IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

NOTICE OF FILING

Plaintiffs hereby give notice of the filing of the following in support of their Motion for Attorneys' Fees, Costs, and Expenses:

A. Declaration of Douglas Hallward-Driemeier

B. Declaration of Shannon P. Minter

C. Declaration of Abby Rubenfeld

D. Declaration of Regina Lambert

E. Declaration of William L. Harbison

F. Declaration of J. Scott Hickman

G. Declaration of Phillip F. Cramer

H. Declaration of Maureen Holland

I. Declaration of Douglas S. Johnston, Jr.

J. Declaration of Paul M. Smith

K. Declaration of Jerry Martin

L. Declaration of Edward L. Lanquist, Jr.

Respectfully submitted:

/s/ Abby R. Rubenfeld
Abby R. Rubenfeld (B.P.R. No. 6645)
RUBENFELD LAW OFFICE, PC
2409 Hillsboro Road, Suite 200
Nashville, Tennessee 37212
Tel.: (615) 386-9077
Fax: (615) 386-3897
arubenfeld@rubenfeldlaw.com

/s/ Maureen T. Holland
Maureen T. Holland (B.P.R. No. 15202)
HOLLAND AND ASSOCIATES, PC
1429 Madison Avenue
Memphis, Tennessee 38104-6314
Tel.: (901) 278-8120
Fax: (901) 278-8125
mtholland@aol.com
Admitted Pro Hac Vice

/s/ William L. Harbison
William L. Harbison (B.P.R. No. 7012)
Phillip F. Cramer (B.P.R. No. 20697)
J. Scott Hickman (B.P.R. No. 17407)
John L. Farringer IV (B.P.R. 22783)
SHERRARD & ROE, PLC
150 3rd Avenue South, Suite 1100
Nashville, Tennessee 37201
Tel.: (615) 742-4200
bharbison@sherrardroe.com
pcramer@sherrardroe.com
shickman@sherrardroe.com
jfarringer@sherrardroe.com

/s/ Regina M. Lambert
Regina M. Lambert (B.P.R. No. 21567)
REGINA M. LAMBERT, ESQ.
7010 Stone Mill Drive
Knoxville, Tennessee 37919
(865) 679-3483
(865) 558-8166
lambertregina@yahoo.com
Admitted Pro Hac Vice

/s/ Shannon P. Minter
Shannon P. Minter
(CA Bar No. 168907)
Christopher F. Stoll
(CA Bar No. 179046)
Asaf Orr
(CA Bar No. 261650)
NATIONAL CENTER FOR LESBIAN RIGHTS
870 Market Street, Suite 370
San Francisco, California 94102
Tel.: (415) 392-6257
Fax: (415) 392-8442
sminter@nclrights.org
cstoll@nclrights.org
aorr@nclrights.org
Admitted Pro Hac Vice

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2015, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system:

Joe Whalen
Martha A. Campbell
Kevin G. Steiling
Tennessee Attorney General's Office
General Civil Division
Cordell Hull Building, Second Floor
P. O. Box 20207
Nashville, Tennessee 37214

Attorneys for Defendants

/s/ Scott Hickman
J. Scott Hickman

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF DOUGLAS H. HALLWARD-DRIEMEIER

I, Douglas H. Hallward-Driemeier, being of sound mind and aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

RELEVANT BACKGROUND AND EXPERIENCE

1. I am an attorney representing the Plaintiffs in this action, and am a member of the international law firm Ropes & Gray LLP ("Ropes & Gray"). I rejoined Ropes & Gray in 2010 after spending a decade handling civil appeals for the U.S. Department of Justice ("DOJ"), including five years during which I served as an Assistant to the Solicitor General. My work at the Department of Justice, and in the Office of the Solicitor General, focused exclusively on civil appeals, including cases before the United States Supreme Court and multiple federal Circuit Courts of Appeals. In particular, during my time at the Department of Justice and the Solicitor General's office, I prepared merits briefs in over 26 cases before the Supreme Court, and argued 13 cases before the Supreme Court on behalf of the United States. I received the Department of State's "Superior Honor Award" and numerous special Commendations from the Department of

Justice's Civil Division. I have argued three more merits cases before the Supreme Court since returning to private practice.

2. In the Department of Justice and in private practice, I have briefed or argued numerous cases in the Supreme Court regarding civil rights, constitutional law, and federalism issues. These include, for example: *Northwest Austin Municipal Utility District No. 1 v. Holder*, 557 U.S. 193 (2009) (voting rights case involving 14th and 15th amendments); *Crawford v. Marion County Election* Board, 553 U.S. 181 (2008) (voting rights case involving 14th and 15th Amendments); *Republic of Iraq v. Beaty*, 556 U.S. 848 (2009) (separation of powers case involving presidential waiver of Foreign Sovereign Immunities Act requirements); *Rowe v. New Hampshire Motor Transport Ass'n*, 552 U.S. 364 (2008) (federalism case affirming federal preemption of state regulation of motor carriers); *CSX Transp., Inc. v. Georgia State Bd. of Equalization*, 552 U.S. 9 (2007) (federalism case allowing railroads to challenge state regulations under the Railroad Revitalization and Regulatory Reform Act); *Altria Group, Inc. v. Good*, 555 U.S. 70 (2008) (federalism case finding unfair trade practices claims not expressly preempted by Federal Cigarette Labeling and Advertising Act).

3. I received my bachelor's degree *summa cum laude* from DePauw University in 1989. I received my M.Phil. in Politics from the University of Oxford, where I studied as a Rhodes Scholar, in 1991. I received my law degree *magna cum laude* from Harvard Law School in 1994, and served as Supervising Editor of the *Harvard Law Review* while there.

4. Following law school, I served as a law clerk for the Honorable Amalya L. Kearse of the United States Court of Appeals for the Second Circuit.

5. I am a member of the bar of the Supreme Court of the United States, the bar of every United States Circuit Court of Appeals, the bar of the Commonwealth of Massachusetts,

and the District of Columbia bar. During my career in public and private practice, I have argued sixteen cases before the Supreme Court of the United States and filed nearly 200 briefs in that Court. I have presented oral argument in approximately 60 appellate cases, including at least one argument before each of the federal Circuit Courts of Appeals.

6. I have been recognized in several "best lawyers" lists, including *Chambers USA: America's Leading Lawyers for Business* (2011-2012) and *Washington, D.C. Super Lawyers* (2013). I have also authored numerous articles for publications such as *Corporate Counsel*, *Scrip Regulatory Affairs*, *Law360*, *Health Law Reporter*, and *Bloomberg Law Reports*.

7. I am familiar with the legal fees and expenses charged in civil litigation in federal courts throughout the country. Given my expertise in the specialized areas of appellate and Supreme Court practice, I am particularly familiar with the hourly rates commonly charged by lawyers with experience similar to mine working in national law firms in markets such as Washington, D.C.

SUMMARY OF MY FIRM'S ROLE IN THE LITIGATION AND RESULTS OBTAINED

8. I and my firm were retained by the Plaintiffs as lead Supreme Court counsel when Plaintiffs' local counsel in Tennessee, together with counsel at the National Center for Lesbian Rights, determined that it was in our clients' best interest to seek review by the Supreme Court of the Sixth Circuit's opinion in this case, and to have the case argued and decided before the end of the Supreme Court's 2014-2015 Term. I and my firm were retained specifically because of our experience in litigating cases before the Supreme Court of the United States.

9. As Counsel of Record for Plaintiffs in the Supreme Court, my and my firm's responsibilities included preparing and filing a petition for a writ of certiorari and a reply brief in support of certiorari, drafting and filing a brief on the merits, drafting and filing a reply brief on

the merits, and preparing for and offering oral argument before the Supreme Court. The following paragraphs provide further detail regarding Ropes & Gray's work at each of these stages of the litigation.

10. Immediately after our retention on November 7, 2014, I, assisted by other Ropes & Gray attorneys and together with Plaintiffs' existing legal team, took the highly unusual and difficult step of preparing a 37-page petition for certiorari and accompanying appendix in just seven days. Given the immediate significance to our clients' lives of the fundamental constitutional issues at stake, it was imperative to our clients to submit the petition for certiorari to the Court in time for the Court to act on it and hear the case during the 2014 Term. Had we not filed the petition within this short window, the Court would not have been able to hear argument until the Fall of 2015, with a decision likely many months later—a substantial delay that would have had serious consequences for Plaintiffs.

11. Filing the petition for certiorari and accompanying appendix in the Supreme Court in such a short timeframe required tremendous effort and diligence from both my team at Ropes & Gray and Plaintiffs' other attorneys, including the National Center for Lesbian Rights, who shared responsibility for drafting different sections of the petition. The Tennessee Attorney General's office, on behalf of Governor Haslam and the other defendants named in their official capacities (collectively, the "Tennessee Defendants") filed a brief in opposition to our petition for certiorari on December 15, 2014. Notably, the Tennessee Defendants were the only group of defendants among the four states whose cases were consolidated before the Sixth Circuit to file an opposition to the petitions for certiorari. Accordingly, we were required to prepare and file a reply brief in support of certiorari in four days, on December 19, 2014. On January 16, 2015, the Supreme Court granted certiorari in all four cases and set a briefing schedule.

12. Pursuant to the schedule set by the Court, Plaintiffs' opening brief on the merits was due on February 27, 2015, just over a month after certiorari was granted. The Tennessee Defendants then filed a response brief on March 27, 2015, and Plaintiffs' counsel filed a reply brief on April 17, 2015. Ropes & Gray took primary responsibility for the opening and reply briefs on the merits, requiring a substantial amount of research and drafting to be performed by a team of associates. Because of the need to coordinate and provide opportunity for review by our co-counsel, who had special subject matter and local law expertise, and counsel for the other consolidated cases, Ropes & Gray prepared extensive outlines before drafting, which were thoroughly vetted and revised by co-counsel, and then had to draft the various sections on a very compressed schedule. As a consequence, we brought in a larger associate team than we might have used if the schedule had been longer or allowed for extensions.

13. I spent significant time managing this team and reviewing and revising their work. Because so little time was available for preparation of the petition for certiorari, much of the research and analysis necessary to full development of arguments that would usually occur before filing the petition had to be deferred until the time when we were preparing the merits briefs.

14. As lead Supreme Court counsel for plaintiffs, Ropes & Gray also worked in concert with attorneys at the National Center for Lesbian Rights, with attorneys at Sherrard & Roe PLC in Nashville, and with local counsel for each of the three Plaintiff couples (one lawyer and one couple from each Grand Division). The participation and collaboration of each of these groups was critical to the preparation of briefs of the highest quality, and in a very compressed timeframe. As one of the major civil rights cases of this generation, it was imperative that the briefs be of the highest quality and that the team ensure that all arguments were made in the most

effective manner possible, and all counter-arguments thoroughly considered and rebutted. It was also imperative that the arguments were presented in a manner consistent with other legal interests and concerns of the gay and lesbian community generally. This also required close coordination with members of the legal teams representing the plaintiffs in the cases from Kentucky, Michigan, and Ohio, which were consolidated with this case for argument before the Supreme Court. The state groups worked closely to harmonize the legal arguments presented and provide the dozens of amici curiae necessary information and consent to file briefs.

15. The reply brief also required significant work, including substantial additional research and analysis, as the Tennessee Defendants raised arguments in their Supreme Court brief that were not raised in the petition or in the Court of Appeals' decision. In particular, the Tennessee Defendants argued that Tennessee's anti-recognition laws were only subject to review under the Constitution's Full Faith and Credit Clause. This required considerable new research and argument development at the reply stage of the merits case. In this case, in order to ensure that our reply brief fully addressed all arguments and in the best possible fashion, we also conducted a mock argument prior to preparation of the reply.

16. For purposes of argument, the Supreme Court divided the four state cases into two questions: the first, whether the Fourteenth Amendment requires states to license marriages between couples of the same sex; and the second, whether each of the states are required to recognized marriages between couples of the same sex validly solemnized in another state. Because the Court chose to permit only one argument on each of the two questions, the plaintiff groups from each of the states were required to select a single oralist for each argument. I was selected to offer argument on the second question on behalf of all plaintiffs in the consolidated cases; and Mary Bonauto of Gay and Lesbian Advocates and Defenders in Boston, a leading

lawyer in the effort to secure marriage equality for same-sex couples, was selected to argue question one. The process of selecting oralists was itself a time consuming process, requiring telephonic and in-person meetings that included counsel from all four consolidated cases. Oralist selection is frequently highly contentious in high-visibility cases, especially where multiple cases have been consolidated, and there is no established mechanism for selecting an oralist from the different cases. In this case, the four teams proceeded in a highly collegial fashion, but one that required considerable investment of time, so that everyone was comfortable with the ultimate choice of oralists. In this case, the collective decision was to put forward a pair of oralists that included one oralist who has been a leading appellate advocate in many of the key marriage equality cases, Mary Bonauto, and one oralist who had considerable experience arguing before the Supreme Court, myself.

17. This was, without question, the most important oral argument of my career. Preparing for it required extensive coordination with my team at Ropes & Gray team, the larger Tennessee Plaintiffs' counsel team, and the legal teams for the other states' plaintiffs. Preparation for oral argument required numerous telephonic and in-person preparation sessions, including formal moot courts at Howard University Law School and the Georgetown Law Center, a meeting with the Office of the Solicitor General of the United States, as well as several additional internal mooting sessions with the Tennessee team and the teams from other states. This coordination was necessary to ensure that the arguments Ms. Bonatuo and I presented were as effective as possible, and that our presentations were coordinated.

18. Oral argument preparation also required substantial additional research and analysis. In any case before the Supreme Court, but particularly a constitutional case of this significance, the Justices typically ask questions about an enormous range of issues, some of

which are not covered in the briefing and some of which may not have been raised previously in the litigation. As a result, effective argument preparation requires not only attempting to anticipate potential lines of questioning, but also to conduct research in these areas, gain legal and factual familiarity with them, and develop effective answers to these questions.

19. As part of my preparation for oral argument, our team conducted substantial research and analysis on a wide range of federal and state law issues related to civil rights, liberty and equality, family law, and federalism. For example, in this case, the team conducted 50-state surveys to better understand state laws on topics such as age or consanguinity limits on marriage, and adoption, in anticipation of questions from the Court about the possible consequences of a ruling on the recognition question. The team also spoke with experts in various areas of law, including legal academics and attorneys at other firms, to learn from their expertise on issues such as choice of law and family law.

20. Oral argument was held on April 28, 2015. The preparation that I and my team had done in advance of oral argument proved necessary in light of the questions asked by the Justices. Justice Alito, for example, asked a question about "variation in the marriage laws of the States" other than laws relating to the sex of the spouses. *Obergefell v. Hodges*, Transcript at 18:9-12. My ability to answer that question at argument was dependent on our team having conducted extensive research into all of the ways in which there are differences between state marriage laws, analyzed that material, and prepared to discuss those issues if the Justices asked questions at argument.

21. The Supreme Court issued its decision on June 26, 2015. The results in this case were monumental and deeply moving for millions of Americans, affording extensive legal and dignitary protections for loving couples and children throughout the nation. The results also

constituted an overwhelming legal victory for Plaintiffs' legal team. Plaintiffs prevailed on all of their claims, including that Tennessee's Anti-Recognition laws violate their rights to due process and equal protection of the laws, and secured all of the relief requested in the Complaint filed in this Court. This decision will undoubtedly have a major impact on due process and equal protection jurisprudence for decades to come, and is likely to serve as the foundation for well-deserved additional legal protections for gays, lesbians, bisexuals, and transgender Americans.

BILLING RATES, RECORDS AND COSTS

22. I have been personally involved in this case since November 7, 2014, and have been involved for the entirety of Ropes & Gray's representation of Plaintiffs in this case. As part of my responsibilities, I reviewed all of Ropes & Gray's records relating to attorneys' fees incurred in this case. These records include the number of hours expended by each attorney, the hourly rate charged by each attorney, and the descriptions of tasks performed for each discrete unit of time on the time entries in the billing statements associated with this case. As a general matter, Ropes & Gray attorneys worked on the following major categories of work: (1) researching, drafting, and editing the petition for certiorari and the reply in support of the petition; (2) work on the merits brief and the reply brief in the Supreme Court; (3) preparation for oral argument, including coordination with the legal teams in all four marriage cases before the Supreme Court; and (4) preparation of the instant motion for fees and all supporting evidence.

23. All of this work was necessary and reasonable to secure Plaintiff's historic victory in this case, and was consistent with my expectations for the time and effort expended on a leading case before the Supreme Court. My work required the support of a team of dedicated associates to perform the monumental research and drafting tasks required to produce a Supreme

Court brief and to prepare for argument. The associate team was led by C. Thomas Brown, a senior associate in the Boston office of Ropes & Gray, who has experience in both federal and state trial and appellate work, and who is skilled at managing teams to research, draft, and edit briefs of the highest quality. Mr. Brown was an invaluable project manager who helped me manage the team of associates and ensure that all projects were completed and all tasks correctly coordinated. The team also included associates Paul Kellogg and Samira Omerovic, who assisted in the rapid drafting of the petition for certiorari, and both continued to work with our team on the merits briefs. Given the substantial additional work required at the merits brief stage, we added to the team Associates Josh Goldstein, Emerson Siegle, and John Dey. The entire team worked on preparation for oral argument.

24. During the course of preparing merits briefs in this case, Ropes & Gray hired Justin Florence as counsel in our Appellate Practice Group. Mr. Florence previously served in the Office of the White House Counsel as Special Assistant and Associate Counsel to the President, as Senior Counsel to the staff of the Senate Judiciary Committee, and as a member of the Supreme Court and Appellate practice at another national law firm. Mr. Florence assisted the team in supervising the drafting of the reply brief and in preparation for oral argument, bringing unique skills and experience that enhanced our team's efforts significantly.

25. Ropes & Gray maintains an electronic system for recording and managing time entries and costs incurred for individual matters. Timekeepers are required to record their time accurately and on a timely basis, providing a description of the work performed. The Ropes & Gray attorneys on this matter followed these practices. Likewise, all costs and disbursements were also recorded through this electronic system. That system was used to generate the attached **Exhibit A**, which sets forth the time diary entries for the members of the Ropes & Gray

team for which we are seeking fees. The last page of Exhibit A shows the calculation of fees sought by Ropes & Gray, calculated by multiplying number of hours by the rate sought. In total, Ropes & Gray seeks $677,574.88 in fees.

26. As explained more fully below in paragraphs 29 through 34, Ropes & Gray is seeking fees in this case based on rates lower than the firm's prevailing market rates, and also after removing significant amounts of time reasonably expended on the case. In particular, Ropes & Gray's fee request uses rates prevailing in the Nashville market, based on comparison with attorneys of similar seniority and experience to our colleagues at Sherrard & Roe. Specifically, Ropes & Gray seeks fees at the rate of $575 per hour for myself, $390 per hour for C. Thomas Brown, who has 9 years of experience as a practicing attorney; $280 per hour for Paul Kellogg, who has 5 years of experience; $270 per hour for Samira Omerovic, who has 4 years of experience; and $225 per hour for John Dey, Josh Goldstein and Emerson Siegle, who all have less than two full years of experience. We do not seek fees for Mr. Florence, who has 9 years of experience as a practicing attorney. Nor have we sought fees for other timekeepers on this matter, including several associates who spent under 20 hours each assisting with various research tasks, and including the paralegal team led by Sophia Antzoulatos, a senior paralegal in our Washington office who has extensive skill and experience with the complexities of preparing and filing briefs for the Supreme Court. We have also excluded from our expenses request costs that are normally reimbursed, such as for electronic research support.

27. The rates used in Ropes & Gray's fee request in this case are significantly below the prevailing rates in the markets in which the Ropes & Gray attorneys on this matter practice, including in Washington, D.C., New York, and Boston). Ropes & Gray charges its clients market rates that are much higher than those we seek in this case. My current rate is $955 per

hour, Mr. Brown's and Mr. Florence's is $840 per hour, Mr. Kellogg's is $595 per hour, Ms. Omerovic's is $585 per hour, Mr. Goldstein and Mr. Siegle's is $505 per hour, and Mr. Dey's is $430 per hour.

28. The attached **Exhibit B** sets forth the reasonable expenses for which Ropes & Gray is seeking reimbursement in this case. This exhibit was generated based on information kept in Ropes & Gray's internal billing system (which rounds all amounts to the nearest whole dollar). The costs include $17,818 in printing costs, which are reflected on the Bill of Costs, as well as $13,845 in costs related to travel and lodging, for a total cost request by Ropes & Gray of $31,663.

REDUCTIONS, DISCOUNTS, AND UNREQUESTED FEES

29. Ropes & Gray and our co-counsel performed our work effectively but also efficiently, with diligence and without unnecessary duplication. Based on my experience litigating before the Supreme Court, I believe that the hours recorded by Ropes & Gray in this case to be reasonable. I also believe that the expenses incurred were necessary and reasonable to litigate this case before the Supreme Court. We have nevertheless chosen to exercise billing judgment and have reduced our request for fees and expenses in the following ways.

30. First, despite Mr. Florence's substantial work on this matter and contributions to our representation, and his unique contributions based on his experience in government and private practice, we have chosen not to seek compensation for Mr. Florence's time in this matter because he joined our firm after the opening brief on the merits had been submitted. Mr. Florence performed two critical and essential roles on this litigation. He supervised the drafting of the reply brief on the merits. The work Mr. Florence performed on the reply brief would have been done by Mr. Brown, who had limited availability during this period because of other

commitments. In addition, Mr. Florence provided substantial assistance in my preparation for oral argument, participating in internal moot sessions, case strategy discussions, and drafting of potential answers to questions. Given his experience working on constitutional law and related issues in the Executive Branch and the U.S. Senate, as well as the fresh perspective he brought to the case as a new member of the team, Mr. Florence made substantial contributions to this litigation and devoted considerable time (over 150 hours) to the matter. Nonetheless, we are not seeking any recovery of fees based on his work. Nor are we seeking fees for the time of Sophia Antzoulatos, our senior paralegal, who has extensive experience on Supreme Court cases and whose work was critical to the orderly preparation and filing of the briefs.

31. Second, we have determined to reduce our hourly rates to align more closely with the Nashville market. As stated above, it has increasingly become standard practice for national Supreme Court counsel to handle representation and to take the lead on briefing and oral argument in high-profile matters in the Supreme Court. As such, it would be reasonable and appropriate to request fees at our standard rates, which are within the general range of fees charged by national Supreme Court counsel. Nonetheless, we have chosen to substantially discount our hourly rates for purposes of this representation alone.

32. Third, we have applied a 10% discount to the fees sought for the junior associates (i.e., those other than Mr. Brown) working on this case, reducing the fee request by just over $34,000. This is on top of the substantial discount from our normal rates. This reduction reflects our attention to any concern that some work might have been inefficient or duplicative (which I do not in fact believe to have been the case).

33. Fourth, we have used our discretion to reduce associate and paralegal billing in certain areas by reducing time and removing entries. Although some tasks related to research, document preparation, and analysis of media and public commentary were critical to our effective representation, we have chosen to substantially reduce the time billed for these activities. We are not seeking any fees related to paralegal time.

34. Fifth, we do not seek reimbursement for some costs that we incurred in connection with our representation of Plaintiffs in this matter and which would ordinarily be reimbursed by our clients. Most significantly, we are not seeking reimbursement of approximately $29,000 worth of electronic research on Lexis and Westlaw. Nor do we seek reimbursement for transportation costs totaling approximately $1500, the cost of meals provided to team members working late or on the weekends of approximately $1000, the cost of meals while traveling of approximately $360, courier and mailing costs of approximately $400, or fees paid to outside libraries to borrow books not owned by Ropes & Gray of approximately $200.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct.

Executed in Washington, D.C. on this 7th day of October, 2015.

Douglas H. Hallward-Driemeier

EXHIBIT A

FILED UNDER SEAL

EXHIBIT B TO HALLWARD-DRIEMEIER DECLARATION

Ropes & Gray LLP
Tanco, et al. v. Haslam, et al., **Supreme Court of the United States, No. 14-5297**
Life-to-date costs and disbursements (rounded to nearest whole dollar)
Data as of 10/7/15

Cost Type	Narrative	Cost Amount (USD)
Outside Printing	Outside Printing - Paid to: Wilson-Epes, Printing Co., Inc - Petition & Appendix,#14-	7,396
	Outside Printing - Paid to: Wilson-Epes, Printing Co., Inc-Reply Brief for Petitioners	1,028
	Outside Printing - Paid to: Wilson-Epes, Printing Co., Inc-Brief for Petitioner	3,763
	Outside Printing - Paid to:, Wilson-Epes Printing Co., Inc --Joint Appendix Costs	3,701
	Outside Printing - Paid to: Wilson-Epes, Printing Co., Inc - reply Brief, #14-562	1,930
Outside Printing Total		**17,818**
Air/Rail Travel	03/13/15 - C. Thomas Brown - Airfare - airfare, to dc - Ticket Number: 0377580843140 - Airline:, USAirways	866
	04/15/15 - C. Thomas Brown - Airfare - Airfare -, Nashville-Memphis - 4/20/15 - Ticket Number:, 0067589661627 - Airline: Delta - Start Date:, 04/20/2015	842
	04/21/15 - Joshua E Goldstein - Airfare -, Jetblue tickets - Roundtrip to Washington, DC -, Ticket Number: 2797590917106 - Airline: Other -, Start Date: 04/22/2015	823
	04/24/15 - Justin G Florence - Airfare - Travel, to DC to Assist in Oral Argument Prep. Airfare -, Ticket Number: 0377591912175 - Airline:, USAirways - Start Date: 04/27/2015	657
	04/26/15 - Joshua E Goldstein - Airfare - New, ticket to DC - Ticket Number: 0377592169471 -, Airline: USAirways - Start Date: 04/27/2015	657
	04/16/15 - Justin G Florence - Airfare - Travel, to DC to Assist in Oral Argument Prep. Airfare -, Ticket Number: 0377589661982 - Airline:, USAirways - Start Date: 04/22/2015	657
	04/14/15 - Douglas H Hallward-Driemeier -, Airfare - US Airways -- travel to Nashville TN, for Tanco moot court - Ticket Number:, 0377589391020 - Airline: USAirways - Start Date:, 04/19/2015	621
	04/15/15 - C. Thomas Brown - Airfare - Airfare -, Bos-DC-Nashville - 4/19/15 - Ticket Number:, 0377589661619 - Airline: USAirways - Start Date:, 04/19/2015	602
	03/20/15 - C. Thomas Brown - Airfare - airfare -, Ticket Number: 0377582794965 - Airline:, USAirways	543
	03/16/15 - Douglas H Hallward-Driemeier -, Airfare - New flight-- changed outbound flight, -- US Airways - fly to Louisville for Tanco case, - Ticket Number: 0377581573689 - Airline:, USAirways - Start Date: 03/24/2015	432
	04/21/15 - Paul S Kellogg - Train - Acela while, attending client meetings in DC. - Ticket, Number: 1117322055899 - From/To: NY/DC - Start, Date: 04/23/2015	428
	03/17/15 - C. Thomas Brown - Airfare - airfare -, Ticket Number: 0377581573987 - Airline:, USAirways	200
	04/15/15 - Douglas H Hallward-Driemeier -, Airfare - US Airways - seat change charge for return flight on April 20 -- travel to Nashville, for Tanco moot ct. - Ticket Number:, 0372183847382 - Airline: USAirways - Start Date:, 04/19/2015	43
	04/20/15 - C. Thomas Brown - Change Ticket Fee -, Airfare - Nashville-Memphis - 4/20/15 - Ticket, Number: X589909916BROWNC - Airline: USAirways -, Explanation: Change Fee	35
	04/24/15 - Justin G Florence - Airfare - Travel, to DC to Assist in Oral Argument Prep. Seat, Charge - Ticket Number: 0372183944039 - Airline:, USAirways - Start Date: 04/28/2015	25
	04/24/15 - Justin G Florence - Airfare - Travel, to DC to Assist in Oral Argument Prep. Seat, Charge - Ticket Number: 0372183944037 - Airline:, USAirways - Start Date: 04/27/2015	25
	04/22/15 - Justin G Florence - Train - Travel to, DC to Assist in Oral Argument Prep. Metro Card -, Ticket Number: 306278560207 - From/To: DC/DC -, Start Date: 04/22/2015	10
Air/Rail Travel Total		**7,465**
Hotel	04/29/15 - C. Thomas Brown - Lodging - Hotel during week of oral argument prep and oral argument	3,353
	04/24/15 - Justin G Florence - Lodging - Travel, to DC to Assist in Oral Argument Prep. Hotel	571
	03/23/15 - C. Thomas Brown - Lodging - hotel	487
	04/29/15 - Justin G Florence - Lodging - Travel, to DC to Assist in Oral Argument Prep. Lodging	362
	04/21/15 - Douglas H Hallward-Driemeier -, Lodging - Lodging -- Hermitage Hotel Nashville, TN -- travel to Nashville for Tanco moot court	326
	04/21/15 - C. Thomas Brown - Lodging - Hotel	326
	03/26/15 - C. Thomas Brown - Lodging - hotel	306
	03/26/15 - Douglas H Hallward-Driemeier -, Lodging - Lodging - Hilton Garden Inn Louisville, KY -- travel to Louisville KY for Tanco Moot, Court	301
Hotel Total		**6,030**
Travel - Booking Fee	04/27/15 - Justin G Florence - Booking Fee -, Travel to DC to Assist in Oral Argument Prep., Booking Fee - Ticket Number: X591912175FLOREN	35
	04/23/15 - Paul S Kellogg - Booking Fee -, Booking fee for Acela while attending client, meetings in DC. - Ticket Number:, X000AYFDQJKELLOG	35
	04/23/15 - Joshua E Goldstein - Booking Fee -, Booking fee - Ticket Number: X590917106GOLDST	35
	03/18/15 - C. Thomas Brown - Booking Fee -, booking fee - Ticket Number: X581573987BROWNC	35
	04/27/15 - Joshua E Goldstein - Booking Fee -, New booking fee to DC - Ticket Number:, X592169175GOLDST	35
	03/23/15 - C. Thomas Brown - Booking Fee -, booking fee - Ticket Number: X582794965BROWNC	35
	04/28/15 - Joshua E Goldstein - Booking Fee -, New service fee to DC - Ticket Number:, X592169471GOLDST	35
	03/17/15 - Douglas H Hallward-Driemeier -, Booking Fee - Booking fee New flight-- changed, outbound flight -- US Airways - fly to, Louisville for Tanco case - Ticket Number:, X581573689HALLWA	35
	04/20/15 - Justin G Florence - Booking Fee -, Travel to DC to Assist in Oral Argument Prep., Booking Fee - Ticket Number: X589661982FLOREN	35
	04/16/15 - C. Thomas Brown - Booking Fee -, Airfare - Nashville-Memphis - 4/20/15 - Ticket, Number: X589661627BROWNC	18
	04/16/15 - C. Thomas Brown - Booking Fee -, Booking Fee - Airfare - Bos-DC-Nashville -, 4/19/15 - Ticket Number: X589661619BROWNC	17
Travel - Booking Fee Total		**350**
Grand Total		**31,663**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF SHANNON P. MINTER

I, Shannon P. Minter, being of sound mind and aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney admitted pro hac vice before this Court and represent the Plaintiffs in this action. I am a member in good standing of the California State Bar and am admitted to practice law in California state and federal courts, several U.S. Courts of Appeals, and the Supreme Court of the United States. I have personal knowledge of the matters stated in this Declaration and could and would competently testify to these facts.

2. This Declaration is filed concurrently with Plaintiff's Motion for Reasonable Attorneys' Fees and Expenses.

3. I am a 1993 graduate of Cornell University School of Law, and have been a licensed attorney since that year. Since 2000, I have been the Legal Director of the National Center for Lesbian Rights (NCLR), which is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families. In particular, NCLR is committed to litigating precedent-setting cases at the trial and appellate court levels

throughout the country. A more complete recitation of my experience and background in civil rights cases is included below and in my curriculum vitae, a copy of which is attached hereto as **Exhibit A**.

MY MOST RELEVANT GENERAL BACKGROUND

4. NCLR maintains a diverse legal practice and I have litigated a variety of complex cases in state and federal courts during my twenty-one year tenure at the organization. For instance, I have litigated complex child custody, adoption, youth, immigration, employment discrimination, and civil rights matters. I have also argued cases before trial and appellate courts, including state supreme courts and federal circuit courts of appeal.

5. I am an expert on legal matters involving lesbian, gay, bisexual, and transgender (LGBT) people and frequently teach or lecture regarding these topics. For example, I have taught courses on LGBT legal issues at Berkeley, Stanford, Santa Clara, American University Washington College of Law, and several other law schools.

6. I have authored several treatises and publications on legal issues related to the LGBT community, including in the areas of family law, constitutional rights, employment discrimination, and immigration / asylum, and frequently lecture around the country and abroad regarding LGBT civil and human rights. For example, in September of 2013, I traveled to El Salvador to meet with various governmental agencies about hate violence against LGBT people at the request of the U.S. Department of State. In June of 2015, President Obama appointed me to serve on the President's Commission on White House Fellowships.

7. I also have extensive experience litigating challenges to state laws that prohibit marriages by same-sex couples or recognition of valid marriages of same-sex couples performed in other jurisdictions. NCLR was lead counsel for a group of fifteen (15) same-sex couples in *In*

re Marriage Cases, 43 Cal.4th 757, 76 Cal.Rptr.3d 683, 183 P.3d 384 (2008), representing them in the case that made California the second state in the country to allow same-sex couples to marry. I argued the case on behalf of the couples before the California Supreme Court, which ruled in May 2008 that the California Constitution's guarantees of due process and equal protection prohibited the state from barring same-sex couples from marriage. The decision was also the first ruling by a state supreme court that laws that discriminate on the basis of sexual orientation are subject to strict scrutiny under the equal protection guarantee of a state constitution. The decision followed more than four years of litigation in the California courts, including briefing and argument by NCLR and its co-counsel in the San Francisco Superior Court and California Court of Appeal. I was substantially involved in the briefing and strategy for the case throughout the litigation, as was Senior Staff Attorney Christopher Stoll, who was then a partner at Heller Ehrman LLP, one of the law firms that worked with NCLR on the case, and Constitutional Litigation Director David Codell, who had his own firm at that time.

8. NCLR was also counsel in *Strauss v. Horton*, 46 Cal. 4th 364, 207 P.3d 48 (Cal. 2009). I argued that case before the California Supreme Court, which held that the marriages of same-sex couples who legally married in California before the enactment of Proposition 8 were valid.

9. In 2012, NCLR litigated *Port v. Cowan*, 426 Md. 435, 44 A.3d 970 (Md. 2012). I argued that case before the Maryland Court of Appeals, the highest state court in that state, which held that Maryland must recognize the marriages of same-sex couples who validly married in other jurisdictions.

10. In 2011 through 2013, NCLR also successfully litigated *Cozen O'Connor, P.C. v. Tobits, et al.*, No. 11–0045, 2013 WL 3878688 (E.D. Penn. Jul. 29, 2013) in the Eastern District

of Pennsylvania establishing the validity of a marriage of a same-sex couple. In that case, Jennifer Tobits lost her wife to a four-year battle with cancer. When she sought distribution of her wife's employee pension plan, the employer refused to distribute the funds based on the federal "Defense of Marriage Act." Relying on the U.S. Supreme Court's decision in *United States v. Windsor*, the federal judge ruled that Jennifer was a legal spouse entitled to her wife's pension plan.

11. NCLR also represented same-sex couples in *Griego v. Oliver*, a lawsuit challenging New Mexico's failure to issue marriage licenses to same-sex couples. In that case, we secured a unanimous decision from the New Mexico Supreme Court ruling that the New Mexico Constitution requires the state to allow same-sex couples to marry and to recognize the valid marriages of same-sex couples performed outside the state.

12. In 2013, NCLR served as amicus counsel for the Leadership Conference on Civil and Human Rights, the American Association of University Women, the Hispanic National Bar Association, the Japanese American Citizens League, the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the Southern Poverty Law Center and other civil rights organizations in *United States v. Windsor*, 133 S. Ct. 2675 (2013).

13. I, along with Christopher Stoll, Amy Whelan, and other NCLR legal staff, also served as Plaintiffs' counsel in multiple marriage cases around the country, including in Utah, Florida, Alabama, Idaho, Wyoming, North Dakota, and South Dakota. In the Utah marriage case, NCLR entered the case in 2014 as co-counsel for the appeal before the United States Court of Appeals. The Tenth Circuit's decision in the Utah case was the first federal appeals court decision since *Windsor* to rule in favor of the freedom to marry for same-sex couples and led to marriage equality in all states in the Tenth Circuit soon after the Supreme Court denied certiorari in October 2014. Because of our extensive experience and expertise litigating these cases, we also provided

legal assistance and research to numerous other attorneys around the country who were litigating marriage cases in both state and federal courts.

SUMMARY OF THE LITIGATION AND THE EXCELLENT RESULTS OBTAINED

14. NCLR was retained in this litigation, along with co-counsel, on a pro bono basis to challenge Tennessee's laws prohibiting the issuance of marriage licenses to same-sex couples. The Plaintiffs in this action did not have the resources to pay counsel and could not financially afford paying the attorney fees and expenses necessary to proceed with this action to protect their fundamental rights to due process and equal protection of the law under the U.S. Constitution. Plaintiffs were not charged any fees to represent them and they have not paid any costs or expenses related to the lawsuit. All of the main attorneys who worked on the case were actively involved in overall strategy, drafting of key briefs and documents, and decision making for the case. Plaintiffs' counsel conducted much of their business during telephone conferences and through email, which served as a cost-effective means to divide tasks between the attorneys and staff while largely eliminating the need for expensive travel by NCLR.

15. Plaintiffs' counsel litigated this case efficiently and without unnecessary duplication of effort. Because of NCLR's long experience with the important constitutional issues involved in this case, we took primary responsibility for preparing initial drafts of most key pleadings and briefs, including the Complaint and the briefing regarding the preliminary injunction, which were reviewed and edited by co-counsel. We also took primary responsibility for the briefing in the Court of Appeals, including researching and preparing the initial drafts of a 56-page brief on the merits and a 20-page brief in opposition to defendants' motion for a stay pending appeal. There were also legal issues unique to this case. For instance, at the time it was filed in 2013, this action one of the first cases in the country after the Supreme Court's decision in

Windsor to focus on a challenge to state laws denying recognition to the marriages of same-sex couples who married in other jurisdictions, which raised distinct issues involving complex areas of constitutional, doctrinal, and statutory law. Preparation of plaintiffs' complaint and briefing required extensive research into historical and current rules in Tennessee and nationally concerning recognition of out-of-state marriages. Plaintiffs' motion for preliminary injunction filed in this Court was one of the first briefs filed in any court to make the argument that a state's exclusion of same-sex couples from the historical "place of celebration" rule, under which states have ordinarily recognized out-of-state marriages of couples as long as the marriage was valid under the law of the state where it was performed, violated fundamental principles of due process and equal protection established in *Windsor* and other cases. Developing and articulating this complex and largely novel argument required a great deal of research into relevant case law and legal scholarship, considerable analysis and discussion among members of our legal team, and significant time and effort to draft and revise plaintiffs' briefs.

16. Defendants aggressively litigated this case at every phase, requiring Plaintiffs' Counsel to incur additional fees. For instance, Defendants filed a motion to stay this court's preliminary injunction pending appeal, which this Court denied on March 30, 2014 (Doc. 78), forcing plaintiffs to file an opposition. Defendants then filed a stay motion in the Sixth Circuit, giving Plaintiffs' Counsel only ten days to file a 20-page opposition, which required drafting a condensed version of plaintiffs' argument on the merits as well as significant research into the disposition of other stay motions by the Supreme Court and circuit courts in marriage cases around the country. Opposing the stay motion also required obtaining a new declaration from plaintiff Dr. Valeria Tanco to explain the urgent need for her marriage to her spouse, Dr. Sophy Jesty, to be recognized in light of the recent birth of their child. Attached hereto as **Exhibit B** are true and

correct copies of the 6th Circuit and Supreme Court dockets for this case (which show all of the pleadings and briefs Plaintiffs' counsel was required to file).

17. At the time we filed the complaint, this was one of only a handful of federal cases challenging state laws prohibiting marriage or marriage recognition for same-sex couples. By the time the case reached the Supreme Court, at least one such challenge had been filed in every state that did not already have marriage equality for same-sex couples. Because marriage litigation was proceeding all around the country in state and federal courts, it was essential that Plaintiffs' counsel keep up-to-date on the rapidly changing legal landscape. Plaintiffs' counsel filed the Complaint, prepared and filed Plaintiffs' Motion for Preliminary Injunction, and secured a total victory on that motion within just five months. Plaintiffs' counsel filed their Motion for Preliminary Injunction on November 19, 2013, including a 40-page Memorandum of Law and declarations and exhibits from each of the individual Plaintiffs totaling nearly 100 pages. That motion (and the Complaint) included significant legal research regarding Tennessee's specific laws prohibiting recognition of same-sex couples' marriages, the legislative history regarding those laws, and the specific state laws affecting married couples. The personal experiences of the six individual Plaintiffs were also unique to this case, as documented in the Complaint and their declarations in support of the successful Motion for Preliminary Injunction. When drafting those Plaintiff declarations, Plaintiffs' counsel split the work efficiently so that there would be no duplication of effort. The State Defendants vigorously opposed the preliminary injunction motion, and Plaintiffs' counsel filed a 20-page reply memorandum on December 20, 2013. Beginning in late December 2013 and continuing until the Supreme Court's decision on June 26, 2015, numerous federal and state courts around the country issued decisions in cases challenging state laws prohibiting marriage or marriage recognition for same-sex couples. Due to the rapidly changing legal landscape for

marriage cases around the country during the entire time this case was pending, Plaintiffs' counsel had to keep up-to-date on dozens of relevant cases in order to ensure that the briefing and legal arguments were current. Plaintiffs' counsel reviewed and analyzed each of these decisions as they were issued, and between December 24, 2013, and February 26, 2014, filed four notices informing this Court of these supplemental authorities.

18. On March 14, 2014, this Court granted Plaintiffs' Motion for Preliminary Injunction and ordered all of the relief Plaintiffs requested. Also during this time, Plaintiffs' attorneys filed a memorandum opposing a motion filed by an individual who desired to intervene in the litigation; the Court denied the motion on March 14, 2014. After Plaintiffs prevailed before this Court, the State Defendants appealed that ruling to the United States Court of Appeals for the Sixth Circuit. The State Defendants filed their appellant brief on May 7, 2014, and Plaintiffs filed their brief on June 9, 2014. More than 30 amicus curiae briefs were filed in the Sixth Circuit, all of which required study by Plaintiffs' counsel in preparation for oral argument, and many of which required plaintiffs' counsel to respond to various requests for information from counsel for amici. The case was scheduled for oral argument on August 6, 2014, the same day as oral argument in marriage cases from Michigan, Ohio, and Kentucky. To assist Sherrard & Roe partner William Harbison in preparing for oral argument and anticipate likely questions from the panel, members of our legal team participated in multiple preparation sessions by telephone and in person. The Sixth Circuit oral argument lasted several hours, as arguments in all four marriage cases were heard during a single afternoon session. On November 6, 2014, the Sixth Circuit issued its opinion reversing district court decisions in all four marriage cases, creating a split of authority with other circuits that in recent months had issued decisions holding state marriage bans unconstitutional.

19. Because of the severe harms Tennessee's anti-recognition laws were inflicting on Plaintiffs and other Tennessee couples each day they remained in effect, Plaintiffs' counsel believed it was important to attempt to obtain review by the Supreme Court in time for the case to be argued and decided before the end of the Court's 2014-15 term. For that reason, Plaintiffs' counsel made the decision to add a prominent Supreme Court litigator, Douglas Hallward-Driemeier of Ropes & Gray LLP, to the legal team. Together, Ropes & Gray attorneys and members of the existing legal team put in extraordinary effort to prepare a 37-page petition for certiorari and accompanying appendix in just eight days, filing it in the Supreme Court on November 14, 2014. The State Defendants in this case were the only defendants in any of the four Sixth Circuit marriage cases to oppose review by the Supreme Court, filing their brief in opposition on December 15, 2014. This decision by Defendants required Plaintiffs to prepare a reply brief in support of certiorari, which was filed only four days later, on December 19.

20. The Supreme Court granted certiorari in all four cases on January 16, 2015, and set a briefing schedule. Plaintiffs' counsel filed their 58-page opening brief on the merits on February 27, 2015. The State Defendants filed their brief on March 27, 2015, and Plaintiffs' counsel filed their reply brief on April 17, 2015. The reply brief in particular required significant research and analysis, as the State Defendants made new arguments in their Supreme Court brief that they had not raised in this Court or the Court of Appeals, including the argument that Tennessee's anti-recognition laws should be analyzed in light of Supreme Court precedent concerning constitutional limits on choice-of-law rules. For all of the briefing in the Supreme Court, extensive research, writing, and editing was done both by Ropes & Gray attorneys and by other members of our legal team, especially myself and Mr. Stoll. Preparation of the briefs was a monumental task which could not have been completed in the timely and high-quality manner needed without the efforts

of each of these attorneys. This case was easily among the most important cases addressing the rights of LGBT persons that has ever been argued before the Supreme Court, and it was essential that the briefs be the highest-quality work that our team was capable of producing. In addition to drafting the briefs, work at the Supreme Court level required extensive coordination among the legal teams in the four Sixth Circuit cases. Dozens of amicus curiae briefs were filed in the cases, including at least 70 arguing in favor of same-sex couples' freedom to marry; members of all four legal teams closely coordinated with each other to ensure that counsel for these amici were provided necessary information and consent to file their briefs. In addition, because the Supreme Court granted certiorari in all four cases but permitted only two oralists for each side, discussions were required to determine who would present oral argument. Mr. Hallward-Driemeier was selected to present oral argument for all Plaintiffs on the issue of whether the Constitution allows states to deny recognition to the marriages of same-sex couples performed in other jurisdictions. To help prepare him and the other oralist, Mary Bonauto, for argument, Plaintiffs' counsel held a number of telephonic and in-person preparation sessions both with members of the legal team in this case and with the legal teams in all four cases, as well as with a number of other prominent Supreme Court advocates. These included preparation sessions and moot courts at Howard University Law School, the Georgetown Law Center, and the Office of the Solicitor General of the United States. This joint preparation effort among the four legal teams was necessary because the two questions before the Supreme Court – the constitutionality of state marriage bans and the constitutionality of state marriage-recognition bans – were closely related, and it was essential that both oralists' arguments and answers to questions be consistent. This coordination was also essential because the two oralists had to be prepared to discuss all of the four cases pending before

the Supreme Court. Oral argument was held on April 28, 2015, and the Supreme Court issued its decision on June 26, 2015.

21. Based on my many years of litigation experience, the results obtained in this case are superb. Plaintiffs prevailed on all of their claims, including that Tennessee's laws violate their rights to due process and equal protection of the laws, and also secured all of the relief requested in the Complaint. This is a historic victory that extends marriage equality to same-sex couples across the country and that provides extensive legal and dignitary protections to thousands of families. The decision will also significantly impact due process and equal protection jurisprudence generally for decades to come.

22. Because of the demands of this case, NCLR turned away other cases that it likely would have otherwise litigated. We invested an enormous amount of resources in this case, which was a significant drain on our legal department for many months.

BILLING RATES, RECORDS, AND REDUCTIONS

23. As a non-profit litigation firm, NCLR does not charge our clients for legal services. We do, however, seek reasonable attorneys' fees and expenses in cases where there are fee-shifting statutes and our clients are the prevailing parties. NCLR and our co-counsel have incurred all costs in this matter and Plaintiffs have agreed that any awarded attorneys' fees and costs shall belong to and be paid to Plaintiffs' counsel.

24. I have been assisted in this case by the following persons for whose work fees are claimed: NCLR's Senior Staff Attorneys Christopher F. Stoll and Amy Whelan, and Staff Attorneys Asaf Orr and Jaime Huling Delaye. Mr. Stoll's, Ms. Whelan's, Mr. Orr's, and Ms. Huling Delaye's resumes are attached hereto as **Exhibit C.** NCLR's Constitutional Litigation Director, David Codell, also worked approximately 100 hours on this case. Mr. Codell is a highly-

skilled expert in constitutional law who clerked for the U.S. Supreme Court and has been litigating complex civil rights and other matters for nearly twenty years. Although other NCLR staff members also worked on this case, we are not seeking compensation either for Mr. Codell's time or for their time as an exercise of billing judgment, as described more fully below.

25. NCLR has detailed time records that show the work we performed in this case. As a general matter, NCLR attorneys worked on the following major categories of work: (1) researching, drafting, and editing the Complaint; (2) work on Plaintiffs' successful motion for preliminary injunction, including supporting affidavits and evidence; (3) work opposing Defendants' motions for a stay; (4) research and drafting the appellate brief; (5) work on oral argument preparation in the Sixth Circuit; (6) work on the petition for certiorari and the reply in support of the petition; (7) work on the brief on the merits and reply brief in the Supreme Court; (8) preparation for oral argument, including coordination with the legal teams in all four marriage cases before the Supreme Court; (9) post-judgment work to ensure enforcement of this Court's order; and (10) preparation of the instant motion for fees and all supporting evidence for that motion. All of this work was necessary and reasonable to secure and enforce Plaintiffs' victory in the case. Although Chris Stoll and I were heavily involved in every phase of the case, including all strategic decision-making, the major briefing and research, and argument preparation at the trial, appellate, and Supreme Court, my office divided tasks so as to avoid unnecessary duplication. For instance, Asaf Orr was primarily involved at the beginning of the case when we were drafting the Complaint, performing our factual investigation, and obtaining declarations from the Plaintiff couples for the preliminary injunction motion. Ms. Whelan primarily worked on drafting portions of the preliminary injunction motion and the instant fee motion. Ms. Huling Delaye primarily

worked on some of the declarations for the preliminary injunction motion, drafted the notices of supplemental authority filed with this Court, and provided legal research for the stay briefing.

26. The current billing rates we seek in this case are as follows: $475 per hour for myself, $425 per hour for Christopher Stoll, who has 21 years of litigation experience, $390 per hour for Amy Whelan, who has 14 years of litigation experience, $290 per hour for Asaf Orr who has 7 years of litigation experience, and $280 for Jaime Huling Delaye, who has 6 years of experience. Both Mr. Stoll and Ms. Whelan have worked extensively on all of NCLR's marriage cases across the country and have extensive experience litigating complex constitutional issues.

27. Because NCLR's main office is in San Francisco, we currently have much higher market rates than the rates we seek in this case. My current rate is $700 per hour, Mr. Stoll's is $650 per hour, Ms. Whelan's is $550 per hour, Mr. Asaf's is $470 per hour, and Ms. Huling Delaye's is $440 per hour.

28. Based on my research of hourly rates in the Nashville market and consideration of all of the *Johnson* factors, the rates we are seeking here are reasonable for attorneys with similar levels of skill and experience, and particularly attorneys who specialize in complex constitutional litigation, as NCLR attorneys do. This is also confirmed by the supporting Declarations of outside attorneys filed concurrently with this motion.

29. NCLR and our co-counsel performed work efficiently, effectively, with extreme diligence, and without unnecessary duplication. Based on my experience litigating complex civil rights cases, I believe the hours recorded by NCLR staff on this case to be extremely conservative. We have nevertheless made billing judgment reductions for the purpose of eliminating any possible duplication, overstaffing or overwork. First, I did not record some time I spent meeting with co-counsel about various strategy issues or reviewing key documents in the case. Although

that time is compensable, I did not record it in order to keep our legal fees to a minimum. Second, we made discrete deductions of time based upon the same careful review of billing records that a lawyer would do before sending a bill to a fee-paying client. These deductions appear in the "Billing Judgment Reduction" columns on our timesheets. Third, we do not seek attorneys' fees for approximately 100 hours spent by NCLR's Constitutional Litigation Director, David Codell. Mr. Codell is a highly-skilled expert in constitutional law who served as a Supreme Court law clerk for Justice Ruth Bader Ginsberg. He has been litigating complex civil rights and other matters for nearly twenty years and performed critical work for this case, including intense strategizing, drafting, and editing regarding the major briefs at all levels, as well as extensive preparation for the key arguments in the case. Because Mr. Stoll and I also dedicated extensive time to all of that work, however, we are not seeking fees for Mr. Codell as an exercise of billing judgment reduction in order to keep our hours exceedingly reasonable. This is despite the fact that Mr. Codell's time was reasonable and thus compensable for this case. Finally, we do not seek fees for the two paralegals in our office who worked on this case or for numerous law clerks who provided legal research and general support for the litigation.

30. Following the exercise of the various billing judgment reductions described above, NCLR's total claimed lodestar is $576,867. The chart below shows the breakdown of this total:

ATTORNEY	RATE	HOURS	AMOUNT
Shannon Minter	$475	606.6	$288,135
Christopher Stoll	$425	540.2	$229,585
Amy Whelan	$390	69.3	$27,027
Asaf Orr	$290	53.6	$15,544
Jaime Huling Delaye	$280	59.2	$16,576
	TOTAL:		**$576,867**

31. Pursuant to the contemporaneously filed motion seeking to submit itemized time entries under seal, NCLR's time entries are attached hereto as **Exhibit D**.

32. We also seek $18,575 in expenses, for a total request of $595,442. Those expenses consist of pro hac vice fees to admit NCLR attorneys before the appellate court, and lodging and airfare for key travel we did for the case. All of that travel, which primarily consisted of moot courts and necessary hearings for the case, was reasonable for the litigation. Indeed, many of the trips related to the essential moot courts conducted around the country that ended up providing invaluable information and strategy for the Supreme Court argument, or was travel related to the argument itself. Although we seek reimbursement for transportation to or from the airports during our travel, we do not seek reimbursement for meals during those trips or for other travel that we were required to do once we were in the destination (e.g. taxi cabs, shuttles, etc. to the moot courts or other places), even though those expenses are also reimbursable. Finally, we do not seek reimbursement for other costs that are also awardable, such as phone charges, photocopying, facsimiles, Westlaw charges, and postage. Attached hereto as **Exhibit E** is a true and accurate listing of the expenses NCLR is seeking for this case.

33. Depending on the amount of time necessary to defend Plaintiffs' entitlement to reasonable fees and costs, Plaintiffs reserve the right to update these totals at a future date if additional work becomes necessary.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct.

Executed in Washington, D.C. on this 8th day of October 2015.

Shannon P. Minter (pro hac vice)
Attorney for Plaintiffs

EXHIBIT A

NCLR NATIONAL CENTER FOR LESBIAN RIGHTS

SHANNON PRICE MINTER
Legal Director

EDUCATION AND BAR ADMISSIONS

Cornell Law School, J.D., 1993
Honors: *Magna Cum Laude*, Order of the Coif, Graduation Address
Activities: Symposium Editor, CORNELL INTERNATIONAL LAW JOURNAL

Cornell University, Ph.D. program, English & American Literature, 1984-88
Honors: Mellon Fellow, Andrew White Fellow

University of Texas at Austin, B.A., 1983
Honors: *Phi Beta Kappa*

Bar Admissions: California (1993); admitted to CA state and federal courts, several U.S. Courts of Appeals, and U.S. Supreme Court

EXPERIENCE

National Center for Lesbian Rights
Legal Director, 2000-present; ***Senior Staff Attorney***, 1996-1999

Legal director of national civil rights organization with offices in California and Washington, D.C. with nationwide impact litigation and policy practice.

Litigation: Serve as lead counsel in state and federal impact cases, including civil rights, child custody, adoption, youth, immigration, employment discrimination, and other areas. Lead litigation teams for various marriage equality cases across the country, including the Tennessee case decided by the U.S. Supreme Court. Supervise legal team of 13 in-house counsel and manage co-counsel relationships with other legal organizations and law firms. Coordinate national network of 40 to 45 family law and estate planning attorneys and legal scholars who develop new legal strategies for protecting same-sex couples and their children.

Legislation: Draft local, state, and federal anti-discrimination and family recognition bills and regulations affecting gay, lesbian, bisexual, and transgender people.

Policy advocacy: Develop and implement national and state policy initiatives relating to LGBT parents, students, youth, immigrants, elders, and prisoners. Examples include: testimony as expert on gender identity discrimination before House Committee on Education and Labor (June, 2008); development with Child Welfare League of America of best practice guidelines for serving LGBT youth in foster care and juvenile justice settings (2006); development of model safe school policies for San Francisco and Los Angeles Unified school districts (2004).

National Association of Public Interest Law Fellow, 1993-1995
Created national legal and public policy advocacy program to address abuse of gay, lesbian, bisexual and transgender youth in mental health system.

American University Washington College of Law
Visiting Professor, Constitutional Law Summer Program, 2011-present

Whittier Law School
Visiting Professor, Transgender Rights, Summer 2010

Santa Clara Law School
Lecturer, Gender, Sexuality, and the Law, Spring 2004

University of San Francisco School of Law
Adjunct Professor of Law, Sexual Orientation and the Law, Fall 2003

University of California, Berkeley School of Law (Boalt Hall)
Adjunct Professor of Law, Gender, Sexuality and the Law, Spring 2003

Golden Gate School of Law
Adjunct Professor of Law, Sexual Orientation and the Law, Spring 2003

Stanford Law School
Adjunct Professor of Law, Gender, Sexuality, and the Law, Spring 2001

The Schomberg Library African-American Fiction and Periodicals Project
Editorial Assistant to Henry Louis Gates, Jr., 1988-1990
Responsible for identifying and preserving fiction and book reviews published in nineteenth and early twentieth century African-American owned or edited newspapers in the U.S.

SAMPLE PUBLICATIONS

LESBIAN, GAY, BISEXUAL AND TRANSGENDER FAMILY LAW. Coauthored with Courtney G. Joslin (West Publishing 2014)

Representing Transsexual Clients, in SEXUAL ORIENTATION AND THE LAW (West Publishing 2014).

"SUPPORTING TRANSGENDER CHILDREN: NEW MEDICAL, LEGAL, AND SOCIAL APPROACHES," 59 JOURNAL OF HOMOSEXUALITY ISSUE 3 (2012)

FOREWORD, HUNG JURY: TESTIMONIES OF GENITAL SURGERY BY TRANSSEXUAL MEN (Transgress Press 2012)

FOREWORD, THE LIVES OF TRANSGENDER PEOPLE (Columbia University Press 2011)

TRANSGENDER RIGHTS. Co-edited with Paisley Currah and Richard M. Juang (Minnesota University Press 2006)

The Great Divorce: The Separation of Equality and Democracy in Contemporary Marriage Litigation, 19 UNIV. OF SOUTHERN CALIF. REV. OF L. & SOCIAL JUSTICE 89 (2010)

SAME-SEX MARRIAGE AND ITS IMPLICATIONS FOR EMPLOYEE BENEFITS, 9 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 499 (2005).

UNPRINCIPLED EXCLUSIONS: THE STRUGGLE TO ACHIEVE JUDICIAL AND LEGISLATIVE EQUALITY FOR TRANSGENDER PEOPLE, (WITH PAISLEY CURRAH) 7 WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 37 (2000). Published in Elizabeth Bernstein and Laurie Schaeffer, eds., REGULATING SEXUALITY (Routledge 2005).

Preface, SOCIAL SERVICES WITH TRANSGENDERED YOUTH, Gary Mallon, ed. (2000).

Beyond Second-Parent Adoption: The Uniform Parentage Act and Intended Parents, (with Kate Kendell) 2 GEORGETOWN JOURNAL OF GENDER AND THE LAW 29 (2000).

Do Transsexuals Dream of Gay Rights? Getting Real About Transgender Inclusion in the Gay Rights Movement, 17 NEW YORK LAW SCHOOL JOURNAL OF HUMAN RIGHTS 589 (2000).

TRANSGENDER EQUALITY. Coauthored with Paisley Currah (National Gay & Lesbian Task Force 2000).

Lesbians and Gay Men as Adoptive Parents: A Child Welfare Perspective, in ADOPTION FACTBOOK III (National Council for Adoption, 1999).

Diagnosis and Treatment of Gender Identity Disorder in Children, in Matthew Rottnek, ed., SISSIES AND TOMBOYS: GENDER NONCONFORMITY AND HOMOSEXUAL CHILDHOOD (NYU Press 1999).

Lesbians and Political Asylum: Sexual Orientation, Gender, and Lesbian Human Rights, in A RESOURCE GUIDE FOR ATTORNEYS REPRESENTING LESBIANS AND GAY MEN IN ASYLUM CASES (International Gay and Lesbian Human Rights Commission 1996).

Lesbian Rights in the United States, in Rachel Rosenbloom, ed., UNSPOKEN RULES: SEXUAL ORIENTATION AND WOMEN'S HUMAN RIGHTS (Cassell 1996).

Sodomy and Public Morality Offenses Under U.S. Immigration Law: Penalizing Lesbian and Gay Identity, 26 CORNELL INTERNATIONAL LAW JOURNAL 771 (1993).

SELECTED PRESENTATIONS

Plenary: "The Future of Transgender Rights," LGBT Bar Association, August 5, 2015

Panel: "Municipal Restriction Law," Equality Federation, July 25, 2015

Panel: "The Future of the Ban on Transgender Service Members," Texas State Bar Association, June 19, 2015

Panel: "Transgender Rights," Texas State Bar Association, May 28, 2015

Keynote: "Protecting the Long-Term Health and Wellbeing of LGBT Youth," Saying It Out Loud Conference, May 27, 2015

Panel: "First Amendment and Professional Conduct," conference on "Public Health in the Shadow of the First Amendment," Yale Law School, October 27, 2014

Panel: "Litigation Challenging State Marriage Bans," Virginia Bar Association, June 24, 2014

Plenary: "The LGBT State of the Nation," Texas Bar Association, June 27, 2014

Panel: "LGBT Update," New Jersey Bar Association, March 1, 2014

Keynote: "Realizing the Dream of Equality for All," New Mexico Bar Association, May 1, 2013

"Winning Cases, Losing Children: The Human Impact of Litigation in LGBT Impact Cases," Roundtable Discussion, Law & Society Conference, San Francisco, June 3, 2011.

"LGBT Legal Issues in Utah," State Judges Annual Judicial Conference, Homestead, Utah, May 5, 2011

Plenary, "What the LGBT and Disability Rights Movements Can Learn from One Another," Jacobus tenBroek Disability Law Symposium, *Bridging the Gap between the Disability Rights Movement and Other Civil Rights Movements*, April 14, 2011

Panel, "How Does it Get Better? New Directions in LGBT Equality," "Gay Rights as Human Rights" Conference at the Harvard Kennedy School, April 15, 2011

"The Relevance of Martin Luther King To LGBT Advocacy," Martin Luther King Memorial, DePaul University College of Law, January 17, 2011

Keynote, "Gay Rights, Democracy, and the United States Supreme Court," Minnesota Lavender Bar Association, January 29, 2011

Keynote, "Do Transsexuals Dream of Gay Rights?," Harvard Kennedy School, Carr Center for Human Rights Policy, Nicholas Papadopoulos Lecture, April 23, 2010

Keynote, "The Heart of Democracy: Marriage Equality for Same-Sex Couples," Conference: Controlling Sexuality through Violence, Harassment and Intrusion: Implications and Prospects for Fundamental Human Rights, Tanner Humanities Center, University of Utah, February 26, 2010

Keynote, "The Legal and Political Implications of Proposition 8," 'Til Ballot Initiative Do Us Part: Marriage Equality, Religion, and Civil Rights," American University Washington College of Law, March 19, 2009

"The Future of Marriage Equality in California," The Global Arc of Justice: Sexual Orientation Law around the World, UCLA School of Law, March 14, 2009

Keynote, "Why Gender Theory Should Not Determine Transgender Advocacy," Trans Rhetorics Conference, Cornell University, March 7, 2009

"The Struggle To Achieve Equality for Same-Sex Couples," Conference: Race, Class, Ethnicity and Gender, University of North Carolina Law School, February 21, 2009

Keynote, "The Concepts of Dignity and Privacy in Transgender Advocacy," Symposium: Transgender Lives and the Law, Temple Law School, November 8, 2008

"The Case Against Proposition 8," Levin Center for Public Service and Public Interest Law Award, Stanford Law School, November 10, 2008

"Relationship Recognition for Same-Sex Couples in California," Symposium: When Change Comes Home: Legal Repercussions and Comparative Perspectives on Changing Structures of American Households, Santa Clara Law School, February 15, 2008

"Legal & Policy Issues Affecting Transgender Students, Faculty, and Staff," Conference: Legal Issues in Higher Education, Vermont Law School, October 16, 2007

"Gay Marriage in California: Legal and Political Prospects," Debate sponsored by the Federalist Society, the American Constitution Society, the Pew Forum on Religion & Public Life, and the USC Annenberg Knight Chair in Media and Religion, Los Angeles, California, February 28, 2007

Plenary speaker, "The Role of Ethics in Public Interest Law," University of Maryland Law School, October 18, 2006

"Do Transsexual Athletes Have A Right To Compete?," Sports Law Symposium, Marquette Law School, October 6, 2006

"The Evolution of Transgender Rights Nationally and Globally," Symposium: Transgender Civil Rights Issues, Hastings Law School, July 21, 2006

Speaker, Panel on the Marriage Debate, The Charles R. Williams Project on Sexual Orientation and Public Policy, UCLA School of Law, April 21, 2006

"The Struggle to Achieve Marriage Equality for Same-Sex Couples," Cornell Law School, November 16, 2005

"The Salience of Gender-Based Humiliation in Human Rights Abuses Against Transgender Prisoners in the United States and So-Called 'Enemy Combatants' Abroad," Conference: Race, Class, Gender, and Ethnicity, University of North Carolina Law School, February 18, 2005

Speaker, Panel on the California Frontier: Litigating Exclusions to Gay and Lesbian Adoption and Marriage, Conference: Gay and Lesbian Adoption: Past, Present and Future, New York Law School, September 21, 2005

"The Current State of Gender Identity and Sexual Orientation Law," Conference: Progress and Promise in Sexual Orientation and Gender Identity Law, Pace Law School, April 21, 2003

SELECTED HONORS AND AWARDS

- Voice for Equality Award, Equality Florida, 2015
- Trailblazer Award, Pride Law Fund, 2015
- Lifetime Achievement Award, Greater Palm Springs Pride Association, 2014
- Distinguished Service Award, Gay Law D.C. Bar Association, 2010
- One of California Lawyers of the Year, California Lawyer Magazine, 2009
- One of Nation's Top 8 Lawyers of the Year, Lawyers USA, 2009
- One of California's 100 Top Lawyers, Daily Journal, 2008
- National Public Service Award, Stanford Law School, 2008
- Exemplary Public Service Award, Cornell Law School, 2008
- Award of Excellence, University of San Francisco Public Interest Law Foundation, 2008
- Community Service Award, Elections Committee of the County of Orange, 2008
- Advocacy Award, Bay Area Municipal Elections Committee, 2008
- Dan Bradley Award, National Lesbian and Gay Law Association, 2008
- Legal Advocacy Award, San Francisco State University National Sexuality Resource Center, 2008
- Visionary Award, Alice B. Toklas LGBT Democratic Club, 2008
- Community Service Award, Long Beach Lambda Democratic Club, 2008
- Award, International Foundation for Gender Education, 2008
- Community Advocacy Award, Gender Spectrum, 2007
- Unity Award, Bay Area Lawyers for Individual Freedom, 2006
- Leadership for a Changing World Award, Ford Foundation, 2005
- Justice Award, Equality California, 2005
- Advocacy Award, San Francisco Bar Association, 2004
- Honorary Doctorate, City University of New York Law School, 2004
- Anderson Foundation Prize, National Gay & Lesbian Task Force, 2003
- National Service Award, Gay/Lesbian/Bisexual Transgender Bar Association of Washington, D.C., 2002

COMMUNITY AND PROFESSIONAL SERVICE

The President's Commission on White House Fellowships, appointed 2015.
American Bar Assoc. Commission on Sexual Orientation and Gender Identity, 2007-2009
Transgender Law and Policy Institute, Board of Directors, 2000-present
International Gay & Lesbian Human Rights Commission, Advisory Board, 2003-present
Council for Global Equality, 2008-present
Faith in America, Board of Directors, 2009-present

Aids Relief Fund for China, 2010-present
Gender Spectrum, 2010-present

EXHIBIT B

03/19/2014	1 3 pg, 117.87 KB	Civil Case Docketed. Notice filed by Appellants Robert Cooper, William Edward "Bill" Haslam a Martin. Transcript needed: n. (JC)
03/19/2014	2	The case manager for this case is: Jill Colyer (JC)
03/20/2014	3	Mediation Office is involved in this appeal. (MLB)
03/20/2014	4 2 pg, 23.47 KB	A Telephone Mediation conference has been scheduled for 04/24/2014 at 1:30 PM (ET) with De Ginocchio. [Please open notice for important details and deadlines.] (LMR)
03/21/2014	5 1 pg, 77.06 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Asaf Orr. Certificate of Service: 03/21/2014. (AO)
03/21/2014	6 0 pg, 0 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Amy Whelan. Certificate of Service: 03/21/2014. ****COUNSEL M REFILE UNDER OWN PACER ACCOUNT****--[Edited 03/24/2014 by PJE] (AO)
03/21/2014	7 0 pg, 0 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Shannon P. Minter. Certificate of Service: 03/21/2014. ***COUNS REFILE UNDER OWN PACER ACCOUNT***--[Edited 03/24/2014 by PJE] (AO)
03/21/2014	8 0 pg, 0 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by David C. Codell. Certificate of Service: 03/21/2014. ***COUNSEL REFILE UNDER OWN PACER ACCOUNT***--[Edited 03/24/2014 by PJE] (AO)
03/21/2014	9 0 pg, 0 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Christopher F. Stoll. Certificate of Service: 03/21/2014. ***COUNS REFILE UNDER OWN PACER ACCOUNT***--[Edited 03/24/2014 by PJE] (AO)
03/24/2014	10 1 pg, 39.48 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by J. Scott Hickman. Certificate of Service: 03/24/2014. (JSH)
03/24/2014	11 1 pg, 39.51 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Phillip F. Cramer. Certificate of Service: 03/24/2014. (PFC)
03/24/2014	12 1 pg, 38.96 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by John L. Farringer. Certificate of Service: 03/24/2014. (JLF)
03/25/2014	13 1 pg, 56.74 KB	APPEARANCE filed for Appellants Robert Cooper, William Edward "Bill" Haslam and Larry Mar Martha A. Campbell. Certificate of Service: 03/25/2014. (MAC)
03/25/2014	14 87 pg, 612.84 KB	MOTION filed by Ms. Martha A. Campbell for Robert Cooper, Larry Martin and William Edward Haslam to stay district court order. Certificate of Service: 03/25/2014. (MAC)
03/25/2014	15 6 pg, 180.15 KB	BRIEFING LETTER SENT setting briefing schedule: appellant brief due 05/07/2014;. appellee l 06/09/2014; (JC)
03/25/2014	16 1 pg, 77.16 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Shannon P. Minter. Certificate of Service: 03/24/2014. (SPM)
03/25/2014	17 1 pg, 77.14 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by David C. Codell. Certificate of Service: 03/24/2014. (DCC)
03/25/2014	18 1 pg, 77.16 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Christopher F. Stoll. Certificate of Service: 03/24/2014. (CFS)
03/25/2014	19 1 pg, 77.08 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Amy Whelan. Certificate of Service: 03/24/2014. (AW)
03/27/2014	20 1 pg, 97.84 KB	TRANSCRIPT ORDER FORM filed by Ms. Martha A. Campbell for Robert Cooper, Larry Martin William Edward "Bill" Haslam; No hearings held in District Court. Certificate of Service: 03/27/2(
03/28/2014	21 1 pg, 49.44 KB	APPEARANCE filed for Appellants Robert Cooper, William Edward "Bill" Haslam and Larry Mar G. Steiling. Certificate of Service: 03/28/2014. (KGS)

04/01/2014	22 1 pg, 77.11 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Regina M. Lambert. Certificate of Service: 04/01/2014. (RML)
04/02/2014	23 1 pg, 38.88 KB	CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES filed by Attorney Ms. Martha A. Camp Appellants Robert Cooper, Larry Martin and William Edward "Bill" Haslam. Certificate of Service /2014. (MAC)
04/02/2014	24 1 pg, 61.42 KB	CORPORATE DISCLOSURE STATEMENT filed by Attorney Ms. Martha A. Campbell for Appel Cooper, Larry Martin and William Edward "Bill" Haslam Certificate of Service: 04/02/2014. (MA
04/02/2014	25 1 pg, 36.3 KB	CORPORATE DISCLOSURE STATEMENT filed by Attorney Mr. Asaf Orr for Appellees Valeria Sophie Jesty, Ijpe DeKoe, Thomas Kostura, Johno Espejo and Matthew Mansell Certificate of S 04/02/2014. (AO)
04/04/2014	26 118 pg, 6.57 MB	RESPONSE in opposition filed regarding a motion stay district court order, [14]; previously filed Martha A. Campbell in 14-5297. Response from Attorney Mr. J. Scott Hickman for Appellees Va Sophie Jesty, Ijpe DeKoe, Thomas Kostura, Johno Espejo and Matthew Mansell Certificate of Service:04/04/2014. (JSH)
04/10/2014	27 1 pg, 12.95 KB	Letter sent by Mediation Office regarding mediation: The Mediation conference scheduled for 0 hereby canceled. (LMR)
04/25/2014	29 3 pg, 259.39 KB	Per Curiam OPINION filed granting motion stay district court order [14] filed by Ms. Martha A. C decision not for publication. This case shall be assigned to a merits panel without delay. Ralph Circuit Judge; Eric L. Clay, Circuit Judge and William O. Bertelsman, U.S. District Judge for the District of Kentucky. (JC)
04/25/2014	30 1 pg, 102.88 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Maureen T Holland. Certificate of Service: 04/25/2014. (MTH)
05/06/2014	31	Mediation Office is no longer involved in this appeal. (MLB)
05/07/2014	32 50 pg, 215.1 KB	APPELLANT BRIEF filed by Ms. Martha A. Campbell for Robert Cooper, Larry Martin and Willia "Bill" Haslam. Certificate of Service:05/07/2014. Argument Request: requested. (MAC)
05/09/2014	33 1 pg, 76.67 KB	APPEARANCE filed for Amici Curiae Liberty Life and Law Foundation and North Carolina Value by Deborah J Dewart. Certificate of Service: 05/09/2014. (DJD)
05/09/2014	34 1 pg, 76.67 KB	APPEARANCE filed for Amici Curiae Liberty Life and Law Foundation and North Carolina Value by Deborah J Dewart. Certificate of Service: 05/09/2014. --[Edited 05/13/2014 by JC: DOCUME LOCKED. DUPLICATE ENTRY.] (DJD)
05/09/2014	35 6 pg, 20.3 KB	MOTION to file AMICUS BRIEF filed by Deborah J Dewart for North Carolina Values Coalition; and Law Foundation. Certificate of Service: 05/09/2014. --[Edited 05/09/2014 by JC: DOCUME LOCKED. INCORRECT FILING. THE AMICUS BRIEF AND MOTION SHOULD BE FILED SEP ATTORNEY DIRECTED TO REFILE EACH UNDER SEPARATE DOCKET ENTRY.] (DJD)
05/09/2014	36 1 pg, 188.14 KB	APPEARANCE filed for Amicus Curiae Individual Tennessee Legislators by Byron J. Babione. Service: 05/09/2014. (BJB)
05/09/2014	37 6 pg, 20.47 KB	MOTION to file AMICUS BRIEF filed by Deborah J Dewart for North Carolina Values Coalition; and Law Foundation. Certificate of Service: 05/09/2014. (DJD)
05/09/2014	38 41 pg, 101.64 KB	AMICUS BRIEF filed by Ms. Deborah Jane Dewart for North Carolina Values Coalition and Libe Law Foundation. Certificate of Service:05/09/2014. (DJD)
05/13/2014	39 1 pg, 73.69 KB	APPEARANCE filed for Amicus Curiae The Becket Fund for Religious Liberty by Eric C. Rassb Certificate of Service: 05/13/2014. (ECR)
05/13/2014	40 4 pg, 12.89 KB	NOTIFICATION filed by Mr. J. Scott Hickman for Valeria Tanco, Sophie Jesty, Ijpe DeKoe, Thon Kostura, Johno Espejo and Matthew Mansell regarding Plaintiffs-Appellees' consent to the filing amicus curiae brief in this matter. Certificate of Service: 05/13/2014. (JSH)
05/13/2014	41 50 pg, 210.46 KB	AMICUS BRIEF filed by Mr. Eric C. Rassbach for The Becket Fund for Religious Liberty. Certifi Service:05/13/2014. (No motion needed. All parties consent, in brief) --[Edited 05/14/2014 by J

05/14/2014	42 45 pg, 115.6 KB	AMICUS BRIEF filed by Mr. Byron Jeffords Babione for Individual Tennessee Legislators. Certif Service:05/14/2014. (No motion needed. All parties consent, in brief) --[Edited 05/16/2014 by J(
05/20/2014	43	The case manager for this case is now: Cheryl Borkowski (CB)
06/02/2014	44 245 pg, 2.65 MB	Intervenor MOTION with declarations filed by Chris Sevier to allow Chris Sevier to intervene. C Service: 05/29/2014.--[Edited 06/03/2014 by CB] (CB)
06/09/2014	45 5 pg, 141.9 KB	ORDER filed denying motion to allow to intervene [44] filed by Chris Sevier. Entered by order o (CB)
06/09/2014	46 0 pg, 0 KB	APPELLEE BRIEF filed by Mr. William L. Harbison for Valeria Tanco, Sophie Jesty, Ijpe DeKoe, Kostura, Johno Espejo and Matthew Mansell. Certificate of Service:06/09/2014. Argument Req requested. (COUNSEL TO REFILE BRIEF WITH ATTACHMENT)--[Edited 06/10/2014 by CB] (
06/09/2014	47 0 pg, 0 KB	FILED: Appendix of Unpublished Cases Filed in Support of the Brief of Plaintiffs-Appellees by M L. Harbison for Valeria Tanco, Sophie Jesty, Ijpe DeKoe, Thomas Kostura, Johno Espejo and M Mansell. Certificate of Service: 06/09/2014. (COUNSEL TO ATTACH THIS DOCUMENT TO BF REFILE)--[Edited 06/10/2014 by CB] (WLH)
06/10/2014	49 5 pg, 17.29 KB	BRIEFING LETTER SENT requesting brief corrections from Mr. William L. Harbison for Valeria Sophie Jesty, Ijpe DeKoe, Thomas Kostura, Johno Espejo and Matthew Mansell because "App renamed "Addendum" and attached to brief. Corrections due: 06/12/2014. (CB)
06/10/2014	50 230 pg, 1.94 MB	CORRECTED Brief of Plaintiffs-Appellees BRIEF filed by Mr. William L. Harbison for Valeria Ta Jesty, Ijpe DeKoe, Thomas Kostura, Johno Espejo and Matthew Mansell. Certificate of Service: Argument Request: requested. (WLH)
06/11/2014	51 1 pg, 43.39 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by William L. Harbison. Certificate of Service: 06/11/2014. (WLH)
06/12/2014	52 1 pg, 67.88 KB	AMICUS APPEARANCE filed for *Mark P. Strasser* by Barbara J. Chisholm. Certificate of Servic 06/12/2014. (BJC)
06/12/2014	53 0 pg, 0 KB	AMICUS APPEARANCE filed for *Mark P. Strasser* by P. Casey Pitts. Certificate of Service: 06/1 (HAS BEEN REFILED UNDER OWN ECF ACCOUNT)--[Edited 06/13/2014 by CB] (BJC)
06/12/2014	54 1 pg, 68.09 KB	AMICUS APPEARANCE filed for *Mark P. Strasser* by P. Casey Pitts. Certificate of Service: 06/1 (PCP)
06/13/2014	55 1 pg, 46.38 KB	AMICUS APPEARANCE filed for *Gay & Lesbian Advocates & Defenders* by Paul R.Q. Wolfson of Service: 06/13/2014. (PRW)
06/13/2014	56 1 pg, 45.81 KB	AMICUS APPEARANCE filed for *Gay & Lesbian Advocates & Defenders* by Mark C. Fleming. C Service: 06/13/2014. (MCF)
06/13/2014	57 1 pg, 46.46 KB	AMICUS APPEARANCE filed for *Gay & Lesbian Advocates & Defenders* by Felicia H. Ellsworth of Service: 06/13/2014. (FHE)
06/13/2014	58 1 pg, 45.95 KB	AMICUS APPEARANCE filed for *Gay & Lesbian Advocates & Defenders* by Dina B. Mishra. Ce Service: 06/13/2014. (DBM)
06/13/2014	59 1 pg, 45.58 KB	AMICUS APPEARANCE filed for *Gay & Lesbian Advocates & Defenders* by Alan Schoenfeld. C Service: 06/13/2014. (AES)
06/13/2014	60 1 pg, 89.4 KB	AMICUS APPEARANCE filed for *Carlos A. Ball* by Jyotin Hamid. Certificate of Service: 06/13/2
06/13/2014	61 1 pg, 85.82 KB	AMICUS APPEARANCE filed for *Carlos A. Ball* by Joseph Rome. Certificate of Service: 06/13/
06/16/2014	62 1 pg, 26.17 KB	AMICUS APPEARANCE filed for *American Psychological Association, American Academy of P American Psychiatric Association, National Association of Social Workers, and Kentucky Psych Association* by Paul M. Smith. Certificate of Service: 06/16/2014. (PMS)

06/16/2014	63 45 pg, 2.11 MB	AMICUS BRIEF filed by *American Psychological Association, American Academy of Pediatrics, Psychiatric Association, National Association of Social Workers, and Kentucky Psychological A* Certificate of Service:06/16/2014. (WITH CONSENT OF PARTIES)--[Edited 06/16/2014 by CB]
06/16/2014	64 1 pg, 37.62 KB	AMICUS APPEARANCE filed for *GLMA: Health Professionals Advancing LGBT Equality* by Nic O'Donnell. Certificate of Service: 06/16/2014. (NMO)
06/16/2014	65 1 pg, 26.33 KB	AMICUS APPEARANCE filed for *American Sociological Association* by Carmine D. Boccuzzi, J Certificate of Service: 06/16/2014. (CDB)
06/16/2014	66 1 pg, 54.86 KB	AMICUS APPEARANCE filed for *Historians of Anti-Gay Discrimination* by Catherine E. Stetson of Service: 06/16/2014. (CES)
06/16/2014	67 49 pg, 399.99 KB	AMICUS BRIEF filed by *Catherine E. Stetson Historians of Anti-Gay Discrimination*. Certificate Service:06/16/2014. (WITH CONSENT OF PARTIES, PAGE 1)--[Edited 06/18/2014 by CB] (CE
06/16/2014	68 1 pg, 93.35 KB	AMICUS APPEARANCE filed for *Family Equality Council and COLAGE* by Christy L. Anderson of Service: 06/16/2014. (CLA)
06/16/2014	69 1 pg, 77.38 KB	AMICUS APPEARANCE filed for *Nat'l Women's Law Ctr, Equal Rights Advocates, Gender Just Momentum, Legal Voice, Nat'l Ass'n of Women Lawyers, Nat'l P'ship for Women & Families, SV Law Ctr, Women's Law Project, and Professors of Law Associated with the Williams Inst.* by Ma Greenberger. Certificate of Service: 06/16/2014. (MDG)
06/16/2014	70 1 pg, 77.31 KB	AMICUS APPEARANCE filed for *Nat'l Women's Law Ctr, Equal Rights Advocates, Gender Just Momentum, Legal Voice, Nat'l Ass'n of Women Lawyers, Nat'l P'ship for Women & Families, SV Law Ctr, Women's Law Project, and Professors of Law Associated with the Williams Inst.* by Em Martin. Certificate of Service: 06/16/2014. (EJM)
06/16/2014	71 1 pg, 57.02 KB	AMICUS APPEARANCE filed for *Howard University School of Law Civil Rights Clinic; Prof. Gai Williams Institute, UCLA School of Law* by Benjamin G. Shatz. Certificate of Service: 06/16/201
06/16/2014	72 40 pg, 294.92 KB	AMICUS BRIEF filed by *Benjamin G. Shatz, counsel for amicus curiae Howard University Scho Civil Rights Clinic*. Certificate of Service:06/16/2014. (WITH CONSENT OF PARTIES, PG 1)--[E 06/18/2014 by CB] (BGS)
06/16/2014	73 2 pg, 34.02 KB	AMICUS APPEARANCE filed for *Bay Area Lawyers for Individual Freedom (BALIF), et al.* by Je Roth. Certificate of Service: 06/16/2014. (JCR)
06/16/2014	74 1 pg, 76.69 KB	AMICUS APPEARANCE filed for *Cato Institute & Constitutional Accountability Center* by Elizab Wydra. Certificate of Service: 06/16/2014. (EBW)
06/16/2014	75 1 pg, 26.18 KB	AMICUS APPEARANCE filed for *Leadership Conference on Civil and Human Rights, American Liberties Union, et al.* by Chase Strangio. Certificate of Service: 06/16/2014. (CS)
06/16/2014	76 45 pg, 345.47 KB	AMICUS BRIEF filed by *Cato Institute & Constitutional Accountability Center*. Certificate of Serv /2014. (WITH CONSENT OF PARTIES, PG 1)--[Edited 06/18/2014 by CB] (EBW)
06/16/2014	77 0 pg, 0 KB	AMICUS APPEARANCE filed for *Law Enforcement Officers and Organizations* by George Davi Certificate of Service: 06/16/2014. (COUNSEL TO REFILE UNDER OWN ECF ACCOUNT)--[E 06/18/2014 by CB] (SAJ)
06/16/2014	78 0 pg, 0 KB	AMICUS APPEARANCE filed for *Law Enforcement Officers and Organizations* by Hunter T. Ca Certificate of Service: 06/16/2014. (CONSEL TO REFILE UNDER OWN ECF ACCT.)--[Edited 0 by CB] (SAJ)
06/16/2014	79 0 pg, 0 KB	AMICUS APPEARANCE filed for *Law Enforcement Officers and Organizations* by Joseph P. Bo Certificate of Service: 06/16/2014. (COUNSEL TO REFILE UNDER OWN ECF ACCT.)--[Edited by CB] (SAJ)
06/16/2014	80 1 pg, 146.11 KB	AMICUS APPEARANCE filed for *Parents, Families and Friends of Lesbians and Gays, Inc.* by Davis. Certificate of Service: 06/16/2014. (AJD)

06/16/2014	81 35 pg, 132.36 KB	AMICUS BRIEF filed by *Andrew J. Davis for Parents, Families and Friends of Lesbians and Ga* Certificate of Service:06/16/2014. (WITH CONSENT OF PARTIES, PG 1)--[Edited 06/18/2014 b (AJD)
06/16/2014	82 58 pg, 182.82 KB	AMICUS BRIEF filed by *Rocky C. Tsai, Anti-Defamation League et al.*. Certificate of Service:06 (CONSENT OF ALL PARTIES, PG 1)--[Edited 06/18/2014 by CB] (RCT)
06/16/2014	83 1 pg, 26.12 KB	AMICUS APPEARANCE filed for *Leadership Conference on Civil and Human Rights, Americar Liberties Union, et al.* by Joshua Block. Certificate of Service: 06/16/2014. (JAB)
06/16/2014	84 2 pg, 34.01 KB	AMICUS APPEARANCE filed for *Bay Area Lawyers for Individual Freedom (BALIF), et al.* by N Phillis. Certificate of Service: 06/16/2014. (NSP)
06/16/2014	85 53 pg, 126.07 KB	AMICUS BRIEF filed by *Jerome C. Roth, Nicole S. Phillis on behalf of Bay Area Lawyers for Inc Freedom (BALIF), et al.*. Certificate of Service:06/16/2014. (WITH CONSENT OF PARTIES, PG 06/18/2014 by CB] (NSP)
06/16/2014	86 4 pg, 87.63 KB	MOTION to file AMICUS BRIEF filed by Nicholas M. O'Donnell for GLMA: Health Professionals LGBT Equality. Certificate of Service: 06/14/2014. (NMO)
06/16/2014	87 46 pg, 300.87 KB	AMICUS BRIEF filed by Mr. Nicholas M. O'Donnell for GLMA: Health Professionals Advancing Equality. Certificate of Service:06/16/2014. (NMO)
06/16/2014	88 3 pg, 78.26 KB	AMICUS APPEARANCE filed for *Daniel J. Acciavatti, Todd Anderson, Lyn Bankes, Daniel Scot Braun, Tim Brown, Bill Brownson, Jan Dolan, Leon Drolet, Susan Grimes Gilbert, Patricia Godc Jennifer Gratz, Doug Hart, Dave Honigman, Rick Johnson, Jim Kolbe, et al* by Sean R. Gallagh Certificate of Service: 06/16/2014. (SRG)
06/16/2014	89 5 pg, 12.26 KB	MOTION to file AMICUS BRIEF filed by Sean R. Gallagher for Daniel J. Acciavatti et al. Certific Service: 06/16/2014. (SRG)
06/16/2014	90 40 pg, 99.66 KB	AMICUS BRIEF filed by *Sean R. Gallagher*. Certificate of Service:06/16/2014. (SRG)
06/16/2014	91 41 pg, 187.29 KB	AMICUS BRIEF filed by Mr. Carmine D. Boccuzzi, Jr. for American Sociological Association. Ce Service:06/16/2014. (WITH CONSENT OF PARTIES, PG. 1)--[Edited 06/19/2014 by CB] (CDB)
06/16/2014	92 39 pg, 615.87 KB	AMICUS BRIEF filed by Mr. Paul R.Q. Wolfson for Gay & Lesbian Advocates & Defenders. Cer Service:06/16/2014. (WITH CONSENT OF PARTIES, PG 1)--[Edited 06/18/2014 by CB] (PRW)
06/16/2014	93 27 pg, 68.88 KB	AMICUS BRIEF filed by Mr. P. Casey Pitts for Mark P. Strasser. Certificate of Service:06/16/201 CONSENT OF PARTIES, PG. 2)--[Edited 06/18/2014 by CB] (PCP)
06/16/2014	94 39 pg, 101.02 KB	AMICUS BRIEF filed by Ms. Christy L. Anderson for Family Equality Council *Family Equality Cc COLAGE*. Certificate of Service:06/16/2014. (WITH CONSENT OF PARTIES, PG ii)--[Edited 06 by CB] (CLA)
06/16/2014	95 35 pg, 344.99 KB	AMICUS BRIEF filed by Mr. Joseph Benjamin Rome for Carlos A. Ball. Certificate of Service:06 (WITH CONSENT OF PARTIES, PG 1)--[Edited 06/18/2014 by CB] (JBR)
06/16/2014	96 1 pg, 26.37 KB	AMICUS APPEARANCE filed for *NAACP Legal Defense & Educational Fund, Inc.* by Ria Tabac Certificate of Service: 06/16/2014. (RT)
06/16/2014	97 40 pg, 617.48 KB	AMICUS BRIEF filed by *Ria Tabacco Mar for Amicus Curiae NAACP Legal Defense & Educatic Inc.*. Certificate of Service:06/16/2014. (WITH CONSENT OF PARTIES, PG 1)--[Edited 06/19/2 (RT)
06/16/2014	98 49 pg, 485.69 KB	AMICUS BRIEF filed by *Chase Strangio for Leadership Conference on Civil and Human Rights Civil Liberties Union, et al.*. Certificate of Service:06/16/2014. (CONSENT OF PARTIES, PG. 1) 06/19/2014 by CB] (CS)
06/16/2014	99 1 pg, 34.11 KB	AMICUS APPEARANCE filed for *OUTSERVE-SLDN and The American Military Partner Associ* Christopher D. Man. Certificate of Service: 06/16/2014. (CDM)

06/16/2014	100 36 pg, 97.69 KB	AMICUS BRIEF filed by *OUTSERVE-SLDN and The American Military Partner Association*. Ce Service:06/16/2014. (CONSENT OF PARTIES, PG. 1) (CDM)
06/16/2014	101 0 pg, 0 KB	AMICUS APPEARANCE filed for *Columbia Law School Sexuality and Gender Law Clinic* by Su Goldberg. Certificate of Service: 06/16/2014. (PER COUNSEL TO BE REFILED)--[Edited 06/17 CB] (SBG)
06/16/2014	102 0 pg, 0 KB	AMICUS BRIEF filed by *Suzanne B. Goldberg on behalf of Columbia Law School Sexuality and Law Clinic*. Certificate of Service:06/16/2014. (PER COUNSEL TO BE REFILED)--[Edited 06/17 CB] (SBG)
06/16/2014	103 3 pg, 14.32 KB	Oral argument date set for 1:00 p.m. Wednesday, August 6, 2014. Notice of argument sent to c 06/16/2014. (MCP)
06/16/2014	104 57 pg, 409.51 KB	AMICUS BRIEF filed by Ms. Marcia D. Greenberger for National Partnership for Women and Fa Michigan Association for Justice, Legal Momentum, Gender Justice, Legal Voice, National Asso Women Lawyers, Women's Law Project, Women Lawyers Association of Michigan, Professors Associated with The Williams Institute, National Womens Law Center, ERA and SW Women's L Certificate of Service:06/16/2014. (CONSENT OF PARTIES ON COVER)--[Edited 06/19/2014 b (MDG)
06/16/2014	105 4 pg, 175.4 KB	AMICUS APPEARANCE filed for *BISHOPS OF THE EPISCOPAL CHURCH IN KENTUCKY, M OHIO, AND TENNESSEE; GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST; MORI EQUALITY; RECONSTRUCTIONIST RABBINICAL ASSOCIATION; RECONSTRUCTIONIST RABBINICAL COLLEGE, ET AL.* by Jeffrey S. Trachtman. Certificate of Service: 06/16/2014. (J
06/16/2014	106 51 pg, 216.66 KB	AMICUS BRIEF filed by *Jeffrey S. Trachtman, BISHOPS OF THE EPISCOPAL CHURCH IN KE MICHIGAN, OHIO, AND TENNESSEE; GENERAL SYNOD OF THE UNITED CHURCH OF CH MORMONS FOR EQUALITY; RECONSTRUCTIONIST RABBINICAL ASSOCIATION; RECONSTRUCTIONIST RABBINICAL COLLEGE, ET AL.*. Certificate of Service:06/16/2014. (.
06/16/2014	107 34 pg, 730.77 KB	AMICUS BRIEF filed by *Benjamin G. Shatz, counsel for amicus curiae Prof. Gary J. Gates, Will Institute, UCLA School of Law*. Certificate of Service:06/16/2014. (CONSENT OF PARTIES, PG 2)--[Edited 06/19/2014 by CB] (BGS)
06/16/2014	108 50 pg, 270.63 KB	AMICUS BRIEF filed by *Law Enforcement Officers and Organizations*. Certificate of Service:06 (CONSENT OF PARTIES, PG 3)--[Edited 06/19/2014 by CB] (SAJ)
06/16/2014	109 2 pg, 312.8 KB	AMICUS APPEARANCE filed for *Joan Heifetz Hollinger, Courtney Joslin, Sarah Abramowicz, J Abrams and Fifty-two Other Family Law Professors* by Sara Bartel. Certificate of Service: 06/16
06/16/2014	110 2 pg, 312.72 KB	AMICUS APPEARANCE filed for *Joan Heifetz Hollinger, Courtney Joslin, Sarah Abramowicz, J Abrams and Fifty-two Other Family Law Professors* by Sara Bartel. Certificate of Service: 06/16
06/16/2014	111 48 pg, 464.72 KB	AMICUS BRIEF filed by *Joan Heifetz Hollinger, Courtney Joslin, Sarah Abramowicz, Jamie Abr Fifty-two Other Family Law Professors*. Certificate of Service:06/16/2014. (CONSENT OF PART 1)--[Edited 06/19/2014 by CB] (SB)
06/16/2014	112 0 pg, 0 KB	AMICUS APPEARANCE filed for *Peter W. Bardaglio, et al.* by Daniel McNeel Lane, Jr.. Certifica Service: 06/16/2014. (COUNSEL TO REFILE UNDER OWN ECF ACCOUNT)--[Edited 06/19/2((JW)
06/16/2014	113 2 pg, 36.67 KB	AMICUS APPEARANCE filed for *Peter W. Bardaglio, et al.* by Jessica M. Weisel. Certificate of 06/16/2014. (JW)
06/16/2014	114 0 pg, 0 KB	AMICUS APPEARANCE filed for *Peter W. Bardaglio, et al.* by Matthew E. Pepping. Certificate 06/16/2014. (COUNSEL TO REFILE UNDER OWN ECF ACCOUNT)--[Edited 06/19/2014 by C
06/16/2014	115 44 pg, 130.8 KB	AMICUS BRIEF filed by *Jessica M. Weisel; Peter W. Bardaglio, et al.*. Certificate of Service:06/ (CONSENT OF PARTIES, PG. 2)--[Edited 06/19/2014 by CB] (JW)
06/16/2014	116 1 pg, 55.86 KB	AMICUS APPEARANCE filed for *Family Law and Conflict of Laws Professors* by Marjory Gentr Certificate of Service: 06/16/2014. (MAG)

06/16/2014	117 44 pg, 161.91 KB	AMICUS BRIEF filed by *Marjory A Gentry - Family Law and Conflict of Laws Professors in Supp* *Plaintiffs-Appellees and Affirmance*. Certificate of Service:06/16/2014. (CONSENT OF PARTIES 1)--[Edited 06/19/2014 by CB] (MAG)
06/16/2014	118 1 pg, 22.8 KB	AMICUS APPEARANCE filed for *Constitutional Law Scholars A Bhagwat, L Bollinger, E Cheme* *Dellinger, M Dorf, L Epstein, D Farber, B Friedman; E Katz, J Jessfries Jr., L Lessig, W Marshal* *Michelman, J Schacter, S Sherry, G Stone, D Strauss, L Tribe & W Van Alstyne* by Diane M. So Certificate of Service: 06/16/2014. (DMS)
06/16/2014	119 49 pg, 571.89 KB	MOTION to file AMICUS BRIEF filed by Diane M. Soubly for Constitutional Law Scholars A Bha Bollinger E Chemerinsky, W Dellinger M Dorf L Epstein D Farber B Friedman E Katz J Jeffries J W Marshall F Michelman J Schacter S Sherry G Stone D Strauss L Tribe & W Van Alstyne. Cer Service: 06/16/2014. (DMS)
06/16/2014	120 43 pg, 437.4 KB	AMICUS BRIEF filed by *Diane M Soubly Constitutional Law Scholars A Bhagwat L Bollinger E* *Chemerinsky W Dellinger M Dorf L Epstein D Farber B Friedman E Katz J Jeffries Jr. L Lessig* *F Michelman J Schacter S Sherry G Stone D Strauss L Tribe & W Van Alstyne*. Certificate of Se /2014. (DMS)
06/16/2014	121 1 pg, 286.25 KB	AMICUS APPEARANCE filed for Amicus Curiae Employers and Organizations Representing E Michael L. Whitlock. Certificate of Service: 06/16/2014. (MLW)
06/16/2014	122 106 pg, 318.99 KB	AMICUS BRIEF filed by *Michael L. Whitlock for Employers and Organizations Representing En* Certificate of Service:06/16/2014. (CONSENT OF PARTIES, PG. 1)--[Edited 06/19/2014 by CB
06/17/2014	123 1 pg, 76.72 KB	AMICUS APPEARANCE filed for *Columbia Law School Sexuality and Gender Law Clinic* by Su Goldberg. Certificate of Service: 06/16/2014. (SBG)
06/17/2014	124 34 pg, 147.45 KB	AMICUS BRIEF filed by *Suzanne B. Goldberg on behalf of Columbia Law School Sexuality and* *Law Clinic*. Certificate of Service:06/16/2014. (COUNSENT OF PARTIES, PG. 2)--[Edited 06/19 CB] (SBG)
06/17/2014	125 1 pg, 280.16 KB	Oral argument acknowledgement filed by Attorney Mr. William L. Harbison for Appellees Valeria Sophie Jesty, Ijpe DeKoe, Thomas Kostura, Johno Espejo and Matthew Mansell. Certificate of S 06/17/2014. (WLH)
06/17/2014	126 2 pg, 31.01 KB	AMICUS APPEARANCE filed for *Peter W. Bardaglio, et al.* by Matthew E. Pepping. Certificate 06/17/2014. (MEP)
06/17/2014	127 2 pg, 30.89 KB	AMICUS APPEARANCE filed for *Peter W. Bardaglio, et al.* by Daniel McNeel Lane, Jr.. Certifica Service: 06/17/2014. (DML)
06/17/2014	128 1 pg, 56.99 KB	AMICUS APPEARANCE filed for *Law Enforcement Officers and Organizations* by Stephanie A. Certificate of Service: 06/17/2014. (SAJ)
06/18/2014	129 1 pg, 77.1 KB	AMICUS APPEARANCE filed for *Anti-Defamation League, et al.* by Rocky C. Tsai. Certificate o 06/18/2014. (RCT)
06/18/2014	130 7 pg, 260.95 KB	MOTION to file AMICUS BRIEF filed by Jeffrey S. Trachtman for BISHOPS OF THE EPISCOPA CHURCH IN KENTUCKY, MICHIGAN, OHIO, AND TENNESSEE; GENERAL SYNOD OF THE CHURCH OF CHRIST; MORMONS FOR EQUALITY; RECONSTRUCTIONIST RABBINICAL ASSOCIATION; RECONSTRUCTIONIST RABBINICAL COLLEGE, ET AL.. Certificate of Servi 06/18/2014. (JST)
06/23/2014	131 1 pg, 69.09 KB	APPEARANCE filed for Amicus Curiae Law Enforcement Officers and Organizations by Hunter Certificate of Service: 06/23/2014. (HTC)
06/23/2014	132 1 pg, 100.69 KB	AMICUS APPEARANCE filed for Amicus Curiae Law Enforcement Officers and Organizations b P. Bowser. Certificate of Service: 06/23/2014. (JPB)
06/26/2014	133 110 pg, 379.77 KB	ADDITIONAL CITATION filed by Mr. William L. Harbison for Valeria Tanco, Sophie Jesty, Ijpe D Thomas Kostura, Johno Espejo and Matthew Mansell. Certificate of Service: 06/26/2014. (WLH

06/26/2014	134 18 pg, 73.61 KB	REPLY BRIEF filed by Attorney Ms. Martha A. Campbell for Appellants Robert Cooper, Larry M William Edward "Bill" Haslam. Certificate of Service:06/26/2014. (MAC)
06/30/2014	135 1 pg, 86.38 KB	APPEARANCE filed for Appellants Robert Cooper, William Edward "Bill" Haslam and Larry Mar Joseph F. Whalen. Certificate of Service: 06/30/2014. (JFW)
06/30/2014	136 1 pg, 80.38 KB	Oral argument acknowledgement filed by Attorney Mr. Joseph Frederick Whalen, III for Appella Cooper, Larry Martin and William Edward "Bill" Haslam. Certificate of Service: 06/30/2014. (JFV
07/02/2014	137 7 pg, 76.97 KB	Errata to Brief of Amici Curiae Joan Heifetz Hollinger, Courtney Joslin, Sarah Abramowicz, Jam and Fifty-Two Other Family Law Professors in Support of Plaintiffs-Appellees and Affirmance fil 06/16/2014 by Ms. Sara Bartel for Courtney Joslin. Certificate of Service: 07/02/2014. (SB)
07/03/2014	138 3 pg, 66.53 KB	ORDER: All pending motions for leave to file amicus briefs, [37] [86] [89] [119] [130], are Grante by order of the court. (LAJ)
07/03/2014	139 1 pg, 78.3 KB	AMICUS APPEARANCE filed for Amicus Curiae Law Enforcement Officers and Organizations I Carter. Certificate of Service: 07/03/2014. (GDC)
07/14/2014	140 20 pg, 166.1 KB	ORDER filed regarding protocol for oral arguments scheduled for August 6, 2014 in these case by order of the court. [14-1341, 14-3057, 14-3464, 14-5291, 14-5297] (CB)
08/06/2014	142 1 pg, 8.88 KB	CAUSE ARGUED by Mr. Joseph Frederick Whalen, III for Appellants Robert Cooper, Larry Mar William Edward Bill Haslam, by Mr. William L. Harbison for Appellees Valeria Tanco, Sophie Jes DeKoe, Thomas Kostura, Johno Espejo and Matthew Mansell, before Daughtrey, Circuit Judge Circuit Judge and Cook, Circuit Judge. (MCP)
09/30/2014	143 0 pg, 0 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Abby R. Rubenfeld. Certificate of Service: 09/30/2014. (COUNSE REFILE WITH FORM COMPLETED)--[Edited 09/30/2014 by CB] (ARR)
09/30/2014	144 1 pg, 77.04 KB	APPEARANCE filed for Appellees Ijpe DeKoe, Johno Espejo, Sophie Jesty, Thomas Kostura, M Mansell and Valeria Tanco by Abby R. Rubenfeld. Certificate of Service: 09/30/2014. (ARR)
11/06/2014	145 73 pg, 358.86 KB	OPINION and JUDGMENT filed : The judgment of the district court is REVERSED. Decision for publication. Martha Craig Daughtrey (DISSENTING), Jeffrey S. Sutton (AUTHORING), and Deb Cook, Circuit Judges. (CL)
11/20/2014	146 1 pg, 69.35 KB	U.S. Supreme Court notice filed regarding a petition for a writ of certiorari filed by Appellee Vale Supreme Court Case No:14-562, 11/14/2014. (CL)
01/20/2015	147 1 pg, 81.39 KB	U.S. Supreme Court letter filed granting the petition for a writ of certiorari [146] limited to the foll questions: 1) Does the Fourteenth Amendment require a state to license a marriage between tv the same sex? 2) Does the Fourteenth Amendment require a state to recognize a marriage bet people of the same sex when their marriage was lawfully licensed and performed out-of-state? Court Case No: 14-562, 01/20/2015.. (CL)
05/05/2015	148 1 pg, 53.32 KB	AMICUS APPEARANCE filed for *Professors and Scholars of Family Law, including Joan Heifet Courtney Joslin, Sarah Abramowicz, Jamie Abrams, and Fifty Two Others* by Stuart C. Plunkett of Service: 05/05/2015. (SCP)
05/12/2015	149 2 pg, 22.69 KB	NOTIFICATION filed by Ms. Dina Bernick Mishra for Gay & Lesbian Advocates & Defenders req withdrawal as counsel. Certificate of Service: 05/12/2015. (DBM)
06/26/2015	150 103 pg, 428.77 KB	U.S. Supreme Court opinion filed : REVERSED. Supreme Court Case No: 14-562. (CL)
07/28/2015	151 5 pg, 143.92 KB	U.S. Supreme Court judgment filed : REVERSED, with costs to be recovered by petitioners. An 778.00 (in cases 14-556, 14-562 & 14-574); $7,431.80 (in case 14-571). Supreme Court Case I 07/28/2015. (CL)
08/17/2015	152 8 pg, 158.48 KB	ORDER filed : In light of the United States Supreme Court's decision, see Obergefell v. Hodges 2584 (2015), these appeals are remanded to the district courts from which they originated to all proceedings as necessary. The appeals are closed, and the mandate shall issue forthwith. Mar Daughtrey, Circuit Judge; Jeffrey S. Sutton, Circuit Judge and Deborah L. Cook, Circuit Judge.

08/17/2015	153 4 pg, 13.38 KB	MANDATE ISSUED with no costs taxed. (CB)

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No. 14-562
Vide 14-556, 14-571,
14-574

Title:	Valeria Tanco, et al., Petitioners v. Bill Haslam, Governor of Tennessee, et al.
Docketed:	November 14, 2014
Lower Ct:	United States Court of Appeals for the Sixth Circuit
Case Nos.:	(14-5297)
Decision Date:	November 6, 2014

Questions Presented

~~Date~~~	~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~
Nov 14 2014	Petition for a writ of certiorari filed. (Response due December 15, 2014)
Nov 14 2014	Appendix of Valeria Tanco, et al. filed.
Dec 9 2014	Motion for leave to intervene filed by Chris Sevier.
Dec 15 2014	Brief of respondents Bill Haslam, Governor of Tennessee, et al. in opposition filed.
Dec 15 2014	Brief amicus curiae of Idaho Governor C.L. "Butch" Otter filed. VIDED.
Dec 15 2014	Brief amici curiae of 76 Scholars of Marriage filed. VIDED.
Dec 19 2014	Letter from counsel for petitioners dated December 19, 2014, received waiving 14-day waiting period pursuant to Rule 15.5.
Dec 22 2014	Reply of petitioners Valeria Tanco, et al. filed.
Dec 22 2014	Response in opposition to motion for leave to intervene filed by respondents. (Distributed)
Dec 23 2014	DISTRIBUTED for Conference of January 9, 2015.
Jan 12 2015	DISTRIBUTED for Conference of January 16, 2015.
Jan 16 2015	Petition GRANTED The petitions for writs of certiorari in No. 14-556, No. 14-571, and No. 14-574 are granted. The cases are consolidated and the petitions for writs of certiorari are granted limited to the following questions: 1) Does the Fourteenth Amendment require a state to license a marriage between two people of the same sex? 2) Does the Fourteenth Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state? A total of ninety minutes is allotted for oral argument on Question 1. A total of one hour is allotted for oral argument on Question 2. The parties are limited to filing briefs on the merits and presenting oral argument on the questions presented in their respective petitions. The briefs of petitioners are to be filed on or before 2 p.m., Friday, February 27, 2015. The briefs of respondents are to be filed on or before 2 p.m., Friday, March 27, 2015. The reply briefs are to be filed on or before 2 p.m., Friday, April 17, 2015. VIDED
Jan 20 2015	Motion for leave to intervene filed by Chris Sevier DENIED.
Jan 26 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for respondents Steve Beshear, et al., in No. 14-574. VIDED

Jan 26 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for respondents Rick Snyder, Governor of Michigan, et al., in No. 14-571. VIDED
Feb 4 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for respondents Haslam, et al., in No. 14-562. VIDED
Feb 12 2015	Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for respondents Hodges, et al., in No. 14-556. VIDED
Feb 27 2015	Joint appendix for No. 14-556, 14-562 & 14-574 filed (2 volumes). VIDED.
Feb 27 2015	Brief of petitioners Valeria Tanco, et al. filed.
Feb 27 2015	Brief amici curiae of Mae Kuykendall, David Upham and Michael Worley in support of neither party and urging affirmance on question 1 filed. VIDED.
Mar 2 2015	Brief amici curiae of Langley Hill Friends Meeting, et al. filed. VIDED.
Mar 3 2015	Brief amicus curiae of Columbia Law School Sexuality and Gender Law Clinic filed. VIDED.
Mar 3 2015	Brief amici curiae of Outserve-Servicemembers Legal Defense Network, et al. filed. VIDED.
Mar 3 2015	Brief amicus curiae of Hawaii filed. VIDED.
Mar 3 2015	Brief amicus curiae of Indiana University filed. VIDED.
Mar 3 2015	Brief amicus curiae of BiLaw filed. VIDED.
Mar 4 2015	Brief amici curiae of Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders, et al. filed. VIDED.
Mar 4 2015	Brief amicus curiae of The Cleveland Choral Arts Association Inc. a/k/a The North Coast Men's Chorus filed. VIDED.
Mar 4 2015	Brief amici curiae of Elected Officials and Former Officeholders of Michigan, et al. filed. VIDED.
Mar 4 2015	Brief amici curiae of Survivors of Sexual Orientation Change Therapies filed. VIDED.
Mar 4 2015	Brief amici curiae of Equality Ohio, et al. filed. VIDED.
Mar 4 2015	Brief amicus curiae of Professor W. Burlette Carter in support of neither party filed. VIDED.
Mar 4 2015	Brief amici curiae of California Council of Churches, et al. filed. VIDED.
Mar 5 2015	Brief amici curiae of Conflict of Law Scholars filed. VIDED.
Mar 5 2015	Brief amicus curiae of National Family Civil Rights Center filed. VIDED.
Mar 5 2015	Brief amici curiae of Bay Area Lawyers for Individual Freedom, et al. filed. VIDED.
Mar 5 2015	Brief amici curiae of Kenneth B. Mehlman, et al. filed. VIDED.
Mar 5 2015	Brief amici curiae of National Women's Law Center, et al. filed. VIDED.
Mar 5 2015	Brief amicus curiae of The American Humanist Association and Center for Inquiry filed. VIDED.
Mar 5 2015	Brief amicus curiae of The Organization of American Historians filed. VIDED.
Mar 5 2015	Brief amicus curiae of Citizens United for the Individual Freedom to Define Marriage in support of neither party filed. VIDED.
Mar 5 2015	Brief amici curiae of President of the House of Deputies of the Episcopal Church, et al. filed. VIDED.

Mar 5 2015	Brief amici curiae of 379 Employers and Organizations Representing Employers filed. VIDED.
Mar 5 2015	Brief amicus curiae of Institute for Justice filed. VIDED.
Mar 5 2015	Brief amicus curiae of The Alliance: State Advocates for Women's Rights and Gender Equality filed. VIDED.
Mar 5 2015	Brief amici curiae of GLMA, et al. filed. VIDED.
Mar 5 2015	Brief amicus curiae of American Sociological Association filed. VIDED.
Mar 5 2015	Brief amicus curiae of Virginia filed. VIDED.
Mar 5 2015	Brief amici curiae of Scholars of the Constitutional Rights of Children filed. VIDED.
Mar 6 2015	SET FOR ARGUMENT ON Tuesday, April 28, 2015
Mar 6 2015	Brief amici curiae of The Human Rights Campaign and 207,551 Americans filed. VIDED.
Mar 6 2015	Appendix of The Human Rights Campaign and 207,551 Americans (10 Volumes) filed. VIDED.
Mar 6 2015	Brief amicus curiae of Constitutional Accountability Center filed. VIDED.
Mar 6 2015	Brief amici curiae of Kristin M. Perry, et al. filed. VIDED.
Mar 6 2015	Brief amicus curiae of Eagle Forum Education & Legal Defense Fund in support of neither party filed. VIDED.
Mar 6 2015	Brief amicus curiae of United States filed. VIDED.
Mar 6 2015	Brief amici curiae of American Psychological Association, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Anti-Defamation League, et al. filed. VIDED.
Mar 6 2015	Brief amicus curiae of PFLAG, Inc. filed. VIDED.
Mar 6 2015	Brief amici curiae of Leadership Conference on Civil and Human Rights, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Conflict of Laws and Family Law Professors filed. VIDED.
Mar 6 2015	Brief amicus curiae of The Liberty Education Forum filed. VIDED.
Mar 6 2015	Brief amici curiae of American Public Health Association, and Whitman-Walker Health filed. VIDED.
Mar 6 2015	Brief amici curiae of Lawrence J. Korb, et al. filed. VIDED.
Mar 6 2015	Brief amicus curiae of Howard University School of Law Civil Rights Clinic filed. VIDED.
Mar 6 2015	Brief amici curiae of Law Enforcement Officers, First Responders, and Organizations filed. VIDED.
Mar 6 2015	Brief amicus curiae of Legal Services NYC filed. VIDED.
Mar 6 2015	Brief amici curiae of 167 Members of the U.S. House of Representatives, and 44 U.S. Senators filed. VIDED.
Mar 6 2015	Brief amici curiae of Legal Scholars Stephen Clark, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Family Law Scholars filed. VIDED.
Mar 6 2015	Brief amicus curiae of Freedom to Marry filed. VIDED.
Mar 6 2015	Brief amici curiae of The American Academy of Matrimonial Lawyers, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Massachusetts, et al. filed. VIDED.

Mar 6 2015	Brief amicus curiae of Americans United for Separation of Church and State filed. VIDED.
Mar 6 2015	Brief amicus curiae of John K. Olson filed. VIDED.
Mar 6 2015	Brief amicus curiae of Marriage Equality USA filed. VIDED.
Mar 6 2015	Brief amici curiae of LGBT Student Organizations at Undergraduate, Graduate, and Professional Schools filed. VIDED.
Mar 6 2015	Brief amicus curiae of Minnesota filed. VIDED.
Mar 6 2015	Brief amicus curiae of Garden State Equality filed. VIDED.
Mar 6 2015	Brief amici curiae of 226 U.S. Mayors, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of NAACP Legal Defense & Educational Fund, Inc., et al. filed. VIDED.
Mar 6 2015	Brief amicus curiae of The Mattachine Society of Washington, D.C. filed. VIDED.
Mar 6 2015	Brief amici curiae of The General Conference of Seventh-Day Adventists, et al. in support of neither party filed. VIDED.
Mar 6 2015	Brief amici curiae of Professors Laurence H. Tribe and Michael C. Dorf filed. VIDED.
Mar 6 2015	Brief amici curiae of Campaign for Southern Equality and Equality Federation filed. VIDED.
Mar 6 2015	Brief amici curiae of Cato Institute, et al. filed. VIDED.
Mar 6 2015	Proposal to lodge excerpts of original, declassified documents, from counsel for amicus curiae The Mattachine Society of Washington D.C. VIDE
Mar 6 2015	Brief amici curiae of Douglas Laycock, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Human Rights Watch and The New York City Bar Association, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Historians of Marriage and The American Historical Association filed. VIDED.
Mar 6 2015	Brief amici curiae of Nine-Two Plaintiffs in Marriage Cases in Alabama, et al. filed. VIDED.
Mar 6 2015	Brief amicus curiae of Gary J. Gates filed. VIDED.
Mar 6 2015	Brief amici curiae of Foreign and Comparative Law Experts Harold Hongju Koh, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Constitutional Law Scholars Ashutosh Bhagwat, et al. filed. VIDED.
Mar 6 2015	Brief amici curiae of Carlos A. Ball, Distinguished Professor of Law, Rutgers University, et al. filed. VIDED.
Mar 6 2015	Brief amicus curiae of American Federation of Labor and Congres ofl industrial Organizations filed. VIDED.
Mar 6 2015	Brief amici curiae of Family Equality Council, et al. filed. VIDED.
Mar 6 2015	Brief amicus curiae of Experiential Learning Lab at New York University School of Law filed. VIDED.
Mar 16 2015	CIRCULATED.
Mar 17 2015	Record requested from U.S.C.A. 6th Circuit.
Mar 17 2015	Joint letter of argument proposal from counsel for the petitioners. VIDED
Mar 17 2015	Joint letter of argument proposal from counsel for the respondents. VIDED
Mar 17 2015	Brief amicus curiae of Robert J. Bentley, Governor of Alabama filed. VIDED. (Distributed)

Mar 18 2015	Record received from U.S.C.A. 6th Circuit is electronic.
Mar 18 2015	Record from U.S.D.C. Southern Dist. of Ohio is electronic and located on PACER.
Mar 26 2015	Brief amicus curiae of Dr. Paul McHugh filed. VIDED. (Distributed)
Mar 26 2015	Brief amicus curiae of Professor Daniel N. Robinson, Ph.D. filed. VIDED. (Distributed)
Mar 27 2015	Brief of respondents Bill Haslam, Governor of Tennessee, et al. filed. (Distributed)
Mar 27 2015	Brief amici curiae of Scholars of History and Related Disciplines filed. VIDED. (Distributed)
Mar 27 2015	Brief amicus curiae of Ryan T. Anderson, Ph.D. filed. VIDED. (Distributed)
Mar 27 2015	Brief amici curiae of Dawn Stefanowicz and Denise Shick filed. VIDED. (Distributed)
Mar 27 2015	Brief amici curiae of Heather Barwick and Katy Faust filed. VIDED. (Distributed)
Mar 27 2015	Brief amicus curiae of State of South Carolina filed. VIDED. (Distributed)
Mar 27 2015	Brief amici curiae of Robert Oscar Lopez, and B.N. Klein filed. VIDED. (Distributed)
Mar 30 2015	Brief amici curiae of 54 International and Comparative Law Experts from 27 Countries filed. VIDED. (Distributed)
Mar 30 2015	Brief amicus curiae of Family Trust Foundation of Kentucky, Inc., A/K/A The Family Foundation filed. VIDED. (Distributed)
Mar 30 2015	Brief amici curiae of The Ruth Institute and Dr. Jennifer Roback Morse, Ph.D. filed. VIDED. (Distributed)
Mar 30 2015	Brief amici curiae of North Carolina Values Coalition, et al. filed. VIDED. (Distributed)
Mar 31 2015	Supplemental joint letter of argument proposal from counsel for the petitioners. VIDED
Mar 31 2015	Brief amicus curiae of Family Research Council filed. VIDED. (Distributed)
Mar 31 2015	Brief amicus curiae of Lary S. Larson filed. VIDED. (Distributed)
Mar 31 2015	Brief amicus curiae of CatholicVote.org Education Fund filed. VIDED. (Distributed)
Mar 31 2015	Brief amici curiae of Organizations That Promote Biological Parenting filed. VIDED. (Distributed)
Mar 31 2015	Brief amicus curiae of Liberty Scholars and the Saint Thomas More Society of Dallas filed. VIDED. (Distributed)
Apr 1 2015	Brief amici curiae of Scholars of Originalism filed. VIDED. (Distributed)
Apr 1 2015	Brief amicus curiae of Parents and Friends of Gays & Ex-Gays filed. VIDED. (Distributed)
Apr 1 2015	Brief amici curiae of Wyoming Legislators and Scholars of Full Faith and Credit filed. VIDED. (Distributed)
Apr 1 2015	Brief amicus curiae of David A. Robinson filed. VIDED. (Distributed)
Apr 1 2015	Brief amicus curiae of Public Affairs Campaign and Opinion Expert Frank Schubert, et al. filed. VIDED.
Apr 1 2015	Brief amicus curiae of Algirdas M. Liepas filed. VIDED. (Distributed)
Apr 1 2015	Brief amicus curiae of National Coalition of Black Pastors and Christian Leaders filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of American College of Pediatricians, et al. filed. VIDED. (Distributed)
Apr 2 2015	Brief amicus curiae of United States Conference of Catholic Bishops filed. VIDED. (Distributed)

Apr 2 2015	Brief amici curiae of 100 Scholars of Marriage filed. VIDED. (Distributed)
Apr 2 2015	Brief amicus curiae of Tri Valley Law, P.C. filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of Organizations and Scholars of Gender-Diverse Parenting filed. VIDED. (Distributed)
Apr 2 2015	Brief amicus curiae of Catholic Answers filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of 47 Scholars filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of Scholars of the Welfare of Women, Children, and Underprivileged Populations filed. VIDED. (Distributed)
Apr 2 2015	Brief amicus curiae of The Committee for Justice filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of Major Religious Organizations filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of Leaders of the 2012 Republican National Convention Committee on the Platform, et al. filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of Religious Organizations, Public Speakers, and Scholars Concerned About Free Speech filed. VIDED. (Distributed)
Apr 2 2015	Brief amici curiae of Louisiana, et al. filed. VIDED. (Distributed)
Apr 2 2015	Motion for leave to file amicus brief filed by Theodore Coates. VIDED. (Distributed)
Apr 3 2015	Upon consideration of the March 17 and March 31, 2015, letters from counsel for the petitioners and the respondents, the following order of argument is adopted. On Question 1 the time is allocated as follows: 30 minutes for one advocate on behalf of the petitioners, 15 minutes for the Solicitor General, and 45 minutes for one advocate on behalf of the respondents. On Question 2 the time is allocated as follows: 30 minutes for one advocate on behalf of the petitioners, and 30 minutes for one advocate on behalf of the respondents. VIDED
Apr 3 2015	Brief amici curiae of Texas Eagle Forum and Steven F. Hotze, M.D. filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Scholars of Fertility and Marriage filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Richard A. Lawrence filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Mike Huckabee Policy Solutions and, Family Research Institute filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Foundation for Moral Law filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Public Advocate of the U.S., et al. filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of State of Alabama filed. VIDED. (Distributed)
Apr 3 2015	Idaho Governor C.L. "Butch" Otter filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Southeastern Legal Foundation filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Earl M. Maltz, et al. filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Jason Feliciano and Seventeen Pastors filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Judicial Watch, Inc. filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of International Conference of Evangelical Endorsers filed. VIDED. (Distributed)

Apr 3 2015	Brief amicus curiae of Lighted Candle Society filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Concerned Women for America filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Institute for Marriage and Public Policy, et al. filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of ProtectMarriage.com - Yes on 8, et al. filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of 57 Members of U.S. Congress filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Jon Simmons filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Texas Values filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Dr. Judith Reisman, and Liberty Center for Child Protection filed. VIDED. (Distributed)
Apr 3 2015	Brief amici curiae of Same-Sex Attracted Men and Their Wives filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of David Boyle filed. VIDED. (Distributed)
Apr 3 2015	Brief amicus curiae of Agudath Israel of America filed. VIDED. (Distributed)
Apr 17 2015	Reply of petitioners Valeria Tanco, et al. filed. (Distributed)
Apr 28 2015	Argued. For petitioners on Question 1: Mary L. Bonauto, Boston, Mass.; and Donald B. Verrilli, Jr., Solicitor General, Department of Justice, Washington, D. C. (for United States, as amicus curiae.) For respondents on Question 1: John J. Bursch, Special Assistant Attorney General, Lansing, Mich. For petitioners on Question 2: Douglas Hallward-Driemeier, Washington, D. C. For respondents on Question 2: Joseph F. Whalen, Associate Solicitor General, Nashville, Tenn.
May 4 2015	Motion for leave to file amicus brief filed by Theofore Coates DENIED. VIDED.
May 21 2015	Request for recusal received from amicus curiae Foundation for Moral Law. VIDED
Jun 26 2015	Judgment REVERSED. Kennedy, J., delivered the opinion of the Court, in which Ginsburg, Breyer, Sotomayor, and Kagan, JJ., joined. Roberts, C. J., filed a dissenting opinion, in which Scalia and Thomas, JJ., joined. Scalia, J. filed a dissenting opinion, in which Thomas, J., joined. Thomas, J., filed a dissenting opinion, in which Scalia, J., joined. Alito, J., filed a dissenting opinion, in which Scalia and Thomas, JJ., joined. VIDED
Jul 28 2015	JUDGMENT ISSUED.

~~Name~~~~~~~~~~~~~~~~~~~~~~	~~~~~~~Address~~~~~~~~~~~~~~~~~~	~~Phone~~~
Attorneys for Petitioners:		
Douglas Hallward-Driemeier Counsel of Record	Ropes & Gray LLP 700 12th Street, N.W., Suite 900 One Metro Center Washington, DC 20005 Douglas.Hallward-Driemeier@ropesgray.com	(202) 508-4600

Party name: Valeria Tanco, et al.

Mary L. Bonauto	Gay & Lesbian Advocates & Defenders 30 Winter Street Suite 800 Boston, MA 02108 mbonauto@glad.com	(617) 426-1350

Party name: Valeria Tanco, et al.

Attorneys for Respondents:

Joseph F. Whalen Counsel of Record	Associate Solicitor General Office of the Attorney General 425 Fifth Avenue North Nashville, TN 37243 joe.whalen@ag.tn.gov	(615) 741-3499

Party name: Bill Haslam, Governor of Tennessee, et al.

John J. Bursch	Michigan Solicitor General Michigan Department of Attorney General P.O. Box 30212 Lansing, MI 48909 BurschJ@michigan.gov	(517) 373-1124

Party name: Bill Haslam, Governor of Tennessee, et al.

Other:

Algert S. Agricola Jr.	Ryals, Donaldson & Agricola, P.C. 60 Commerce Street, Suite 1400 Montgomery, AL 36104 aagricola@rdafirm.com	(334) 834-5290

Party name: Robert J. Bentley, Governor of Alabama

Cristina Alonso	Carlton, Fields, Jorden, Burt, P.A. 100 Southeast Second Street, Suite 4200 Miami, FL 33131 calonso@cfjblaw.com	(305)-530-0050

Party name: Campaign for Southern Equality and Equality Federation

J. Scott Ballenger	Latham & Watkins LLP 555 11th Street, NW Suite 1000 Washington, DC 20004 scott.ballenger@lw.com	(202) 637-2200

Party name: Gary J. Gates

Richard D. Bernstein	Willkie Farr & Gallagher LLP	(202) 303-1108

1875 K Street, NW
Washington, DC 20006
rbernstein@willkie.com
Party name: Nine-Two Plaintiffs in Marriage Cases in Alabama, et al.

Boris Bershteyn | Skadden Arps Slate Meagher & Flom LLP | 212-735-3834
4 Times Square
New York, NY 10036
boris.bershteyn@skadden.com
Party name: American Public Health Association, and Whitman-Walker

Carmine D. Boccuzzi Jr. | Cleary, Gottlieb, Steen & Hamilton | (212) 225-2000
One Liberty Plaza
New York, NY 10006
cboccuzzi@cgsh.com
Party name: American Sociological Association

Blithe Smith Bock | City Attorney of the City Los Angeles | (213) 978-6936
200 North Main Street
600 City Hall East
Los Angeles, CA 90012
blithe.bock@lacity.org
Party name: 226 U.S. Mayors, et al.

James Bopp Jr. | The Bopp Law Firm | (812) 232-2434
1 South 6th Street
Terre Haute, IN 47807-3510
jboppjr@aol.com
Party name: Leaders of the 2012 Republican National Convention Committee on the Platform, et al.

Ruth N. Borenstein | Morrison & Foerster LLP | (415) 268-7000
425 Market Street
San Francisco, CA 94105
RBorenstein@mofo.com
Party name: Foreign and Comparative Law Experts Harold Homgju Koh, et al.

David C. Boyle | P.O. Box 15143 | (734)-904-6132
Long Beach, CA 90815
dbo@boyleslaw.org
Party name: Robert Oscar Lopez, and B.N. Klein

Gerard V. Bradley
3156 Eck Hall
Notre Dame, IN 46556
gerard.v.bradley.16@nd.edu
(574)-631-8385
Party name: Dr. Paul McHugh

Andrew L. Brasher
Solicitor General
Office of Attorney General
501 Washington Avenue
Montgomery, AL 36130
abrasher@ago.state.al.us
(334) 353-2609
Party name: State of Alabama

Dean R. Broyles
National Center for Law & Policy
539 West Grand Avenue
Escondido, CA 92025
dbroyles@nclplaw.org
(760)-747-4529
Party name: Parents and Friends of Gays & Ex-Gays

G. Eric Brunstad Jr.
Dechert LLP
90 State House Square
Hartford, CT 06103
eric.brunstad@dechert.com
(860) 524-3999
Party name: John K. Olson

Martin N. Buchanan
Law Offices of Martin N. Buchanan
655 West Broadway, Suite 1700
San Diego, CA 92101
martin@martinbuchanan.com
(619) 238-2426
Party name: Marriage Equality USA

Douglas J. Callahan
242 W. Caroline Street
Fenton, MI 48430-0000
doug.callahan@nfcrc.org
(800) 385-0601
Party name: National Family Civil Rights Center

Jacob Daniel Campion
Office of the Attorney General
445 Minnesota Street, Suite 1100
Saint Paul, MN 55101-2128
jacob.campion@ag.state.mn.us
651-757-1459
Party name: Minnesota

Daniel J. Canon	Clay Daniel Walton Adams, PLC 101 Meidinger Tower 462 South 4th Street, Suite 101 Louisville, KY 40202 dan@justiceky.com	(502) 561-2005 x216
Party name: Bourke, et al.		
Hunter Thompson Carter	Arent Fox, LLP 1675 Broadway, 34th Floor New York, NY 10019 hunter.carter@arentfox.com	(212) 484-3900
Party name: Law Enforcement Officers, First Responders and Organizations		
Willieta Burlette Carter	George Washington University Law School 2000 H Street, NW Washington, DC 20052 bcarter@law.gwu.edu	202 994-5155
Party name: Professor W. Burlette Carter		
Stanton L. Cave	P.O. Box 910457 Lexington, KY 40591-0457 stan.cave@stancavelaw.com	(859) 309-3000
Party name: Family Trust Foundation of Kentucky, Inc., A/K/A The Family Foundation		
Theodore Coates	5994 South Holly Street Suite 158 Greenwood Village, CO 80111 coates0603@msn.com	(720) 393-8646
Party name: Theodore Coates		
Sean J. Coletti	428 Park Avenue Idaho Falls, ID 83402 seancoletti@hopkinsroden.com	208-523-4445
Party name: Lary S. Larson		
Teresa Stanton Collett	University of St. Thomas School of Law MSL 400 1000 LaSalle Avenue Minneapolis, MN 55403-2015 tscollett@stthomas.edu	(651) 962-4973

Party name: Institute for Marriage and Public Policy, et al.

Robert D. Cook	Solicitor General P.O. Box 11549 Columbia, SC 29202-1549 BCook@scag.gov	(803) 734-3970

Party name: State of South Carolina

Charles J. Cooper	Cooper & Kirk, PLLC 1523 New Hampshire Avenue, N.W. Washington, DC 20036 ccooper@cooperkirk.com	(202) 220-9600

Party name: Scholars of History and Related Disciplines

Andrew J. Davis	Folger Levin LLP 199 Fremont Street, 20th Floor San Francisco, CA 94105 ddavis@folgerlevin.com	(415)-625-1050

Party name: PFLAG, Inc.

Peggy Cooper Davis	New York University School of Law 40 Washington Square South, 301 New York, NY 10012 peggy.cooper.davis@nyu.edu	(212) 998-6465

Party name: Experiential Learning Lab at New York University School of Law

Walter Dellinger	O'Melveny & Myers LLP 1625 Eye Street, N.W. Washington, DC 20006 wdellinger@omm.com	(202) 383-5319

Party name: Freedom to Marry

Deborah Dewart	620 E. Sabiston Drive Swansboro, NC 28584-9674 debcpalaw@earthlink.net	(910)-326-4554

Party name: North Carolina Values Coalition, et al.

Gregory L. Diskant	Patterson Belknap Webb & Tyler LLP 1133 Avenue of the Americas New York, NY 10036 gldiskant@pbwt.com	(212) 336-2710

Party name: Elected Officials and Former Officeholders of Michigan, et al.

Herbert K. Doby	215 East 21st Avenue PO Box 130 Torrington, WY 82240 nhibben@dobyhidden.com	(307) 532-2700

Party name: Wyoming Legislators and Scholars of Full Faith and Credit

S. Kyle Duncan	Duncan PLLC 1629 K Street, N.W., Suite 300 Washington, DC 20006 kduncan@duncanpllc.com	(202) 714-9492

Party name: Louisiana, et al.

William C. Duncan	Marriage Law Foundation 1868 N 800 E Lehi, UT 84043 duncanw@marriagelawfoundation.org	(801)-367-4570

Party name: Scholars of Originalism

Alexander Dushku	1800 World Trade Center 60 East South Temple Suite 1800 Salt Lake City, UT 84111 adushku@kmclaw.com	(801) 328-3600

Party name: Major Religious Organizations

John C. Eastman	Center for Constitutional Jurisprudence c/o Chapman University School of Law One University Drive Orange, CA 92866 jeastman@chapman.edu	(714) 628-2587

Party name: Public Affairs Campaign and Opinion Expert Frank Schubert, et al.

John A. Eidsmoe	Foundation for Moral Law One Dexter Avenue Montgomery, AL 36104 eidsmoeja@juno.com	(334) 262-1245

Party name: Foundation for Moral Law

Craig Engle	Arent Fox Kintner Plotkin & Kahn 1717 K Street	(202) 857-6000

	Washington, DC 20036-5339 craig.engle@arentfox.com	
Party name: The Liberty Education Forum		
William N. Eskridge Jr.	Yale Law School PO Box 208215 New Haven, CT 06520 william.eskridge@yale.edu	(203)-432-9056
Party name: Cato Institute, et al.		
Steven W. Fitschen	The National Legal Foundation 2224 Virginia Beach Blvd. Suite 204 Virginia Beach, VA 23454 nlf@nlf.net	(757)-463-6133
Party name: Concerned Women for America		
Marjory Anne Gentry	Three Embarcadero Center 10th Floor San Francisco, CA 94111 Marjory.Gentry@aporter.com	415-471-3365
Party name: Conflict of Laws and Family Law Professors		
Robert P. George	Robinson & McElwee 500 Virginia Street East, Suite 400 Charleston, WV 25326 rgeorge@princeton.edu	(609) 258-3270
Party name: 47 Scholars		
Alphonse A. Gerhardstein	Gerhardstein & Branch Co. LPA 432 Walnut St., Suite 400 Cincinnati, OH 45202 agerhardstein@gbfirm.com	(513) 621-0779
Party name: Obergefell, et al.		
Sandra F. Gilbert	3020 Garland Ave. Plymouth, MN 55447 SandyFGilbert@msn.com	(612) 715-5049
Party name: Jason Feliciano and Seventeen Pastors		
Patrick T. Gillen	Ave Maria School of Law	(734) 355-4728

1025 Commons Circle
Naples, FL 34119
ptgillen@avemarialaw.edu
Party name: CatholicVote.org Education Fund

Shannon Lee Goessling | Southeastern Legal Foundation, Inc. | (770) 977-2131
2255 Sewell Mill Rd., Suite 320
Marietta, GA 30062
shannon@southeasternlegal.org
Party name: Southeastern Legal Foundation

Suzanne B. Goldberg | Columbia Law School | (212) 854-0411
435 West 116th Street
New York, NY 10027
sgoldb1@law.columbia.edu
Party name: Clumbia Law School Sexuality and Gender Law Clinic

Kevin E. Green | 456 N. Meridian Street, #1517 | (317) 437-5002
Indianapolis, IN 46204
keglegal@aol.com
Party name: Jon Simmons

Marc A. Greendorfer | Tri Valley Law PC | (925) 328-0128
2410 Camino Ramon
Suite 122
San Ramon, CA 94583
marc@trivalleylaw.com
Party name: Tri Valley Law, P.C.

Herbert G. Grey | 4800 S.W. Griffth Drive, Suite 320 | (503) 641-4908
Beaverton, OR 97005
herb@greylaw.org
Party name: Earl M. Maltz, et al.

Joseph R. Guerra | Sidley Austin LLP | (202) 736-8000
1501 K Street, N.W.
Washington, DC 20005
jguerra@sidley.com
Party name: Lawrence J. Korb, et al.

Paul J. Hall | DLA Piper LLP (US) | (415) 836-2500

555 Mission Street, Suite 2400
San Francisco, CA 94105-2933
paul.hall@dlapiper.com
Party name: Carlos A. Ball, Distinguished Professor of Law, Rutgers University, et al.

Elizabeth L. Hileman | Hileman & Associates, P.C. | (301) 652-1448
7979 Old Georgetown Rd., Suite 600
Bethesda, MD 20814
ehileman@hilemanlaw.com
Party name: The American Humanist Association and Center for Inquiry

Matthew Michael Hoffman | Goodwin Procter LLP | (202)-346-4000
901 New York Avenue N.W.
Washington, DC 20001
Party name: Leadership Conference on Civil and Human Rights, et al

Eric A. Isaacson | Robbins Geller Rudman & Dowd LLP | (619) 231-1058
655 West Broadway, Suite 1900
San Diego, CA 92101
eisaacson@rgrdlaw.com
Party name: California Council of Churches, et al.

Darrin K. Johns | Law Firm of Darrin K. Johns PC | (801) 228-7521
12 West ,100 North Suite-F
American Fork, UT 84003
darrin.johns@darrinjohnslaw.com
Party name: Same-Sex Attracted Men and Their Wives

Lawrence J. Joseph | 1250 Connecticut Avenue | (202) 355-9452
Suite 200
Washington, DC 20036
ljoseph@larryjoseph.com
Party name: Eagle Forum Education & Legal Defense Fund in support of neither party

Roberta A. Kaplan | Paul, Weiss, Rifkind, Wharton & Garrison LLP | (212) 373-3000
1285 Avenue of the Americas
New York, NY 10019-6064
rkaplan@paulweiss.com
Party name: The Human Rights Campaign and 207,551 Americans

Harlan Daniel Karp | 850 Euclid Ave., #1330 | (216) 685-1360

	Cleveland, OH 44114 harlankarp@gmail.com	
Party name: The Cleveland Choral Arts Association Inc. a/k/a The North Coast Men's Chorus		
Meir Katz	The Berkman Law Office 111 Livingston Street Suite1928 Brooklyn, NY 11201 mkatz@berkmanlaw.com	(718) 855-3627
Party name: The Committee for Justice		
Katherine Keating	Bryan Cave LLP 560 Mission Street, 25th Floor San Francisco, CA 94105 katherine.keating@bryancave.com	(415) 268-1972
Party name: Family Equality Council, et al.		
Mae Kuykendall	Michigan State University 648 N. Shaw Lane Rm. 366 East Lansing, MI 48824 kuykend1@law.msu.edu	(517) 432-6894
Party name: Mae Kuykendall, David Upham and Michael Worley		
Sharee S. Langenstein	P.O. Box 141 Murphysboro, IL 62966 shareelangenstein@yahoo.com	(855) 694-8671
Party name: The Ruth Institute and Dr. Jennifer Roback Morse, Ph.D.		
Jon Laramore	Faegre Baker Daniels 300 N. Meridian St., Suite 2700 Indianapolis, IN 46204 jon.laramore@faegrebd.com	(317) 237-0300
Party name: Indiana University		
Leigh Gross Latherow	VanAntwerp, Monge, Jones, Edwards & McCann, LLP P.O. Box 1111 Ashland, KY 41105 llatherow@vmje.com	(606) 329-2929
Party name: Beshear, et al.		

Girard D. Lau	Deputy Attorney General Department of the Attorney General 425 Queen Street Honolulu, HI 96813 girard.d.lau@hawaii.gov	(808) 586-1360

Party name: Hawaii

Richard A. Lawrence	608 South Hull Street Montgomery, AL 36104 richard@rlawrencelaw.com	(334) 263-2000

Party name: Richard A. Lawrence

Douglas Laycock	University of Virginia School of Law 580 Massie Road Charlottesville, VA 22903 dlaycock@virginia.edu	(434) 243-8546

Party name: Douglas Laycock, et al.

Richard L. Levine	Weil, Gotshal & Manges, LLP 767 Fifth Avenue New York, NY 10153 richard.levine@weil.com	(212) 310-8286

Party name: Human Rights Watch and The New York City Bar Association, et al.

Algirdas M. Liepas	4025 Automation Way, Suite C4 North Fort Collins, CO 80525 algirdas@liepas.com	970-493-3359

Party name: Algirdas M. Liepas

David S. Lill	Lill FirmPC 4407 Bee Caves Road Suite 111, Building 1 Austin, TX 78746 david@lillfirm.com	(512) 330-0252

Party name: Texas Values

Charles S. Limandri	Freedom of Conscience Defense Fund PO Box 9520 Rancho Santa Fe, CA 92067 cslimandri@limandri.com	(858) 759-9948

Party name: Catholic Answers

Aaron D. Lindstrom	Solicitor General Michigan Department of Attorney General P.O. Box 30212 Lansing, MI 48909 LindstromA@michigan.gov	(517) 373-1124
Party name: Snyder, et al.		
Paul Benjamin Linton	Special Counsel Thomas More Society 921 Keystone Avenue Northbrook, IL 60062 PBLCONLAW@AOL.COM	(847) 291-3848
Party name: Family Research Council		
Larry S. Loigman	P.O. Box 97 Middletown, NJ 07748 loigman@verizon.net	(732) 539-0550
Party name: Agudath Israel of America		
Joseph Patrick Lombardo	Chapman and Cutler, LLP 111 W. Monroe Street Chicago, IL 60603 lombardo@chapman.com	312-845-3428
Party name: Legal Scholars Stephen Clark, et al.		
Robert A. Long Jr.	Covington & Burling LLP OneCity Center, 850 Tenth Street, NW Washington, DC 20001 rlong@cov.com	(202) 662-6000
Party name: Conflict of Law Scholars		
Lawrence S. Lustberg	Gibbons P.C. One Gateway Center Newark, NJ 07102-5310 llustberg@gibbonslaw.com	(973) 596-4731
Party name: Garden State Equality		
Christopher D. Man	Chadbourne & Parke LLP 1200 New Hampshire Ave., N.W. Washington, DC 20036	(202) 974-5600

cman@chadbourne.com
Party name: Outserve-Servicemembers Legal Defense Network, et al.

Susan Leann Baker Manning | Morgan, Lewis & Bockius, LLP | (202) 373-6000
2020 K Street, N.W.
Washington, DC 20006
susan.manning@morganlewis.com
Party name: 379 Employers and Organizations Representing Employers

Emily J. Martin | National Women's Law Center | (202)-588-5180
11 Dupont Circle, NW, Suite 800
Washington, DC 20036
emartin@nwlc.org
Party name: National Women's Law Center, et al.

Lori Alvino McGill | Quinn Emanuel Urquhart & Sullivan LLP | (202) 538-8000
777 6th Street, NW
11th Floor
Washington, DC 20001-3706
lorialvinomcgill@quinnemanuel.com
Party name: Constitutional Law Scholars Ashutosh Bhagwat, et al.

Robert J. McNamara | 901 N Glebe Road | (703)-682-9320
Suite 900
Arlington, VA 22203
rmcnamara@ij.org
Party name: Institute for Justice

J. E. McNeil | McNeil & Ricks, PC | (202) 256-7441
4119 Garrison St., N.W.
Washington, DC 20016
jmcnrick@yahoo.com
Party name: Langley Hill Friends Meeting, et al.

Andrew Melzer | Sanford Heisler Kimpel, LLP | (646) 402-5657
1350 Avenue of the Americas 31st Floor
New York, NY 10019
amelzer@sanfordheisler.com
Party name: LGBT Student Organizations at Undergraduate, Graduate and Professional Schools

Jonathan B. Miller | Office of the Attorney General | (617) 727-2200

	One Ashburton Place Boston, MA 02108 jonathan.miller@state.ma.us	
Party name: Massachusetts, et al.		
Alan B. Morrison	George Washington University Law School 2000 H Street NW Washington, DC 20052 abmorrison@law.gwu.edu	(202) 994-7120
Party name: Equality Ohio, et al.		
Eric E. Murphy	State Solicitor Office of the Attorney General 30 East Broad Street, 17th Fl. Columbus, OH 43215-3428 eric.murphy@ohioattorneygeneral.gov	(614) 466-8980
Party name: Hodges, et al.		
Jonathan Jacob Nadler	Squire Patton Boggs (US) LLP 2550 M Street, N.W. Washington, DC 20037 jack.nadler@squirepb.com	(202) 457-6016
Party name: Services and Advocacy foe Gay, Lesbian, Bisexual and Transgender Elders, et al.		
Alice M. O'Brien	National Education Association 1201 16th Street, N.W. Washington, DC 20036 aobrien@nea.org	(202) 822-7035
Party name: American Federation of Labor and Congres ofl industrial Organizations		
Nicholas M. O'Donnell	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109 nodonnell@sandw.com	(617)-338-28
Party name: GLMA, et al.		
Theodore B. Olson	Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, N.W. Washington, DC 20036 tolson@gibsondunn.com	(202) 955-8500
Party name: Kristin M. Perry, et al.		

William J. Olson
William J.Olson, P.C.
370 Maple Avenue West, Suite 4
Vienna, VA 22180-5615
wjo@mindspring.com
(703) 356-5070
Party name: Public Advocate of the U.S., et al.

Gregory E. Ostfeld
Greenberg Traurig LLP
77 W. Wacker Drive
Suite 3100
Chicago, IL 60601
ostfeld@gtlaw.com
(312)-476-5056
Party name: Anti-Defamation League, et al.

Kathleen M. O'Sullivan
Perkins Coie, LLP
1201 Third Avenue, 48th Floor
Suite 4900
Seattle, WA 98101-3099
kosullivan@perkinscoie.com
(206) 359-8000
Party name: The Alliance: State Advocates for Women's Rights and Gender Equality

Owen C. Pell
White & Case, LLP
1155 Avenue of the Americas
New York, NY 10036-2787
opell@whitecase.com
(212) 819-8200
Party name: Legal Services NYC

James F. Peterson
Judicial Watch, Inc
425 Third Street, SW
Washington, DC 20024
jpeterson@juducualwatch.org
(202) 646-5172
Party name: Judicial Watch, Inc.

Anthony R. Picarello Jr.
U.S. Conference of Catholic Bishops
3211 Fourth Street, N.E.
Washington, DC 20017
apicarello@usccb.org
(202) 541-3300
Party name: United States Conference of Catholic Bishops

Andrew P. Pugno
8261 Greenback Lane Suite 200
Fair Oaks, CA 95628-2533
916 608-3065

	andrew@pugnolaw.com	
Party name: ProtectMarriage.com - Yes on 8, et al.		
Stuart A. Raphael	Solicitor General of Virginia Office of the Attorney General 900 East Main Street Richmond, VA 23219 sraphael@oag.state.va.us	(804) 786-7240
Party name: Virginia		
Eric C. Rassbach	Becket Fund for Religious Liberty 3000 K Street, NW, Suite 220 Washington, DC 20007 erassbach@becketfund.org	(202) 955-0095
Party name: The General Conference of Seventh-Day Adventists, et al.		
David A. Robinson	P.O. Box 780 North Haven, CT 06473 david@davidalanrobinson.com	(203) 214-4078
Party name: David A. Robinson		
Sanford Jay Rosen	Rosen Bien Galvan & Grunfeld, LLP 315 Montgomery Street 10th Floor San Francisco, CA 94104-1823 srosen@rbgg.com	(415) 433-6830
Party name: Survivors of Sexual Orientation Change Therapies		
E. Joshua Rosenkranz	Orrick, Herrington & Sutcliffe LLP 51 West 52nd Street New York, NY 10019-6142 jrosenkranz@orrick.com	(212) 506-5000
Party name: Family Law Scholars		
Jerome C. Roth	Munger, Tolles & Olson, LLP 560 Mission Street, 27th Fl. San Francisco, CA 94105 jerome.roth@mto.com	(415) 512-4000
Party name: Bay Area Lawyers for Individual Freedom, et al.		
Charles A. Rothfeld	Mayer Brown LLP	(202) 263-3000

	1999 K Street, N.W. Washington, DC 20006 crothfeld@mayerbrown.com	
Party name: Americans United for Separation of Church and State		
D. John Sauer	Clark & Sauer LLC 7733 Forsyth Blvd., Suite 625 St. Louis, MO 63105 jsauer@clarksauer.com	(314)-332-2980
Party name: 57 Members of U.S. Congress		
Gene C. Schaerr	Law Offices of Gene C. Schaerr 332 Constitution Avenue NE Washington, DC 20002 gschaerr@gmail.com	(202) 361-1061
Party name: Idaho Governor C.L. "Butch" Otter		
Gene Clayton Schaerr	Law Offices of Gene Schaerr 332 Constitution Avenue NE Washington, DC 20002 gschaerr@gmail.com	(202)-361-1061
Party name: 76 Scholars of Marriage		
Andrew L. Schlafly	939 Old Chester Road Far Hills, NJ 07931 aschlafly@aol.com	(908) 719-8608
Party name: Texas Eagle Forum and Steven F. Hotze, M.D.		
John Paul Schnapper-Casteras	NAACP Legal Defense & Educational Fund 1444 I Street NW Washington, DC 20005 jschnapper@naacpldf.org	(202) 682-1300
Party name: NAACP Legal Defense & Educational Fund, Inc., et al.		
Arthur A. Schulcz Sr.	Chaplains' Counsel PLLC 21043 Honeycreeper PL. Leesburg, VA 20175 art@chaplainscounsel.com	(703) 645-4010
Party name: International Conference of Evangelical Endorsers		
Chris Sevier	9 Music Square South #247	(615) 500-4411

Nashville, TN 37203
Party name: Chris Sevier

Kelly J. Shackelford | Liberty Institute, 2001 W. Plano Parkway, Suite 1600, Plano, TX 75075, kshackford@libertyinstitute.org | (972) 941-4444
Party name: Religious Organizations, Public Speakers, and Scholars Concerned About Free Speech

Pratik A. Shah | Akin Gump Strauss Hauer & Feld LLP, 1333 New Hampshire Ave., NW, Washington, DC 20036, pshah@akingump.com | (202) 887-4000
Party name: Historians of Marriage, and The HAmerican Historical Association

Benjamin G. Shatz | Manatt, Phelps & Phillips, LLP, 11355 West Olympic Boulevard, Los Angles, CA 90064-1632, bshatz@mantt.com | (310)-312-4000
Party name: Howard University School of Law Civil Rights Clinic

Catherine E. Smith | 2255 E. Evans Ave., Denver, CO 80208, c.smith@law.du.edu | (303) 871-6180
Party name: Scholars of the Constitutional Rights of Children

Michael F. Smith | The Smith Appellate Law Firm, 1717 Pennsylvania Ave., NW, Suite 1025, Washington, DC 20006, smith@smithpllc.com | (202) 454-2860
Party name: Ryan T. Anderson, Ph.D.

Paul M. Smith | Jenner & Block LLP, 1099 New York Avenue, N.W., Suite 900, Washington, DC 20001, psmith@jenner.com | (202) 639-6060
Party name: American Psychological Association, et al.

Kevin T. Snider | Pacific Justice Institute | (916) 857-6900

P.O. Box 276600
Sacramento, CA 95823
ksnider@pji.org
Party name: Professor Daniel N. Robinson, Ph.D.

Carole M. Stanyar | 221 N. Main Street, Suite 300, Ann Arbor, MI 48104, cstanyar@wowway.com | (313) 819-3953
Party name: DeBoer, et al.

Mathew D. Staver | Liberty Counsel, P.O. Box 540774, Orlando, FL 32854, court@lc.org | (800) 671-1776
Party name: Dr. Judith Reisman, and Liberty Center for Child Protection

Catherine E. Stetson | Hogan Lovells US LLP, 555 Thirteenth Street, N.W., Washington, DC 20004, cate.stetson@hoganlovells.com | (202) 637-5600
Party name: The Organization of American Historians

D'Arcy Winston Straub | 6772 W. Ida Dr. #327, Littleton, CO 80123, darcystraub@gmail.com | 303-794-4109
Party name: Citizens United for the individual Freedom to Define Marriage

Timothy N. Tardibono | Family Policy Institute of Oklahoma, P.O. Box 1097, Family Policy Institute of Oklahoma, P.O. Box 1097, Bethany, OK 73008, info@okfamily.org | (405) 664-6514
Party name: Organizations That Promote Biological Parenting

James R Tate | Tate, Bywater, Fuller, Mickelsen & Tull, PLC, 2740 Chain Bridge Rd., Vienna, VA 22181, jtate@tatebywater.com | (703) 938-5100
Party name: Scholars of Fertility and Marriage

Paul M. Thompson
McDermott Will & Emery LLP
500 North Capitol Street, NW
Washington, DC 20001
pthompson@mwe.com
(202) 756-8000
Party name: The Mattachine Society of Washington, D.C.

Richard Thompson
Thomas More Law Center
24 Frank Lloyd Wright Drive
P.O. Box 393
Ann Arbor, MI 48106
rthompson@thomasmore.org
(734) 827-2001
Party name: National Coalition of Black Pastors and Christian Leaders

Jeffrey S. Trachtman
Kramer Levin Naftalis & Frankel, LLP
1177 Avenue of the Americas
New York, NY 10036
jtrachtman@kramerlevin.com
(212) 715-9100
Party name: President of the House of Deputies of The Episcopal Church and The Episcopal Bishops of Kentucky, et al.

Edward H. Trent
550 W. Main Avenue, Suite 900
Knoxville, TN 37902
etrent@wimberlylawson.com
(865) 546-1000
Party name: Organizations and Scholars of Gender-diverse Parenting

Joseph F. Tringali
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017
jtringali@stblaw.com
(212) 455-2000
Party name: 167 Members of the U.S. House of Representatives, and 44 U.S. Senators

David R. Upham
University of Dallas
1845 East Northgaate Drive
Irving, TX 75062-4736
davidrupham@yahoo.com
(972) 721-5186
Party name: Liberty Scholars and the Saint Thomas More Society of Dallas

Kyle Courtenay Velte
University of Denver Sturm College of Law
2255 E. Evans Ave., Room 365L
Denver, CO 80208
(720) 648-9266

	kyle.velte@gmail.com	
Party name: BiLaw		
Donald B. Verrilli Jr.	Solicitor General United States Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530-0001 SupremeCtBriefs@USDOJ.gov	(202) 514-2217
Party name: United States		
Brian Christopher Vertz	Pollock Begg Komar Glasser & Vertz, LLC 437 Grant Street, Suite 501 Pittsburgh, PA 15219 bvertz@pollockbegg.com	(412) 471-9000
Party name: The American Academy of Matrimonial Lawyers, et al.		
David C. Walker	2000 S. Colorado Blvd. Tower 2, Suite 700 Denver, CO 80222 dwalker@bbdfirm.com	303-329-3363
Party name: American College of Pediatricians, et al.		
Lynn D. Wardle	J. Reuben Clark Law School 452 JRCB Provo, UT 84602 wardlel@law.byu.edu	(801) 422-6842
Party name: 54 International and Comparative Law Experts from 27 Countries		
Seth P. Waxman	Wilmer Cutler Pickering Hale and Dorr LLP 1875 Pennsylvania Avenue, N.W. Washington, DC 20006 seth.waxman@wilmerhale.com	(202) 663-6000
Party name: Kenneth B. Mehlman, et al.		
George M. Weaver	Hollberg & Weaver, LLP 2921 Piedmont Road, N. E. Suite C Atlanta, GA 30305 gweaver@hw-law.com	(404) 760-1116
Party name: Lighted Candle Society		

Jeffrey S. Wittenbrink	Rowe Law Firm, L.L.C. 5157 Bluebonnet Blvd. Baton Rouge, LA 70809	(225) 293-8787

Party name: Mike Huckabee Policy Solutions and, Family Research Institute

Christopher J. Wright	Harris Wiltshire & Grannis LLP 1200 Eighteenth St., N.W. Suite 1200 Washington, DC 20036 cwright@hwglaw.com	(202) 730-1300

Party name: Professors Laurence H. Tribe and Michael C. Dorf

Elizabeth B. Wydra	Constitutional Accountability Center 1200 18th St., N.W., Suite 501 Washington, DC 20036 elizabeth@theusconstitution.org	(202) 296-6889

Party name: Constitutional Accountability Center

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Supreme Court of the United States

EXHIBIT C

NCLR NATIONAL CENTER FOR LESBIAN RIGHTS

CHRISTOPHER F. STOLL
Senior Staff Attorney

EDUCATION AND BAR ADMISSIONS

Harvard Law School, Cambridge, Massachusetts, J.D. *magna cum laude*, 1994
Harvard Law Review, Supreme Court Editor, 1992-94

DePauw University, Greencastle, Indiana, B.A. *summa cum laude*, 1991
Political Science/Russian Area Studies

Bar Admissions: California (1995); admitted to CA state and federal courts, several U.S. Courts of Appeals, and U.S. Supreme Court

LEGAL EXPERIENCE

National Center for Lesbian Rights, San Francisco, California
Senior Staff Attorney, 2008-present

- Oversee NCLR's general litigation, policy, and public education work.
- Supervise and manage legal team members on complex civil cases around the country.
- Litigate numerous marriage equality cases, including in Florida, Idaho, Tennessee, New Mexico, Utah, North Dakota, South Dakota, and Wyoming.
- Litigate a variety of employment, discrimination, Title IX, First Amendment, family law, and complex constitutional cases around the country.

Heller Ehrman LLP, San Francisco, California
Shareholder, 2003-2008, Associate, 1995-2002

- Broad-based complex civil litigation practice with focus on insurance law, intellectual property, and consumer class action matters. First and second chair trial and appellate experience in state and federal courts in California and nationally. (List of representative litigation matters attached.)
- Supervised case teams and personally handled all aspects of civil litigation, including legal research and writing, discovery, depositions, oral argument, trial, appeal, alternative dispute resolution and settlement. Prepared case budgets and advised clients on litigation strategy.
- Managed staffing of more than 30 litigation associates and senior counsel as Staffing Partner for the San Francisco office of large national law firm. Monitored and balanced attorney workload. Drafted and delivered performance reviews. Mentored, counseled, and trained junior attorneys.

United States Court of Appeals for the Ninth Circuit, San Francisco, California
Law Clerk to the Honorable James R. Browning, 1994-95

MEMBERSHIPS & HONORS

State Bar of California, American Bar Association, San Francisco Bar Association, Bay Area Lawyers for Individual Freedom, Northern California SuperLawyers

COMMUNITY INVOLVEMENT

Board of Directors, Community United Against Violence, 1999-2006
Board of Directors, Positive Resource Center 1996-1999

REPRESENTATIVE LITIGATION ENGAGEMENTS, 2008-present

Tanco v. Haslam (Supreme Court of the United States). Represent three legally married same-sex couples challenging Tennessee laws that prevent the state from respecting their legal marriages.

Kitchen v. Herbert (United States Court of Appeals, Tenth Circuit). Represent three same-sex couples in a federal lawsuit challenging Utah's laws prohibiting same-sex couples from marrying and refusing to respect the legal marriages of same-sex couples who married in other states.

Pickup v. Brown (United States Court of Appeals, Ninth Circuit). Participated as *amicus curiae* in case defending California state law that prohibits state-licensed therapists from trying to change the sexual orientation or gender expression of a patient under 18 years old.

King v. Christie (United States District Court, District of New Jersey). Represent intervenor in case defending New Jersey state law that prohibits state-licensed therapists from trying to change the sexual orientation or gender expression of a patient under 18 years old.

Christian Legal Society v. Martinez (Supreme Court of the United States). Represented student organization at Hastings College of the Law as intervener in First Amendment case challenging Hastings' Policy on Nondiscrimination. Prevailed before the U.S. Supreme Court.

Doe v. Anoka-Hennepin School District No. 11 and E.R. (United States District Court, District of Minnesota). Represented students in lawsuit against the school district and school officials for failure to stop daily harassment and bullying by their peers because of their actual or perceived sexual orientation or gender expression. Obtained favorable lawsuit for plaintiff students.

Howe v. Haslam (Court of Appeals for Tennessee, Middle Section). Represent plaintiffs in constitutional challenge of Tennessee law precluding localities from passing anti-discrimination ordinances. Currently on appeal.

REPRESENTATIVE LITIGATION ENGAGEMENTS, 1995-2008

Insurance Recovery

Underwriters at Lloyd's, London v. TransUnion LLC (Circuit Court of Cook County, Illinois). First chair role representing national consumer credit reporting agency in litigation seeking errors and omissions insurance coverage for consumer class actions relating to alleged privacy violations.

Acuity v. Symantec Corporation et al. (Supreme Court of Wisconsin). First chair role representing Symantec Corporation in suit seeking CGL advertising injury insurance coverage for trademark and copyright infringement actions brought by Symantec relating to alleged piracy of Symantec's commercial software products. Obtained favorable summary judgment, Court of Appeals and Wisconsin Supreme Court decisions resulting in full coverage for claim.

PMI Mortgage Insurance Co. v. American International Specialty Lines Insurance Co. (United States Court of Appeals, Ninth Circuit). Represented policyholder in litigation seeking errors and omissions insurance coverage for settlement of nationwide consumer class action claims. Drafted successful partial summary judgment motions, obtained judgment at trial for full policy limits, and wrote successful appeal brief resulting in affirmance of the judgment.

Hewlett-Packard Co. v. Factory Mutual Ins. Co. (United States District Court, Southern District of New York). Represented HP in suit seeking first-party property and business interruption insurance coverage for property damage arising out of sabotage by a former HP employee.

PG&E v. Lexington Ins. Co. et al. (Superior Court of California, City & County of San Francisco). Represented PG&E in litigation seeking CGL insurance coverage for environmental liabilities arising out of historical manufactured gas plant operations.

Scheidt v. Metropolitan Life Ins. Co. (Superior Court of California, County of Marin). Represented policyholder in successful litigation challenging denial of life insurance benefits.

Class Actions and Representative Plaintiff Actions

Philip Morris Incorporated. (Various matters.) Represented Philip Morris Incorporated in actions brought by governmental entities and private plaintiffs seeking recoupment of medical costs arising out of tobacco-related illnesses. Drafted successful oppositions to class certification and successful appeal briefs affirming dismissal of challenges to Master Settlement Agreement between states and tobacco companies.

Semler v. First Colony Life Ins. Co. et al. (Superior Court of California, City & County of San Francisco). Represented plaintiff in successful litigation under California Business and Professions Code challenging life insurers' practice of charging premiums for periods of time in which no insurance is provided. Obtained injunction following court trial against Guardian Life Insurance Company of America. Argued successful summary judgment motions.

Intellectual Property Litigation

Chan v. Symantec Corporation (United States District Court, Northern District of California) Defended Symantec Corporation in patent litigation relating to the LiveUpdate feature and Internet hyperlinks contained in certain Symantec CD-ROM software products. Drafted *Markman* brief and obtained favorable claim construction ruling. Worked with experts and consultants in preparing opinions relating to claim construction, infringement and invalidity issues.

ActivCard v. VASCO (United States District Court, District of Delaware). Represented ActivCard in patent litigation relating to encryption technology.

Pro Bono

In re Marriage Cases (Supreme Court of California). Representation of plaintiffs in one of several consolidated cases challenging on constitutional grounds California's statutory exclusion of same-sex couples from civil marriage.

Smith v. Knoller et al. (Superior Court of California, City and County of San Francisco). Representation of plaintiff in civil wrongful death action arising from dog attack.

NCLR NATIONAL CENTER FOR LESBIAN RIGHTS

AMY WHELAN
Senior Staff Attorney

EDUCATION AND BAR ADMISSIONS

Northeastern University School Of Law, Boston, MA: Juris Doctor, May 2001

Princeton University, Princeton, NJ: Bachelor of Arts, June 1996

Senior Thesis: *Gay Marriage: A Social Contract and Utilitarianism Analysis*
Princeton Project '55 Fellowship (now Princeton AlumniCorps) at Disability Rights Advocates

Bar Admissions: California (2001); admitted to CA state and federal courts, several U.S. Courts of Appeals, and U.S. Supreme Court

LEGAL EXPERIENCE

National Center for Lesbian Rights San Francisco, CA Feb. 2011—present

Senior Staff Attorney: Oversee NCLR's general litigation, policy, and public education work. Supervise and manage legal team members in complex civil cases around the country. Litigate numerous marriage equality cases, including in Florida, Idaho, Tennessee, Utah, North Dakota, South Dakota, and Wyoming, as well as employment, discrimination, Title IX, First Amendment, family law, and complex constitutional matters around the country. Supervise staff attorneys and legal interns.

Rosen Bien Galvan & Grunfeld, LLP San Francisco, CA 2001—Jan. 2011

Associate: General and complex civil litigation firm, with an emphasis on civil rights, prisoners' rights, employment, and attorneys' fees cases at the trial court and appellate levels. Performed all litigation-related tasks for diverse cases and hired and managed paralegals and law student interns.

Highlights:

- Member of 2008-2009 trial team in *Coleman/Plata v. Schwarzenegger* before federal three-judge court and then U.S. Supreme Court, holding that California must reduce prison overcrowding in order to meet the medical and mental health needs of prisoners.
- Litigated post-judgment issues in *Coleman v. Schwarzenegger*, a class action lawsuit under the 8th Amendment regarding mental healthcare in California's state prison system.
- Litigated post-judgment issues and acted as a monitor in *Armstrong v. Schwarzenegger*, a class action lawsuit under the ADA, the Rehabilitation Act and the 8th Amendment regarding disability accommodations and access in California's state prison system.

- Represented a federal public defender in her administrative grievance process regarding the federal government's discriminatory denial of healthcare benefits to her same-sex partner. Obtained retroactive and ongoing benefits.
- Responsible for all matters of civil discovery including taking and defending depositions, developing expert testimony, propounding and responding to written discovery and drafting and arguing motions.
- Hired, managed and supervised paralegal staff and law student interns.

Legal Action Center, New York, NY Fall 2000
Legal Intern: Conducted legal research and provided direct legal services to ex-offenders and people with HIV experiencing discrimination in employment, housing, and public benefits.

American Civil Liberties Union of Northern California, San Francisco, CA Spring 2000
Legal Intern: Conducted research regarding an array of constitutional and civil rights issues, including a legal challenge to a "Juvenile Crime" voter initiative, a public school prohibition of extracurricular activities on Jewish holidays in violation of the Establishment Clause, and the Racial Justice Program's "Driving While Black/Brown" campaign.

San Francisco Human Rights Commission, San Francisco, CA Fall 1999
Legal Intern: Advised and educated city contractors regarding compliance with San Francisco's Nondiscrimination in Contracts ordinance. Investigated and prosecuted complaints of discrimination based on sexual orientation, gender identity, and HIV status.

Disability Rights Advocates, Oakland, CA August 1996—August 1998
Princeton Project '55 Fellow: Assisted attorneys representing persons with disabilities in class action employment and public accommodations cases. Participated in a United Way "Schools Project" to educate superintendents in more than fourteen school districts about the legal requirements for physical and programmatic access for students with disabilities. Participated on the trial team for a case of first impression against Macy's for failure to provide physical access to persons with disabilities.

SAMPLE PUBLICATIONS & PRESENTATIONS

Amy Whelan & Gay C. Grunfeld, *No Time to Waste-California's Rules for Claims against Public Entities*, The Recorder, winter 2009 Supplement at 6-7.

Sid Wolinsky & Amy Whelan, *Federal Law and the Accommodation of Students with LD: The Lawyers' Look at the BU Decision (Guckenberger v. Boston University)*, Journal of Learning Disabilities, Volume 32, Number 4, July/August 1999 at 286-291.

Amy Whelan, Presenter at National Lawyers Guild 2009 Disability Rights Seminar (*The Changing Face of Disability Rights Law*), panel on *Institutions: Prisons, Adult Homes & Integration of Children.*

Presenter at ACLU of Southern California 2010 Brown Bag Lunch Series, *Prisoners Rights: Mississippi's Super-Max and California Prison Overcrowding Litigation.*

Presenter at National Lawyers Guild 2010 Far West Regional Conference, panel on *Prisoner*

Overcrowding in California State Prisons.

Presenter at 6th Annual KBA CLE on LGBT Issues, *First Amendment Issues as They Relate to the Community,* October 7, 2011.

David Coon, Heather Gray, and Amy Whelan, Presenters at 14th Annual Updates on Dementia Conference, *LGBT Aging Research and Practice: Updates and Implications for Care Panel,* May 6 2012.

Amy Whelan & Julie Nice, Panelists at 2012 Summer Brown Bag Lectures In Public Interest Law, *The Season For Gay Rights? A Discussion of Emerging Constitutional Law*, July 24 2012.

Presenter at Princeton University, *Every Voice: A Princeton University Conference for Lesbian, Gay, Bisexual, Transgender & Ally Alumni*, panel entitled "Seneca Falls to Selma to Stonewall: LGBT Rights in the Age of Obama," April 13 2013

Cameo Speaker, Pacific Coast Labor & Employment Conference, April 26 2013.

Presenter at University of California Berkeley Goldman School of Public Policy, panel on *Beyond Windsor & Perry, A Discussion of the Employment Non-Discrimination Act (ENDA),* April 14 2014

Speaker at annual Equal Employment Opportunity Commission's Training Institute, *EEO at 50* Plenary Panel, September 11 2014

Presenter at Columbia Law School Center for Gender & Sexuality Law, *Deliberate Resistance-LGBT Prisoner Rights 20 Years After Farmer v. Brennan,* November 14 2014

Presenter at Nat'l Committee to Preserve Social Security & Medicare Foundation, *Know Your Rights: Social Security and the LGBT Community*, Oakland, CA, April 7 2015

NCLR NATIONAL CENTER FOR LESBIAN RIGHTS

ASAF ORR
Staff Attorney

EDUCATION AND BAR ADMISSIONS

Rutgers University School of Law – Newark, Newark, New Jersey Juris Doctor, *magna cum laude*, May 2008 **GPA:** 3.82 **Honors:** Order of the Coif; Kinoy-Stavis Fellow; LSPIN Public Interest Fellow; Judge J. Skelly Wright Prize; Clinical Legal Education Association Outstanding Student Award; Anthony Engelbrecht Prize; New Jersey Bar Foundation Street Law Prize; Levin Scholar **Activities:** Editor-in-Chief, *Women's Rights Law Reporter*; ACLU, National Lawyers Guild, Asian Pacific American Law Students Association

Vassar College, Poughkeepsie, New York Bachelor of Arts, Sociology Major and American Politics Minor, May 2002

Bar Admissions: California (2008); United States District Court, Central District of California (2010)

LEGAL EXPERIENCE

National Center for Lesbian Rights, San Francisco, California *Staff Attorney*, February 2012 – Present

Represent LGBT youth and families in a wide range of matters throughout the United States, including marriage equality, family law, access to health care, and discrimination by schools and other public and private entities. Create publications on pressing issues affecting LGBT youth and families. Provide technical assistance to attorneys representing LGBT youth and families. Present at conferences/trainings on legal topics affecting LGBT youth and families to audiences including, lawyers, physicians, mental health providers, families, and court personnel.

Law Office of Asaf Orr, Los Angeles, California *Solo Practitioner*, September 2011 – February 2012

Represented youth in a wide range of education-related matters including special education, discrimination and discipline. Organized clinics to educate transgender youth regarding their rights in schools and provide attendees an opportunity to consult with an attorney. Collaborated with local service providers to create a training module for mental health professionals interested in providing appropriate and affirming services to transgender youth. Continued providing technical assistance, information and consultation to attorneys throughout the country on cases involving transgender youth.

Law Office of Jeffrey R. Boxer, Los Angeles, California *Of Counsel*, September 2011 – December 2011

Assisted solo practitioner with practice focused on representing teachers' unions and individual plaintiffs in labor and employment matters. Conducted legal research on issues such as prior

restraints on speech and requirements for incorporation; reviewed personnel and medical records; drafted documents including letters, memoranda, and complaints; and attended client meetings.

Learning Rights Law Center, Los Angeles, California *Staff Attorney/Tom Steel Fellow*, September 2009 – August 2011

Directed the Rainbow Rights Project, which provides legal representation and advocacy to youth who are being denied their right to an education on the basis of their sexual orientation, gender identity, or that of their parents, whether it is actual or perceived. Created and distributed a Know Your Rights pamphlet to educate LGBTQ youth on ways to address harassment and discrimination in school. Represented clients in special education, discrimination, and disciplinary matters before various judicial and administrative bodies including the United States District Court, California Office of Administrative Hearings, California Department of Education, and local school boards. Provided technical assistance, information and consultation to attorneys throughout the country on cases involving transgender youth. Conducted trainings at conferences across the country for parents, attorneys, and health care providers on using federal education statutes to support and protect LGBT youth in schools. Testified before the California Assembly Committee on Education in opposition to S.B. 1317, a bill that would criminalize parents for not sending their children to school without consideration for the underlying reasons for the student's nonattendance. Supervised law student interns.

The Honorable Virginia A. Long, Supreme Court of New Jersey, Trenton, New Jersey *Law Clerk*, August 2008 – August 2009

Assisted Justice Long in all aspects of preparing judicial opinions including legal research, drafting and editing. Prepared bench memoranda for the entire court outlining and analyzing the legal issues raised in pending cases. Reviewed petitions for certification and drafted memoranda on the merits of those petitions. Assisted Justice Long in preparing for oral arguments. Supervised law student interns.

Special Education Clinic, Rutgers School of Law – Newark, Newark, New Jersey *Student Advocate*, August 2007 – May 2008

Advocated for parents of children with disabilities during IEP meetings, settlement negotiations and mediations. Drafted a due process petition and briefs. Prepared direct and cross examination questions, and opening statement. Counseled clients and prepared them to testify before the Office of Administrative Law.

Carter Ledyard & Milburn LLP, New York, New York *Summer Associate*, May 2007 – August 2007

Conducted legal research, drafted memoranda and briefs, reviewed discovery, participated in client meetings and court proceedings in both civil and criminal matters. Assisted partners in researching and drafting articles for legal journals and periodicals. Worked for the Legal Aid Society of New York's Juvenile Rights Section as part of the firm's pro bono program.

Constitutional Litigation Clinic, Rutgers School of Law – Newark, Newark, New Jersey *Student Advocate*, August 2006 – May 2007

Worked on groundbreaking litigation in *Jama v. United States* and *Committee for a Better Twin Rivers v. Twin Rivers Homeowners' Association*. Conducted legal research and drafted motions, briefs and deposition questions. Assisted in the preparation for oral argument before the Supreme Court of New Jersey. Participated in court proceedings as well as settlement negotiations and status conferences. Organized conference on First Amendment rights of homeowners in homeowner's associations which was attended by over 100 people.

Lambda Legal Defense and Education Fund, New York, New York *Summer Intern*, May 2006 – August 2006

Assisted attorneys with all aspects of litigation from writing briefs to preparing for depositions. Conducted legal research and drafted legal memoranda on issues such as a franchisor's tort liability for the actions of a franchisee and constructive notice under New Jersey's Law Against Discrimination. Interviewed potential clients and provided resources such as referrals.

SAMPLE PUBLICATIONS & PRESENTATIONS

Hon. Virginia Long (Ret.) & Asaf Orr, *Unfinished Business* in GENDER IDENTITY AND SEXUAL ORIENTATION DISCRIMINATION IN THE WORKPLACE: A PRACTICAL GUIDE (Christine M. Duffy, ed. expected 2014)

Asaf Orr & Karen Hawkins, *Law, Policy, and Ethics: What School Professionals Need to Know* in CREATING SCHOOL ENVIRONMENTS TO SUPPORT LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING STUDENTS AND FAMILIES: A HANDBOOK FOR SCHOOL PROFESSIONALS (Emily Fisher & Karen Hawkins, eds., 2013)

Asaf Orr, Note, *Harassment and Hostility: Determining the Proper Standard of Liability for Peer-to-Peer Harassment of Youth in Schools*, 29 WOMEN'S RTS. L. RPTR. 117 (2008).

Asaf Orr & Aydin Kennedy, *Supporting and Advocating for Your Child: A Primer on What You Need to Know.* Presented at the Southern Comfort Conference, September 4-6, 2014 (Atlanta, GA)

Asaf Orr, *Restrooms, Locker Rooms, Sports, Oh My! How to Advocate for Your Child's Needs in School.* Presented at the Southern Comfort Conference, September 4-6, 2014 (Atlanta, GA)

Asaf Orr, Aydin Kennedy & Susan Landon, *Maintaining Relationships Through a Transition*. Presented at the Gender Odyssey Conference, August 13-17, 2014 (Seattle, WA)

Asaf Orr, *Supporting Your Patients: What Health Care Professionals Need to Know About the Law*. Presented at the Gender Odyssey Conference, August 13-17, 2014 (Seattle, WA)

Asaf Orr, *State of the Union: Trans Youth and the Law*. Presented at the Gender Odyssey Conference, August 13-17, 2014 (Seattle, WA)

Asaf Orr, *Changing ID Documents*. Presented at the Gender Odyssey Conference, August 13-17, 2014 (Seattle, WA)

Asaf Orr & Kim Pearson, *Advocating for Trans Students and Creating Gender-Inclusive*

Schools. Presented at the Gender Odyssey Conference, August 13-17, 2014 (Seattle, WA)

Asaf Orr, Elizabeth Gill & Danny Kirchoff, *Supporting Gender-Expansive Patients: What Health Care Professionals Should Know*. Presented at the Gender Spectrum Conference, July 25-27, 2014 (Moraga, CA)

Asaf Orr, Amanda Goad & Kendra Fox-Davis, *Legal Aspects of Creating Safe Schools for Gender-Expansive Youth*. Presented at the Gender Spectrum Conference, July 25-27, 2014 (Moraga, CA)

Asaf Orr, Amanda Goad & Kendra Fox-Davis, *Advocating for Gender-Inclusive Schools*. Presented at the Gender Spectrum Conference, July 25-27, 2014 (Moraga, CA)

Asaf Orr, Diane Ehrensaft & Deborah Wald, *When Families Don't Agree: Counseling and Legal Implications*. Presented at the Gender Spectrum Conference, July 25-27, 2014 (Moraga, CA)

Asaf Orr & Kim Pearson, *Planning for a Safe and Affirming School Environment: Section 504 Plans and Gender Variant Youth*. Presented at the Gender Spectrum Conference, July 29-August 1, 2011 (Berkeley, CA)

Asaf Orr, Kim Pearson, Moonhawk River Stone & Johanna Olson, *Ask the Experts: Everything You've Always Wanted to Know About Your Transgender Child*. Presented at the Philadelphia Trans Health Conference on June 4, 2011 (Philadelphia, PA)

Asaf Orr & Kim Pearson, *Planning for a Safe and Affirming School Environment: IEPs and Gender Variant Youth*. Presented at the Philadelphia Trans Health Conference on June 3, 2011 (Philadelphia, PA)

Asaf Orr & Kim Pearson, *Advocating for Your Patient's Needs in School: An Overview of Legal Protections for Trans Youth*. Presented at the National Transgender Health Summit on April 9, 2011 (San Francisco, CA)

Asaf Orr & Kim Pearson, *The Unique Needs of Transgender Youth and Special Ed Law: An Introduction*. Presented at the COPAA (Council of Parent Attorneys and Advocates) Annual Conference on March 6, 2011 (San Antonio, TX)

Asaf Orr, *LGBT Issues in Schools: A Legal Overview*. Presented at professional development day for Santa Barbara Unified School District's School Administrators and Counselors on November 18, 2010 (Santa Barbara, CA)

PROFESSIONAL COMMITMENTS

CHAMPION Fund, Board of Directors, 2011 – Present TransYouth Family Allies, Advisory Board, 2011 – Present LGBTQ Youth in Detention Task Force, Chair, 2010 – Present California Safe Schools Coalition, Steering Committee, 2010 – 2011 Los Angeles LGBT Youth Advocates Coalition, 2009 – 2011

NCLR NATIONAL CENTER FOR LESBIAN RIGHTS

JAIME M. HULING DELAYE
Staff Attorney

EDUCATION

STANFORD LAW SCHOOL, J.D., academic and pro bono distinction, May 2009

Journals: STAN. L. REV., Executive Editor; STAN. J. CIV. RIGHTS & CIV. LIBERTIES, Development Editor Activities: Equality Pro Bono Project, Founding Member & Coordinator; Class of 2009, Treasurer

NORTHWESTERN UNIVERSITY, History B.A. with a minor in Gender Studies, June 2004

Honors: cum laude, Departmental Honors in History for Public Conceptions of Private Behavior: The American Law Institute's Model Penal Code and the 1950s Origins of Sodomy Law Reform, Dean's List 7 of 10 quarters Leadership: emPOWER, Co-Director; Women's Coalition, Executive Board Member Study Abroad: Barcelona, Spain (Spanish Language, History, and Art History coursework)

LEGAL EXPERIENCE

NATIONAL CENTER FOR LESBIAN RIGHTS, San Francisco, Nov. 2013-present
Staff Attorney: Work on all aspects of litigation in precedent-setting cases involving marriage equality, discrimination, conversion therapy, family law, and other issues affecting the LGBT community.

JUDGE RICHARD SEEBORG, Northern Dist. of CA, San Francisco, Oct. 2012-Jan. 2014
Law Clerk: Cases included employment discrimination, labor law, consumer class actions, immigration, and criminal law.

JUDGE A. WALLACE TASHIMA, Ninth Circuit Court of Appeals, Pasadena, Aug. 2009-Aug. 2010
Law Clerk: Cases included civil rights, election law, employment discrimination, immigration, and environmental law.

ARNOLD & PORTER (HOWARD RICE), San Francisco, May-June 2008, Nov. 2010-Aug. 2012
Attorney & Summer Associate: Generalist litigator with expertise in attorney liability and active pro bono practice.

- Litigation matters included: legal malpractice, ethics inquiries, partnership dissolution, breaches of fiduciary duties, government contracts, a food-borne illness outbreak, stock options backdating, and trademark.
- Experience: pre-filing investigations, drafting pleadings, arguing three motions, authoring dispositive and other crucial motions (including for summary judgment, to dismiss, for

injunctive relief, for writ of mandate, and to stay), drafting written discovery and discovery motions, managing voluminous document productions, taking and defending numerous depositions, and mediation of complex multijurisdictional litigation.
• Pro bono: invalidated California's lethal injection protocols under the state APA, defended Nevada's "none of the above" ballot option, and represented Planned Parenthood in responding to subpoena for patient records.

SUSMAN GODFREY, Seattle, July-Aug. 2008
Summer Associate: Represented tribe in novel property law dispute against energy companies over global warming.

STANFORD SUPREME COURT LITIGATION CLINIC, Stanford, Sep.-Dec. 2008
Student Attorney: Drafted portions of respondents' brief and prepared counsel of record for oral argument in *AT&T v. Hulteen*, a Pregnancy Discrimination Act case. Drafted portions of petitions for certiorari in criminal case, *Mitchell v. Rees*, and *Navajo Nation v. U.S. Forest Service*, regarding religious rights under RLUIPA.

O'MELVENY & MYERS, Menlo Park, May-July 2007
Summer Associate: Drafted memorandum on statute of limitations issues in Ninth Circuit civil rights appeal.

LAMBDA LEGAL DEFENSE AND EDUCATION FUND, Los Angeles, July-Aug. 2007
Law Clerk: Performed legal research for California Supreme Court supplemental briefing in *In re Marriage Cases*.

NATIONAL CENTER FOR LESBIAN RIGHTS, San Francisco, Jan.-May 2007
Law Clerk: Responded to intake calls regarding discrimination, relationship rights, custody, and adoption.

EXHIBIT D

FILED UNDER SEAL

EXHIBIT E

National Center for Lesbian Rights
Tanco v. Haslam Costs
October 2013 through July 2015

Date	Memo	Attorney	Amount	Charged
10/19/2013	Airfare: S. Minter, meeting with plaintiffs for complaint filing on 10/21/13, DC to Nashville	S. Minter	266.80	266.80
10/19/2013	Lodging: S. Minter, meeting with plaintiffs for complaint filing on 10/21/13, 2 nights	S. Minter	637.96	637.96
10/20/2013	Transportation: S. Minter, meeting with plaintiffs for complaint filing on 10/21/13, airport to hotel	S. Minter	42.24	42.24
10/21/2013	Airfare: S. Minter, meeting with plaintiffs for complaint filing on 10/21/13, Nashville to DC	S. Minter	391.30	391.30
10/21/2013	Transportation: S. Minter, meeting with plaintiffs for complaint filing on 10/21/13, hotel to airport	S. Minter	40.00	40.00
10/21/2013	Meals: S. Minter, meeting with plaintiffs for complaint filing on 10/21/13, 2 days	S. Minter	27.87	0.00
3/19/2014	6th Circuit admission fee, A. Orr	A. Orr	226.00	226.00
3/19/2014	6th Circuit admission fee, A. Whelan	A. Whelan	226.00	226.00
3/19/2014	6th Circuit admission fee, C. Stoll	C. Stoll	226.00	226.00
3/19/2014	6th Circuit admission fee, D. Codell	D. Codell	226.00	226.00
3/19/2014	6th Circuit admission fee, S. Minter	S. Minter	226.00	226.00
7/30/2014	Airfare: S. Minter, moot court in Nashville	S. Minter	702.70	702.70
7/30/2014	Lodging: S. Minter, moot court in Nashville, 2 nights	S. Minter	535.58	535.58
7/30/2014	Transportation: S. Minter, moot court in Nashville, airport to hotel	S. Minter	35.00	35.00
7/30/2014	Meals: S. Minter, moot court in Nashville, 3 days	S. Minter	41.40	0.00
8/1/2014	Transportation: S. Minter, moot court in Nashville, airport to home	S. Minter	37.26	37.26
8/4/2014	Transportation: C. Stoll, 6th Circuit argument in Cincinatti on 8/6/14, home to airport	C. Stoll	27.06	27.06
8/4/2014	Meals: C. Stoll, 6th Circuit argument in Cincinatti on 8/6/14	C. Stoll	6.03	0.00
8/5/2014	Lodging: C. Stoll, 6th Circuit argument in Cincinatti on 8/6/14, 2 nights	C. Stoll	419.50	419.50
8/5/2014	Airfare: S. Minter, 6th Circuit argument in Cincinatti on 8/6/14	S. Minter	698.20	698.20
8/5/2014	Lodging: S. Minter, 6th Circuit argument in Cincinatti on 8/6/14, 1 night	S. Minter	341.22	341.22
8/5/2014	Transportation: S. Minter, 6th Circuit argument in Cincinatti on 8/6/14, airport to hotel	S. Minter	38.00	38.00
8/6/2014	Transportation: S. Minter, 6th Circuit argument in Cincinatti on 8/6/14, airport to home	S. Minter	33.45	33.45
8/6/2014	Meals: S. Minter, 6th Circuit argument in Cincinatti on 8/6/14	S. Minter	33.76	0.00

National Center for Lesbian Rights
Tanco v. Haslam Costs
October 2013 through July 2015

Date	Memo	Attorney	Amount	Charged
2/5/2015	Airfare: D. Codell, meeting with Solicitor General re: oral argument on 2/6/15	D. Codell	903.20	903.20
2/5/2015	Lodging: D. Codell, meeting with Solicitor General re: oral argument on 2/6/15, 1 night	D. Codell	218.65	218.65
2/5/2015	Transportation: D. Codell, meeting with Solicitor General re: oral argument on 2/6/15, home to airport	D. Codell	57.18	57.18
2/5/2015	Meals: D. Codell, meeting with Solicitor General re: oral argument on 2/6/15	D. Codell	9.75	0.00
2/6/2015	Transportation: D. Codell, meeting with Solicitor General re: oral argument on 2/6/15, hotel to airport	D. Codell	22.78	22.78
2/6/2015	Transportation: D. Codell, meeting with Solicitor General re: oral argument on 2/6/15, airport to home	D. Codell	56.00	56.00
3/25/2015	Airfare: S. Minter, moot court in Louisville on 3/25/15	S. Minter	445.69	445.69
3/26/2015	Transportation: S. Minter, moot court in Louisville on 3/25/15, airport to home	S. Minter	30.90	30.90
3/29/2015	Airfare: A. Rubenfeld, moot court in Ann Arbor on 3/29/15	A. Rubenfeld	890.70	890.70
3/28/2015	Airfare: D. Codell, moot court in Ann Arbor on 3/29/15	D. Codell	915.20	915.20
3/28/2015	Transportation: D. Codell, moot court in Ann Arbor on 3/29/15, home to airport	D. Codell	75.00	75.00
3/29/2015	Airfare: S. Minter, moot court in Ann Arbor on 3/29/15	S. Minter	1,157.18	1,157.18
3/29/2015	Transportation: S. Minter, moot court in Ann Arbor on 3/29/15, airport to moot	S. Minter	25.78	25.78
3/29/2015	Meals: S. Minter, moot court in Ann Arbor on 3/29/15	S. Minter	8.46	0.00
3/29/2015	Transportation: S. Minter, moot court in Ann Arbor on 3/29/15, moot to airport	S. Minter	39.81	39.81
4/19/2015	Airfare: S. Minter, moot court in Nashville on 4/20/15	S. Minter	640.70	640.70
4/19/2015	Lodging: S. Minter, moot court in Nashville on 4/20/15, 1 night	S. Minter	337.95	337.95
4/19/2015	Transportation: S. Minter, moot court in Nashville on 4/20/15, home to airport	S. Minter	38.65	38.65
4/20/2015	Transportation: S. Minter, moot court in Nashville on 4/20/15, hotel to court	S. Minter	40.66	40.66
4/20/2015	Meals: S. Minter, moot court in Nashville on 4/20/15	S. Minter	25.86	0.00
4/21/2015	Transportation: S. Minter, moot court in Nashville on 4/20/15, airport to home	S. Minter	32.97	32.97

National Center for Lesbian Rights
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October 2013 through July 2015

Date	Memo	Attorney	Amount	Charged
4/21/2015	Airfare: A. Rubenfeld, Supreme Court Hearing on 4/29/15	A. Rubenfeld	532.50	532.50
4/21/2015	Lodging: A. Rubenfeld, Supreme Court Hearing on 4/29/15, 4 nights	A. Rubenfeld	911.44	911.44
4/21/2015	Airfare: C. Stoll, Supreme Court Hearing on 4/29/15	C. Stoll	515.20	515.20
4/21/2015	Lodging: C. Stoll, Supreme Court Hearing on 4/29/15, 8 nights	C. Stoll	455.72	455.72
4/27/2015	Meals: C. Stoll, Supreme Court Hearing on 4/29/15	C. Stoll	62.92	0.00
4/30/2015	Transportation: C. Stoll, Supreme Court Hearing on 4/29/15, airport to home	C. Stoll	53.76	53.76
4/18/2015	Airfare: D. Codell, Supreme Court Hearing on 4/29/15, LA to Washington DC	D. Codell	812.09	812.09
4/18/2015	Lodging: D. Codell, Supreme Court Hearing on 4/29/15, 3 nights	D. Codell	1,205.25	1,205.25
4/20/2015	Airfare: D. Codell, Supreme Court Hearing on 4/29/15, Washington DC to LA	D. Codell	815.10	815.10
4/20/2015	Transportation: D. Codell, Supreme Court Hearing on 4/29/15, airport parking	D. Codell	38.50	38.50
4/23/2015	Airfare: D. Codell, Supreme Court Hearing on 4/29/15, LA to Washington DC roundtrip	D. Codell	1,094.20	1,094.20
4/23/2015	Lodging: D. Codell, Supreme Court Hearing on 4/29/15, 6 nights	D. Codell	1,995.63	0.00
4/29/2015	Transportation: D. Codell, Supreme Court Hearing on 4/29/15, hotel to airport	D. Codell	85.87	85.87
4/29/2015	Transportation: D. Codell, Supreme Court Hearing on 4/29/15, airport to home	D. Codell	58.26	58.26
4/29/2015	Meals: D. Codell, Supreme Court Hearing on 4/29/15, 4 days	D. Codell	31.99	0.00
4/23/2015	Airfare: R. Lambert, Supreme Court Hearing on 4/29/15	R. Lambert	226.20	226.20
4/23/2015	Lodging: R. Lambert, Supreme Court Hearing on 4/29/15, 6 nights	R. Lambert	465.72	465.72
4/28/2015	Lodging: S. Minter, Supreme Court Hearing on 4/29/15, 1 night	S. Minter	227.86	0.00
4/26/2015	Airfare: K. Kendell, Supreme Court Hearing on 4/29/15	K. Kendell	106.00	0.00
4/26/2015	Lodging: K. Kendell, Supreme Court Hearing on 4/29/16, 3 nights	K. Kendell	683.58	0.00
4/29/2015	Meals: K. Kendell, Supreme Court Hearing on 4/29/15, 4 days	K. Kendell	89.35	0.00

National Center for Lesbian Rights
Tanco v. Haslam Costs
October 2013 through July 2015

Date	Memo	Attorney	Amount	Charged
4/29/2015	Transportation: K. Kendell, Supreme Court Hearing on 4/29/15, airport parking	K. Kendell	49.65	0.00
6/21/2015	Airfare: C. Stoll, Supreme Court decision in DC on 6/26/15, SF to DC	C. Stoll	913.20	0.00
6/22/2015	Transportation: C. Stoll, Supreme Court decision in DC on 6/26/15, airport to hotel	C. Stoll	42.15	0.00
6/23/2015	Lodging: C. Stoll, Supreme Court decision in DC on 6/26/15, 9 nights	C. Stoll	728.24	0.00
6/27/2015	Airfare: C. Stoll, Supreme Court decision in DC on 6/26/15, DC to SF	C. Stoll	767.00	0.00
6/27/2015	Meals: C. Stoll, Supreme Court decision in DC on 6/26/15, 9 days	C. Stoll	82.79	0.00
6/28/2015	Transportation: C. Stoll, Supreme Court decision in DC on 6/26/15, airport to home	C. Stoll	60.00	0.00
	TOTAL:		$ 24,568.57	**$ 18,575.08**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF ABBY R. RUBENFELD

I, Abby R. Rubenfeld, being of sound mind aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

MY LEGAL BACKGROUND

1. I am an attorney licensed to practice law in the State of Tennessee and am counsel for the plaintiffs. I maintain a solo legal practice in Nashville, Rubenfeld Law Office, PC. I submit this declaration in connection with Plaintiffs' Motion for Attorney Fees, Costs and Expenses.

2. I earned my A.B. with honors at Princeton University, and was the first woman elected as a class president in more than 225 years of Princeton history. I received my J.D. from Boston University School of Law in 1979. While at law school, I helped to create the Boston University Gay and Lesbian Law Association. I was an adjunct professor at Vanderbilt University Law School, teaching Sexual Orientation and the Law for seven years. A more complete recitation of my experience and background in civil rights cases is included below and in my curriculum vitae, a copy of which is attached hereto as **Exhibit A**.

3. I have worked for decades on behalf of civil rights plaintiffs, specializing in sexual orientation and AIDS-related issues. I am the current (and first) chair of the new LGBT section of the Tennessee Bar Association. I served on the board of directors of the ACLU of Tennessee for many years. I also served for seven years on the board of directors of the Human Rights Campaign—a national civil rights organization, and the largest lesbian and gay political organization in the world. I was the first Legal Director of Lambda Legal Defense and Education Fund, Inc., whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. In 1995, I served as Chair of the American Bar Association ("ABA") Section of Individual Rights and Responsibilities ("IRR") (now called "Section of Civil Rights and Social Justice), and I have also served as Chair of the Nashville Bar Association Family Law Committee. In 2007, I was appointed by the President of the ABA to serve on the then-newly created ABA Commission on Sexual Orientation and Gender Identity, where I served for two years. I was the first openly gay person to serve in the ABA House of Delegates, representing the National Lesbian and Gay Law Association. I am a former member of the Tennessee Bar Association Committee on Racial and Ethnic Diversity and on the Executive Committee of its Family Law Section. I was also appointed in 1992 to serve on the Tennessee Bar Association Commission on Minorities in the Profession, the first such body appointed in the state.

4. I have received numerous awards for outstanding legal advocacy on behalf of the LGBT community. In 2015, I received the Bill of Rights Award from the ACLU of Tennessee, and the Justice Award from the National Center for Lesbian Rights. In October 1997, the National Lesbian and Gay Law Association (NLGLA) awarded me its highest honor, the Dan Bradley Award. Most recently, I will receive the 2016 Stonewall Award from the American Bar

Association Commission on Sexual Orientation and Gender Identity and will be presented with that award at a ceremony scheduled for February 6, 2016. In 2014, I was given the Legacy Award from Nashville Black Pride, and I was honored to be inducted into the YWCA Nashville Academy of Women of Achievement. I was appointed by New York Governor Mario Cuomo to serve on the Governor's Task Force on Gay Issues from 1983 to 1986. I subsequently received the Harvey Milk Award from the National Lesbian and Gay Health Foundation in recognition of my "precedent setting civil rights efforts that have enhanced the lives of lesbians and gay men."

5. I have litigated many high-profile and precedent-setting lawsuits in an effort to secure equality for LGBT people. For example, in 1996, I represented five plaintiffs who successfully overturned the Tennessee statute that criminalized sex between private, consenting same-sex adults. After four years of litigation, we obtained a statewide judicial determination that the Tennessee "Homosexual Acts" criminal statute unconstitutionally violated the fundamental right to privacy protected by the Tennessee Constitution. While at Lambda Legal Defense, I was co-counsel in both the first case finding HIV/AIDS to be a disability under federal disability law (the Rehabilitation Act of 1973) and the first case finding it to be a disability under a state disability discrimination statute. I was also extremely involved in *Bowers v. Hardwick*, the 1986 Supreme Court case that was ultimately overturned by *Lawrence v. Texas*, working closely with counsel for Mr. Hardwick and taking the lead on organizing the amicus briefs on our side. In 2001, I argued *Eldridge v. Eldridge*, 42 S.W.3d 82, 84 (Tenn. 2001), where the court held that a mother could not be refused unrestricted visitation to her child simply for being gay. I was also counsel in *A.C.L.U. of Tennessee v. Darnell*, 195 S.W.3d 612, 616 (Tenn. 2006), where I represented plaintiffs seeking to enjoin the Secretary of State from including a

proposed state Constitutional amendment limiting marriage to a man and a women on the election ballot—the very marriage ban that was struck down in this case.

6. My advocacy on behalf of the LGBT community has been cited by the media hundreds of times, including articles in The New York Times, The National Law Journal, The Los Angeles Times, the Journal of the American Bar Association, The Washington Post, The Atlantic, and more.

7. A frequent author and speaker, I have been published in the Albany Law Review, Hofstra Law Review, Cornell Law Review, and the New York Law School Journal of Human Rights. I have been a speaker at Lavender Law, a national LGBT law conference by the LGBT Bar Association (which I helped create in 1988—both the bar association and the conference); the American Bar Association, the Tennessee Bar Association; Harvard Law School; and the University of Tennessee College of Law, among others. I was the editor of the AIDS Legal Guide, first and second editions (1984 and 1988), the first ever AIDS-related legal publication in the country, as well as the AIDS Benchbook published by the National Judicial College.

MY ROLE IN THE LITIGATION

8. I began working on this matter on June 26, 2013, the day that the United States Supreme Court issued its opinion in *United States v. Windsor*, 133 S. Ct. 2675 (2013). Shortly after that, I was contacted by Knoxville attorney Regina Lambert, and we worked to assemble a team to evaluate and set up a challenge of article XI, section 18, of the Tennessee Constitution and Tennessee Code Annotated § 36-3-113.

9. Because of the novelty and complexity of the case, and the strain we knew the case would have on our solo practices, Ms. Lambert and I began looking for a Tennessee firm that could assist us. I had already recruited assistance from the National Center for Lesbian

Rights, which I consider to be the best national legal group working on LGBT issues, and an organization with which I have worked since the late 1970s. NCLR committed to help right away, which I knew would be essential to the successful litigation given its history of litigating marriage cases around the country both before and after *Windsor*, as well as based on my own experience working with them—they have an amazing legal team with the experience, expertise, and talent to help attorneys like me litigate high-risk, controversial constitutional cases like Tanco. Because NCLR does not have Nashville-based attorneys, however, and does not have the resources of a large firm, it was our goal to also have a prestigious, well-known statewide firm on board as well. One firm had already declined to take the case after some partners vetoed the idea given the LGBT issues involved in the case. We were fortunate that attorney William Harbison was interested and his firm, Sherrard & Roe, agreed to help.

10. Together with other counsel, we undertook extensive legal research and plaintiff evaluation and preparation before filing Plaintiffs' Complaint for Declaratory and Injunctive Relief on October 21, 2013. At the time we filed this lawsuit, this action was among the first in the nation after the Supreme Court's decision in *Windsor* to focus a challenge on state laws that deny recognition to the marriages of same-sex couples performed in other jurisdictions. This case was therefore risky, complex, and controversial, and we did not know whether we would ever be compensated for our work.

11. The case also presented complex and novel issues of first impression. While we were litigating it, rapid change was happening around the country as federal and state courts were issuing rulings about state marriage bans. This required me and my co-counsel to be in frequent contact with each other and to quickly adjust to new legal developments.

12. I actively participated in all aspects of prosecution of this action. Due to the changing legal landscape and the significant time required to litigate a complex, high-profile case like this, I took a large and significant risk when I agreed to represent the Plaintiffs. There was no assurance at that time that we would prevail or that I would ever be compensated for my work. I agreed to represent the Plaintiffs, however, because I knew their constitutional rights were being violated and I was dedicated to achieving justice on their behalves.

13. Because of my involvement in this case, I have turned away other fee-paying clients in order to be able to focus on this case. Because of the significant time that was required with the expedited Supreme Court schedule in April 2015, I could not work on fee generating cases and was forced to borrow money in order to be able to pay my staff.

THE EXCEPTIONAL AND REMARKABILITY OF THIS CASE

14. The efforts of our legal team resulted in an exceptional result for our clients. We eventually prevailed on all of the claims alleged in the Complaint and succeeded in invalidating laws that have been harming and marginalizing same-sex couples and their families for many years. We achieved all of the relief we sought, forever changing the lives not just of the Plaintiff couples, but of thousands of families across the country who can now enjoy all of the benefits and protections that marriage provides.

15. Not only were the results exceptional, but this case was also remarkable because both the case itself, and its incredible result developing the Supreme Court's longstanding jurisdiction about the right to marry, were exceedingly rare. This case will have significant repercussions for decades to come not only for same-sex couples and their families, but for persons seeking to protect other constitutional rights that depend on the equal protection and due process clauses of the federal constitution.

MY BILLING RATE AND REASONABLE HOURS SPENT ON LITIGATION

16. I have personally reviewed the contemporaneous time records maintained by my firm, Rubenfeld Law Office, PC, in this matter. These records have been maintained in the ordinary course of my business and in the same manner as those maintained and utilized to generate monthly client bills.

17. In reviewing the time records and preparing the fee petition, I worked to ensure their accuracy and accurate representation of work performed. In so doing, I also removed certain entries for time spent on matters for which I am not seeking reimbursement and downwardly adjusted certain entries to decrease the amount of time for which reimbursement is being sought. These adjustments were made even though such time is recoverable.

18. Pursuant to the contemporaneously-filed motion asking this Court for leave to submit for *in camera* inspection or under seal, my itemized time entries are attached as **Exhibit B**. These entries provide the date, time worked, and a brief description of the services rendered. Having reviewed the itemized time records, I believe that the services performed and expenses incurred in this matter were reasonable and necessary, taking into consideration, among other things, the factors outlined in Rule 1.5 of the Tennessee Rules of Professional Conduct.

19. I currently choose to charge a standard rate of $350.00 per hour to clients in my non-contingency cases, although I may charge a higher or lower rate depending on the particular circumstances of a case. While I know that I could charge much more per hour given my experience, expertise, and reputation, many of my clients are low or middle income and cannot afford a higher rate; I choose to accommodate and help them, even though I could easily charge them a higher fee. Unlike this case, where I agreed to represent the plaintiffs without charging them hourly fees, the vast majority of my practice involves non-contingency cases, where I am

assured of being paid on a monthly basis upon submission of my invoices and without the need to submit a petition for fees. I am familiar with the rates charged by attorneys with similar experience in the relevant legal market (Nashville), and my requested hourly rate of $500 for this case is consistent with the prevailing market rate for someone with credentials and experience similar to mine, including the specific expertise I have developed over my thirty-six year practice regarding constitutional and LGBT legal issues.

20. My requested hourly rate is based upon my own billing rate for fee-paying clients, the various factors that are considered when determining a reasonable hourly rate (e.g. the *Johnson* factors), as well as what other attorneys with similar skill and experience charge in the Tennessee market.

21. Based on the results achieved and the significant reductions I have already made to the time records, it is my belief that the amount of attorneys' fees and costs I am seeking is exceedingly reasonable. In all, I am seeking $162,850 for the case, which includes 325.7 hours multiplied by $500 per hour. All of that time was necessary to the litigation.

22. With respect to costs and expenses, I am seeking only $523.26 in mileage fees that I incurred when traveling to and from moot courts in Cincinnati and Louisville. In particular, that includes two 276 mile trips at a standard mileage rate of $0.575 and two 179 mile trips at the same standard rate. I do not seek reimbursement for other compensable costs such as Lexis and Westlaw, postage and FEDEX expenses, messenger costs, and telephone expenses. I have paid all of the mileage costs in their entirety.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct. Executed on this 8th day of October, 2015.

Abby R. Rubenfeld

EXHIBIT A

October 8, 2015

Abby R. Rubenfeld is an attorney in Nashville, Tennessee. Her general practice includes an emphasis on family law, sexual orientation issues, and AIDS-related issues. She is currently Chair of the newly-formed Tennessee Bar Association Section on LGBT Rights. Ms. Rubenfeld also was an Adjunct Professor at the Vanderbilt University Law School in Nashville for seven years, teaching a course on Sexual Orientation and the Law. She served for seven years on the Board of Directors of the Human Rights Campaign, a national civil rights organization and the largest lesbian and gay political organization in the world, and for many years on the Board of Directors of the ACLU of Tennessee. She has also served as Chair of the American Bar Association (ABA) Section of Individual Rights and Responsibilities (IRR) and as Chair of the Nashville Bar Association Family Law Committee. From 2007 to 2009, she was appointed by the President of the ABA to serve on the then-newly created ABA Commission on Sexual Orientation and Gender Identity. She was also formerly a member of the Tennessee Bar Association Committee on Racial and Ethnic Diversity and on the Executive Committee of its Family Law Section. In 2014, she was honored to be inducted into the YWCA Nashville Academy of Women of Achievement. She is extremely proud to have been co-counsel for the Tennessee plaintiffs in Obergefell v. Hodges (Tanco v. Haslam), the cases that brought full marriage equality to the United States on June 26, 2015.

In 2014, she was honored with a Legacy Award from Nashville Black Pride. In 2015, she was also honored with several awards, including the Justice Award from the National Center for Lesbian Rights (given to the plaintiffs and attorneys from Tanco v. Haslam, the successful case that brought marriage equality to the country) and the Bill of Rights Award from the ACLU of Tennessee (also given to the Tennessee plaintiffs and attorneys from Tanco v. Haslam). She has also been selected to receive the Stonewall Award from the Sexual Orientation and Gender Identity Commission of the American Bar Association in early 2016.

In 1996, Ms. Rubenfeld was also successful in a four-year effort to overturn the Tennessee statute that criminalized private same sex consensual adult sexual behavior, representing five plaintiffs who obtained a statewide judicial determination that the Tennessee "Homosexual Acts" criminal statute unconstitutionally violates the fundamental right to privacy protected by the Tennessee Constitution. Because of that significant civil rights victory, she received the 1996 Bill of Rights Award from the ACLU of Tennessee. In October 1997, the National Lesbian and Gay Law Association (NLGLA) awarded her its highest honor, the Dan Bradley Award, recognizing her outstanding efforts on behalf of equality under the law. She is currently a member of the National Family Law Advisory Council for the National Center for Lesbian Rights, and a cooperating attorney with NCLR, which is working with her in challenging the constitutionality of a Tennessee statute that seeks to overturn a local non-discrimination ordinance because it includes sexual orientation and gender identity.

Ms. Rubenfeld formerly served from 1983-1988 as Legal Director of Lambda Legal Defense and Education Fund, Inc., a national civil rights organization that conducts test-case litigation across the country on behalf of lesbian and gay rights and AIDS issues. While at Lambda, among other

things, she created the Lesbian and Gay Civil Rights Roundtable, which continues as an essential vehicle to coordinate legal efforts around the country, and helped build the Lambda legal program from a small local docket to a nationally respected legal entity. She was the editor of the AIDS Legal Guide, first and second editions (1984 and 1988), the first AIDS-related legal publication in the country. She was appointed by New York Governor Mario Cuomo to serve on the Governor's Task Force on Gay Issues from 1983 to 1986. In 1988, she received the Harvey Milk Award from the National Lesbian and Gay Health Foundation in recognition of her "precedent setting civil rights efforts that have enhanced the lives of lesbians and gay men". She was the Co-Chair of both Lavender Law I (San Francisco 1988) and Lavender Law II (Atlanta 1990), the national conferences on lesbian and gay legal issues sponsored by NLGLA. She served on the Board of Directors of the National Gay and Lesbian Task Force from 1988-1992, and in 1993-1994 was the General Counsel to the Nashville-based Lesbian and Gay Coalition for Justice, a local educational and political organization which she helped create in 1993. From 1990 through 1992, she was the Co-Chair of NLGLA, which she also helped create in 1988. She was also the Co-Chair of the Tennessee Gay Coalition for Human Rights from 1980-1982, and the Co-Chair of the Tennessee Gay and Lesbian Alliance from 1990-1992.

She served on the governing Council of IRR from 1987-1997, and formerly chaired the IRR Committee on the Rights of Lesbians and Gay Men (1985-1987). The ABA AIDS Coordinating Committee was created at her suggestion in 1987, and she was a member of that Committee from its creation until 1991. In 1992, she was appointed to serve as the first delegate from the NLGLA to the ABA House of Delegates, and became the first openly lesbian member of that body; she served as that delegate for three years. In 1992 and 1993, she was nominated by the IRR Section for the ABA national Margaret Brent Women Lawyers of Achievement Award. In 1997, she was nominated for the ABA Thurgood Marshall Award, an award "to recognize substantial and long-term contributions to the furtherance of civil rights, civil liberties, or human rights in the United States". Ms. Rubenfeld also served on the ABA Standing Committee on Solo and Small Firm Practitioners from 1995 to 1997.

In 1992, she was appointed to serve on the Tennessee Bar Association Commission on Minorities in the Profession, the first such body appointed in the state. In 1994, she was appointed by the Tennessee Supreme Court to serve on a its statewide Commission on Racial and Ethnic Fairness, and served on that Commission until it concluded its work in 1997. She has been a consultant with the National Judicial College in Reno, Nevada, and is the editor of the AIDS Benchbook published by the College in 1991 for use by state trial judges throughout the country. She is a member of the American Bar Association, the Tennessee Bar Association, the Nashville Bar Association, the Lawyers Association for Women in Nashville, and the National Lesbian and Gay Law Association, as well as a Fellow of the Nashville Bar Foundation.

From 1997 to 2003, she was a Hearing Committee member for disciplinary enforcement by the Board of Professional Responsibility of Tennessee (appointed by the Supreme Court of Tennessee). In 1996, Ms. Rubenfeld was appointed by the Nashville Mayor and approved by the Davidson County Metropolitan Council to serve for two years on the Davidson County Board of

Equalization. She was a participant in the Middle Tennessee Community AIDS Partnership, a project of United Way for Middle Tennessee, in the 1990s. She has served on the Professional Advisory Committee of the Nashville Community Foundation since 1996. She has also served on the Advisory Boards of Nashville CARES, a local AIDS service organization, the National Center for Lesbian Rights, a national public interest law firm, and the Franklin Brooks Philanthropic Fund in Nashville. She was a member of the West Group Tennessee Editorial Advisory Board for 1997. In 1994, she became the first openly gay or lesbian individual to be invited to participate in Leadership Nashville, a training program for established leaders in the Nashville community.

In 1990, 1994, 1995, and 1996, Ms. Rubenfeld was named as "Tennessean of the Year" by Query, Tennessee's then lesbian and gay news weekly. In 1995 and 1996, she was honored by Out Magazine as one of "The Out 100", a list of the "100 most impressive, influential, or in-the-news" gay men and lesbians around the world. She was honored as "Nashvillian of the Year" by Tennessee's Out and About Newspaper in 2004, and further honored by that publication in both 2004 and 2005 as "Businesswoman of the Year". She was also honored as "Activist of the Year" in 2005 by Church Street Freedom Press, Tennessee's weekly GLBT newspaper. In 2004, she received the Transie Award from the Tennessee Vals for her services to the transgender community. She was also honored to receive the 2003 Equality Award from the Tennessee chapter of the Human Rights Campaign.

Ms. Rubenfeld received a J.D. from Boston University School of Law in 1979. While at law school, she helped create the Boston University Gay and Lesbian Law Association. She received an A.B. with honors from Princeton University, and while there, lettered in basketball and crew and was the first woman elected as a class president in more than 225 years of Princeton history. She is also very proud to be the shortest person ever to letter in basketball at Princeton University (a record that will probably never be broken). She has two daughters, ages 24 (a 2013 graduate of Princeton University, and currently an investment banker with Goldman Sachs in Los Angeles) and 20 (a student at Middle Tennessee State University), as well as a spouse, Helia Rethmann, and step-daughter, age 19 (a student at Northland College in Wisconsin).

EXHIBIT B

FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF REGINA LAMBERT

I, Regina Lambert, being of sound mind aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of Tennessee and am counsel of record for the plaintiffs. I maintain a solo legal practice in Knoxville, Tennessee. I submit this declaration in connection with Plaintiff's Motion for Attorney's Fees, Costs and Expenses.

2. I graduated *summa cum laude* from The University of Memphis in 1997 with a Bachelor of Arts degree in English, and *summa cum laude* from the University of Tennessee College of Law in 2001 where I was inducted into the Order of the Coif. While in law school, I served as the Editor-in-Chief of the *Tennessee Law Review* and was inducted into Phi Kappa Phi Legal Honor Society, and was awarded the W.H.H. Southern Memorial Scholarship as well as the Dean's Citation for Extraordinary Contributions.

3. I have practiced primarily in the area of complex litigation involving business and corporate matters including commercial contract disputes, property claims, product liability, health care, and labor/employment issues. I have also been active in legal matters related to gay and lesbian rights. Since 2010 I have taught as an adjunct law professor at The University of Tennessee College of Law, focusing on legal writing and the appellate process. I recently was awarded the 2014 Outstanding Adjunct Faculty Award at the University of Tennessee College of

Law. Since 2003 I have taught Business Law & Ethics as an adjunct professor at Tusculum College in the undergraduate Business and MBA programs. I recently was awarded the 2014 Adjunct of the Year award from Tusculum College. I also served as a Chair of the Publications Committee for the Knoxville Bar Association, including work as an Executive Editor for its monthly publication, DICTA, from 2003-2013. In December 2013, I was honored with the Knoxville Bar Association President's Award for my service to the Knoxville Bar Association.

4. Since my law school graduation in 2001, I have been engaged in private practice involving the billing of hours during different periods. During private practice from 2001-2004 my billable rate was in the $200-$300/hour range. Since that time, I have been involved as in-house counsel and taught law school, master level, and undergraduate law classes. Throughout the past decade I have worked several times on a contract basis. My billable rate was within the same range. As an adjunct law professor, I am paid on a per class basis and do not have an hourly billable rate.

5. I began working on this matter, along with Abby Rubenfeld, in 2013 shortly after the decision by the United States Supreme Court in *United States v. Windsor*, 133 S.Ct. 2675 (2013). Along with Ms. Rubenfeld, I worked to assemble a team to evaluate a potential challenge of article XI, section 18, of the Tennessee Constitution and Tennessee Code Annotated § 36-3-113. The other Plaintiffs' Counsel soon joined the efforts to explore this potential challenge. We undertook an extensive vetting of the plaintiff couples, legal research and preparation before filing Plaintiffs' Complaint for Declaratory and Injunctive Relief on October 21, 2013.

6. I have personally reviewed the contemporaneous time records which I maintained in this matter. These records were maintained in the ordinary course of my practice as if I would be sending them to a fee paying client.

7. In reviewing the time records and preparing the fee petition, I worked to ensure their accuracy and accurate representation of work performed. In so doing, I also removed

certain entries for time spent on matters for which I am not seeking reimbursement and downwardly adjusted certain entries to decrease the amount of time for which reimbursement is being sought. These adjustments were made even though such time is recoverable.

8. Pursuant to the contemporaneously filed motion asking this Court for leave to submit itemized daily time entries under seal, I am filing the time records I maintained reflecting the date, amount, and a brief description of the work I performed. Having reviewed the time records, I believe that the services performed and expenses incurred in this matter were reasonable and necessary, taking into consideration, among other things, the factors outlined in Rule 1.5 of the Tennessee Rules of Professional Conduct. My time entries, which are organized by date and sub-totaled by month, reflect time spent in each aspect of the case.

9. The rate requested for my time spent is $300 per hour. In my opinion, given my experience and expertise in the areas which were relevant to this matter this rate is reasonable and appropriate for the work performed in this case.

10. With respect to costs and expenses, I have reviewed and computed those as well. The only costs and expenses I incurred for which I am seeking reimbursement are hotel lodging in connection with the preparation for (in Nashville) and oral argument of (in Cincinnati) the appeal to the United States Court of Appeals for the Sixth Circuit, totaling $870.35 for a total of three nights, which are being included in the Motion for Attorneys' Fees, Costs, and Expenses. This amount represents only a portion of the expenses I incurred (which are also reimbursable). For example, I am not seeking reimbursement of other hotel expenses I incurred associated with additional travel to Nashville for other aspects of the case, including hotel stays on July 19, 2013 and October 18, 2013. Likewise, I am not seeking reimbursement for mileage to/from Nashville and to/from Cincinnati nor for other travel related expenses I personally incurred. Finally, I am not seeking any reimbursement for any other expenses such as electronic research, reference materials and books, postage and FEDEX expenses, and telephone expenses.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct. Executed on this 8th day of October, 2015.

Regina Lambert

EXHIBIT A

FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF WILLIAM L. HARBISON

I, William L. Harbison, being of sound mind aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of Tennessee and am counsel of record for the plaintiffs. I am a member of the Nashville law firm of Sherrard & Roe, PLC. I have been with Sherrard & Roe since 1983. I am providing this declaration in support of the Plaintiffs' Motion for Attorneys' Fees, Costs, and Expenses.

2. I received my law degree *cum laude* from Harvard Law School in 1980. I received my bachelor's degree with highest honors from the University of North Carolina at Chapel Hill. I am a member of Phi Beta Kappa.

3. In my legal career of more than thirty years in Nashville, I have received numerous professional recognitions. The following list provides a sample: current president of the Tennessee Bar Association; Tennessee Board of Law Examiners; American Bar Foundation Fellow; past president of the Nashville Bar Association; American College of Trust and Estate Counsel Fellow; Tennessee Bar Foundation Fellow; Nashville Bar Foundation Fellow; past

president of the Nashville Bar Foundation, 2002-2006; past general counsel to the Tennessee Bar Association; lecturer for the Tennessee and Nashville Bar Associations; member and past president of the Nashville Estate Planning Council; selected by the Tennessee Supreme Court to serve on the Board of Professional Responsibility Advisory Committee; hearing panel member of the Tennessee Board of Professional Responsibility; publisher of several articles in the Tennessee Bar Journal; and recipient of the Tennessee Bar Association Joseph W. Henry Award in 1985.

4. I have also been recognized in several recent "best lawyers" lists, including "Woodward/White: The Best Lawyers In America," (Bet-the-Company Litigation, Commercial Litigation & Trusts and Estates); "The Best of the U.S.," (Trusts and Estates, Tax Law and Commercial Litigation); "Nashville Business Journal Best of The Bar,"; "The Chambers USA Guide," (Litigation: General Commercial); "Mid-South Super Lawyers," (Estate Planning and Probate); "The Best Attorneys Network," (Commercial/Business Litigation and Wills); "Tennessee Bar Journal Pro Bono Honor Roll,"; and "Business TN Magazine," 150 Best Lawyers, 2010.

5. I am familiar with the legal fees and expenses charged in civil litigation in Tennessee, as I have participated in numerous cases in both state and federal courts. I am generally familiar with the hourly rates charged by several of the larger law firms in Nashville. Of particular relevance to this case is my six years' experience as a hearing panel member for the Board of Professional Responsibility, and my long service as a member, and former chair, of the Fee Disputes Committee of the Nashville Bar Association. Both of these volunteer activities have provided me with many opportunities to review legal fees and charges.

6. I have reviewed all of Sherrard & Roe's records relating to the attorneys' fees incurred in this case. These records include the number of hours expended by each attorney,

paralegal, and law clerk; the hourly rate charged by each attorney, paralegal, and law clerk; and the descriptions of the tasks performed for each discrete unit of time on the time entries in the billing statements associated with this case. I have been personally involved in this case from the beginning of Sherrard & Roe's engagement, and I have overseen much of the work product produced and the effort expended in successfully litigating this case.

7. Based on my experience as an attorney and my knowledge of typical fees and hourly rates in Nashville, I believe that the total attorneys' fees incurred during Sherrard & Roe's representation of plaintiffs are reasonable. All of the hours expended were reasonable and necessary to achieve the outcome that not only changed Tennessee law, but also inured to the benefit of persons nationwide. Moreover, the hourly rates charged are reasonable. The hourly rates are the current rates at which Sherrard & Roe currently bills and collects from its paying clients for the work performed by each attorney. They are well within the range of hourly rates for comparable attorneys of like skill and experience within the Nashville legal community.

8. I have also reviewed the hourly rates sought by our co-counsel in this case and believe they too are reasonable. For example, the hourly rates sought by the attorneys practicing at the National Center for Lesbian Rights ("NCLR") and the firm of Ropes & Gray are not only substantially below the rates at which these attorneys customary bill for their work (albeit in Washington, D.C. and San Francisco), but also at or below the market rates charged by attorneys in Nashville who have the comparable experience and expertise to work on a case of this nature. Likewise, the hourly rates sought by Abby Rubenfeld, Maureen Holland, and Regina Lambert are all reasonable and indeed understate the value, experience, and expertise each of them brought to this case.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct. Executed on this 8th day of September, 2015.

William L. Harbison

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF J. SCOTT HICKMAN

I, J. Scott Hickman, being of sound mind aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of Tennessee and am counsel of record for the plaintiffs. I am a member of the Nashville law firm of Sherrard & Roe, PLC. I submit this declaration in connection with Plaintiffs' Bill of Costs and their Motion for Attorney's Fees, Costs and Expenses.

2. I received a B.S., summa cum laude, from Tennessee Technology University, an M.Div. from Southern Baptist Theological Seminary, and my J.D. from Vanderbilt University, where I served as Senior Managing Editor of the Vanderbilt Law Review.

3. I am a member of Sherrard & Roe, PLC and practice in the areas of employment law and business dispute resolution. I am AV rated by Martindale Hubble and recognized by Woodward/White Best Lawyers.

4. I have personally reviewed the contemporaneous time records maintained by Sherrard & Roe, PLC in this matter. Sherrard & Roe, PLC utilizes a computer program to

electronically maintain billing entries in which attorney, paralegal, and law clerk time is entered, usually on a daily basis. The same computer program maintains a running list of all disbursements made by the firm for costs and expenses. These records are maintained in the ordinary course of the firm's business and are used on a monthly basis to generate client bills.

5. In reviewing the time records and preparing the fee petition, we removed certain entries for time spent on matters for which we are not seeking reimbursement. We also downwardly adjusted certain entries to decrease the amount of time for which reimbursement is being sought. Likewise, with respect to entries for certain timekeepers including myself and Messrs. Harbison, Cramer and Farringer, we have not sought reimbursement for all of their time, even though such time is recoverable. We have, for example, voluntarily reduced our requested time by a collective total of 100 hours, applied pro rata, in order to reflect our attention to any concern that some work might have been inefficient or duplicative, although given my experience with the unique complexity of this matter I do not believe that to have been the case. We have also not sought reimbursement for time spent after September 25, 2015, which excludes a substantial amount of compensable time spent preparing the Motion for Attorney's Fees, Costs and Expenses and supporting documents.

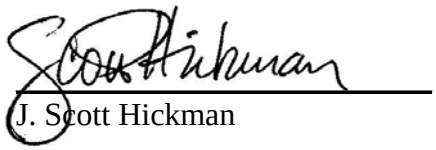
6. Pursuant to the contemporaneously filed motion asking this Court for leave to submit itemized daily time entries under seal, attached as **Exhibit A** are the adjusted time records (which do not include individual entries which were deleted or downwardly adjusted) complied from our billing system reflecting the date, identification of the attorney, time worked, and a brief description of the services rendered. Having reviewed the time records, I believe that not even considering the 100 hour reduction off of the time reflected in these records, the services performed and expenses incurred in this matter were reasonable and necessary, taking into

consideration, among other things, the factors outlined in Rule 1.5 of the Tennessee Rules of Professional Conduct.

7. With respect to costs and expenses, we have reviewed and computed those as well, and believe them to be reasonable and necessary. Attached as **Exhibit B** is a chart detailing those costs and expenses that are being included in either the Bill of Costs and/or the Motion for Attorneys' Fees, Costs, and Expenses. As reflected in Exhibit B, costs and expenses for the following items have been excluded: Lexis and Westlaw, reference materials and books, postage and FEDEX expenses, videoconferencing fees, and telephone expenses. We have also excluded other expenses incurred in connection with our representation in this case, including various travel-related charges and expenses related to various meetings and hearings. These additional costs and expenses would add over $30,000 to the totals reflected in Exhibit B.

8. With respect to the individual expenses and costs reflected in Exhibit B, all of these items have been paid in their entirety by Sherrard & Roe.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct. Executed on this 8th day of October, 2015.



J. Scott Hickman

EXHIBIT A

FILED UNDER SEAL

EXHIBIT B

Tennessee Marriage Equality Effort
Re: Constitutional Challenge

Disbursements

Date	Description	Amount
10/20/2013	Miscellaneous; 30784; U.S. District Court for Middle District	$ 400.00
10/20/2013	Miscellaneous; 30790; U.S. District Court for Middle District	300.00
12/09/2013	Miscellaneous; Pro Hac Motion Filing Fee; AMERICAN EXPRESS	75.00
08/26/2014	Miscellaneous; Mileage - Oral Argument; J. Scott Hickman	303.52
09/18/2014	Miscellaneous; Hotel - Cincinnati Ohio; AMERICAN EXPRESS	901.09
03/24/2015	Miscellaneous; Travel to D.C. on 04/26/15; John L. Farringer, IV	402.50
03/24/2015	Miscellaneous; Airfare to D.C. for Supreme Court Oral Argument on 4/28/15; John L. Farringer	
03/30/2015	Miscellaneous; Rental car - Detroit; J. Scott Hickman	126.13
03/31/2015	Miscellaneous; Airfare - Trip to Detroit for William L. Harbison; J. Scott Hickman	1,004.70
03/31/2015	Miscellaneous; Airfare - Trip to Detroit for J. Scott Hickman; J. Scott Hickman	1,004.70
03/31/2015	Miscellaneous; Mileage - travel to Louisville; J. Scott Hickman	203.55
04/21/2015	Miscellaneous; Airfare to D.C. for Supreme Court Oral Argument on 4/28/15; J. Scott Hickman	259.50
04/28/2015	Miscellaneous; Taxi from airport to hotel in DC for oral argument; J. Scott Hickman	58.19
05/05/2015	Miscellaneous; Hotel in D.C.; John L. Farringer, IV	1,735.84
05/05/2015	Miscellaneous; Hotel in D.C.; J. Scott Hickman	3,037.72
05/05/2015	Miscellaneous; Taxi cab ; J. Scott Hickman	85.00
05/05/2015	Miscellaneous; Taxi; John L. Farringer, IV	17.57
05/05/2015	Miscellaneous; Taxi; John L. Farringer, IV	21.76
05/19/2015	Miscellaneous; Airfare to D.C. for Supreme Court Oral Argument on 4/28/15; William L. Harbison	284.50
05/19/2015	Miscellaneous; Airfare to D.C. for Supreme Court Oral Argument on 04/28/15; Phillip F. Cramer	259.50
05/19/2015	Miscellaneous; Hotel in D.C.; William L. Harbison	3,037.72
05/19/2015	Miscellaneous; Hotel in D.C.; Phillip F. Cramer	2,169.80
	Courier; 10/21/2013	17.50
	Subtotal	13,323.68
	Less clerk fees appearing on Bill of Costs	(775.00)
	Total	12,548.68

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF PHILLIP F. CRAMER

I, Phillip F. Cramer, being of sound mind aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of Tennessee and am counsel of record for the plaintiffs. I am a member of the Nashville law firm of Sherrard & Roe, PLC. I submit this declaration in connection with Plaintiffs' Motion for Attorney's Fees, Costs and Expenses.

2. I graduated *summa cum laude* from the University of Richmond in 1997. Thereafter, I attended Vanderbilt University Law School as a John Wade Scholar (full scholarship) and served as senior articles editor on the Law Review. I graduated Order of the Coif in 2000. I am the author of two books and a note published in the Vanderbilt Law Review.

3. Upon graduation, I served as a law clerk to the Honorable Karen LeCraft Henderson, United States Court of Appeals for the D.C. Circuit from 2000 to 2001. After clerking for Judge Henderson, I was accepted into the Honors Program of the U.S. Department of Justice, where I worked until the fall of 2002.

4. In the fall of 2002, I moved back to Nashville and joined the law firm of Sherrard & Roe, PLC. Effective January 1, 2007, I became of member of Sherrard & Roe, PLC and for the last several years have served on its management committee. I have concentrated my practice on complex litigation in state and federal court, with a particular focus on antitrust and insurance coverage law. I have also been involved in a number of civil rights cases involving immigrant rights, women's rights, voting rights, and privacy rights. I am AV rated by Martindale Hubble and recognized by Benchmark Litigation, Super Lawyers, and Woodward/White Best Lawyers. In 2012, I received the 2012 Tennessee Bar Association's Harris Gilbert Pro Bono Award along with my partners, Bill Harbison and John Farringer.

6. I have reviewed all of Sherrard & Roe's records relating to the attorneys' fees incurred in this case. These records include the number of hours expended by each time keeper; the hourly rate charged by each time keeper; and the descriptions of the tasks performed for each discrete unit of time on the time entries in the billing statements associated with this case. I have been personally involved in this case from the beginning of Sherrard & Roe's engagement.

7. Based on my experience as an attorney and my knowledge of typical fees and hourly rates in Nashville, I believe that the total attorneys' fees incurred during Sherrard & Roe's representation of plaintiffs are reasonable. The hours expended were reasonable to achieve the outcome that not only changed Tennessee law, but also inured to the benefit of persons nationwide. Moreover, the hourly rates charged are reasonable. The hourly rates are the current rates at which Sherrard & Roe currently bills and collects from its paying clients for the work performed by each attorney. They are within the range of hourly rates for comparable attorneys of like skill and experience within the Nashville legal community.

8. Indeed, the hourly rates used in determining the lodestar sought by Sherrard & Roe are substantially lower than the effective rates realized in commercial cases that I have undertaken on a contingency basis, where attorneys must recover a premium to compensate for the risks undertaken when payment is not based on an hourly basis. In my experience, the effective rates realized for such contingency fee work have been at a multiple of our standard hourly rates charged to hourly-paying clients.

9. From personal experience, I have had my hourly rates approved and/or awarded by courts in fee petitions in at least three other litigated cases—a common fund case, a breach-of-contract case, and a civil rights case. In all instances, my then-current hourly rates were supported by affiants from the legal community who concurred in their reasonableness.

10. For example, on September 20, 2012, the District Court for the Middle District of Tennessee entered a fee award to Sherrard & Roe in *Juana Villegas v. Metro Gov't*, No. 3:09-0219, in which the Court found that Sherrard & Roe's "weighted hourly rates fall reasonably within the range for similar attorneys in this community." Order at 12. Both Bill Harbison and John Farringer, my partners and co-counsel on this case, were involved in the *Villegas* case as well. In addition, the Court awarded an two-times enhancement, finding the unpopular and controversial nature of the claims "alone is sufficient for a fee enhancement." Order at 28.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct. Executed on this 8th day of September, 2015.

Phillip F. Cramer

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF MAUREEN T. HOLLAND IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS

I, Maureen T. Holland, being of sound mind and aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney licensed to practice law in the State of Tennessee and am counsel of record for the Plaintiffs. I maintain a legal practice in Memphis, Tennessee: Holland & Associates, PC. I submit this declaration in connection with Plaintiffs' Motion for Attorneys' Fees, Costs and Expenses.

MY LEGAL BACKGROUND

2. I have been a member in good standing of the Tennessee Bar since 1992, and a member in good standing of the Vermont Bar since 1989. I graduated *cum laude* from Vermont Law School in 1989 where I was the first legal counsel to the Vermont Water Resources Board (1990-91), and Interim Executive Officer for the Board (October 1990-May 1991). After moving to Tennessee in 1991, I became the Senior Federal Judicial Law Clerk to the Honorable Jon Phipps McCalla of the Western District of Tennessee working for him for nearly four years (1992-1995), held an Associate position in a mid-sized Memphis firm (1995-1997), and

thereafter opened my own firm, and ultimately became the owner of Holland & Associates, PC (formerly Holland & Associates, PLLC).

3. Since opening my firm in 1998/99, I have practiced in the area of civil rights and employment law expanding this work to nearly ninety-five percent of the legal services performed by the firm. We represent and litigate on behalf of employees or former employees with respect to employment discrimination, severance agreements, non-compete agreements, breach of contract, and other employment-related issues. I provide services, among others for federal employees for their EEO matters including hearings before Administrative Judges, and matters before the City of Memphis Civil Service, Shelby County Civil Service, State of Tennessee Civil Service, and Merit Service Protection Board. I also represent the AFGE 3930 Union on their federal Arbitrations. I practice in federal and state court, often in Memphis, Tennessee but also in Nashville. Today I did a search on the website for the United States District Court for the Western District of Tennessee and I'm listed as an attorney of record on 50 cases that had been pending in court. I did a search on the website for the Shelby County Circuit Court and I'm listed as an attorney on eighty-two (82) cases and on nineteen (19) cases in Shelby County Chancery Court. These appearances understate the number of cases in which I have been involved because many matters are resolved prior to litigation. I have also argued cases before the Sixth Circuit Court of Appeals and on a search done today I'm listed as attorney on nine (9) cases including this one. I have argued a case at the Vermont Supreme Court. I also sit as Special Judge in General Sessions Court in Memphis on an as-needed basis, sit on the Board of the Memphis Bar Association, and previously served as both the Chair of the Memphis Bar Association Labor & Employment Law Section and Chair of the Wellness Committee. I have been awarded a Volunteer and Service award by Memphis Area Legal Services (which

organization helps indigent Memphians obtain legal advice and services), am a recipient of the ACLU-TN Bill of Rights Award and Justice Award from the NCLR for my recent work on this case.

4. I am admitted to practice before the Vermont courts, the United States Court of Appeals for the Fifth and Sixth Circuits, as well as the federal courts for the Western and Middle Districts of Tennessee, and the Supreme Court of the United States.

MY ROLE IN THE LITIGATION

5. I began working on this matter in 2013, shortly after the decision by the United States Supreme Court in *United States v. Windsor*, 133 S.Ct. 2675 (2013) when I was approached by Abby Rubenfeld on behalf of her and Regina Lambert, to help assemble a team to evaluate a potential challenge of article XI, section 18, of the Tennessee Constitution and Tennessee Code Annotated § 36-3-113. We undertook an extensive vetting of the plaintiff couples, legal research and preparation before filing Plaintiffs' Complaint for Declaratory and Injunctive Relief on October 21, 2013.

6. I have personally reviewed the contemporaneous time records that I maintained in this matter. These records have been maintained in the ordinary course of my business and in the same manner as those maintained and utilized to generate monthly client bills.

7. In reviewing the time records and preparing the fee petition, I worked to ensure their accuracy and accurate representation of work performed. In so doing, I also removed many entries for time spent on matters for which I am not seeking reimbursement and downwardly adjusted certain entries to decrease the amount of time for which reimbursement is being sought. These adjustments were made even though such time is recoverable.

8. A contemporaneously filed motion asks this Court for leave to submit under seal the itemized time entries, attached as **Exhibit A**, for which reimbursement is being sought. These entries provide the date, time worked, and a brief description of the services rendered. Having reviewed the itemized time records, I believe that the services performed and expenses incurred in this matter were reasonable and necessary, taking into consideration, among other things, the factors outlined in Rule 1.5 of the Tennessee Rules of Professional Conduct.

9. I believe that the fee sought for my services is reasonable and appropriate.

MY BILLING RATE AND REASONABLE HOURS SPENT ON THE LITIGATION

10. The hourly rate I am seeking in this case is $390. I am familiar with the rates charged by attorneys with similar experience in the relevant legal market (Nashville); and this rate is consistent with or even less than the prevailing market rate for someone with credentials and similar experience to mine. The majority of my clients are billed as part of a hybrid fee agreement, where I charge a general initial $300-$350/hour rate approximating a portion of my time, plus a percentage of any recovery (to attempt to cover my full time on the case) which helps to make my services affordable to employees in the Memphis area. When I obtain recovery on behalf of my clients, whether by severance negotiations, settlement agreements, or at a trial or hearing, I end up receiving approximately anywhere between $300-$500/hour, depending on the type of case and recovery obtained.

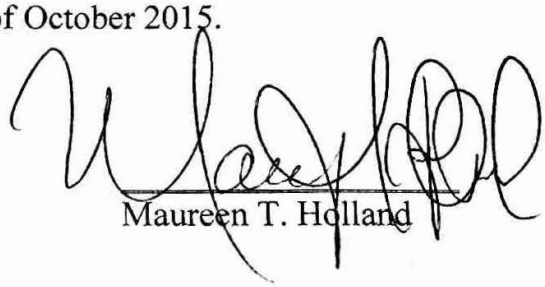
11. While I am aware that attorneys with my level of experience and credentials in the Nashville area may bill at a higher hourly rate (between $425-$500/hour), the Memphis area has a lower legal rate overall.

12. Based on the results achieved and the significant reductions I have already made to the time records, it is my belief that the amount of attorneys' fees and costs I am seeking is exceedingly reasonable. All of that time was necessary to the litigation.

13. With respect to costs and expenses, I have reviewed and computed those as well. Attached at the end of **Exhibit A** is an expense for $600 representing airfare for two trips to Washington, DC, and which is the only expense reimbursement I'm seeking. I personally paid more than $600 in expenses in this case and paid for the airfare to and from Washington, DC.

14. In all, I am seeking an award of $92,386.5 (235.35 hours at $390 per hour, plus expenses).

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct. Executed on this 8th day of October 2015.



Maureen T. Holland

EXHIBIT A

FILED UNDER SEAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF DOUGLAS S. JOHNSTON, JR.

I, DOUGLAS S. JOHNSTON, JR., being of sound mind and aware of 28 U.S.C. 1746, declare under the penalty of perjury, that the foregoing is true and correct.

1. I am a citizen and resident of the State of Tennessee and duly licensed to practice law in the State of Tennessee and have been a practicing lawyer since 1977. I am a founding partner in the law firm of Barrett Johnston Martin & Garrison, LLC, in Nashville, Tennessee. I am admitted to practice in Tennessee as well as the U.S. District Court for the Middle District of Tennessee, the Sixth Circuit of the U.S. Court of Appeals, and the U.S. Supreme Court.

2. I was asked by counsel for the plaintiffs to give an opinion regarding the claim for attorneys' fees they are submitting in this case regarding the Civil Rights Acts under Sections 1981 and 1983 of 42 U.S.C., and fees and costs pursuant to 42 U.S.C. §1988.

3. A good part of my practice has been in the areas of civil rights/civil liberties litigation and class action litigation with a particular emphasis on securities, antitrust and consumer fraud litigation. These areas often involve fee shifting statues. I have been called

upon in a number of cases to opine on fee shifting requests in addition to submitting my own fee requests.

4. While Middle Tennessee has a number of very capable lawyers, in my experience only a limited number will raise substantial civil rights claims against the government. This is because such law is continually evolving; these cases are often not politically popular; and, individuals making such challenges often do not have resources to fund such litigation or pay for counsel, as was the facts in this case.

5. I have spoken with Mr. Harbison and his colleagues regarding this litigation and have reviewed the Court docket and selected documents including the operative pleadings leading up to the Supreme Court's decision and the motion for fees and expenses with supporting documents. This case presented complex legal issues in an area of the law that evolved quickly, all in a very contentious public climate.

6. Based on my review of this case, I am impressed by the work undertaken by all of the plaintiffs' counsel during the time frame of the case with the myriad and complex issues involved.

7. It is my professional opinion that the hours expended in this case were both reasonable and necessary. I base this opinion on several factors including, but not limited to, the complexity and nuance of the issues involved, the complexity of the legal issues raised, the time frame in which this action proceeded, and the vigorous defense mounted by the defendants and numerous amici.

8. It is also my professional option that the rates sought by Abby Rubenfeld, William L. Harbison, Phillip F. Cramer, J. Scott Hickman, John L. Farringer, Maureen Holland, Regina Lambert, and the attorneys practicing at NCLR and the firm of Ropes & Gray are

reasonable and appropriate for the Nashville market based on these lawyers' excellent credentials and experience.

9. It is my professional opinion that these hourly billing rates are immanently reasonable. I base this opinion on several factors, including my familiarity with the rates typically charged by lawyers of similar stature and experience for similar services in this locality and the stellar reputation of many of the attorneys in this community.

10. I am of the professional opinion that the hours expended on behalf of the plaintiffs and the hourly billing rates sought should be used to calculate the lodestar in this matter. I believe the fees and expenses requested are fair, adequate, reasonable and well within the range of that customarily charged for attorneys with experience and expertise such as those of the attorneys handling this matter.

11. It is my further opinion, given the controversy surrounding this case, viewed by many as extremely unpopular, coupled with the excellent results achieved by plaintiffs' counsel, that they deserve an enhancement of their fees, as is the Court's discretion to provide.

I declare, pursuant to 28 U.S.C. 1746, under the penalty of perjury that the above statement is true and correct this 7th day of October, 2015.

Douglas S. Johnston, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF PAUL M. SMITH

I, Paul M. Smith, being of sound mind aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

RELEVANT BACKGROUND AND EXPERIENCE

1. I am an attorney and a member of the international law firm Jenner & Block. I received my bachelor's degree *summa cum laude* from Amherst College in 1976. I received my law degree from Yale Law School in 1979, and served as Editor-in-Chief of the *Yale Law Journal*. Following law school, I clerked for the Honorable James L. Oakes of United States Court of Appeals for the Second Circuit, and then for Justice Lewis F. Powell, Jr. of the United States Supreme Court.

2. I have been recognized in several "best lawyers" lists, including *Washingtonian* Magazine's "Washington's Top Lawyers," *Washington DC Super Lawyer*'s "Top 10 Lawyers in D.C.," and *The National Law Journal*'s "Decade's Most Influential Lawyers." I have also received numerous awards for my advocacy, including the Washington DC First Amendment

Lawyer of the Year for 2012 and the Thurgood Marshall Award from the American Bar Association Section of Individual Rights and Responsibilities.

3. I am the Chair of the Appellate and Supreme Court practice at Jenner & Block, and am Co-Chair of the Media and First Amendment and Election Law and Redistricting Practices. I am a member of the bar of the United States Supreme Court, as well as a member of the bars of all twelve United States Courts of Appeals, five United States District Courts, the state bars of Maryland and New York, and the bar of the District of Columbia.

4. I have presented oral argument in sixteen cases before the Supreme Court in matters involving civil liberties, voting rights, and the First Amendment. I was lead Supreme Court counsel in *Lawrence v. Texas*, the landmark case striking down Texas' anti-sodomy that was cited extensively in the briefing at all levels in *Tanco v. Haslam* and the related marriage equality cases from Ohio, Kentucky, and Michigan. I have also been lead counsel in civil rights cases related to voting, including *Crawford v. Marion County Election Board*, *LULAC v. Perry*, and *Vieth v. Jubelirer*.

5. My extensive Supreme Court practice, my focus on civil rights cases, and my experience litigating one of the most significant gay rights cases before the Supreme Court provide me with the knowledge and experience required assess the quality of work before the Supreme Court, as well as the reasonable costs associated with successful representation in this specialized area of legal practice, in particular by practitioners at large international law firms.

QUALITY OF REPRESENTATION AND RESULTS OBTAINED

6. I am familiar with Doug Hallward-Driemeier, who is a very well regarded member of the Supreme Court bar. As a veteran of the Solicitor General's office he has substantial experience practicing at an elite level before the Supreme Court, a qualification

shared by only a small number of other attorneys in the nation. I am also familiar with the Supreme Court representation Ropes & Gray provided for the Plaintiffs in this case, as well as the role of the National Center for Lesbian Rights ("NCLR") in the case as subject-matter experts and as central participants in the drafting and oral argument preparation in this case.

7. I have reviewed all of the party merits briefs and several key amicus briefs filed before the Supreme Court in this case and the related cases, and I attended the oral argument before the Supreme Court held on April 28, 2015. Based on my experience in representing parties before the Supreme Court and reviewing the briefs and arguments in other cases before that court, I believe that the quality of the briefs submitted and the oral argument in this case were outstanding. The briefs were thoroughly researched and the advocacy in the briefs was persuasive and careful to rebut potential counterarguments, and the oral argument was seamless and truly exceptional. The high quality of representation helped Plaintiffs achieve a historic victory that will have a meaningful impact for Plaintiffs and deep influence in constitutional law for decades to come.

HOURS AND BILLING RATES

8. I have reviewed the fee claim. In my opinion, the number of hours Ropes & Gray spent as lead Supreme Court counsel in this case is both typical and reasonable for this kind of case. Similarly the time spent by the NCLR attorneys was typical and reasonable for work by a leading national civil rights advocacy group on a case of this kind. The skill set required to successfully brief and argue a case before the Supreme Court is unique, and parties with cases pending before that Court have with increasing frequency sought out specialists with particularized expertise. Additionally, high-profile Supreme Court cases draw tremendous national scrutiny and set national precedent, requiring the attorneys representing parties before

that Court to be even more careful and sensitive about the arguments they choose to present, the research behind those arguments, and the drafting of briefs and preparation for argument.

9. Writing briefs in cases before the Supreme Court is a detailed and painstaking process. Attorneys must be careful to ensure that every argument is thoughtfully presented and every word well chosen, as Supreme Court briefs are scrutinized by lawyers and interested parties throughout the nation. Supreme Court oral argument is also a uniquely difficult process, and counsel must perform extensive additional research beyond what is in the briefs as part of argument preparation, given the propensity of Justices of the Court to direct their questions to different areas of the law and potential implications or consequences of a decision. This can involve tasks such as researching 50-state surveys, discussions with scholars, and research on seemingly tangential questions about related areas of the law. This case bears that out, as there were several questions at oral argument concerning variations among state laws relating to marriage, such as the age of consent, degrees of consanguinity allowed, and the historical practice of the various states in recognizing out-of-state marriages that could not have been entered into within the state.

10. Conducting moot courts in advance of a Supreme Court oral argument is not only typical, but highly preferable. In particular, I believe that it was extremely reasonable in a case of this profile and significance for the attorneys to participate in as many as four moot courts, in addition to more informal sessions to go over questions and answers, as counsel benefit greatly from the views of experts outside the team who are coming fresh to the case. I served as one of the judges during the Howard University moot, and saw the advocates' level of preparation and confidence grow following our questioning.

11. Coordination among aligned counsel adds great value during Supreme Court litigation in which new counsel have been added to the team at the Supreme Court level, as frequently occurs, or when the Court has consolidated multiple cases presenting the same question, as occurred here. Consultation and coordination with different attorneys offering varying perspectives is critical to ensure the most comprehensive and thorough representation. Supreme Court counsel offer many advantages, based on their familiarity with the Court and how cases are successfully litigated there, but these new counsel should, and almost always do, rely on the familiarity of existing counsel with the facts, local laws, and procedural history. That is especially so where, as here, some of those counsel had been litigating related issues around the country and developed particular subject-matter expertise.

12. Coordination among counsel representing different plaintiffs in cases consolidated before the Supreme Court is also critical. Aligned counsel must work together to ensure that they are not making inconsistent arguments. Because only one counsel will be permitted to argue (here, one counsel per issue), that counsel must necessarily collaborate extensively with counsel for the other plaintiffs to ensure that he or she has a full understanding of the facts and history of that litigation and any issues unique to it.

13. These forms of collaboration necessarily require a great deal of time and effort. The time and effort required was particularly extensive in this case, as Ropes & Gray and NCLR worked to coordinate with Tennessee counsel on this case, as well as with the litigation teams for the Kentucky, Michigan, and Ohio plaintiffs in connection with the briefing and, even more so, for oral argument.

14. I understand that the legal team at NCLR took the lead in coordinating the process among legal counsel, and from my perspective NCLR did exceptional work. The time they spent

is consistent with the enormous effort required to coordinate major movement cases, where Plaintiffs' claims do not relate only their own personal circumstances, but also have major potential implications for a larger community of people and for society at large. I have been involved in a number of cases that are of tremendous political and national significance, including *Lawrence v. Texas* and the voting rights cases. This sort of highly charged litigation is different than any other kind of legal practice, and requires exactly the kind of coordinating work that the National Center for Lesbian Rights performed. Their contributions to the litigation were necessary and efficient in terms of time spent. I am also aware that NCLR is not seeking fees for the time of David Codell, who is NCLR's Constitutional Litigation Director and a noted expert in constitutional and civil rights litigation related to the rights of gay and lesbian persons.

15. I have reviewed the fee petition prepared by Plaintiffs' counsel in this matter, and believe that the fee requests by Ropes & Gray and the National Center for Lesbian Rights reflect work that was necessary, and efficiently performed, to achieve this historic victory. I also believe that the rates being requested are reasonable. Both Ropes & Gray and the National Center for Lesbian Rights are requesting rates significantly lower than the market rates they would ordinarily charge for similar representation by national law firms. The rates requested are also low considering the highly specialized work these attorneys performed and the undeniably positive results they obtained for their clients. Ropes & Gray has also taken a series of steps to reduce their fee request well below what would be reasonable, including not billing any time for an experienced senior member of their team, and exercising discretion to not seek recovery for substantial hours of necessary work performed by counsel and paralegals.

16. I believe that the totals being charged are very reasonable, and as standard as possible given how rare it is to find a comparison for this case. Ropes & Gray and the National

Center for Lesbian Rights have achieved a truly historic victory that affects millions of people. Their fee petition is eminently reasonable, and in my opinion should be granted in whole.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct.

Executed in Washington, D.C. on this 6th day of October, 2015.

Paul M. Smith

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF JERRY MARTIN

I, Jerry Martin, being of sound mind aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney, licensed to practice law in the State of Tennessee and admitted to practice before this Court. I am providing this Affidavit in response to an inquiry from the attorneys for the plaintiffs in support of the reasonableness of the fees sought by their counsel.

2. I am a member of the Nashville law firm Barrett Johnston Martin & Garrison, LLC. I also serve as Of Counsel to the San Diego based firm of Robbins Geller Rudman & Dowd, PC. I graduated from Dartmouth College in 1996 and from Stanford Law School in 1999. I have tried a number of cases in both federal and state courts involving a wide array of litigation including civil rights, wage and hour collective actions, criminal matters, and complex commercial disputes.

3. I served as the presidentially appointed United States Attorney for the Middle District of Tennessee from May 2010 to April 2013.

4. As a litigator with considerable experience practicing law in Nashville and having been involved in numerous fee petitions and awards, I have personal knowledge of the hourly rates charged by our firm for legal services and am generally aware of the rates charged by other attorneys practicing in the Nashville market.

5. I have reviewed the work performed in this case by Sherrard & Roe, Abby Rubenfeld, Regina Lambert, Maureen Holland, and the National Center for Lesbian Rights ("NCLR"), and believe that it was reasonably necessary in order to pursue the claims on behalf of the plaintiffs. In other words, the total number of hours they expended was reasonable, and the hours they expended in each major phase of the litigation were reasonable.

6. I have reviewed the hourly rates sought for the work done by Abby Rubenfeld, William L. Harbison, Phillip F. Cramer, J. Scott Hickman, John L. Farringer, Maureen Holland, Regina Lambert, and the attorneys practicing at NCLR and the firm of Ropes & Gray, along with each such attorney's level of experience, skill and expertise. Based upon these factors, as well as the nature of the matter in dispute and the excellent results obtained, I consider the rates sought by each to be reasonable and in line with the market rates charged by attorneys in Middle Tennessee that handle comparable litigation. In fact, some Nashville attorneys charge higher hourly rates, particularly for matters that are highly publicized and of public importance. Moreover, I believe that the average hourly rate charged by the attorneys in this case is reasonable.

7. Although I do not personally know all of the attorneys who represented the plaintiffs, they all have excellent reputations and each has an impressive resume. Moreover, I am very familiar with the law firm Sherrard & Roe, and I personally know several of the attorneys who worked on this case. Based on my experience, I believe that all the attorneys

involved provided a high quality of legal work and have excellent reputations in the legal community based on their ability and experience.

8. I am familiar with various fee-shifting statutes, including 42 U.S.C. § 1988, and I believe that the hourly rates discussed above would be appropriate for the Court to award in cases governed by these statutes.

9. Given the lawyers' skill and expertise and the nature of the case, I believe the total attorneys' fees submitted in this fee petition are fair and reasonable.

10. I have reviewed the total costs and expenses incurred by Sherrard & Roe, Abby Rubenfeld, Maureen Holland, Regina Lambert and NCLR and I believe that these costs and expenses are reasonable.

12. The total amount requested for attorneys' fees, costs, and expenses in this case is reasonable.

I declare, pursuant to 28 U.S.C. 1746, under the penalty of perjury that the above statement is true and correct this 5th day of October, 2015.

Jerry Martin

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VALERIA TANCO and SOPHY JESTY, IJPE DeKOE and THOMAS KOSTURA, and JOHNO ESPEJO and MATTHEW MANSELL,	)	
Plaintiffs,	)	Case No. 3:13-cv-01159
v.	)	Judge Aleta A. Trauger
WILLIAM E. "BILL" HASLAM, *et al.*,	)	
Defendants.	)	

DECLARATION OF EDWARD D. LANQUIST, JR.

I, Edward Lanquist, being of sound mind and aware of 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am an attorney, licensed to practice law in the State of Tennessee and admitted to practice before this Court. I am providing this declaration in response to an inquiry from the attorneys for the plaintiffs in support of the reasonableness of the fees sought by their counsel.

2. I graduated with honors from the University of Tennessee School of Law in 1988 after receiving a B.S., also with honors, from the same school in 1985. I have practiced law in Nashville since 1988 and have been admitted to practice in this court since 1989.

3. My opinion is also based on my experience as a practicing attorney for more than twenty-seven years. During this time I have litigated more than one hundred cases all over the country. I also speak regularly before numerous professional and industry organizations, including the American Bar Association, the Tennessee Bar Association, the Tennessee Intellectual Property Law Association, the Nashville Bar Association, the National Business Institute, and the Southeastern Commercial Law Institute. I also conduct about 6-12 hours of

continuing legal education on ethical issues. I am also privileged to serve as the President of the Nashville Bar Association and have been a member of the Board of Directors of the Nashville Bar Association and a past Treasurer of the same organization. I am also managing partner of Patterson Intellectual Property Law, PC. As a result, I try to remain current of fees being charged by other lawyers in Middle Tennessee and other regions for competitive and professional reasons.

4. As a litigator with considerable experience practicing law in Nashville and having been involved in numerous fee petitions and awards, I have personal knowledge of the hourly rates charged by our firm for legal services and am generally aware of the rates charged by other attorneys practicing in the Nashville market.

5. I have reviewed the work performed in this case by Sherrard & Roe, Abby Rubenfeld, Regina Lambert, Maureen Holland, and the National Center for Lesbian Rights ("NCLR"), and believe that it all was reasonably necessary in order to pursue the claims on behalf of the plaintiffs. In other words, the total number of hours they expended was reasonable, and the hours they expended in each major phase of the litigation were reasonable.

6. I have reviewed the hourly rates requested for the work done by Abby Rubenfeld, William L. Harbison, Phillip F. Cramer, J. Scott Hickman, John L. Farringer, Maureen Holland, Regina Lambert, Shannon Minter, Christopher Stoll, Amy Whelan, Asaf Orr and Jaime Huling Delaye during the course of this action. Based upon each attorney's level of experience, skill and expertise, as well as the nature of the matter in dispute and the excellent results obtained, I consider the rates sought by each to be quite reasonable and in line with the market rates charged by attorneys in Tennessee that handle comparable litigation. In fact, some Nashville attorneys charge higher hourly rates, particularly for matters that are highly publicized and of public

importance. Moreover, I believe that the average hourly rate charged by the attorneys in this case is reasonable.

7. I have also reviewed the hourly rates sought by attorneys practicing at the firm of Ropes & Gray, along with each such attorney's level of experience, skill and expertise. Based upon these factors, I consider the rates sought for attorneys from Ropes & Gray to be commensurate with the rates that each attorney would bill and collect if such attorney practiced in the Nashville market. As such, I also consider the rates sought by the Ropes & Gray attorneys to be quite reasonable and in line with the market rates charged by attorneys in Tennessee that handle complex litigation.

8. Although I do not personally know all of the attorneys who represented the plaintiffs, they all have excellent reputations and each has an impressive resume. Moreover, I am very familiar with the law firm Sherrard & Roe, and I personally know several of the attorneys who worked on this case. Based on my experience, I believe that all the attorneys involved provided a high quality of legal work and have excellent reputations in the legal community based on their ability and experience.

9. I am familiar with various fee-shifting statutes, including 42 U.S.C. § 1988, and I believe that the hourly rates discussed above would be appropriate for the Court to award in cases governed by these statutes. I base my opinion also in part on the rules and regulations governing the charging of attorneys' fees found in the Tennessee Supreme Court *Rules of Professional Conduct*, Rule 8, R.P.C. 1.5 (formerly Disciplinary Rule 2-106).

10. Tennessee Supreme Court Rule 8, R.P.C. 1.5 outlines factors that must be considered in determining the reasonableness of a fee, including: (1) "The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform

the legal service properly"; (2) "The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer"; (3) "The fee customarily charged in the locality for similar legal services"; (4) "The amount involved and the results obtained"; (5) "The time limitations imposed by the client or by the circumstances"; (6) "The nature and length of the professional relationship with the client"; (7) "The experience, reputation, and ability of the lawyer or lawyers performing the services"; and (8) "Whether the fee is fixed or contingent." *See Kline v. Eyrich*, 69 S.W.3d 197 (Tenn. 2002).

11. The United States Court of Appeals for the Sixth Circuit and numerous other federal circuit courts of appeal have approved and applied these same factors. *Hometown Folks, LLC v. S & B Wilson*, Inc., 643 F.3d 520 (6th Cir. 2011); *VRF Eye Specialty Group, PLC v. Yoser*, 765 F.Supp.2d 1023 (W.D. Tenn. 2011). In addition to these legal standards, my opinions are based on my review of the time and expense records from the inception of this litigation through the present.

12. Given the lawyers' skill and expertise and the nature of the case, I believe the total attorneys' fees submitted in this fee petition are fair and reasonable. I also find the fees and expenses sought in this case to be reasonable in light of factors of RPC 1.5.

13. It is further my opinion that the results obtained on behalf of the plaintiffs in this litigation demonstrate the legal services provided by plaintiffs' counsel were appropriate and completely effective.

14. I have reviewed the total costs and expenses incurred by Sherrard & Roe, Abby Rubenfeld, Maureen Holland, Regina Lambert and NCLR and I believe that these costs and expenses are reasonable.

15. In summary, I believe that the total amount requested for attorneys' fees, costs, and expenses in this case is reasonable.

I declare, pursuant to 28 U.S.C. 1746, under the penalty of perjury that the above statement is true and correct this 30 day of October, 2015.

Ed Lanquist