

FILED  
12/22/14 TIME: 4:00 am/PM  
By: [Signature]  
CLERK, FSM SUPREME COURT  
POHNPEI  
TRIAL DIVISION

1 Michael J. Sipos, Esq.  
2 P.O. Box 2069  
3 Pohnpei, FM 96941  
4 Tel: (691) 320-6450  
5 Fax: (691) 320-6451  
6 E-mail: MSipos@mail.fm

7 Attorney for Plaintiff  
8 BANK OF HAWAII

9  
10 **IN THE SUPREME COURT OF THE**  
11 **FEDERATED STATES OF MICRONESIA**  
12 **TRIAL DIVISION - POHNPEI STATE**  
13

14 BANK OF HAWAII, ) CIVIL CASE No. 1999-021  
15 )  
16 Plaintiff, ) DECLARATION OF COUNSEL IN  
17 ) SUPPORT OF FEE AWARD FOR  
18 v. ) FAILURE TO PROVIDE DISCOVERY  
19 )  
20 ALBERT PANUELO, )  
21 )  
22 Defendant. )  
23 )

24 COMES NOW plaintiff Bank of Hawaii (BOH), through counsel,  
25 and submits the following declaration listing the reasonable  
fees and costs incurred as a result of defendant Albert  
Panuelo's failure to provide timely, complete and responsive  
answers to interrogatories and requests to produce documents.  
This affidavit is filed in accordance with the court's November  
21, 2014 order.

26 DECLARATION OF MICHAEL J. SIPOS

27 I, Michael J. Sipos, declare and state that the information  
28 set forth below is true and accurate to the best of my knowledge.  
29

1           1.     I am the attorney of record in this action for  
2 plaintiff Bank of Hawaii. Prior to filing the motion to compel  
3 that led to the award of expenses subject to this declaration, I  
4 sought to comply with FSM Rules of Civil Procedure, Rule 6(d),  
5 by writing multiple "meet and confer" e-mails to opposing  
6 counsel, Salomon Saimon, in July and August 2014. Mr. Saimon  
7 initially argued that further compliance was not needed but  
8 eventually agreed to provide supplemental information. That did  
9 not happen, however, as a result of which I filed the motion to  
10 compel, but only after providing multiple notices and warning  
11 and ample opportunity to avoid a discovery dispute.

12           2.     All told I spent more than three hours engaging in meet  
13 and confer discussions regarding both the defendant's failure to  
14 comply with the court's payment order in aid of judgment and the  
15 failure to provide proper discovery. 1.5 hours of this time was  
16 allocated to the discovery dispute.

17           3.     I spent an additional 1.5 hours of billable time  
18 drafting the subject motion and preparing it for filing, for a  
19 total of 3.0 billable hours of time prior to the hearing.

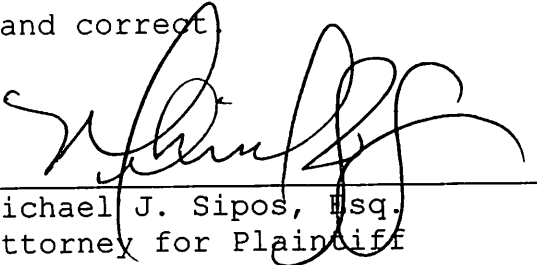
20           4.     I then spent 2 hours of time preparing for, traveling  
21 to, participating in the hearing on the motion, and returning to  
22 my office from the hearing in this matter. I spent an  
23 additional 0.5 hours of time drafting this fee statement, for a  
24 total of 5.5 hours of attorney time in connection with the  
25 matters leading to the court's issuance of the award for

1 reasonable expenses resulting from the defendant's failure to  
2 provide discovery.

3 5. The reasonable hourly rate for fees charged in this  
4 matter is \$155 hourly, and with a total of 5.5 hours of time  
5 devoted to the matters outlined above for preparing for and  
6 attending the subject hearing, the total reasonable fee is  
7 \$825.50.

8 I declare under penalty of perjury under the laws of the  
9 FSM that the foregoing is true and correct.

10  
11 Dated: December 22, 2014

  
\_\_\_\_\_  
12 Michael J. Sipos, Esq.  
13 Attorney for Plaintiff  
Bank of Hawaii

14  
15 **Certificate of Service**

16 I certify that on December 22, 2014 I hand-served a true  
17 and correct copy of Bank of Hawaii's counsel's fee statement on  
18 the following:

19 Salomon Saimon  
20 Micronesian Legal Services  
21 P.O. Box 129  
Kolonias, Pohnpei FM 96941

22  
23   
\_\_\_\_\_  
24 Kehlen Halbert  
25