorney's fees and expenses from account No. xxxxx-5307:

- Lilly Law Firm \$ 5,294.50
- The Darvish Firm \$ 26,020.50.

6. Joint status report on caregivers, *No 152*, noted. The Court appreciates the parties' continuing work on this issue. The Court will hear the claims of Helen Robins, Leslie Moore, Bev Moore, Vernon Moore, and Tom Moore at 1:30 p.m. on 13 November 2018 in Jonesboro. By 2 November 2018, the Bank must file a notice about hearing-related papers. Please indicate where on this Court's docket the relevant state court orders appear or attach them to the notice. The Court will use the timesheets already filed at *No 87-4 & 87-5* for these five people.

The Court authorizes payment of the following caregiver claims:

- JoAnn Harris \$ 777.50
- Joyce Roberts \$ 1,165.00
- Janet Brand \$ 356.25
- Peggy Miles \$ 1,908.85
- Carline Anglim \$ 6,512.00
- Martha Gibson \$ 16,980.00
- Jayme Walker \$ 964.00.

The amount approved for Peggy Miles's time is 100% of the food and supplies, plus 50% of the time—to treat her the same as the others

who provided care simultaneously to Mrs. Stiney and Ms. Della Moore. The claim by the estate of Della Moore is rejected for the reasons stated by the parties: as to Mrs. Stiney's care, this claim repeats now-approved claims made by the caregivers individually.

The total for all the approved caregiver claims is \$28,663.60. The Court directs the Clerk to pay that amount from the funds in the registry to Centennial Bank for distribution to the individuals listed.

7. If time permits on November 13th, we'll also start discussing pretrial matters. The Court is particularly interested in the parties' thoughts on which issues are for the jury and which are for the Court. The Court will hold a final pretrial on Monday, 26 November 2018 at 1:30 p.m. in Jonesboro, if necessary.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

12 October 2018