

D.N. FST-FA-06-4009453 S

: SUPERIOR COURT

STAMFORD
2014 SEP - 5 11 34

[REDACTED]

: J.D. OF STAMFORD/NORWALK

VS.

: AT STAMFORD

[REDACTED]

: SEPTEMBER 5, 2014

MOTION TO ORDER POST JUDGMENT

The undersigned, Attorney for the Minor Children, respectfully represents as follows:

1. The Plaintiff-Husband commenced this divorce action in June, 2006.
2. The undersigned was appointed as Attorney for the Minor Children on or about November 11, 2006 by this court (Schofield, J.)
3. The undersigned received a retainer in January 2007 and essentially has received no payments since that time except for some payments here and there by the Plaintiff-father
4. The matter was tried on all issues before the court (Malone, J.) over several days in June 2009.
5. The parties were divorced by Memorandum of Decision on August 18, 2009 (Malone, J.)
6. On or about September 20, 2009, the Defendant-Wife filed an appeal from the Memorandum of Decision.
7. On October 2, 2009, the undersigned filed a Motion to Terminate Stay with respect to the attorneys fees owed to the undersigned Attorney for the Minor Children and the Guardian Ad Litem, Attorney Kirk Bennett.
8. After a hearing on the Motion to Terminate the Stay, the trial court (Malone, J.) granted the motion and ordered that the parties pay the outstanding attorneys fees no later than November 15, 2009.
9. The Defendant-Wife filed a Motion to Review with the Appellate Court regarding the ruling on the Motion to Terminate the Stay. Said Motion for Review was denied by the Appellate Court on December 16, 2009. Notwithstanding, no payments were made on the attorney fees pursuant to the court order.

see transcript # 701.20 for the court's ruling. (Col. J)
(RV)

9-18-11-Order - The foregoing motion having been heard it is hereby ordered. See transcript dated 9-18-11 by the Court.

701.03

10. On March 8, 2011, the Appellate Court affirmed the orders regarding the fees for Attorney for the Minor Children. 127 Conn. App. 148 (2011)

11. On or about March 3, 2010 the Attorney for the Minor Children filed a Motion for Order re her attorney fees. On or about April 7, 2010 this Honorable court (Malone, J.) ordered a judgment lien on the Florida property in the amount of \$198,731.24 plus 10% interest per annum. Said lien was placed on the property on or about April 15, 2010.

12. On or about July 19, 2011 the Attorney for Minor Children filed another Motion for Order regarding her fees. A status conference was held on November 16, 2011 at which time the Court took up the matter of the outstanding fees for the Attorney for the Minor Children and the Guardian Ad Litem.

13. On or about March 9, 2012 this court held a hearing on the Attorney for the Minor Children's Motion for Order among other issues.

14. On April 12, 2012, pursuant to his memorandum of decision, this court (Shay, J.) ordered the parties to pay the outstanding balance of fees at that time for the Attorney for the Minor Children in the amount of \$240,071.87 to be paid from the sale of the Florida property. Said amount included the \$198,731.24 plus an additional \$41,340.65, but exclusive of any accrued interest on the \$198,731.24, ordered on or about April 7, 2010 and further fees through that date.

15. At a status conference on March 17, 2014, this Court (Emons, J.) once again affirmed that the parties were to pay the outstanding balance of fees to the Attorney for the Minor Children.

16. There have been numerous offers to purchase the Florida property since the memorandum of decision; however, the Defendant Wife has thwarted every attempt to close on the property. After refusing the numerous offers in the past, there was a closing scheduled for March 28th, 2014 and then again for August 5, 2014, however, the Defendant-Wife refused to sign the closing documents on both dates.

17. The present buyers stand ready to close on the Florida property but need the Defendant-Wife to sign the necessary documents.

18. Although the outstanding fees at the present time including interest is \$382,042.76 on August 4, 2014, the Attorney for the Minor Children agreed to accept \$311,614.98 in total and full satisfaction of her fees from the closing on the sale of the Florida property.

19. The figure in Paragraph 18 was calculated as follows:

- a.) \$198,731.24 with interest of \$87,772.96 (from April 15, 2010 through August 31, 2014) pursuant to Paragraph 11;
- b.) \$41,340.65 pursuant to Paragraph 14;
- c.) \$54,197.91 from April 12, 2012 through August 31, 2014.

This amount is for the services of the Attorney for the Minor Children and does not include any charges for work performed by other members of her firm.

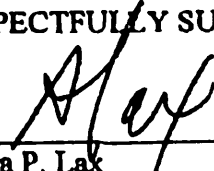
20. The only thing preventing the payment of the fees due to the Attorney for the Minor Children is the Defendant-Wife's refusal to sign the closing documents to permit the Florida property to close.

WHEREFORE, the undersigned Attorney for the Minor Children respectfully requests that this Honorable Court order:

1. That the Defendant-Wife be ordered to sign the necessary closing documents for the Florida property immediately while in court, or;
2. That in the alternative, the Defendant-Wife be incarcerated until such time she signs said documents.
3. Such other and further relief, legal or equitable, as the court deems just and proper.

RESPECTFULLY SUBMITTED

By



Sandra P. Lax
Attorney for the Minor Children
Lax and Truax, LLC
2507 Post Road Suite PH
Southport, CT 06890
(203) 254-9877, Juris No. 416516

EXPLANATION OF FEES 9/5/14

Judge Malone Order April 7, 2010	\$198,731.24
Plus 10% interest through August 31, 2014	87,772.96
Judge Shay order April 12, 2014	(\$240,071.87)
This figure does not include any interest	
Difference between original order without interest and	
April 12, 2012 order	41,340.65
Fees from April 12, 2012 through August 31, 2014	
Without interest	<u>54,197.01</u>
Total owed to Lax and Truax, LLC	\$382,042.75

ORDER

The foregoing motion having been heard, it is hereby ordered:

GRANTED/DENIED

Dated this day of , 2014.

THE COURT

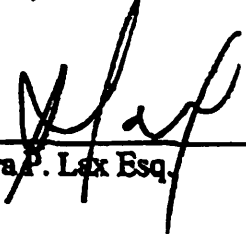
Judge/Assistant Clerk

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed, postage pre-paid to the following counsel and pro se parties of record as of this date:

Kevin Collins, Esq.
Law Office of Kevin Collins
1150 Summer Street
Stamford, CT 06905

Jill Plancher, Esq.
Connecticut Legal Services
20 Summer Street, #4-1
Stamford, CT 06901



Sandra P. Lax Esq.

SUPERIOR COURT
STAMFORD-NORWALK
JUDICIAL DISTRICT

D.N. FST-FA-06-4009453 S

2014 SEP - 3 A 10:55

SUPERIOR COURT

[REDACTED]

: J.D. OF STAMFORD/NORWALK

VS.

: AT STAMFORD

[REDACTED]

: SEPTEMBER 5, 2014

AFFIDAVIT RE COUNSEL FEES, POST JUDGMENT

I, SANDRA P. LAX, being duly sworn, do hereby depose and say:

1. I was admitted to practice as a member of the Connecticut Bar in December 1988.
2. I am associated with the law firm of Lax & Truax, LLC.
3. I am a principal in said law firm and have been since January 1, 1999.
4. I am a member of the American Academy of Matrimonial Lawyers since July 1998. I

have also served as an executive board member of the Family Law Section of the Connecticut Bar Association. I have written and lectured in the field of Family Law in the state of Connecticut and I am also an adjunct professor in Family Law at Quinnipiac University School of Law and a mentor for the American Academy of Matrimonial Law Associates Institute in Chicago, IL.

5. The majority of my practice is devoted to the field of matrimonial law and the representation of minor children and I consider myself a specialist in that part of law.

6. I represent the minor children as their attorney in the above entitled action. I filed my appearance on November 11, 2006.

7. Both Connecticut and Federal courts have set forth the factors to be considered in reaching a determination of reasonable fee, not only in matrimonial matters, but in matters involving other forms of litigation.

In determining the fair, just and reasonable compensation in this case the court must take into consideration all factors including the following: The nature, extent, novelty and difficulty of the services rendered by the plaintiff; the amount of money and value of property involved and the legal problem and the liability and risks of the situation to the client; the results achieved; the standing of the attorney at the bar, that is, his standing in the profession for learning, ability, skill, integrity and his faculties for using professional knowledge; the amount of such ability and experience called for in this particular case; the time spent by the attorney in the performance of his duty; the fact that the services were performed pursuant to a one-time employment; the time limitation for performing the services imposed by the client or by the circumstances; whether the services for which the attorney seeks to charge also benefited others not jointly obligated with the defendant; and whether any of the services for which the attorney seeks compensation were unnecessary to duplicate. . . .¹

8. On March 9, 2010 the undersigned obtained a judgment in her favor in the amount of One Hundred Ninety-Eight Thousand Seven Hundred Thirty One Dollars and Twenty-Four cents (\$198,731.24) with interest at the rate of ten (10%) percent per annum from March 8, 2010 through the date of sale of the Florida property. Said amount to date totals Two Hundred Eighty Six Thousand Five Hundred Four Dollars and Twenty cents (\$286,504. 20).

9. Furthermore, on April 10, 2012 the undersigned obtained a judgment in her favor in

1. DIFRANCESCO V. GOLDMAN, 127 CONN. 387, 394 (1940); ROSEN, ET AL V. COOK, CIVIL NO. B77-23, U.S. DISTRICT COURT, DISTRICT OF CONNECTICUT, AUGUST 10, 1979, BURNS, J.; D.T. O'BRIEN V. FRANK H. SEYER, NO. 132726, NEW HAVEN SUPERIOR COURT AT PAGE 33.

the additional amount of Forty One Thousand Three Hundred Forty Dollars and Sixty Five cents (\$41,340.65).

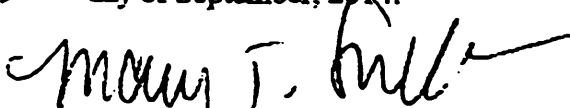
10. Since the date of the last order the undersigned has incurred through August 31, 2014 an additional amount of Fifty Four Thousand One Hundred Ninety Seven Dollars and Ninety One cents (\$54,197.91).

11. Through August 31, 2014 the undersigned is owed a total of Three Hundred Eighty Two Thousand Forty Two Dollars and Seventy Six cents. (\$382,042.76).



SANDRA P. LAX

Subscribed and sworn to before me, this ^{5th} day of September, 2014.



COMMISSIONER SUPERIOR COURT

[REDACTED] EXPLANATION OF FEES 9/5/14

Judge Malone Order April 7, 2010	\$198,731.24
Plus 10% interest through August 31, 2014	87,772.96
Judge Shay order April 12, 2014	(\$240,071.87)
This figure does not include any interest	
Difference between original order without interest and	
April 12, 2012 order	41,340.65
Fees from April 12, 2012 through August 31, 2014	
<u>Without interest</u>	<u>54,197.01</u>
Total owed to Lax and Truax, LLC	\$382,042.75