

1965

# Constance H. Barrett v. Robert Michael Barrett : Petition for an Award of Attorney's Fee In Connection with Appeal

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## Recommended Citation

Petition for Rehearing, *Barrett v. Barrett*, No. 10268 (1965).  
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IN THE SUPREME COURT  
of the  
STATE OF UTAH

CONSTANCE H. BARRETT,  
*Plaintiff-Respondent,*

vs.

ROBERT MICHAEL BARRETT,  
*Defendant-Appellant.*

Case No. 10268

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PETITION FOR AN AWARD OF ATTORNEY'S  
FEE IN CONNECTION WITH APPEAL

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Comes now Constance H. Barrett, the above named plaintiff and respondent and petitions the above entitled court for an award of an additional attorney's fee in connection with this appeal, and for cause alleges:

1. In the judgment and decree entered by the trial court herein the plaintiff was awarded a reasonable attorney's fee in the amount of \$1,750. (T. 73-74) (R. 165)

2. During the trial of the case it was stipulated that \$20 per hour would be a reasonable charge for services rendered; that \$100 would be reasonable compensation for one-half day spent in court. (T. 71)

3. The defendant has prosecuted an appeal of the case and has thereby made it necessary for the plaintiff to employ the services of her legal counsel in representing her on this appeal.

4. The plaintiff has no independent means with which to compensate her attorneys for services thus rendered and it is only equitable that the defendant should be required to pay to her an additional reasonable attorney's fee for the use and benefit of her own attorneys.

5. A reasonable fee to be awarded the plaintiff for legal services in connection with the appeal of the case is the sum of \$.....<sup>990<sup>00</sup></sup>..... in accordance with the affidavit of the plaintiff's attorney attached hereto.

WHEREFORE, the plaintiff prays that she be awarded by this court the sum of \$.....<sup>990<sup>00</sup></sup>..... as an additional reasonable attorney's fee for services rendered by her attorneys on her behalf in connection with this appeal.

Dated this <sup>21<sup>st</sup></sup>..... day of March, 1965.

McKAY AND BURTON  
and  
MACOY A. McMURRAY

By *Macoy A. McMurray*  
Macoy A. McMurray  
720 Newhouse Building  
Salt Lake City, Utah 84111  
*Attorneys for Plaintiff-  
Respondent*

STATE OF UTAH }  
COUNTY OF SALT LAKE } ss.

Constance H. Barrett being first duly sworn, deposes and says: That she is the plaintiff-respondent herein; that she has read the above and foregoing petition, knows the contents thereof and that the same is true of her own knowledge, excepting as to matters therein alleged upon information and belief and as to those matters she believes them to be true.

*Constance H. Barrett*

Constance H. Barrett

Subscribed and sworn to before me this 22 day  
of March, 1965.

*Myron W. Young*

Notary Public

Salt Lake City, Utah

My Commission Expires:

4/15/65

IN THE SUPREME COURT  
of the  
STATE OF UTAH

CONSTANCE H. BARRETT,  
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vs.

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Case No. 10268

AFFIDAVIT

STATE OF UTAH

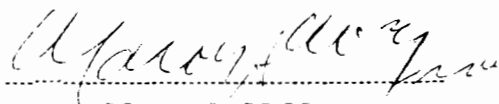
COUNTY OF SALT LAKE

} ss.


Macey A. McMurray, being first duly sworn upon oath, deposes and says: That he is an attorney duly licensed to practice law in the State of Utah; that he is an associate in the law firm of McKay and Burton and has represented Constance H. Barrett in her suit for divorce brought against Robert Michael Barrett and is representing her in connection with the appeal being prosecuted by the defendant from the decision of the trial court; that as the attorney for Constance H. Barrett the deponent in connection with the appeal of the above entitled matter has been required to expend in excess of 42.....hours in connection with the appeal of the case; that the legal services rendered have included consultations, research,

study of the record and transcript of the case, preparation of the brief on appeal, preparation for argument, and in addition, there will, of course, be the argument on appeal which is anticipated to consume approximately one-half day; that a reasonable fee for services rendered prior to the argument of the case on appeal is the sum of \$ 240<sup>00</sup>..... Accordingly a total reasonable fee for all services rendered in connection with the appeal of the case is the sum of \$ 290<sup>00</sup>.....

Dated this 22<sup>nd</sup> day of March, 1965.

  
-----  
Macoy A. McMurray

Subscribed and sworn to before me this 22<sup>nd</sup> day of March, 1965.

  
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Notary Public  
Salt Lake City, Utah

My Commission Expires :

November 18, 1966