No. 15-51241

In the United States Court of Appeals for the Fifth Circuit

Cleopatra DeLeon; Nicole Dimetman; Victor Holmes; Mark Phariss,
Plaintiffs-Appellees,

v.

Greg Abbott, In His Official Capacity as Governor of the State of Texas; Ken Paxton, In His Official Capacity as Texas Attorney General; John Hellerstedt, In His Official Capacity As Commissioner Of The Texas Department Of State Health Services,
Defendants-Appellants.

On Appeal from the United States District Court
for the Western District of Texas, San Antonio Division
Case No. 5:13-cv-982

RECORD EXCERPTS – APPELLANTS

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April 8, 2016

RECORD EXCERPTS INDEX

Tab 1 Civil Docket Sheet (Dkt. 1-20)……ROA.1-20.

Tab 2 Order on Plaintiff's Motion for Attorneys' Fees and Costs (Dkt. 135)……..ROA.3497-3506.

Tab 3 State Defendants' Notice of Appeal (Dkt. 136) ……ROA.3507-3509.

Tab 4 State Defendants' Amended Notice of Appeal (Dkt. 137) ……ROA.3510-3512.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed in the portable format using the United States Court of Appeals for the Fifth Circuit's CM/ECF system and served electronically by the Court's Notice of electronic filing system upon the following counsel of record on this the 8th day of April, 2016, to:

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TAB 1

APPEAL,PMA

U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CIVIL DOCKET FOR CASE #: 5:13-cv-00982-OLG

DeLeon et al v. Perry et al
Assigned to: Chief Judge Orlando L. Garcia
Case in other court: 5CCA, 14-50196
5CCA, 15-51241
5CCA, 15-51241 (AMEND NOA)
Cause: 42:1983 Civil Rights Act

Date Filed: 10/28/2013
Date Terminated: 07/07/2015
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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V.

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Date Filed	#	Docket Text
11/29/2011	31 (p.1567)	ORDER GRANTING 30 (p.1563) Motion for Extension of Time to File Response/Reply. Signed by Judge Orlando L. Garcia. (rg) (Entered: 12/03/2013)
10/28/2013	1 (p.21)	COMPLAINT *For Declaratory and Injunctive Relief* (Filing fee $ 400 receipt number 0542-5970046). No Summons requested at this time, filed by Mark Phariss, Cleopatra DeLeon, Victor Holmes, Nicole Dimetman. (Attachments: # 1 (p.21) Civil Cover Sheet)(Chasnoff, Barry) (Attachment 1 replaced on 5/12/2014) (rf). (Entered: 10/28/2013)
10/28/2013		Case Assigned to Judge Orlando L. Garcia. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (rg) (Entered: 10/28/2013)
10/28/2013		If ordered by the court, all referrals will be assigned to Magistrate Judge Mathy. (rg) (Entered: 10/28/2013)
10/29/2013	2 (p.39)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *Rick Perry, in his official capacity as Governor of the State of Texas* (Chasnoff, Barry) (Main Document 2 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)

10/29/2013	3 (p.41)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *David Lakey, in his official capacity as Commissioner of the Texas Department of State Health Services* (Chasnoff, Barry) (Main Document 3 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)
10/29/2013	4 (p.43)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *Gerard Rickhoff, in his official capacity as Bexar County Clerk* (Chasnoff, Barry) (Main Document 4 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)
10/29/2013	5 (p.45)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *Greg Abbott in his official capacity as Texas Attorney General* (Chasnoff, Barry) (Main Document 5 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)
10/29/2013	6 (p.47)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *Rick Perry in his official capacity as Governor of the State of Texas* (Chasnoff, Barry) (Main Document 6 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)
10/29/2013	7 (p.49)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *Greg Abbott in his official capacity as Texas Attorney General* (Chasnoff, Barry) (Main Document 7 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)
10/29/2013	8 (p.51)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *David Lakey in his official capacity as Commissioner of the Texas Department of State Health Services* (Chasnoff, Barry) (Main Document 8 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)
10/29/2013	9 (p.53)	REQUEST FOR ISSUANCE OF SUMMONS by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. *Gerard Rickhoff in his official capacity as Bexar County Clerk* (Chasnoff, Barry) (Main Document 9 replaced on 5/12/2014) (rf). (Entered: 10/29/2013)
10/29/2013	10 (p.55)	Summons Issued as to Rick Perry. (rg) (Entered: 10/29/2013)
10/29/2013	11 (p.57)	Summons Issued as to Greg Abbott. (rg) (Entered: 10/29/2013)
10/29/2013	12 (p.59)	Summons Issued as to David Lakey. (rg) (Entered: 10/29/2013)
10/29/2013	13 (p.61)	Summons Issued as to Gerard Rickhoff. (rg) (Entered: 10/29/2013)
11/01/2013	14 (p.63)	SUMMONS Returned Executed by Mark Phariss, Cleopatra DeLeon, Victor Holmes, Nicole Dimetman. Greg Abbott served on 10/30/2013, answer due 11/20/2013. (Chasnoff, Barry) (Entered: 11/01/2013)
11/01/2013	15 (p.65)	SUMMONS Returned Executed by Mark Phariss, Cleopatra DeLeon, Victor Holmes, Nicole Dimetman. David Lakey served on 10/30/2013, answer due 11/20/2013. (Chasnoff, Barry) (Entered: 11/01/2013)
11/01/2013	16 (p.67)	SUMMONS Returned Executed by Mark Phariss, Cleopatra DeLeon, Victor Holmes, Nicole Dimetman. Rick Perry served on 10/30/2013, answer due 11/20/2013. (Chasnoff, Barry) (Entered: 11/01/2013)
11/01/2013	17 (p.69)	SUMMONS Returned Executed by Mark Phariss, Cleopatra DeLeon, Victor Holmes, Nicole Dimetman. Gerard Rickhoff served on 10/29/2013, answer due

		11/19/2013. (Chasnoff, Barry) (Entered: 11/01/2013)
11/05/2013	18 (p.71)	NOTICE *of Federal Rule of Civil Procedure 5.1 Notice of a Constitutional Challenge* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Chasnoff, Barry) (Entered: 11/05/2013)
11/19/2013	19 (p.73)	NOTICE *of Plaintiffs' Response to Defendants' Opposed Motion to Consolidate Trial and Scheduling Deadlines [Dkt. No. 17, filed in Case No. A13-cv-0631]* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Lane, Daniel) (Entered: 11/19/2013)
11/20/2013	20 (p.83)	MOTION to Dismiss *Defendant Bexar County Clerk Rickhoff's Motion to Be Dismissed from Plaintiffs' Original Complaint for Declaratory and Injunctive Relief Pursuant to Rule 12(b)(6)* by Gerard Rickhoff. (Attachments: # 1 (p.21) Proposed Order)(Bowen, Susan) (Entered: 11/20/2013)
11/20/2013	21 (p.92)	*Defendants '* ANSWER to 1 (p.21) Complaint, by Greg Abbott, David Lakey, Rick Perry.(Deane, William) (Entered: 11/20/2013)
11/21/2013	22 (p.100)	MOTION to Appear Pro Hac Vice by Daniel McNeel Lane, Jr *for Jessica M. Weisel* (Filing fee $ 25 receipt number 0542-6037258) by on behalf of Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Proposed Order)(Lane, Daniel) (Entered: 11/21/2013)
11/21/2013	23 (p.105)	NOTICE of Attorney Appearance by Daniel McNeel Lane, Jr on behalf of Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Lane, Daniel) (Entered: 11/21/2013)
11/22/2013		Text Order GRANTING 22 (p.100) Motion to Appear Pro Hac Vice of Jessica Weisel. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. entered by Judge Orlando L. Garcia. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ju) (Entered: 11/22/2013)
11/22/2013	24 (p.108)	Unopposed MOTION for Leave to Exceed Page Limitation *on Plaintiffs' Motion for Preliminary Injunction Enjoining Defendants from Enforcing Texas' Same-Sex Marriage Ban* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Exhibit A-Opposed Motion for Preliminary Injunction, # 2 (p.39) Appendix, # 3 (p.41) Exhibit 1, # 4 (p.43) Exhibit 2, # 5 (p.45) Exhibit 3, # 6 (p.47) Exhibit 4, # 7 (p.49) Exhibit 5, # 8 (p.51) Exhibit 6, # 9 (p.53) Exhibit 7, # 10 (p.55) Exhibit 8, # 11 (p.57) Exhibit 9, # 12 (p.59) Exhibit 10, # 13 (p.61) Exhibit 11, # 14 (p.63) Exhibit 12, # 15 (p.65) Exhibit 13, # 16 (p.67) Exhibit 14, # 17 (p.69) Exhibit 15, # 18 (p.71) Exhibit 16, # 19 (p.73) Exhibit 17, # 20 (p.83) Exhibit 18, # 21 (p.92) Exhibit 19, # 22 (p.100) Exhibit 20, # 23 (p.105) Exhibit 21, # 24 (p.108) Exhibit 22, # 25 (p.646) Exhibit 23, # 26 (p.1025) Exhibit 24, # 27 (p.1029) Exhibit 25, # 28 (p.1030) Exhibit 26, # 29 (p.1091) Exhibit 27, # 30 (p.1563) Exhibit 28, # 31 (p.1567) Exhibit 29, # 32 (p.1568) Exhibit 30)(Lane, Daniel) (Entered: 11/22/2013)
11/22/2013	25 (p.646)	SUPPLEMENT to 24 (p.108) Unopposed MOTION for Leave to Exceed Page Limitation *on Plaintiffs' Motion for Preliminary Injunction Enjoining Defendants from Enforcing Texas' Same-Sex Marriage Ban Additional Attachments to Document #24* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Exhibit 31, # 2 (p.39) Exhibit 32, # 3 (p.41) Exhibit 33, # 4 (p.43) Exhibit 34, # 5 (p.45) Exhibit 35, # 6 (p.47) Exhibit 36, # 7

		(p.49) Exhibit 37, # 8 (p.51) Exhibit 38, # 9 (p.53) Exhibit 39, # 10 (p.55) Exhibit 40, # 11 (p.57) Exhibit 41, # 12 (p.59) Exhibit 42, # 13 (p.61) Exhibit 43, # 14 (p.63) Exhibit 44, # 15 (p.65) Exhibit 45, # 16 (p.67) Exhibit 46, # 17 (p.69) Exhibit 47, # 18 (p.71) Exhibit 48, # 19 (p.73) Exhibit 49, # 20 (p.83) Exhibit 50, # 21 (p.92) Exhibit 51, # 22 (p.100) Exhibit 52, # 23 (p.105) Exhibit 53, # 24 (p.108) Exhibit 54, # 25 (p.646) Exhibit 55, # 26 (p.1025) Exhibit 56, # 27 (p.1029) Exhibit 57, # 28 (p.1030) Exhibit 58)(Lane, Daniel) (Entered: 11/22/2013)
11/26/2013	26 (p.1025)	Unopposed MOTION for Extension of Time to File Response/Reply as to 24 (p.108) Unopposed MOTION for Leave to Exceed Page Limitation *on Plaintiffs' Motion for Preliminary Injunction Enjoining Defendants from Enforcing Texas' Same-Sex Marriage Ban* by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21) Proposed Order)(Deane, William) (Entered: 11/26/2013)
11/27/2013	27 (p.1029)	ORDER GRANTING 24 (p.108) Motion for Leave to File Excess Pages. Signed by Judge Orlando L. Garcia. (rg) (Entered: 11/27/2013)
11/27/2013	28 (p.1030)	OPPOSED MOTION for Preliminary Injunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (rg) (Entered: 11/27/2013)
11/27/2013	29 (p.1091)	APPENDIX to 28 (p.1030) MOTION for Preliminary Injunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, David Lakey, Rick Perry, Mark Phariss. (Attachments: # 1 (p.21) Exhibit 1, # 2 (p.39) Exhibit 2, # 3 (p.41) Exhibit 3, # 4 (p.43) Exhibit 4, # 5 (p.45) Exhibit 5, # 6 (p.47) Exhibit 6, # 7 (p.49) Exhibit 7, # 8 (p.51) Exhibit 8, # 9 (p.53) Exhibit 9, # 10 (p.55) Exhibit 10, # 11 (p.57) Exhibit 11, # 12 (p.59) Exhibit 12, # 13 (p.61) Exhibit 13, # 14 (p.63) Exhibit 14, # 15 (p.65) Exhibit 15, # 16 (p.67) Exhibit 16, # 17 (p.69) Exhibit 17, # 18 (p.71) Exhibit 18, # 19 (p.73) Exhibit 19, # 20 (p.83) Exhibit 20, # 21 (p.92) Exhibit 21, # 22 (p.100) Exhibit 22, # 23 (p.105) Exhibit 23, # 24 (p.108) Exhibit 24, # 25 (p.646) Exhibit 25, # 26 (p.1025) Exhibit 26, # 27 (p.1029) Exhibit 27, # 28 (p.1030) Exhibit 28, # 29 (p.1091) Exhibit 29, # 30 (p.1563) Exhibit 30)(rg) (Entered: 11/27/2013)
11/29/2013	32 (p.1568)	ORDER GRANTING 26 (p.1025) Motion for Extension of Time to File Response/Reply. Signed by Judge Orlando L. Garcia. (rg) (Entered: 12/03/2013)
12/02/2013	30 (p.1563)	MOTION for Extension of Time to File Response/Reply *Defendant Rickhoff's Unopposed Motion for Extension of Time to File Response to Plaintiffs' Motion for Preliminary Injunction* by Gerard Rickhoff. (Attachments: # 1 (p.21) Proposed Order)(Bowen, Susan) (Entered: 12/02/2013)
12/09/2013	33 (p.1569)	Response in Opposition to Motion, filed by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss, re 20 (p.83) MOTION to Dismiss *Defendant Bexar County Clerk Rickhoff's Motion to Be Dismissed from Plaintiffs' Original Complaint for Declaratory and Injunctive Relief Pursuant to Rule 12(b)(6)* filed by Defendant Gerard Rickhoff (Lane, Daniel) (Entered: 12/09/2013)
12/10/2013	34 (p.1576)	ORDER, Oral Argument Hearing set for 2/12/2014 9:30 AM before Judge Orlando L. Garcia. Signed by Judge Orlando L. Garcia. (rf) (Entered: 12/11/2013)
12/19/2013	35 (p.1577)	NOTICE *regarding January 9, 2014 hearing on Defendants' Motion to Consolidate* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Lane, Daniel) (Entered: 12/19/2013)
12/23/2013	36 (p.1579)	Unopposed MOTION for Leave to Exceed Page Limitation *ON DEFENDANTS RESPONSE IN OPPOSITION TO PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION* by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21)

		Proposed Order)(Deane, William) (Entered: 12/23/2013)
12/23/2013	37 (p.1583)	DOCUMENT DEFICIENT - See Deficiency Notice #38. NOTICE of Attorney Appearance by Michael P. Murphy on behalf of Greg Abbott, David Lakey, Rick Perry. Attorney Michael P. Murphy added to party Greg Abbott(pty:dft), Attorney Michael P. Murphy added to party David Lakey(pty:dft), Attorney Michael P. Murphy added to party Rick Perry(pty:dft) (Attachments: # 1 (p.21) Supplement Certificate of Service)(Murphy, Michael) Modified on 12/23/2013 (rg). (Entered: 12/23/2013)
12/23/2013	38 (p.1586)	DEFICIENCY NOTICE:to attorney Michael P. MurphyNo certificate of service was included in pleading. Please file ONLY the certificate of service in the form of a pleading using the "Certificate of Service" event located under the 'Service of Process' menu. re 37 (p.1583) Notice of Appearance. (rg) (Entered: 12/23/2013)
12/23/2013	39 (p.1587)	CERTIFICATE OF SERVICE by Greg Abbott, David Lakey, Rick Perry 37 (p.1583) Notice of Appearance, (Murphy, Michael) (Entered: 12/23/2013)
12/23/2013	40 (p.1589)	Response in Opposition to Motion, filed by Greg Abbott, David Lakey, Rick Perry, re 28 (p.1030) MOTION for Preliminary Injunction filed by Plaintiff Mark Phariss, Plaintiff Cleopatra DeLeon, Plaintiff Nicole Dimetman, Plaintiff Victor Holmes (Attachments: # 1 (p.21) Appendix Exhibit 1, # 2 (p.39) Proposed Order Proposed Order)(Murphy, Michael) (Entered: 12/23/2013)
12/27/2013	41 (p.1642)	RESPONSE *Defendant Rickhoff's Response to Plaintiffs' Request for a Preliminary Injunction and Supporting Brief* to 28 (p.1030) MOTION for Preliminary Injunction by Gerard Rickhoff. (Bowen, Susan) (Entered: 12/27/2013)
01/03/2014	42 (p.1646)	MOTION for Leave to File Amicus Brief*in Support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction* by Robert P. Wilson. by Texas Values. (Attachments: # 1 (p.21) Proposed Order)(Wilson, Robert) (Entered: 01/03/2014)
01/03/2014	43	***DOCUMENT HAS BEEN STRICKEN PURSUANT TO AN ORDER STRIKING PLEADING FILED 1/06/2014, DOCUMENT #44***BRIEF regarding 42 (p.1646) MOTION for Leave to File Amicus Brief*in Support of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction* by Robert P. Wilson. by Texas Values. (Wilson, Robert) Modified on 1/7/2014;ACCESS HAS BEEN RESTRICTED AND CAN ONLY BE VIEWED BY COURT USERS AND ATTORNEYS OF RECORD (rg). (Entered: 01/03/2014)
01/06/2014	44 (p.1652)	ORDER DENYING 42 (p.1646) Motion for Leave to File Amicus Brief. The Court ORDERS Movant's brief (docket no. 43) be STRICKEN from the record in this case. Signed by Judge Orlando L. Garcia. (rg) (Entered: 01/07/2014)
01/06/2014	45 (p.1654)	ORDER GRANTING 36 (p.1579) Motion for Leave to Exceed Page Limit. Signed by Judge Orlando L. Garcia. (rg) (Entered: 01/07/2014)
01/08/2014	46 (p.1655)	ADVISORY TO THE COURT by Greg Abbott, Rick Perry. (Attachments: # 1 (p.21) Exhibit Order in pending case)(Murphy, Michael) (Entered: 01/08/2014)
01/10/2014	47 (p.1658)	Opposed MOTION to Transfer Case by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21) Proposed Order)(Deane, William) (Entered: 01/10/2014)
01/17/2014	48 (p.1664)	RESPONSE to Motion, filed by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss, re 47 (p.1658) Opposed MOTION to Transfer Case filed by Defendant David Lakey, Defendant Rick Perry, Defendant Greg Abbott

		(Attachments: # 1 (p.21) Exhibit A)(Lane, Daniel) (Entered: 01/17/2014)
01/22/2014	49 (p.1692)	ORDER DENYING 47 (p.1658) Motion to Transfer Case. Signed by Judge Orlando L. Garcia. (rf) (Entered: 01/23/2014)
01/24/2014	50 (p.1696)	MOTION for Leave to File response in excess of the page limitation by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Proposed Order, # 2 (p.39) Reply in Support of Motion for Prelim Inj)(rg) (Entered: 01/27/2014)
01/28/2014	51 (p.1725)	ORDER GRANTING 50 (p.1696) Motion for Leave to Exceed Page Limit. Signed by Judge Orlando L. Garcia. (rg) (Entered: 01/28/2014)
01/28/2014	52 (p.1726)	RESPONSE in Support, filed by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss, re 28 (p.1030) MOTION for Preliminary Injunction filed by Plaintiff Mark Phariss, Plaintiff Cleopatra DeLeon, Plaintiff Nicole Dimetman, Plaintiff Victor Holmes (rg) (Entered: 01/29/2014)
02/11/2014	53 (p.1751)	Proposed Scheduling Order by Greg Abbott, David Lakey, Rick Perry. (Deane, William) (Entered: 02/11/2014)
02/11/2014	54 (p.1754)	STATUS REPORT *Joint Rule 26(F) Status Report* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Lane, Daniel) (Entered: 02/11/2014)
02/11/2014	55 (p.1758)	***DOCUMENT IS DEFICIENT - NO CERTIFICATE OF SERVICE ATTACHED***Proposed Scheduling Order by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Lane, Daniel) Modified on 2/11/2014 to designate deficiency (aej). (Entered: 02/11/2014)
02/11/2014	56 (p.1761)	DEFICIENCY NOTICE: ***NOTIFIED COUNSEL THAT DOCUMENT IS DEFICIENT - CERTIFICATE OF SERVICE MISSING*** re 55 (p.1758) Scheduling Recommendations/Proposed Scheduling Order (aej) (Entered: 02/11/2014)
02/11/2014	57 (p.1762)	CERTIFICATE OF SERVICE by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss 55 (p.1758) Scheduling Recommendations/Proposed Scheduling Order (Lane, Daniel) (Entered: 02/11/2014)
02/11/2014	58 (p.1764)	Proposed Scheduling Order -*corrected* by Greg Abbott, David Lakey, Rick Perry. (Deane, William) (Entered: 02/11/2014)
02/12/2014	59	Minute Entry for proceedings held before Judge Orlando L. Garcia: Miscellaneous Hearing held on 2/12/2014 (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel.)(aej) (Entered: 02/12/2014)
02/12/2014		Motions Taken Under Advisement: 28 (p.1030) MOTION for Preliminary Injunction (aej) (Entered: 02/12/2014)
02/12/2014	60 (p.1769)	ORDER DENYING 20 (p.83) Motion to Dismiss Defendant Bexar County Clerk Rickhoff. Signed by Judge Orlando L. Garcia. (rg) (Entered: 02/12/2014)
02/13/2014	61 (p.1770)	Unopposed MOTION for Leave to File Notice of Recent Authority in Support of Plaintiffs' Motion for Preliminary Inhunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Notice of Recent Authority in Support of Plaintiffs' Motion for Preliminary Injunction, # 2 (p.39) Exhibit A to Notice of Recent Authority)(Lane, Daniel) (Entered: 02/13/2014)

02/13/2014	62 (p.1801)	Unopposed MOTION for Leave to File Plaintiffs' Post-Submission Response Regarding Merritt v. Attorney General by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Plaintiffs' Post-Submission Response Regarding Merritt v. Attorney General, # 2 (p.39) Exhibit A to Plaintiffs' Post-Submission Response)(Lane, Daniel) (Entered: 02/13/2014)
02/13/2014	63 (p.1812)	ORDER GRANTING 61 (p.1770) Motion for Leave to File. Signed by Judge Orlando L. Garcia. (aej) (Entered: 02/14/2014)
02/13/2014	64 (p.1813)	NOTICE of Recent Authority in Suppport of Plaintiff's Motion for Preliminary Injunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss re 28 (p.1030) MOTION for Preliminary Injunction (Attachments: # 1 (p.21) Exhibit A)(aej) (Entered: 02/14/2014)
02/14/2014	65 (p.1840)	Opposed MOTION for Leave to File Plaintiffs' Notice of Recent Authority by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Notice of Recent Authority in Support of Plaintiffs' Motion for Preliminary Injunction, # 2 (p.39) Proposed Order)(Lane, Daniel) (Entered: 02/14/2014)
02/24/2014	66 (p.1890)	Unopposed MOTION for Leave to File Notice of Recent Authority in Support of Plaintiffs' Motion for Preliminary Injunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Notice of Recent Authority in Support of Plaintiffs; Motion for Preliminary Injunction, # 2 (p.39) Exhibit A to Notice of Recent Authority, # 3 (p.41) Proposed Order)(Lane, Daniel) (Entered: 02/24/2014)
02/24/2014	67 (p.1902)	MOTION for Reconsideration *Motion for Leave to File Brief of Amicus Curiae* by Texas Values. (Attachments: # 1 (p.21) Exhibit "A" Motion for Leave, # 2 (p.39) Exhibit "A-1" Brief, # 3 (p.41) Exhibit "A-2" Proposed Order Granting Motion for Leave and Filing of Brief, # 4 (p.43) Proposed Order Granting Motion to Reconsider)(Wilson, Robert) (Entered: 02/24/2014)
02/24/2014	68 (p.1944)	ORDER GRANTING 66 (p.1890) Motion for Leave to File Notice of Recent Authority. Signed by Judge Orlando L. Garcia. (rg) (Entered: 02/25/2014)
02/24/2014	69 (p.1945)	NOTICE of Filing Recent Authority in Support of Plaintiffs' Motion for Preliminary Injunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Exhibit A)(rg) (Entered: 02/26/2014)
02/25/2014	70 (p.1953)	ORDER GRANTING 65 (p.1840) Motion for Leave to File Notice of Recent Authority-Illinois Court Decision. Signed by Judge Orlando L. Garcia. (rg) (Entered: 02/26/2014)
02/25/2014	71 (p.1954)	NOTICE of Filing Recent Authority in Support of Plaintiff's Motion for Preliminary Injunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (rg) (Entered: 02/26/2014)
02/25/2014	72 (p.2000)	ORDER DENYING 67 (p.1902) Motion for Reconsideration. Signed by Judge Orlando L. Garcia. (rg) (Entered: 02/26/2014)
02/26/2014	73 (p.2001)	ORDER GRANTING 28 (p.1030) Motion for Preliminary Injunction. The Court enjoins Defendants from enforcing Article 1, Section 32 of the Texas Constitution, any related provisions in the Texas Family Code, and any other laws or regulations prohibiting a person from marrying another person of the same sex or recognizing same-sex marriage.In accordance with the Supreme Court's issuance of a stay in

		Herbert v. Kitchen, and consistent with the reasoning provided in Bishop and Bostic, this Court stays execution of thispreliminary injunction pending the final disposition of any appeal to the Fifth Circuit Court of Appeals. Signed by Judge Orlando L. Garcia. (rg) (Entered: 02/26/2014)
02/27/2014	74 (p.2049)	Appeal of Order entered by District Judge 73 (p.2001) by Greg Abbott, David Lakey, Rick Perry. No filing fee submitted (Murphy, Michael) (Entered: 02/27/2014)
02/27/2014		NOTICE OF INTERLOCUTORY APPEAL as to 73 (p.2001) Order on Motion for Preliminary Injunction, by Greg Abbott, David Lakey, Rick Perry. Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out Form DKT-13 (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (rg) (Entered: 02/27/2014)
03/06/2014	75 (p.2052)	Unopposed MOTION to Stay Case by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21) Proposed Order Order Granting Unopposed Motion To Stay Proceedings)(Murphy, Michael) (Entered: 03/06/2014)
03/07/2014	76 (p.2057)	ORDER GRANTING 75 (p.2052) Motion to Stay Case. Signed by Judge Orlando L. Garcia. (rg) (Entered: 03/10/2014)
03/10/2014	77 (p.2058)	NOTICE -*Transcript Order Form* by Greg Abbott, David Lakey, Rick Perry (Deane, William) (Entered: 03/10/2014)
03/10/2014	78 (p.3516)	Transcript filed of Proceedings held on 02/12/2014, Proceedings Transcribed: Preliminary Injunction Hearing. Court Reporter/Transcriber: Leticia Ornelas Rangel, Telephone number: 210-244-5039. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 3/31/2014, Redacted Transcript Deadline set for 4/10/2014, Release of Transcript Restriction set for 6/9/2014, Appeal Record due by 3/25/2014, (Rangel, Leticia) (Entered: 03/10/2014)
03/21/2014	79 (p.2059)	USCA Appeal Fees received $505.00 receipt number 500024727 re Notice of Appeal - Interlocutory, filed by David Lakey, Rick Perry, Greg Abbott (rg) (Entered: 03/24/2014)
05/28/2014		NOTICE of Certification of Electronic Record on Appeal submitted to 5th USCA for ACCEPTANCE in USCA #14-50196. re 74 (p.2049) Notice of Appeal (E-Filed), Notice of Appeal - Interlocutory. (dtg) (Entered: 05/28/2014)
06/06/2014	80 (p.2060)	Certified and Transmitted Electronic Record on Appeal (1 CD) to ASSISTANT ATTORNEY GENERAL, JONATHAN MITCHELL. re 73 (p.2001) Notice of Appeal - Interlocutory. (dtg) (Entered: 06/24/2014)
06/09/2014		USCA Case Number 14-50196 for Notice of Appeal - Interlocutory,, filed by David Lakey, Rick Perry, Greg Abbott. (rf) (Entered: 06/09/2014)
06/25/2014	81 (p.2062)	Certified and Hand Delivered Electronic Record on Appeal (1 CD) to ATTORNEY, DANIEL LANE. re 74 (p.2049) Notice of Appeal - Interlocutory. (dtg) (Entered:

		06/25/2014)
10/03/2014	82 (p.2063)	ORDER of USCA (certified copy) regarding Order Granting separate amici briefs. ; re Notice of Appeal - Interlocutory,, (Attachments: # 1 (p.21) Transmittal Letter from USCA5)(mgr) (Entered: 10/03/2014)
11/24/2014	83 (p.2066)	Opposed MOTION *to Lift Stay of Injunction* re 76 (p.2057) Order on Motion to Stay Case by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Exhibit A, # 2 (p.39) Exhibit B, # 3 (p.41) Proposed Order)(Lane, Daniel) (Entered: 11/24/2014)
11/25/2014	84 (p.2120)	Response in Opposition to Motion, filed by Greg Abbott, David Lakey, Rick Perry, re 83 (p.2066) Opposed MOTION *to Lift Stay of Injunction* re 76 (p.2057) Order on Motion to Stay Case filed by Plaintiff Mark Phariss, Plaintiff Cleopatra DeLeon, Plaintiff Nicole Dimetman, Plaintiff Victor Holmes (Murphy, Michael) (Entered: 11/25/2014)
11/25/2014	85 (p.2131)	ATTACHMENT *Proposed Order* to 84 (p.2120) Response in Opposition to Motion, by Greg Abbott, David Lakey, Rick Perry. (Murphy, Michael) (Entered: 11/25/2014)
11/26/2014	86 (p.2132)	REPLY to Response to Motion, filed by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss, re 83 (p.2066) Opposed MOTION *to Lift Stay of Injunction* re 76 (p.2057) Order on Motion to Stay Case filed by Plaintiff Mark Phariss, Plaintiff Cleopatra DeLeon, Plaintiff Nicole Dimetman, Plaintiff Victor Holmes (Lane, Daniel) (Entered: 11/26/2014)
12/03/2014	87 (p.2140)	NOTICE *Recent Authority* by Greg Abbott, David Lakey, Rick Perry re 83 (p.2066) Opposed MOTION *to Lift Stay of Injunction* re 76 (p.2057) Order on Motion to Stay Case, 84 (p.2120) Response in Opposition to Motion, (Murphy, Michael) (Entered: 12/03/2014)
12/03/2014	88 (p.2176)	NOTICE *of Additional Authority* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss re 83 (p.2066) Opposed MOTION *to Lift Stay of Injunction* re 76 (p.2057) Order on Motion to Stay Case (Attachments: # 1 (p.21) Exhibit A, # 2 (p.39) Exhibit B)(Lane, Daniel) (Entered: 12/03/2014)
12/03/2014	89 (p.2246)	NOTICE *Recent Authority* by Greg Abbott, David Lakey, Rick Perry re 83 (p.2066) Opposed MOTION *to Lift Stay of Injunction* re 76 (p.2057) Order on Motion to Stay Case, 88 (p.2176) Notice (Other), (Murphy, Michael) (Entered: 12/03/2014)
12/04/2014	90 (p.2257)	NOTICE *of Recent Authority* by Greg Abbott, David Lakey, Rick Perry re 83 (p.2066) Opposed MOTION *to Lift Stay of Injunction* re 76 (p.2057) Order on Motion to Stay Case (Murphy, Michael) (Entered: 12/04/2014)
12/12/2014	91 (p.2267)	ORDER DENYING 83 (p.2066) Motion to Lift the Stay of Injunction. Signed by Judge Orlando L. Garcia. (rf) (Entered: 12/12/2014)
01/15/2015	92 (p.2273)	NOTICE of Attorney Substitution Scott A. Keller in place of Jonathan F. Mitchell by Greg Abbott, David Lakey, Rick Perry. (Keller, Scott) Modified docket text on 1/16/2015 (rg). (Entered: 01/15/2015)
01/16/2015	93 (p.2276)	MOTION to Substitute Attorney *Jonathan F. Mitchell* by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21) Proposed Order)(Keller, Scott) (Entered: 01/16/2015)
01/16/2015		

	94 (p.2280)	ORDER GRANTING 93 (p.2276) Motion to Substitute Attorney Scott A. Keller in place of Jonathan F. Mitchell. Signed by Judge Orlando L. Garcia. (rg) (Entered: 01/20/2015)
06/26/2015	95 (p.2281)	EMERGENCY UNOPPOSED MOTION Plaintiffs' and Defendant Gerard Rickhoff's Unopposed Emergency Motion to Lift Stay of Injunction by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Attachments: # 1 (p.21) Exhibit A, # 2 (p.39) Proposed Order)(Chasnoff, Barry) (Entered: 06/26/2015)
06/26/2015	96 (p.2392)	ORDER GRANTING re 95 (p.2281) Emergency Unopposed Motion to Lift the Stay of Injunction filed by Mark Phariss, Cleopatra DeLeon, Nicole Dimetman, Victor Holmes. Signed by Judge Orlando L. Garcia. (rg) (Entered: 06/26/2015)
06/29/2015	97 (p.2393)	Certified copy of USCA JUDGMENT/MANDATE Affirming 74 (p.2049) Notice of Appeal (E-Filed) filed by David Lakey, Rick Perry, Greg Abbott. Because, as both sides now agree, the injunction appealed from is correct in light of Obergefell, the preliminary injunction is AFFIRMED. This matter is REMANDED for entry of judgment in favor of the plaintiffs. The court must act expeditiously on remand and should enter final judgment on themerits (exclusive of any collateral matters such as costs and attorney fees) by July 17, 2015 and earlier if reasonable possible. (Attachments: # 1 (p.21) Transmittal Letter from USCA5)(mgr) (Entered: 07/07/2015)
07/07/2015	98 (p.2400)	FINAL JUDGMENT. Signed by Judge Orlando L. Garcia. (rg) (Entered: 07/09/2015)
07/21/2015	99 (p.2401)	Joint MOTION for Extension of Time to File *to move for attorneys' fees* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Proposed Order)(Lane, Daniel) (Entered: 07/21/2015)
07/22/2015	100 (p.2405)	ORDER GRANTING 99 (p.2401) Motion for Extension of Time to File motion for attorney fees. Signed by Judge Orlando L. Garcia. (rg) (Entered: 07/22/2015)
07/31/2015	101 (p.2406)	Joint MOTION *Extending Time to Move for Attorneys' Fees* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Proposed Order)(Pepping, Matthew) (Entered: 07/31/2015)
08/03/2015	102 (p.2410)	ORDER GRANTING 101 (p.2406) Motion to extend time to move for attorneys' fees on or before September 4, 2015. Signed by Judge Orlando L. Garcia. (rg) (Entered: 08/03/2015)
08/04/2015	103 (p.2411)	NOTICE of Attorney Appearance by Andrew F. Newman on behalf of Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. Attorney Andrew F. Newman added to party Cleopatra DeLeon(pty:pla), Attorney Andrew F. Newman added to party Nicole Dimetman(pty:pla), Attorney Andrew F. Newman added to party Victor Holmes(pty:pla), Attorney Andrew F. Newman added to party Mark Phariss(pty:pla) (Newman, Andrew) (Entered: 08/04/2015)
08/05/2015	104 (p.2414)	MOTION for Contempt *Emergency Motion to Intervene and for Contempt* by John Allen Stone-Hoskins. (Attachments: # 1 (p.21) Exhibit A, # 2 (p.39) Proposed Order)(Lane, Daniel) (Entered: 08/05/2015)
08/05/2015	105 (p.2455)	ORDER GRANTING 104 (p.2414) EMERGENCY MOTION for Contempt and to Intervene filed by John Allen Stone-Hoskins. (Contempt Hearing set for 8/12/2015 10:00 AM before Judge Orlando L. Garcia). The parties may submit written pleadings and responses in relation to the motion for contempt, and for this Court's

		consideration, no later than Monday August 10. 2015. It is further ORDERED that Defendant Kirk Cole, in his official capacity as interim Commissioner of the Texas Department of State Health Services, immediately issue an amended death certificate for James H. Stone-Hoskins to state that John Allen Stone-Hoskins is the surviving spouse of James, and in doing so, fully recognize their legal out-of-state marriage. Signed by Judge Orlando L. Garcia. (rg) (Entered: 08/05/2015)
08/06/2015	106 (p.2457)	Opposed MOTION for Reconsideration re 105 (p.2455) Order,,,, Terminate Motions,,,, Set Deadlines/Hearings,,, by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21) Exhibit A, # 2 (p.39) Proposed Order)(Rietvelt, Marc) (Entered: 08/06/2015)
08/06/2015	107 (p.2472)	NOTICE of Attorney Appearance by Marc Edward Rietvelt on behalf of Greg Abbott, David Lakey, Rick Perry. Attorney Marc Edward Rietvelt added to party Greg Abbott(pty:dft), Attorney Marc Edward Rietvelt added to party David Lakey(pty:dft), Attorney Marc Edward Rietvelt added to party Rick Perry(pty:dft) (Rietvelt, Marc) (Entered: 08/06/2015)
08/10/2015	108 (p.2474)	MOTION to Quash *Court's August 5 Order* by Greg Abbott, David Lakey, Rick Perry, Gerard Rickhoff. (Attachments: # 1 (p.21) Affidavit Exh A - Affidavit of Brantley Starr, # 2 (p.39) Affidavit Affidavit of Barbara Klein, # 3 (p.41) Proposed Order)(Deane, William) (Entered: 08/10/2015)
08/10/2015	109 (p.2494)	RESPONSE to Motion, filed by John Allen Stone-Hoskins, re 108 (p.2474) MOTION to Quash *Court's August 5 Order* filed by Defendant David Lakey, Defendant Rick Perry, Defendant Gerard Rickhoff, Defendant Greg Abbott, 106 (p.2457) Opposed MOTION for Reconsideration re 105 (p.2455) Order,,,, Terminate Motions,,,, Set Deadlines/Hearings,,, filed by Defendant David Lakey, Defendant Rick Perry, Defendant Greg Abbott (Attachments: # 1 (p.21) Exhibit A, # 2 (p.39) Exhibit B, # 3 (p.41) Exhibit D, # 4 (p.43) Exhibit E)(Lane, Daniel) (Entered: 08/10/2015)
08/10/2015	110	Minute Entry for proceedings held before Judge Orlando L. Garcia: Telephone Conference held on 8/10/2015. (Minute entry documents are not available electronically.). (Court Reporter Leticia Rangel.)(rg) (Entered: 08/10/2015)
08/10/2015	111 (p.2529)	ORDER (Contempt Hearing is reset for 9/10/2015 10:30 AM before Judge Orlando L. Garcia,) The postponement of the hearing will allow the parties to continue their efforts toward a global resolution of the issues that Intervenor John Allen Stone-Hoskins and others have reportedly encountered. The Court will issue a more detailed order within the next two days. Signed by Judge Orlando L. Garcia. (rg) (Entered: 08/10/2015)
08/11/2015	112 (p.3586)	Transcript filed of Proceedings held on 08/10/2015, Proceedings Transcribed: TELEPHONIC CONFERENCE. Court Reporter/Transcriber: Leticia Ornelas Rangel, Telephone number: 210-244-5039. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 9/1/2015, Redacted Transcript Deadline set for 9/11/2015, Release of Transcript Restriction set for 11/9/2015, Appeal Record due by 8/26/2015, (Rangel, Leticia) (Entered: 08/11/2015)

08/11/2015	113 (p.2531)	ORDER, that the Court Orderes Defendants to submit an advisory to the Court no later than Monday, August 24, 2015 regarding the policies and procedure, guidelines recognizing same-sex marriage in Death and Birth Certificates issued in the State of Texas, and assuring the Court that the Dept. of State Health Services has granted all pending applications for dealth and birth certificates involving same-sex couples, assuming the applications are complete and qualify for approval. re 110 Telephonic Status Conference,. Signed by Judge Orlando L. Garcia. (wg) (Entered: 08/11/2015)
08/12/2015	114 (p.2533)	ADVISORY TO THE COURT by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21) Affidavit)(Deane, William) (Entered: 08/12/2015)
08/24/2015	115 (p.2542)	ADVISORY TO THE COURT by Greg Abbott, David Lakey, Rick Perry. (Murphy, Michael) (Entered: 08/24/2015)
08/26/2015	116 (p.2551)	RESPONSE to 115 (p.2542) Advisory to the Court by John Allen Stone-Hoskins. (Attachments: # 1 (p.21) Exhibit A)(Lane, Daniel) (Entered: 08/26/2015)
09/01/2015	117 (p.2557)	ORDER - the Court finds the contempt hearing scheduled for September10, 2015 is no longer necessary and is hereby VACATED. DENYING AS MOOT 106 (p.2457) Motion for Reconsideration ; DENYING AS MOOT 108 (p.2474) Motion to Quash Signed by Judge Orlando L. Garcia. (rg) (Entered: 09/02/2015)
09/04/2015	118 (p.2560)	MOTION for Attorney Fees by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Proposed Order)(Lane, Daniel) (Entered: 09/04/2015)
09/04/2015	119 (p.2587)	***DOCUMENT IS DEFICIENT - MISSING CERTIFICATE OF SERVICE*****NOTICE of Filing Declaration of Daniel McNeel Lane, Jr. *in Support of Plaintiffs' Motion for Attorneys' Fees* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Attachments: # 1 (p.21) Exhibit 1, # 2 (p.39) Exhibit 2, # 3 (p.41) Exhibit 3, # 4 (p.43) Exhibit 4, # 5 (p.45) Exhibit 5, # 6 (p.47) Exhibit 6, # 7 (p.49) Exhibit 7, # 8 (p.51) Exhibit 8, # 9 (p.53) Exhibit 9, # 10 (p.55) Exhibit 10, # 11 (p.57) Exhibit 11, # 12 (p.59) Exhibit 12, # 13 (p.61) Exhibit 13, # 14 (p.63) Exhibit 14, # 15 (p.65) Exhibit 15, # 16 (p.67) Exhibit 16, # 17 (p.69) Exhibit 17, # 18 (p.71) Exhibit 18, # 19 (p.73) Exhibit 19, # 20 (p.83) Exhibit 20, # 21 (p.92) Exhibit 21, # 22 (p.100) Exhibit 22, # 23 (p.105) Exhibit 23, # 24 (p.108) Exhibit 24, # 25 (p.646) Exhibit 25, # 26 (p.1025) Exhibit 26)(Lane, Daniel) Modified on 9/4/2015, to designate deficiency (rf). (Entered: 09/04/2015)
09/04/2015	120 (p.2941)	***DOCUMENT IS DEFICIENT - MISSING CERTIFICATE OF SERVICE ***NOTICE of Filing Declaration of Saul Perloff *in Support of Plaintiffs' Motion for Attorneys' Fees and Costs* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Lane, Daniel) Modified on 9/4/2015, to designate deficiency (rf). (Entered: 09/04/2015)
09/04/2015	121 (p.2946)	**DOCUMENT IS DEFICIENT - MISSING CERTIFICATE OF SERVICE ****NOTICE of Filing Declaration of Carlos R. Soltero *in Support of Plaintiffs' Motion for Attorneys' Fees and Costs* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Attachments: # 1 (p.21) Exhibit A)(Lane, Daniel) Modified on 9/4/2015, to designate deficiency (rf). (Entered: 09/04/2015)
09/04/2015	122 (p.2958)	DEFICIENCY NOTICE: ***NOTIFIED COUNSEL THAT DOCUMENT IS DEFICIENT - THESE THREE DOCUMENTS ARE MISSING CERTIFICATE OF SERVICE**** re 120 (p.2941) Notice of Filing, 121 (p.2946) Notice of Filing, 119 (p.2587) Notice of Filing (rf) (Entered: 09/04/2015)

09/04/2015	123 (p.2959)	CERTIFICATE OF SERVICE by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss 119 (p.2587) Notice of Filing,,, (Lane, Daniel) (Entered: 09/04/2015)
09/04/2015	124 (p.2960)	CERTIFICATE OF SERVICE by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss 120 (p.2941) Notice of Filing, (Lane, Daniel) (Entered: 09/04/2015)
09/04/2015	125 (p.2961)	CERTIFICATE OF SERVICE by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss 121 (p.2946) Notice of Filing, (Lane, Daniel) (Entered: 09/04/2015)
10/05/2015	126 (p.2962)	NOTICE *regarding Attorneys' Fees and Costs* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss (Lane, Daniel) (Entered: 10/05/2015)
10/05/2015	127 (p.2965)	Unopposed MOTION for Leave to Exceed Page Limitation by Greg Abbott, David Lakey, Rick Perry. (Attachments: # 1 (p.21) Exhibit 1 State Defendants' Response to Plaintiffs' Motion for Attorney's Fees and Costs, # 2 (p.39) Exhibit A, # 3 (p.41) Exhibit A-1 to A-15, # 4 (p.43) Exhibit B, # 5 (p.45) Exhibit C, # 6 (p.47) Exhibit D, # 7 (p.49) Proposed Order)(Lee, Summer) (Entered: 10/05/2015)
10/06/2015	128 (p.3158)	NOTICE of Attorney Appearance by Summer R. Lee on behalf of Greg Abbott, David Lakey, Rick Perry (Lee, Summer) Modified on 10/6/2015 (rg). (Entered: 10/06/2015)
10/06/2015	129 (p.3160)	NOTICE of Attorney Appearance by Summer R. Lee on behalf of Greg Abbott, David Lakey, Rick Perry (Lee, Summer) (Entered: 10/06/2015)
10/08/2015	130 (p.3162)	ORDER GRANTING 127 (p.2965) Motion for Leave to File Excess Pages. Signed by Judge Orlando L. Garcia. (rg) (Entered: 10/09/2015)
10/12/2015	131 (p.3163)	RESPONSE to Motion, filed by Greg Abbott, David Lakey, Rick Perry, re 118 (p.2560) MOTION for Attorney Fees filed by Plaintiff Mark Phariss, Plaintiff Cleopatra DeLeon, Plaintiff Nicole Dimetman, Plaintiff Victor Holmes (Attachments: # 1 (p.21) Exhibit A, # 2 (p.39) Exhibit A-1 to A-15, # 3 (p.41) Exhibit B, # 4 (p.43) Exhibit C, # 5 (p.45) Exhibit D)(Lee, Summer) (Entered: 10/12/2015)
10/16/2015	132 (p.3350)	Unopposed MOTION for Extension of Time to File Response/Reply *In Support of Motion for Attorneys' Fees* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss. (Attachments: # 1 (p.21) Proposed Order)(Pepping, Matthew) (Entered: 10/16/2015)
10/19/2015		Text Order GRANTING 132 (p.3350) Unopposed Motion for Extension of Time to File Response/Reply to Motion for Attorneys Fees entered by Judge Orlando L. Garcia. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ju) (Entered: 10/19/2015)
10/26/2015	133 (p.3354)	REPLY to Response to Motion, filed by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss, re 118 (p.2560) MOTION for Attorney Fees filed by Plaintiff Mark Phariss, Plaintiff Cleopatra DeLeon, Plaintiff Nicole Dimetman, Plaintiff Victor Holmes (Lane, Daniel) (Entered: 10/26/2015)
10/26/2015	134 (p.3369)	NOTICE *of Declaration of Daniel McNeel Lane, Jr. In Support of Plaintiffs' Reply In Support of Motion for Attorneys' Fees and Costs* by Cleopatra DeLeon, Nicole Dimetman, Victor Holmes, Mark Phariss re 133 (p.3354) Reply to Response to

		Motion, (Attachments: # 1 (p.21) Exhibit 1, # 2 (p.39) Exhibit 2, # 3 (p.41) Exhibit 3, # 4 (p.43) Exhibit 4, # 5 (p.45) Exhibit 5, # 6 (p.47) Exhibit 6, # 7 (p.49) Exhibit 7, # 8 (p.51) Exhibit 8, # 9 (p.53) Exhibit 9, # 10 (p.55) Exhibit 10, # 11 (p.57) Exhibit 11)(Lane, Daniel) (Entered: 10/26/2015)
11/30/2015	135 (p.3497)	ORDER GRANTING IN PART 118 (p.2560) Motion for Attorney Fees in the amount of $585,470.30 and $20,202.90 in costs. Signed by Judge Orlando L. Garcia. (rg) (Entered: 11/30/2015)
12/28/2015	136 (p.3507)	Appeal of Order entered by District Judge 135 (p.3497) by Greg Abbott, David Lakey, Rick Perry. No filing fee submitted (Lee, Summer) (Entered: 12/28/2015)
12/28/2015		NOTICE OF APPEAL following 136 (p.3507) Notice of Appeal (E-Filed) by Greg Abbott, David Lakey, Rick Perry. Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out Form DKT-13 (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (rg) (Entered: 12/28/2015)
12/29/2015	137 (p.3510)	Amended Appeal of Order entered by District Judge 135 (p.3497) by Greg Abbott, David Lakey, Rick Perry. No filing fee submitted (Lee, Summer) (Entered: 12/29/2015)
12/29/2015		NOTICE OF APPEAL following 137 (p.3510) Notice of Appeal (E-Filed) by Greg Abbott, David Lakey, Rick Perry. Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out Form DKT-13 (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (rg) (Entered: 12/29/2015)
01/05/2016	138 (p.3513)	ADVISORY TO THE COURT by Greg Abbott, David Lakey, Rick Perry. (Lee, Summer) (Entered: 01/05/2016)

TAB 2

FILED
NOV 30 2015
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLEOPATRA DE LEON, NICOLE DIMETMAN, VICTOR HOLEMS, and MARK PHARISS, Plaintiffs,	§	
v.	§	
GREG ABBOTT, in his official capacity as Governor of the State of Texas, KEN PAXTON, in his official capacity as Texas Attorney General, and KIRK COLE, in his official capacity as interim Commissioner of the Texas Department of State Health Services, Defendants.	§	Cause No. SA-13-CA-00982-OLG

ORDER ON PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS

On this date the Court considered Plaintiffs' Motion for Attorneys' Fees and Costs (docket no. 118), Plaintiffs' Supporting Documents (docket nos. 119–121), State Defendants' Response in Opposition (docket no. 131), and Plaintiffs' Reply and Declaration in Support (docket nos. 133–34). The Court has reviewed the motion, the parties' responses, the governing law, and the record in this case. For the reasons discussed below, the Court GRANTS IN PART Plaintiffs' Motion.

A. Background

On October 28, 2013, Plaintiffs filed a complaint challenging Texas' prohibition on same-sex marriage, set forth in Article I, Section 32 of the Texas Constitution, and corresponding provisions of the Texas Family Code. They argued that the State's ban on same-sex marriage violated their rights to due process and equal protection under the Fourteenth Amendment to the United States Constitution. Accordingly, Plaintiffs urged the Court to issue a preliminary injunction enjoining State Defendants from enforcing Section 32 and declaring that Texas' ban on same-sex marriage and Texas' failure to recognize out-of-state same-sex marriages was unconstitutional.

On February 26, 2014, the Court granted Plaintiffs' Motion for Preliminary Injunction, holding Texas's ban on same-sex marriage was unconstitutional because it violated Plaintiffs' equal protection and due process rights. *See* docket no. 73. On July 1, 2015, the Fifth Circuit affirmed the Court's grant of a preliminary injunction and issued a mandate for this Court to enter judgment in favor of Plaintiffs in this case. *See De Leon v. Abbott*, 791 F.3d 619, 624–25 (5th Cir. 2015). On July 7, 2015, the Court entered a final judgment in favor of Plaintiffs. *See* docket no. 98. As the prevailing party, Plaintiffs now seek this Court to award them $713.602.00 in attorneys' fees and $20,202.90 in costs in relation with the litigation of this case. *See* docket no. 133.

B. Standard of Review

1. Attorneys' Fees

A prevailing party in an action brought under 42 U.S.C. § 1983 may be awarded reasonable attorney's fees and costs. 42 U.S.C. § 1988; *Univ. Amusement Co. v. Vance*, 587 F.2d 159, 172 (5th Cir. 1978). Civil rights plaintiffs are prevailing parties "if they succeed on any significant issue in litigation which achieves some of the benefit the parties sought in bringing the suit." *Tex. State Teachers Assoc. v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 789 (1989) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983)). "[P]laintiff must be able to point to a resolution of the dispute which changes the legal relationship between itself and the defendant." *Tex. State Teachers Assoc.*, 489 U.S. at 792; *see also Lefemine v. Wideman*, 133 S. Ct. 9, 11 (2012) (noting plaintiff prevails "when actual relief on the merits of [the plaintiff's] claim materially alters the legal relationship between the parties by modifying the defendant's behavior in a way that directly benefits the plaintiff") (per curiam) (quoting *Farrar v. Hobby*, 506 U.S. 103, 111–12 (1992)). The Supreme Court has "repeatedly held that an injunction or declaratory judgment, like a damages award, will usually satisfy that test." *Lefemine*, 133 S. Ct. at 11 (citing *Rhodes v. Stewart*, 488 U.S. 1, 4 (1988) (per curiam)).

The Fifth Circuit uses a two-step process to determine an attorney's fees award. *Jimenez v. Wood Cnty., Tex.*, 621 F.3d 372, 379 (5th Cir. 2010). First, the court calculates the 'lodestar' which is equal to the number of hours reasonably expended multiplied by the prevailing hourly rate in the community for similar work. *Id.* In reviewing the attorneys' time records, the court should "exclude all time that is excessive, duplicative, or inadequately documented." *Watkins v. Fordice,* 7 F.3d 453, 457 (5th Cir. 1993) (citing *Hensley*, 461 U.S. at 432–34); *Von Clark v. Butler*, 916 F.2d 255, 259 (5th Cir. 1990). Once the lodestar amount is calculated, the court can adjust it based on the twelve factors set forth in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717–19 (5th Cir. 1974). Those factors are: "(1) the time and labor required; (2) the novelty and difficulty of the issues; (3) the skill required to perform the legal services properly; (4) the preclusion of other employment by the attorney; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) the time limitations imposed by the client or circumstances; (8) the amount involved and results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the undesirability of the case; (11) the nature and length of the professional relationship with the client; and (12) the award in similar cases." *Id.*

2. Costs

Rule 54(d) of the Federal Rules of Civil Procedure also provides that costs shall be allowed to the prevailing party. FED. R. CIV. P. 54(D). Section 1920 defines the term "costs" as used in Rule 54(d) and enumerates the expenses that a court may tax as a cost under the authority found in Rule 54(d). *See Crawford Fitting Co. v. Gibbons*, 482 U.S. 437, 441 (1987); *see also Gaddis v. United States*, 381 F.3d 444, 450 (5th Cir. 2004). Thus, the types of costs that may be awarded under Rule 54(d) are enumerated in 28 U.S.C. § 1920.[1] *Gaddis*, 381 F.3d at 450.

[1] Section 1920 provides that "a judge or clerk of any court of the United States may tax as costs the following: (1) Fees of the clerk and marshal; (2) Fees for printed or electronically recorded transcripts necessarily obtained for use in the case; (3) Fees and disbursements for printing and witnesses; (4) Fees for exemplification and the costs of making copies

Furthermore, "[a]ll reasonable out-of-pocket expenses, including charges for photocopying, paralegal assistance, travel, and telephone, are plainly recoverable in section 1988 fee awards because they are part of the costs normally charged to a fee-paying client." *Associated Builders & Contractors of La., Inc. v. Orleans Parish Sch. Bd.*, 919 F.2d 374, 380 (5th Cir. 1990).

C. Analysis

In determining the appropriate attorney's fees award in this case, the Court carefully reviews the attorneys' time records and declarations submitted by Plaintiffs. *See Hopwood v. Texas*, 236 F.3d 256, 281 (5th Cir. 2000) ("[T]he attorneys' fees calculus is a fact-intensive one and its character varies from case to case"). In analyzing counsel's time, the Court considers whether the attorneys demonstrated proper billing judgment by "writing off unproductive, excessive, or redundant hours." *Walker v. U.S. Dep't of Housing & Urban Dev.*, 99 F.3d 761, 769 (5th Cir. 1996).

Plaintiffs' counsel has presented the Court with a clear and well-organized motion for fees and costs. The motion shows they have exercised billing judgment to exclude any hours that, even though contemporaneously recorded, they would not have charged to Plaintiffs if they were paying the bill. *See Hensley*, 461 U.S. at 434. Plaintiffs' attorneys note various instances in which they reduced their billing. For example, "Plaintiffs declined to include the work of more than 15 attorneys and paralegals who provided short-term assistance during the case. In addition, Plaintiffs carefully scrutinized these bills and removed numerous entries that contained: (1) time incurred dealing with the significant media interest in this case; (2) time spent in teleconferences between attorneys and clients; (3) time spent on an amicus brief in the Fifth Circuit that was never filed; and (4) time incurred to represent the intervenor seeking enforcement of this Court's injunction . . . In total, more than 700 hours of time billed on this matter – more than 35% of the total hours—have

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of any materials where the copies are necessarily obtained for use in the case; (5) Docket fees under section 1923 of this title; (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

been removed from the request [for attorney's fees]." *See* docket no. 118, p. 11. Furthermore, Plaintiffs' counsel has also notified this Court they agreed to forego fees incurred responding to Defendant Rickhoff's motion to dismiss. *See* docket no. 126. The Court will now address the reasonableness of the attorneys' hourly rates and number of hours billed.

1. Hourly Rates

The reasonableness of an attorney's hourly rate "depends on the experience and qualifications of the professional." *Saldivar v. Rodela*, 894 F.Supp.2d 916, 934 (W.D. Tex. 2012) (citing *Trs. of Chi. Plastering Inst. Pension Trust v. Cook Plastering Co.*, 570 F.3d 890, 905 (7th Cir. 2009)). "Hourly rates are to be computed according to the prevailing market rates in the relevant legal market, not the rates that lions at the bar may command." *Hopwood*, 236 F.3d at 281. The relevant market is "the community in which the district court sits." *Tollett v. City of Kemah*, 285 F.3d 357, 368 (5th Cir. 2002) (quoting *Scham v. Dist. Courts Trying Criminal Cases*, 148 F.3d 554, 558 (5th Cir. 1998) (criticizing the appellant because he "made no effort to show what his services are worth in Houston")). Typically, the reasonable hourly rate for a particular community is established through affidavits of other attorneys practicing there. *Tollett*, 285 F.3d at 368 (citing *Watkins*, 7 F.3d at 458).

Here, Plaintiffs have submitted declarations of two attorneys who practice regularly in the Western District of Texas. These declarations assert the requested hourly rates of Plaintiffs' counsel fall within the range of hourly rates charged by attorneys of similar skill, experience and reputation in connection with civil rights cases. *See* docket no. 120–21. On the other hand, State Defendants assert that Plaintiffs' counsel hourly rates are excessive and urge this Court to take judicial notice of the State Bar of Texas Department of Research and Analysis Hourly Rate Report in determining the reasonableness of the proposed rate amounts. After considering Plaintiffs' request, the 2014 report, and the hourly rates recently awarded in this District and other districts, *see, e.g., Catholic*

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Leadership Coalition of Tex. v. Reisman, No. A-12-CA-566-SS, 2015 WL 418117, at *5 (W.D. Tex. Jan. 30, 2015), the Court hereby reduces the hourly rates for Plaintiffs' attorneys and calculates the lodestar amount as follows:

Name of Attorney / Paralegal	Years of Experience	Hours	Requested Hourly Rate	Hourly Rate Awarded	Total
Barry A. Chasnoff	40	73.7	$500	$400	$29,480.00
Michael Cooley	16	145.4	$460	$368	$53,507.20
Daniel McNeel Lane	25	259.7	$500	$400	$103,880.00
Andrew F. Newman	8	84.4	$400	$320	$27,008.00
Matthew E. Pepping	7	573.6	$400	$320	$183,552.00
Pratik A. Shah	14	31.6	$500	$400	$12,640.00
Frank Stenger-Castro	42	20.5	$365	$292	$5,986.00
Jessica Weisel	20	474.4	$430	$344	$163,193.60
Risa Slavin (Paralegal)	26	11.7	$165	$165	$1,930.50
Lisa Wehlend (Paralegal)	35	31.8	$135	$135	$4,293.00
TOTAL		1706.8			$585,470.30

2. Number of Hours

The district court must determine whether the hours claimed were "reasonably expended" on the litigation; that is, whether the total number of hours claimed were reasonable and whether specific hours claimed were reasonably expended. *League of United Latin Am. Citizens v. Roscoe Indep. Sch. Dist.*, 119 F.3d 1228, 1232 (5th Cir. 1997); *La. Power & Light Co. v. Kellstrom*, 50 F.3d 319, 324 (5th Cir. 1995). The fee applicant bears the burden of establishing the reasonableness of the number of hours expended on the litigation, *Leroy v. City of Hous.*, 906 F.2d 1068, 1079 (5th Cir. 1990), and must present adequately documented time records to the court, *Watkins*, 7 F.3d at 457; *see also Bode v. United States*, 919 F.2d 1044, 1047 (5th Cir. 1990) ("In determining the amount of an attorney fee award, courts customarily require the applicant to produce contemporaneous billing records or other sufficient documentation so that the district court can fulfill its duty to examine the application for non-compensable hours."). Using this documented

time as a benchmark, the court must exclude hours which, though actually expended, are excessive, duplicative, or inadequately documented. *McClain v. Lufkin Indus., Inc.*, 649 F.3d 374, 381 (5th Cir. 2011); *Watkins*, 7 F.3d at 457.

State Defendants urge the Court to reject several of Plaintiffs' requests for attorneys' fees. *See* docket no. 131. For example, Defendants correctly assert the Court must eliminate any redundant or duplicative time entries, though duplication of effort is not per se unreasonable. *See Base Metal Trading, Ltd. v. OJSC Novokuzketsky Aluminum Factory*, 31 Fed. App'x 159, 162 (5th Cir. 2001). Defendants assert many entries are duplicative. *See* docket no. 131, p. 12–13. However, rather than illustrating duplication of effort, Plaintiff attorneys' entries indicate that certain tasks may not have been completed all at once. For example, several attorneys, including Michael Cooley, Matthew Pepping, and Jessica Weisel, have time entries relating to "research and draft" of sections of the appellees' brief. The Court does not find such entries to be duplicative.

The only mandate placed upon the district court is to determine "whether particular hours claimed were reasonably expended." *Walker*, 99 F.3d at 768 (quoting *Alberti v. Klevenhagen*, 896 F.2d 927, 932 (5th Cir. 1990)). The Court has carefully reviewed the Plaintiffs' attorneys entries, and those objected by Defendants as duplicative or vague. The Court finds Plaintiff has shown the time related to those entries was reasonably expended. *See id.*

Defendants make other arguments for the Court to reject Plaintiffs' attorneys fees. For example, Defendants claim any time spent by Plaintiffs' attorneys interacting with the media, gathering supporting social science, and efforts to expedite the case are all non-recoverable. State Defendants point to three entries from December 23, 2013, February 12, 2014 and February 9, 2015 as entries reflecting unnecessary fees for Plaintiffs' interaction with media. While it is true that those entries contain the word "media" in them, the entries contain much more detailed information on legal work performed by the attorney(s) during that time. Therefore, Defendants' objection is

overruled. Regarding the social science evidence, the Court finds Defendants' argument that such evidence was unnecessary is erroneous and misplaced. Indeed, "researching, understanding, and briefing aspects of social science" was necessary in this case in order to rebut rationale raised by Defendants as basis for Section 32. *See* docket no. 133. The Court has reviewed all of Defendants' objections to Plaintiffs' attorneys' fees, and finds they lack merit. Accordingly, State Defendants' objections are hereby overruled.

Finally, Plaintiffs seek $20,202.90 in costs, most of which pertain to expert witnesses, travel by counsel to arguments in this Court and the Fifth Circuit, and meals by attorneys during travel. The Court finds these costs, along with the submitted entries for filing fees, document retrieval and copying expenses, are reasonable, and State Defendants' objections to such costs lack merit. Accordingly, Plaintiffs' request for $20,202.90 in costs is GRANTED.

3. Lonestar Adjustment

Plaintiffs also seek for a lonestar adjustment according to the *Johnson* factors. *Johnson*, 488 F.2d at 717–19. The Court notes that if any of these factors were accounted for in the initial calculation of the lodestar, they cannot form the basis for any additional adjustment. *See Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 551 (2010); *see also Saizan v. Delta Concrete Products Co., Inc.*, 448 F.3d 795, 800 (5th Cir. 2006) ("The lodestar may not be adjusted due to a Johnson factor, however, if the creation of the lodestar already took that factor into account; to do so would be impermissible double counting.") There is a "strong presumption" that the lodestar figure represents a reasonable fee award without the need for any enhancement. *Perdue*, 559 U.S. at 554.

a. The time and labor required

The Court finds that this case did not require an excessive amount of time to warrant an adjustment to the lodestar. Furthermore, Plaintiffs' attorneys are being compensated for their work in this case.

b. The novelty and difficulty of the questions

The Court finds that the questions presented in this case were not novel to the extent that some district courts had previously dealt with the same issues. Therefore, the Court will not adjust the lodestar on this basis.

c. The skill required to perform the legal services properly

The Court finds that Plaintiffs' counsel displayed exceptional and commendable skill in the prosecution of this case. However, the lodestar will not be adjusted on account of this factor because the Court already factored it in to determine the reasonable hourly rates for Plaintiffs' attorneys.

d. The preclusion of other employment by the attorney due to acceptance of the case

The Court notes that this case did not require an excessive time commitment, and Plaintiffs' counsel is being compensated for all their work. Furthermore, there is no evidence that Plaintiffs' counsel were forced to forego other work due to this case. Therefore, the Court finds that this factor does not warrant an adjustment of the lodestar.

e. The customary fee

The Court has already taken into account the customary fees awarded in similar cases in determining the reasonable hourly rate. Therefore, no further adjustment to the lodestar is warranted.

f. Whether the fee is fixed or contingent

The Court finds that the lodestar does not need to be adjusted on this basis.

g. Time limitations imposed by the client or circumstance

The Court finds that although Plaintiffs' counsel devoted significant time to this case, it is not necessary to adjust the lodestar on this basis.

h. The amount involved and the results obtained

The Court has taken the results obtained into account in determining the reasonable hours expended; therefore, the lodestar will not be adjusted on this basis.

i. The experience, reputation, and ability of the attorney

The Court has already taken the experience, reputation, and abilities of the attorneys involved into account in determining the reasonable hourly rate.

j. The undesirability of the case

The Court does not find that the lodestar should be adjusted on this basis.

k. The nature and length of the professional relationship with the client

The Court finds that this factor does not warrant an adjustment to the lodestar.

l. Awards in similar cases

The Court has already taken awards in similar cases into account in determining the reasonable hourly rates awarded to Plaintiffs' attorneys. Therefore, no additional adjustment to the lodestar is necessary.

D. Conclusion

Based on the foregoing reasons, the Court finds Plaintiff is entitled to a total award of attorneys' fees in the amount of $585,470.30 and $20,202.90 in costs.

It is so ORDERED.

SIGNED this 30 day of November, 2015.

United States District Judge Orlando L. Garcia

TAB 3

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLEOPATRA DE LEON, NICOLE DIMETMAN, VICTOR HOLMES, and MARK PHARISS, Plaintiffs, v. RICK PERRY, in his official capacity as Governor of the State of Texas, GREG ABBOTT, in his official capacity as Texas Attorney General, GERARD RICKHOFF, in his official capacity as Bexar County Clerk, and DAVID LAKEY, in his official capacity as Commissioner of the Texas Department of State Health Services, Defendants.	§	CIVIL ACTION NO. 5:13-CV-982-OLG

STATE DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that Defendants Greg Abbott[1], in his official capacity as Governor of the State of Texas, Ken Paxton[2], in his official capacity as Texas Attorney General, and John Hellerstedt, M.D.[3], in his official capacity as Commissioner of the Texas Department of State Health Services (collectively, "State Defendants"), hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Court's Order of November 30, 2015 [ECF No. 135] granting in part Plaintiffs' Motion for Attorneys' Fees and Costs.

[1] Greg Abbott replaced Rick Perry as Governor of Texas in January 2015.
[2] Ken Paxton replaced Greg Abbott as Texas Attorney General in January 2015.
[3] In November 2015, Dr. Hellerstedt became the Commissioner of the Texas Department of State Health Services.

Dated: December 28, 2015

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General

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Deputy Attorney General for Civil Litigation

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ATTORNEYS FOR STATE DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically with the Court and delivered by CM/ECF on December 28, 2015, to counsel for Plaintiffs and Defendant Rickhoff.

/s/ *Summer R. Lee*
SUMMER R. LEE
Assistant Attorney General

TAB 4

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLEOPATRA DE LEON, NICOLE DIMETMAN, VICTOR HOLMES, and MARK PHARISS, Plaintiffs,	§	
v.	§	CIVIL ACTION NO. 5:13-CV-982-OLG
RICK PERRY, in his official capacity as Governor of the State of Texas, GREG ABBOTT, in his official capacity as Texas Attorney General, GERARD RICKHOFF, in his official capacity as Bexar County Clerk, and DAVID LAKEY, in his official capacity as Commissioner of the Texas Department of State Health Services, Defendants.	§	

STATE DEFENDANTS' AMENDED NOTICE OF APPEAL

Notice is hereby given that Defendants Greg Abbott[1], in his official capacity as Governor of the State of Texas, Ken Paxton[2], in his official capacity as Texas Attorney General, and Kirk Cole[3], in his official capacity as Interim Commissioner of the Texas Department of State Health Services (collectively, "State Defendants"), hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Court's Order of November 30, 2015 [ECF No. 135] granting in part Plaintiffs' Motion for Attorneys' Fees and Costs.

Dated: December 29, 2015

[1] Greg Abbott replaced Rick Perry as Governor of Texas in January 2015.
[2] Ken Paxton replaced Greg Abbott as Texas Attorney General in January 2015.
[3] Kirk Cole continues to serve as the Interim Commissioner until January 1, 2016, when John Hellerstedt, M.D. becomes Commissioner of the Texas Department of State Health Services.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

CHARLES E. ROY
First Assistant Attorney General

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Deputy Attorney General for Civil Litigation

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/s/ Summer R. Lee
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ATTORNEYS FOR STATE DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically with the Court and delivered by CM/ECF on December 29, 2015, to counsel for Plaintiffs and Defendant Rickhoff.

/s/ *Summer R. Lee*
SUMMER R. LEE
Assistant Attorney General

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

April 08, 2016

Ms. Summer Rayne Lee
Office of the Attorney General
General Litigation Division
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Austin, TX 78711-2548

No. 15-51241 Cleopatra DeLeon, et al v. Greg Abbott, et al
USDC No. 5:13-CV-982

Dear Ms. Lee,

The following pertains to your record excerpts electronically filed on **April 5, 2016.**

We filed your record excerpts. However, you must make the following correction(s) by **April 13, 2016.**

Please correct or add:

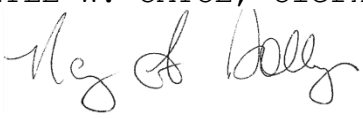
1) Copy of the notice of appeal(doc# 136) is required, see 5TH CIR. R. 30.1.4(b).

2) Optional contents exceed 40 page limitation, see 5TH CIR. R. 30.1.6. If you determine that the excessive optional pages are imperative, a motion is required.

****NOTE****Once you have prepared your sufficient record excerpts, you must select from the Briefs category the event, Proposed Sufficient Record Excerpts, via the electronic filing system. Please do not send paper copies of the record excerpts until requested to do so by the clerk's office. The record excerpts is not sufficient until final review by the clerk's office. If the record excerpts is in compliance, paper copies will be requested and you will receive a notice of docket activity advising you that the sufficient record excerpts filing has been accepted and no further corrections are necessary.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Nancy F. Dolly, Deputy Clerk
504-310-7683

cc:
Mr. Barry Alan Chasnoff
Mr. Daniel McNeel Lane Jr.
Mr. Michael P. Murphy
Mr. Andrew Forest Newman
Mr. Matthew Edwin Pepping
Mr. Frank Stenger-Castro
Ms. Jessica M. Weisel