



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-20-004 - Declaration of Appellant's Counsel Re Attorney's Fees

julienne mirandanucum.com <julienne@mirandanucum.com>

Tue, Sep 15, 2020 at 9:52 AM

To: Jerrick Hernandez <jhernandez@guamopa.com>, "Minakshi V. Hemlani, Esq." <mvhemlani@mvhlaw.net>, Thyrza Bagana <tbagana@guamopa.com>

Good morning:

Please see the attached Declaration of Appellant's Counsel Re Attorney's Fees containing the information requested by the Public Auditor at yesterday's Status Conference. Please confirm receipt. Should there be any problem with the file, I will resend immediately.

Thank you for your time,

JULIENNE NUCUM, ESQ.

California Bar No. 278724

Guam Bar No. 14015

MIRANDA & NUCUM, LLP

Attorneys at Law

210 North Fourth Street

Suite 200A

San Jose, CA 95112

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**OPA-PA-20-004 - Declaration of Appellant's Counsel Re Attorney's Fees.pdf**

5991K

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2 Miranda & Nucum, LLP
3 210 North Fourth Street, Suite 200A
4 San Jose, CA 95112
5 T (408) 217-6125
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7 julienne@mirandanucum.com

8 *Attorney for Appellant JRN Air Conditioning & Refrigeration, Inc.*

9
10 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

11 In the Appeal of
12 JRN AIR CONDITIONING &
13 REFRIGERATION, INC.,
14 Appellant.

Docket No. OPA-PA-20-004

**DECLARATION OF APPELLANT'S
COUNSEL RE ATTORNEY'S FEES**

15 I, Julienne Nucum, hereby declare and, if called, shall testify as to the following:

- 16 1. I am an attorney licensed and in good standing in the Territory of Guam and in the State of
17 California. I have been practicing as an attorney since 2011.
- 18 2. My firm, Miranda & Nucum, LLP, and I represent Appellant in this matter, JRN Air
19 Conditioning & Refrigeration, Inc. My firm and I have represented and continue to represent
20 Appellant in various legal matters since 2012. I have a familial relationship with one of
21 Appellant's institutional representatives appearing in this matter, Julisis R. Nucum.
- 22 3. Appellant alerted me to the subject invitation for bid in April 2020, shortly before Appellant
23 filed its protest with the Purchasing Agency, Guam Memorial Hospital Authority. At that
24 time, my involvement was minimized to document review and consulting.
- 25 4. I took over the matter on or about May 18, 2020, when GMHA denied Appellant's protest
26 and the time for filing a procurement appeal before the Office of Public Accountability began
27 to run.

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5. To date, I have worked a total of 38.6 hours on this matter. My standard hourly rate is \$425. As such, Appellant has incurred a total of \$15,640 in attorney’s fees. Attached in **Exhibit 1** are copies of the invoices sent to Appellant detailing the time spent.
6. I believe my rate to be reasonably comparable and consistent with the rates charged by other attorneys having similar experience and skill.
7. I believe that all of the time expended was reasonably necessary to ensure the competent and diligent litigation of Appellant’s claims, up to and including the formal hearing that was intended to occur on September 14.

Executed under penalty of perjury this 14th day of September 2020 in San Jose, California



JULIENNE NUCUM
Declarant

EXHIBIT 1

MIRANDA & NUCUM, LLP

210 North Fourth Street
 Suite 200A
 San Jose, CA 95112

Invoice

Invoice #: 011
Invoice Date: 4/15/2020
Due Date: 4/15/2020

Bill To:

JRN Air Conditioning & Refrigeration, Inc
 PO Box 27070 GMF
 Barrigada, Guam 96913

Date	Professional	Description	Hours/Qty	Rate	Amount
4/14/2020	JN	Client conference	0.3	425.00	127.50
4/14/2020	JN	Reviewed documents from client's internal files re invitation for bid, bid submission, and correspondence with Owner (GMHA)	1.4	425.00	595.00

Total \$722.50

Payments/Credits \$0.00

Balance Due \$722.50

Phone #	Fax:
(408) 217-6125	(408) 217-6132

MIRANDA & NUCUM, LLP

210 North Fourth Street
 Suite 200A
 San Jose, CA 95112

Invoice

Invoice #: 012
Invoice Date: 5/15/2020
Due Date: 5/15/2020

Bill To:

JRN Air Conditioning & Refrigeration, Inc
 PO Box 27070 GMF
 Barrigada, Guam 96913

Date	Professional	Description	Hours/Qty	Rate	Amount
4/16/2020	JN	Client conference; reviewed client's Protest to Owner (GMHA)	0.9	425.00	382.50
4/27/2020	JN	Client conference; reviewed GMHA's Notice of Stay of Procurement	0.2	425.00	85.00
5/15/2020	JN	Client conference; reviewed correspondence from GMHA re procurement records and invoice	0.2	425.00	85.00

Total \$552.50

Payments/Credits \$0.00

Balance Due \$552.50

Phone #	Fax:
(408) 217-6125	(408) 217-6132

MIRANDA & NUCUM, LLP

210 North Fourth Street
 Suite 200A
 San Jose, CA 95112

Invoice

Invoice #: 013
Invoice Date: 6/15/2020
Due Date: 6/15/2020

Bill To:

JRN Air Conditioning & Refrigeration, Inc
 PO Box 27070 GMF
 Barrigada, Guam 96913

Date	Professional	Description	Hours/Qty	Rate	Amount
5/18/2020	JN	Client conference; reviewed correspondence from Owner (GMHA) re denial of protest	0.2	425.00	85.00
5/20/2020	JN	Client conference	0.3	425.00	127.50
5/20/2020	JN	Reviewed procurement records and documents from client's internal files	2	425.00	850.00
5/21/2020	JN	Client conference; reviewed client's correspondence to GMHA re denial of protest	0.6	425.00	255.00
5/22/2020	JN	Reviewed procurement records and documents from client's internal files	1.6	425.00	680.00
5/26/2020	JN	Drafted statement on appeal	1.8	425.00	765.00
5/27/2020	JN	Client conference; drafted statement on appeal and prepared exhibits for same	1.1	425.00	467.50
5/29/2020	JN	Drafted statement on appeal and prepared exhibits for same; drafted notice of appeal; prepared documents for filing and service	1.5	425.00	637.50
6/1/2020	JN	Client conference	0.3	425.00	127.50
6/3/2020	JN	Client conference; reviewed Notice of Receipt of Appeal	0.2	425.00	85.00

Total \$4,080.00

Payments/Credits \$0.00

Balance Due \$4,080.00

Phone #	Fax:
(408) 217-6125	(408) 217-6132

MIRANDA & NUCUM, LLP

210 North Fourth Street
 Suite 200A
 San Jose, CA 95112

Invoice

Invoice #: 014
Invoice Date: 7/15/2020
Due Date: 7/15/2020

Bill To:

JRN Air Conditioning & Refrigeration, Inc
 PO Box 27070 GMF
 Barrigada, Guam 96913

Date	Professional	Description	Hours/Qty	Rate	Amount
6/23/2020	JN	Reviewed e-mail correspondence from Court/Venue (OPA) re receipt of Procurement Record	0.1	425.00	42.50
6/23/2020	JN	Reviewed Notice of Pre-Hearing and Motion Filing Deadline	0.1	425.00	42.50
6/25/2020	JN	Reviewed e-mail correspondence from OPA re status conference and agency report	0.1	425.00	42.50
6/26/2020	JN	Client conference	0.2	425.00	85.00
6/26/2020	JN	Drafted Status Conference Brief and prepared same for filing	1	425.00	425.00
6/30/2020	JN	Client conference; appeared at Status Conference (July 1, 2020)	0.5	425.00	212.50
7/1/2020	JN	Reviewed First Amended Notice of Pre-Hearing and Motion Filing Deadline	0.1	425.00	42.50
7/1/2020	JN	Reviewed Agency Report	0.4	425.00	170.00
7/3/2020	JN	Client conference	0.2	425.00	85.00
7/10/2020	JN	Reviewed Entry of Appearance from opposing counsel	0.1	425.00	42.50
7/12/2020	JN	Client conference; appeared at Pre-Hearing (July 13, 2020)	0.4	425.00	170.00
7/12/2020	JN	Reviewed e-mail correspondence from OPA re Pre-Hearing attendance and audio file	0.1	425.00	42.50
7/13/2020	JN	Reviewed Notice of Hearing; reviewed Scheduling Order	0.1	425.00	42.50

Total \$1,445.00

Payments/Credits \$0.00

Balance Due \$1,445.00

Phone #	Fax:
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MIRANDA & NUCUM, LLP

210 North Fourth Street
 Suite 200A
 San Jose, CA 95112

Invoice

Invoice #: 015
Invoice Date: 8/17/2020
Due Date: 8/17/2020

Bill To:

JRN Air Conditioning & Refrigeration, Inc
 PO Box 27070 GMF
 Barrigada, Guam 96913

Date	Professional	Description	Hours/Qty	Rate	Amount
7/17/2020	JN	Reviewed Amended Agency Report; reviewed e-mail correspondence from opposing counsel re exhibits to same; reviewed exhibits from Procurement Record	3	425.00	1,275.00
7/17/2020	JN	Client conference	0.3	425.00	127.50
7/22/2020	JN	Drafted Comments to Agency Report	1.7	425.00	722.50
7/23/2020	JN	Client conference; drafted Comments to Agency Report	2.2	425.00	935.00
7/24/2020	JN	Drafted Comments to Agency Report and prepared same for filing	0.4	425.00	170.00
8/3/2020	JN	Reviewed Reply to Comments to Agency Report	0.5	425.00	212.50
8/5/2020	JN	Client conference	0.3	425.00	127.50

Total \$3,570.00

	Payments/Credits	\$0.00
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Balance Due \$3,570.00

Phone #	Fax:
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MIRANDA & NUCUM, LLP

210 North Fourth Street
 Suite 200A
 San Jose, CA 95112

Invoice

Invoice #: 016
Invoice Date: 9/15/2020
Due Date: 9/15/2020

Bill To:

JRN Air Conditioning & Refrigeration, Inc
 PO Box 27070 GMF
 Barrigada, Guam 96913

Date	Professional	Description	Hours/Qty	Rate	Amount
8/27/2020	JN	Client conference	0.3	425.00	127.50
8/27/2020	JN	Drafted Statement of Issues, Exhibit List, Witness List, and Notice(s) to Appear for hearing and prepared same for filing; prepared exhibits for hearing	1.3	425.00	552.50
8/27/2020	JN	Client conference	0.2	425.00	85.00
8/31/2020	JN	Reviewed hearing documents from opposing counsel, including Admissions of Fact	0.4	425.00	170.00
9/1/2020	JN	Client conference	0.1	425.00	42.50
9/4/2020	JN	Met and conferred telephonically with opposing counsel re witnesses and time estimates	0.2	425.00	85.00
9/4/2020	JN	Client conference	0.1	425.00	42.50
9/4/2020	JN	Drafted Hearing Brief	2	425.00	850.00
9/7/2020	JN	Drafted Hearing Brief and prepared same for filing	0.9	425.00	382.50
9/7/2020	JN	Reviewed e-mail correspondence between opposing counsel and Court/Venue (OPA) re hearing logistics and presentation of exhibits; scheduled virtual meeting to discuss same	0.2	425.00	85.00
9/8/2020	JN	Reviewed hearing brief from opposing counsel and Amended Witness List	0.6	425.00	255.00
9/8/2020	JN	Client conference	0.2	425.00	85.00
9/8/2020	JN	Prepared trial binder, including opening statement and witness outlines	2.3	425.00	977.50
9/9/2020	JN	Prepared trial binder, including witness outlines	1.5	425.00	637.50
9/9/2020	JN	Attended virtual meeting with OPA and opposing counsel re hearing logistics and presentation of exhibits	0.2	425.00	85.00
9/9/2020	JN	Client conference	0.2	425.00	85.00

Total**Payments/Credits****Balance Due**

Phone #	Fax:
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MIRANDA & NUCUM, LLP

210 North Fourth Street
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 San Jose, CA 95112

Invoice

Invoice #: 016
Invoice Date: 9/15/2020
Due Date: 9/15/2020

Bill To:

JRN Air Conditioning & Refrigeration, Inc
 PO Box 27070 GMF
 Barrigada, Guam 96913

Date	Professional	Description	Hours/Qty	Rate	Amount
9/9/2020	JN	Drafted Amended Witness List with order of appearance and contact information for OPA reference	0.3	425.00	127.50
9/10/2020	JN	Reviewed e-mail correspondence from opposing counsel re cancellation of bid; reviewed e-mail correspondence from OPA re same	0.1	425.00	42.50
9/10/2020	JN	Drafted request for emergency status conference	0.3	425.00	127.50
9/10/2020	JN	Client conference	0.2	425.00	85.00
9/10/2020	JN	Reviewed Notice of Second Status Conference	0.1	425.00	42.50
9/13/2020	JN	Client conference; appeared at Status Conference (September 14, 2020); client conference	0.7	425.00	297.50

Total \$5,270.00

Payments/Credits \$0.00

Balance Due \$5,270.00

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(408) 217-6125	(408) 217-6132