

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*,  
Plaintiff(s),  
v.  
\*, et al.,  
Defendant(s).

CASE NO. A---C  
DEPT NO.

**DECLARATION OF  
[WITNESS]<sup>1</sup> IN SUPPORT OF  
REQUEST FOR FEES AND  
COSTS**

[WITNESS], under the penalty of perjury, declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those matters, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am an attorney duly licensed to practice law in the State of Nevada. In this matter, I represent the interests of [MOVANT]. I provide this declaration in support of [PLEADING NAME] and [MOVANT]'s request for an award of fees and costs.

3. I understand the Court requires competent evidence regarding each of the factors delineated in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349–50, 455 P.2d 31, 33 (1969) before it may grant any award of fees. Each factor is addressed below:

***The Qualities of the Advocate[s]: Ability, Training, Education, Experience, Professional Standing, and Skill***

[LIST THE QUALITIES OF EACH ADVOCATE FOR WHOSE TIME YOU SEEK REIMBURSEMENT. The court must determine the reasonable rates for all persons for

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<sup>1</sup> Bracketed text refers to information needed from the declarant or the need to make a choice between two or more alternatives. Replace the bracket with the required information with as much detail as necessary.

whose time a party seeks reimbursement, including partners, associates, paralegals, and law clerks, etc. *See LVMPD v. Yeghiazarian*, 129 Nev. 760, 770, 312 P.3d 503, 510 (2013). If you fail to discuss the qualities of an advocate, including a paralegal, the court cannot grant an award for that advocate's time]

4. [ADVOCATE (including declarant)] am/is an/a attorney/paralegal. [I am in good standing in the State of Nevada and [has/have] been since [DATE]]. [ADVOCATE] obtained a [INSERT DEGREE] degree from [INSERT SCHOOL] in [DATE], graduating [INSERT HONORS] [*Repeat for each degree*]. [ADVOCATE] has practiced [AREAS OF PRACTICE] since [YEAR]. [ADVOCATE] have/has worked at [INSERT WORK HISTORY IF DESIRED AND RELEVANT]. [ADVOCATE] have/has received the following honors [INSERT HONORS]. [ADVOCATE] bill/bills at the rate of [RATE], which is reasonable in this community for an advocate of [my/his/her] skills and experience. [*Repeat for each advocate*]

***The Character of the Work to be Done: its Difficulty, Intricacy, Importance, Time and Skill Required, the Responsibility Imposed and the Prominence and Character of the Parties Where They Affect the Importance of the Litigation***

5. The motion at issue required that the advocates conduct [DESCRIBE ACTIVITIES, SUCH AS RESEARCH, MEET AND CONFER, ETC.]. The work required the special skills of [DESCRIBE SPECIAL SKILLS].

6. [*If claiming prominence*] [NAME OF PROMINENT PARTY OR PARTIES] [is/are] prominent in this community [DESCRIBE THE PROMINENCE]. The prominence added to the character of the work performed in this matter because [DESCRIBE REASONS].

***The Work Actually Performed by the Lawyer: the Skill, Time, and Attention Given to the Work***

7. I have attached the billing records of [FIRM NAME] as Exhibit [NUMBER OR LETTER] (the "Billing Records"). The attached records are redacted to protect privileged or unrelated information. I retrieved these billing records from [FIRM NAME]'s [NAME OF

SOFTWARE] billing software on [DATE]. I have reviewed the Billing Records and recognize them as including my billing entries for work I performed, as well as for work I know was performed by others regarding the instant dispute. The Billing Records are a true, accurate, and correct copy of [FIRM NAME]'s billing records—related to the instant dispute—as they are routinely made and kept in the course of the firm's business and usual practice. The Billing Records were made at or near the time of the event that it records by persons with knowledge, or from information transmitted by a person with knowledge, and who reported such knowledge in the regular course of business.

8. [MOVANT]'s counsel/I performed the following work: [DESCRIBE THE WORK PERFORMED]. *(Repeat for each timekeeper)* In total, counsel (and staff) spent [AMOUNT OF TIME] on legal research, [AMOUNT OF TIME] drafting pleadings, [AMOUNT OF TIME] on correspondence regarding the dispute at issue, [AMOUNT OF TIME] on the meeting and conferring with opposing counsel, [AMOUNT OF TIME] at hearings, [AMOUNT OF TIME] drafting the application for fees and costs (including this Declaration), and [AMOUNT OF TIME] drafting the proposed order regarding the same. I have only included time spent relative to the discovery dispute at issue here.

9. [ADVOCATE] spent [NUMBER] hours on this dispute at the rate of \$[RATE]/hour, for a total of \$[TOTAL]. *(Repeat for each advocate)*

***The Result: Whether the Attorney was Successful and What Benefits Were Derived.***

10. ON [DATE], the Court held a hearing on [PARTY]'s [NAME OF MOTION]. [MOVANT] prevailed on the [NAME OF MOTION]. The Court's decision on the [NAME OF MOTION] was a benefit to [MOVANT] because [STATE REASONS].

***The Disparity in Income*** [ONLY IF A FAMILY COURT MATTER]

11. Because the Court must evaluate the disparity of income between parties to family law matters pursuant to *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998), [MOVANT] invites the Court's attention to Plaintiff's Financial Disclosure Form (FDF) filed on [DATE] and Defendant's FDF filed on [DATE]. The Court can see that Plaintiff earns \$[AMOUNT]/month, while Defendant earns \$[AMOUNT]/month. [ANALYZE ANY DISPARITY AND HOW/WHETHER IT SHOULD INFLUENCE A DECISION ON FEES].

12. [MOVANT] asks the Court to grant an award totaling \$[AMOUNT] in attorney fees. The award requested is reasonable in light of the dispute at issue because [INSERT REASONS].

13. [MOVANT] seeks an award of costs. These costs are reasonable, were necessary, and were actually incurred as set forth herein. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 120, 345 P.3d 1049, 1054 (2015) (Parties may not simply estimate a reasonable amount of costs, but must provide the court with proof that the costs were actually incurred and demonstrate that the costs were necessary and reasonable.)

14. [MOVANT] actually incurred \$[AMOUNT] in costs for [DESCRIPTION OF COST]. Attached hereto as Exhibit [EXHIBIT NUMBER] is a receipt for payment of [DESCRIPTION OF COST]. I retrieved the receipt from [FIRM NAME]'s accounting and cost records related to the instant dispute as they are kept in the ordinary course of [FIRM NAME]'s business. This cost was necessary to [MOVANT]'s case because [DESCRIBE THE REASON THE COST WAS NECESSARY]. The cost is a reasonable amount in this community because [DESCRIBE HOW YOU COMPARE THE REASONABLE RATE OF THE COST TO OTHER KNOWN PROVIDERS]. *[Repeat for each cost]*

15. I have reviewed Exhibits [NUMBERS OR LETTERS]; they are a true and correct copy of proof of the costs taken from [FIRM NAME]'s accounting records related to the instant dispute as they are kept in the ordinary course of [FIRM NAME]'s business. The cost records are routinely made and kept in the course of the firm's business and usual practice. The records were made at or near the time of the event that it records by persons with knowledge, or from information transmitted by a person with knowledge, and who reported such knowledge in the regular course of business.

16. [MOVANT] asks the Court to grant an award of costs in the total amount of \$[AMOUNT]. The total amount of costs requested is reasonable in light of the dispute at issue because [INSERT REASONS].

Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this \_\_\_ day of [MONTH], [YEAR].

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[DECLARANT]