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Memorandum of Judgment

IN THE CIRCUIT COURT OF COOK
COUNTY, ILLINOIS,
COUNTY DEPARTMENT,
LAW DIVISION

COLFIN BULLS B FINANCE SUB, LLC,
a Delaware limited liability company,

v.

ARTHUR J. KOHN



Doc# 1703329033 Fee \$50.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 02/02/2017 11:06 AM PG: 1 OF 7

Recorder's Stamp

No. 2014 L 11687

MEMORANDUM OF JUDGMENT

On January 17 and January 20, 2017, judgment was entered in this court
in favor of the plaintiff ColFin Bulls B Finance Sub, LLC

and against defendant Arthur J. Kohn

whose address is 6112 N. Saint Louis Avenue, Chicago, Illinois 60659 (as legally described in Exhibit A attached hereto)

in the amount of \$ 761,516.30 Plus post-judgment interest.

A CERTIFIED COPY OF THE FOREGOING JUDGMENT IS ATTACHED HERETO AS EXHIBIT B

Atty. No.: 48614

Name: Thompson Coburn LLP

Atty. for: Plaintiff

Address: 55 East Monroe Street, 37th Floor

City/State/Zip: Chicago, Illinois 60603

Telephone: (312) 346-7500

CRO REVIEWER

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EXHIBIT A

LEGAL DESCRIPTION

LOT 15 IN BLOCK 4 IN OLIVER SALINGER AND COMPANY'S THIRD KIMBALL BOULEVARD ADDITION TO NORTH EDGEWATER, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF THE INDIAN BOUNDARY LINE, IN COOK COUNTY, ILLINOIS.

Address of Property: 6112 N. Saint Louis Avenue, Chicago, Illinois 60659

Tax Identification No.: 13-02-208-034-0000

Property of Cook County Clerk's Office

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Exhibit B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION

ColFin Bulls B Finance Sub, LLC,)	
)	
Plaintiff,)	No. 2014 L 11687
)	
v.)	Commercial Calendar T
)	
Arthur J. Kohn,)	Judge John C. Griffin
)	
Defendant.)	
)	

OPINION

This cause is before the court on Plaintiff ColFin Bulls B Finance Sub, LLC's ("ColFin" or "Plaintiff") Motion to amend *nunc pro tunc* the judgment amount in the Summary Judgment Order entered November 4, 2016.

I. BACKGROUND

The following is a summary of the allegations contained in the Verified Complaint. MB Financial Bank, N.A. ("MB") entered into a Promissory Note lending money to FDB Management LLC ("FDB"), which was replaced by a series of subsequent notes. Coordinating with the promissory note and its amendments (collectively, "Note"), Arthur J. Kohn signed a series of guaranties (collectively, "Guaranty") securing repayment of FDB's loan, and the Guaranty was assigned to Plaintiff ColFin. Defendant Kohn failed to pay the amount due under the Note. Plaintiff filed a Verified Complaint alleging breach of the Guaranty. The Court granted Plaintiff summary judgment in an order entered November 4, 2016.

Plaintiff ColFin files this Motion to amend *nunc pro tunc* the judgment amount in the Summary Judgment Order entered November 4, 2016.

II. STANDARD OF REVIEW

"It is well settled that the party seeking attorney fees always bears the burden of presenting sufficient evidence from which the trial court can render a decision as to their reasonableness." *Palm v. 2800 Lake Shore Drive Condo Assoc.*, 1-08-2436, 00 CH 0679, opinion issued May 28, 2010, citing *LaHood v. Couri*, 236 Ill. App. 3d 641, 648 (1992). "An appropriate fee consists of reasonable charges for reasonable services; however, to justify a fee, more must be presented than a mere compilation of hours multiplied by a fixed hourly rate or bills issued to the client, since this type of data, without more, does not provide the court with sufficient

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information as to their reasonableness.” *Id.* “A petition for attorney fees must present the court with detailed records containing facts and computations upon which the charges are predicated and specifying the services provided, by whom they were performed, the time expended, and the hourly rate charged.” *Chicago Title & Trust Co. v. Chicago Title & Trust Co.*, 248 Ill. App. 3d 1065, 1072 (1st Dist. 1993). “A trial judge is permitted to use his own knowledge and experience to assess the time required to complete particular activities, and a court of review may not reverse an award of attorneys fees merely because it may have reached a different conclusion.” *Carefree Foliage, Inc. v. American Tours, Inc.*, 153 Ill. App. 3d 190, 197-98 (1st Dist. 1987).

III. DISCUSSION

When determining the reasonableness of attorney fees, courts will consider the following factors: (1) the skill and standing of the attorney employed; (2) the nature of the case; (3) the novelty and difficulty of the issues involved; (4) the degree of responsibility required; (5) the usual and customary charge for the same or similar services in the community; (6) whether there is a reasonable connection between the fees charged and the litigation; (7) the amount and importance of the subject matter; (8) the time and labor required; and (9) the benefits resulting to the client. *Chicago Title & Trust Co.*, 248 Ill. App. 3d at 1072; *Carefree Foliage, Inc.*, 153 Ill. App. 3d at 197-98.

Plaintiff requests a total of \$133,086.00 in attorney fees for the work of Thompson Coburn LLP. In reviewing Plaintiff’s calculation of attorney fees, the Court has considered all of the above factors. The Court grants Plaintiff’s Motion in part and amends the requested amount of attorney fees. The Court has subtracted the denied fee entries from the total amount due, calculating these subtracted amounts according to the average billing rate, \$291.47, which was found by dividing the total fee amount by the total amount of hours.

First, the Court denies Plaintiff’s Motion as to the \$116.59 fee entry on 6/3/15 for .4 hours, because the current case does not involve real estate and thus would not need an estimate of redemption. The two 6/16/15 entries for .4 hours regarding a borrower’s application and foreclosure complaint, totaling \$233.18, are likewise stricken because this case does not concern real estate foreclosure. Because this case also does not involve bankruptcy, the \$378.91 9/3/15 entry for 1.3 hours is stricken. For this same reasoning, and because Defendant Kohn did not file bankruptcy, the Court strikes the \$87.44 9/20/16 fee entry for .3 hours analyzing a bankruptcy filing. The \$87.44 fee entry on 9/19/16 for .3 hours is stricken because the case does not involve a building violation proceeding.

Lastly, the Court amends the 195.3 hours Plaintiff bills for answers to interrogatories, document production, and responding to Defendant’s Motion to Compel. Plaintiff attempts to justify this amount of hours by arguing Plaintiff’s documents were organized in such a way that required substantial labor to search through them. However, this justification is not the fault of Defendant, and so

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Defendant should not be responsible for such an unreasonable amount. Considering the relevant factors for determining the reasonableness of fees, the Court allows 40 hours for these tasks.

Thus, in total, the Court subtracts \$46,081.41 from Plaintiff's total amount.

The Court grants Plaintiff's Motion to amend the summary judgment amount, and Plaintiff may recover \$87,004.59 in attorney fees.

IV. ORDER

For the reasons stated, it is hereby ORDERED:

- (1) Plaintiff ColFin Bulls B Finance Sub, LLC's ("ColFin" or "Plaintiff") Motion to amend *nunc pro tunc* the judgment amount in the Summary Judgment Order entered November 4, 2016 is **GRANTED** as to attorney fees in the amount of \$87,004.59;
- (2) This is a final order disposing of this case in its entirety.

4233
4329
4293-0
1/11/17

ENTERED
 JUDGE JOHN C. GRIFFIN-1981
 JAN 20 2017
 DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK


ENTERED

Judge John C. Griffin, No. 1981

I hereby certify that the document to which this certification is affixed is a true copy.

Date JAN 20 2017

Dorothy Brown
 Clerk of the Circuit Court
 of Cook County, IL



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IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, LAW DIVISION

Coffin Bulls B Finance Sub, LLC
Plaintiff(s),

No. 14 L 011687

v.

Kohn

Defendant(s)

ORDER

This matter coming to be heard on Plaintiff's Motion to Amend
Nunc Pro Tunc the Judgment Amount in the Summary Judgment
Order Entered November 4, 2016 (the "motion"), due notice
given and the Court being fully advised in the premises, **IT IS**
HEREBY ORDERED: 4233

The November 4, 2016 judgment amount shall be revised to include the
following, exclusive of attorneys' fees, ^{final} ruling on attorney fee amount shall be 6293
issued on or before 1/20/17: principal (\$454,545.82) Interest as of
12/15/15 (\$183,096.61), late fees (\$1,355.20), protective advances (\$50.00), plus
interest from 12/15/15 through 10/31/16 (\$35,464.08) for a total 8001-P
of \$674,511.71, subject to Court ruling on attorney fees award WM

Atty. No.: 48614

Name: Thompson Coburn LLP

Atty. for: II

Address: 55 E. Monroe, 37th Fl.

City/State/Zip: Chicago, IL 60603

Telephone: (312) 346-7500

ENTERED:

Judge

Judge's No.

ENTERED
JUDGE JOHN C. GRIFFIN-1981
JAN 17 2017
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

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COOK COUNTY
RECORDER OF DEEDS

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COOK COUNTY
RECORDER OF DEEDS

I hereby certify that the _____ to which this
 certification is affixed is a _____
JAN 26 2017
 Date _____
Dorothy Brown
 Clerk of the Circuit Court
 of Cook County, IL

