

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)
)
 PLAINTIFFS)
)
 and)
)
 TIMOTHY LOVE, ET AL.)
)
 INTERVENING PLAINTIFFS)
)
 v.)
)
 STEVE BESHEAR, ET AL.)
)
 DEFENDANTS)
)

CIVIL ACTION NO.
3:13-CV-750-CRS

SECOND MOTION FOR ATTORNEY FEES AND COSTS

Pursuant to Fed. R. Civ. P. 54, 42 U.S.C. § 1988, to 28 U.S.C. § 1920, Fed. R. App. P. 39(d), and the inherent authority of this Court, Plaintiffs hereby move the Court to award them the amount of \$2,091,297.34 in attorney’s fees and costs related to the above-styled action (also *sub nom. Deboer v. Snyder*, 772 F.3d 388 (6th Cir. 2014) and *Obergefell v. Hodges*, 135 S. Ct. 1039 (2015)). A memorandum in support is attached hereto.

Respectfully submitted,

s/Daniel J. Canon
DANIEL J. CANON
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was this 21st day of August, 2015, delivered via the CM/ECF system to all parties of record.

s/Daniel J. Canon
DANIEL J. CANON

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**MEMORANDUM IN SUPPORT OF PLAINTIFFS’ SECOND MOTION FOR ATTORNEYS’
FEES AND COSTS**

Pursuant to Fed. R. Civ. P. 54(d), Plaintiffs Gregory Bourke, et al., and Intervening Plaintiffs Timothy Love, et al., hereby request an award of attorneys’ fees and costs as authorized by 42 U.S.C. § 1988. The amounts requested are as follows:

For the law firm of Clay Daniel Walton Adams, PLC, attorney fees in the amount of \$543,405.27 and costs totaling \$18,948.87, as supported by the declarations and time/expense records attached as Exhibits A, E, F, I, and J;

For the Fauver Law Firm, PLLC, attorney fees in the amount of \$219,150.00, and costs totaling \$5,978.83, as supported by the declarations and time/expense records attached as Exhibits C, E, F, and K;

For the American Civil Liberties Union Foundation, attorney fees in the amount of \$206,924.00, and costs totaling \$7800.16, as supported by the declarations and time/expense records attached as Exhibits B, H, L, M, N and O;

For Jeffrey L. Fisher and the Stanford Law School Supreme Court Litigation Clinic, attorney fees in the amount of \$154,875.00, as supported by the declarations and time/expense records attached as Exhibits D, G, and P.

I. PROCEDURAL HISTORY

Following the landmark decision by the United States Supreme Court in *United States v. Windsor*, 133 S. Ct. 2675 (2013), Plaintiffs Gregory Bourke and Michael DeLeon, et al. (hereinafter “the *Bourke* plaintiffs”), brought this challenge to Kentucky’s marriage laws. The original defendants included Kentucky Attorney General Jack Conway and Kentucky Governor Steve Beshear. The *Bourke* Plaintiffs were four couples who had valid marriages from other jurisdictions that were not recognized by the Commonwealth. Their Second Amended Complaint alleged violations of the Fourteenth Amendment, as well as violations of the First Amendment, the Full Faith and Credit Clause, and the Supremacy Clause of the U.S. Constitution. (DN 31.) Plaintiffs also challenged Section 2 of the federal Defense of Marriage Act, 28 U.S.C. § 1738C. In their Motion for Summary Judgment, Petitioners argued that they suffered a number of tangible and intangible harms as a result of Kentucky’s marriage laws. (DN 38.)

The Motion for Summary Judgment was opposed by both Defendants (DN 39) and an *amicus curiae*, the Family Trust Foundation of Kentucky, Inc. (DN 43) Plaintiffs were invited by the Court to respond to both the Defendants’ and the amicus’ arguments, which they did. (See DN 45, 46). On February 12, 2014, this Court issued a memorandum opinion granting Plaintiffs’ Motion. (DN 47.) Judge Heyburn, guided by the recent precedent in *Windsor*, opined that same-sex couples may well be a

suspect class requiring heightened scrutiny, but declined to make that holding in light of Sixth Circuit precedent. (*Id.* at PageID #730-32.) The Court also opined that the nature of marriage as a fundamental right might also require that Kentucky’s laws receive heightened scrutiny under the Fourteenth Amendment’s Due Process clause. (*Id.* at PageID #732-33). The court ultimately concluded that the application of heightened scrutiny ought to emanate from a higher court, particularly since application of that standard would not affect the outcome of the case before it. Relying on *Windsor*; *Lawrence v. Texas*, 539 U.S. 558 (2003); *Romer v. Evans*, 517 U.S. 620 (1996); and *Loving v. Virginia*, 388 U.S. 1 (1967) this Court concluded that “Kentucky’s denial of recognition for valid same-sex marriage violates the United States Constitution’s guarantee of equal protection under the law, even under the most deferential standard of review.” (*Id.* at PageID #725).

On February 14, 2014, after the initial opinion by this Court but before its final order, two unmarried couples who were denied marriage licenses in Kentucky (Timothy Love and Lawrence Ysunza, and Maurice Blanchard and Dominique James, hereinafter “the *Love* Plaintiffs”) filed a Motion to Intervene. (DN 49.) The *Love* Plaintiffs challenged Kentucky’s ban on issuing marriage licenses to same-sex couples. On February 27, 2014 the Court granted the *Love* Plaintiffs’ motion, ordered the Intervening Complaint filed, and set a briefing schedule for the *Love* case. (DN 53.) The Court then issued a final Order granting summary judgment to the *Bourke* Plaintiffs and stayed the granted injunctive relief pending appeal. (DN 55.)

The Governor appealed the *Bourke* judgment on March 18, 2014. (DN 68.) The *Love* plaintiffs subsequently moved for summary judgment in this Court. (DN 77.) They argued that they suffered a number of harms similar to those suffered by the *Bourke* plaintiffs. Defendant Beshear filed a response which set forth new state interests justifying Kentucky’s marriage laws. (DN 87.) Shortly after the district court briefing began in *Love*, the Sixth Circuit briefs in *Bourke* became due.

On July 1, 2014, this Court granted the *Love* Plaintiffs' Motion for Summary Judgment, ruling that Kentucky's marriage laws violated the Equal Protection Clause of the Fourteenth Amendment by denying Intervening Petitioners and all same-sex couples the right to marry in Kentucky. (DN 91.) The district court also stayed enforcement of its final Order "until further notice of the Sixth Circuit."

Defendant immediately appealed the summary judgment ruling and, with the Intervening Petitioners, filed a Joint Motion to Consolidate the *Love* and *Bourke* cases. The Sixth Circuit granted the motion and the cases were consolidated on July 16, 2014. (Order, Case No. 14-5291, DN 142-2). While this procedural move put both issues (licensure of marriage per *Love*, and recognition of valid out-of-state marriages per *Bourke*) before the appellate court, it required two separate rounds of briefing, the second occurring in an extremely compressed period of time.

Meanwhile, counsel was pelted with amicus briefs from individuals and organizations. In all, 30 amicus briefs were filed before the Sixth Circuit in the *Bourke/Love* cases alone. The five lawyers from the Fauver Law Office and Clay Daniel Walton Adams were solely responsible for briefing, reviewing, and analyzing the information in these briefs prior to argument. At the same time, cases from other jurisdictions were being decided across the country, and counsel's legal theories were regularly revised and reviewed in light of these decisions.

The Sixth Circuit heard oral argument in the *Bourke/Love* cases on August 6, 2014, along with similar marriage challenges on appeal from district courts in Tennessee, Ohio, and Michigan. The oral arguments, which lasted three hours, required extensive preparation and drew intense attention from national and international news media. In the meantime, the legal landscape continued to shift dramatically. *Baskin v. Bogan*, 766 F.3d 648 (7th Cir. 2014), was argued and decided while plaintiffs awaited the Sixth Circuit's decision. On October 6, 2014, the Supreme Court denied petitions for writs of certiorari arising from the decisions striking down marriage bans from the Fourth, Seventh, and

Tenth Circuits. *See Bogan v. Baskin*, 135 S. Ct. 316 (2014); *Rainey v. Bostic*, 135 S. Ct. 286 (2014); *Herbert v. Kitchen*, 135 S. Ct. 265 (2014).

The Sixth Circuit became the first (and ultimately only) appeals court to uphold a marriage ban, reversing this Court on November 6, 2014. *Deboer v. Snyder*, 772 F.3d 388 (6th Cir. 2014). The Circuit Court's Opinion was over 40 pages of analysis, followed by 20 pages of spirited dissent. What followed was an intense – and truly unprecedented – period of coordination and preparation by and among the undersigned attorneys, attorneys representing plaintiffs in Ohio, Michigan, and Tennessee, national civil rights organizations, and legal scholars.

The first challenge for the Kentucky team was preparing a petition for certiorari which would be considered before the end of the 2015 Supreme Court Term. Plaintiffs were obligated to file the petition no later than November 14, 2014. This gave the attorneys on this case – at the time still composed only of two small, private Louisville law firms – only eight days to draft a highly complex legal document, the variety of which most Kentucky attorneys never file in their careers, and one for which the Supreme Court rules typically allow 90 days to complete. (Sup. Ct. R. 13.) While the document was being drafted, the attorneys of Clay Daniel Walton Adams, PLC were able to successfully contract with highly experienced attorneys from the American Civil Liberties Union and from the Stanford Law School's Supreme Court Litigation Clinic in time to obtain their assistance on a reply brief in support of certiorari.

The Supreme Court accepted certiorari on all four cases from the Sixth Circuit on January 16, 2015. *Obergefell v. Hodges*, 135 S. Ct. 1039 (2015). From that point forward, to say that this case became a commitment which dominated the lives of the attorneys involved would be an understatement. The Supreme Court is a unique and exclusive venue, with a set of rules and procedures quite unlike those of the district and circuit courts. As such, in addition to the extensive research needed

by all attorneys on virtually every issue at every turn, the experience and insight of the outside lawyers was absolutely necessary. Moreover, while the Supreme Court ordered separate briefing from each state, the case was consolidated into only two questions (and therefore two oralists) for purposes of oral argument. Extensive cooperation and coordination between all the lawyers on all four teams, as well as with the Office of the Solicitor General of the United States, was required to ensure optimal representation of all of the Kentucky clients. And, of course, the entire process was under the media microscope every step of the way.

The case went through the briefing process rapidly at the Supreme Court. Plaintiffs' principal brief was due and filed on February 27, 2015. The Governor's response was due and filed on March 27. Plaintiffs filed their reply on April 17. Preparations for oral argument occurred throughout the entirety of this time, and included moot arguments in front of the top constitutional lawyers and scholars in the country. The case was argued on April 28, 2015, and many of the undersigned counsel spent the entirety of the week leading up to the argument in Washington D.C., attending and providing input into the moots which occurred at Howard Law School, Georgetown University, and the Office of the Solicitor General of the United States.

Throughout this process, counsel was being bombarded with amicus briefing from a colorful variety of organizations, as well as from several states and many individuals claiming an interest in the outcome. At last count, the total number of amicus briefs filed in the Supreme Court was 139. *See* Ilya Somin, *Amicus briefs in the same-sex marriage case*, The Washington Post (April 16, 2015), available at <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/04/16/amicus-briefs-in-the-same-sex-marriage-case/>. This tally does not include the various filings by people seeking to intervene or to get certain justices recused, or the like. *See Tanco v. Haslam*, 135 S.Ct. 1169 (2015) (denying motion to intervene by man seeking to marry his computer); Foundation for Moral Law, *Foundation*

Files Motion for Recusal, available at <http://morallaw.org/2015/06/16/foundation-files-motion-for-recusal/> (requesting the recusal of Justices Kagan and Ginsburg).

On June 26, 2015, the Supreme Court issued its opinion *sub nom. Obergefell v. Hodges*. As discussed further below, the opinion marks a complete victory by Plaintiffs in no uncertain terms. Justice Kennedy's majority opinion not only vindicates Judge Heyburn's prior opinions in *Love/Bourke*, but also his suspicions regarding the level of scrutiny to be applied to laws which discriminate based upon sexual orientation.

II. THE PRIOR FEE PETITION

On March 11, 2014, prior to the Governor's Notice of Appeal in the *Bourke* case, Plaintiffs filed an attorney fee petition for the time expended to date in *Bourke*. (DN 60.) Plaintiffs employed the lodestar calculation, requested a modest amount, and did not request an enhancement. (*Id.*) Both Defendants opposed the Motion. (DN 74, 75). Ultimately, this Court awarded Plaintiffs the amount they sought and more. Judge Heyburn wrote:

This was a difficult, novel case in which Plaintiffs' counsel showed considerable skill and determination. Counsel's hourly rate of approximately \$250, and their total hours of 275.54, was most certainly reasonable. In fact, the total seems quite modest. Because Plaintiffs undertook a difficult, unpopular case and achieved remarkable success, the Court concludes that counsel is entitled to a small bonus to account for this risk.

(DN 85). In all, the Court awarded \$70,325.00 for attorney's fees, and \$453.00 in costs.¹ Judge Heyburn's Order was not appealed, and the amount, which continues to accrue interest, has not yet been paid.

III. APPLICABLE STANDARD

¹ An amount of \$2310.00 was excluded from the original petition because it represented time spent on the *Love* Plaintiffs' intervening petition. Plaintiffs renew their request for that amount herein.

The Civil Rights Attorneys Fees Awards Act of 1976, 42 U.S.C. § 1988(b), provides: “In any action or proceeding to enforce a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986 of this title . . . , the court, in its discretion, may allow the prevailing party . . . a reasonable attorney’s fee as part of the costs” Congress enacted section 1988 to encourage private litigation of civil rights claims. “When a plaintiff succeeds in remedying a civil rights violation . . . he serves ‘as a “private attorney general,” vindicating a policy that Congress considered of the highest priority.’” *Fox v. Vice*, 131 S. Ct. 2205, 2213 (2011) (quoting *Newman v. Piggie Park Ent., Inc.*, 390 U.S. 400, 402 (1968) (per curiam)). Because such litigation advances important civil rights, a prevailing plaintiff “‘should ordinarily recover an attorney’s fee’ from the defendant.” *Id.* (citation omitted). Awarding attorney’s fees to prevailing civil rights plaintiffs “at once reimburses a plaintiff for ‘what it cos[t] [him] to vindicate [civil] rights,’ and holds to account ‘a violator of federal law.’” *Id.* (citations omitted).

IV. PLAINTIFFS ARE THE PREVAILING PARTY

If, as Judge Heyburn states in his previous Opinion, the victory in the *Bourke* case was a “remarkable success,” Plaintiffs’ victory in *Obergefell* was all the more so. The success achieved at the Supreme Court was far beyond that necessary to be considered a prevailing party under 42 U.S.C. § 1988. A prevailing party is one that succeeds “on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit.” *Farrar v. Hobby*, 506 U.S. 103, 109 (1992) (citation omitted). It should be noted that Plaintiffs did not have to prevail on *all* of their claims to be entitled to an award of attorney’s fees. *See Berger v. City of Mayfield Heights*, 265 F.3d 399 (6th Cir. 2001) (plaintiff held to be the prevailing party even though 12 of his 14 claims were dismissed); *Owner-Operator Indep. Driver Assn, Inc. v. Vissell*, 210 F.3d 595, 597 (6th Cir. 2000) (holding that “[a]ny enforceable judgment of comparable type of relief or settlement . . . will generally make a

plaintiff a ‘prevailing party.’”). But, “[w]here a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee.” *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983).

In this case, Plaintiffs prevailed on all of their claims as argued in the appellate courts, and received the precise relief sought by their clients, without qualification or reservation of any kind. This case, which has often been referred to as the “most important civil rights case in a generation,”² will also have a profound effect on the rights of gay men and lesbians well into the future, both in the United States and internationally. Jeb Sharp, *Which countries will follow America in legalizing gay marriage?*, WCAI (June 26, 2015), available at <http://capeandislands.org/post/which-countries-will-follow-america-legalizing-gay-marriage>. It is almost impossible to speak of the case in terms that do not sound hyperbolic, but to label it a “total victory” is not unwarranted.

V. THE FEES REQUESTED BY PLAINTIFFS ARE REASONABLE

The lodestar approach is the approved method for determining reasonable attorneys’ fees. *See Hensley*, 461 U.S. at 433-37. The lodestar is calculated by multiplying the number of hours the prevailing party reasonably expended on the litigation by a reasonable hourly rate. *Morales v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996). A fee determined by this “lodestar method” is entitled to a “strong presumption” that it “represents the ‘reasonable’ fee.” *City of Burlington v. Dague*, 505 U.S. 557, 562 (1992); *see also Perdue v. Kenny A.*, 559 U.S. 542, 552 (2010).

A summary of the hours expended and claimed here, by attorney, is represented in the table below.

² *See, e.g.*, David Savage, *Supreme Court weighs gay marriage; Justice Kennedy unexpectedly expresses doubt*, Los Angeles Times (April 28, 2015) (available at <http://www.latimes.com/nation/la-na-court-gay-marriage-arguments-20150428-story.html>).

Attorney	Hours	Rate	Total
Daniel Canon	678.1	\$250 - \$300	\$196,342.50
Laura Landenwich	777.5	\$250 - \$300	\$212,540.00
L. Joe Dunman	603.8	\$200 - \$250	\$136,097.50
James Esseks	206.9	\$700	\$144,830.00
Chase Strangio	96.4	\$325	\$31,330.00
Joshua Block	76.91	\$400	\$30,764.00
Jeffrey L. Fisher	206.5	\$750	\$154,875.00
Dawn Elliott & Shannon Fauver	876.6	\$250	\$219,150.00

In addition to the basic lodestar calculation, courts consider the following factors in awarding fees: the novelty and complexity of the issues; the special skill and experience of counsel; the quality of representation; the results obtained; and the contingent nature of the fee agreement. *Morales*, 96 F.3d at 364. The application of these factors is discussed further below, but in sum, the hours and requested rates are reasonable and should be awarded by the Court.

A. The Total Number of Hours is Reasonable

Taking all appropriate factors into consideration, the time expended to achieve the results in this case was reasonable. Work was clearly divided between the attorneys, each taking specific responsibilities for the tasks at hand. The attorneys carefully edited all briefs, resulting in high-quality legal memoranda that clearly and succinctly identified the novel issues to be decided by the Court, and managed a group of twelve clients and their children who were originally split into two different cases. In addition, the coordination of effort among the four legal teams before the Supreme Court was both unusual and necessary to effective representation on an issue of national importance. To be sure, a lot of time was required, but the numbers reflected in this Motion are not unreasonable.

The complexity of the case and the sheer amount of work required to properly litigate it necessitated multiple attorneys. As this Court knows, using multiple lawyers in a case “is a common

practice, primarily because it results in a more efficient distribution of work. It allows more experienced, accomplished, and expensive attorneys to handle more complicated matters and less experienced, accomplished, and expensive counsel to handle less complicated ones.” *Gautreaux v. Chicago Hsg. Auth.*, 491 F.3d 649, 661 (7th Cir. 2007). The method contemplated by *Gautreaux* is precisely the method by which Plaintiffs have litigated this case all along, as reflected by the billing records attached hereto.

To the extent that there is overlap in the hours expended by counsel, it was only as absolutely necessary. Courts have approved so-called “duplicative” billing, where two attorneys are billing for the same telephone conversation or meeting. The practice of law often (indeed usually) involves significant periods of consultation among counsel. In this case, those efforts were critical in creating cohesive arguments, strategizing novel legal theories, and assessing the implications of various positions. Talking through a set of authorities or seeking advice on a vexing problem is often significantly more efficient than one attorney’s attempt to wade through the issue alone. *Tchemkou v. Mukasey*, 517 F.3d 506, 511-12 (7th Cir. 2008).

In any event, the multiplicity of attorneys and potential overlap in hours has already been addressed by Judge Heyburn:

With a case such as this one that presents novel issues, and in which many plaintiffs are involved, the Court does not find staffing multiple attorneys on a single telephonic hearing deciding the important issue of whether the Court would grant a stay of its final order in the case objectionable.

(DN 85). There is no reason why this rationale should not apply to the appellate proceedings in these cases, and with greater force.

Moreover, Plaintiffs' counsel have done everything in their power to run a streamlined, surgical campaign from the outset, litigating only what was necessary, and abandoning unsuccessful or tenuous strategies along the way. Given that the precise manner in which the challenged provisions of Kentucky law violated the federal Constitution was unclear, the early stages of this litigation were devoted to arguing more than just the Fourteenth Amendment claims. But it bears mention that once Judge Heyburn ruled on the merits of the original case on Fourteenth Amendment grounds, Plaintiffs did not cross-appeal that ruling or otherwise pursue claims not arising from the Fourteenth Amendment (though, as Judge Heyburn indicated, these claims cannot be said to have been "unmeritorious"; *See, e.g., Bourke v. Beshear*, 996 F. Supp. 2d 542, 550, n.15) (W.D. Ky. 2014)). And every argument raised by Plaintiffs before the Sixth Circuit and the Supreme Court – all of which were grounded in the Fourteenth Amendment – ultimately prevailed.

Furthermore, no procedural delay can be attributed to Plaintiffs' handling of this litigation – quite the opposite. Unlike in many states, final judgments were obtained without extensive discovery or trial. Instead of filing two separate lawsuits, Plaintiffs filed an intervening complaint on behalf of the *Love* plaintiffs and ultimately consolidated their claims, reducing the need to expend additional judicial resources as well as minimizing the time, costs, and resources of both the undersigned counsel and Defendant.

Although the Kentucky case was the only case to encompass both questions presented to the Supreme Court in *Obergefell*, and while Kentucky counsel played a major role in helping prepare and shape the strategies for oral argument, the oralists ultimately selected were not explicitly affiliated with Kentucky. Therefore, no time has been claimed on their behalf in this petition.

The oralists are not the only legal professionals contributing to this massive effort whose time is not included in this Petition. Invaluable assistance was received from professors and students of the

University of Louisville Brandeis School of Law, as well as consulting attorneys from law firms, large and small, all over the country. Hundreds of hours of paralegal and clerk time expended by staff at Clay Daniel Walton Adams, PLC, the ACLU, and Stanford is not claimed here. See individual discussions *infra*, and Declaration of Daniel J Canon, attached hereto as Exhibit A. And several attorneys of record, who did countless cumulative hours of work at the Supreme Court level, have not asked for a single hour of compensation in this Petition. See Declaration of James Esseks, attached as Exhibit B.

In short, Plaintiffs present this Court with a modest petition; one that excludes literally hundreds of hours spent by dedicated, top-notch practitioners from our community and all over the country. Counsel does not seek a windfall, but does seek adequate compensation. As one declarant noted, “this is an all-encompassing project for an appellate practitioner . . . it would not be unreasonable for [the attorneys] to have billed all of their waking hours, and some of their non-waking hours, over the course of several months to prepare and present this case.” (Declaration of Paul Hershberg, Exhibit F)

B. The Issues Litigated were Exceedingly Novel and Complex

Litigating a case in front of the Supreme Court always involves a degree of novelty because at least one party *must* be seriously arguing for a change in the law. The complexity of this case is discussed more fully *infra*. The legal team not only had to grapple with the ever-shifting legal landscape of marriage equality nationwide,³ but also the changing theories put forth by the Defendants after *Bourke* was initially decided. (Compare DN #39 to DN #87.) By the time the case was presented to the Sixth Circuit for oral arguments, Kentucky counsel also had to be familiar with the rationales

³ Only three federal courts had issued opinions on marriage equality after *Windsor* when Judge Heyburn issued *Bourke*. By the time the case reached the Supreme Court, approximately twenty-five more had been penned. See Freedom to Marry, *History and Timeline of the Freedom to Marry in the United States*, available at <http://www.freedomtomarry.org/pages/history-and-timeline-of-marriage>.

asserted to justify the marriage bans of *three other* states, whose arguments varied markedly from those put forth by the defense here.⁴

In addition, it is difficult to imagine a more diverse set of arguments presented by amici in the history of American jurisprudence. While no one lawyer could be intimately familiar with every argument advanced by every amicus, the plaintiffs' teams from all four states carried out a coordinated effort to ensure that we understood and responded to the important arguments in all of the amicus briefs filed. This was no small task, as evidenced by the photo of amicus briefs on the undersigned's desk, attached as **Exhibit Q**.

Finally, it should again be emphasized that Kentucky was the only state to litigate and present *both* questions considered by the Supreme Court. This in itself should denote the complexity and novelty involved in the Kentucky case.

C. The Use of Outside Counsel Was Critical

A separate mention of the need for assistance from outside groups is warranted, as the hours expended by attorneys from Stanford Supreme Court Clinic and the ACLU comprise a large part of the fees sought in this Petition. First, the help of these groups was not enlisted until the Supreme Court level, when it was absolutely necessary. This strategy stands in stark contrast to nearly every other set of plaintiffs who brought marriage challenges in their respective states. The lawyers of Clay Daniel Walton Adams, PLC, and the Fauver Law Office litigated this case with minimal outside involvement until it became professionally unreasonable to continue doing so. And the professional unreasonableness of navigating a ship as large as *Obergefell* through the troubled waters of the Supreme Court without outside assistance is not merely a subjective determination. In December, 2014,

⁴ See Supreme Court of the United States, *Party Briefs on the Merits*, available at <http://www.supremecourt.gov/ObergefellHodges/PartyBriefs/>.

just after Plaintiffs had filed their Petition for Certiorari, Reuters published a special report entitled *The Echo Chamber*, which profiled the “elite bar” of the Supreme Court.

The article begins by noting the rarity of a grant of certiorari. The presence of a member of the small group of practitioners who regularly appear increases the chances that the Supreme Court will hear the case. One law professor noted that the Court may be reluctant to take a case from a lawyer they are unfamiliar with “fearing that doing so might lead to the acceptance of a case that’s poorly presented or based on a moot legal question. Playing it safe spares the court the embarrassment of having to dismiss a flawed case after it has been fully argued.” Said Justice Sonia Sotomayor: “I think it’s malpractice for any lawyer who thinks this is my one shot before the Supreme Court and I have to take it.” The article then lists some of the prominent advocates, including Jeffrey Fisher, who have appeared regularly before the Court and have gained its confidence. Joan Biskupic, et al., *The Echo Chamber*, Reuters (Dec. 8, 2014) (available at [http://www.reuters.com/investigates/special-report/scotus/.](http://www.reuters.com/investigates/special-report/scotus/)) With the tight schedule, complex issues, unfamiliar territory, and issues of national social importance involved in this case, it was not only wise for the undersigned attorneys to enlist the help of specialists, it was imperative.

D. Media Interviews Was Essential to Effective Representation

There was extensive media contact in this case, which necessitated the time and attention of counsel as well. Counsel has not billed for the entirety of this contact (which would be nearly impossible to catalog). Some hours, however, have been requested. Plaintiffs are mindful of Judge Heyburn’s prior ruling that “media and public relations expenses are not properly included in the calculation of Plaintiffs’ attorney’s fees.” *Love v. Beshear*, 2014 U.S. Dist. LEXIS 65945, *4 (W.D. Ky. May 13, 2014). Plaintiffs do not request the media hours previously rejected by this Court, nor the vast majority of hours spent on public relations generally. Nonetheless, the general rule is that time spent in

press conferences and other public relations work may be included when: (1) it substantially contributes to attainment of fee claimant's litigation goals; and (2) it would routinely be billed to clients by private attorney. *See, e.g., Davis v. City & Cnty. of San Francisco*, 976 F.2d 1536, 1545 (9th Cir. 1992).

The media hours claimed here fit the bill. Plaintiffs in this case were seeking the right to marry as part of the larger struggle to gain acceptance by mainstream society. Spending time attending to the media was not only necessary due to the high-profile nature of this case, but also because it “substantially contributed to the plaintiffs’ goals” by humanizing them in front of national and international audiences. *See, e.g., Ellyn Pak, Gay-rights activists try to humanize same-sex marriage*, Orange County Register (May 23, 2010) (available at <http://www.ocregister.com/articles/gay-250044-hirata-marriage.html>). Moreover, the complexity and long reaching effects of the case invited numerous media inquiries to assist with the accurate reporting of the case to a very interested public. Ignoring such requests would be detrimental to both Plaintiffs and the broader social discourse.

E. Hours spent preparing fee petition

Counsel also requests compensation for the time spent preparing this Petition. Hours spent on preparing the fee motion are compensable as long as they are not disproportionate to the overall time spent by counsel on the merits of the case. *Gibson v. City of Chi.*, 873 F. Supp. 2d 975, 992 (N.D. Ill. 2012); *Coulter v. Tennessee*, 805 F.2d 146, 151 (6th Cir. 1986) (hours spent on fee motion are reasonable if they constitute 3% or less of the overall hours expended on the “the main case”).

F. The Requested Rates Are Reasonable

1. Local Counsel’s Rates

As set forth in the attached declarations, the rates charged by lawyers of the Fauver Law Office and Clay Daniel Walton Adams, PLC, are reasonable for attorneys in the Louisville market. The

Supreme Court has repeatedly noted the Congressional intent that “the amount of fees awarded under [§ 1988] be governed by the same standards which prevail in other types of equally complex Federal litigation, such as antitrust cases” *Blum v. Stenson*, 465 U.S. 886, 893 (1984) (quoting S.Rep’t No. 94-1011 at 6, 1976 U.S.C.C.A.N. 5908, 5913); *see also Blanchard v. Bergeron*, 489 U.S. 87, 95 (1989). The local attorneys’ rates, which top out at \$300.00 per hour, are more than reasonable within the Sixth Circuit, as attested to by Louisville civil rights practitioners Gregory A. Belzley (declaration attached hereto as Exhibit E) and Paul Hershberg (declaration attached as Exhibit F).

a. Fauver Law Office, PLLC Attorneys and Staff

The rates requested by the Fauver Law Office, PLLC, for the services of attorney Dawn Elliott and Shannon Fauver, have already been found reasonable by this Court in its prior Order. Fauver also claims paralegal time in the modest amount of \$2800.00, representing only the time spent by its paralegal for travel to Washington, D.C. The Fauver Law Office originated this case shortly after the *Windsor* opinion was issued. Ms. Elliott and Ms. Fauver were unable to get the support of any local or national organizations when the case was initially filed, but took the initiative and risk to do so on their own, despite being a small law firm with little experience litigating civil rights cases. Fauver took the case and pursued it despite the odds because, quite simply, it was the right thing to do. For these reasons, and for those contained in Ms. Fauver’s declaration, attached hereto as Exhibit C, the Fauver Law Office should be awarded the full amount it requests in this Petition.

b. Clay Daniel Walton Adams, PLC Attorneys

The attorneys of Clay Daniel Walton Adams (CDWA) have had primary responsibility for this litigation since the time the Second Amended Complaint was filed (DN 31), a responsibility which they retained throughout the Supreme Court proceedings. The three attorneys from CDWA are dedicated civil rights practitioners. As explained in Mr. Canon’s declaration (Exhibit A), these attorneys have

increased their rates by a modest amount since Judge Heyburn's Order on fees, but they do not seek a retroactive rate increase. Their rates are still quite reasonable in this market. See discussion of *Maxwell's Pic-Pac, Inc. v. Dehner*, 2013 U.S. Dist. LEXIS 34596, *11 (W.D. Ky. Mar. 12, 2013), *infra*. In addition, CDWA is not seeking compensation for any time expended by its clerks, paralegals, or other staff; time which would have increased this fee petition dramatically. For those reasons, and the reasons set forth in Mr. Canon's declaration, CDWA should be awarded the full amount requested.

2. The Rates for ACLU and Stanford

As to the rates requested by attorneys from the ACLU and Stanford, local Kentucky billing rates should not apply, as these attorneys were only utilized at the Supreme Court level. Most of their work should be considered to have been performed in the Washington D.C. market, not in the Louisville area. The Sixth Circuit has observed that "[w]hen fees are sought for an out-of-town specialist, courts must determine (1) whether hiring the out-of-town specialist was reasonable in the first instance, and (2) whether the rates sought by the out-of-town specialist are reasonable for an attorney of his or her degree of skill, experience, and reputation." *Hadix v. Johnson*, 65 F.3d 532, 535 (6th Cir. 1995) (citing *Chrapliwy v. Uniroyal, Inc.*, 670 F.2d 760, 768-69 (7th Cir. 1982)). Other circuits have used a similar approach. See *Zolfo, Cooper & Co. v. Sunbeam-Oster Co.*, 50 F.3d 253, 259-60 (3d Cir. 1995); *Casey v. City of Cabool, Mo.*, 12 F.3d 799, 805 (8th Cir. 1993); *Nat'l Wildlife Fed'n v. Hanson*, 859 F.2d 313, 317 (4th Cir. 1988); *Maceira v. Pagan*, 698 F.2d 38, 40 (1st Cir. 1983); *Donnell v. United States*, 682 F.2d 240, 252, 220 U.S. App. D.C. 405 (D.C. Cir. 1982).

Plaintiffs request the ACLU and Jeffrey L. Fisher be compensated at their current rates under what is known as the "adjusted *Laffey* matrix." This matrix has its origins in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354, 371 (D.D.C. 1983), which established the principle that awards of statutory attorney's fees in complex litigation in the D.C. metropolitan area should be standardized and

reflect rates charged by commercial litigators, based on each lawyer's years of experience. The *Laffey* case led to the establishment of the first *Laffey* matrix. The "adjusted" *Laffey* matrix is updated each year based on annual changes in the consumer price index for legal services. (A matrix maintained by the U.S. Attorney's office in D.C. also is revised each year, but it lags behind the adjusted index because instead of updating based on inflation in legal services, it updates based on inflation generally – that is, based on the cost of all goods and services, such as food and housing.) The current adjusted *Laffey* matrix can be found at <http://www.laffeymatrix.com/see.html>. The rate requested for all practitioners at the ACLU falls well below these rates. Furthermore, the rate requested by Jeffrey L. Fisher is far below what he could be expected to obtain, as evidenced by numerous cases in which the Supreme Court elite have requested fee awards. *See, e.g.,* Debra Cassens Weiss, *SCOTUS litigators charge as much as \$1,800 an hour, filing says*, ABA Journal (Aug 10, 2015) (available at http://www.abajournal.com/news/article/scotus_litigators_charge_as_much_as_1800_an_hour_filing_says/) (noting that "Paul Clement of Bancroft charges \$1,350 per hour, Theodore Olson of Gibson, Dunn & Crutcher charges \$1,800 an hour, and E. Joshua Rosenkranz of Orrick, Herrington & Sutcliffe earns \$1,020 an hour." Professor Fisher is undoubtedly of the caliber of these practitioners.). This is further supported by the declaration of Fisher himself, attached hereto as Exhibit D, and of veteran Supreme Court practitioner Walter Dellinger, attached as Exhibit G.

a. The American Civil Liberties Union

At the Supreme Court level, Plaintiffs obtained the invaluable experience, resources, and insight of lawyers from the American Civil Liberties Union, and in particular of James Esseks. Esseks has been the director of the ACLU's LGBT & HIV Project since 2010. He was the litigation director of the Project from 2001 to 2010. His practice is based in New York, but the scope of his work is national. He was co-counsel in *Windsor*, a foundational case upon which the current federal marriage litigation has

been built. In addition to this case, he is or has been co-counsel in dozens of other marriage cases in state and federal courts throughout the country. He graduated from Harvard Law School and clerked for a federal district judge in the Southern District of New York, as well as a federal circuit judge in the Ninth Circuit. He worked for a private firm in New York prior to joining the ACLU. His claimed rate of \$700 is commensurate with practitioners of similar skill and experience in the New York, New York market and is justified by his unique experience with marriage litigation nationwide. The reasonableness of his rate is further justified by the declaration of Anne L. Clark, a partner with the firm Vladeck, Raskin & Clark, P.C., in New York City, attached hereto as Exhibit H.

The contribution of the remaining ACLU attorneys who worked on the case, i.e., Chase Strangio, Joshua Block, Louise Melling, Leslie Cooper, and Ria Tabacco Mar, cannot be overstated. So as to avoid duplicity, Plaintiffs only seek compensation for the time of Strangio and Block. (See Exhibit B) These two attorneys brought unique experience and talent to the process and are to be credited with a substantial amount of the briefing done at the Supreme Court level. In addition, plaintiffs seek no compensation for the time spent by William Sharp of the ACLU of Kentucky, who also provided support and insight throughout the Supreme Court proceedings. Nor do Plaintiffs seek compensation for the considerable time expended by the ACLU's legal director, Steven R. Shapiro, who was personally involved at every turn of the Supreme Court phase of the litigation. Mr. Shapiro has unparalleled experience as a civil rights lawyer, especially before the Supreme Court, and the absence of his hours from the fee petition will undoubtedly save the Defendant many thousands of dollars. The Court should award the full amount sought in this petition on behalf of the ACLU's lawyers.

b. Jeffrey Fisher and The Stanford Law School Supreme Court Litigation Clinic

As discussed above, Plaintiffs were joined by Jeffrey L. Fisher, and his students and colleagues at the Stanford Law School's Supreme Court Litigation Clinic, shortly after the Petition for Certiorari

was filed. A leading authority on Supreme Court practice and nationally recognized constitutional law scholar, Fisher's career is primarily devoted to handling cases in the U.S. Supreme Court. He has argued 27 cases in the Court, on issues ranging from criminal justice to maritime law to preemption, and is identified in the aforementioned Reuters article as one of only two practitioners in the country who consistently advocate for individual rights before the high Court.

Fisher and his team of extremely talented law students were crucial to the quality of the arguments ultimately put before the Supreme Court; arguments which Plaintiffs believe were integral both to the totality of the victory and the elegance with which Justice Kennedy's Opinion was crafted. In addition, Fisher's unique insights into the Court's processes provided invaluable assistance to the oralists as they prepared for argument. Countless hours expended by Stanford students and staff are not included in this Petition. The fees requested on behalf of Stanford's lawyers are imminently reasonable, and should be awarded by the Court.

3. Rates in comparable cases

As discussed in Plaintiffs' prior petition, in *Maxwell's Pic-Pac, Inc. v. Dehner*, 2013 U.S. Dist. LEXIS 34596, *11 (W.D. Ky. Mar. 12, 2013) this Court awarded attorneys hourly rates ranging from "\$475 - \$180 for attorneys and \$200 to \$150 for paralegals." The attorneys in *Dehner* also claimed that the case involved difficult Equal Protection issues, making it readily comparable to the instant case. The Court's comprehensive analysis throughout *Dehner* is helpful to the resolution of this issue now, just as it was to Judge Heyburn's prior Opinion. The highest rate awarded in that case (two years ago) was higher than the highest rate requested by local attorneys in this case. And, of course, *Dehner* did not progress to the national stage, nor did it result in a similarly complete victory.

Similarly, the only other fee petition to have been filed by *Obergefell* plaintiffs thus far is that of the Plaintiffs in *DeBoer v. Snyder*, No. 2:12-cv-10285-BAF-MJH (E.D. Mich.) (DN 177). Counsel in that case seek \$350 per hour for all attorneys, which they explain is *less* than the 75th percentile of the billing rates in downtown Detroit. (*Id.*, p.16, PageID #5158, noting the top rate of \$525 per hour.) Also noteworthy is plaintiffs’ fee petition in *Wolf v. Walker*, No. 3:14-cv-00064-bbc (W.D. Wis. 2014) (DN #164), in which a total amount of \$1.2 million was sought for services in a case that was *not* accepted by the Supreme Court. The rates requested by two senior associates of Mayer Brown, who graduated from law school in 2009 and 2010, were \$565 and \$555, respectively – almost twice what Landenwich and Canon seek here, and more than twice the amount sought by the remaining Louisville lawyers. (*Id.*, p.19.) These rates were based on the Wisconsin market. And just two days ago, the District of South Carolina issued an opinion in *Condon v. Wilson*, 2:14-cv-04010-RMG, another successful marriage equality case, in which all the lawyers except one billed at rates over \$300/hour; rates which were approved by the court. The undersigned’s top rate of \$300 per hour is therefore objectively reasonable.

VI. A FEE ENHANCEMENT IS APPROPRIATE

The Supreme Court has recognized circumstances under which a fee enhancement, above and beyond the normal lodestar calculation, may be appropriate. See *Perdue*, 559 U.S. at 565-67. For example, “an enhancement may be appropriate where the method used in determining the hourly rate . . . does not adequately measure the attorney’s true market value, as demonstrated in part during the litigation.” *Id.* 554-55. Additionally, an enhancement may be appropriate if there has been “an extraordinary outlay of expenses and the litigation is exceptionally protracted.” *Id.*, at 555. The Sixth Circuit has sometimes utilized a twelve-factor analysis for awarding fee enhancements:

- (1) the time and labor required; (2) the novelty and difficulty of questions presented; (3) the skill needed to perform legal service properly; (4) the preclusion of employment by attorney due to acceptance of case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by client or circumstances; (8) the amount involved and the

results obtained; (9) the experience, reputation, and ability of the attorneys; (10) undesirability of case; (11) nature and length of professional relationship with client; and (12) awards in similar cases.

Barnes v. City of Cincinnati, 401 F.3d 729, 745 (6th Cir. 2005) (citing *Johnson v. Georgia Highway*, 488 F.2d 714, 717-19 (5th Cir. 1974)). As discussed throughout this Motion, all of the relevant factors in any enhancement analysis used by any court, including the *Barnes* and *Perdue* courts, favor a fee enhancement. As such, Plaintiffs request a fee enhancement of 75% (or 1.75) in this renewed petition. Specific reasons to grant a fee enhancement are explored further below.

A. The Protracted Litigation Was an Exceptional Success

As discussed above and in Judge Heyburn's original Order, plaintiffs enjoyed "remarkable success" in this litigation, and this is properly accounted for with a fee enhancement. See further discussion in § VI(f), *infra*. Though it all took place in a relatively short amount of time by litigation standards, this case meets the definition of "exceptionally protracted" within the meaning of *Perdue*, simply by virtue of the fact that it comprises two combined cases that had to be fully briefed in three different courts and coordinated with three other cases. And the protracted nature of this litigation can in no way be credited to Plaintiffs. The Governor has stated publicly, up to and including in his Response to Plaintiffs' Petition for Certiorari, that the Supreme Court should decide the matter. See Andrew Wolfson, *Beshear asks court to take gay marriage case*, The Courier-Journal (Dec. 10, 2014), available at <http://www.courier-journal.com/story/news/local/2014/12/10/gov-steve-beshear-asks-supreme-court-take-gay-marriage-case/20191735/>. And the Governor warned of "legal chaos" if the ruling went into effect in Kentucky prior to a ruling from the high Court. Associated Press, *Kentucky Governor Warns of "Legal Chaos" in Same-Sex Marriage Case*, CBS News (March 4, 2014), available at <http://www.cbsnews.com/news/kentucky-governor-warns-of-legal-chaos-in-same-sex-marriage->

case/. Whether or not any such “chaos” would have ensued is no longer an issue; the point is that the Governor cannot now disclaim the obligation to pay for the battle he repeatedly asked for.

B. The Litigation Was Exceptionally Complex

It cannot seriously be argued that this litigation was not exceptionally complex. Research and briefing was required on a variety of novel legal issues, including, among others: the application of the federal right to travel; the interplay between sexual orientation discrimination, sex discrimination, and the federal Constitution; the operation of the Kentucky state constitution; the Supremacy Clause; the role of the Establishment Clause, etc.

It should be noted that the law regarding the claims brought by Plaintiffs involved not only a great deal of historical and legislative research, but also required counsel to stay abreast of a rapidly changing legal landscape. As this Court is well aware, since the *Windsor* opinion, there have been several opinions issued by district courts, all reaching slightly different conclusions, and all briefed under (sometimes substantially) different legal theories using different approaches. These nuances have left counsel on *terra incognita*, and have required more research than the average §1983 case. In addition, counsel was obligated to research social, cultural, and psychological issues (i.e., to engage in “Brandeis briefing”) which would normally not be required in federal litigation. And the majority of all this research is unlikely to be of much use in further cases; one does not often litigate right-to-marry cases. The complexity and novelty of this case should, without more, be enough to justify a fee enhancement.

C. Risk and Lost Opportunities

All the Kentucky-based attorneys in this litigation forewent significant opportunities in order to litigate this case. On average, each of the five local attorneys spent approximately twenty full work

weeks on this case, in addition to maintaining a full-time private practice. None of these five attorneys receive a salary; had this case been a loss for the Plaintiffs, those weeks would have been entirely uncompensated. And it was by no means a foregone conclusion that the case would be a success. This case was initially filed one month after the *Windsor* opinion. At that time, only *one* federal court had even remotely suggested *Windsor* would lead to recognition of out-of-state marriages, *Obergefell v. Kasich*, Case No. 1:13-cv-501 (S.D. Ohio, July 22, 2013) (Order Granting Plaintiffs’ Motion for a Temporary Restraining Order) and no federal court had yet ruled in favor of equal licensure. The ensuing near-unanimity of the federal courts could not have been (and, for the most part was not) predicted. *See, e.g.*, Lila Shapiro, *Marriage Equality Lawsuits After DOMA Arise in South, Midwest, As Gay Right Groups Urge Caution*, Huffington Post, (Jul. 31, 2013), available at http://www.huffingtonpost.com/2013/07/31/marriage-lawsuits-doma_n_3679005.html (noting that Kentucky was not initially part of the ACLU’s or Freedom to Marry’s national strategy, and noting that “Kentucky attorneys Shannon Fauver and Dawn Elliott said they’re aware of the anxiety they provoked this week by filing the first lawsuit challenging the constitutionality of Kentucky’s same-sex marriage ban”). And indeed, the Sixth Circuit was the first (and only) appellate court to rule against marriage equality. But even by the time the Supreme Court granted certiorari, the outcome was by no means predetermined or predictable, even to close observers of the Court. *See, e.g.*, Tom Goldstein, *Lawyers as heroes or goats in the fight over same-sex marriage*, SCOTUSblog (January 19, 2015), available at <http://www.scotusblog.com/2015/01/lawyers-as-heroes-or-goats-in-the-fight-over-same-sex-marriage/>. The exceptional risk taken by the attorneys in this case, particularly those in the small Louisville firms, warrants a fee enhancement.

D. Unpopular Cause and Detrimental Effects

Another factor militating in favor of a fee enhancement is the fact that this case was a largely unpopular cause, especially in the Commonwealth of Kentucky. See *Gonter v. Hunt Valve Co.*, 510 F.3d 610, 621, n. 7 (6th Cir. 2007) (citing *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717–19 (5th Cir. 1974) (“undesirability” of the case is a factor to be considered in awarding fees)). The case has led to a number of undesirable consequences to counsel, and will likely continue to do so for the foreseeable future. The undersigned have faced protest groups at every major event in this case, have received random hate mail for two years now (see example attached as **Exhibit R**), and have even received threats of bodily harm from people in their own community who simply do not believe in the issues underlying the litigation. See declaration of Shannon Fauver, attached hereto as Exhibit C.

This is perhaps not surprising, since this issue is so divisive, and this Court has been dubbed “the first in the South to rule in favor of gay marriage.” Michael A. Lindenberger, *Kentucky Judge Turns Gay Marriage Tide in the South*, TIME (Feb. 13, 2014), available at <http://nation.time.com/2014/02/13/kentucky-judge-turns-gay-marriage-tide-in-the-south/>. And while the national tide may have turned, unfortunately little has changed in the attitudes of many Kentuckians. In a Bluegrass Poll taken just two weeks ago, 53% of Kentuckians are opposed to the *Obergefell* ruling, with only 38% in support. John Cheves, *Bluegrass Poll: Ky. voters split on fate of county clerks who refuse to issue same-sex marriage licenses*, Lexington Herald-Leader (Aug. 3, 2015), available at http://www.kentucky.com/2015/08/03/3972498_bluegrass-poll-majority-of-kentucky.html.

The attorneys of CDWA and the Fauver Law Office represent clients all over the region. Indeed counsel has jury trials forthcoming in rural areas of eastern and western Kentucky over the next year. Their involvement in this case must be carefully vetted during voir dire, and even then, there is a risk that juror bias may color the view of counsel’s advocacy in these trials.

E. Case Law

There is ample support in the Sixth Circuit for an enhanced fee. In *Hargett*, cited *supra*, the Circuit Court approved a 50% fee enhancement. In *Caudill v. Sears Transition Pay Plan*, 2011 U.S. Dist. LEXIS 45294 (E.D. Mich. Apr. 26, 2011), an ERISA class action where the Plaintiffs left enhancement to the Court's discretion, the Court applied a 50% enhancement of the lodestar amount "to ensure a reasonable compensation," bringing the total fee award to \$758,016 and nearly back in line with the Plaintiffs' original fee request. *Id.* at *18-19. Reasons for the enhancement in *Caudill* apply to the instant case including, "Plaintiffs' counsel 'did an excellent job' in this matter, prevailing in what has been lengthy and complex [] litigation," "[c]ounsel have submitted declarations detailing their vast experience, reputation and ample ability" and "[t]he novelty and difficulty of the questions involved in this matter also justify an enhancement, as does the time and labor required". *Id.* *19 (quoting *Paschal v. Flagstar Bank*, 297 F.3d 431, 434 (6th Cir. 2002)). An "exceptional delay" in the payment of attorney fees can be ameliorated by allowing counsel to base the fee award on his or her current hourly rate, or by adjusting the fee based on historical rates to reflect its present value. *Id.*, at 556. Such a compensatory method is especially appropriate where the delay in adjudication is caused by the defense. *Id.*, at 556. See also *Gonter*, 510 F.3d at 617; *Barnes v City of Cincinnati*, 401 F.3d 729, 745 (6th Cir. 2005); and *Brotherton v Cleveland*, 141 F. Supp. 2d 907, 913 (S.D. Ohio 2001) (25% enhancement from the lodestar value for "exceptional success", a solo practitioner bringing a previously unrecognized cause of action).

Perhaps the most compelling precedent on this issue comes from the case of *Barnes v. City of Cincinnati*, 401 F.3d 729, 746 (6th Cir. Ohio 2005), which upheld a district court's 1.75 multiplier for attorney's fees after a jury verdict in favor of a transgender police officer who was subjected to workplace discrimination. Citing case law from around the country, the Sixth Circuit stated: "While use

of such a multiplier nearly doubled the award of attorneys fees, the district court enjoys wide discretion in awarding attorneys fees.” *Id.* (citing *Guam Soc. Of Obstetricians & Gynecologists v. Ada*, 100 F.3d 691, 697 (9th Cir. 1996)(200 percent multiplier upheld because of the undesirability of the case and the exceptional nature of the case); *McKenzie v. Kennickell*, 277 U.S. App. D.C. 297, 875 F.2d 330, 338-39 (D.C. Cir. 1989)(awarding twenty five percent enhancement for exceptional results and where counsel "remained active in the litigation over a period of fifteen years"); *Brotherton v. Cleveland*, 141 F. Supp. 2d 907, 913 (S.D. Ohio 2001)(awarding 150 percent multiplier for solo practitioner who achieved exceptional results by taking an unpopular case others turned down and bringing to light a previously unrecognized cause of action); *Quinn v. Nassau County Police Dep't*, 75 F. Supp. 2d 74 (E.D. N.Y. 1999)(awarding ten percent multiplier in employment discrimination case due to ground breaking nature of case); *Hollowell v. Gravett*, 723 F. Supp. 107, 110 (E.D. Ark. 1989) (awarding seventy five percent quality enhancement where plaintiff's counsel prepared the case thoroughly and provided superb representation "under the most adverse circumstances."); *Shakman v. Democratic Org.*, 677 F. Supp. 933, 945 (N.D. Ill. 1987) (awarding a one third quality enhancement in a class action where the court noted the case had great significance and plaintiffs' counsel showed "imagination and creativity"))).

On remand, the district court again awarded a 1.75 fee multiplier for post-verdict attorney's fees. *Barnes v. City of Cincinnati*, 2006 U.S. Dist. LEXIS 8826 (S.D. Ohio Feb. 21, 2006). In so doing, the court explained, “few lawyers locally or nationally would have readily taken on a case so highly controversial.”

[S]tatutes like 42 U.S.C. § 1988 rest on the premise that rewarding attorneys with market-rate lodestars-and, by extension, enhancing those lodestars in "exceptional cases" presenting particularly novel or complex issues-is necessary to achieve a "socially desirable" level of civil rights victories. If so, it makes little sense to offer civil rights attorneys enhanced incentives for favorably resolving novel or complex issues at the trial

court level, only to reduce or eliminate the enhancements once attorneys are called on to defend (and thus preserve) those favorable outcomes on appeal.

Id. at *8; *14.

On that note, it bears repeating that this Court’s own prior opinion supports a fee enhancement. If *Bourke* was a “remarkable success” meriting a bonus, the final outcome of *Obergefell* represents a degree of success that no one could have anticipated when the case was originally filed. It should be noted that counsel did not request a fee enhancement in the first Petition; it was granted *sua sponte*. In this instance, it is appropriate to request an even greater fee enhancement, both in light of the factors discussed extensively above, and in recognition of the reasoning underlying Judge Heyburn’s original set of opinions.

VII. THE AWARD OF COSTS IS REASONABLE AS REQUESTED

Pursuant to 28 U.S.C. § 1920, Fed. R. Civ. P. 54(d)(1), and Fed. R. App. P. 39(d), certain litigation costs are ordinarily taxed against the non-prevailing party and in favor of the prevailing party. Furthermore, all litigation expenses in civil rights cases, including out-of-pocket expenses, are recoverable under 42 U.S.C. § 1988, as long as the expenses were reasonable and necessary to the litigation of plaintiff’s claims and are not normally billed to the lawyer’s paying clients as overhead. *Ramos v. Lamm*, 713 F.2d 546, 559-60 (10th Cir. 1983) (photocopying, postage, telephone, etc.). “The Act [42 U.S.C. § 1988] essentially shifts the costs of litigation from the victim to the violator.” *Spell v. McDaniel*, 616 F. Supp. 1069, 1113 (E.D.N.C. 1985), *aff’d in part, vacated in part on other grounds*, 824 F.2d 1380, (4th Cir. 1987), *cert. den. sub nom. City of Fayetteville v. Spell*, 484 U.S. 1027 (1988).

On this point, the parties do not likely have much to dispute. Plaintiffs’ counsel seek filing fees, printing costs, and travel costs, as itemized in Exhibits I, J, and K. The majority of these expenses pertain to the printing of briefs for the Supreme Court. Counsel does not seek the costs of phone calls,

copies, mileage, Lexis/Westlaw fees, or, for the most part, any costs pertaining to runners, clerks, or other staff members. These costs, if sought, would be quite substantial.

VIII. CONCLUSION

In conclusion, Plaintiffs respectfully request a fee award in the amount of \$2,091,297.34, which represents the fees and expenses incurred by nine attorneys from the date of the last fee petition, plus a fee enhancement of 75%, with interest thereon.

Respectfully submitted,

s/Daniel J. Canon

DANIEL J. CANON

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Counsel for all Plaintiffs

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was this 21st day of August, 2015, delivered via the CM/ECF system to all parties of record.

s/Daniel J. Canon
DANIEL J. CANON

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)	
)	
PLAINTIFFS)	
	)	CIVIL ACTION NO.
and)	
	)	3:13-CV-750-JGH
TIMOTHY LOVE, ET AL.)	
)	
INTERVENING PLAINTIFFS)	
)	
v.)	
)	
STEVE BESHEAR, ET AL.)	
)	
DEFENDANTS)	
)	

DECLARATION OF DANIEL J. CANON

DANIEL J. CANON, pursuant to 28 U.S.C. § 1746, states as follows:

1. I am of adult age and am otherwise competent to make declarations regarding the matters set forth herein, which are based upon my own personal knowledge, unless otherwise stated.
2. I am a member attorney of the firm Clay Daniel Walton and Adams, and one of the attorneys of record for the Plaintiffs in the above-styled matter.
3. I was counsel of record in the Supreme Court as well, meaning that I was the primary decision maker on behalf of the *Bourke/Love* Plaintiffs in the case which

has become widely known as *Obergefell v. Hodges*. All formal communication from the clerks, opposing counsel, amici, and counsel of record from the other states in *Obergefell* was directed through me and handled by my firm.

4. The figures for fees and expenses submitted in this matter are true and correct to the best of my knowledge.
5. The invoice attached as Exhibit I shows a detailed and accurate accounting of the hours expended by members of Clay Daniel Walton & Adams, PLC, on this matter, those members being myself and Hon. Laura E. Landenwich. This invoice was generated by practice management software used by both of us. L. Joe Dunman is an associate with the firm, and his billing appears on a separate statement attached hereto as Exhibit J.
6. Most of my time in this case was kept contemporaneously using the software referred to above. I have constructed additional billing records for myself, for any time not kept contemporaneously, based upon a review of the filings in this case, my calendar, my email messages, and other electronic records, including a Lexis search history and the filings in this case. Ms. Landenwich and Mr. Dunman have kept track of their own time in a similar fashion.
7. I am also not seeking to bill Defendant for copies, postage, law clerk/paralegal time, or other incidental expenses incurred by myself or other members of my firm in this case.
8. The lawyers in my firm raised their rates modestly in November, after the Sixth Circuit reversed this Court. This raise was warranted given the success of

Bourke/Love. The rates submitted to this Court represent the high end of what the three lawyers in my firm charge for their services, but the services performed in this case required the specialized skill of dedicated civil rights practitioners, which is what we are. Further, as evidenced by the declarations of Attorneys Belzley and Hershberg, attached hereto as Exhibits E and F, the rates are actually modest for civil rights lawyers performing this type of work in the Louisville area. As such, the rates fall into the traditional lodestar analysis and are not unreasonable.

9. Ms. Landenwich and I have billed for our hours spent on this case, as indicated on the invoice attached as Exhibit I, at a rate of \$250.00 per hour until November 6, 2014, when our billing rate increased to \$300.00 per hour.
10. I am sure that all of us performed work on this case which I did not keep track of or was otherwise not able to recreate based on my electronic records. Any such work is not reflected in my billing records.
11. I have not actually charged any of the Plaintiffs in this case for any of my time, and to my knowledge they have not paid any attorney fees. My normal hourly rate ranges from \$250 - \$300 per hour, depending on the type of case.
12. I graduated from the University of Louisville, Louis D. Brandeis School of Law *cum laude* in 2007. I have been in practice for approximately eight years. Throughout that time, I have devoted my practice almost exclusively to civil rights and constitutional issues. I am admitted to practice before all Kentucky state courts, Kentucky federal courts, the Southern District of Indiana, the Sixth

Circuit Court of Appeals, and the Supreme Court of the United States. I have argued before both the Sixth Circuit and the Kentucky Supreme Court on more than one occasion each. I have argued before the Kentucky Court of Appeals on several occasions. I am counsel of record for several published and unpublished cases in the aforementioned courts. The vast majority of these cases have concerned civil rights and/or constitutional issues such as those involved in the instant case.

13. I have conducted numerous CLEs and published numerous articles on topics of civil rights and constitutional law. I was voted a Top Lawyer in the Louisville area in the area of individual/constitutional rights by a peer group of Louisville lawyers for the years 2012, 2013, and 2014, and in the areas of appellate law and employment litigation for the year 2014. I am a Thomson Reuters "Super Lawyer" for 2013-15, and a former member of the American Inns of Court in Jefferson County. I am also an adjunct professor of criminal justice in the Indiana state college system.
14. Given my qualifications, experience, and track record in the area of civil rights and constitutional law, I believe I am justified in charging my highest rate (\$300/hr) for work performed in this case.
15. Laura E. Landenwich graduated from the University of Louisville Brandeis School of Law in 2007. She is currently licensed to practice law in the Commonwealth of Kentucky (Bar ID #92109) and the State of Indiana (Bar ID #27709-22). Ms. Landenwich is also licensed and has practiced in Kentucky

federal courts, the Southern District of Indiana, the Sixth Circuit Court of Appeals, and the Supreme Court of the United States. Several of these cases are civil rights cases filed under 42 U.S.C. §1983. Ms. Landenwich was identified as a "Super Lawyer" for the years 2014 and 2015, and was also selected as a "Top Lawyer" in the area of individual rights by Louisville Magazine. In addition to practicing with Clay Daniel Walton & Adams, PLC, Ms. Landenwich is an adjunct professor at Indiana University Southeast.

16. Given Ms. Landenwich's professional and academic experience, I believe her hourly rate of \$300 is reasonable.
17. L. Joe Dunman graduated from the University of Louisville, Louis D. Brandeis School of Law in 2012. For two years before graduation, he clerked for me, assisting me with my practice in civil rights and constitutional cases, and has since devoted his own practice to the same. Mr. Dunman is admitted to practice before all Kentucky state courts, the U.S. District Court for the Western District of Kentucky, and the Sixth Circuit Court of Appeals. He has briefed several cases before both the Kentucky Court of Appeals, the Kentucky Supreme Court, and the Sixth Circuit Court of Appeals. His normal hourly rate ranges from \$200-\$250 per hour, depending on the type of case.
18. Given Mr. Dunman's qualifications and experience, I believe he is justified in billing at a rate of \$250/hr on this case.
19. From my review of this Court's analysis in *Maxwell's Pic-Pac, Inc. v. Dehner*, 2013 U.S. Dist. LEXIS 34596, as well as other cases decided by this Court, the Sixth

Circuit, and other cases to deal with attorney fees in marriage equality cases (as well as 42 U.S.C. § 1983 litigation overall) I believe that our hourly rates and the number of hours claimed by my firm are justified, in light of our experience, the difficulty of work performed, the novelty of issues, and other relevant factors (as set forth in our Motion for Attorney Fees).

20. Furthermore, in looking at fee motions in other marriage cases, our hourly rates tend to be considerably lower than those of other practitioners.
21. Hundreds of hours expended by law clerks, paralegals, receptionists, runners, and other staff members of Clay Daniel Walton Adams, PLC, have not been included in this Motion.
22. Members of Clay Daniel Walton Adams, PLC, do not receive a salary from the firm. As such, any time spent by members of this firm was time that could have been devoted to other fee-generating cases.
23. As contemplated by this Court in *Dehmer*, we have foregone other professional opportunities to handle this case. We have done so because we believe the issues are important not only to our clients, but to the entire country, and we believe the profound importance of these issues is reflected not only in the fact that the Supreme Court of the United States agreed to hear the case, but in the high Court's well-reasoned opinion, as well as the preceding opinions issued by this Court.
24. As this Court is well aware, the novelty of the issues involved in this case cannot be overstated. The sea change on these issues since the Supreme Court's decision

in *United States v. Windsor* has been quite dramatic, to say the least. Following *Windsor*, the case law throughout the country did a complete about face. In fact, in *Baker v. Nelson*, relied upon heavily by the defense and the Sixth Circuit Court of Appeals, the Supreme Court determined that the issues decided in *Obergefell* were not even cognizable constitutional claims. This means that we could not simply research a discrete issue of law and rely upon precedent. It was necessary for us to reach out to other lawyers currently pursuing similar challenges in other states in order to obtain procedural and substantive legal advice, as well as practical advice as to how to handle the delicate sociopolitical issues which are inherent in this litigation. An extensive review of *Windsor* and *Hollingsworth v. Perry*, and the briefing/procedural steps involved in those cases, was also required, as well as continuous review of the subsequent case law from lower federal courts on the issues litigated herein during the more than two-year history of this litigation .

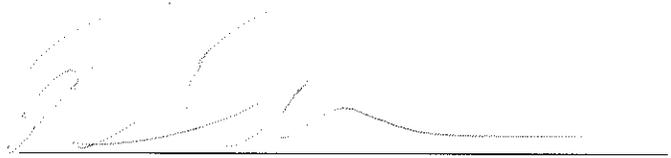
25. Along with this affidavit and the attached invoices, I have submitted the affidavits of two other practitioners in the Louisville area, Gregory A. Belzley and Paul Hershberg, both of whom have extensive experience in the area of civil/constitutional litigation, and both of whom support the reasonableness of counsel's request in this case.
26. At the time this case reached the Supreme Court, the gravity and complexity of the issues involved necessitated the help of outside counsel. In my opinion, the recruitment of specialists in both Supreme Court procedure and practice as well

as legal issues affecting the LGBT community was not only desirable, but was absolutely necessary as a matter of professional responsibility to our clients and this case. We did not contract with Stanford's Supreme Court Litigation Clinic or the ACLU until it was absolutely necessary, but their input guided the way in which the case was handled and, in my view, contributed immeasurably to the ultimate success in the case.

27. Furthermore, while we initially sought to use only practitioners from our own community, I am unaware of any lawyer within a 100-mile radius who would have the requisite experience and knowledge to competently navigate a case of this magnitude through the Supreme Court, given the novelty and complexity of the issues.
28. Under these circumstances, and pursuant to the factors set forth in applicable case law, I believe that \$543,505.27 is a reasonable amount of attorney fees for the law firm of Clay Daniel Walton & Adams, and respectfully ask that the Court award the full amount requested.
29. Furthermore, I have reviewed the costs incurred by the members of my firm and believe that the reimbursement requested herein is only a small fraction of the actual costs we paid in connection with this litigation. In particular, the specific requirements of the Supreme Court as to the formatting and printing of briefs for consideration by the Court required the help of outside professionals. There are only a few firms that perform this service, and they are not inexpensive. The amount of costs requested in this Motion, i.e., \$18,948.87, is eminently

reasonable, and the Court is respectfully requested to order the Defendant to reimburse these costs to counsel.

I declare the foregoing to be true and correct under penalty of perjury. Signed this 21st day of August, 2015.

A handwritten signature in black ink, appearing to read 'D. Canon', is written over a horizontal line.

DANIEL J. CANON

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)	
)	
PLAINTIFFS)	
	)	CIVIL ACTION NO.
and)	
	)	3:13-CV-750-JGH
TIMOTHY LOVE, ET AL.)	
)	
INTERVENING PLAINTIFFS)	
)	
v.)	
)	
STEVE BESHEAR, ET AL.)	
)	
DEFENDANTS)	
)	

**DECLARATION OF JAMES D. ESSEKS IN SUPPORT OF
PLAINTIFFS’ MOTION FOR ATTORNEY FEES**

I, James D. Esseks, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I submit this declaration in support of the motion filed by the Plaintiffs for an award of attorney fees and costs arising from the work performed by attorneys at Clay Daniel Walton Adams, at the American Civil Liberties Union (“ACLU”) Foundation, and the Stanford Law School Supreme Court Litigation Clinic, in litigating the above-captioned cases.

Personal and Professional Background

2. I received a J.D. degree *cum laude* from Harvard Law School in 1991, where I was the editor-in-chief of the *Harvard Civil Rights-Civil Liberties Law Review*. I received a B.A. degree *magna cum laude* from Yale College in 1987, with distinction in linguistic

anthropology.

3. I am licensed to practice law in New York State and in California. I am also admitted to practice before the United States Supreme Court; the United States Courts of Appeals for the Second, Third, Fourth, Sixth, Seventh, Ninth, and Eleventh Circuits; the United States District Courts for the Eastern and Southern Districts of New York, the Northern and Central Districts of California, and the District of Columbia.

4. I served as a judicial law clerk for the Honorable Robert L. Carter, United States District Judge for the Southern District of New York, from 1991 to 1992, and for the Honorable James R. Browning, United States Circuit Judge for the Ninth Circuit, from 1992 to 1993.

5. From 1993 until 1997 I was an associate, and then from 1998 through 2001 I was a partner, at Vladeck, Waldman, Elias & Engelhard, P.C., a private law firm in New York City that specializes in employment and labor law. While at Vladeck Waldman, I tried cases in federal and state courts and before various arbitration tribunals, argued appeals, and pursued claims primarily under federal civil rights statutes and the federal constitution.

6. From 2001 until 2010, I was Litigation Director of the ACLU Foundation's Lesbian, Gay, Bisexual, Transgender, and HIV Project, based in New York, New York. From 2010 until the present, I have been Director of that same Project, overseeing both its legal program and other aspects of its advocacy, including lobbying, administrative advocacy, organizing, and education of the public about issues affecting lesbian, gay, bisexual, or transgender ("LGBT") people or people living with HIV.

7. Through my work with the LGBT & HIV Project, I have developed a specialty in constitutional litigation generally and specifically in constitutional claims about the rights of LGBT people.

8. I have been counsel in numerous constitutional cases about the freedom to marry for same-sex couples, including *United States v. Windsor*, 133 S. Ct. 2675 (striking down the Defense of Marriage Act); *Bostic v. Schaefer*, 760 F.3d 352 (4th Cir. 2014), *cert. denied* 2014

WL 3924685 (Oct. 6, 2014) (striking down Virginia's ban on marriage for same-sex couples); *Baskin v. Bogan*, 766 F.3d 648 (7th Cir. 2014), *cert denied* 2014 WL 3924685 (Oct. 6, 2014) (striking down Indiana's ban on marriage for same-sex couples) (I was counsel in *Fujii v. Commissioner*, which was consolidated with *Baskin* on appeal); *Whitewood v. Wolf*, 992 F. Supp. 2d 410 (M.D. Pa. 2014) (striking down Pennsylvania's ban on marriage for same-sex couples); *Geiger v. Kitzhaber*, 994 F. Supp. 2d 1128 (D. Or. 2014) (striking down Oregon's ban on marriage for same-sex couples) (I was counsel in *Rummell v. Kitzhaber*, which was consolidated with *Geiger*); *Brenner v. Scott*, 999 F. Supp. 2d 1278 (N.D. Fla. 2014) (granting preliminary injunction against enforcement of Florida's ban on marriage for same-sex couples) (I was counsel in *Grimsley v. Scott*, which was consolidated with *Brenner*); *Fisher-Borne v. Smith*, 14 F. Supp. 3d 695 (M.D.N.C. 2014) (striking down North Carolina's ban on marriage for same-sex couples); *Aaron-Brush v. Bentley*, No. 2:14-cv-01091 (N.D. Ala. 2014) (constitutional challenge to Alabama's ban on marriage for same-sex couples); *Griego v. Oliver*, 316 P.3d 865 (N.M. 2013) (striking down New Mexico ban on marriage for same-sex couples under state constitution); *In re Marriage Cases*, 43 Cal.4th 757 (Cal. 2008) (striking down California's ban on marriage for same-sex couples under state constitution); *Strauss v. Horton*, 46 Cal.4th 364 (Cal. 2009) (rejecting state constitutional challenge to Proposition 8); *Hernandez v. Robles*, 855 N.E.2d 1 (N.Y. 2006) (upholding New York's ban on marriage for same-sex couples under state constitution) (I was counsel in *Samuels v. New York State Dep't of Health*, which was consolidated with *Hernandez* on appeal); *Conaway v. Deane*, 932 A.2d 571 (Md. 2007) (upholding Maryland's ban on marriage for same-sex couples under the state constitution); *Li v. Oregon*, 110 P.3d 91 (Or. 2005) (dismissing challenge to Oregon's ban on marriage for same-sex couples).

9. I have also been counsel in cases challenging state laws barring lesbians and gay men from being adoptive or foster parents. Those include *In re Matter of Adoption of X.X.G. and N.R.G.*, 43 So.3d 79 (Fla. 3d Dist. Ct. App. 2010), which struck down Florida's ban on

adoption by lesbian, gay, or bisexual people as violative of the Florida constitution; *Howard v. Child Welfare Agency Review Bd.*, 238 S.W.3d 1 (Ark. 2006), which struck down Arkansas's ban on placement of a foster child in any household that included a gay person; and *Arkansas Dep't of Human Services v. Cole*, 380 S.W.3d 429 (Ark. 2011), which struck down Arkansas's ban on adoption or foster parenting by any unmarried couple as violative of the Arkansas constitution.

10. I have been counsel in a range of other civil rights cases including, as a representative sample:

- a. *Schroer v. Billington*, 577 F. Supp. 2d 293 (D.D.C. 2008), in which a federal district court ruled that the federal ban on sex discrimination in employment bars discrimination against a woman who transitioned from male to female.
- b. *Kansas v. Limon*, 122 P.3d 22 (Kan. 2005), in which the Kansas Supreme Court ruled that a state law that imposed a 17-year sentence for a consensual sex act when engaged in by two people of the same sex, compared to a 15-month sentence for the same act when performed by two people of different sexes, violated federal equal protection.
- c. *Boyd County High School Gay/Straight Alliance v. Board of Education*, 258 F. Supp. 2d 267 (E.D. Ky. 2003) and *Morrison v. Board of Education*, 419 F. Supp. 2d 937 (E.D. Ky. 2006), *aff'd* 521 F.2d 602 (6th Cir. 2008), in which the district court ruled that a high school violated the federal Equal Access Act by denying students the ability to form a Gay-Straight Alliance student club, and later ruled that the remedial training program set up to redress anti-gay harassment in the school did not violate the free exercise of religion rights of other students or their parents.
- d. *Levin v. Yeshiva Univ.*, 754 N.E.2d 1099 (N.Y. 2001), in which the New York high court ruled that denying a same-sex couple who were registered as

domestic partners access to “married student housing” constituted disparate impact discrimination based on sexual orientation in violation of New York City law.

11. Over the past 24 years, I have been direct counsel in litigation in, or supervised litigation in, 11 federal circuit courts, 30 federal district courts, and the state courts of 34 states, including 18 state high courts.

12. I have argued appeals in United States Courts of Appeals for the Fourth and Seventh Circuits, in the Kansas Supreme Court, in the New York Court of Appeals, and in the Appellate Division of the New York Supreme Court, in addition to arguing motions and trying cases before many lower state and federal courts.

13. I have received a number of awards for my work, including the 2013 Dan Bradley Award from the National LGBT Bar Association, which is the organization’s “highest honor” and recognizes a person whose work “has led the way in our struggle for equality under the law.” <http://lgbtbar.org/what-we-do/awards-recognition/dan-bradley-award/> I also received the 2012 Community Vision Award from the LGBT Bar Association of Greater New York, was a Wasserstein Public Interest Fellow at Harvard Law School in 2009, and was the 2013-2014 Vanderbilt Law School Social Justice Fellow.

14. I have lectured on constitutional law, LGBT rights, and employment law at Columbia Law School, Fordham Law School, New York Law School, and the Wharton School of the University of Pennsylvania.

Time Spent on *Bourke v. Beshear* and *Love v. Beshear*

15. I and my ACLU colleagues became co-counsel in *Bourke v. Beshear* and *Love v. Beshear* in December, 2014, in connection with the preparation of the reply brief in support of the petition for certiorari.

16. The ACLU litigation team included myself, Steven R. Shapiro, Louise Melling, Joshua A. Block, Chase B. Strangio, Leslie Cooper, and Ria Tabacco Mar (together, “ACLU

counsel”).

17. I and ACLU counsel were also co-counsel in *Obergefell v. Hodges*, one of the Ohio marriage cases, which was consolidated before the Supreme Court with *Bourke* and *Love*, as well as with marriage cases from Michigan and Tennessee.

18. I have exercised reasonable billing judgment in determining the amount of attorney fees that ACLU counsel are requesting for their services to ensure that the time for which we are seeking compensation is reasonable in light of the tasks counsel were required to perform.

19. As part of that billing discretion, I have decided not to seek payment for hundreds of hours of time devoted to this litigation by the following ACLU lawyers:

- a. Steven R. Shapiro, Legal Director of the national ACLU. Mr. Shapiro has practiced law for 39 years and leads all of the ACLU’s Supreme Court practice. Under his leadership, the ACLU regularly files more briefs, as party counsel and as counsel for an amicus, than any other law firm or entity in the country other than the Office of the Solicitor General of the United States. Mr. Shapiro devoted well over 100 hours to the marriage cases in the Supreme Court.
- b. Louise Melling, Deputy Legal Director of the national ACLU. Ms. Melling has practiced law for more than 25 years and currently supervises the ACLU’s work on LGBT rights, women’s rights, reproductive freedom, and religion. She has been counsel in numerous Supreme Court cases, as well as in federal constitutional litigation across the country. Ms. Melling spent well over 60 hours on the marriage cases in the Supreme Court.
- c. Leslie Cooper, Senior Staff Attorney for the ACLU LGBT Project. Ms. Cooper has been litigating federal and state constitutional cases for the ACLU since 1998 and was admitted to practice law in 1995. She is one of the

country's leading experts on the social science literature about children raised by lesbians and gay men, a subject that has been the focus of extensive briefing by opponents of marriage for same-sex couples, as well as being the subject of extensive trial testimony over the course of many years. Ms. Cooper brought that knowledge and experience to the *Bourke* litigation and was the ACLU's point person for coordinating and reviewing the friend-of-the-court briefs filed in support of Plaintiffs and reviewing and summarizing the friend-of-the-court briefs filed in support of the States. Ms. Cooper spent well over 100 hours on the marriage cases at the Supreme Court.

- d. Ria Tabacco Mar, Staff Attorney for the ACLU LGBT Project. Ms. Mar has been litigating constitutional and statutory civil rights cases, at the ACLU and elsewhere, since 2009 and was admitted to practice law in 2008. She spent well over 50 hours on the marriage cases at the Supreme Court.

20. The attorney time records attached as Exhibit M detail the time I spent on the representation. These hours are based on the contemporaneous records that I maintained during the course of my involvement in this case. The attorney time records are a true and accurate reflection of professional services reasonably rendered by me to the Plaintiffs in this litigation.

21. Because I was counsel in both *Bourke/Love* and *Obergefell*, there were times when the legal work I performed was relevant to both cases. In each such instance, I have allocated half the time I spent to *Bourke/Love* and the other half to *Obergefell*, noting "(split entry)" in each instance in the time description.

22. The attorney time records attached as Exhibit N detail the time that Joshua A. Block spent on the representation. Mr. Block is a graduate of Amherst College and Yale Law School. He has practiced law since 2005 and has developed an expertise in federal constitutional law and LGBT rights. Mr. Block's hours are based on the contemporaneous records that he maintained during the course of his involvement in this case. His attorney time records are a true

and accurate reflection of professional services reasonably rendered to the Plaintiffs in this litigation.

23. The attorney time records attached as Exhibit O detail the time that Chase Strangio spent on the representation. Mr. Strangio is a graduate of Grinnell College and Northeastern Law School. He has practiced law since 2010 and has developed an expertise in federal constitutional law and LGBT rights. Mr. Strangio's hours are based on the contemporaneous records that he maintained during the course of his involvement in this case. His attorney time records are a true and accurate reflection of professional services reasonably rendered to the Plaintiffs in this litigation.

24. I have reviewed all of the attorney time records of Mr. Block and Mr. Strangio and have eliminated all non-productive and non-essential time, as well as all duplicative time.

Hourly Rates

25. I request a rate of \$700 per hour for my legal services. Lawyers of my level of skill and experience, who practice civil rights law in New York City, command a market rate of \$700 per hour as evidenced by the Declaration of Anne L. Clark, submitted as Exhibit H in conjunction with this motion for attorney fees.

26. I request a rate of \$400 per hour for the legal services of Mr. Block. Lawyers of his level of skill and experience, who practice civil rights law in New York City, command a market rate of \$400 per hour. *See* Declaration of Anne L. Clark.

27. I request a rate of \$325 per hour for the legal services of Mr. Strangio. Lawyers of his level of skill and experience, who practice civil rights law in New York City, command a market rate of \$325 per hour. *See* Declaration of Anne L. Clark.

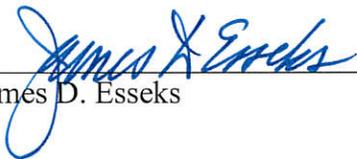
Costs

28. Exhibit L lists expenses that ACLU Counsel incurred incident to our representation of plaintiffs in the Supreme Court. Those expenses concern travel for meetings with clients and co-counsel and/or for moot arguments and other preparation for oral argument.

29. Some of these travel expenses were incurred solely in connection with representation of the *Bourke/Love* plaintiffs. Other travel expenses, however, were incurred in connection with ACLU Counsel's representation of both the *Bourke/Love* plaintiffs and the *Obergefell* plaintiffs. For these shared expenses, Exhibit L seeks recovery from defendants only of the *Bourke/Love* portion, or half, of the travel expenses.

I declare under the penalty of perjury that the foregoing is true and correct.

DATE: August 13, 2015



James D. Esseks

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)	
)	
PLAINTIFFS)	
	)	CIVIL ACTION NO.
v.)	
	)	3:13-CV-750-JGH
STEVE BESHEAR, ET AL.)	
)	
DEFENDANTS)	

The Affiant, SHANNON R FAUVER, having been duly sworn, states as follows:

1. I am of adult age and am otherwise competent to testify to the matters set forth herein, which are based upon my own personal knowledge, unless otherwise stated.
2. I am the owner of the firm Fauver Law Office, PLLC, and one of the attorneys of record for the Plaintiffs in the above-styled matter.
3. The figures for fees and expenses submitted in this matter are true and correct to the best of my knowledge.
4. The attached invoice shows a detailed and accurate accounting of the hours expended by attorneys of Fauver Law Office, PLLC, on this matter, those members being Dawn Elliott and myself.
5. I have constructed the billing records for myself based upon a review of the filings in this case, my calendar, my email messages, and other electronic records, including a Lexis search history and the filings in this case.
6. I have not reviewed my phone records in this matter and as such have not billed for phone calls in this case.

7. I am also not seeking to bill the government for copies, postage, law clerk/paralegal time, or other incidental expenses incurred by myself or other members of my firm in this case, other than the time billed to our paralegal while she was with us in D.C.
8. I have billed for my personal hours spent on this case at a rate of \$250.00 per hour.
9. Hours for Dawn Elliott and me are listed together as we both have a rate of \$250.00 per hour.
10. I am sure that I performed work on this case which I did not keep track of or was otherwise not able to recreate based on my electronic records. Any such work is not reflected in our billing records.
11. I have not actually charged any of the Plaintiffs in this case for any of my time, and to my knowledge they have not paid any attorney fees. My normal hourly rate ranges from \$200 - \$350 per hour, depending on the type of case.
12. I graduated from the University of Louisville, Louis D. Brandeis School of Law in 2003. I have been in practice for approximately ten years. I am admitted to practice before all Kentucky state courts, Kentucky federal courts, the Southern District of Indiana, the Sixth Circuit Court of Appeals and the United States Supreme Court. The majority of my cases have been in the Bankruptcy Court and with the Social Security Administration as my practice generally represents people with no means to afford representation.
13. I represented the first same-sex couple to file bankruptcy in the state of Kentucky and after hearings and briefs; Kentucky allowed same-sex bankruptcies to go forward before the rest of the country.
14. I have conducted numerous CLEs and published articles on a variety of topics. I was voted a Top Lawyer in the Louisville area in 2008, 2012, 2013, and 2014, and a former member of the American Inns of Court in Jefferson County.
15. Given my qualifications, experience, and track record of representing individuals that would not

otherwise have counsel, I believe I am justified in charging my rate (\$250/hr) for work performed in this case.

16. The attorneys of Fauver Law Office, PLLC, do not receive a salary from the firm. As such, any time spent by members of this firm was time that could have been devoted to other cases.

17. As contemplated by this Court in *Dehner*, I have foregone other opportunities to handle this case. I have done so because I believe the issues are important not only to my clients, but to all Kentuckians, and I believe the profound importance of these issues is reflected in the Court's well-reasoned opinion.

18. As this Court is well aware, the novelty of the issues involved in this case cannot be overstated. The sea change on these issues since the *Windsor* opinion has been quite dramatic, to say the least. Following *Windsor*, the case law throughout the country has done a complete about face. This means that we could not simply research a discrete issue of law and rely upon precedent. It was necessary for us to reach out to other lawyers currently pursuing similar challenges in other states in order to obtain procedural and substantive legal advice, as well as practical advice as to how to handle the delicate sociopolitical issues which are inherent in this litigation. An extensive review of *Windsor* and *Perry*, and the briefing/procedural steps involved in those cases, was also required. Although the procedure for these challenges have been made somewhat clearer in the last few months, there is still significant confusion (and therefore research required) in issues as basic as whom to properly name as a defendant. This is evidenced in the instant case by the initial transfer of the case from the Eastern District, and the joining and subsequent dismissal of the County Clerks, just by way of example. It is also evidenced by the fact that very few cases like the one at bar have proceeded the same way – some name county clerks, some do not; some seek class certification, some do not, etc.

19. Although the United States District Court of the Western District of Kentucky found for

Plaintiffs on the Equal Protection issue alone, the extreme importance of this litigation to the protection of Plaintiffs' constitutional rights necessitated thorough research of all the relevant constitutional provisions contained in Plaintiffs' briefs. Some of these issues were novel indeed, and not dealt with by much (if any) readily accessible published case law. Given that the Commonwealth appealed; this research was useful for the Supreme Court's case. I can assure the Court that no time was spent researching or briefing frivolous issues; there are many ways in which the legal framework challenged in this case violates the federal Constitution.

20. Once the *Bourke v. Beshear* case and *Love v. Beshear* case were merged together, the time was then kept under *Bourke v. Beshear* as to not duplicate billing.
21. The practice moots were necessary for the attorneys on all four States' cases to determine who to argue the cases in front of the Supreme Court.
22. Counsel on this case flew to Stanford to meet with the Stanford team there, as it made more sense than flying the entire Stanford team to Kentucky, and we are not asking for the Court to award the travel expenses for the flight and lodging, as those were already paid for.
23. Dawn Elliott graduated from the University of Louisville, Louis D. Brandeis School of Law in 2007. She has been in practice for approximately eight years, the last five of those years with the Fauver Law Office, PLLC. She is admitted to practice before all Kentucky state courts and Kentucky federal courts, the Southern District of Indiana, the Sixth Circuit Court of Appeals and the United States Supreme Court. The majority of her cases deal with custody issues.
24. Dawn Elliott has conducted numerous CLEs and published articles on a variety of topics.
25. Dawn Elliott has been awarded the Rising Star Award by the Louisville Black Lawyers Association.
26. Dawn Elliott bills out at a rate of \$250 an hour for all of her cases, so I believe that we are justified in asking for \$250 per hour for her work on this case.

27. As this was a novel case, the attorneys with the Fauver Law Office took a paralegal with them to do research while in D.C. for the Supreme Court arguments.
28. During the two years that the Fauver Law Office, PLLC was involved in these cases, from June 26, 2013, when we stated that we were looking at filing a case, until June 26, 2015 when the case was decided and even continuing until today, we have received numerous phone calls, emails and faxes stating that we were “going to Hell” and various other assorted places.
29. Our firm has lost current clients, who made it clear that they did not want our assistance any longer as we were “too busy with that gay marriage thing”.
30. We have dropped clients who, while in our office, made their opinion about our handling of the cases known.
31. Both Dawn Elliott and I have been verbally accosted, Dawn Elliott more than I as unfortunately LGBT rights are not widely accepted in the black community.
32. Dawn Elliott has had a water bottle thrown at her in Court in Trimble County Kentucky.
33. When one of our Metro Council woman made it known she was going to recognize the attorneys and clients in this case with a certificate during a meeting, she received multiple phone calls ranging from someone telling her she better not have Dawn Elliott there to that they were going to find someone to run against Dawn Elliott (as she is running for District Court Judge in Jefferson County) as they can’t have that “gay rights” lawyer as a judge. The Metro Council woman also received at least one call threatening to do away with Dawn “in order to right the wrong that she created”.
34. The calls were threatening enough that some of the Plaintiffs and I walked Dawn Elliott to her car. It was also enough that I didn’t take my children with me to the meeting, and I was planning on it.
35. Throughout this action, the harassment of the attorneys and plaintiffs have been enough to keep

me from including my children, who really want to attend some of the functions, like the rally after the Supreme Court announced their decision on the cases, from attending any of the events. I even kept them from our two victory parties which we held after the decision was announced as I was concerned that something could happen to them.

36. One of my children, who has always been vocal about her support of what her mother was working on, was accosted about a year and a half ago at school, called a "d---" and punched.

37. Under these circumstances, and pursuant to the factors set forth in applicable case law, I believe that \$219,150.00 is a reasonable amount of attorney fees, and respectfully ask that the Court award the full amount requested.

38. Further, we ask the Court award \$3,178.83 for reimbursement of expenses and 35 hours of time for the paralegal's time for assistance with the case while in DC as her time was not charged for the two years spent on this case, other than the days in D.C. for this case, at \$2,800.

39. We hereby ask the court to award our fees in the amount of \$225,128.83.



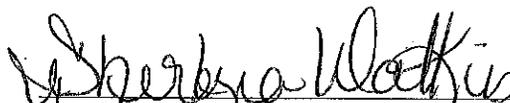
Shannon Fauver

STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

Before me, the undersigned authority, came Shannon Fauver, who signed in front of me, on this the

11th day of August, 2015.

My commission expires: August 2018.


NOTARY PUBLIC, STATE AT LARGE KENTUCKY

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)	
)	
PLAINTIFFS)	
	)	CIVIL ACTION NO.
and)	
	)	3:13-CV-750-JGH
TIMOTHY LOVE, ET AL.)	
)	
INTERVENING PLAINTIFFS)	
)	
v.)	
)	
STEVE BESHEAR, ET AL.)	
)	
DEFENDANTS)	
)	

DECLARATION OF JEFFREY L. FISHER

Jeffrey L. Fisher declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am currently Professor of Law at Stanford Law School and co-director of the Stanford Supreme Court Litigation Clinic. I have been a member in good standing of the Washington Bar since 2000 and of the California Bar since 2007.
2. I graduated from Duke University in 1992 and from the University of Michigan Law School in 1997. Following graduation, I clerked for Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit and then for Justice John Paul Stevens on the Supreme Court of the United States. After that, I worked from 1999 until mid-2006 as an associate and then a partner at Davis Wright Tremaine LLP, in Seattle, Washington. During my last two years there, I was co-chair of the firm's Appellate Practice group. I began working at Stanford Law School in the 2006-07 academic year as an associate professor, and have since received tenure and am now a full professor.

3. I have extensive experience litigating Supreme Court matters. Over the past twelve years, I have presented oral argument in 27 cases, and I have participated in the briefing in dozens of other cases on the merits. A recent new story noted that my 21 arguments over the past ten years rank me fifth among the most active private Supreme Court litigators, see Joan Biscupic, *The Echo Chamber*, Reuters (Dec. 8, 2014) <http://www.reuters.com/investigates/special-report/scotus/#article-3-the-advocates>, and I have devoted a considerable percentage of that time representing plaintiffs in civil rights cases. I thus was well qualified to be the Supreme Court specialist on our litigation team.

4. I joined the team in the *Bouke/Love* case in late 2014, shortly before filing our reply brief in support of certiorari. I worked on the case in my capacity as co-director of the Stanford Clinic, meaning that I enlisted students to help me with the legal work and took extra time while I was doing that work to teach through the case.

5. As a member of the *Bourke/Love* team, I did the first drafts of the cert reply brief, the merits brief, and the merits reply brief in conjunction with lawyers from the ACLU. I then spent time making edits to the parts that others drafted and responding to suggestions from the ACLU and Kentucky co-counsel regarding the parts that I drafted. When it came time to prepare for oral argument, I was one of a small group of principal advisors to the oral advocates.

6. All told, I spent 206.5 hours doing pure lawyering work on this case. (Those hours are detailed in Exhibit P.) That number leaves aside dozens of extra hours I spent strategizing and reflecting with students, as well as hundreds of hours of the students' own time spent helping me craft and edit the briefs and researching various legal issues.

7. Our clinic usually bills for our students' time when seeking fees at the rate of \$150 per hour, but because this case was staffed more deeply than the usual clinic case, I have decided not to seek compensation for that time. I also have decided not to seek compensation for the twenty-five hours that my colleague Brian Wolfman spent reviewing, discussing, and making editing suggestions to various drafts.

8. Every lawyer I know who has a comparably active case in the U.S. Supreme Court has a billing rate of about \$1000 per hour – sometimes far above that figure. (This knowledge is reinforced by a recent fee request noting sample rates of \$1800 per hour for Ted Olson, \$1350 for Paul Clement, \$1100 for Thomas Goldstein, and \$1020 (in 2013) for E. Joshua Rosencrantz. See Tony Mauro, *Hourly Rates for Top Supreme Court Advocates Revealed in Fee Filing*, Nat'l L.J., Aug.

7, 2015.) I also sometimes represent clients outside of the Stanford Clinic and charge in that range. In light of the nature of this case (that is, a civil rights case, as opposed to a business case), I believe an appropriate and conservative billing rate for me would be \$750 per hour. Billed at that figure, my time amounts to \$154,875.

9. All fees that I obtain for working on this matter will be turned over to Stanford Law School, and used to fund its clinical programs.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2015.

A handwritten signature in black ink, appearing to read "J. Fisher", written in a cursive style.

Jeffrey L. Fisher
STANFORD LAW SCHOOL
SUPREME COURT LITIGATION CLINIC
559 Nathan Abbott Way
Stanford, CA 94305

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

Electronically Filed

GREGORY BOURKE, ET AL.)
)
 PLAINTIFFS)
)
 and)
)
 TIMOTHY LOVE, ET AL.)
)
 INTERVENING PLAINTIFFS)
)
 v.)
)
 STEVE BESHEAR, ET AL.)
)
 DEFENDANTS)
)

C.A. No. 3:13-CV-750-JGH

**28 U.S.C. §1746 DECLARATION OF
GREGORY A. BELZLEY IN SUPPORT OF PLAINTIFFS'
RENEWED MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS**

1. My name is Gregory A. Belzley. On March 11, 2014, I submitted an affidavit in support of Plaintiffs' original Motion for Award of Attorneys' Fees and Costs in this litigation. The information on my personal and professional background in ¶¶ 1-3 of that Affidavit remain unchanged, with the exception that I am another year older and, hopefully, wiser.

2. I have carefully reviewed Plaintiffs' Renewed Motion for Award of Attorneys' Fees and Costs, and the underlying documentation supporting Plaintiffs' request. I have also reviewed what I said in my original Affidavit, and believe that everything I said therein applies with even greater force now to Plaintiffs' Renewed

Motion. I therefore adopt and restate the points I made in my original Affidavit as if fully set forth in this Declaration.

3. The work performed by Plaintiffs' counsel was necessary, and their rates are reasonable. There has been an increase in the billing rates of Mr. Canon and Ms. Landenwich, which is customary in the legal profession as time passes and an attorney's experience accrues, and I find those increases to be reasonable, as well. The rates of Mr. Canon and Ms. Landenwich, along with those of the other counsel for Plaintiffs, remain well within the range of reasonableness for attorneys with their experience practicing in Louisville, Kentucky.

4. There is little I can add to the legal arguments set forth in Plaintiffs' Renewed Motion. There is little I can add to the equities I attempted to describe in my original Affidavit, which I believe amply supported a generous award of attorneys' fees and costs to Plaintiffs then, and apply with even greater force now. I will instead try to provide the Court a personal perspective on what Plaintiffs' counsel have accomplished, what it took, and what they risked (and continue to risk) in this fight.

5. First, how do you put a price on making history? The late Justice Thurgood Marshall probably had little idea that that first client interview would end up enshrined as *Brown v. Board of Education*. But therein lies the story of how law -- and history -- are made by lawyers, and how as a consequence our civilization continues to travel along that long arc toward justice. It starts with one or two lawyers, with one or two clients, in a room, deciding to fight for something greater than themselves. There is no guarantee of the outcome, but the principle demands that they take a stand together,

whatever the cost. As a civil rights lawyer, I can assure the Court that there are many more defeats in civil rights litigation than there are victories; as the great American investigative journalist I.F. Stone once said, "The only kinds of fights worth fighting are those you're going to lose, because somebody has to fight them and lose and lose until someday, somebody who believes as you do wins."

6. I remember, even before Judge Heyburn's decision, Mr. Canon and Ms. Landenwich discussing with me the time they were committing to this litigation and its impact on their families. Both Dan and Laura have young children, and it's not too soon for them to start worrying about how they're going to pay for college, much less put bread on the table. Yet that discussion never progressed beyond their expression of concern. Their solemn *commitment* to the zealous representation of their clients, at whatever cost to themselves or their families, was never in doubt.

7. I remember being in the law offices of Clay, Daniel, Walton & Adams and seeing what I remember to be a two-to-three foot stack of *amicus* briefs on Dan's desk. There was a six-inch stack of *amicus* briefs Dan had already pored through on the other side of his desk. The work undertaken and performed by Plaintiffs' counsel in this litigation was monumental. It would have scared me to death.

8. I've seen one example of the hate mail Dan has received. It's not funny, although Dan and Laura try to make it so. It's cold, creepy stuff, the kind of thing you think about when you tuck your kid into bed at night and turn off the lights. I surrendered and got on Facebook a couple of years ago, and the vitriolic nature of some of the comments of *my* "Facebook Friends" about the Supreme Court's decision in

Obergefell have been stunning. Plaintiffs' counsel are rightly proud of their work, but the Court should have no illusions – they will be marked by a “Scarlet Letter” for a significant segment of the community in which they live for some time to come. As a lawyer specializing in inmates' rights and police misconduct, I've seen a description of the nature of my practice bring dinner conversations to a screeching halt, followed by a long, uncomfortable silence. And issues of inmates' rights and police misconduct come nowhere near to touching the kind of emotional/cultural/religious nerve that appears to have been awakened by the Supreme Court's decision in *Obergefell*. As has been shown by the resistance of county clerks here in Kentucky to issuing marriage licenses to same sex couples, we're a long way from the last chapter in this story.

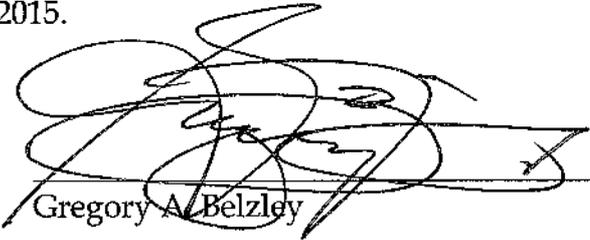
9. In the end, Plaintiffs' counsel would likely have had more money in the bank, and certainly fewer reasons to look over their shoulder, had they never gotten involved in this case. They're all smart enough to have probably appreciated that going in. They were ultimately victorious, well-beyond the imagination of most pundits who parsed the questions and comments of the Justices following oral argument in *Obergefell*, but that outcome was in doubt until the moment the Supreme Court's decision issued. The Court is being asked here just to compensate Plaintiffs' counsel for their necessary work at a reasonable rate, with a multiplier. They've not asked to be compensated for *all* the work, much less the sleepless nights, the fears, the uncertainties, the anxieties, the questions, and the outright mean-spiritedness that has attended their involvement in this litigation.

10. Plaintiffs' request is reasonable and should be granted, and Defendants

should be glad to pay it.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 12th day of August, 2015.



Gregory A. Belzley

DECLARATION OF PAUL HERSHBERG

Paul Hershberg declares as follows pursuant to 28 U.S.C. § 1746:

1. I submit this declaration in connection with the Plaintiffs' motion for an award of attorney's fees.

2. I am a practicing lawyer in Louisville, Kentucky. I have practiced various sorts of litigation, including commercial litigation and civil rights case, since graduating from Boston College Law School in 1996. I was associated with Seiller Waterman LLC since 2001, and a member of that firm from 2007 through June of 2015. Since my retirement, I have continued to practice, of counsel to the firm of Gray and White, where my work remains concentrated on complex litigation and appellate practice.

3. Through personal experience, I know the range of rates generally charged by practitioners in Louisville, and by those who practice before this Court. In particular, I am familiar with the fees charged by experienced federal litigators handling civil rights and commercial litigation matters.

4. I am well acquainted with Dan Canon and Laura Landenwich, both of whom I have known professionally for some years, and the latter of whom worked with me at Seiller Waterman for several years early in her career. I commended their abilities in a declaration submitted earlier in this case, which I incorporate by reference here. My favorable opinion of the work of these lawyers has not changed in the interim, and has been reinforced by the commitment that I (and much of the Louisville legal community) have witnessed in their handling of this case. This began as a case of historical importance when it came before Judge Heyburn, and only grew in significance after its initial resolution there.

5. I am less familiar with Joe Dunman or his work, but I have had occasion to interact with him regarding this case, and he appears by all accounts to be a sharp and competent young attorney.

6. This is the rare case that has implications that extend far beyond the law, and that has become part of an important cultural conversation. That conversation is beyond the scope of this Declaration or my expertise, and has already been undertaken by many people far qualified than I. Where I can and will weigh in, however, is on the level of time commitment necessary to litigate a case of this complexity through appeal, or through a series of appeals. These time commitments are magnified where, as here, time frames are compressed, additional parties, *amici* and interest groups are entering the fray, and the landscape of legal precedent is broad. This is an all-encompassing project for an appellate practitioner, and Dan and Laura did that work exceptionally well here.

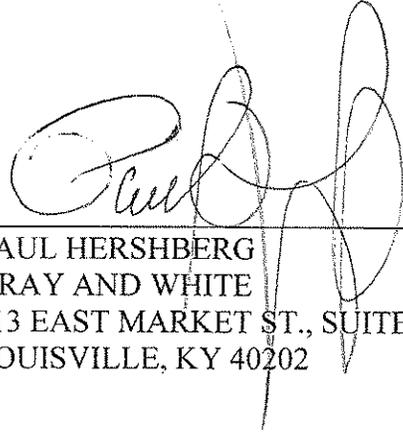
7. The rates of \$300 per hour charged by Dan and Laura in this case are within an appropriate range for good appellate counsel in complex cases in this community. I charge more than this, and I have never won a case of generational significance, like the instant case, in front of the United States Supreme Court, and it is most unlikely that I ever will.

8. It also strikes me as reasonable for a good junior lawyer like Joe Dunman to charge \$250 per hour in a case such as this.

9. I have not undertaken a line-by-line review of the billing statements and time entries for which Dan, Laura and Joe seek reimbursement here, but it would not be unreasonable for them to have billed all of their waking hours, and some of their non-waking hours, over the course of several months to prepare and present this case.

10. I declare under penalty of perjury that the previous statements are true and correct.

Executed on August 19, 2015.

A handwritten signature in black ink, appearing to read "Paul Hershberg", is written over a horizontal line. The signature is stylized with large loops and a long vertical stroke extending downwards.

PAUL HERSHBERG
GRAY AND WHITE
713 EAST MARKET ST., SUITE 200
LOUISVILLE, KY 40202

DECLARATION OF PAUL HERSHBERG

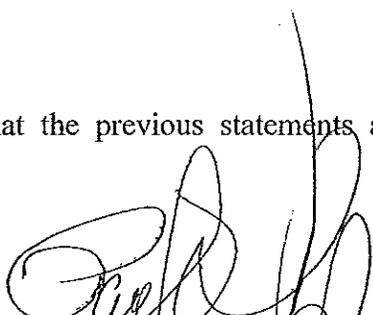
Paul Hershberg declares as follows pursuant to 28 U.S.C. § 1746:

1. I submit this declaration in connection with the Plaintiffs' motion for an award of attorney's fees.
2. I am a practicing lawyer in Louisville, Kentucky. I have practiced various sorts of litigation, including commercial litigation and civil rights case, since graduating from Boston College Law School in 1996. I have been associated with Seiller Waterman LLC since 2001, and have been a member of that firm since 2007.
3. Through my experience, I am generally familiar with the fees charged by Western District of Kentucky lawyers. In particular, I am familiar with the fees charged by experienced federal litigators handling civil rights and commercial litigation matters.
4. I am well acquainted with Dan Canon and Laura Landenwich, both of whom I have known professionally for some years, and the latter of whom worked with me at Seiller Waterman for several years early in her career. I have observed their abilities and competence in litigating cases generally, including in cases involving individual rights, and am able to opine that both are highly qualified litigators to whom I would without reservation refer a client or friend. While I am somewhat less acquainted with Joe Dunman, I know him by reputation to be a qualified and competent young lawyer.
5. I have reviewed the itemized billing statements for this matter. Although I have not been involved in the practice of the case, I have also followed it by virtue of the extensive media coverage that it has received. It is my opinion that the billing rates of \$250 for Dan Canon and Laura Landenwich, both of whom I know to be fine litigators, is well within the range of fees charged by lawyers with similar levels of litigation experience practicing in this community,

and indeed toward the lower end of the range of reasonable rates. It is further my opinion that Mr. Dunman's billing rate, in the \$180-225 range, is quite reasonable for a young lawyer working in conjunction with and under the supervision of lawyers like Dan and Laura. Indeed, I am familiar with Western District of Kentucky lawyers, including some with less experience, charging higher rates in federal court cases.

6. Based on a review of the itemized billing records, as transmitted to me by Mr. Canon, I am also of the opinion that the amount of hours billed by Mr. Canon, Ms. Landenwich, and Mr. Dunman is well within reason for briefing a case that involved as many complex and novel legal issues as the one at bar, and that also involved constitutional issues and amicus practice. Although the case was resolved at an early pretrial stage, the complexity of pleading and briefing complex issues necessitates substantial time commitments from good and thorough lawyers like these.

7. I declare under penalty of perjury that the previous statements are true and correct. Executed on March 10, 2014.



PAUL HERSHBERG
SEILLER WATERMAN LLC
462 S. Fourth Street, 22nd Floor
Louisville, Kentucky 40202
(502) 584-7400

DECLARATION OF WALTER DELLINGER

I, WALTER DELLINGER, declare:

1. I am currently the Douglas B. Maggs Emeritus Professor of Law at Duke University, a partner in the appellate practice of the firm of O'Melveny & Myers, LLP, 1625 Eye Street, NW Washington DC 20006.
2. I have been licensed to practice law since 1972. I am currently a member of the Bar of the District of Columbia and a member of the bar of the United States Supreme Court.
3. I am a graduate of the University of North Carolina and Yale Law School (1966). From 1968-1969 I served as law clerk to Justice Hugo L. Black of the United States Supreme Court.
4. From 1993 to 1996 I served as Assistant Attorney General of the United States and head of the Office of Legal Counsel at the Department of Justice. For the 1996-1997 Term of the United States Supreme Court I served as acting Solicitor General of the United States. That Term I argued nine cases before the Supreme Court, the most by any Solicitor General in twenty years. In 1998 I became national head of the appellate practice of O'Melveny & Myers. I have argued more than twenty-five cases before the US Supreme Court.
5. I followed closely the developments in the *Bourke/Love* case. I am very familiar with the contributions made by Professor Jeffrey Fisher to that case.
6. It is my professional opinion that both the number of hours spent on the case by Professor Fisher and his billing rate for those hours are conservative, appropriate and fully justified

7. Professor Fisher contributed to the Cert. Reply Brief, the opening Brief on the Merits, the Reply Brief on the merits and the preparation for oral argument. I find that 206.5 hours is a very reasonable and appropriate amount of time for his contribution to this complex and historic case.
8. The rate of compensation requested for Professor Fisher's time -- \$750 per hour -- is significantly below the market rate for a Supreme Court advocate of his skill, experience and reputation. Professor Fisher is one of a very small handful of the most highly regarded practitioners before the US Supreme Court. I consider him as one of the five most highly skilled Supreme Court advocates in the country. I have argued before the Supreme Court as opposing counsel to Professor Fisher in a case of unusual magnitude (the Exxon Valdez punitive damages case). His briefing and argument in that case was considered truly outstanding by all of us on the opposing side.
9. I believe that the billing rate of those of comparable skill and reputation of Professor Fisher exceeds \$1000 per hour. My own standard billing rate exceeds \$1200 per hour. I therefore conclude that the billing rate for Professor Fisher in this case of \$750 per hour is very conservative and more than appropriate.

This declaration is executed on this 18th day of August 2015 in Washington, D.C.



WALTER DELLINGER

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)	
)	
PLAINTIFFS)	
)	CIVIL ACTION NO.
and)	
)	3:13-CV-750-JGH
TIMOTHY LOVE, ET AL.)	
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)	
v.)	
)	
STEVE BESHEAR, ET AL.)	
)	
DEFENDANTS)	
)	

**DECLARATION OF ANNE L. CLARK IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEY FEES**

ANNE L. CLARK, under penalty of perjury, affirms and states as follows:

1. I am a member of the firm Vladeck, Raskin & Clark, P.C. (the "Vladeck Firm").¹

I submit this declaration in support of the motion filed by the Plaintiffs for an award of attorney fees and costs arising from the work performed by attorneys at Clay Daniel Walton Adams, PLC, at the American Civil Liberties Union ("ACLU") Foundation, and at the Stanford Law School Supreme Court Litigation Clinic, in litigating the above-captioned case.

2. The Vladeck Firm concentrates in representing individuals in employment related

¹ Until recently, the name of the firm was Vladeck, Waldman, Elias & Engelhard, P.C.

matters, and has successfully represented employees in numerous employment litigations and arbitrations. See, e.g., Merino v. Beverage Plus Am. Corp., No. 10 Civ. 0706, 2014 WL 1744728 (S.D.N.Y. Mar. 6, 2014) (\$1.29 million judgment); Redd v. New York Div. of Parole, 678 F.3d 166 (2d Cir. 2012) (reinstating sexual harassment claims); DeCurtis v. Upward Bound Int'l, Inc., No. 09 Civ. 5378, 2012 WL 4561127 (S.D.N.Y. Sept. 27, 2012), aff'd sub nom. De Curtis v. Ferrandina, 529 F. App'x 85 (2d Cir. 2013) (affirming default judgment of \$845,309.11); Davis v. Abercrombie & Fitch Co., No. 08 Civ. 01859 (S.D.N.Y. October 2009); Sotak v. McGraw-Hill Companies, Inc., 07 Civ. 2698 (S.D.N.Y. trial January 2009); Zakre v. Norddeutsche Landesbank Girozentrale, 541 F. Supp. 2d 555 (S.D.N.Y. 2008), aff'd, 344 F. App'x 628 (2d Cir. 2009); Browne-Sanders v. Madison Square Garden, L.P., et al., No. 06 Civ. 0589 (S.D.N.Y. trial Sept.– Oct. 2007); Pappas v. Watson Wyatt & Co., No. 3:04-CV-304, 2008 WL 793597 (D. Conn. Mar. 20, 2008); Sandhaus v. McCann Erickson, Inc., No. 03 Civ. 6743 (S.D.N.Y. trial August 2005); Fitzgerald v. Ford Marrin Esposito Witmeyer & Gleser, L.L.P., No. 01-7256, 01-7322, 2002 WL 313225 (2d Cir. Feb. 27, 2002) (reinstating jury verdict in plaintiff's favor); Lawrence E. Lewis v. Communicar, Inc., No. 99 CV 609 (E.D.N.Y. trial December 2001); Ginsberg v. Valhalla Anesthesia Assocs., P.C., No. 96 Civ. 6462, 1997 WL 669870 (S.D.N.Y. Oct. 28, 1997); Mahoney v. Canada Dry Bottling Co. of New York, No. 94 Civ. 2924, 1998 WL 231082 (E.D.N.Y. May 7, 1998); DeGaetano v. Smith Barney, Inc., 983 F. Supp. 459 (S.D.N.Y. 1997); Dailey v. Société Générale, 915 F. Supp. 1315 (S.D.N.Y. 1996), aff'd in part and vacated in part, 108 F.3d 451 (2d Cir. 1997); McIntosh v. Irving Trust Co., 873 F. Supp. 872 (S.D.N.Y. 1995); Malarkey v. Texaco, Inc., 794 F. Supp. 1237 (S.D.N.Y. 1992), aff'd, 983 F.2d 1204 (2d Cir. 1993); Pierce v. F.R. Tripler & Co., 770 F. Supp. 118 (S.D.N.Y. 1991), aff'd in relevant part and rev'd in part, 955 F.2d 820 (2d Cir. 1992); Wulach v. Bear, Stearns & Co.,

No. 86 Civ. 5644, 1988 WL 123632 (S.D.N.Y. Nov. 8, 1988); Whittlesey v. Union Carbide Corp., 742 F.2d 724 (2d Cir. 1984); Plummer v. Chem. Bank, 579 F. Supp. 1364 (S.D.N.Y. 1984); Melani v. Bd. of Higher Educ. of New York, 561 F. Supp. 769 (S.D.N.Y. 1983); Lo Re v. Chase Manhattan Corp., 431 F. Supp. 189 (S.D.N.Y. 1977). See also County of Suffolk v. Long Island Lighting Co. ("LILCO"), 710 F. Supp. 1407 (E.D.N.Y. 1989) (civil RICO, fraud case) aff'd, 907 F.2d 1295 (2d Cir. 1990); County of Suffolk v. Acorn, 710 F. Supp. 1428 (E.D.N.Y. 1989), aff'd in part and rev'd in part, 907 F.2d 1295 (2d Cir. 1990). In LILCO, Judge Weinstein described the firm as "of excellent quality." 710 F. Supp. at 1412.

3. The Vladeck Firm charges \$450-\$750 per hour for partners. The Vladeck Firm has charged \$700 per hour for my time since the beginning of 2012. The firm typically bills clients on an hourly basis and clients of the Vladeck Firm routinely pay my hourly rate.

4. I became associated with the Vladeck Firm in September 1993 and became a partner in January 1997. I graduated from New York University in 1985 and received my J.D. from New York University School of Law in 1990. Before my association with the Vladeck Firm, I was a law clerk for the Honorable Raymond J. Pettine in the United States District Court for the District of Rhode Island. After my clerkship, I worked for two years as a Skadden Fellow/staff attorney at the NOW Legal Defense and Education Fund ("NOW LDEF"). At NOW LDEF, I worked on the Eleventh Circuit appeal of Robinson v. Jacksonville Shipyards, Inc., 760 F. Supp. 1486 (M.D. Fla. 1991); served as lead counsel and argued the appeal of Townsend v. Indiana Univ., 995 F.2d 691 (7th Cir. 1993); and submitted an amicus curiae brief to the Supreme Court on Harris v. Forklift Sys., Inc., 510 U.S. 17 (1993).

5. Since becoming associated with the Vladeck Firm, I have served as lead counsel and co-counsel for plaintiffs in many employment law matters in federal court, including serving as lead

counsel in the trials of Delville v. Firmenich Inc., No. 08 Civ. 10891 (S.D.N.Y. trial November 2013); Zakre, No. 03 Civ. 257 (S.D.N.Y. trial April 2007); Pappas, 2008 WL 793597 (D. Ct. trial December 2006); Sandhaus, No. 03 Civ. 6743 (S.D.N.Y. trial August 2005); Kreinik v. Showbran Photo, Inc., No. 02 Civ. 1172 (S.D.N.Y. trial October 2004); Riisna v. Am. Broad. Cos., 219 F. Supp. 2d 568 (S.D.N.Y. trial February 2003); and Mahoney, 94 Civ. 2924; and as co-counsel in the trials of Fitzgerald, 2002 WL 313225; Ginsberg, 1997 WL 669870; and Antreassian v. Chem. Bank, 93 Civ. 6812 (trial June 1996). I have also been lead counsel in employment arbitrations before the American Arbitration Association and lead counsel and co-counsel in employment arbitrations before FINRA and its predecessors, the New York Stock Exchange and National Association of Securities Dealers.

6. For over a dozen years, I was an adjunct professor at Fordham University School of Law, where I co-taught "Women and the Law" and then "Employment Discrimination," and have guest-lectured at New York University School of Law, Cardozo Law School, New York Law School, Rutgers University School of Law, and John Jay College. I was on the Executive Board of the National Employment Lawyers Association/New York and have spoken about employment law to numerous organizations, including the American Bar Association, the Institute of Judicial Administration/Center for Labor and Employment Law at New York University School of Law, the New York State Bar Association, the Practicing Law Institute, and the Pro Se Mediation Program at the U.S. District Court for the Southern District of New York.

7. I worked with James Esseks ("Esseks") at the Vladeck Firm from 1993 until 2001, including trying the Mahoney case with him. Even when I did not directly work with him on cases, I was familiar with his work. His legal work was always outstanding. Since Esseks left the Vladeck Firm to join the ACLU, I have followed a number of the cases he has worked on, and have

continued to be impressed by his work and accomplishments. I have also reviewed his Declaration in support the motion for attorneys' fees, which details his experience. I have no doubt that were Esseks still employed at the Vladeck Firm, his billing rate would be \$700 per hour and clients would be willing to pay that rate.

8. The Vladeck firm has been awarded \$700 per hour for the time of Vladeck partners, including me, see e.g., Kovach v. City Univ. of N.Y., 13 Civ. 7198 (LGS), 2015 WL 3540798, at *2, 5 (S.D.N.Y. Jun. 4, 2015) (approving \$700 per hour for my time); Merino v. Beverage Plus Am. Corp., No. 10 Civ. 0706 (ALC), 2012 WL 4468182, at *3 (S.D.N.Y. Sept. 25, 2012) (approving rate of \$700 for senior Vladeck partner who now bills at \$700-750 and \$450 for Vladeck partner less experienced than Esseks); and has been awarded \$600 and \$550 for Vladeck partners who are less experienced than Esseks, see, e.g., Guallpa v. NY Pro Signs, Inc., No. 11 Civ. 3133 (LGS)(FM), 2014 WL 2200393, at *9 (S.D.N.Y. May 27, 2014) (approving rate of \$600 for Vladeck partner less-experienced than Esseks); DeCurtis v. Upward Bound Int'l, Inc., No. 09 Civ. 5378 (RJS), 2013 WL 3270357, at *6 (S.D.N.Y. June 3, 2013) (using rate of \$600 for Vladeck partner less-experienced than Esseks); DeCurtis, 2011 WL 4549412, at *7-8 (S.D.N.Y. Sept. 27, 2011) (approving rate of \$550 for a Vladeck partner less-experienced than Esseks).

9. The Vladeck Firm currently bills \$450 an hour for a partner who graduated in 2006 and a court recently awarded the Vladeck Firm \$350 an hour for the time of a former associate who graduated in 2006. Kovach, 2015 WL 3540798, at *2, 5. In light of those facts, a billing rate of \$400 an hour for a lawyer who graduated in 2005, such as ACLU lawyer Joshua Block, would be reasonable.

10. The Vladeck firm currently bills \$325 an hour for an associate who graduated in

2011. In light of that fact, a billing rate of \$325 an hour for a lawyer who graduated in 2010, such as ACLU lawyer Chase Strangio, would be reasonable.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 12, 2015, in New York, New York.



ANNE L. CLARK



INVOICE

Invoice # 992
Date: 08/21/2015
Due Upon Receipt

Clay Daniel Walton & Adams PLC

Meidinger Tower Suite 101, 462 S. Fourth Street
Louisville, KY 40202
United States

Gregory Bourke

00837-Bourke

Same-sex marriage challenge

Attorney	Type	Date	Description	Quantity	Rate	Total
Laura Landenwisch	Service	02/13/2014	Correspondence to and from potential marriage license clients; draft, edit, and finalize intervening complaint and motion for preliminary injunction; research re motion to intervene standard	8.40	\$250.00	\$2,100.00
Laura Landenwisch	Service	02/14/2014	Edit and finalize Motion to intervene and Intervening complaint	2.30	\$250.00	\$575.00
Laura Landenwisch	Service	02/19/2014	Review and calendar order for conference	0.20	\$250.00	\$50.00
Laura Landenwisch	Service	02/22/2014	Correspondence to and from co-counsel	0.20	\$250.00	\$50.00
Laura Landenwisch	Service	02/24/2014	Correspondence to and from ACLU; William and Mary; research re: necessary parties	1.60	\$250.00	\$400.00
Laura Landenwisch	Service	02/26/2014	Correspondence with clients & co-counsel; preparation for and appearance at hearing	3.40	\$250.00	\$850.00
Laura Landenwisch	Service	02/26/2014	Hearing	1.00	\$250.00	\$250.00
Laura Landenwisch	Service	02/27/2014	review orders; conference with co-counsel	1.20	\$250.00	\$300.00

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Laura Landenwich	Service	02/28/2014	Telephonic hearing	1.00	\$250.00	\$250.00
Laura Landenwich	Service	02/28/2014	review orders; conference with co-counsel	0.50	\$250.00	\$125.00
Laura Landenwich	Service	03/04/2014	Review announcements from AG and Governor's office; meetings with co-counsel; conference call with clients	2.30	\$250.00	\$575.00
Laura Landenwich	Service	03/05/2014	Correspondence to and from clients and co-counsel	0.50	\$250.00	\$125.00
Laura Landenwich	Service	03/07/2014	correspondence to and from clients and co-counsel	0.50	\$250.00	\$125.00
Laura Landenwich	Service	03/12/2014	teleconference and correspondence with Bill Sharp, ACLU Ky	0.60	\$250.00	\$150.00
Laura Landenwich	Service	03/13/2014	correspondence and meetings with co-counsel re dismissal of AG, 6th circuit appeal	2.30	\$250.00	\$575.00
Dan Canon	Service	03/14/2014	Review memo in support of stay, filed by P	0.50	\$250.00	\$125.00
Laura Landenwich	Service	03/14/2014	correspondence with new opposing counsel	0.40	\$250.00	\$100.00
Dan Canon	Service	03/14/2014	Correspondence: Correspondence with co-counsel	0.50	\$250.00	\$125.00
Laura Landenwich	Service	03/14/2014	Correspondence: Correspondence with co-counsel	0.50	\$250.00	\$125.00
Dan Canon	Service	03/16/2014	Corresp w counsel; review WI order re: stay	0.30	\$250.00	\$75.00
Dan Canon	Service	03/16/2014	Corresp re: stay w/ counsel & research, discussion w/ Cristal Fox re: affidavit	0.30	\$250.00	\$75.00
Laura Landenwich	Service	03/16/2014	research and draft response to motion for stay	2.20	\$250.00	\$550.00
Dan Canon	Service	03/17/2014	Review Cristal Fox affidavit	0.30	\$250.00	\$75.00
Dan Canon	Service	03/17/2014	Review obj to stay	0.30	\$250.00	\$75.00
Dan Canon	Service	03/17/2014	TC w Clay Barkley re: dismissal of AG	0.20	\$250.00	\$50.00
Laura Landenwich	Service	03/17/2014	correspondence with co-counsel, opposing counsel. telephonic hearing, preparation for hearing.	5.50	\$250.00	\$1,375.00
Dan Canon	Service	03/17/2014	Prepare and attend telephonic hearing (JGH)	3.50	\$250.00	\$875.00

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Laura Landenwich	Service	03/17/2014	Preparation for and Appearance at Hearing: draft response to Mot for stay	4.20	\$250.00	\$1,050.00
Dan Canon	Service	03/18/2014	Review Briefing in Bishop case (OK)	1.00	\$250.00	\$250.00
Laura Landenwich	Service	03/18/2014	Receipt and review notice of appeal; Draft proposed order re stay	0.80	\$250.00	\$200.00
Dan Canon	Service	03/19/2014	Review answer to intervening complaint, corresp w co-counsel	0.50	\$250.00	\$125.00
Dan Canon	Service	03/19/2014	Corresp & TC w Mike Abate re: stay	0.50	\$250.00	\$125.00
Dan Canon	Service	03/19/2014	Corresp w AG, review agreed order of dismissal	0.30	\$250.00	\$75.00
Dan Canon	Service	03/19/2014	TC w/ Sean Riley at AG's office re: dismissal	0.50	\$250.00	\$125.00
Laura Landenwich	Service	03/19/2014	Receipt and review amended briefing schedule, answer to intervening complaint, order granting stay, order extending stay.	1.60	\$250.00	\$400.00
Dan Canon	Service	03/20/2014	TC w Shannon re: dismissal	0.20	\$250.00	\$50.00
Laura Landenwich	Service	03/20/2014	meeting and correspondence with co-counsel re poposed agreed order dismissing AG	1.20	\$250.00	\$300.00
Dan Canon	Service	03/21/2014	Corresp w clients and co-counsel re: stay; review order from TN	2.50	\$250.00	\$625.00
Laura Landenwich	Service	03/21/2014	review and edit draft corporate disclosure	0.40	\$250.00	\$100.00
Dan Canon	Service	03/22/2014	Review motion to dissolve stay and corresp w counsel	0.30	\$250.00	\$75.00
Dan Canon	Service	03/24/2014	Review order on dismissal of AG, corresp w counsel	0.30	\$275.00	\$82.50
Laura Landenwich	Service	03/24/2014	Receipt and review order dismissing AG	0.20	\$250.00	\$50.00
Laura Landenwich	Service	03/26/2014	correspondence with William and Mary re assistance	0.40	\$250.00	\$100.00
Laura Landenwich	Service	03/29/2014	correspondence with other counsel from 6th circuit re amicus coordination	0.40	\$250.00	\$100.00
Laura Landenwich	Service	04/01/2014	correspondence re amicus effort at 6th Circuit	0.20	\$250.00	\$50.00
Laura Landenwich	Service	04/02/2014	Entry of appearance	0.60	\$250.00	\$150.00

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Dan Canon	Service	04/02/2014	corresp re: amicus planning & coordination; corresp w co-counsel; review first draft of dist. ct. brief in Love	2.00	\$250.00	\$500.00
Laura Landenwisch	Service	04/02/2014	Deadline to file entry of appearance	0.60	\$250.00	\$150.00
Laura Landenwisch	Service	04/02/2014	Conf call re amicus briefing	1.60	\$250.00	\$400.00
Laura Landenwisch	Service	04/02/2014	correspondence to and from opposing counsel re record/transcript; draft motion for summary judgment; correspondence to and from co-counsel re amicus effort	5.20	\$250.00	\$1,300.00
Laura Landenwisch	Service	04/03/2014	correspondence to and from opposing counsel re record	0.20	\$250.00	\$50.00
Dan Canon	Service	04/04/2014	Conversation & corresp w Mike Abate re: amicus, stay, & consolidation of 6CA actions	0.30	\$250.00	\$75.00
Dan Canon	Service	04/04/2014	Corresp w Al Gerhardstein	0.20	\$250.00	\$50.00
Laura Landenwisch	Service	04/06/2014	review Michigan motion for en banc hearing	0.80	\$250.00	\$200.00
Dan Canon	Service	04/07/2014	Revise Love dist ct brief; corresp w counsel	2.00	\$250.00	\$500.00
Dan Canon	Service	04/07/2014	Review and revise response to D's objections to fee petition in Bourke	1.00	\$250.00	\$250.00
Dan Canon	Service	04/11/2014	Review response to initial en banc hrg - MI	0.30	\$250.00	\$75.00
Laura Landenwisch	Service	04/11/2014	correspondence to and from clients re facts; draft affidavits; MSJ	6.60	\$250.00	\$1,650.00
Laura Landenwisch	Service	04/15/2014	draft, edit, and finalize affidavits; correspondence with clients; draft MSJ	6.40	\$250.00	\$1,600.00
Laura Landenwisch	Service	04/16/2014	MSJ	7.20	\$250.00	\$1,800.00
Dan Canon	Service	04/17/2014	Love MSJ review and revision	4.00	\$250.00	\$1,000.00
Laura Landenwisch	Service	04/17/2014	review documents from clerk's office re licensing; correspondence with clients and co-counsel; draft MSJ	7.80	\$250.00	\$1,950.00
Laura Landenwisch	Service	04/18/2014	edit and finalize MSJ	7.20	\$250.00	\$1,800.00
Dan Canon	Service	04/18/2014	Love MSJ - review, revise & file	5.00	\$250.00	\$1,250.00

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Dan Canon	Service	04/21/2014	Review Chris Sevier motion to intervene; corresp w FTM people and clients	1.50	\$250.00	\$375.00
Laura Landenwich	Service	04/21/2014	receipt and review amicus requests	0.90	\$250.00	\$225.00
Laura Landenwich	Service	04/23/2014	correspondence with ACLU; amicus coordinators	0.60	\$250.00	\$150.00
Dan Canon	Service	04/30/2014	Call re: amicus coordination	0.30	\$250.00	\$75.00
Laura Landenwich	Service	04/30/2014	Amicus call	1.00	\$250.00	\$250.00
Laura Landenwich	Service	04/30/2014	correspondence re amicus briefs	0.80	\$250.00	\$200.00
Laura Landenwich	Service	05/01/2014	Various correspondence re amicus requests and consents	1.20	\$250.00	\$300.00
Dan Canon	Service	05/01/2014	Corresp re: amicus	0.30	\$250.00	\$75.00
Laura Landenwich	Service	05/02/2014	Various correspondence re amicus consent and signatures; prep bios of plaintiffs for amicus	1.60	\$250.00	\$400.00
Laura Landenwich	Service	05/06/2014	correspondence re amicus efforts	0.40	\$250.00	\$100.00
Laura Landenwich	Service	05/07/2014	receipt and review Appellant Brief; meeting with co-counsel	2.70	\$250.00	\$675.00
Dan Canon	Service	05/07/2014	Review and notate Appellant brief (Bourke) - corresp w co-counsel	4.50	\$250.00	\$1,125.00
Laura Landenwich	Service	05/08/2014	correspondence re amicus briefs; receipt and review various amicus motions; correspondence with KY ACLU; correspondence with counsel from other states	2.70	\$250.00	\$675.00
Dan Canon	Service	05/08/2014	Corresp w counsel & Mary Bonauto re: FFC and amicus effort; review statistics provided by LJD	0.30	\$250.00	\$75.00
Laura Landenwich	Service	05/09/2014	Correspondence with amicus coordinator	0.30	\$250.00	\$75.00
Laura Landenwich	Service	05/12/2014	correspondence re amicus requests; correspondence to and from client;	0.40	\$250.00	\$100.00
Laura Landenwich	Service	05/13/2014	correspondence re amicus requests	0.20	\$250.00	\$50.00
Dan Canon	Service	05/13/2014	Corresp re:amicus effort w/ SRF and MB; research re: preservation and other appellate issues	1.00	\$250.00	\$250.00

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Dan Canon	Service	05/14/2014	Review opinion on atty fee petition; corresp w co-counsel and clients	0.50	\$250.00	\$125.00
Laura Landenwich	Service	05/15/2014	correspondence with clients	0.50	\$250.00	\$125.00
Laura Landenwich	Service	05/16/2014	receipt and review amicus motions; research and draft brief	6.80	\$250.00	\$1,700.00
Dan Canon	Service	05/16/2014	Review and revise briefing (section on Baker v. Nelson) - 6CA Bourke	1.00	\$250.00	\$250.00
Laura Landenwich	Service	05/19/2014	Review MSJ Resp; conference with co-counsel	2.60	\$250.00	\$650.00
Dan Canon	Service	05/21/2014	Corresp and coordination re: dist ct reply (Love) (LEL and LJD)	0.30	\$275.00	\$82.50
Laura Landenwich	Service	05/23/2014	draft and edit brief; correspondence with court clerk; meeting with co-counsel re arguments; correspondence with clients	8.70	\$250.00	\$2,175.00
Dan Canon	Service	05/23/2014	Corresp re: oral argument and scheduling issues	0.30	\$250.00	\$75.00
Laura Landenwich	Service	05/26/2014	draft and edit brief	8.00	\$250.00	\$2,000.00
Dan Canon	Service	05/26/2014	Review amicus brief of republicans	0.50	\$250.00	\$125.00
Laura Landenwich	Service	05/27/2014	meeting with co-counsel; research	4.60	\$250.00	\$1,150.00
Dan Canon	Service	05/27/2014	Corresp and coordination on reply briefing and 6CA briefing (SRF, DRE)	0.50	\$250.00	\$125.00
Dan Canon	Service	05/27/2014	review draft of reply; TC w TN team	0.30	\$250.00	\$75.00
Laura Landenwich	Service	05/28/2014	Edit, finalize, and file Reply Due	6.00	\$250.00	\$1,500.00
Laura Landenwich	Service	05/28/2014	draft and edit reply brief; review amicus; correspondence	8.00	\$250.00	\$2,000.00
Dan Canon	Service	05/28/2014	Review and revise reply in Love (Dist Ct)	1.00	\$250.00	\$250.00
Dan Canon	Service	05/29/2014	Corresp re amicus (nat'l orgs & co-counsel)	0.30	\$250.00	\$75.00
Laura Landenwich	Service	05/30/2014	correspondence with co-counsel	0.20	\$250.00	\$50.00
Dan Canon	Service	05/30/2014	Corresp re: client travel and accommodations (cinci)	0.20	\$250.00	\$50.00
Dan Canon	Service	05/30/2014	Review amicus brief (Grossman), corresp w Shannon Minter & co-counsel	0.50	\$250.00	\$125.00

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Laura Landenwich	Service	06/03/2014	draft brief; meeting with co-counsel re brief	6.80	\$250.00	\$1,700.00
Laura Landenwich	Service	06/04/2014	correspondence re moot	0.30	\$250.00	\$75.00
Laura Landenwich	Service	06/06/2014	edit and revise brief; correspondence re multi-state moot; conference with co-counsel re language in brief	8.50	\$250.00	\$2,125.00
Dan Canon	Service	06/06/2014	Prep cover page for 6CA, corresp re editing timeline and moots for oral argument; conf w co-counsel re: briefing	2.80	\$250.00	\$700.00
Dan Canon	Service	06/06/2014	Review and revise 6CA brief	1.50	\$250.00	\$375.00
Laura Landenwich	Service	06/07/2014	edit and revise brief	4.60	\$250.00	\$1,150.00
Dan Canon	Service	06/07/2014	Review and revise 6CA briefing (fund rts section)	2.00	\$250.00	\$500.00
Laura Landenwich	Service	06/08/2014	edit and revise brief; correspondence re multistate moot	6.50	\$250.00	\$1,625.00
Laura Landenwich	Service	06/09/2014	Research re hate crime statistics; edit, finalize, and file brief; correspondence re amici	9.50	\$250.00	\$2,375.00
Dan Canon	Service	06/09/2014	Final review and revisions on 6CA brief	3.00	\$250.00	\$750.00
Laura Landenwich	Service	06/10/2014	receipt and review amici requests	0.50	\$250.00	\$125.00
Laura Landenwich	Service	06/16/2014	receipt and review 14 amicus briefs and motions	2.30	\$250.00	\$575.00
Laura Landenwich	Service	06/16/2014	Amici request review	0.20	\$250.00	\$50.00
Laura Landenwich	Service	06/17/2014	receipt and review additional amicus briefs/motions; receipt and review Order from 6th Circuit re oral argument	3.60	\$250.00	\$900.00
Dan Canon	Service	06/19/2014	Corresp w potential judges for Louisville mock	0.30	\$250.00	\$75.00
Laura Landenwich	Service	06/23/2014	correspondence with client	0.20	\$250.00	\$50.00
Laura Landenwich	Service	06/25/2014	correspondence re multistate moot	0.20	\$250.00	\$50.00
Laura Landenwich	Service	06/27/2014	receipt and review Reply brief; file oral argument acknowledgement	1.30	\$250.00	\$325.00
Laura Landenwich	Service	06/30/2014	correspondence re multistate moot	0.20	\$250.00	\$50.00

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Dan Canon	Service	07/01/2014	review oral arguments in Herbert v. Kitchen	1.00	\$250.00	\$250.00
Dan Canon	Service	07/01/2014	Review Love opinion, corresp w clients and counsel	1.50	\$250.00	\$375.00
Laura Landenwich	Service	07/01/2014	review opinion and order: Love v. Beshear; correspondence with clients; field media questions (no charge) meeting with co-counsel	7.00	\$250.00	\$1,750.00
Laura Landenwich	Service	07/03/2014	Phone call with opposing counsel; correspondence with clients; meeting with co-counsel re case consolidation	3.20	\$250.00	\$800.00
Laura Landenwich	Service	07/07/2014	draft joint motion to consolidate on appeal; meeting with co-counsel; correspondence with clients; correspondence with opposing counsel; call to court clerk	6.50	\$250.00	\$1,625.00
Dan Canon	Service	07/08/2014	Corresp w counsel & review motion to consolidate appeals	0.30	\$250.00	\$75.00
Laura Landenwich	Service	07/08/2014	receipt and review notice of appeal; correspondence with ACLU re joint moot; correspondence to and from co-counsel; correspondence with clients re oral arguments and consolidation; review redline changes to joint motion to consolidate; file joint motion to consolidate	8.60	\$250.00	\$2,150.00
Laura Landenwich	Service	07/08/2014	Review audio from 10th and 4th Circuit arguments; general prep for argument	4.50	\$250.00	\$1,125.00
Laura Landenwich	Service	07/09/2014	Misc: Review and summarize amicus briefs; correspondence with moot judges; correspondence with co-counsel; correspondence with circuit court clerk;	6.20	\$250.00	\$1,550.00
Dan Canon	Service	07/10/2014	Discussion and research re: renewed fee petition	0.30	\$250.00	\$75.00
Dan Canon	Service	07/10/2014	Corresp re: TN moot	0.20	\$250.00	\$50.00
Laura Landenwich	Service	07/10/2014	Research re effect of appeal on fee petition time; correspondence with co-counsel re fee petition and moot.	2.20	\$250.00	\$550.00
Laura Landenwich	Service	07/11/2014	Correspondence with co-counsel re Nashville moot; correspondence with potential judges re Louisville moot	0.20	\$250.00	\$50.00
Dan Canon	Service	07/12/2014	Amicus summary - Becket fund	3.00	\$250.00	\$750.00

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Laura Landenwich	Service	07/14/2014	Review transcripts from 10th circuit arguments; receipt and review correspondence from clerk; correspondence with potential moot judges; receipt and review order on procedure for oral arguments; correspondence with clients; prep for argument	8.50	\$250.00	\$2,125.00
Dan Canon	Service	07/14/2014	Review of Kitchen/Bishop transcripts and prep for moot (questioning); corresp w Clerk; corresp w LEL re: same & oral args	2.40	\$250.00	\$600.00
Dan Canon	Service	07/14/2014	Review of 4CA argument highlights	0.50	\$250.00	\$125.00
Dan Canon	Service	07/14/2014	Amicus summary - anti-defamation league	3.00	\$250.00	\$750.00
Laura Landenwich	Service	07/15/2014	Draft, edit, and finalize pleading: Motion to extend time for attorney fee petition; motion to consolidate Love and Bourke appeal; oral argument prep; correspondence with co-counsel; review amicus summaries; receipt and review correspondence from court clerk	5.80	\$250.00	\$1,450.00
Dan Canon	Service	07/15/2014	Assist w/ oral argument prep	0.50	\$250.00	\$125.00
Dan Canon	Service	07/15/2014	Review corresp from 6CA - corresp w counsel and clients re: seating	0.30	\$250.00	\$75.00
Laura Landenwich	Service	07/16/2014	receipt and review order on oral argument and motion to consolidate; receipt and review briefing letter; correspondence with clients and co-counsel; prep for moot	5.50	\$250.00	\$1,375.00
Laura Landenwich	Service	07/16/2014	correspondence to and from clerk	0.20	\$250.00	\$50.00
Laura Landenwich	Service	07/17/2014	Receipt and review Appellant brief; meeting with co-counsel re same; review amicus summaries; correspondence with potential moot judges; review state briefs from Michigan and OH; research re gendered parenting; moot prep	8.90	\$250.00	\$2,225.00
Dan Canon	Service	07/17/2014	Amicus review (antigay historians)	2.00	\$250.00	\$500.00
Dan Canon	Service	07/17/2014	Cursory review of Appellee briefs (MI, OH)	1.00	\$250.00	\$250.00
Dan Canon	Service	07/17/2014	Review another complaint from Chris Sevier	0.30	\$250.00	\$75.00

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Dan Canon	Service	07/17/2014	Review and notate Appellant brief (Love); corresp w Ky team re: same	5.00	\$250.00	\$1,250.00
Laura Landenwisch	Service	07/18/2014	Mock Argument and prep for same	10.00	\$250.00	\$2,500.00
Dan Canon	Service	07/18/2014	Prep questions for moot argument, review 10CA opinion, attend Louisville moot (panelist)	6.00	\$250.00	\$1,500.00
Dan Canon	Service	07/20/2014	Corresp w LJD and research re: Glucksberg/fund rts argument	0.30	\$275.00	\$82.50
Dan Canon	Service	07/20/2014	Review and revise brief section on Loving v VA	0.30	\$250.00	\$75.00
Laura Landenwisch	Service	07/20/2014	Draft Love Reply; meeting with LJD re reply arguments;	3.30	\$250.00	\$825.00
Dan Canon	Service	07/21/2014	Review of Davis and Scarbrough cases (6CA) - incorporate into briefing (fn)	1.50	\$250.00	\$375.00
Laura Landenwisch	Service	07/21/2014	Draft and edit Love brief; meetings with DJC and LJD re same; research 6th Circuit panel; correspondence with media re panel and arguments	7.40	\$250.00	\$1,850.00
Laura Landenwisch	Service	07/22/2014	correspondence with clients; file oral argument acknowledgement in Love; review amicus summaries; research re panel; revise brief	7.80	\$250.00	\$1,950.00
Laura Landenwisch	Service	07/23/2014	Read and summarize Family & Conflicts Brief	0.80	\$250.00	\$200.00
Dan Canon	Service	07/23/2014	Review yet another Chris Sevier motion and respond to request to intervene	0.30	\$250.00	\$75.00
Laura Landenwisch	Service	07/23/2014	research judges opinions; draft, edit, and revise Love brief	7.60	\$250.00	\$1,900.00
Laura Landenwisch	Service	07/24/2014	Draft, edit and finalize Love Response Brief	6.50	\$250.00	\$1,625.00
Dan Canon	Service	07/24/2014	Review and edit Love Appellee brief	3.00	\$250.00	\$750.00
Laura Landenwisch	Service	07/25/2014	Correspondence with clerk re tickets for arguments; multi-state conference call re oral arguments; correspondence with court clerk; correspondence re multi-state moot; review Sutton publications;	8.50	\$250.00	\$2,125.00
Dan Canon	Service	07/25/2014	Oral argument prep call	1.00	\$250.00	\$250.00
Dan Canon	Service	07/25/2014	Corresp w all teams re: oral argument prep	0.30	\$250.00	\$75.00

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Dan Canon	Service	07/25/2014	Review amicus summaries provided by Gerhardstein	0.50	\$250.00	\$125.00
Dan Canon	Service	07/25/2014	Review Bostic opinion	1.00	\$250.00	\$250.00
Laura Landenwich	Service	07/26/2014	correspondence with co-counsel and out of state lawyers; moot prep	3.30	\$250.00	\$825.00
Laura Landenwich	Service	07/28/2014	correspondence re Nashville moot; review compilation of district court cases and recent 4th circuit ruling	4.90	\$250.00	\$1,225.00
Laura Landenwich	Service	07/29/2014	oral argument prep	9.00	\$250.00	\$2,250.00
Laura Landenwich	Service	07/30/2014	oral argument prep	9.00	\$250.00	\$2,250.00
Dan Canon	Expense	07/31/2014	Reimbursable expense: Mileage to Nashville	1.00	\$57.38	\$57.38
Laura Landenwich	Service	07/31/2014	Moot (Nashville)	17.00	\$250.00	\$4,250.00
Dan Canon	Service	07/31/2014	Travel to Nashville, attend moot, meet w co-counsel from TN and OH	17.00	\$250.00	\$4,250.00
Dan Canon	Service	08/01/2014	Review minter debriefing from moot	0.20	\$250.00	\$50.00
Laura Landenwich	Service	08/01/2014	Correspondence with clients; prep for oral argument; correspondence with counsel from other states; summary of post-windsor decision rationales; review summaries of Sutton writings; Review Schuette opinion; correspondence with potential judges for last moot	8.50	\$250.00	\$2,125.00
Laura Landenwich	Service	08/03/2014	Argument prep; correspondence with clients;	5.00	\$250.00	\$1,250.00
Laura Landenwich	Service	08/04/2014	review and edit supplement per FRAP 28(j); review 6th circuit panel precedent; prep for moot; moot; review video from previous moots	10.20	\$250.00	\$2,550.00
Dan Canon	Service	08/04/2014	Draft 28j letter	0.30	\$250.00	\$75.00
Dan Canon	Expense	08/05/2014	Reimbursable expense: Hotel expenses (Garfield Suites) Cincinnati	1.00	\$139.53	\$139.53
Dan Canon	Service	08/05/2014	Travel to Cinci, continued oral argument prep assistance, attend oral arguments, return home	8.00	\$250.00	\$2,000.00
Laura Landenwich	Service	08/05/2014	argument prep; travel to Cincinnati for oral arguments	12.50	\$250.00	\$3,125.00

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Laura Landenwich	Expense	08/05/2014	Reimbursable expense: Meals (Cincinnati) (LEL)	1.00	\$77.55	\$77.55
Laura Landenwich	Expense	08/06/2014	Reimbursable expense: Garfield Hotel, Cincinnati (LEL)	1.00	\$148.81	\$148.81
Dan Canon	Service	08/06/2014	Travel to Cinci, continued oral argument prep assistance, attend oral arguments, return home	20.00	\$250.00	\$5,000.00
Laura Landenwich	Service	08/06/2014	Prep for 6th Circuit argument; Oral arguments; travel back to Louisville	10.50	\$250.00	\$2,625.00
Dan Canon	Expense	08/06/2014	Reimbursable expense: Hotel expenses - Cincinnati	1.00	\$139.53	\$139.53
Laura Landenwich	Service	08/08/2014	correspondence with clients	0.40	\$0.00	\$0.00
Dan Canon	Service	08/27/2014	review 7CA oral argument highlights	1.00	\$275.00	\$275.00
Dan Canon	Service	09/04/2014	Review & notate opinion 7CA	1.50	\$250.00	\$375.00
Laura Landenwich	Service	09/04/2014	Respond to press inquiries	0.20	\$250.00	\$50.00
Laura Landenwich	Service	09/14/2014	Correspondence to and from clients re Decision Day planning	0.40	\$250.00	\$100.00
Laura Landenwich	Service	09/18/2014	Response to press inquiries	0.20	\$250.00	\$50.00
Laura Landenwich	Service	09/22/2014	Response to press inquiries	0.20	\$250.00	\$50.00
Laura Landenwich	Service	10/01/2014	correspondence with co-counsel and clients	0.20	\$250.00	\$50.00
Laura Landenwich	Service	10/02/2014	Respond to media inquiry	0.20	\$250.00	\$50.00
Laura Landenwich	Service	10/03/2014	Respond to media inquiry	0.20	\$250.00	\$50.00
Laura Landenwich	Service	10/06/2014	Media inquiries (no charge); review cert denial from 7th, 10th, and 4th Circuit cases, correspondence with co-counsel	0.90	\$250.00	\$225.00
Laura Landenwich	Service	10/07/2014	response to media inquiry; correspondence to clients re same	0.40	\$0.00	\$0.00
Laura Landenwich	Service	10/08/2014	response to media inquiry	0.20	\$0.00	\$0.00
Laura Landenwich	Service	10/10/2014	correspondence with clients re media requests (no charge); review notice of filing supplemental authority	0.20	\$250.00	\$50.00

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Laura Landenwich	Service	10/11/2014	correspondence with clients re media requests (no charge); correspondence to and from counsel from other states re plan upon receipt of decision;	0.50	\$250.00	\$125.00
Laura Landenwich	Service	10/12/2014	correspondence with clients and co-counsel re media requests; correspondence from MI counsel re plans after decision	0.20	\$250.00	\$50.00
Laura Landenwich	Service	10/13/2014	correspondence from OH counsel re plans following decision	0.20	\$250.00	\$50.00
Laura Landenwich	Service	10/20/2014	response to media requests	0.20	\$0.00	\$0.00
Dan Canon	Service	11/06/2014	Review CA6 opinion, corresp w clients and counsel on all teams, begin drafting cert petition	3.00	\$300.00	\$900.00
Laura Landenwich	Service	11/06/2014	Review Sixth Circuit Opinion; meeting with co-counsel; calls with counsel from other states; field media requests (no charge); correspondence with clients	8.50	\$300.00	\$2,550.00
Dan Canon	Service	11/07/2014	Team call (all states)	1.00	\$300.00	\$300.00
Dan Canon	Service	11/07/2014	Review prior cert petitions and continue work on initial cert petition draft	9.80	\$300.00	\$2,940.00
Dan Canon	Service	11/07/2014	Corresp (email and TC) w Roy Liebmann (Counsel Press)	0.50	\$300.00	\$150.00
Laura Landenwich	Service	11/07/2014	Conf Call with all states; meetings with co-counsel re next steps; correspondence with Mike Abotte, Jeff Fisher, Carole Stanyar, Chase Strangio, Abby Rubinfeld; field medial requests (no charge); begin brainstorming & editing cert petition	8.50	\$300.00	\$2,550.00
Dan Canon	Service	11/08/2014	Continue drafting cert petition; corresp w all KY counsel and Sam Marcossan	12.40	\$300.00	\$3,720.00
Laura Landenwich	Service	11/08/2014	calls/correspondence with clients; draft and research cert petition	7.80	\$300.00	\$2,340.00
Dan Canon	Service	11/09/2014	Continued drafting of cert petition	11.50	\$300.00	\$3,450.00
Dan Canon	Service	11/09/2014	Drafting, revision & additional citation on cert petition; corresp w Roy Liebman & Evan Wolfson re: printing; corresp w KY counsel & Sam Marcossan	11.80	\$300.00	\$3,540.00
Laura Landenwich	Service	11/09/2014	review draft cert petition	1.40	\$300.00	\$420.00

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Laura Landenwisch	Service	11/10/2014	Cert Petition draft; get appendix together for printer	6.80	\$300.00	\$2,040.00
Dan Canon	Service	11/11/2014	Review updated table of cases & analysis from GCC	0.50	\$300.00	\$150.00
Dan Canon	Service	11/11/2014	Corresp w/ Sam Marcossou about cert draft; TC w/ OC; continued revision of cert petition in conjunction w/ LEL and LJD	1.50	\$250.00	\$375.00
Laura Landenwisch	Service	11/11/2014	draft/edit cert petition	8.30	\$300.00	\$2,490.00
Laura Landenwisch	Service	11/12/2014	draft/edit cert petition	7.40	\$300.00	\$2,220.00
Laura Landenwisch	Service	11/13/2014	review michigan case	1.80	\$300.00	\$540.00
Dan Canon	Expense	11/14/2014	Reimbursable expense: Printing costs (counsel press) for Petition for Certiorari	1.00	\$6,317.62	\$6,317.62
Dan Canon	Service	11/14/2014	Corresp w KY counsel; final review of cert petition	1.00	\$300.00	\$300.00
Dan Canon	Service	11/14/2014	Corresp re: filing of cert petition	0.50	\$300.00	\$150.00
Laura Landenwisch	Service	11/14/2014	finalize cert petition & send to printer; field media requests (no charge)	4.10	\$300.00	\$1,230.00
Laura Landenwisch	Service	11/14/2014	Revise brief re word limit; calls/ correspondence with printer	6.20	\$300.00	\$1,860.00
Laura Landenwisch	Service	11/17/2014	COnf call with freedom to marry; correspondence with printer re petition; calls with printer re filing brief; correspondence with opposing counsel; correspondence with media (no charge)	5.60	\$300.00	\$1,680.00
Laura Landenwisch	Service	11/18/2014	correspondence with printer; field media requests (no charge)	0.20	\$300.00	\$60.00
Laura Landenwisch	Service	11/19/2014	correspondence with Chase Strangio w/ ACLU	0.20	\$300.00	\$60.00
Laura Landenwisch	Service	11/20/2014	call with ACLU re possible co-counsel agreement	0.40	\$300.00	\$120.00
Laura Landenwisch	Service	11/24/2014	meeting with co-counsel re potentially bringing on Stanford & ACLU as additional counsel; correspondence with opposing counsel; correspondence with clients	2.30	\$300.00	\$690.00
Dan Canon	Service	11/24/2014	meeting: Meeting with co-counsel; addition of Stanford and ACLU counsel	2.00	\$300.00	\$600.00

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Laura Landenwich	Service	11/25/2014	correspondence with co-counsel and clients	0.20	\$300.00	\$60.00
Laura Landenwich	Service	11/26/2014	Emails to and from clients and co-counsel re: meeting scheduling	0.30	\$300.00	\$90.00
Laura Landenwich	Service	11/26/2014	call to Sup Ct clerk re filing & styling; prep meeting agenda and location; correspondence with clients and co-counsel	1.80	\$300.00	\$540.00
Laura Landenwich	Service	12/01/2014	Correspondence: to and from co-counsel and clients re response to cert petition; calls re meeting location availability	0.70	\$300.00	\$210.00
Dan Canon	Service	12/01/2014	Corresp and arrange meeting w all clients @ Silver Dollar	0.50	\$300.00	\$150.00
Dan Canon	Service	12/01/2014	Corresp re: amicus	0.20	\$300.00	\$60.00
Laura Landenwich	Service	12/02/2014	Correspondence: to and from co-counsel and clients re group meeting; calls re location of meeting	0.40	\$300.00	\$120.00
Laura Landenwich	Service	12/03/2014	correspondence with clients; correspondence with Freedom to Marry re partnering for SCOTUS	0.40	\$300.00	\$120.00
Laura Landenwich	Service	12/04/2014	receipt and review first amicus notice	0.20	\$300.00	\$60.00
Laura Landenwich	Service	12/05/2014	Correspondence to and from: GLAD and co-counsel	0.20	\$300.00	\$60.00
Laura Landenwich	Service	12/09/2014	Receipt and review: Response in Support of Petition for Writ; amicus brief from Freedom to Marry; correspondence with co-counsel; prep for 12/12 client meeting	1.20	\$300.00	\$360.00
Laura Landenwich	Service	12/09/2014	Misc: Meetings and correspondence with co-counsel	1.20	\$300.00	\$360.00
Dan Canon	Service	12/09/2014	Review Respondent's Cert Response	2.00	\$300.00	\$600.00
Dan Canon	Service	12/09/2014	Corresp & brief review of amicus materials (Trachtman)	0.50	\$300.00	\$150.00
Laura Landenwich	Service	12/10/2014	Correspondence to and from Jeff Fisher re Stanford involvement and terms	0.30	\$300.00	\$90.00
Laura Landenwich	Service	12/11/2014	Correspondence: to and from co-counsel re Friday meeting; prepare meeting agenda; research SCOTUS bar and prep handouts for clients; meeting with Fauver Law office to discuss strategy and approach going forward	6.20	\$300.00	\$1,860.00

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Dan Canon	Service	12/11/2014	Meet w DRE and SRF	1.00	\$300.00	\$300.00
Laura Landenwich	Service	12/12/2014	Call with client; correspondence to and from ACLU and Stanford; Conference call with ACLU; client meeting	3.30	\$300.00	\$990.00
Laura Landenwich	Expense	12/12/2014	Reimbursable expense: Mileage to client meeting at Silver Dollar	1.00	\$3.30	\$3.30
Laura Landenwich	Service	12/12/2014	Call with Chase Strangio re ACLU co-counseling	0.60	\$300.00	\$180.00
Dan Canon	Service	12/12/2014	meeting: Dinner with clients at Silver Dollar	3.60	\$300.00	\$1,080.00
Laura Landenwich	Service	12/14/2014	correspondence with client; correspondence with Chase Strangio at ACLU; Correspondence with OH counsel: review Ohio Response to Cert petition	2.10	\$300.00	\$630.00
Dan Canon	Service	12/15/2014	Call with Steve Shapiro and James Esseks	1.00	\$300.00	\$300.00
Dan Canon	Service	12/15/2014	Corresp w Fisher/ACLU; review TN cert response	0.80	\$300.00	\$240.00
Laura Landenwich	Service	12/15/2014	Conf call with Jeff Fisher re Stanford co-counseling agreement; review draft retainer agreement; conf call with ACLU re co-counseling	2.70	\$300.00	\$810.00
Dan Canon	Service	12/16/2014	Review amicus briefs and corresp w ACLU, Stanford & LEL; conf call (Strangio, Esseks, Fisher, Shapiro)	2.40	\$300.00	\$720.00
Laura Landenwich	Service	12/16/2014	Review amicus briefs; correspondence with co-counsel, Stanford, ACLU; teleconference with Stanford & ACLU; correspondence with clients; begin drafting reply	2.90	\$300.00	\$870.00
Dan Canon	Service	12/16/2014	Review Latta briefing, rw amicus (Scholars of marriage) in advance of team call; team call w/ JLF/ACLU	3.50	\$300.00	\$1,050.00
Dan Canon	Service	12/16/2014	Draft reply brief section for discussion	2.50	\$300.00	\$750.00
Dan Canon	Service	12/17/2014	Draft section for reply	1.50	\$300.00	\$450.00
Laura Landenwich	Service	12/17/2014	review draft reply section; correspondence with ACLU and co-counsel	0.30	\$300.00	\$90.00
Laura Landenwich	Service	12/18/2014	Review and edit reply brief; correspondence with co-counsel; review other counsel's edits	2.00	\$300.00	\$600.00

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Dan Canon	Service	12/18/2014	Reply brief revisions and corresp w/ clients and co-counsel	0.90	\$300.00	\$270.00
Dan Canon	Service	12/18/2014	Review and revise reply brief draft	2.00	\$300.00	\$600.00
Dan Canon	Service	12/19/2014	Revise reply brief; conf w LJD; meet w clients and Jeff Fisher	4.00	\$300.00	\$1,200.00
Dan Canon	Service	12/19/2014	Meet w clients to discuss cert petition and next steps	2.00	\$300.00	\$600.00
Laura Landenwisch	Service	12/19/2014	Review, edit, and finalize draft reply; correspondence with various co-counsel re same	3.60	\$300.00	\$1,080.00
Laura Landenwisch	Service	12/20/2014	review final draft reply	0.50	\$300.00	\$150.00
Laura Landenwisch	Service	12/22/2014	correspondence to and from clients and co-counsel; circulate copy of reply to press	0.80	\$300.00	\$240.00
Dan Canon	Service	12/23/2014	Convo w/ Mary Breslauer	0.30	\$300.00	\$90.00
Laura Landenwisch	Service	01/06/2015	correspondence to and from ACLU	0.50	\$300.00	\$150.00
Dan Canon	Service	01/07/2015	Teleconf w/ Chase Strangio, et al (ACLU)	0.50	\$300.00	\$150.00
Laura Landenwisch	Service	01/07/2015	Conference call ACLU	1.00	\$300.00	\$300.00
Dan Canon	Service	01/08/2015	Teleconf w ACLU and all clients	0.80	\$300.00	\$240.00
Laura Landenwisch	Service	01/08/2015	ACLU training; correspondence re same; review draft press release; compile plaintiff stories/photos	5.00	\$300.00	\$1,500.00
Laura Landenwisch	Service	01/09/2015	Monitor SCOTUS orders; correspondence with co-counsel	0.60	\$300.00	\$180.00
Dan Canon	Service	01/12/2015	meeting: Meeting with co-counsel	2.00	\$300.00	\$600.00
Laura Landenwisch	Service	01/12/2015	meeting: Meeting with co-counsel	2.00	\$300.00	\$600.00
Laura Landenwisch	Service	01/13/2015	correspondence with clients re drafting stories; correspondence with ACLU	0.40	\$300.00	\$120.00
Laura Landenwisch	Service	01/14/2015	correspondence with clients and ACLU re compiling Plaintiff stories	1.20	\$300.00	\$360.00
Laura Landenwisch	Service	01/15/2015	continue to work with clients and ACLU on compiling and editing life stories and photos	0.40	\$300.00	\$120.00
Dan Canon	Service	01/16/2015	Meet w clients, teleconf with co-counsel	2.00	\$300.00	\$600.00

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Laura Landenwich	Service	01/16/2015	receipt and review order granting cert; conference call with co-counsel re same; field media requests; correspondence with counsel from TN, OH, MI	8.60	\$300.00	\$2,580.00
Laura Landenwich	Service	01/17/2015	correspondence with all plaintiff counsel re scheduling conference calls	0.50	\$300.00	\$150.00
Laura Landenwich	Service	01/18/2015	review research on animus issue	0.30	\$300.00	\$90.00
Dan Canon	Service	01/18/2015	Preliminary review of secondary source materials and notes for SCOTUS brief/oral arg; review of Bowers and Loving cases	3.80	\$300.00	\$1,140.00
Laura Landenwich	Service	01/19/2015	correspondence with Jeff Fisher re SCOTUS procedure; agenda for conference call; correspondence with clients	0.60	\$300.00	\$180.00
Dan Canon	Service	01/19/2015	Conf w/ LEL, email corresp w JLF; continued case law review and oral argument resources	2.50	\$300.00	\$750.00
Dan Canon	Service	01/20/2015	Prep for teleconferences; review of Windsor and related materials, review of 6th cir brief; TC w/ Leigh Latherow; conf w LJD re: jurisdictional issues	4.00	\$300.00	\$1,200.00
Laura Landenwich	Service	01/20/2015	KY ACLU call; all cases conference call; begin preparing joint appendix; correspondence with Univ. Louisville re legislative record	4.80	\$300.00	\$1,440.00
Laura Landenwich	Service	01/21/2015	review available legislative history; correspondence with UL library folks re same; review and edit joint appendix designations; correspondence with opposing counsel re joint appendix	6.90	\$300.00	\$2,070.00
Dan Canon	Service	01/21/2015	Communications re: amicus effort (Zachary Wool), initial draft of facts, coordination with Marcossou/Metzmeier re: legislative history	3.10	\$300.00	\$930.00
Laura Landenwich	Service	01/22/2015	coordinate with UL students re legislative record research; assist Joe Dunman with compiling JA; correspondence re printers for briefs; research/correspondence re animus issue	3.20	\$300.00	\$960.00
Dan Canon	Service	01/22/2015	Continue drafting statement of case & facts	4.10	\$300.00	\$1,230.00

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Laura Landenwich	Service	01/23/2015	review research from clerks on legislative history; correspondence re animus; correspondence with co-counsel; research on KY anti-gay statutes	3.20	\$250.00	\$800.00
Dan Canon	Service	01/23/2015	Continued work on briefing; continued legislative history research; TC w Ken Mogill and LEL re: strategy	3.80	\$300.00	\$1,140.00
Laura Landenwich	Service	01/25/2015	correspondence with clients (no charge)	0.00	\$250.00	\$0.00
Laura Landenwich	Service	01/26/2015	correspondence with clients, UL clerks, co-counsel; review research; correspondence with Ted Olsen	1.80	\$300.00	\$540.00
Dan Canon	Service	01/26/2015	Contact w clients; schedule meetings w/ ACLU, continued work on draft of statement of case and legislative history research; review rules and packet from SCOTUS	2.70	\$300.00	\$810.00
Laura Landenwich	Service	01/27/2015	TC with Ted Olsen re assistance	0.40	\$300.00	\$120.00
Dan Canon	Expense	01/27/2015	Reimbursable expense: Legislative Research Commission Library charge	1.00	\$79.50	\$79.50
Dan Canon	Service	01/27/2015	Corresp w clients & co-counsel; contact w/ legislative research team; meet w LJD; conf w LEL re: Ted Olson involvement & advice; review leg. session from 98	1.50	\$300.00	\$450.00
Laura Landenwich	Service	01/27/2015	Review DVDs from 1998 floor debate	3.10	\$300.00	\$930.00
Laura Landenwich	Service	01/28/2015	correspondence with clients	0.30	\$300.00	\$90.00
Dan Canon	Service	01/29/2015	Review 9th cir oral arg (Nevada) and 5th cir (TX/DeLeon); TC w ACLU; corresp w clients; travel arrangements for SG meeting; review legislative history memo from Sam Marcossou	2.90	\$300.00	\$870.00
Laura Landenwich	Service	01/30/2015	review memos re gay parenting studies, Kentucky history; correspondence with co-counsel	4.60	\$300.00	\$1,380.00
Dan Canon	Service	01/30/2015	Corresp w KY counsel re: legislative history; continued efforts to schedule ACLU meeting.	0.80	\$300.00	\$240.00
Laura Landenwich	Service	01/30/2015	Revise and edit facts section of brief	2.00	\$300.00	\$600.00

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Laura Landenwich	Service	02/01/2015	Revise and edit facts section of brief	1.20	\$300.00	\$360.00
Laura Landenwich	Service	02/02/2015	finalize louisville edit of facts section	0.80	\$300.00	\$240.00
Dan Canon	Service	02/02/2015	Review LEL changes to briefing; TC w/ ACLU for SG mtg; misc. research re: SG filings in Hollingsworth, Windsor	4.50	\$300.00	\$1,350.00
Laura Landenwich	Service	02/03/2015	correspondence with co-counsel re brief and JA	0.30	\$300.00	\$90.00
Laura Landenwich	Service	02/04/2015	review correspondence from court clerk; discussions with co-counsel re same	0.90	\$300.00	\$270.00
Dan Canon	Service	02/04/2015	Client meeting w/ James Esseks, Chase Strangio	2.00	\$300.00	\$600.00
Dan Canon	Service	02/05/2015	Travel to DC for SG meeting; corresp w co-counsel	16.00	\$300.00	\$4,800.00
Dan Canon	Service	02/06/2015	Attend SG meeting and notate; mtg and ropes & gray w co-counsel; research issues raised at SG mtg; travel back to Louisville	12.00	\$300.00	\$3,600.00
Dan Canon	Service	02/09/2015	TC w/ James Esseks; conf w co-counsel re: travel and fees	0.90	\$300.00	\$270.00
Laura Landenwich	Service	02/09/2015	Conference with Dan Canon re Supreme Court practice, oral arguments, fundraising efforts	1.50	\$300.00	\$450.00
Laura Landenwich	Service	02/10/2015	review materials from Soliciter General briefing; correspondence with clients and co-counsel	1.80	\$300.00	\$540.00
Dan Canon	Service	02/10/2015	TC w James Esseks, review draft principal brief; TC w LEL; TC w Janet Jernigan	4.50	\$300.00	\$1,350.00
Dan Canon	Service	02/11/2015	TC w/ Michigan; mtg with Frank Heft; TC w KY counsel; TC w leigh latherow	3.50	\$300.00	\$1,050.00
Laura Landenwich	Service	02/11/2015	Review draft of SC brief; conference call with all co-counsel; call with opposing counsel	3.60	\$300.00	\$1,080.00
Laura Landenwich	Service	02/12/2015	correspondence with opposing counsel re arguments; correspondence with co-counsel re same	1.50	\$300.00	\$450.00
Dan Canon	Service	02/12/2015	Revise initial brief draft; TC w/ MI, further coordination on oral arguments; corresp w clients	9.20	\$300.00	\$2,760.00

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Dan Canon	Service	02/13/2015	Brief revision; TC w Jeff Fisher; corresp w all KY counsel and MI counsel	4.50	\$300.00	\$1,350.00
Laura Landenwisch	Service	02/13/2015	Review proposed Introduction; proof JA; review revised recognition section	1.50	\$300.00	\$450.00
Laura Landenwisch	Service	02/14/2015	correspondence with client; ;correspondence re SCOTUS seating issues	0.50	\$300.00	\$150.00
Dan Canon	Service	02/15/2015	Corresp w clients re: SCOTUS logistics	0.40	\$300.00	\$120.00
Dan Canon	Service	02/16/2015	Revise brief Section 3; corresp w clients	1.70	\$300.00	\$510.00
Laura Landenwisch	Service	02/16/2015	Revise and edit brief; call with opposing counsel; correspondence with clients	3.20	\$300.00	\$960.00
Dan Canon	Service	02/18/2015	Correspond w clients, amicus coordination, TC w all Ky counsel; review bizarre motion by AFAP	2.20	\$300.00	\$660.00
Laura Landenwisch	Service	02/18/2015	Conference call with co-counsel	0.60	\$300.00	\$180.00
Laura Landenwisch	Service	02/19/2015	correspondence re amici efforts and Indiana plaintiffs	0.60	\$300.00	\$180.00
Dan Canon	Service	02/19/2015	Amicus coordination and review/revise draft brief	1.50	\$300.00	\$450.00
Laura Landenwisch	Service	02/20/2015	Review OH brief draft	0.80	\$300.00	\$240.00
Dan Canon	Service	02/21/2015	Review draft briefs from 4 states, corresp w clients, coordinate stanford visit	3.20	\$300.00	\$960.00
Dan Canon	Service	02/22/2015	Rvw TN brief, finish touchup on KY merits brief, amicus correspondence	2.80	\$300.00	\$840.00
Laura Landenwisch	Service	02/23/2015	Conference call	1.00	\$300.00	\$300.00
Dan Canon	Service	02/23/2015	review merit brief draft, TC w all KY counsel	3.70	\$300.00	\$1,110.00
Laura Landenwisch	Service	02/23/2015	review brief, conference call with co-counsel for line by line edit	3.80	\$300.00	\$1,140.00
Dan Canon	Service	02/24/2015	Final review of merits brief	2.40	\$300.00	\$720.00
Laura Landenwisch	Service	02/24/2015	review final edits on brief	0.80	\$300.00	\$240.00
Laura Landenwisch	Service	02/25/2015	correspondence with John Nichols re amicus effort; review last brief edits	1.60	\$300.00	\$480.00

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Laura Landenwich	Service	02/26/2015	Meeting with Dawn Elliott; finalize brief, work with ACLU on service issues	3.00	\$300.00	\$900.00
Dan Canon	Service	02/27/2015	TC w/ all counsel, review of filed briefs, corresp w clients, rvw kuykendall amicus brief	4.40	\$300.00	\$1,320.00
Laura Landenwich	Service	02/28/2015	correspondence wiht clients re DC travel (no charge)	0.00	\$300.00	\$0.00
Laura Landenwich	Service	03/01/2015	Correspondence with client re stanford trip	0.20	\$300.00	\$60.00
Dan Canon	Service	03/02/2015	Corresp w clients, TC w Kentucky counsel, receipt & initial review of jt appx	1.80	\$300.00	\$540.00
Laura Landenwich	Service	03/02/2015	Teleconference: with Kentucky team; correspondence with MI counsel re oralist; correspondence with TN counsel re soliciter general; correspondence with variety of counsel re moots	3.10	\$300.00	\$930.00
Dan Canon	Service	03/03/2015	TC w/ Michigan and national folks, conf w/ LJD and LEL, further amicus fielding and review	2.80	\$300.00	\$840.00
Laura Landenwich	Service	03/03/2015	conference call with Michigan team re oral argument; conference call with co-counsel re oral argument; correspondence with MI team re same	3.60	\$300.00	\$1,080.00
Laura Landenwich	Service	03/04/2015	Correspondence with MI re oral argument; correspondence with Stanford & ACLU re KY selection of oralist; collect and organize MI trial record;	2.30	\$300.00	\$690.00
Dan Canon	Service	03/04/2015	Corresp w all Ky counsel and clients, continued oral argument discussions, organize and distribute amicus filings	1.80	\$300.00	\$540.00
Laura Landenwich	Service	03/05/2015	review qualifications of Fisher/Esseks for oralist; Correspondence with clients re same and seating at SCOTUS; correspondence re directives from Court clerk, Georgetown moot, dividing oral argument;	0.80	\$300.00	\$240.00
Dan Canon	Service	03/05/2015	Corresp w clients and amicus review; research on standing issues and religious liberty; TC w Ken Mogill; corresp w all Ky counsel; review oralist documentation and historians amicus	3.00	\$300.00	\$900.00
Dan Canon	Service	03/06/2015	More amicus review and distribution; corresp w counsel & clients	2.00	\$300.00	\$600.00

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Laura Landenwich	Service	03/06/2015	Draft correspondence to clients; review potential oralist qualifications, meeting with co-counsel; correspondence re scheduling Howard and Georgetown moots, SG plans re arguments	2.10	\$300.00	\$630.00
Laura Landenwich	Service	03/07/2015	Correspondence with clients and co-counsel re KY pick for oralist	0.20	\$300.00	\$60.00
Dan Canon	Service	03/07/2015	Review amicus briefs of NHM and USA; review of briefs in Loving	2.80	\$300.00	\$840.00
Laura Landenwich	Service	03/09/2015	receipt and distribution of hard copies of briefs; correspondence re Georgetown moot, Issue 2 oralists, Issue 2 moot-off, moot judges	0.80	\$300.00	\$240.00
Dan Canon	Service	03/09/2015	Corresp w clients and counsel; review SG brief, circulate amicus and pet's brief; TC w/ Esseks/Shapiro/Fisher; TC w Ken Mogill; conf w LEL re: case status and oral args	4.50	\$300.00	\$1,350.00
Laura Landenwich	Service	03/10/2015	Meetings and correspondence re oral arguments	2.10	\$300.00	\$630.00
Dan Canon	Service	03/10/2015	Further amicus wrangling, corresp w Ken Mogill, TC w Leigh Latherow, corresp w all KY counsel, corresp w clients	3.00	\$300.00	\$900.00
Dan Canon	Service	03/11/2015	Multiple teleconferences (3 state and Ky)	3.60	\$300.00	\$1,080.00
Laura Landenwich	Service	03/12/2015	Conf. call Ky team; review amicus points summary from ACLU; correspondence re Q2 moot judges; review drafts of letter to SCOTUS clerk re request for divided argument and proposed edits of same; correspondence with MI team re disagreements over draft; review preliminary draft sections of reply brief; make arrangements for Q2 Louisville moot	4.80	\$300.00	\$1,440.00
Dan Canon	Service	03/12/2015	Respond to amicus queries; corresp w MI and KY teams, review & revise letter from MI; corresp w TWW re: access to courtroom for moot; conf w LEL; TC w Ky counsel	3.50	\$300.00	\$1,050.00
Laura Landenwich	Service	03/13/2015	correspondence re proposal to clerk re oral arguments; correspondence with clients	0.30	\$300.00	\$90.00

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Dan Canon	Service	03/13/2015	TC w Leigh Latherow; discussion w Ky. team; coordination with Howard U re: moots; team call on Q2, team call w Ky	2.90	\$300.00	\$870.00
Laura Landenwisch	Service	03/14/2015	Extensive correspondence re how to handle MI team demands, divided argument, public perception	1.20	\$300.00	\$360.00
Dan Canon	Service	03/14/2015	TC w Ken Mogill; review proposal to court re: argument; contact w/ Ky team and QP2 attys	1.50	\$300.00	\$450.00
Laura Landenwisch	Service	03/15/2015	correspondence with all teams re edits to draft proposal	0.40	\$300.00	\$120.00
Dan Canon	Service	03/15/2015	Corresp w all counsel, continued revision of oral arg proposition	2.00	\$300.00	\$600.00
Laura Landenwisch	Service	03/16/2015	Ky team conf call; extensive correspondence among other teams re MI proposal and impasse on oral argument	3.00	\$300.00	\$900.00
Laura Landenwisch	Service	03/16/2015	All cases conference call re oral argument proposal; language of letter to clerk; back up plan	2.50	\$300.00	\$750.00
Dan Canon	Service	03/16/2015	Corresp w everyone; TC w everyone; TC w/ Ky team; continued revision of proposition	3.10	\$300.00	\$930.00
Dan Canon	Service	03/17/2015	Corresp w clients and counsel	1.50	\$300.00	\$450.00
Laura Landenwisch	Service	03/17/2015	Review and edit draft joint letter to Court Clerk; correspondence re moot judges for Louisville Q2 moot off; review draft sections of reply brief	1.90	\$300.00	\$570.00
Laura Landenwisch	Service	03/18/2015	correspondence re call from clerk rejecting proposal, alternative plans, approach with other teams, potential judges for KY/MI moot; Correspondence re reply brief duties	3.60	\$300.00	\$1,080.00
Dan Canon	Service	03/18/2015	Corresp w clients and counsel	2.00	\$300.00	\$600.00
Laura Landenwisch	Service	03/19/2015	Extensive negotiations with MI team; Ky team call	2.00	\$300.00	\$600.00
Laura Landenwisch	Service	03/19/2015	All states conf call re how to handle court's denial of request for divided argument; setting paramaters for MI/KY moot	1.60	\$300.00	\$480.00
Dan Canon	Service	03/19/2015	Conference calls w/ Ky and all 4 teams re: oral argument; corresp with MI and Ky counsel, and sam marcosson re: moot judges	3.40	\$300.00	\$1,020.00

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Laura Landenwich	Service	03/20/2015	Extensive discussions re moot-off procedure, rules, judges	2.60	\$300.00	\$780.00
Dan Canon	Service	03/20/2015	Corresp w group and clients re: oral argument moot; TC w Jeff and James; corresp w potential judges	3.00	\$300.00	\$900.00
Laura Landenwich	Service	03/21/2015	correspondence re backgrounds of potential moot judges	0.80	\$300.00	\$240.00
Dan Canon	Service	03/21/2015	TC w MI, corresp w KY and MI teams re coordination of moots; corresp w clients re respondent amicus	1.60	\$300.00	\$480.00
Laura Landenwich	Service	03/22/2015	votes on moot judges	0.50	\$300.00	\$150.00
Dan Canon	Service	03/22/2015	Contact with MI and KY teams re: moot	0.50	\$300.00	\$150.00
Dan Canon	Service	03/23/2015	TC w Howard, set up moots for 3/25 and 4/22; travel arrangements for DC	0.60	\$300.00	\$180.00
Laura Landenwich	Service	03/23/2015	Last minute effort to relocate TN/OH moot location and correspondence re same; prep materials to Jeff Fisher; review rules for Louisville moot	5.00	\$300.00	\$1,500.00
Laura Landenwich	Service	03/24/2015	Prep for OH/TN Moot; work on rules for KY/MI moot	1.90	\$300.00	\$570.00
Laura Landenwich	Service	03/25/2015	preparation for and production of OH/TN Moot off	4.90	\$300.00	\$1,470.00
Dan Canon	Service	03/25/2015	Moot for Q2; pre-moot (telephonic) for Q1, meet w counsel and clients (Ky TN OH), email correspondence w clients; mtg w James, Laura, Joe	10.10	\$300.00	\$3,030.00
Laura Landenwich	Service	03/25/2015	Ky moot with Jeff Fisher	2.50	\$300.00	\$750.00
Dan Canon	Service	03/26/2015	Corresp w counsel re: MI moot and feedback in CA moot	1.30	\$300.00	\$390.00
Laura Landenwich	Service	03/26/2015	correspondence with clients re MI/KY Moot; review, negotiate rules for moot	1.20	\$300.00	\$360.00
Dan Canon	Service	03/27/2015	TC w Kentucky team re: moot prep & ideas; receive and review Respondents' briefs	5.50	\$300.00	\$1,650.00
Laura Landenwich	Service	03/27/2015	correspondence re tomorrow's moot; review briefs; prep materials to Jeff	2.00	\$300.00	\$600.00
Laura Landenwich	Service	03/29/2015	Moot: KY/MI in Ann Arbor	20.00	\$300.00	\$6,000.00

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Laura Landenwich	Expense	03/29/2015	Reimbursable expense: Mileage to Ann Arbor moot off 760 miles round trip at .575/mile	1.00	\$437.00	\$437.00
Dan Canon	Service	03/29/2015	Travel to MI, meet w counsel, co counsel, clients; extensive discussions and moot arguments	20.00	\$300.00	\$6,000.00
Dan Canon	Service	03/30/2015	TC w Valerie Schneider; corresp w clients & counsel; coordination of Howard Moot and draft letter to SCOTUS	1.70	\$300.00	\$510.00
Laura Landenwich	Service	03/30/2015	review draft letter re oralists; correspondence with all teams; correspondence with Mary Bonato; Call with Mary Bonato; correspondence with clients re oralist selection	4.20	\$300.00	\$1,260.00
Laura Landenwich	Service	03/31/2015	correspondence with clients re Mary Bonato	0.20	\$300.00	\$60.00
Dan Canon	Service	04/01/2015	TC w Kentucky counsel; review and distribution of amicus materials	1.40	\$300.00	\$420.00
Laura Landenwich	Service	04/01/2015	call with clients and Mary Bonato	0.70	\$300.00	\$210.00
Dan Canon	Service	04/03/2015	TC w James Esseks; review of amicus materials; review of initial reply brief	2.10	\$300.00	\$630.00
Laura Landenwich	Service	04/03/2015	review draft of reply brief; correspondence with all states counsel re moots	1.30	\$300.00	\$390.00
Dan Canon	Service	04/04/2015	Revise reply brief	4.30	\$300.00	\$1,290.00
Dan Canon	Expense	04/05/2015	Reimbursable expense: Flight to DC (Southwest, one way)	1.00	\$120.99	\$120.99
Dan Canon	Service	04/06/2015	Corresp w clients and counsel; discussions re: division of seating	1.00	\$300.00	\$300.00
Laura Landenwich	Service	04/06/2015	edit and revise reply; review other suggestions re same	1.20	\$300.00	\$360.00
Dan Canon	Service	04/07/2015	Bourke - corresp w counsel, amicus sorting, reply brief revision/review; review and commentary on RNC amicus	4.90	\$300.00	\$1,470.00
Laura Landenwich	Service	04/07/2015	correspondence re summarizing amicus briefs; review chart for summarization	0.40	\$300.00	\$120.00
Dan Canon	Service	04/08/2015	review of amicus materials; conf w LEL; corresp w Ky counsel	4.30	\$300.00	\$1,290.00
Laura Landenwich	Service	04/08/2015	correspondence re brief, amicus summaries, etc.	0.20	\$300.00	\$60.00

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Dan Canon	Service	04/09/2015	Review amicus briefs and summarize	3.80	\$300.00	\$1,140.00
Laura Landenwich	Service	04/10/2015	brief workshop conference call	2.50	\$300.00	\$750.00
Laura Landenwich	Service	04/10/2015	Conference call Kentucky team	1.00	\$300.00	\$300.00
Dan Canon	Service	04/10/2015	Workshop reply brief	4.10	\$300.00	\$1,230.00
Laura Landenwich	Service	04/10/2015	summarize amicus briefs for group chart; correspondence re seating at SCOTUS	1.80	\$300.00	\$540.00
Dan Canon	Service	04/11/2015	Revise reply brief	2.40	\$300.00	\$720.00
Dan Canon	Service	04/12/2015	Client mtg re: travel arrangements, etc	1.00	\$300.00	\$300.00
Laura Landenwich	Service	04/12/2015	final revisions on reply brief	0.80	\$300.00	\$240.00
Dan Canon	Service	04/13/2015	Communicate w clients re: travel arrangements; communication w Howard re: moot	0.50	\$300.00	\$150.00
Dan Canon	Service	04/14/2015	Finalize Stanford travel; review reply brief, team call (KY), TC w TN re: seating arrangements; corresp w clients; coordinate Howard moot	4.90	\$300.00	\$1,470.00
Laura Landenwich	Service	04/14/2015	review suggested brief revisions; correspondence re seating at SCOTUS	1.20	\$300.00	\$360.00
Dan Canon	Service	04/15/2015	Travel to CA; meetings w clients and co-counsel	12.00	\$300.00	\$3,600.00
Laura Landenwich	Service	04/15/2015	review additional brief revisions; correspondence re same; correspondence re seating; travel to Stanford	7.90	\$300.00	\$2,370.00
Dan Canon	Service	04/16/2015	Travel to SDF from SFO; meet w clients & co-counsel; continued TC w hickman, etc re: seating	12.00	\$300.00	\$3,600.00
Laura Landenwich	Service	04/16/2015	meetings with co-counsel and clients (Stanford)	8.00	\$300.00	\$2,400.00
Dan Canon	Service	04/17/2015	Meet w clients & co-counsel at Stanford U; speak w amicus (Morrison); meet w all students in SLS and JLF	12.00	\$300.00	\$3,600.00
Laura Landenwich	Service	04/17/2015	Travel back to Louisville	6.00	\$300.00	\$1,800.00
Dan Canon	Service	04/18/2015	Compile notes from Stanford visit; continued conversations w/ MB and SH	1.00	\$300.00	\$300.00

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			re: seating arrangements; corresp w clients			
Laura Landenwisch	Service	04/20/2015	correspondence with Mary Bonato; review Ky law	1.60	\$300.00	\$480.00
Dan Canon	Service	04/20/2015	Travel to and from Nashville to participate in Q2 moot	7.70	\$300.00	\$2,310.00
Dan Canon	Service	04/21/2015	Travel to DC; meet w/ co-counsel (Rubinfeld et al), prepare moot; corresp w counsel and clients	16.00	\$300.00	\$4,800.00
Laura Landenwisch	Service	04/22/2015	Travel to Washington DC; meetings with co-counsel	10.00	\$300.00	\$3,000.00
Dan Canon	Service	04/22/2015	Attend & assist in coordinating Howard moot, meet w co-counsel (LEL and SLS & students), corresp w clients re travel arrangements, coordinate efforts generally between teams	16.00	\$300.00	\$4,800.00
Laura Landenwisch	Service	04/23/2015	meetings with co-counsel; correspondence with Mary Bonato	4.50	\$300.00	\$1,350.00
Dan Canon	Service	04/23/2015	Meet w clients and co-counsel; research questions/issues for moots & generally; corresp w co-counsel, meet w LJD	16.00	\$275.00	\$4,400.00
Laura Landenwisch	Expense	04/23/2015	Reimbursable expense: Delta travel to DC	1.00	\$118.60	\$118.60
Laura Landenwisch	Service	04/24/2015	Solicitor General Moot; Georgetown Moot; group prep sessions following same	11.00	\$300.00	\$3,300.00
Laura Landenwisch	Expense	04/24/2015	Reimbursable expense: Meals in DC	1.00	\$14.00	\$14.00
Dan Canon	Service	04/24/2015	Attend & notate SG moot; mtg w all co-counsel (TN, OH, and KY teams); Attend and notate Georgetown Law moot; debrief w all co-counsel after moot; dinner meetings w/ SLS and JDE	16.00	\$300.00	\$4,800.00
Laura Landenwisch	Expense	04/25/2015	Reimbursable expense: Travel in DC	1.00	\$10.00	\$10.00
Dan Canon	Service	04/25/2015	Continued coordination w all co-counsel and plaintiffs, prep/research/logistical support	16.00	\$300.00	\$4,800.00
Laura Landenwisch	Service	04/26/2015	correspondence with Mary Bonato and clients re Ky plaintiffs/facts	1.50	\$300.00	\$450.00
Laura Landenwisch	Expense	04/26/2015	Reimbursable expense: Travel in DC	1.00	\$2.75	\$2.75

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Dan Canon	Expense	04/26/2015	Reimbursable expense: 3 nights capitol hill hotel (plus parking)	1.00	\$1,254.69	\$1,254.69
Dan Canon	Service	04/26/2015	Continued availability for all teams, planning and coordination in DC, etc.	16.00	\$300.00	\$4,800.00
Laura Landenwich	Service	04/27/2015	Meetings with clients and attorneys representing various agencies and plaintiffs; correspondence with Mary Bonato re arugments	10.00	\$300.00	\$3,000.00
Laura Landenwich	Expense	04/27/2015	Reimbursable expense: Meals in DC	1.00	\$98.07	\$98.07
Laura Landenwich	Expense	04/27/2015	Reimbursable expense: Travel in DC	1.00	\$5.50	\$5.50
Dan Canon	Service	04/27/2015	Attend FTM reception; meet w all plaintiffs (all states) and co-counsel; continued availability & coordination in DC for argument day	16.00	\$300.00	\$4,800.00
Laura Landenwich	Service	04/28/2015	Oral arguments at US Supreme Court; press conference following arguments; travel back to Louisville	18.00	\$300.00	\$5,400.00
Laura Landenwich	Expense	04/28/2015	Reimbursable expense: 6 nights at Capitol Hill Hotel, Washington DC	1.00	\$1,959.17	\$1,959.17
Laura Landenwich	Expense	04/28/2015	Reimbursable expense: Flight back to Lou from DC -- Delta	1.00	\$118.60	\$118.60
Laura Landenwich	Expense	04/28/2015	Reimbursable expense: Meals in DC	1.00	\$28.00	\$28.00
Laura Landenwich	Expense	04/28/2015	Reimbursable expense: Travel in and out of DC	1.00	\$54.42	\$54.42
Dan Canon	Service	04/28/2015	Attend oral arguments; coordinate client and counsel traffic patterns and media appearances; meet w clients and counsel at ACLU HQ; dinner mtg w JDE; prepare for return trip	16.00	\$300.00	\$4,800.00
Laura Landenwich	Service	04/29/2015	correspondence with Mary Bonato re arguments	0.50	\$300.00	\$150.00
Dan Canon	Service	04/29/2015	Drive back to Louisville from DC; assist in coordinating travel & debriefing w last remaining clients/counsel	11.00	\$300.00	\$3,300.00
Dan Canon	Service	05/01/2015	Team call - KY	1.00	\$300.00	\$300.00
Laura Landenwich	Service	05/01/2015	conference call re oral arugments; next steps	0.80	\$300.00	\$240.00
Dan Canon	Service	05/04/2015	corresp w Mary Bonauto; mtg w LEL and LJD	0.70	\$300.00	\$210.00

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Laura Landenwich	Service	05/05/2015	Tim Love. Client meeting	1.00	\$300.00	\$300.00
Dan Canon	Service	06/02/2015	TC w/ James Esseks	0.60	\$300.00	\$180.00
Dan Canon	Service	06/08/2015	Corresp w clients re: opinion day	0.20	\$300.00	\$60.00
Laura Landenwich	Service	06/10/2015	Ky team call re potential outcomes and response	1.00	\$300.00	\$300.00
Laura Landenwich	Service	06/16/2015	ACLU call	1.00	\$300.00	\$300.00
Dan Canon	Service	06/16/2015	TC w Kentucky team re: implementation	0.70	\$300.00	\$210.00
Laura Landenwich	Service	06/23/2015	correspondence re governor's plans following ruling	0.30	\$300.00	\$90.00
Laura Landenwich	Service	06/24/2015	correspondence with clients re decision	0.20	\$300.00	\$60.00
Laura Landenwich	Service	06/25/2015	monitor SCOTUSblog.com for opinion	0.50	\$300.00	\$150.00
Laura Landenwich	Service	06/26/2015	read and review SCOTUS opinion; press conference; accompany clients to clerk's office to get license; correspondence with counsel from all states	4.50	\$300.00	\$1,350.00
Dan Canon	Service	06/26/2015	Review opinion; corresp w clients and all counsel, client mtg, obtain license for Tim and Larry	4.50	\$300.00	\$1,350.00
Laura Landenwich	Service	07/17/2015	Call re fee petition	1.00	\$300.00	\$300.00
Dan Canon	Service	08/03/2015	Research/draft fee petition; corresp w JLF	3.20	\$300.00	\$960.00
Dan Canon	Service	08/04/2015	Draft fee petition	1.00	\$300.00	\$300.00
Dan Canon	Service	08/05/2015	Continue drafting fee petition; corresp w JLF and ACLU	5.60	\$300.00	\$1,680.00
Dan Canon	Service	08/06/2015	Continued work on fee petition	1.40	\$300.00	\$420.00
Dan Canon	Service	08/07/2015	Continue drafting fee petition	4.30	\$300.00	\$1,290.00
Dan Canon	Service	08/10/2015	Continued work on fee petition; TC w Greg Belzley and corresp w SLS/JLF	3.40	\$300.00	\$1,020.00
Dan Canon	Service	08/11/2015	Corresp w Leigh Latherow; continued work on fee petition; TC w/ Greg Belzley, corresp w ACLU and JLF; complete declaration	7.00	\$300.00	\$2,100.00

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Dan Canon	Expense	08/11/2015	Reimbursable expense: Printing Charge - Merits Brief	1.00	\$3,471.68	\$3,471.68
Dan Canon	Expense	08/11/2015	Reimbursable expense: Merits reply printing costs	1.00	\$1,800.00	\$1,800.00
Dan Canon	Expense	08/11/2015	Reimbursable expense: Mileage to Louisville from DC (603.8mi at .575/mi)	1.00	\$347.18	\$347.18
Dan Canon	Expense	08/11/2015	Reimbursable expense: Printing costs - cert reply brief	1.00	\$650.00	\$650.00
Dan Canon	Service	08/18/2015	Revise fee petition, corresp w Walter Dellinger	1.30	\$300.00	\$390.00
Dan Canon	Service	08/19/2015	Finalize fee petition and declaration, corresp w LEL	1.50	\$300.00	\$450.00
Laura Landenwich	Service	08/19/2015	draft, edit, finalize fee petition	4.00	\$300.00	\$1,200.00
Laura Landenwich	Service	08/21/2015	Review, revise & file fee petition	4.00	\$300.00	\$1,200.00
Dan Canon	Service	08/21/2015	Draft order and motion on atty fee petition (to accompany memorandum); mtg w LEL re: fee petition, corresp w OC	2.50	\$300.00	\$750.00

Total \$426,336.37

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
798	08/19/2015	\$33,728.00	\$0.00	\$33,728.00

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
992	08/21/2015	\$426,336.37	\$0.00	\$426,336.37

Outstanding Balance \$460,064.37
Total Amount Outstanding \$460,064.37

Please make all amounts payable to: Clay Daniel Walton & Adams PLC

Payment is due upon receipt.

L. Joe Dunman

Date	Time	Description
2/13/14	1.50	Meet with Intervening Plaintiffs re: procedure; revise motion to intervene
2/14/14	1.30	Final review of Mot to Intervene and Mot for Prelim Injunction & associate docs
2/26/14	2.75	Prep for and attend hearing re: Motion to Intervene
2/27/14	1.20	Review Order granting Mot to Intervene; conference w/ co-counsel
2/28/14	0.10	Review of Order modifying style of the case to Love v. Beshear
3/7/14	0.50	Correspondence w/ co-counsel and clients re: briefing
3/10/14	7.20	Begin research, draft of Love v. Beshear MSJ
3/11/14	4.00	Draft MSJ, research other SSM rulings, animus cases
3/13/14	2.30	Correspondence w/ co-counsel, meeting re: appeal procedure
3/14/14	3.00	Correspondence w/ co-counsel re: opposition to stay; review motion to stay filed by Def
3/17/14	2.25	Review, revise response to motion to stay
3/18/14	0.25	Receive, review notice of appeal
3/19/14	2.10	Receive and review amended briefing schedule; answer to intervening complaint; correspondence w/ co-counsel
3/20/14	1.00	Review Motion to Dismiss by Defendant Conway; conference w/ co-counsel
3/24/14	0.25	Review Order granting Mot to Dismiss Defendant Conway; email exchange w/ DC
3/26/14	0.10	Draft, file Appearance Form in Bourke appeal
3/28/14	8.50	Continue research, Draft Love MSJ
3/31/14	9.25	Draft and Revise Love MSJ
4/1/14	7.70	Revise Love MSJ draft
4/2/14	2.00	Revise and distribute MSJ draft among counsel for review
4/4/14	2.50	Review response to fee motion, begin draft of reply
4/7/14	4.50	Revise reply to fee motion response
4/10/14	2.75	Revise MSJ draft; distribute to co-counsel for revision
4/11/14	0.50	Correspondence w/ clients re: affidavits
4/15/14	0.50	Email exchange w/ co-counsel re: MSJ revisions
4/17/14	3.00	Revise MSJ; email exchange w/ co-counsel re: revision process
4/18/14	4.25	Final edits to MSJ, file with court
4/23/14	0.50	Review Mot to Intervene by Sevier; email exchange with counsel
4/25/14	0.25	Review Order denying Mot to Intervene by Sevier
5/7/14	8.75	Review Bourke Appellant brief; research and draft Appellee brief outline; conference w/ co-counsel
5/8/14	3.50	Research for Appellee brief, distribute memo to co-counsel
5/12/14	1.10	Review Amicus Brief filed by ACLU of Kentucky
5/14/14	0.75	Review order re: attorney fees; correspondence w/ co-counsel
5/16/14	8.50	Review and research Bourke appellant brief; begin formal draft of Bourke Appellee brief
5/19/14	9.00	Review Defendant Response to Love MSJ; draft reply outline; review Family Found amicus brief
5/21/14	9.20	Research, draft Bourke Appellee brief; meeting and correspondence w/ co-counsel
5/22/14	8.20	Research, draft Bourke Appellee brief
5/23/14	7.80	Draft and revise Bourke Appellee Brief w/ co-counsel; meet w/ co-counsel re: oral args
5/26/14	5.10	Revise Bourke Appellee Brief w/ co-counsel
5/27/14	1.75	Revise Reply in support of MSJ; meeting w/ co-counsel
5/28/14	3.75	Final review of Reply in support of MSJ
5/29/14	4.00	Revise Bourke Appellee Brief
5/30/14	0.40	Correspondence w/ co-counsel and clients re: oral arg schedule
6/2/14	3.25	Revise Bourke Appellee Brief, distribute for group revision
6/3/14	1.00	Meet w/ co-counsel re: brief
6/6/14	4.60	Receive revisions, revise Bourke Appellee Brief, discuss revisions w/ co-counsel
6/7/14	2.50	Revise Bourke Appellee Brief
6/9/14	10.25	Final review and revisions to Bourke Appellee brief; file Appellee Brief w/ court
6/13/14	4.50	Receive and review amicus briefs, prepare summaries
6/16/14	3.40	Review amicus briefs, prepare summaries; correspond w/ clients re: oral args
6/27/14	2.50	Receive, review Bourke Appellant reply brief
7/1/14	7.00	Review Order granting MSJ; meeting w/ counsel, clients
7/3/14	1.00	Meet w/ co-counsel re: case consolidation
7/7/14	2.20	Meet w/ co-counsel re: draft of motion to consolidate and oral args; draft motion
7/8/14	0.10	Receive and review notice of appeal in Love to CA6
7/10/14	1.40	Correspondence w/ co-counsel re: moot prep
7/11/14	1.30	Review research re: other SSM cases post-Windsor
7/13/14	2.75	Review oral arg audio from CA10 and CA4 cases to assist w/ moot prep
7/14/14	0.20	Receive and review oral argument schedule; correspondence w/ clients

7/16/14 0.50 Receive and review order granting consolidation, oral argument; draft and file Love appearance form
 7/17/14 6.25 Receive, review Beshear's Appellant brief filed; draft Appellee brief outline; prep for mock oral arg
 7/18/14 9.25 Research, begin draft of Love Appellee brief; prep for and participate in mock oral arg
 7/19/14 6.80 Draft Love Appellee Brief
 7/20/14 1.25 Meeting w/ co-counsel re: Appellee brief strategy
 7/21/14 9.75 Draft and revise Love Appellee brief; meeting w/ co-counsel re: brief
 7/22/14 10.20 Draft and revise Love Appellee brief; conference w/ co-counsel
 7/23/14 9.80 Revise Love Appellee brief; conference w/ co-counsel
 7/24/14 13.30 Final group editing and revision of Love Appellee brief w/ LEL; filed with court
 7/25/14 3.20 Research CA6 panel, writings and previous opinions for oral arg prep
 7/29/14 0.25 Review order denying intervention by Sevier
 7/31/14 3.25 Receive, review Appellant reply brief
 8/1/14 2.75 Research, prep for oral arg moot
 8/4/14 6.50 Review of supp authority letter to be filed; prep for and participate in moot oral arg
 8/5/14 8.25 Travel to OH for oral arguments; meeting w/ co-counsel, final prep
 8/6/14 8.75 Attend oral arguments, conference w/ co-counsel and clients; travel home
 8/27/14 1.25 Review oral arg audio from CA7
 11/6/14 7.25 Review CA6 opinion, discuss with clients, counsel strategy meeting
 11/7/14 6.25 Strategy planning w/ co-counsel, correspondence with printer, begin drafting cert. petition
 11/8/14 7.00 Review CA6 opinion, strategy, drafting cert. petition, client discussions
 11/9/14 4.00 Review preliminary draft of cert. petition, email exchange with co-counsel
 11/10/14 2.50 Continue draft/review of cert. petition, research
 11/11/14 3.25 Continue draft/review of cert. petition, research
 11/12/14 2.50 Continue draft/review of cert. petition
 11/13/14 3.50 Revision of cert petition, conference with co-counsel
 11/14/14 4.00 Revision of cert petition, conference with co-counsel, emails with printer
 11/17/14 1.50 Review printer's proof of cert petition; meeting w/ co-counsel
 11/18/14 1.50 Review filed version of cert. petition, discuss with clients, co-counsel
 11/24/14 2.00 Meeting w/ co-counsel re: addition of Stanford and ACLU counsel
 12/9/14 2.25 Review respondent's brief, discuss with co-counsel, strategy of reply
 12/10/14 0.10 Correspondence w/ co-counsel re: Friday meeting w/ clients
 12/11/14 1.00 Correspondence with clients re: status of case in SCOTUS
 12/12/14 3.60 Phone conference, follow-up meeting with co-counsel, meeting with clients
 12/15/14 1.50 Conference call with CA and NY counsel, follow-up meeting w/ KY counsel
 12/16/14 1.50 Conference call with NY and CA co-counsel
 12/18/14 1.75 Review/revise draft Reply brief
 12/19/14 5.00 Final review of reply brief; conference with DC; meeting with clients and co-counsel
 1/7/15 0.75 Phone conference with NY co-counsel
 1/8/15 0.75 Phone conference with clients and NY co-counsel
 1/9/15 0.00 Email exchange w co-counsel re SCOTUS conference (no charge)
 1/12/15 2.00 Email exchange, meeting w co-counsel re SCOTUS conference
 1/16/15 2.50 Review SCOTUS grant of Cert. in CA6 cases, meetings with clients and co-counsel
 1/20/15 3.80 Phone conferences and meetings with co-counsel re: briefing, arguments
 1/21/15 6.25 Review of dockets, preparation of joint appendix, coordination with co-counsel
 1/22/15 5.25 Preparation of joint appendix, related email to opposing counsel and co-counsel
 1/23/15 2.00 Phone calls, emails with other state co-counsel concerning joint appendix
 1/26/15 2.00 Revise brief daft, meeting with co-counsel re: clients
 1/27/15 0.75 Conference call with co-counsel re: joint appendix; meeting with DC
 1/28/15 0.40 Phone call w/ P. Castillo re: joint appendix; send update ot local counsel
 2/2/15 0.10 Send draft JA materials to opposing counsel for review
 2/3/15 0.75 Email exchange w/ co-counsel re: joint appendix; send docs to printer
 2/4/15 2.50 Meetings with ACLU co-counsel, clients
 2/9/15 0.90 Conference with NY counsel; meeting w/ co-counsel regarding travel
 2/10/15 2.00 Review documents from Solicitor General meeting, meet with co-counsel
 2/11/15 2.80 Teleconference w/ co-counsel re: brief drafts; Meeting w/ Frank Heft re: oral argument
 2/12/15 4.25 Revise brief daft
 2/13/15 1.50 Review mock-up of Joint Appendix, email exchange w/ printer; emails w/ KY and MI counsel
 2/14/15 2.25 Edit, revise brief
 2/16/15 2.10 Review, revise draft JA documents, email exchange with opposing counsel
 2/18/15 3.00 Final review of JA docs, email exchange w/ OC, teleconference with co-counsel
 2/19/15 1.50 Review, edit draft of brief

2/20/15 0.80 Review draft of brief

2/23/15 3.75 Create table of contents for JA, send final proof to printer; workshop w/ NY and CA counsel re: brief

2/24/15 1.00 Final review draft of brief, email with co-counsel

2/27/15 3.40 Review of all filed briefs, conference with CA and NY counsel

3/2/15 1.30 Conference call, meeting with co-counsel; review of printed JA

3/3/15 2.00 Conference calls w/ co-counsel and MI counsel re: oral args; meeting re: amicus brief review

3/4/15 0.25 Correspondence w/ co-counsel and clients

3/6/15 2.50 Review amicus briefs; prepare summaries for co-counsel; emails w/ co-counsel re: content

3/7/15 1.75 Review amicus briefs; prepare summaries for co-counsel

3/9/15 3.75 Review Solicitor General and amicus briefs, email exchange w/ co-counsel re: prep for oral arg moot

3/10/15 2.50 Email exchanges, meetings with co-counsel re: oral argument

3/11/15 2.00 Review of amicus briefs, email exchange w/ co-counsel

3/12/15 0.75 Correspondence re: draft of letter to court; review of drafts; conference call w/ co-counsel

3/13/15 0.00 Email exchange re: draft of letter to court re: oral argument (no charge)

3/14/15 0.00 Email exchange re: draft of letter to court re: oral argument (no charge)

3/15/15 0.00 Email exchange re: draft of letter to court re: oral argument (no charge)

3/16/15 1.00 Email exchange re: draft of letter to court re: oral argument; conference calls w/ co-counsel

3/17/15 0.50 Review draft letter to Court; Email exchange re: draft of letter to court; conference call w/ co-counsel

3/18/15 0.00 Email exchanges w/ co-counsel re: oral arguments (no charge)

3/19/15 3.75 Email exchanges, conference calls w/ KY and national co-counsel re: oral argument strategy

3/20/15 3.00 Develop reply brief strategy/outline; email exchanges w/ co-counsel re: oral arguments

3/21/15 0.00 Email exchanges w/ co-counsel re: oral arguments (no charge)

3/22/15 0.00 Email exchanges w/ co-counsel re: oral arguments (no charge)

3/23/15 0.00 Email exchanges w/ co-counsel re: QP2 oral argument moot, QP1 moot (no charge)

3/24/15 0.00 Email exchanges w/ co-counsel re: QP1 moot (no charge)

3/25/15 9.75 Attend Louisville QP2 moot, meetings w/ co-counsel; attend QP1 moot via phone

3/26/15 0.00 Email exchange re: content of QP1 oral argument (no charge)

3/27/15 3.10 Email exchange re: QP1 oral argument, moot; review Ky and other state briefs

3/28/15 1.75 Email exchange w/ co-counsel re: state brief; review state briefs

3/29/15 19.00 Travel to Ann Arbor, Michigan for QP1 moot; QP1 moot and conference; travel home

3/30/15 0.00 Email exchange w/ co-counsel regarding oral argument; moots (no charge)

3/31/15 1.75 Review of initial pro-Respondent amicus briefs

4/1/15 2.50 Review pro-Respondent amicus briefs; conference call w/ co-counsel

4/3/15 1.20 Phone conference with co-counsel; Email exchange w/ co-counsel re: moot argument schedule in DC

4/4/15 2.00 Review, edit first draft of Reply brief

4/5/15 0.00 Email exchange w/ co-counsel re: Reply brief (no charge)

4/7/15 3.10 Review of 13 pro-Respondent amicus briefs; draft summaries for co-counsel

4/8/15 4.25 Review of 19 pro-Respondent amicus briefs, email exchange w/ co-counsel

4/9/15 2.50 Edit Reply brief

4/10/15 4.25 Group edit of reply brief, conference with counsel

4/12/15 0.75 Meeting w/ clients re: travel to CA

4/15/15 12.00 Travel to San Francisco, meetings w/ clients and Stanford counsel

4/16/15 11.00 Meetings with clients and co-counsel at Stanford; meeting w/ amicus filer Morrison

4/17/15 13.00 Final CA meetings with Stanford counsel and clients, travel to Louisville

4/20/15 7.70 Travel to Nashville for Q2 moot; participate in moot; travel home

4/22/15 10.00 Travel to Wash DC; meetings with co-counsel; attend moot at Howard University

4/23/15 7.50 Conference with counsel; attend moot at DOJ w/ Solicitor General

4/24/15 9.50 Conferences with counsel; attend moot at Georgetown University

4/25/15 2.50 Conference with counsel re: oral argument strategy

4/26/15 3.50 Oral argument prep; meetings with counsel and clients

4/27/15 0.80 Meeting w/ co-counsel, clients

4/28/15 7.50 Coordinate client attendance at oral argument; conference with clients, co-counsel

4/29/15 4.50 Travel to Louisville from DC

5/1/15 1.00 Conference with KY counsel re: oral arguments, clients

5/4/15 0.50 Meeting with KY co-counsel re: clients, oral arguments

5/26/15 3.80 Research procedural/jurisdictional questions, fee petitions in other SSM cases

6/16/15 0.75 Conference w/ counsel re: implementation of favorable ruling

6/26/15 2.50 Decision day; review court's opinion, meeting w/ clients to discuss

6/29/15 4.50 Audit of time logs by co-counsel; meeting w/ co-counsel re: district court jurisdiction

8/6/15 0.50 Review and edit of fee petition draft

8/11/15 1.75 Review and edit of fee petition draft

603.80

Rate	Time	Total
200.00	297.05	\$59,410.00
250.00	306.75	\$76,687.50
		\$136,097.50

Expenses

4/22/15	\$341	Round trip flight, SDF to DCA, 1 passenger
4/25/15	\$1,154	Hotel room, Capitol Hill Hotel
Total	\$1,495	

Time and expenses on Bourke v. Beshear

2/28/14 conference call with attys for 6 th circuit cases, sf and DE	3.0
3/14/14 talked with Ohio atty re cases , rcvd and reviewed Governor's motion, Emails to and from clients, sf and DE	4.50
3/15/14 emails to and from clients, emails to and from co-counsel, sf and DE	1.5
3/16/14 emails to and from clients, to and from co-counsel and reviewing Wis case	.75
3/16/14- research and initial draft for response to defendants motion for stay, sf and DE	7.00
3/17/14 research, phone conference with judge, pc with co-counsel, emails to and from clients sf and DE	4.00
3/18/14 emails to and from clients, governor filed notice of appeal, sf and DE	.90
3/19/14 received and reviewed extension of stay, emails with clients and co-counsel	2.00
3/20/14 emails to and from Ohio attorney, pc with co-counsel, reviewed filings from today and look at potential filings, meet w clients,	3.00
4/2/14 conference call with attorneys re briefs	2.00
4/4/14 rcvd RESPONSE to Motion re [60] MOTION for Attorney Fees <i>and Costs</i> filed by Steve Beshear., reviewed same	.50
4/21/14 emails to and from co-counsel	.50
4/24/14 reviewed Judge's decision regarding motion to intervene, 2 atty so .20 times 2	.40
5/7/14 rvd and reviewed Beshear's brief, sf	1.00
5/8/14-First read through of Appellant Beshear's brief . Notes regarding procreation, DE	2.0
5/9/14- Read and reviewed 6 th Cir Amicus Curiae brief filed by David A. Robinson. Notes regarding said brief. Research as to the issue of procreation and the history thereof regarding marriage in KY, DE	2.5
5/10/14- Re-Read and reviewed 6 th Cir Amicus Curiae brief filed by David A. Robinson and Appellant Beshear's brief. Notes regarding said brief, DE	1.75

5/13/14 pulled all emails and motions not already accounted for and reviewed same, and discussed with other attorneys, sf	5.25 hours
5/13/14- Read and reviewed 6 th Cir Amicus Curiae brief filed by North Carolina Values Coalition, DE	1.5
5/14/14 emails to and from other counsel, reviewed 2 briefs that came in today, sf and DE	2.5
5/15/14 finished reviewing Beshear's brief and 2nd one filed yesterday, sf	1.25
5/15/14- Read and reviewed 6 th Cir Amicus Curiae brief filed by Stan Cave on behalf of the Family Trust Foundation of KY/ notes regarding said brief, DE	2.75
5/16/14-- Read and reviewed 6 th Cir Amicus Curiae brief filed by The Becket Fund for Religious Liberty in support of Appellant Beshear/ notes regarding said brief, DE	2.75
5/17/14- Read (twice actually because I couldn't believe what I was reading) 6 th Cir Amicus Curiae brief filed by David Boyle from Long Beach, CA. Notes as to his rather ridiculous argument in support of Appellant, DE	3.0
5/22/14- Read and reviewed the Amicus Curiae submitted by Stan Cave on behalf of the Family Trust Foundation of KY. Notations as to his response brief to Plaintiff's motion for Summary Judgment, Read and reviewed the brief submitted by counsel on behalf of Defendant Beshear. Notations as to his response brief to Plaintiff's motion for Summary Judgment, DE	3.0
5/25/14 discuss case with co-counsel (so half the time for each attorney), sf and DE	1.0
5/27/14 discuss case with co-counsels, sf and DE	1.50
5/30/14- Read and reviewed 6 th Cir draft/response to Appellants's brief DE	1.5
5/31/14 worked on draft of brief, emailed comments and corrections to Joe, sf	1.5
5/31/14- Review of 6 th Circuit Draft. Notations regarding corrections. Email to Joe regarding draft and changes. DE	2.0
6/1/14- Read draft of Amicus Curiae brief (Republican Brief) in support of Appellees, DE	.5
6/1/14- Read draft of Amicus Curiae brief written by counsel for Western Republicans in support of Appellees, DE	.5
6/2/14 reviewed draft of brief , sf and DE	1.50
6/3/14 spoke with Mary B regarding briefs that still need work. Was assigned Republican, family and religious briefs, Work on Republican and Religious briefs, research regarding family law brief, spoke with Jamie Abrams regarding Family Law brief. Emailed her KY same sex adoption appeal documents. DE	5.5

contact business owners for business brief and talk to counsel on that,sf	2.5
6/4/14 talk to businesses re business brief, sf	2.0
spoke with Louis Waterman in regards to the first same sex divorce filing in KY. Louis gave me an update on the case, info to be used in 6 th cir family law brief and emailed comments to Jamie Abrams, Research into Republican brief. Emailed and spoke with possible participants to the brief, DE	4.25
6/5/14 talk to businesses re business brief, sf	1.25
Spoke with numerous elected and former elected Republican officials asking for their support in KY's marriage equality case. DE	3.0
6/6/14- Read and reviewed Order (Henry v. Himes) granting Plaintiffs motion for5 Declaratory Judgment and Permanent Injunction U.S. District Court-Southern District Ohio. Review of case law cited in the Order, calls to (for Republican brief) Laura Rice, email to former KY Senator Lindy Casebier, email to Ken Fleming (elected R official), email to Bill Lamb (R-WDRB tv); Conversation with head of Log Cabin Republicans (both national and KY Chapters, call to Bill Sharp (ACLU- for religious brief) and calls to 6 religious leaders in Owensboro, Lexington, Bowling Green and Louisville regarding participation in Religious Brief. DE	7.5
6/7/14 worked on business briefs and discussions with Mary re same, sf	2.5
6/9/14 worked on business brief and 6 th circuit brief, work on Republican and Religious briefs, sf	3.5
6/10/14 worked on briefs and pc to Beshear's council re amicus, told to call Bill Jones on his cell, 606-923-9132, did so, LM, pc back from him, pc to him again, LM, talk with other attys re briefs, sf	1.5
calls regarding Republican brief support in KY-, DE	2.5
6/11/14 pc from opposing counsel, they won't to blanket approval of briefs, email to attys re same, emails to and from counsel re amicus and business briefs, SF and DE	.60
6/12/14 pcs with co-counsel, SF and DE	.70
6/13/14 reviewed filings from today, SF	1.1
read and reviewed MOTION to file AMICUS BRIEF filed by Benjamin G. Shatz for Howard University School of Law Civil Rights Clinic and their AMICUS BRIEF filed by <i>Benjamin G. Shatz, counsel for amicus curiae Howard University School of Law Civil Rights Clinic.</i> DE	.75
6/14/14 discuss briefs and arguments in same, SF and DE	.40
6/16/14 start pulling filings from today, contact with clients, SF	1.0

read and reviewed MOTION to file AMICUS BRIEF filed by Catherine E. Stetson for Historians of Anti-Gay Discrimination and their AMICUS BRIEF filed by *Catherine E. Stetson Historians of Anti-Gay Discrimination*. Read and reviewed AMICUS BRIEF filed by *Chase Strangio for Leadership Conference on Civil and Human Rights, American Civil Liberties Union, et al.* Read and reviewed both the MOTION to file AMICUS BRIEF filed by Jerome C. Roth, Nicole S. Phillis for Bay Area Lawyers for Individual Freedom (BALIF), et al. and the AMICUS BRIEF filed by *Jerome C. Roth, Nicole S. Phillis on behalf of Bay Area Lawyers for Individual Freedom (BALIF), et al.*, Read and reviewed both the MOTION to file AMICUS BRIEF filed by Andrew J. Davis for Parents, Families and Friends of Lesbians and Gays, Inc. and the AMICUS BRIEF filed by *Andrew J. Davis for Parents, Families and Friends of Lesbians and Gays, Inc.* DE 3.5

6/17/14 start reading additional amicus, and notes and outline on those, contact with clients, SF 2.00

read and reviewed MOTION to file AMICUS BRIEF filed by Carmine D. Boccuzzi, Jr. for American Sociological Association and the AMICUS BRIEF filed by Mr. Carmine D. Boccuzzi, Jr. for American Sociological Association, Read and reviewed both MOTION to file AMICUS BRIEF filed by Nicholas M. O'Donnell for GLMA: Health Professionals Advancing LGBT Equality and the AMICUS BRIEF filed by Mr. Nicholas M. O'Donnell for GLMA: Health Professionals Advancing LGBT Equality., Read and reviewed MOTION to file AMICUS BRIEF filed by Paul R.Q. Wolfson for Gay & Lesbian Advocates & Defenders and the AMICUS BRIEF filed by Mr. Paul R.Q. Wolfson for Gay & Lesbian Advocates & Defenders, Read and reviewed MOTION to file AMICUS BRIEF filed by Carmine D. Boccuzzi, Jr. for American Sociological Association. Read and Reviewed AMICUS BRIEF filed by Mr. Carmine D. Boccuzzi, Jr. for American Sociological Association., DE 5.5

6/18/14- Read and reviewed MOTION to file AMICUS BRIEF filed by Sean R. Gallagher for Daniel J. Acciavatti, et al and the AMICUS BRIEF filed by *Sean R. Gallagher*, Read and reviewed MOTION to file AMICUS BRIEF filed by Christopher D. Man for OUSERVE-SLDN and The American Military Partner Association and read and reviewed AMICUS BRIEF filed by *OUTSERVE-SLDN and The American Military Partner Association*, Read and reviewed MOTION to file AMICUS BRIEF filed by Christy L. Anderson for Family Equality Council and COLAGE and their AMICUS BRIEF filed by Ms. Christy L. Anderson for Family Equality Council *Family Equality Council and COLAGE*, read and reviewed MOTION to file AMICUS BRIEF filed by Ria Tabacco Mar for NAACP Legal Defense & Educational Fund, Inc. and the AMICUS BRIEF filed by *Ria Tabacco Mar for Amicus Curiae NAACP Legal Defense & Educational Fund, Inc.* DE 5.5

6/19/14- Read and reviewed MOTION to file AMICUS BRIEF filed by Elizabeth B. Wydra for Cato Institute & Constitutional Accountability Center as well as AMICUS BRIEF filed by *Elizabeth B. Wydra for Cato Institute and Constitutional Accountability Center*, read and reviewed MOTION to file AMICUS BRIEF filed by Sara Bartel for Joan Heifetz Hollinger, Courtney Joslin, Sarah Abramowicz, Jamie Abrams and Fifty-two Other Family Law Professors as well as read and reviewed the AMICUS BRIEF filed by *Joan Heifetz Hollinger, Courtney Joslin, Sarah Abramowicz, Jamie Abrams and Fifty-two Other Family Law Professors*

DE

3.0

6/20/14- Read and reviewed MOTION to file AMICUS BRIEF filed by Ria Tabacco Mar for NAACP Legal Defense & Educational Fund, Inc.. Read and reviewed AMICUS BRIEF filed by *Ria Tabacco Mar for Amicus Curiae NAACP Legal Defense & Educational Fund, Inc.*. Read and Reviewed MOTION to file AMICUS BRIEF filed by Suzanne B. Goldberg for Columbia Law School Sexuality and Gender Law Clinic. Read and Reviewed AMICUS BRIEF filed by *Suzanne B. Goldberg on behalf of Columbia Law School Gender and Sexuality Law Clinic*, Read and reviewed AMICUS BRIEF filed by *Chase Strangio for Leadership Conference on Civil and Human Rights, American Civil Liberties Union, et al.*

DE

3.0

6/21/14- Read and reviewed AMICUS BRIEF filed by *Jeffrey S. Trachtman, BISHOPS OF THE EPISCOPAL CHURCH IN KENTUCKY, MICHIGAN, OHIO, AND TENNESSEE; GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST; MORMONS FOR EQUALITY; RECONSTRUCTIONIST RABBINICAL ASSOCIATION; RECONSTRUCTIONIST RABBINICAL COLLEGE, ET AL*, Read and reviewed AMICUS BRIEF filed by Ms. Marcia D. Greenberger for Legal Momentum, Gender Justice, Legal Voice, National Association of Women Lawyers, National Partnership for Women & Families, Women's Law Project, Women Lawyers Association of Michigan, Professors of Law Associated with The Williams Institute, National Womens Law Center, ERA and SW Women's Law Center *Michigan Association for Justice* and read and reviewed MOTION to file AMICUS BRIEF filed by Marcia D. Greenberger for NWLC, ERA, Gender Just., Legal Momentum, Legal Voice, Mich. Ass'n for Just., Nat'l Ass'n of Wom. Lawyers, Nat'l P'ship for Wom. & Fam., SW Wom. L. Ctr., Wom. Lawyers Ass'n of Mich., WLP, Profs. of Law Associated with the Williams Inst, DE

2.5

6/22/14- read and reviewed MOTION to file AMICUS BRIEF filed by G. David Carter for Law Enforcement Officers and Organizations. De

.5

6/22/14- read AMICUS BRIEF filed by *Rocky C. Tsai, Anti-Defamation League, et al.* DE .9

6/23/14- read AMICUS BRIEF filed by *Michael L. Whitlock for Employers and Organizations Representing Employers* and MOTION to file AMICUS BRIEF filed by Michael L. Whitlock for Employers and Organizations Representing Employers. DE

1.0

6/23/14- read and reviewed MOTION to file AMICUS BRIEF filed by Michael L. Whitlock for Employers and Organizations Representing Employers and AMICUS BRIEF filed by *Jessica M. Weisel*.

DE

1.0

6/24/14-read and reviewed MOTION to file AMICUS BRIEF filed by Diane M. Soubly for Constitutional Law Scholars A Bhagwat, L Bollinger, E Chermerinsky, W Dellinger, M Dorf, L Epstein, D Farber, B Friedman, E Katz, J Jeffries, Jr., L Lessig, W Marshall, F Michelman, J Schacter, S Sherry, G Stone, D Strauss, L Tribe & W Van Alstyne. , read MOTION to file AMICUS BRIEF filed by Marjory A. Gentry for Family Law and Conflict of Laws Professors and their AMICUS BRIEF filed by *Marjory A. Gentry - Family Law and Conflict of Laws Professors in Support of Plaintiffs-Appellees and Affirmance.* DE 2.5

6/24/14 discuss case with client and co-counsel, SF	1.00
6/30/14 communicate with clients and talk to co-counsel, SF and DE	.40
7/1/14 communicate with clients and co-counsel, SF and DE	.60
7/2/14 communicate with clients and co-counsel, SF and DE	.40
7/3/14 communicate with clients and co-counsel, SF and DE	.60
7/4/14 communicate with clients and co-counsel, SF and DE	.60
7/7/14 communicate with clients and co-counsel, SF and DE	1.0
7/8/14 communicate with clients and co-counsel, SF and DE	.40
7/14/14 communicate with clients and co-counsel, SF and DE	2.00
7/15/14 read and outline a brief, SF and DE	2.75
7/17/14 read and outline briefs , SF and DE	2.25
7/18/14 mock 6 th circuit arguments with counsel, 4 hours each for sf and de	8.00
7/25/14 prep for 6 th circuit with co-counsel, SF and DE	3.00
7/29/14 reviewed court filings, talk to client and co-counsel, SF and DE	1.50
8/3/14 discuss case with clients, sf	1.5
8/4/14 discuss case with clients	.75

8/5/14 discuss case with clients and co-counsel, drive to Cincy, meet with clients separately, sf and DE	8.00
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Hotel	\$336.06
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8/6/14 6 th Circuit Arguments, meet with clients before and after and talk with co-counsel, travel back to Louisville, sf and DE	24.00
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8/8/14 meet with clients, sf	.75
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8/27/14 discuss case with clients, and co-counsel, sf and de	.4
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11/6/14 rcvd and reviewed 6 th circuit's opinion, talked to clients, co-counsel, 2 attys so	4.0
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11/7/14 talk with clients and co-counsel, research, SF and DE	8.0
11/8/14 research, communicate with clients and co-counsel, SF and DE	13.5
11/9/14 research, communicate with co-counsel, meet with clients, SF and DE	10.5
11/10/14 research, communicate with co-counsel, SF and DE	4.0
11/11/14 meet with clients, talk to co-counsel, research, SF and DE	2.0
11/12/14 draft , SF and DE	3.75
11/13/14 reviewed and worked on draft, sf and DE	3.5
11/17/14 discuss case with clients, and co-counsel, sf and de	.4
12/3/14 discuss case with clients, and co-counsel, sf and de	1.6
12/9/14 rcvd and reviewed Beshear's brief in support of cert, SF and DE	1.5
12/15/14 reviewed contract with Stanford, talked with co-counsel, SF and DE	1.5
12/18/14 reviewed draft of reply brief, talked with co-counsel, sf, de	.9
1/3/15 reviewed our response to Beshear's response to our brief, SF and DE	.4
1/4/15 meet with clients, SF and DE	3.0
1/6/15 discuss case with counsel, sf and DE	.4
1/7/15 discuss case with counsel, sf and DE	.4
1/7/15 discuss case with counsel and clients, 1hour times 2 attys	2.0
1/16/15 meet with client and co-counsel, and pc with co-counsel, SF and DE	2.5
1/17/15 converse with co-counsel, SF and DE	1.0
1/20/15 multiple conference calls with other counsel, SF and DE	4.0
1/22/15 conversations with clients and co-counsel, SF and DE	.6
2/2/15 conversations with clients and co-counsel, SF and DE	.6
2/4/15 reviewed draft, SF and DE	1.2
2/11/15 conference call with ACLU etc, both sf and DE 1.5 hours each	3.0
2/13/15 emails with clients and co-counsel, worked on briefs, SF and DE	.6

2/14/15 emails with clients and co-counsel, worked on briefs, SF and DE	.8
2/15/15 emails with clients and co-counsel, worked on briefs, SF and DE	.8
2/18/15 conference call with ACLU etc, both sf and DE .5 hours each	1.0
2/23/15 review briefs, DE	3.0
conference call with ACLU, etc, both SF and DE, 2.5 hours each	5.00
2/24/15 worked on edits for brief, SF and DE	3.5
2/25/15 emails with co-counsel, SF and DE	.5
2/26/15 emails with co-counsel, SF and DE	.8
2/27/15 communicate with co-counsel re briefs, sf and DE	1.0
2/28/15 emails with clients, SF and DE	.4
3/4/15 conference call with ACLU etc, sf	.75
3/5/15 communicate with clients and co-counsel, review briefs 7.5 hours each for sf and de	15.00
3/6/15 communicate with co-counsel and clients, SF and DE	.5
3/7/15 communicate with clients and co-counsel, SF and DE	.75
3/8/15 communicate with clients and co-counsel, SF and DE	.3
3/9/15 communicate with clients and co-counsel, SF and DE	.6
3/10/15 communicate with clients and co-counsel, SF and DE	.5

Expenses below are for Supreme Court trip on 4/28/15

03/10/2015	04:08 PM	\$1,572.92	CARD TRANSACTION : TRAVEL RESERVATION USA, 800-367-3476, NV FROM CA XXXXXXXXXXXX7859
03/10/2015	04:09 PM	\$995.10	CARD TRANSACTION : US AIRWAYS, US DCDXJL, TULSA, OK FROM CARD#: XX

3/11/15	communicate with clients and co-counsel, sf and DE 2.0 hours each so	4.0
3/12/15	communicate with co-counsel re arguments, sf and De 1.5 hours each	3.0
3/13/15	communicate with co-counsel re arguments,, including conference call, sf and De 1.5 hours each	3.0
3/14/15	communicate with co-counsel re arguments, sf and De 1.0 hours each	2.0

3/15/15 communicate with co-counsel re arguments, sf and De 1. hours each	2.0
3/16/15 communicate with co-counsel re arguments and briefs, sf and De 1.5 hours each	3.0
3/17/15 communicate with co-counsel re arguments, meet with clients and co-counsel, sf and De 3.0 hours each	6.0
3/18/15 read briefs, meet with clients and co-counsel, discuss case, and S.Ct. both sf and DE	4.0
3/19/15 talk with clients, review briefs, talk with co-counsel both sf and DE	5.0
3/20/15 reviewed briefs, discuss case with clients, sf	8.0
3/21/15 talk with clients, review briefs, talk with co-counsel both sf and DE	10.0
3/22/15 talk with clients, review briefs, talk with co-counsel both sf and DE	12.0
3/23/15 talk with clients, review briefs, talk with co-counsel both sf and DE	16.5
3/24/15 talk with clients, review briefs, talk with co-counsel both sf and DE	8.0
3/25/15 talk with clients, review briefs, talk with co-counsel, attend 3 different oralist presentations for Q2, both sf and DE (10) hours each	20.0
Parking	\$7.00

3/29/15 go to Ann Arbor to meet with co-counsel and clients about Q1, 20 hours, DE	20.00
Meals	\$54.55
Speak with co-counsel, review briefs, sf	2.0
4/1/15 conference call with co-counsel, DE and SF	2.0
4/3/15 review briefs, speak with co-counsel, sf and DE	20.0
4/5/15 review briefs, speak with co-counsel and clients, sf and de	21.5
4/5/15 review our brief, make edits, read other briefs, consult with counsel, sf and DE	20.0
4/6/15 review briefs, speak with co-counsel, both sf and de, total	18.0
4/7/15 reading, compiling, editing briefs and talk with co-counsel , both sf and de, total	19.0
4/8/15 reading, compiling, editing briefs and talk with co-counsel , both sf and de, total	19.5

4/9/15 reading, compiling, editing briefs and talk with co-counsel , both sf and de, total	18.5
4/10/15 editing briefs, reviewing briefs, conference call with co-counsel, sf and DE	12.5
4/11/15 reviewing briefs, confer with co-counsel, sf and DE	17.0
4/12/15 editing brief, reviewing briefs, confer with co-counsel, sf and DE	18.5
4/13/15 editing brief, reviewing briefs, confer with co-counsel, sf and DE	12.5
4/14/15 editing brief, reviewing briefs, confer with co-counsel, talk to clients, sf and DE	15.25
4/15/15 editing brief, reviewing briefs, confer with co-counsel, travel to Stanford, meet with clients, sf and DE 13 hours each	26.0
4/16/15 meet with legal team in Stanford, meet with clients, talk to co-counsel, 10 hours each	20.00
	Car rental \$98.27
4/17/15 travel back from Stanford, discuss case with co-counsel and clients, final review of brief prior to filing 14 hours each	28.00
	Parking \$27.00
4/18/15 talk with clients, review briefs, talk with co-counsel, sf and DE	5.5
4/19/15 communicate with co-counsel, prepped for SCT, SF and DE	2.25
4/20/15 communicate with clients and co-counsel, sf and de	1.25
4/21/15 communicate and meet with clients and co-counsel, sf and de	4.30
4/22/15 talk with clients, conference call with ACLU, etc, meet with clients to prepare for Oral Arguments, sf and de 2 hours each	4.0
4/23/15 talk with clients and co-counsel re Oral Arguments, sf and de	3.0
4/24/15 talk with clients and co-counsel re Oral Arguments, sf and de	2.5
4/25/15 talk with clients and co-counsel re Oral Arguments, sf and de	3.0
4/26/15 travel to DC for oral Arguments, sf, de and SW, meet with clients and co-counsel re Oral Arguments, sf and de 10 hours each	20.0
For attorneys	
For paralegal	10.0

4/27/15 talk with clients and co-counsel re Oral Arguments, prep for same, sf and de and SW
 4 hours each for attorneys 8.0
 For paralegal 4.0

4/28/15 oral arguments and meet with clients, before, during and after, 12 hours each, sf, de and sw
 For attorneys 24.0
 For paralegal 12

4/29/15 talk with clients and co-counsel re Oral Arguments, sf and de and SW,
 For attorneys 8.0
 For paralegal 3.0

4/28/15 numerous other taxi rides and meals while in DC for both attorneys and paralegal No Charge

04/29/2015	\$10.01		DEBIT CARD PURCHASE AT TAXICHARG WASHINGT, WASHINGTON, DC ON 042815 FROM CARD# XXXXXXXXXXXXX8135
04/29/2015	\$10.00		MERCHANT PAYMENT NWS ERM00633 AT LOC 767298 1500 Blk 20th Street, N Washington D
04/29/2015	\$6.97		DEBIT CARD PURCHASE AT TAXI CAB SERVICE, WASHINGTON, DC ON 042715 FROM CARD# XXXXXXXXXXXXX8135

4/30/15 talk with clients and travel back from Oral Arguments, sf, de and sw
 For attorneys 14.0
 Paralegal 6.0

04/30/2015	\$36.00		DEBIT CARD PURCHASE AT LRAA PARKING, LOUISVILLE, KY ON 042915 FROM CARD#: XXX
04/30/2015	\$19.95		DEBIT CARD PURCHASE AT DC TAXI G860, LONG ISLAND, NY ON 042915 FROM CARD#: XXXXXXXXXXXXX8135

5/1/15 review oral arguments, sf 3.0
 5/26/15 discuss case with clients, sf and DE .4
 6/12/15 discuss case with clients , sf .4

6/15/15 checked SCOTUS sf	.5
6/16/15 conference call with co-counsel, sf and DE, .5 each	1.0
6/18/15 checked SCOTUS, discuss case with clients, sf and DE	1.2
6/22/15 checked SCOTUS sf	.5
6/23/15 discuss case with clients, sf	.25
6/24/15 discuss case with clients, sf	.25
6/25/15 discuss case with clients, sf	.5
6/26/15 checked SCOTUS, read decision, meet with clients and other attorneys, sf and DE	14.0
hours total for both attorneys	

Hours for Dawn Elliott and Shannon Fauver at \$250 per hour, 849.25 = \$212,312.50

Hours for Paralegal for Supreme Court trip 35 at \$80 per hour= \$2,800

Expenses: \$3,1783.83

The above are for Bourke v. Beshear

Time on Love v. Beshear

3/1/14 emails to and from clients, sf and DE	.4
3/16/14 emails to and from clients.sf	.20
3/17/14 review recent files from weekend and prep for pc with judge, sf and de	2.5
Conference with Judge	1.0
4/15/14 emails to and from attys, sf	.20
4/17/14 emails from and to atty, pc with co-counsel, emails to and from clients, review and draft affidavits, sf and de	2.0
4/18/14 meet with clients, email counsel, reviewed MSJ , sf and de	1.50
4/23/14 rvd MSJ, reviewed same and talk with co-counsel, sf	.50

4/24/14 reviewed Judge's decision regarding motion to intervene, 2 atty so .20 times 2	.40
4/29/14 rcvd and reviewed motion and brief from ACLU, sf and de	1.00
5/13/14 pulled all emails and motions not already accounted for and reviewed same, sf	.25
5/14/14 emails with co-counsel , sf and de	.50
5/20/14 emails from and to clients, reviewed Beshear's response, sf and de	1.0
5/25/14 talked to clients, sf	.30
5/26/14 read Family foundations brief and ACLU brief again, email to clients re same, sf	2.5
5/25/14 discuss case with co-counsel (so half the time for each attorney) sf and de	1.0
5/27/14 discuss case with co-counsels, sf and de	.50
5/28/14 worked on brief and response, sf and de	1.25
6/13/14 communication with clients, sf	.10
6/19/14 communicate with clients, sf	.20
6/24/14 communicate with clients, sf	.10
6/25/14 communicate with clients and talk to co-counsel, sf and de	.30
6/30/14 communicate with clients and talk to co-counsel, sf and de	.35
7/1/14 meet with clients, talk to co-counsel, sf and de	1.5
7/3/14 talk with co-counsel, sf and de	.5
7/4/14 talk with clients, sf	1.0
7/7/14 talk with clients , sf	.2
7/8/14 talk with clients and co-counsel, rcvd notice of appeal, sf and de	1.00
7/9/14 communicate with co-counsel and clients, sf and de	.3
<hr/>	
7/15/14 talk to co counsel and clients, sf and de	.5
7/16/14 filed notices of appearance, sf and de	.30
7/26/14 reviewed governor's filings, sf and de	1.0

7/24/14 reviewed response, sf and de 1.0

7/25/14 prep for 6th circuit with co-counsel, sf and de 1.50

7/29/14 reviewed court filings, talk to client and co-counsel, sf and de .50

27.35 hours for both attorneys together at \$250 per \$6,837.50 for Love v. Beshear

ACLU Counsel Attorney Time for Bourke-Love v. Beshear

Attorney	Hours	Rate	Total
James D. Esseks	206.90	\$700.00	\$144,830.00
Joshua A. Block	76.91	\$400.00	\$30,764.00
Chase B. Strangio	96.40	\$325.00	\$31,330.00
Totals	380.21		\$206,924.00

(Details of time records appear on subsequent exhibits)

ACLU Counsel Travel Expenses for Bourke-Love v. Beshear

\$5,589.52 : Bourke-Love v. Beshear Expenses (see detail, p. 1)
\$2,210.64 : Bourke portion of Bourke-Love v. Beshear / Obergefell v. Wymyslo Expenses (see detail, p. 2)
\$7,800.16 : Bourke-Love v. Beshear Total Expenditures

Meetings w/ Clients and Co-Counsel in Louisville, KY

Feb. 4, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
C. Strangio	Amex Interactive	1/30/2015	Amex booking fee	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$9.00
C. Strangio	American Airlines	1/30/2015	Travel - Airfare	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$67.50
C. Strangio	United Airlines	1/30/2015	Travel - Airfare	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$302.92
C. Strangio	LGA Au Bon Pain	2/4/2015	Food - Breakfast	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$7.57
C. Strangio	Quiznos SDF	2/5/2015	Food - Breakfast	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$2.96
C. Strangio	Primo Cappuccino	2/5/2015	Food - Lunch	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$8.38
C. Strangio	Hilton Garden Inn Louisville	2/6/2015	Lodging - Hotel stay	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$196.16
C. Strangio	LGA Figs	2/20/2015	Food - Lunch	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$4.44
C. Strangio	Boingo Wireless	2/21/2015	Travel - Wifi Access	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$7.95
C. Strangio	Boingo Wireless	2/22/2015	Travel - Wifi Access	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$7.95
J. Esseks	Amex Interactive	1/30/2015	Booking fees	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$9.00
J. Esseks	United Airlines	1/30/2015	Travel - Airfare	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$302.92
J. Esseks	American Airlines	1/30/2015	Travel - Airfare	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$195.60
J. Esseks	LGA Au Bon Pain	2/4/2015	Food - Breakfast	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$5.53
J. Esseks	S&R Medallion	2/4/2015	Travel - Cab fare	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$37.30
J. Esseks	Stars of Louisville	2/5/2015	Food - Breakfast w/ CS	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$19.65
J. Esseks	Burrito Beach IL	2/5/2015	Food - Lunch	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$9.81
J. Esseks	NYC Taxi	2/5/2015	Travel - Cab fare	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$56.63
J. Esseks	NYC Taxi	2/5/2015	Travel - Cab fare	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$11.30
J. Esseks	Hilton Garden Inn KY	2/6/2015	Lodging - Hotel stay	re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$196.16
Event Total:					\$1,458.73

Meeting w/ Solicitor General in Washington, D.C.

Feb. 5, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
J. Esseks	Amex Interactive	1/30/2015	Guest Booking fees	re: Bourke-Love / DC Mtg w/ Solicitor General (Dan Canon)	\$9.00
J. Esseks	US Airways Inc.	1/30/2015	Guest Airfare	re: Bourke-Love / DC Mtg w/ Solicitor General (Dan Canon)	\$530.20
Event Total:					\$539.20

Moot Argument for QP1 in Ann Arbor, MI

Mar. 29, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
J. Esseks	Amex Interactive	3/21/2015	Amex booking fee	re: Bourke-Love / QP1 Moot in Ann Arbor	\$9.00
J. Esseks	US Airways Inc.	3/21/2015	Travel - Airfare	re: Bourke-Love / QP1 Moot in Ann Arbor	\$194.10
J. Esseks	American Airlines	3/21/2015	Travel - Airfare	re: Bourke-Love / QP1 Moot in Ann Arbor	\$188.10
J. Esseks	Amex Interactive	3/23/2015	Booking fees (guest)	re: Bourke-Love / QP1 Moot in Ann Arbor	\$9.00
J. Esseks	JetBlue Airways	3/23/2015	Travel - Guest Airfare	re: Bourke-Love / QP1 Moot in Ann Arbor	\$448.17
J. Esseks	Delta Airlines	3/23/2015	Travel - Guest Airfare	re: Bourke-Love / QP1 Moot in Ann Arbor	\$291.10
J. Esseks	NYC Taxi	3/29/2015	Travel - Cab fare	re: Bourke-Love / QP1 Moot in Ann Arbor	\$61.80
J. Esseks	Enterprise Rent-A-Car	3/29/2015	Travel - Car Rental	re: Bourke-Love / QP1 Moot in Ann Arbor	\$34.38
J. Esseks	Brooklyn National	3/29/2015	Food - Breakfast	re: Bourke-Love / QP1 Moot in Ann Arbor	\$7.61
J. Esseks	GOGOAIR	3/29/2015	Travel - Wifi	re: Bourke-Love / QP1 Moot in Ann Arbor	\$9.95
J. Esseks	Delta Airlines	3/30/2015	Travel - Airfare	re: Bourke-Love / QP1 Moot in Ann Arbor	\$797.10
J. Esseks	All Taxi Mgmt	3/30/2015	Travel - Taxi	re: Bourke-Love / QP1 Moot in Ann Arbor	\$45.84
Event Total:					\$2,096.15

Meeting w/ Clients and Co-Counsel in Stanford, CA

Apr. 15, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
J. Esseks	Delta Air Lines	4/3/2015	Airfare - VBUDIV	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$511.31
J. Esseks	Amex Interactive	4/3/2015	Booking fee - VBUDIV	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$9.00
J. Esseks	Amex Interactive	4/4/2015	Lodging - FRDMTM	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$9.00
J. Esseks	Stanford Motor Inn	4/15/2015	Lodging - FRDMTM	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$379.20
J. Esseks	JFK TVM	4/15/2015	Travel - Public Transit	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$5.00
J. Esseks	Corner Bakery CA	4/16/2015	Food - Breakfast	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$5.64
J. Esseks	Delta Air Lines	4/16/2015	Food - Dinner	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$9.49
J. Esseks	Alamo Car Rental	4/17/2015	Car rental - VBUDIV	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$131.07
J. Esseks	Three Twins SF	4/17/2015	Food - Breakfast	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$7.55
J. Esseks	Shell Oil	4/17/2015	Travel - Fuel	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$5.53
J. Esseks	JFK TVM	4/17/2015	Travel - Public Transit	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$7.00
J. Esseks	GoGolnFlight	4/17/2015	Travel - Wifi	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$9.50
J. Esseks	Delta Air Lines	4/18/2015	Food - Dinner	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$6.99
J. Esseks	SSP NY	4/21/2015	Food - Dinner	re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$12.18
Event Total:					\$1,108.46

Moot Argument in Washington, D.C.

Apr. 19, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
J. Esseks	Amex Interactive	4/18/2015	Booking fee - TFBFRZ	re: Bourke-Love / Mary Bonauto Moot	\$9.00
J. Esseks	Amtrak	4/18/2015	Rail fare - TFBFRZ	re: Bourke-Love / Mary Bonauto Moot	\$316.00
J. Esseks	Zaro's Bread	4/19/2015	Food - Breakfast	re: Bourke-Love / Mary Bonauto Moot	\$5.75
J. Esseks	Union Station Au Bon Pain	4/19/2015	Food - Dinner	re: Bourke-Love / Mary Bonauto Moot	\$12.34
J. Esseks	Pret Manager 42	4/19/2015	Food - Lunch	re: Bourke-Love / Mary Bonauto Moot	\$12.29
J. Esseks	All Taxi Mgmt	4/19/2015	Travel - Taxi	re: Bourke-Love / Mary Bonauto Moot	\$16.80
J. Esseks	NYC Taxi	4/19/2015	Travel - Taxi	re: Bourke-Love / Mary Bonauto Moot	\$14.80
Event Total:					\$386.98

KY Marriage / Event Summary

Summary Total

re: Bourke-Love / DC Mtg w/ Solicitor General (Dan Canon)	\$539.20
re: Bourke-Love / Legal Team & Plaintiff Mtg (KY)	\$1,458.73
re: Bourke-Love / Legal Team & Plaintiff Mtg (SF)	\$1,108.46
re: Bourke-Love / Mary Bonauto Moot	\$386.98
re: Bourke-Love / QP1 Moot in Ann Arbor	\$2,096.15

KY Marriage / Grand Total **\$5,589.52**

Moot Arguments for QP2 in Louisville, KY

Mar. 25, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
J. Esseks	Amex Interactive	3/17/2015	Amex booking fee	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$9.00
J. Esseks	Amex Interactive	3/17/2015	Amex booking fee	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$9.00
J. Esseks	Delta Airlines	3/17/2015	Travel - Airfare	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$1,077.79
J. Esseks	Chilis KY	3/25/2015	Food - Lunch w/ S. Sommer	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$22.36
J. Esseks	Safier Deli	3/25/2015	Food - Dinner w/ legal team	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$61.00
J. Esseks	NYC Taxi	3/25/2015	Travel - Cab fare	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$43.84
J. Esseks	Ready Cab Company	3/25/2015	Travel - Cab fare	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$23.46
J. Esseks	Starbucks SDF	3/26/2015	Food - Breakfast	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$8.88
J. Esseks	Laguardia LLC	3/26/2015	Food - Lunch	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$8.60
J. Esseks	Red Roof Inn	3/26/2015	Lodging - Hotel stay	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$142.46
J. Esseks	NYC Taxi	3/26/2015	Travel - Cab fare	re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$55.84
Event Total:					\$1,462.23

Moot Arguments in Washington, D.C.

Apr. 21 - 25, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
J. Esseks	Amex Interactive	4/3/2015	Booking fee - AYGZXF	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$9.00
J. Esseks	Amex Interactive	4/20/2015	Booking fee - UUERQR	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$9.00
J. Esseks	Amtrak	4/20/2015	Rail fare - UUERQR	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$169.00
J. Esseks	Amex Interactive	4/21/2015	Booking fee - UNODVE	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$9.00
J. Esseks	Amex Interactive	4/21/2015	Booking fee - VVGLQEM	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$9.00
J. Esseks	Amtrak	4/21/2015	Rail fare - VQLQEM	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$169.00
J. Esseks	Au Bon Pain DC	4/21/2015	Food - Breakfast	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$6.14
J. Esseks	Tiburon Lockers	4/21/2015	Prof Svcs - Storage	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$30.00
J. Esseks	DC Metrorail	4/21/2015	Travel - Public Transit	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$15.00
J. Esseks	Pret Manager 46	4/22/2015	Food - Breakfast	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$5.92
J. Esseks	Epicurean & Co	4/22/2015	Food - Lunch	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$13.29
J. Esseks	VTS Grand Cab	4/22/2015	Travel - Taxi	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$16.72
J. Esseks	Holiday Inn Georgetown	4/23/2015	Lodging - UNODVE	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$354.49
J. Esseks	DC Taxi	4/23/2015	Travel - Taxi	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$10.01
J. Esseks	TaxiCharge DC	4/23/2015	Travel - Taxi	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$11.94
J. Esseks	Au Bon Pain DC	4/24/2015	Food - Breakfast	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$6.14
J. Esseks	Sculpture	4/24/2015	Food - Lunch	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$11.00
J. Esseks	Amtrak	4/24/2015	Rail fare - VQLQEM	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	-\$41.00
J. Esseks	Club Quarters DC	4/25/2015	Lodging - AYGZXF	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$951.51
J. Esseks	Le Pain Quotidien	4/25/2015	Food - Breakfast	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$5.63
J. Esseks	Union Station Au Bon Pain	4/25/2015	Food - Dinner	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$10.92
J. Esseks	Jetties DC	4/25/2015	Food - Lunch	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$11.50
J. Esseks	Amtrak	4/25/2015	Rail fare - at terminal	re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$169.00
Event Total:					\$1,962.21

Oral Argument & Prep in Washington D.C.

Apr. 26 - 29, 2015

Staff	Vendor/Location	Trans. Date	Type	Description	Amount
J. Esseks	Amex Interactive	4/1/2015	Amex booking fee	re: KY & OH Marriage / SCOTUS Arguments	\$9.00
J. Esseks	Café Soleil DC	4/26/2015	Food - Dinner	re: KY & OH Marriage / SCOTUS Arguments	\$19.78
J. Esseks	Au Bon Pain DC	4/27/2015	Food - Breakfast	re: KY & OH Marriage / SCOTUS Arguments	\$6.25
J. Esseks	Pret Manager 46	4/27/2015	Food - Lunch	re: KY & OH Marriage / SCOTUS Arguments	\$12.29
J. Esseks	DC Metrorail	4/27/2015	Travel - Public Transit	re: KY & OH Marriage / SCOTUS Arguments	\$15.00
J. Esseks	Curb	4/28/2015	Travel - Taxi	re: KY & OH Marriage / SCOTUS Arguments	\$11.44
J. Esseks	Curb	4/28/2015	Travel - Taxi	re: KY & OH Marriage / SCOTUS Arguments	\$17.38
J. Esseks	VTS District Cab	4/28/2015	Travel - Taxi	re: KY & OH Marriage / SCOTUS Arguments	\$5.66
J. Esseks	Curb VA	4/28/2015	Travel - Taxi	re: KY & OH Marriage / SCOTUS Arguments	\$14.58
J. Esseks	Einstein Bros DC	4/29/2015	Food - Breakfast	re: KY & OH Marriage / SCOTUS Arguments	\$5.39
J. Esseks	Club Quarters DC	4/29/2015	Lodging - Hotel Stay	re: KY & OH Marriage / SCOTUS Arguments	\$711.06
J. Esseks	Amtrak	4/29/2015	Rail fare - GXWVRT	re: KY & OH Marriage / SCOTUS Arguments	\$169.00
Event Total:					\$996.83

KY & OH Marriage / Event Summary

Summary Total

re: KY & OH Marriage / QP2 Moot Argument in Louisville	\$1,462.23
re: KY & OH Marriage - Solicitor General / Howard Law / Georgetown Law Moots, Argument Prep	\$1,962.21
re: KY & OH Marriage / SCOTUS Arguments	\$996.83

KY & OH Marriage / Grand Total: \$4,421.27

Split Cost: \$2,210.64

Bourke v Beshear; Love v Beshear

Attorney time for James D. Esseks

<u>Date</u>	<u>Time</u>	<u>Description</u>
		draft Esseks declaration re fees; edit memorandum of law re fees; edit Canon
8/11/2015	6.5	declaration re fees; edit fee records for Esseks, Block, Strangio
5/1/2015	1	team call re arguments and prep for decision day
4/25/2015	2.1	draft strategic notes for M. Bonauto re moot and oral argument
4/25/2015	4.4	oral argument prep session with M. Bonauto, other advocates
4/25/2015	1.8	revise and revise research documents for M. Bonauto
4/24/2015	0.8	attend moot for Solicitor General (split entry)
		attend moot for M. Bonauto and D. Hallward-Driemeir at Georgetown Law
4/24/2015	2	School (split entry)
4/24/2015	0.9	debrief with oralists post moot; draft notes for oralists (split entry)
4/23/2015	3	oral argument prep session with M. Bonauto, other advocates
		attend moot for M. Bonauto and D. Hallward-Driemeir at Howard Law School
4/22/2015	2	(split entry)
4/22/2015	1	debrief with oralists post moot; draft notes for oralists (split entry)
4/21/2015	2	travel NY to DC for moot arguments; prep for moots en route (split entry)
4/21/2015	0.8	attend moot for Solicitor General (split entry)
4/21/2015	0.8	edit draft oral argument for M. Bonauto
4/19/2015	9	travel NY to DC for moot for M. Bonauto; prep for moot en route
4/19/2015	3	moot for M. Bonauto and debrief
4/16/2015	1.2	conference with legal team re reply brief
4/15/2015	1.6	phone call with M. Bonauto and team re oral argument prep
4/14/2015	2.1	edit reply brief
4/14/2015	1.3	team call re revisions to reply brief'
4/14/2015	0.9	revise oral argument prep document (split entry)
4/13/2015	0.5	review draft Michigan reply brief (split entry)
4/13/2015	0.6	review and revise oral argument prep materials (split entry)
4/11/2015	0.8	review edits to reply brief from GLAD; emails with M. Bonauto re same
4/11/2015	0.8	edit reply brief
4/10/2015	3.5	conferences with legal team re reply brief
4/10/2015	1.6	edit reply brief, consolidate edits from ACLU team

4/9/2015	1.1	revise revised reply brief
4/7/2015	2.1	review amicus briefs (split entry)
4/6/2015	0.8	emails about federalism argument, religious liberty argument
4/4/2015	0.4	review D. Canon edits to reply brief
4/3/2015	0.6	phone call M. Bonauto, S. Sommer, S. Minter, G. Buseck re coordination of arguments and oral argument prep (split entry)
4/3/2015	0.7	review oral argument prep materials from M. Bonauto (split entry)
4/3/2015	0.8	phone call M. Bonauto, J. Fisher, S. Shapiro re oral argument prep
4/3/2015	0.7	conference with S. Shapiro, C. Strangio, J. Block re reply brief edits
4/3/2015	3.1	edit reply brief
4/2/2015	2.3	edit reply brief
4/1/2015	1.8	edit reply brief
4/1/2015	1.2	team call re reply brief, oral argument prep
3/30/2015	0.3	review and revise letter to court re oralists (split entry)
3/30/2015	0.2	emails M. Bonauto re oral argument prep
3/29/2015	7	travel NY to Ann Arbor for QP1 moot
3/29/2015	7	QP1 moot and negotiations
3/29/2015	4.5	travel Ann Arbor to NY after QP1 moot
3/28/2015	7.6	review opposition briefs from Kentucky, Ohio, Michigan, Tennessee; emails re same
3/27/2015	0.7	emails about process for QP1 moot
3/27/2015	1.1	phone call with J. Fisher, team, re moot prep
3/26/2015	2.5	travel Louisville to NY after QP2 moot (split entry)
3/26/2015	0.9	emails about polygamy
3/25/2015	2.5	travel NY to Louisville for QP2 moot; prep en route (split entry)
3/25/2015	1.5	QP2 moot (split entry)
3/25/2015	2.5	moot for J. Fisher and debrief
3/24/2015	0.3	emails re QP1 moot
3/22/2015	0.9	emails re moot court judges and prep
3/21/2015	2.2	emails re identifying and inviting moot court judges
3/21/2015	3.1	edit oral argument prep document and relationship recognition timeline
3/20/2015	1.3	emails with legal team about judges for moot arguments, process for moots
3/20/2015	0.8	phone call J. Fisher, D. Canon re moot argument

3/19/2015	1	phone call with legal team about oral argument negotiations
		phone call with four legal teams about oral argument negotiations for QP1
3/19/2015	0.4	(split entry)
3/19/2015	0.5	emails with legal team about oral argument negotiations and moot prep
3/18/2015	4.5	emails with legal team about oral argument negotiations
3/16/2015	0.5	emails with QP1 and QP2 teams about oral argument proposals (split entry)
		phone call with Kentucky, Ohio, and Tennessee teams re oral argument
3/16/2015	0.8	proposal terms (split entry)
3/16/2015	0.3	review and edit draft letter to court re oral argument (split entry)
3/15/2015	1.1	draft QP2 section of letter to court re argument; emails re same (split entry)
3/15/2015	0.4	draft framework for letter to court re argument
3/15/2015	1.2	emails with legal team re oral argument negotiations
3/14/2015	2.4	emails with legal team about negotiations over oral argument on QP1 and QP2
3/13/2015	0.3	emails re letter to clerk re oral argument (split entry)
		phone call with Kentucky, Ohio, and Tennessee teams re oral argument
3/13/2015	0.5	proposal terms (split entry)
3/13/2015	0.3	emails with QP1 and QP2 teams about oral argument proposals (split entry)
		conference C. Strangio and J. Block about oral argument prep document (split
3/12/2015	0.2	entry)
3/12/2015	0.3	review Michigan team's draft letter re divided argument
3/12/2015	0.7	call with legal team re Michigan's divided argument proposal
3/12/2015	0.4	review and edit drafts of revised letter re divided argument
3/12/2015	0.2	edit outline of background information for oralists (split entry)
3/12/2015	0.6	emails re draft letter to clerk re oral argument
3/11/2015	0.6	team call re oral argument, legal research for reply
3/11/2015	0.3	review summary info about amicus briefs
3/11/2015	0.2	email to legal team re judges for QP2 moot argument
3/11/2015	0.1	emails re oral argument prep document and preparation (split entry)
		call with counsel for MI, OH, TN (advocacy groups) re process for deciding
3/9/2015	0.7	oralists (split entry)
3/9/2015	0.4	review draft sections for reply brief
3/9/2015	0.5	call with J. Fisher, S. Shapiro, D. Canon re oral argument negotiations

3/6/2015	0.2	emails with four legal teams re moot arguments in DC
3/6/2015	0.5	review draft sections for anticipated reply brief
3/6/2015	0.9	review Solicitor General's amicus brief
3/6/2015	0.4	review draft response to Schuette
3/5/2015	0.3	emails KY and MI legal teams re oral argument
3/5/2015	0.5	revise memo to plaintiffs re oral argument
		call with counsel for MI, OH, TN (advocacy groups) re process for deciding
3/5/2015	1	oralists (split entry)
3/4/2015	0.6	team call re research needs and oral argument decision process
3/4/2015	0.2	review and edit emails re list of research topics
3/4/2015	0.9	draft memo to plaintiffs re oral argument
3/4/2015	0.3	emails D. Canon and J. Fisher re oral argument
		phone calls J. Fisher, D. Canon, L. Landenwich, S. Shapiro re oral argument and
3/3/2015	0.7	discussions with Michigan team
		phone call K. Mogill, C. Stanyar, D. Canon, L. Landenwich, S. Shapiro, J. Fisher
3/3/2015	1	re oralist for QP1
		emails J. Fisher, D. Canon, S. Shapiro re oral argument and discussions with
3/2/2015	0.2	Michigan team
2/26/2015	0.2	emails re final edits to brief
2/25/2015	0.3	review final edits to opening brief
2/25/2015	0.2	emails with P. Castillo re joint appendix (split entry)
		review proposed revision to discussion of Brown, emails from J. Fisher and S.
2/24/2015	0.3	Shapiro
2/24/2015	0.6	review edits from J. Block, W. Sharp, D. Canon
2/24/2015	0.2	emails re citing Vermont CU law in the brief
2/23/2015	0.7	meet with S. Shapiro, L. Melling, C. Strangio, J. Block re edits to opening brief
2/23/2015	2.5	team call re edits to opening brief
2/23/2015	0.2	email to team re new FMLA rule and required edits to brief
2/23/2015	1.1	edit opening brief and compile edits from rest of team; email to team re same
2/22/2015	0.2	emails with J. Davidson re edits to Bourke opening brief
2/22/2015	3.6	edit opening brief and consolidate comments from ACLU team; emails re same

2/21/2015	0.8	review draft of Michigan opening brief (split entry)
2/21/2015	0.9	review draft of Tennessee opening brief (split entry)
2/21/2015	0.5	review edits from J. Davidson and S. Sommer re Bourke opening brief
2/21/2015	0.3	review edits from L. Cooper re Michigan brief (split entry)
2/21/2015	0.7	consolidate Ohio/Kentucky team edits to Tennessee brief and email to Tennessee team (split entry)
2/21/2015	0.6	consolidate Ohio/Kentucky team edits to Michigan brief and email to Michigan team (split entry)
2/21/2015	0.3	emails with J. Davidson re edits to Bourke opening brief
2/20/2015	0.2	emails with MI, TN, and OH teams re sharing drafts of opening briefs (split entry)
2/18/2015	1	team call re edits to opening brief
2/18/2015	5.6	edit opening brief
2/16/2015	0.5	call with ACLU team re edits to brief
2/16/2015	0.3	review edits to brief from Louisville team
2/15/2015	0.8	edit revised recognition argument
2/15/2015	0.4	emails about recognition argument
2/12/2015	0.4	revise introduction and email re same
2/12/2015	1.5	edit justifications section of opening brief
2/11/2015	0.7	meeting with C. Strangio, J. Block, S. Shapiro re draft of opening brief
2/11/2015	1	team call to discuss opening brief
2/10/2015	0.4	phone call D. Canon re briefing
2/10/2015	1.1	revise opening brief
2/9/2015	0.6	meeting with C. Strangio, J. Block, L. Melling, S. Shapiro re draft of opening brief
2/5/2015	4.5	travel Louisville to NY after client and co-counsel meetings
2/5/2015	0.4	review revised statement of the case
2/5/2015	0.2	review emails about political power argument (split entry)
2/5/2015	0.1	review revised political power argument (split entry)
2/5/2015	0.5	edit statement of the case and draft two versions of introduction
2/4/2015	3.3	travel NY to Louisville for client meetings; prep en route
2/4/2015	2.7	meeting with clients, D. Canon, J. Dunman, C. Strangio
2/3/2015	0.9	call with J. Fisher, C. Strangio, J. Block, S. Shapiro re draft of opening brief
2/3/2015	1.5	edit opening brief

2/2/2015	0.3	review and edit draft introduction
2/2/2015	1	conference with S. Shapiro, C. Strangio, J. Block, L. Melling re brief structure
		call with four legal teams re prep for meeting with Solicitor General (split
2/2/2015	0.5	entry)
2/2/2015	0.3	review draft statement of the case
2/2/2015	0.2	summary email re prep for Solicitor General meeting (split entry)
2/1/2015	0.4	edit draft of opening brief
		draft outline of issues with current draft; email to S. Shapiro & L. Melling re
2/1/2015	0.3	same
2/1/2015	0.3	emails with C. Strangio and J. Block re recognition argument
1/30/2015	0.9	review J. Fisher's portions of opening brief
1/30/2015	0.8	edit draft of opening brief
1/29/2015	0.4	phone call D. Canon re briefing
1/29/2015	0.1	email to S. Shapiro and L. Melling re draft brief
1/29/2015	0.7	conference S. Shapiro, C. Strangio, L. Melling, J. Block re draft brief
1/28/2015	0.1	email to S. Shapiro re draft of Bourke opening brief sections
1/28/2015	0.4	edit draft of opening brief
1/27/2015	0.2	email to C. Strangio and J. Block re recognition section
1/26/2015	0.2	edit draft of SOHS portion of opening brief (split entry)
		edit draft of sex discrimination and parenting portions of opening brief (split
1/26/2015	1.1	entry)
1/25/2015	0.6	edit draft of SOHS portion of opening brief (split entry)
1/20/2015	1	Bourke team call re briefing, arguments, amicus, coordination across teams
1/20/2015	0.5	call with all four case teams re amicus effort, coordination (split entry)
		call S. Shapiro, C. Strangio, J. Block re planning prep calls with Bourke team and
1/19/2015	0.4	all four teams (split entry)
1/19/2015	0.1	emails S. Shapiro, C. Strangio, J. Block re prep for team calls (split entry)
1/19/2015	0.1	emails with L. Melling re amicus briefs (split entry)
1/19/2015	0.2	emails with NCLR, Lambda, GLAD re four case team call agenda (split entry)
		revise agenda for four team call based on input from NCLR, Lambda, GLAD
1/19/2015	0.2	(split entry)
1/19/2015	0.2	emails with Bourke team re team call and four team call agenda
1/18/2015	0.3	Review outline of arguments raised by each case before CA6 (split entry)
1/18/2015	0.3	Review and revise draft outline for Bourke marriage brief

1/18/2015	0.4	Draft outline for goals for marriage briefing (split entry)
		email correspondence with C. Strangio and J. Block re briefing outlines (split
1/18/2015	0.3	entry)
1/17/2015	1.6	Detailed outline of DeBoer CA6 opinion (split entry)
		Prepare outlines for internal ACLU call and four-team call; emails C. Strangio
1/17/2015	0.6	and J. Block re same (split entry)
1/17/2015	0.4	Prepare outline for Bourke team call
1/17/2015	0.2	Emails M. Bonauto re amicus coordination plans (split entry)
1/16/2015	0.4	Bourke full team call re cert grant and process moving forward (split entry)
		Conference S. Shapiro, C. Strangio re cert grant, briefing order, process (split
1/16/2015	0.3	entry)
		Review and revise draft reply brief; emails with C. Strangio and S. Shapiro re
12/18/2014	0.4	same
12/17/2014	0.5	Review and revise draft reply brief; conference C. Strangio re same
		Call with D. Canon, L. Landenwich, C. Strangio, S. Shapiro, J. Fisher re reply
12/16/2014	1.1	brief
		Email correspondence with D. Canon, L. Landenwich, C. Strangio, S. Shapiro, J.
12/15/2014	0.2	Fisher re reply brief
Total	206.9	

Bourke v Beshear; Love v Beshear

Attorney time for Joshua Block

<u>Date</u>	<u>Time</u>	<u>Description</u>
4/14/2015	0.25	Editing reply brief
4/13/2015	0.25	Editing reply brief
4/10/2015	1.97	Editing reply brief
4/10/2015	3.3	Call with full Bourke team to workshop draft and go over and reconcile edits.
4/9/2015	0.25	Summary of bottom-side amicus briefs
4/6/2015	0.33	Emails re feedback from Deboer team for reply
4/1/2015	0.75	Editing reply brief
3/29/2015	3.3	Drafting sections for reply brief
3/28/2015	2.25	Drafting sections for reply brief
3/27/2015	4.5	Drafting sections for reply brief
3/27/2015	1	Oral argument prep call
3/25/2015	1.5	Oral argument prep call
3/19/2015	0.5	Phone call with all four teams to discuss oral argument oralists
3/17/2015	1.83	Drafting sections for reply brief
3/12/2015	0.33	Editing letter re oral argument
3/12/2015	0.5	Drafting sections in advance for reply brief
3/9/2015	1.75	Drafting sections in advance for reply brief
3/6/2015	2.92	Drafting sections in advance for reply brief
2/24/2015	0.25	Editing merits brief
2/23/2015	0.5	Editing merits brief
2/21/2015	0.55	Review and editing of merits brief
2/17/2015	1.77	Editing argument on political powerlessness
2/17/2015	5.1	Review and editing of merits brief
2/16/2015	4.37	Reviewing and editing merits brief
2/10/2015	1.5	Reviewing and editing draft merits brief
2/5/2015	1.17	Reviewing and editing draft merits brief
2/5/2015	3.12	Revisions to statement of case
2/3/2015	3.5	Revising, researching, editing, and consolidating merits brief
2/2/2015	8.5	Revising, researching, editing, and consolidating merits brief
1/30/2015	1.72	Incorporating edits to draft of brief
1/28/2015	2.75	Additional research for recognition section of brief
1/25/2015	0.5	Review of edits to draft merits brief
1/23/2015	3.4	Edits and Revisions to sex discrim and responsible procreation section of brief
1/22/2015	4.88	Editing recognition section of brief
1/21/2015	3.17	Drafting SOHS section of brief
1/20/2015	2.68	Drafting SOHS section of brief
Total	76.91	

Bourke v Beshear; Love v Beshear
Attorney time for Chase B. Strangio

<u>Date</u>	<u>Time</u>	<u>Description</u>
4/25/2015	0.7	Prep for Mary for oral argument
4/14/2015	0.8	Prep Q&As for oral argument for Mary
4/12/2015	0.1	E-mails to team regarding oral argument prep (evasion questions)
4/10/2015	0.5	Organizing reply brief background (opposing amici summaries)
4/10/2015	3.3	Call with full Bourke team to workshop draft and go over and reconcile edits.
4/9/2015	0.7	Organizing amicus brief summaries from respondent side
4/7/2015	1.3	Organizing process for KY team review of respondent amicus briefs/drafting summaries
4/3/2015	2.6	E-mails and calls with team re: oral argument
4/3/2015	0.8	Call with Mary B. re: oral argument
4/3/2015	0.7	Phone discussion re: Bourke reply brief with Louisville
4/2/2015	0.5	Review and edit draft reply brief
4/2/2015	0.6	Review and edit draft reply brief
3/31/2015	8.8	Draft recognition section of Bourke reply brief
3/27/2015	1	Oral argument prep call
3/25/2015	2.5	Oral argument prep call
3/23/2015	0.9	Call with Abby R to discuss oral argument strategy
3/20/2015	2.3	Draft history of relationship recognition for oral argument prep
3/20/2015	0.5	E-mail discussion back and forth with Abby R. re: oral argument
3/19/2015	0.5	Phone call with all four teams to discuss oral argument oralists
3/18/2015	2.5	E-mailing with Bourke team (full) and all four teams to discuss oral argument
3/16/2015	1.8	Full four team call to discuss proposal for oral argument
3/16/2015	0.5	Edits to proposal to Court re: oral argument
3/15/2015	2.3	Draft religion/polygamy responses for reply brief
3/13/2015	0.5	e-mail/discussion regarding oral argument proposal
3/11/2015	0.6	Pulled together supportive amicus briefs for reply
3/4/2015	0.6	Call with full team (ACLU + Louisville) to plan drafting process for reply
2/25/2015	10.5	Final assembling and proof, integrating of edits to opening brief
2/24/2015	2.7	Reconciling and incorporating edits in opening brief draft
2/24/2015	2.9	Edits to opening brief
2/24/2015	4.1	Cite checking and edits to opening brief
2/23/2015	2.5	Call with full KY team to discuss and reconcile edits
2/23/2015	0.7	Internal ACLU meeting to discuss KY brief (w/ JB, JE, LM, SS)
2/21/2015	0.8	Review and circulate draft opening brief to team
2/21/2015	1.3	Review of Tanco brief for consistency
2/17/2015	0.7	Edits to opening brief
2/16/2015	1.3	Edits to opening brief
2/16/2015	0.5	Call with ACLU to discuss brief edits
2/11/2015	1.2	Full KY team call to discuss edits and thoughts on draft
2/10/2015	0.3	Edits to opening brief
2/6/2015	0.8	Draft recognition section of opening brief

2/4/2015	3.3	Travel to Louisville
2/4/2015	2.7	Meeting with Plaintiffs and Louisville co-counsel (DC, JD, DE, SF)
2/3/2015	1.3	Team meeting to discuss brief and editing
2/3/2015	1.1	Read and comment on opening brief draft (ACLU sections)
2/2/2015	0.4	Edits to intro of brief
2/2/2015	1	ACLU meeting to discuss brief structure
1/30/2015	0.4	Edits to ACLU sections of draft brief
1/29/2015	0.3	Edits to ACLU sections of draft brief
1/29/2015	0.7	Meeting with SS, LM, JE, JB to discuss brief
1/27/2015	1.3	Research on recognition of out-of-state marriages
1/27/2015	3.1	Reconciling edits to draft brief, adding comments, drafting sections
1/22/2015	0.9	Drafting rational basis section and sex discrimination
1/20/2015	0.8	Call with all four legal teams to discuss briefing and amicus strategy
1/20/2015	1	Call with Bourke team to discuss briefing
1/18/2015	1.4	Review draft outlines for group calls to discuss strategy
1/17/2015	1.1	Draft summaries of arguments raised by state defendants below
12/19/2015	0.7	Edits to cert reply
12/17/2015	5.8	Draft cert reply
12/16/2015	0.9	Conference call with full team to discuss cert reply
Total	96.4	

Exhibit 1

Bourke/Love – Jeffrey L. Fisher time

Cert reply brief [13 hours]

12/17/15 8 hours Review lower court decisions, cert briefing thus far, cert briefing in other cases consolidated in the Sixth Circuit's decision, and cert amicus briefs; draft notes for cert reply brief

12/18/15 3.5 hours Draft and edit cert reply brief; legal research for same

12/19/15 1.5 hours Edit cert reply brief; legal research for same

Opening merits brief [93.5 hours]

1/20/15 4 hours Draft merits brief; legal research regarding same

1/21/15 5.5 hours Draft merits brief; legal research regarding same

1/22/15 5 hours Draft merits brief; legal research regarding same

1/23/15 3.5 hours Draft merits brief; legal research regarding same

1/26/15 4.5 hours Draft merits brief; legal research regarding same

1/27/15 7 hours Draft merits brief; legal research regarding same

1/28/15 2.5 hours Draft merits brief; legal research regarding same

1/29/15 3.5 hours Draft merits brief; legal research regarding same

1/30/15 5.5 hours Draft merits brief; legal research regarding same

2/2/15 5.5 hours Draft merits brief; legal research regarding same

2/3/15 5 hours Draft merits brief; legal research regarding same

2/4/15 4.5 hours Draft merits brief; legal research regarding same

2/5/15 3 hours Draft merits brief; legal research regarding same

2/9/15 4 hours Draft merits brief; legal research regarding same

2/10/15 4 hours Draft merits brief; legal research regarding same

2/11/15 4.5 hours Draft merits brief; legal research regarding same

2/12/15 7.5 hours Draft merits brief; legal research regarding same

2/13/15	3 hours	Draft merits brief; legal research regarding same
2/18/15	2.5 hours	Draft and edit merits brief; legal research regarding same
2/19/15	2.5 hours	Draft and edit merits brief; legal research regarding same
2/20/15	3.5 hours	Draft and edit merits brief; legal research regarding same
2/24/15	2 hours	Draft and edit merits brief; legal research regarding same
2/25/15	1 hour	Draft and edit merits brief; legal research regarding same

Merits reply brief [85 hours]

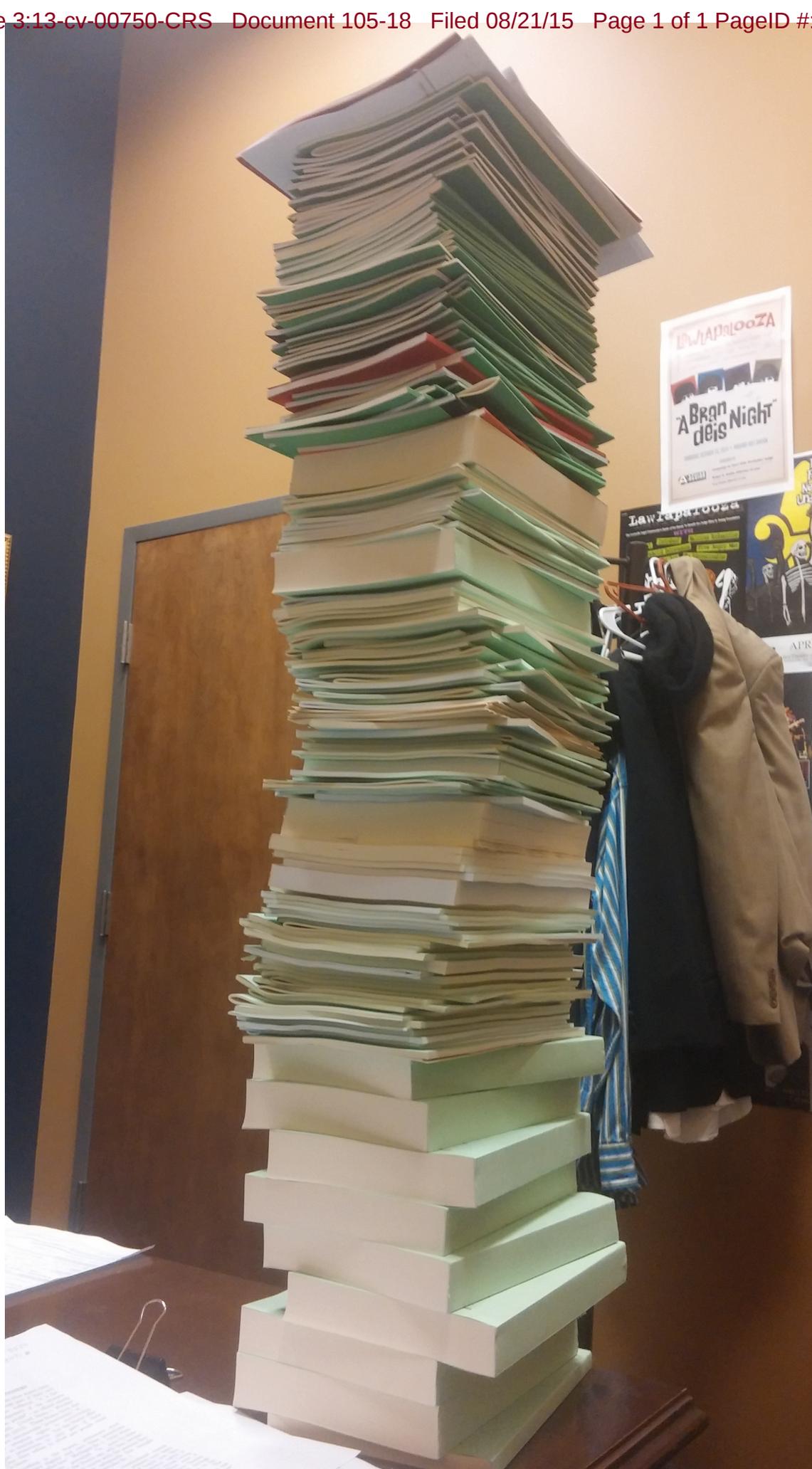
3/27/15	5.5 hours	Review amicus briefs supporting petitioner as relevant to merits reply brief; prepare for meeting among all teams concerning oral argument
3/28/15	3.5 hours	Review State's merits brief, as well as merits briefs from other states
3/29/15	8 hours	Prepare for and attend meeting among all teams concerning oral argument
3/30/15	2.5 hours	Prepare and draft notes concerning strategy for reply brief and oral argument; legal research regarding same
4/1/15	1.5 hours	draft notes concerning reply brief; legal research regarding same
4/5/15	6.5 hours	Review amicus briefs supporting respondent as relevant to reply brief and oral argument
4/6/15	6.5 hours	Draft and edit reply brief; legal research regarding same
4/7/15	7.5 hours	Draft and edit reply brief; legal research regarding same
4/8/15	7.5 hours	Draft and edit reply brief; legal research regarding same
4/9/15	8 hours	Draft and edit reply brief; legal research regarding same
4/10/15	9 hours	Draft and edit reply brief; legal research regarding same
4/11/15	5 hours	Draft and edit reply brief; legal research regarding same

4/13/15	8.5 hours	Draft and edit reply brief; legal research regarding same
4/14/15	4.5 hours	Draft and edit reply brief; legal research regarding same
4/15/15	3 hours	Draft and edit reply brief; legal research regarding same
4/16/15	3.5 hours	Final edits to reply brief

Oral argument [28 hours]

4/21/15	2 hours	Draft notes for oral argument prep
4/22/15	5.5 hours	Attend moot court at Howard Law School; draft strategic notes for oral advocates; legal research regarding same
4/23/15	4.5 hours	Draft strategic notes for oral advocates; attend strategic meeting with Ms. Bonauto and a few others
4/24/15	8 hours	Attend moot court at Georgetown Law Center; attend and provide feedback at moot court for Solicitor General; draft strategic notes for oral advocates
4/25/15	4.5 hours	Attend strategic meeting with Ms. Bonauto and a few others
4/26/15	1.5 hours	Review and draft strategic memos for oral argument
4/27/15	2 hours	Review and draft strategic memos for oral argument

TOTAL HOURS: 206.5 hours





HI THERE!

J.T.C.

They didn't **choose** to be gay, Charlie. They were **born** that way.

Oh?

Just like me!

Whoa! — Not true, Charlie!

Brad was *not* born that way.



At the age of 11, he was sent to juvenile hall for stealing. There he was raped by two older boys.

That act brought Brad into the homosexual world.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ELECTRONICALLY FILED

GREGORY BOURKE, ET AL.)	
)	
PLAINTIFFS)	
	)	CIVIL ACTION NO.
and)	
	)	3:13-CV-750-CSR
TIMOTHY LOVE, ET AL.)	
)	
INTERVENING PLAINTIFFS)	
)	
v.)	
)	
STEVE BESHEAR, ET AL.)	
)	
DEFENDANTS)	
)	

ORDER

Upon motion of the Plaintiffs, having reviewed the memorandum, declarations, and exhibits submitted by Plaintiffs' counsel, and having reviewed this file in its entirety, the Court finds and orders the following:

- The amount of attorney's fees sought by attorneys Daniel J. Canon, Laura E. Landenwich, and L. Joe Dunman of the law firm of Clay Daniel Walton & Adams, PLC, is reasonable both as to rates and the number of hours expended. Defendant is therefore ORDERED to pay the amount of

- \$543,405.27 to Clay Daniel Walton Adams, PLC for an award of attorney's fees.
- The amount of expenses sought by the lawyers of Clay Daniel Walton & Adams, PLC, is likewise reasonable. Defendant is therefore ORDERED to pay the amount of \$18,948.87 as reimbursement of those expenses.
 - The amount of attorney's fees sought by attorneys Shannon Fauver and Dawn Elliott of the Fauver Law Office, PLLC, is reasonable both as to rates and the number of hours expended. Defendant is therefore ORDERED to pay the amount of \$219,150.00 to the Fauver Law Office, PLLC, for an award of attorney's fees.
 - The amount of expenses sought by the lawyers of the Fauver Law Office, PLLC, is likewise reasonable. Defendant is therefore ORDERED to pay the amount of \$5,978.83 as reimbursement of those expenses.
 - The amount of attorney's fees sought by attorneys James Esseks, Chase Strangio, and Joshua Block of the American Civil Liberties Union, is reasonable both as to rates and the number of hours expended. Defendant is therefore ORDERED to pay the amount of \$206,924.00 to the ACLU for an award of attorney's fees.
 - The amount of expenses sought by the lawyers of the ACLU is likewise reasonable. Defendant is therefore ORDERED to pay the amount of \$7,800.16 as reimbursement of those expenses.

- The amount of attorney's fees sought by attorney Jeffrey L. Fisher of the Stanford Law School Supreme Court Litigation Clinic is reasonable both as to rate and the number of hours expended. Defendant is therefore ORDERED to pay the amount of \$154,924.00 to the Stanford Law School Supreme Court Litigation Clinic for an award of attorney's fees.
- Defendant is further ORDERED to compensate Plaintiffs for the attorney's fees excluded by the Court for time spent on the *Love* case in its original Order on Attorney's Fees (DN 85), in the amount of \$2,310.00.
- The Court further finds that due to the extraordinary outlay of expenses, the protracted nature of this litigation, the novelty and difficulty of the legal and factual issues, the risk and unpopularity inherent in the case, the skill demonstrated by counsel, a 1.75 enhancement of the attorney's fees awarded in this petition (\$1,126,713.27) is appropriate. Therefore, Defendant is ORDERED to pay an additional \$845,034.95, for a total attorney's fee award of \$1,971,748.22.

In all, Defendant is HEREBY ORDERED to pay the amount of \$2,091,297.34 in costs and attorney's fees. This is a final and appealable Order, and there is no just cause for delay.