

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THOMAS A. MAHON,

Plaintiff,

v.

Civil Action No. 07-CV-0044

GC SERVICES LIMITED PARTNERSHIP, et al,  
including CAPITAL MANAGEMENT SERVICES, LP,

Defendants.

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**REPLY AFFIRMATION OF KENNETH R. HILLER**

Kenneth R. Hiller, under penalties of perjury, affirms that the following statements are true and correct to the best of my knowledge, information and belief:

1. That your deponent is the attorney of record for the Plaintiff herein.
2. That the undersigned wishes to dispute the implication of counsel for Capital Management that the time spent on this case was not justified given the limited pleadings that were addressed to them.
3. While it is true that the pleadings were not extensive, that does not mean an insignificant amount of time was spent on this case.
4. The Plaintiff supplied the undersigned with 5 hours of tape recordings. I had to listen to all five hours of those tapes on several occasions to ensure that all recordings related to Capital Management were known, and to ensure that they were properly transcribed. This time would have been necessary even if there had not been any other defendants.
5. Defendant's counsel also criticizes the undersigned for not responding to her request for time records. The undersigned did not acquiesce to this demand because the entire point of a "settlement" is to save the parties the time it would take to litigate. Given that opposing counsel would have required me to compile my time records, and the 14 day time limit imposed upon me by the federal rules to file this motion, it seemed prudent and most cost effective to simply file the motion.
6. Beyond the above clarification, Plaintiff rests on the evidence and arguments submitted in his motion for attorneys fees previously filed in this matter.

Dated: June 20, 2007

s/Kenneth R. Hiller  
Kenneth R. Hiller, Esq.  
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