

Case: 15-14183 Date Filed: 04/30/2017 Page: 1 of 71

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case No. 15-14183-EE

CARVER MIDDLE SCHOOL GAY-STRAIGHT ALLIANCE, *et al.*,

Plaintiffs-Appellants,

v.

SCHOOL BOARD OF LAKE COUNTY, FLORIDA,

Defendant-Appellee.

Appeal from the United States District Court for the Middle District of Florida

APPELLANTS CARVER GSA AND H.F.'S
MOTION FOR APPELLATE ATTORNEY'S FEES & LITIGATION EXPENSES

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Certificate of Interested Persons

Pursuant to Fed.R.App.P. 26.1 and 11th Cir. Rules 26.1-1–26.1-3, following persons and entities have an interest in the outcome of this case:

Abudu, Nancy G. (Counsel for Plaintiffs-Appellants)

American Civil Liberties Union, Inc. (Counsel for Plaintiffs-Appellants)

American Civil Liberties Union Foundation, Inc. (Counsel for Plaintiffs-Appellants)

American Civil Liberties Union Foundation of Florida, Inc. (Counsel for Plaintiffs-Appellants)

American Civil Liberties Union of Florida, Inc. (Counsel for Plaintiffs-Appellants)

Brandenburg, Rosanne (former School Board member)

Burns, Kristi (School Board member)

Carver Middle School Gay-Straight Alliance (Plaintiff-Appellant)

CCSMI, Inc. (Insurance Company for Defendant-Appellee)

Cooper, Leslie (Counsel for Plaintiffs-Appellants)

Dodd, Marc (School Board member)

H.F. (Plaintiff-Appellant)

Faughnan, Janine (mother of Plaintiff-Appellant)

Fischer, Kyleen (former School Board member)

Gamble, Sandy (School Board member)

Hodges, Hon. William Terrell (District Court judge)

Howard, Tod (former School Board member)

Johnson, Stephen W. (Counsel for Defendant-Appellee)

Luke, Stephanie (School Board member)

Mathias, Bill (School Board member)

McCulloch, Stephanie J. (Counsel for Defendant-Appellee)

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Moxley, Susan (Superintendent of Defendant-Appellee)

School Board of Lake County, Florida (Defendant-Appellee)

Stevenson, Benjamin James (Counsel for Plaintiffs-Appellants)

Stivender, Debbie (former School Board member)

Tilley, Daniel B. (Counsel for Plaintiffs-Appellants)

Corporate Disclosure Statement

Pursuant to Fed.R.App.P. 26.1 and 11th Cir. Rules 26.1-1–26.1-3, no publicly held corporation owns 10 percent or more of any stake or stock in Plaintiffs-Appellants.

Pursuant to 11th Cir. R. 39-2 and 42 U.S.C. § 1988, Appellants Carver Middle School Gay-Straight Alliance and H.F. (collectively, “Carver GSA”) request the Court award attorney fees and nontaxable costs or “litigation expenses” as the prevailing party on appeal and argues as follows:

I. Background

The students in the Carver GSA wanted to form and operate a non-curricular student group at Carver Middle. When the School Board disapproved the Carver GSA’s application and denied the club access, the club sued the School Board. It asserted both a claim pursuant to the Equal Access Act, 20 U.S.C. §§ 4071-74, and a free speech claim under the First and Fourteenth Amendments to the U.S. Constitution. *Carver Middle Sch. Gay-Straight All. v. Sch. Bd. of Lake Cty., Fla.*, 842 F.3d 1324, 1328 (11th Cir. 2016) (hereinafter “*Carver*”). The district court dismissed the case with prejudice after concluding it was both not ripe and moot. *Id.* “As an alternative ground for denying relief, the district court ruled that the Equal Access Act does not apply to Carver Middle School.” *Id.*

The Carver GSA appealed these three issues,¹ and this Court ruled in the Carver GSA’s favor on each of them, concluding the complaint “is ripe and not moot and that the Act applies to Carver Middle School.” *Id.* at 1326. It vacated

¹ The Carver GSA did not appeal the disposition of its free speech claim.

the district court's judgment and remanded the case for further proceedings. *Id.* The clerk entered judgment against the Appellee School Board and taxed it with costs pursuant to Fed.R.App.P. 39. *See* Judgment (Dec. 6, 2016) ("opinion issued on this date in this appeal is entered as the judgment of this Court"); Clerk's Memorandum to Counsel or Parties (Dec. 6, 2016) ("Pursuant to Fed.R.App.P. 39, costs taxed against appellee."). This Court's opinion and judgment have paved the way for the students to form and operate the Carver GSA as a non-curricular student group at Carver Middle—the precise objective of the lawsuit.

II. Carver GSA is the Prevailing Party and Entitled to Attorney Fees

The Supreme Court has given a "generous formulation" to the term "prevailing party." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). Prevailing parties are those that "succeed on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit." *Id.* Plaintiffs need only "point to a resolution of the dispute which changes the legal relationship between itself and the defendant." *Tex. State Teachers Ass'n. v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 792 (1989).

Plainly, under Eleventh Circuit precedent, this Court's Opinion and Judgment entered on Dec. 6, 2016, satisfies these requirements, and the Carver GSA is the prevailing party on this appeal. *Gray ex rel. Alexander v. Bostic*, 613

F.3d 1035, 1038, 1044 (11th Cir. 2010) (ruling plaintiff may recover attorney fees for successful appeal and reversal of the district court's dismissal of his 42 U.S.C. § 1983 complaint on qualified immunity grounds²); *Mills by Mills v. Freeman*, 118 F.3d 727, 735 (11th Cir. 1997) (ruling plaintiffs prevail on appeal inasmuch as they "had his or her case remanded to the district court" (quoting *Furman v. Cirrito*, 782 F.2d 353, 355 (2d Cir. 1986))); *see also Garrido v. Sec'y, Fla. Agency for Health Care Admin.*, 658 F. App'x 973, 977 (11th Cir. 2016) (observing a plaintiff in a § 1983 lawsuit may be awarded attorney's fees incurred during an appeal in which he prevails). When this Court ruled in the Carver GSA's favor on all three issues on appeal and vacated and remanded the district court's judgment, the Plaintiffs prevailed on appeal.

A prevailing plaintiff in a civil rights lawsuit should ordinarily recover attorney's fees. *Hensley*, 461 U.S. at 429. Because the Carver GSA prevailed on its appeal, it is entitled to attorney fees as requested in its complaint. Compl. (ECF 1), at 3, 15, ¶¶ 3, E (suing the School Board pursuant to 42 U.S.C. § 1983 and requesting attorney's fees and litigation expenses pursuant to 42 U.S.C. § 1988). Furthermore, the Carver GSA is entitled to an award of attorney's fees incurred in preparing this fee application. *Martin v. Univ. of S. Ala.*, 911 F.2d 604,

² The reversal is reported at *Gray v. Bostic*, 127 F.App'x 472 (11th Cir. 2004).

610 (11th Cir. 1990) (explaining that under § 1988, “time expended litigating attorney fees is fully compensable”). And it is entitled to an award of nontaxable expenses pursuant to 42 U.S.C. § 1988. *Dowdell v. City of Apopka, Fla.*, 698 F.2d 1181, 1192 (11th Cir. 1983) (all reasonable expenses, with the exception of routine overhead, may be taxed as costs under §1988).

III. Amount of Attorney’s fees

In *Hensley*, the Supreme Court adopted the “lodestar” method for calculating a reasonable award of attorney’s fees: “The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” 461 U.S. at 433. The resulting figure is known as the “lodestar.”³ “After the lodestar is determined by multiplication of a reasonable hourly rate times hours reasonably expended, the court must next consider the necessity of an adjustment for results obtained. If the result was excellent, then the court should compensate for all hours reasonably expended.” *Norman v. Housing Auth. of City of Montgomery*, 836 F.2d 1292, 1302 (11th Cir. 1988).

³ In *Norman v. Housing Auth. of City of Montgomery*, 836 F.2d 1292, 1298-99 (11th Cir. 1988), the Eleventh Circuit surveyed the relevant Supreme Court jurisprudence in setting the legal framework for an award of fees, and concluded that “[t]he Supreme Court elected the lodestar approach because it produces a more objective estimate and ought to be a better assurance of more even results.”

The Carver GSA should recover the product of a reasonable hourly rate and a reasonable number of hours because it “has obtained excellent results.” *Hensley*, 461 U.S. at 435-36 (describing the “degree of success” the “most critical factor” to determine whether lodestar attorney’s fees are reasonable). It completely succeeded on all aspects of its appeal. This Court reversed the district’s court’s dismissal as moot and unripe and its conclusion that the Equal Access Act did not apply to Carver Middle. This court’s vacatur and remand have paved the way for the Carver GSA to begin meeting at the school as it initially wanted. Furthermore, the Carver GSA succeeded on a significant legal issue in this appeal that will serve a public purpose. Through the Carver GSA’s efforts, students in middle schools throughout Florida may exercise their rights under the Equal Access Act to meet as non-curricular student groups. This victory will deter other school districts from denying these federal rights to middle school students. *See City of Riverside v. Rivera*, 477 U.S. 561, 575 (1986).

A. Reasonable Hourly Rates

“A reasonable hourly rate is the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation.” *Norman*, 836 F.2d at 1299. Hourly rates should be determined according to rates customarily charged for similarly complex litigation,

and should not be limited to amounts charged for the same type of case. *Watford v. Heckler*, 765 F.2d 1562, 1568 (11th Cir. 1985). Civil rights lawsuits, like this one, involve a degree of legal complexities and thus “similar services” akin to those antitrust and employment discrimination cases and accordingly would command similar rates. *See Blum v. Stenson*, 465 U.S. 886, 893 (1984); *Norman*, 836 F.2d at 1300. The “relevant market” is usually the “place where the case is filed”—here, the Middle District of Florida. *Am. Civil Liberties Union of Ga. v. Barnes*, 168 F.3d 423, 437 (11th Cir. 1999).

Plaintiffs’ litigation team consisted of four attorneys with substantial experience in complex civil rights litigation, each of whom made a unique and necessary contribution. *See* Declarations of Counsel, *infra*, at 32-51. Nancy Abudu and Leslie Cooper each have nearly two decades of experience with complex litigation—the vast majority of experience spent at the ACLU handling civil rights actions. Benjamin Stevenson has fifteen years of experience, ten with the ACLU. Daniel Tilley has both judicial clerk experience and nearly five years of civil rights litigation experience with the ACLU. Therefore, reasonable hourly rates for the Carver GSA attorneys are as follows:

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<u>Attorney</u>	–	<u>Year (State)</u>	<u>Rate</u>
Nancy Abudu	–	1999 (NY)	\$450
Leslie Cooper	–	1996 (NY)	\$450
Benjamin Stevenson	–	2002 (FL)	\$400
Daniel Tilley	–	2010 (NY)	\$350

William Sheppard affirms these are reasonable rates. *See* Sheppard’s Declaration, *infra*, at 57, ¶ 9.

Additionally, because the receipt of attorney’s fees is contingent on an award from the court, an hourly rate above that of the market for fixed rates is reasonable. *See* Samuel R. Berge, *Court Awarded Attorneys’ Fees: What Is “Reasonable”?*, 126 U. Pa. L. Rev. 281, 324-25 (1977) (“The experience of the marketplace indicates that lawyers generally will not provide legal representation on a contingent basis unless they receive a premium for taking that risk:); *accord* Richard A. Posner, *Economic Analysis of Law*, § 21.9, at 534-35 (3rd ed. 1986).

B. Reasonable Number of Hours

“Hours reasonably expended” means “billable hours — that is, work that would be paid for by a reasonable client of means seriously intent on vindicating the rights in issue.” *Perkins v. Mobile Housing Bd.*, 847 F.2d 735, 738 (11th Cir. 1988); *Norman*, 836 F.3d at 1301. Reasonableness “is determined by the profession’s judgment of the time that may be conscionably billed and not the least time in which it might theoretically have been done.” *Norman*, 836 F. 3d at 1306.

Hours “may not be deducted unless the court determines that the profession generally would not bill at all for the type of activity or for the quantity of time devoted to the activities.” *Perkins*, 847 F.2d at 738; *see also Norman*, at 836 F. 3d at 1306. “Sworn testimony that, in fact, it took the time claimed is evidence of considerable weight on the issue of the time required in the usual case and therefore, it must appear that the time claimed is obviously and convincingly excessive under the circumstances.” *Perkins*, 847 F.2d at 738.

Plaintiffs’ counsel has attached task-based, itemized statements of the time expended by each of the lawyers and staff for which Plaintiffs seek compensation for work done on the appeal. As reflected in their time records, the Carver GSA’s counsel spent 164.9 hours on the appeal of the district court’s case. *See Time Records, infra*, at 17-27. Counsel has sworn that these time records are accurate. *Declarations of Counsel, infra*, at 32-51. The product of these hours and the reasonable rates is \$62,835.00.

The time the Carver GSA’s counsel dedicated to this appeal was reasonable. The appeal involved complex issues of justiciability (ripeness and mootness) and the novel question of whether Florida middle schools Florida middle schools provide secondary education and thus are subject to the Equal Access Act. This Court observed “no reported decisions of the Florida courts answer this question.”

Carver, 842 F.3d at 1331. Counsel also participated in oral arguments, briefed a supplemental question of the club's current organizational standing to seek prospective relief, and prepared this fee application.

However, the Carver GSA exercised billing judgment and eliminated numerous tasks from its requested fee application, even though its attorney committed time to them. Furthermore, the Carver GSA does not seek compensation for the time spent by paralegals, research assistants, and others who worked with the litigation team and provided invaluable assistance. Ultimately, the Carver GSA seeks the following reasonable attorney's fees:

<u>Attorney</u>	<u>Rate</u>	<u>Total Hours</u>	<u>Subtotal</u>	<u>Discount</u>	<u>Total Fees</u>
Abudu	\$450.00	4.4	\$1,980.00	59%	\$810.00
Cooper	\$450.00	12.4	\$5,580.00	30%	\$3,915.00
Stevenson	\$400.00	68.8	\$27,520.00	29%	\$19,480.00
Tilley	\$350.00	79.3	\$27,755.00	10%	\$24,955.00
Total					\$49,160.00

See Summary of Work (11th Cir. Attorney's Fee Forms), *infra*, at 28-31. The total-sought attorney's fees represent approximately an overall 21% discount for billing judgment. These attorney's fees represent reasonable compensation for the attorneys' efforts in the appeal. See Sheppard's Declaration, *infra*, at 57, ¶ 11.

IV. Litigation Expenses

Reasonable attorney's fees include reimbursement for litigation expenses. *Missouri v. Jenkins*, 491 U.S. at 285 (holding that reasonable attorney's fees "must also take account of other expenses and profit"). Plaintiffs-Appellants seek reimbursement for two types of litigation expenses: postage and travel to attend oral arguments. *See Appellate Litigation Expenses Itemization, infra*, at 59. "[W]ith the exception of routine office overhead normally absorbed by the practicing attorney, all reasonable expenses incurred in case preparation, during the course of litigation, or as an aspect of settlement of the case may be taxed as costs under section 1988." *Dowdell*, 698 F.2d at 1192. Travel and postage expenses are not unusual. *Id.*; *see also Jean v. Nelson*, 863 F.2d 759, 778 (11th Cir. 1988) (holding "telephone, reasonable travel, postage, and computerized research expenses are [] compensable under the EAJA"). The nontaxable litigation expenses total \$615.49. *See Appellate Litigation Expenses Itemization, infra*, at 59. These litigation expenses were necessary for the appeal. *See Tilley's Decl., infra*, at 71. The claim is support by receipts. *See Receipts for Litigation Expenses, infra*, at 60-70.

V. Conclusion

For the reasons set forth above, Plaintiffs are entitled to an award of attorney's fees incurred in the appeal pursuant to 42 U.S.C. §1988, and respectfully request an award of attorney's fees of \$49,160.00, plus nontaxable litigation expenses of \$615.49, for a total of \$49,775.49, with interest⁴ from the date of this Court's opinion on Dec. 6, 2016. This amount represents the work done in the appeal and the petition for appellate attorney's fees through Jan. 31, 2017. If the Carver GSA's attorneys engage in further compensable time, it will supplement the record in future.

⁴ *Laube v. Allen*, 506 F. Supp. 2d 969, 991 (M.D. Ala. 2007) (plaintiffs in prisoner rights suit awarded fees under § 1988 are entitled to interest on attorney's fees "from the date of the judgment establishing their entitlement to the award"); *Lambert v. Fulton Cty.*, 151 F. Supp. 2d 1364, 1380 (N.D. Ga. 2000) (granting motion for attorney's fees in § 1988 case including interest from original judgment date).

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Dated: Jan. 31, 2017

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), Plaintiffs-Appellants certify that this motion complies with the type-volume limitations set forth in Federal Rule of Appellate Procedure 27(d)(2) because it contains 2704 words—less than the 5,200 word limit for motions and 2,600 limit for replies.

CERTIFICATE OF SERVICE

Today, I electronically filed this document with the Clerk of Court using CM/ECF, which automatically serves opposing counsel.

Respectfully submitted,

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Exhibit List

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Attorney Time Record

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 Miami, FL 33137

Client(s): Carver Gay-Straight Alliance & H.F.
Style: Carver GSA v. School Board of Lake County, Fla.
 No. 15-14183 (11th Cir.)

4.4 Total Hours Worked
2.6 Less Eliminated Hours

1.8 Net Hours Requested

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
19-Aug-15	0.2	review of court order dismissing case	Records	
17-Sep-15	0.1	review of notice of appeal	Other	
23-Sep-15	0.2	preparing and filing Abudu Notice of Appearance	Other	
23-Sep-15	0.2	review/edits/comments of civil appeal statement	Other	
24-Sep-15	0.1	review of appellate briefing notice	Other	Eliminated
25-Oct-15	0.4	review/edits/comments to appellate brief	Briefs	
25-Nov-15	0.3	review of defendant's Answer Brief	Records	

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<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
12-Dec-15	0.3	review of reply to appellate brief	Briefs	
7-Sep-16	2.5	prepare and participate in moot court re: appellate brief	Oral Ar.	Eliminated
15-Nov-16	0.1	review/edits/comments to supplemental brief on organizational standing	Briefs	

Attorney Time Record

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Client(s): Carver Gay-Straight Alliance & H.F.
Style: *Carver GSA v. School Board of Lake County, Fla.*
 No. 15-14183 (11th Cir.)

12.4 Total Hours Worked
 3.7 Less Eliminated Hours

8.7 Net Hours Requested

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
2-Sep-15	0.6	TC with team re appeal	Conf.	Eliminated
19-Oct-15	2.6	Revising appeal brief	Briefs	
22-Oct-15	2.1	Revising appeal brief	Briefs	
26-Oct-15	1.0	TC with DT re app brief	Conf.	Eliminated
2-Dec-15	0.4	TC with DT re reply	Conf.	Eliminated
9-Dec-15	2.4	Editing reply brief	Briefs	
11-Dec-15	0.7	TC with DT re reply	Conf.	Eliminated
7-Sep-16	1.0	Moot for circuit ct argument	Oral Ar.	Eliminated
11-Nov-16	1.0	Editing jurisdiction brief	Briefs	
16-Nov-16	0.6	Telecon with co-counsel re jurisdiction brief	Conf.	

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Attorney Time Record**Timekeeper:** **Benjamin Stevenson**Staff Attorney
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3 W. Garden St., Ste 712
Pensacola, FL 32502**Client(s):** Carver Gay-Straight Alliance & H.F.**Style:** *Carver GSA v. School Board of Lake County, Fla.*
No. 15-14183 (11th Cir.)**68.8 Total Hours Worked****20.1 Less Eliminated Hours****48.7 Net Hours Requested**

Date	Hours	Task	Category	Billing Judgment
11-Mar-15	0.5	Telephone conference with Tilley re: Likelihood of appeal necessitating trial transcript	Conf.	Eliminated
19-Aug-15	0.5	Reviewed Order dismissing lawsuit (DE 75)	Records	
2-Sep-15	0.6	Telephone conference with Tilley & Cooper re: issues to appeal and their strength	Conf.	Eliminated
23-Sep-15	0.2	Drafted Appearance of Counsel for 11th Cir.	Other	
24-Sep-15	0.4	Telephone conference with Tilley re: argument to defeat ripeness ruling	Conf.	Eliminated
28-Sep-15	0.3	Telephone conference with Tilley re: excluding Superintendent's "expert" testimony as factual basis of what defines secondary school	Conf.	Eliminated
1-Oct-15	3.1	Drafted Initial Brief - revised statement of facts	Briefs	
2-Oct-15	4.2	Drafted Initial Brief - Revised Argument on Ripeness	Briefs	
5-Oct-15	2.4	Drafted Initial Brief - Revised Argument on Equal Access - Middle Sch.	Briefs	
5-Oct-15	3.0	Drafted Initial Brief - Revised Argument on Mootness	Briefs	
6-Oct-15	4.2	Drafted Initial Brief - Revised Argument on Equal Access - Middle Sch.	Briefs	Eliminated

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Date	Hours	Task	Category	Billing Judgment
7-Oct-15	0.3	Telephone conference with Tilley re: framing argument of statutory interpretation of "secondary school" & mediation	Conf.	Eliminated
12-Oct-15	1.4	Telephone conference with Tilley re: initial brief	Conf.	Eliminated
16-Oct-15	0.4	Telephone conference with Tilley re: mediation	Other	Eliminated
21-Oct-15	0.9	Drafted Summary of Argument	Briefs	
21-Oct-15	2.4	Edited Initial Brief for clarity and persuasiveness	Briefs	Eliminated
26-Oct-15	1.2	Edited Initial Brief for clarity and persuasiveness	Briefs	
26-Oct-15	0.6	Telephone conference with Tilley & Cooper re: brief	Conf.	Eliminated
24-Nov-15	0.6	Telephone conference with Tilley re: Mediation and mediation statement	Other	Eliminated
2-Dec-15	0.3	Telephone conference with Tilley & Cooper re: reply to Answer Br.	Conf.	Eliminated
12-Dec-15	3.9	Revised Reply Brief	Briefs	
7-Sep-16	1.8	Prepared for and participated in moot oral arguments	Oral Ar.	Eliminated
4-Nov-16	1.7	Drafted Motion to Supplement Record	Briefs	
7-Nov-16	1.1	Drafted Motion to Supplement Record	Briefs	
9-Nov-16	2.7	Drafted Supplemental Letter re: Jurisdiction for Prospective Relief	Briefs	
10-Nov-16	1.4	Drafted Supplemental Letter re: Jurisdiction for Prospective Relief	Briefs	
15-Nov-16	0.8	Drafted possible declaration of GSA Member-student in support of jurisdiction	Briefs	Eliminated
16-Nov-16	2.5	Drafted Supplemental Letter re: Jurisdiction for Prospective Relief	Briefs	
16-Nov-16	0.8	Telephone conference with Tilley & Cooper re: club members supporting its jurisdiction for prospective relief	Conf.	Eliminated
17-Nov-16	2.8	Finalized Supplemental Letter re: Jurisdiction for Prospective Relief	Briefs	
30-Dec-16	1.3	Drafted Mot. to Tax Appellate Costs	Other	
5-Jan-17	0.5	Telephone conference with Tilley re: application for attorney fees	Other	
6-Jan-17	3.4	Began drafting application for appellate attorney fees with research and drafting of entitlement to fee	Other	
8-Jan-17	0.5	Telephone conference with Tilley re: enlargement of time for fee application v. requesting remand to district court	Other	
9-Jan-17	0.2	Correspondence with opposing counsel re: appellate attorney fees and Mot. to Enlargement Time to file application	Other	

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<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
10-Jan-17	0.4	Finalized 11th Cir. Mot. to Enlarge Period to File Attorney Fees	Other	
10-Jan-17	0.3	Correspondence with opposing counsel re: appellate attorney fees and Mot. to Enlargement Time to file application	Other	
19-Jan-17	0.4	Reviewed litigation expenses for appeal for inclusion in fee petition	Other	
20-Jan-17	1.8	Prepare attorney declarations and own resume in support of fee petition	Other	
20-Jan-17	1.3	Categorize attorney time by task and computed the hours in each category, proposed billing judgment, and prepared records for filing	Other	
20-Jan-17	0.9	Discussions with civil rights experts re: prevailing market rates for attorneys in civil rights lawsuits (Berg, Barfield, Marshall, Sheppard)	Other	
23-Jan-17	2.6	Continued drafting application for appellate attorney fees with focus on requirement evidentiary elements to establish prevailing rates and reasonable fees	Other	
26-Jan-17	0.2	Reviewed recent 11th Cir. opinion in attorney fee case - <i>Yellow Pages Photos, Inc. v. Ziplocal, LP</i> , No. 16-11868, 2017 WL 343520, at *5 (11th Cir. Jan. 24, 2017)	Other	
26-Jan-17	0.4	Composed correspondence to Bill Sheppard re: declaration in support of fee application	Other	
26-Jan-17	2.8	Reviewed attorney time to eliminate time as billing judgment and categorize time for 11th Cir. form	Other	Eliminated
26-Jan-17	1.8	Continued drafting application for appellate attorney fees with focus reasonable fee discussion	Other	
27-Jan-17	1.1	Revised fee petition with focus on billing judgment	Other	
30-Jan-17	1.9	Finalized fee petition for filing	Other	Eliminated

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Attorney Time Record

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Client(s): Carver Gay-Straight Alliance & H.F.
Style: *Carver GSA v. School Board of Lake County, Fla.*
 No. 15-14183 (11th Cir.)

79.3 Total Hours Worked
8 Less Eliminated Hours

71.3 Net Hours Requested

Date	Hours	Task	Category	Billing Judgment
11-Mar-15	0.5	call with BJS re appeal	Conf.	Eliminated
31-Aug-15	0.1	conversation with Nancy about appeal	Conf.	
2-Sep-15	0.6	call with legal team re whether to appeal	Conf.	
22-Sep-15	0.2	draft and file Appearance of Counsel form	Other	
22-Sep-15	0.1	draft and file transcript information form	Other	
23-Sep-15	0.1	complete web CIP	Other	
23-Sep-15	0.3	draft and file civil appeal sheet	Other	
23-Sep-15	0.3	draft CIP and send to team for review	Other	
23-Sep-15	0.1	email LC and BJS re electronic service	Other	
23-Sep-15	0.1	emails with Steve Johnson about service	Other	
24-Sep-15	3.8	11th cir brief, draft statement of the issues and intro to statement of the case, research and draft part of ripeness section	Briefs	
24-Sep-15	0.4	conversation with BJS about ripeness issue	Conf.	
28-Sep-15	4.8	11th cir brief, finish research and drafting of ripeness section, draft updated briefing on mootness issue, begin drafting updated briefing on equal access act issue	Briefs	

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Date	Hours	Task	Category	Billing Judgment
28-Sep-15	0.3	conversation with BJS re applicability of expert testimony to appeal	Conf.	
29-Sep-15	2.7	11th cir brief, finish initial drafting and updating of briefing on equal access act issue, finish standards of review	Briefs	
29-Sep-15	0.2	call with attorney Derek Enderlin (who litigated Turner (supreme court case))	Conf.	Eliminated
30-Sep-15	2.7	finished initial draft of appellants' brief (drafted jurisdictional statement, course of proceedings, and statement of facts; researched and edited remedial-statutes section, added citations to places designated as needing one, restructured EAA section based on trial testimony	Briefs	
5-Oct-15	0.1	email to Steve and Stephanie re skipping mediation	Other	
5-Oct-15	0.1	emails with legal team re whether to skip mediation	Other	
7-Oct-15	0.2	conversation with BJS re timeline for making edits, statutory interpretation issue re secondary schools	Conf.	
7-Oct-15	0.2	call with BJS re futility of mediation	Other	
12-Oct-15	0.8	review BJS edits to 11th Cir brief	Briefs	
12-Oct-15	1.4	discuss BJS edits with BJS and discuss further needed changes	Conf.	
14-Oct-15	0.1	follow-up email to Steve and Stephanie re waiving mediation	Other	
14-Oct-15	0.1	call with BJS on next steps for mediation	Other	
16-Oct-15	0.3	go through BJS edits and draft new version of opening brief	Briefs	
16-Oct-15	0.1	emails with Steve Johnson re mediation	Other	
16-Oct-15	0.4	call with BJS re mediation	Other	
17-Oct-15	0.3	draft appellate brief	Briefs	Eliminated
18-Oct-15	0.2	draft appellate brief	Briefs	Eliminated
19-Oct-15	3.2	draft appellate brief (edits to statement of the case, course of proceedings, statement of facts, ripeness, nominal damages, EAA sections)	Briefs	
19-Oct-15	0.1	email with Steve Johnson re mediation	Other	
20-Oct-15	3.5	draft appellate brief based on LC's suggested edits (edits to statement of the case, statement of facts, fitness for review and prudential prong (ripeness), injunctive and declaratory relief not moot, EAA)	Briefs	
20-Oct-15	0.2	call with LC re her edits to the appellate brief	Conf.	
20-Oct-15	0.3	call with BJS re mediation	Other	
21-Oct-15	0.1	emails with Steve Johnson and then mediator re assessment conference	Other	

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Date	Hours	Task	Category	Billing Judgment
26-Oct-15	3.7	drafting carver appellate brief (edits to statement of the case, statement of facts, summary of argument, injunctive and declaratory relief not moot, EAA)	Briefs	
26-Oct-15	1.0	phone call with LC (and eventually BJS joined)	Conf.	
27-Oct-15	2.7	draft and finalize carver brief (edits to statement of facts, summary of argument, ripeness, mootness, EAA)	Briefs	
27-Oct-15	0.1	call with clients re status of assessment conference and filing of brief	Conf.	
29-Oct-15	1.2	draft appendix	Other	
29-Oct-15	0.1	review suggested edits to appendix from BJS and create new version	Other	
30-Oct-15	1.7	create separator pages and put together appendix PDF	Other	Eliminated
19-Nov-15	0.1	call with BJS about potential amicus brief	Conf.	
19-Nov-15	0.1	call with LC about potential amicus brief	Conf.	
19-Nov-15	0.1	emails with legal team about potential amicus brief	Conf.	
19-Nov-15	0.1	emails with Rob Rosenwald (City of Miami Beach) about potential amicus brief	Conf.	
24-Nov-15	0.6	call with BJS to discuss statement	Other	
24-Nov-15	0.6	draft confidential mediation statement	Other	
24-Nov-15	0.5	edit statement based on Nancy's edits, Leslie's edits, and conversation with Benjamin, and send to mediator	Other	Eliminated
24-Nov-15	0.1	emails with legal team about who is participating in the telephone assessment conference (mediation)	Other	Eliminated
1-Dec-15	0.9	review Appellee brief	Briefs	
1-Dec-15	0.1	emails with Leslie about discussing Carver appellee brief	Conf.	
2-Dec-15	0.4	call with Leslie about strategy for reply brief	Conf.	
2-Dec-15	0.3	call with Benjamin Stevenson re telephone assessment conference, strategy for reply brief	Other	
2-Dec-15	0.1	conversation with Nancy about telephone assessment conference	Other	
2-Dec-15	0.2	telephone assessment conference	Other	
4-Dec-15	0.1	review new 11th Circuit rule on CIPs (in preparation for our reply)	Briefs	
7-Dec-15	3.3	draft reply brief (ripeness and mootness arguments)	Briefs	
8-Dec-15	2.6	continue drafting reply brief (Equal Access Act argument)	Briefs	

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<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
11-Dec-15	0.2	call with Benjamin to discuss issue additional research for reply, his timeline for providing comments	Conf.	
11-Dec-15	0.7	call with Leslie to discuss reply	Conf.	
11-Dec-15	0.1	email to Benjamin about potential additional research for reply	Conf.	
12-Dec-15	0.2	additional call with Benjamin re his edits to reply	Conf.	
12-Dec-15	0.1	call with Benjamin re his edits to reply	Conf.	
14-Dec-15	2.1	drafting 11th cir reply brief (edits to ripeness/mootness section and EAA section)	Briefs	Eliminated
14-Dec-15	0.6	drafting 11th cir reply brief (edits to ripeness/mootness section and EAA section)	Briefs	Eliminated
28-Jun-16	0.2	call with client re case update (oral argument)	Conf.	
30-Jun-16	0.2	brief research re potential certification to Florida Supreme Court, email to Benjamin Stevenson and Leslie Cooper re same	Oral Ar.	
30-Aug-16	0.3	began to review research by intern Christina Robinson on mootness question	Oral Ar.	
2-Sep-16	3.9	prepare for 11th Circuit oral argument -- ripeness, mootness, and EAA arguments	Oral Ar.	
6-Sep-16	0.2	call with potential faculty advisor re sponsorship of GSA	Conf.	
6-Sep-16	0.3	call with client re upcoming oral argument	Conf.	
6-Sep-16	5.1	continue preparing for 11th Circuit oral argument -- ripeness, mootness, and EAA arguments	Oral Ar.	
7-Sep-16	1.1	continue preparing for 11th Circuit oral argument -- ripeness, mootness, and EAA arguments	Oral Ar.	
7-Sep-16	1.3	moot argument (with Nancy Abudu, Leslie Cooper, Benjamin Stevenson, Mike Masinter) to prepare for 11th Circuit oral argument	Oral Ar.	
12-Sep-16	1.1	continue preparing for 11th Circuit oral argument -- research on implied right of action and availability of nominal damages under EAA	Oral Ar.	
12-Sep-16	0.6	continue preparing for 11th Circuit oral argument -- research on mootness	Oral Ar.	
13-Sep-16	0.3	search in record for references to Janine's deposition, references to siblings (related to mootness argument)	Oral Ar.	
14-Sep-16	4.2	continue preparing for 11th Circuit oral argument -- final research before hearing, adjusting and practicing presentation	Oral Ar.	
15-Sep-16	0.2	call with Benjamin Stevenson discussing argument, potential outcomes	Oral Ar.	

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<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
15-Sep-16	0.2	email to legal team after argument discussing argument, potential outcomes	Oral Ar.	
15-Sep-16	0.3	final run-through of oral argument	Oral Ar.	
15-Sep-16	0.6	oral argument at 11th Circuit courtroom in Jacksonville	Oral Ar.	
3-Nov-16	0.3	call with Benjamin Stevenson re supplemental briefing, next steps	Conf.	
3-Nov-16	0.1	review court letter re need to file supplemental briefing	Records	
4-Nov-16	0.2	call with client re next steps in case	Conf.	
4-Nov-16	0.6	call with Benjamin Stevenson to discuss supplementing the record, arguments for organizational standing	Conf.	
8-Nov-16	0.4	call with Benjamin Stevenson re potential supplemental declarations, next steps	Conf.	
14-Nov-16	1.0	provide edits to Benjamin Stevenson on his draft of the supplemental brief	Briefs	
16-Nov-16	0.5	call with Benjamin Stevenson re jurisdictional arguments, club membership	Conf.	
16-Nov-16	0.5	call with Leslie Cooper and Benjamin Stevenson re additional edits to brief, declaration from student, jurisdictional arguments, club membership	Conf.	Eliminated
17-Nov-16	0.3	conversation with clients re status and next steps in case	Conf.	
30-Dec-16	0.3	call with BJS re filing for reimbursement of appellate fees and costs	Other	Eliminated
5-Jan-17	0.5	call with BJS to discuss appellate fees	Other	Eliminated
8-Jan-17	0.5	call with BJS re fee petition for appellate fees, motion to extend time	Other	Eliminated
26-Jan-17	0.3	draft declaration and update resume	Other	

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**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
Form to Accompany Application for Attorney's Fees**

Summary of work performed by (name): Nancy Abudu

Total compensation requested for this person: \$810.00

Hourly rate of compensation requested for this person: \$450

This person is an:

attorney law student/graduate certified paralegal other: _____

Category	Total Hours
Interviews and conferences	
Obtaining and reviewing records	0.5
Legal research	
Brief writing with contemporaneous research	0.8
Preparing for and attending oral argument	
Other (specify on additional sheets if necessary):	
Attorney Fees, Litigation Expenses, & Costs	0.0
Civil Appeal Statement, CIP, Notices of Appeal, Appear of Counsel, & Appendix	0.5
Mediation	0.0
Total hours claimed for this person	1.8

Instructions: on the applicable lines, enter the total time spent in each category. A separate form must be completed for each person for whom time is claimed. Attach contemporaneous time records reflecting all hours listed and indicating the dates on which the work was performed. An affidavit attesting to the truthfulness of the information contained in the application and demonstrating the basis for the hourly rate(s) requested must also accompany the application.

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**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
Form to Accompany Application for Attorney's Fees**

Summary of work performed by (name): Leslie Cooper

Total compensation requested for this person: \$3,915.00

Hourly rate of compensation requested for this person: \$450

This person is an:

attorney law student/graduate certified paralegal other: _____

Category	Total Hours
Interviews and conferences	0.6
Obtaining and reviewing records	
Legal research	
Brief writing with contemporaneous research	8.1
Preparing for and attending oral argument	
Other (specify on additional sheets if necessary):	
Attorney Fees, Litigation Expenses, & Costs	0.0
Civil Appeal Statement, CIP, Notices of Appeal, Appear of Counsel, & Appendix	0.0
Mediation	0.0
Total hours claimed for this person	8.7

Instructions: on the applicable lines, enter the total time spent in each category. A separate form must be completed for each person for whom time is claimed. Attach contemporaneous time records reflecting all hours listed and indicating the dates on which the work was performed. An affidavit attesting to the truthfulness of the information contained in the application and demonstrating the basis for the hourly rate(s) requested must also accompany the application.

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**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
Form to Accompany Application for Attorney's Fees**

Summary of work performed by (name): Benjamin Stevenson

Total compensation requested for this person: \$19,480.00

Hourly rate of compensation requested for this person: \$400

This person is an:

attorney law student/graduate certified paralegal other: _____

Category	Total Hours
Interviews and conferences	
Obtaining and reviewing records	0.5
Legal research	
Brief writing with contemporaneous research	30.9
Preparing for and attending oral argument	
Other (specify on additional sheets if necessary):	
Attorney Fees, Litigation Expenses, & Costs	17.1
Civil Appeal Statement, CIP, Notices of Appeal, Appear of Counsel, & Appendix	0.2
Mediation	0
Total hours claimed for this person	48.7

Instructions: on the applicable lines, enter the total time spent in each category. A separate form must be completed for each person for whom time is claimed. Attach contemporaneous time records reflecting all hours listed and indicating the dates on which the work was performed. An affidavit attesting to the truthfulness of the information contained in the application and demonstrating the basis for the hourly rate(s) requested must also accompany the application.

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**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
Form to Accompany Application for Attorney's Fees**

Summary of work performed by (name): Daniel Tilley

Total compensation requested for this person: \$24,955.00

Hourly rate of compensation requested for this person: \$350

This person is an:

attorney law student/graduate certified paralegal other: _____

Category	Total Hours
Interviews and conferences	9.5
Obtaining and reviewing records	0.1
Legal research	
Brief writing with contemporaneous research	36.1
Preparing for and attending oral argument	19.4
Other (specify on additional sheets if necessary):	
Attorney Fees, Litigation Expenses, & Costs	0.3
Civil Appeal Statement, CIP, Notices of Appeal, Appear of Counsel, & Appendix	2.5
Mediation	3.4
Total hours claimed for this person	71.3

Instructions: on the applicable lines, enter the total time spent in each category. A separate form must be completed for each person for whom time is claimed. Attach contemporaneous time records reflecting all hours listed and indicating the dates on which the work was performed. An affidavit attesting to the truthfulness of the information contained in the application and demonstrating the basis for the hourly rate(s) requested must also accompany the application.

DECLARATION OF NANCY G. ABUDU
IN SUPPORT OF APPELLATE FEE APPLICATION

Pursuant to 28 U.S.C. § 1746, Nancy G. Abudu declares the following to be true and correct, under penalty of perjury:

1. I am an attorney licensed to practice in New York (admitted in 1999), Georgia (admitted in 2002), and Florida (admitted in 2014). If called as a witness, I could and would testify competently to the facts stated herein, all of which are within my personal knowledge. I offer this declaration in support of the Appellate Fee Application, filed herewith.

2. I have worked for the ACLU since 2005, first as a Senior Staff Attorney with our Voting Rights Project based in Atlanta, GA, and then as the Legal Director of the ACLU of Florida beginning in 2013. As Legal Director, I am ultimately responsible for managing all of the ACLU's litigation in Florida, whether brought solely by our office, in partnership with our National office, including the ACLU's National LGBT and AIDS Project, or in partnership with attorneys in private practice. As co-counsel in these cases, even when I am not the lead attorney, I must still review all investigatory documents and legal research related to the filing of a lawsuit; all of the filings in the case; participate in meetings with my legal team and opposing counsel; file court documents; attend court hearings; and review proposed settlement agreements, among other things related to the litigation.

3. As detailed in my curriculum vitae (attached hereto), I began my legal career with Skadden, Arps, Slate, Meagher, and Flom LLP in New York litigating class actions on behalf of Fortune 500 companies. I then worked as a staff attorney for the U.S. Court of Appeals for the Eleventh Circuit in Atlanta, GA, where I assisted in the disposition of over 150 criminal and civil appeals. After the Eleventh Circuit, I began working for the ACLU's National Voting

Rights Project where I litigated numerous civil rights cases. *See, e.g., Johnson v. Bredesen*, 624 F.3d 742 (6th Cir. 2010); *Harvey v. Brewer*, 605 F.3d 1067 (9th Cir. 2010); *Swann v. Sec., State of Georgia*, 668 F.3d 1285 (11th Cir. 2012); *Janis v. Nelson*, No. CR. 09-5019-KES, 2009 WL 4505933 (D.S.D. Nov. 24, 2009); *Young v. Hosemann*, 598 F.3d 184 (5th Cir. 2010); *Harris v. Atlanta Indep. Sch. Sys.*, 1:08-CV-1435 (N.D. Ga.); *ACLU of Iowa v. Schultz*, CVCV009311 (Iowa D.Ct. Polk Co.); *New Jersey State Conference/NAACP v. Harvey*, 381 N.J. Super. 155, 885 A.2d 445 (N.J. Super. Ct. App. Div. 2005); *South Carolina v. Holder*, 898 F.Supp.2d 30 (D.D.C. 2012); *Texas v. Holder*, 888 F.Supp.2d 113 (D.D.C. 2012); *Martin v. Augusta-Richmond County, Georgia*, No. 1:12-cv-058 (S.D. Ga.); *Greene County NAACP v. Bd. of Comm'rs of Greene Co., Georgia*, No. 3:12-cv-058 (M.D. Ga.); *Bird v. Sumter Co. Bd. of Educ.*, No. 1:12-cv-076 (M.D. Ga.); *Walker v. Cunningham*, No. CV No. 212-152 (S.D. Ga.); *Cook v. Bd. of Registrars, Randolph Co., Georgia*, Case No. S12A0140 (Ga. Sup. Ct.); *Frank v. Walker*, No. 11CV1128 (D. Wis.).

4. Since becoming Legal Director of the ACLU of Florida, I have served either as lead counsel or in a supporting role as co-counsel in several cases. *See, e.g., Calvin, et al. v. Jefferson Co. Bd. of Comm'rs, et al.*, 172 F.Supp.3d 1293 (N.D. Fla. 2016); *Keohane v. Jones, et al.*, 4:16-cv-511-MW/CAS (N.D. Fla.); *CAIR Florida, Inc., et al. v. Miami-Dade Co., et al.*, 1:15-cv-23324-JAL (S.D. Fla.); *Glover v. State*, 16-2012-CF-006463-AXXX-MA (Fla.) (death penalty); *Knight v. State, et al.*, 1D16-4322 (1st DCA); *Reilly v. Sheriff of Leon Co., Fla.*, 4:14-cv-397-RH/CAS (N.D. Fla.); *Prison Legal News v. Sec., Dep't. of Corr.*, 15-14220 (11th Cir.); *Tillman, et al. v. Miller, et al.*, 6:83-cv-199-ORL-22 (M.D. Fla.); *Doe I, et al. v. Holder*, 14-20308 (S.D. Fla.).

5. Soon after I started with the ACLU of Florida our office filed *Carver Middle*

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School Gay-Straight Alliance, et al. v. School Board of Lake County, FL, despite our earlier repeated efforts to resolve this case prior to bringing litigation. The appeal involved my direct participation as demonstrated in the attached time records. Thus, although I was not lead counsel in the case, I played an important and necessary role in assisting co-counsel.

6. I have carefully reviewed my appended time records and exercised billing judgment by not including any entries that were arguably redundant, unnecessary, inefficient, inadequately documented, or otherwise unreasonable for an attorney to bill a client or opposing counsel. I also verify that all of the time for which I am billing in the appended summary was reasonable and necessary to adequately represent the plaintiffs in this matter.

7. My standard rate ranges from \$425-\$525 depending on the matter. My hourly rates are reasonable for this community based upon my years of experience and training, my specialized knowledge in various areas of the law, and the complexity of the issues presented by the case.

8. The hours for which Plaintiffs seek compensation for my time are based on my contemporaneous time records. As the appended time records demonstrate, plaintiffs seek compensation for my time at a rate of \$450 per hour.

DATED this 26 day of January, 2017.

/s/ Nancy G. Abudu
Nancy G. Abudu

NANCY G. ABUDU
Curriculum Vitae

PROFESSIONAL EXPERIENCE

**American Civil Liberties Union
of Florida**

**Miami, FL
August 2013-present**

Legal Director

Member of senior leadership team and manage all aspects of the ACLU-FL's legal docket; supervise staff attorneys as they engage in complex litigation in federal and state court in civil rights and constitutional cases, including all aspects of discovery, motion practice, briefs, trials, appellate work, and amicus briefing; coordinate legal strategy and litigation in consultation with the Board of Director's Legal Committee; maintain own caseload of cutting edge civil liberties/civil rights litigation; recruit and collaborate with volunteer attorneys to build ACLU's docket; collaborate internally with the communications, legislative, and development staff to advance the organization's priority campaigns through coordinating policy and legal advocacy tactics; engage in public speaking, articulating the ACLU's views to the public on a broad range of issues; manage annual litigation budget and expenses throughout the year.

**American Civil Liberties Union,
Voting Rights Project
*Senior Staff Counsel***

**Atlanta, GA
Dec. 2005-July 2013**

Served as lead counsel in civil rights cases in federal and state courts. Responsibilities included: drafting complaints; taking and defending depositions and handling all other aspects of discovery; negotiating settlement agreements and consent decrees; preparing pre-trial motions and briefs; and presenting oral argument in lower and appellate courts. Also provided technical assistance and legal advice to ACLU state affiliates and the ACLU's Washington, D.C. legislative office regarding litigation and legislative advocacy related to voting rights; speaker at public education events, including civil rights conferences, trainings and CLEs. Selected and supervised summer law clerks, externs, and legal support staff.

**United States Court of Appeals, Eleventh Circuit
*Staff Attorney***

**Atlanta, GA
May 2002-May 2004**

Prepared legal memoranda in over 120 appeals in cases involving a range of constitutional and statutory issues including criminal procedure, Section 1983 civil rights cases, *Anders* briefs, habeas corpus petitions, and filings from pro se litigants.

**Skadden, Arps, Slate, Meagher & Flom LLP
*Associate***

**New York, NY
Sept. 1999-Dec. 2001**

Prepared and filed pleadings, pre-trial motions, and briefs in federal and state courts in complex mass tort/insurance defense cases. Managed production of electronic discovery, coordinated court filings, and supervised administrative assistants and paralegals.

Skadden Extern at Legal Aid Society of New York

July 2001-Nov. 2001

Represented victims of domestic violence in family court and assisted clients in obtaining temporary restraining orders, divorce decrees, child custody and child support orders, and alimony. Prepared and filed complaints, discovery requests, and motions. Screened and interviewed potential clients.

EDUCATION

Tulane Law School, New Orleans, LA

May 1999

J.D.

Recipient, Tulane Environmental Law Certificate for specialized study of environmental law

Recipient, Excellence for Future Award

Managing Editor, Tulane Environmental Law Journal

Student Attorney, Tulane Environmental Law Clinic

Senior Fellow, Legal Research and Writing Program for foreign LL.M students

Columbia University, Columbia College, New York, NY

May 1996

B.A. English Literature

PUBLICATIONS

Nancy Abudu, *Immigration, Voting Rights, and Electoral Access*, in *America Votes!*, 213-220, ABA Book Publishing, (Griffith, B. ed.) (2016)

Did the Supreme Court Repeal the Principal Accomplishment of the Civil Rights Movement?, Spring 2014, National Bar Association Magazine

Election Law, June 2014, The Summation (summary of Voting Rights Act provisions and Florida voting laws)

NLG Pens Supreme Court Amicus in Support of Voting Rights, Spring 2013, Guild Notes, available at <http://www.nlg.org/resource/guild-notes/spring-2013>

Contributing author, *Voting Rights in Indian Country: A Special Report of the Voting Rights Project of the American Civil Liberties Union* (Sept. 2009), available at www.aclu.org/votingrights/minority/41203pub20090930.html

International Legal Developments in Review: 2008 – Pub. Int'l Law, Human Rights, 43 Int'l Law. 861, 901 (Summer 2009) (concerning human rights violations related to Zimbabwe's 2008 elections).

International Legal Developments in Review: 2007 – Pub. Int'l Law, Human Rights, 42 Int'l Law. 755, 759 (Summer 2008) (International Criminal Court's prosecution of Sudanese government officials for war crimes committed in Darfur).

Contributing author, *The Case for Extending and Amending the Voting Rights Act. Voting Rights Litigation, 1982-2006: A Report of the Voting Rights Project of the American Civil Liberties Union* (March 2006), available at <http://www.aclu.org/voting-rights/case-extending-and-amending-voting-rights-act>

Recent Developments in Environmental Law, 12 Tul. Env'tl. L. J. 265 (Winter 1998) (case synopsis of *Eastern Enterprises v. Apfel*, 524 U.S. 498 (1998), in which Court held that retroactive application of "Coal Industry Retiree Health Benefit Act" to former coal operator violated company's due process rights).

BAR ADMISSIONS

Florida, Georgia, New York; U.S. Supreme Court; U.S. Court of Appeals for the Fifth, Sixth, Ninth and Eleventh Circuits; U.S. District Courts for the Northern and Middle Districts of Georgia; U.S. District Courts for the Northern, Middle and Southern Districts of Florida

AWARDS

Recipient, Community Service Award, Council on American Islamic Relations, Nov. 2016
Recipient, Agent of Change Award, Probation Station, June 2016
Recipient, Certificate of Appreciation, Delta Sigma Theta Sorority, September 2012
Recipient, Certificate of Special Congressional Recognition, March 2008
Recipient, Legal Aid Society Outstanding Pro Bono Representation Award, Oct. 2001

PROFESSIONAL ASSOCIATIONS

Member, ABA Advisory Committee to the Standing Committee on Election Law
Member, Advisory Committee, National Voting Rights Institute
Senior Fellow, Environmental Leadership Program
Election Observer, Organization for Security and Cooperation in Europe (Summer 2015)

LESLIE COOPER'S DECLARATION
IN SUPPORT OF APPELLATE FEE APPLICATION

I, LESLIE COOPER, am over the age of 18 and make this declaration based on my personal knowledge, unless otherwise noted:

1. I represented and continue to represent the Plaintiffs in this case both in the appeal and at the trial level.

2. I performed the legal work attributed to me in Plaintiffs' time records that is attached in support of Plaintiffs' Motion for Appellate Attorneys' Fees and Costs. The time records document the work I performed up until the date the Motion is filed; if I perform any further work I will supplement this declaration if necessary.

3. Although several attorneys worked on this case for the Plaintiffs, each of us made a distinct contribution and did not duplicate our efforts. All of the legal work I performed was necessary for the representation of Plaintiffs.

4. I have been practicing law since 1996, when I was admitted to the New York state bar. I am also admitted to practice in New Jersey and numerous federal courts (See attached list). Since 1998, I have practiced exclusively in the area of civil rights for lesbian, gay, bisexual, transgender and HIV-positive individuals. I have been counsel in several groundbreaking cases in this area, including the cases that ended Florida's bans on adoption and marriage by gay couples, and have presented on LGBT civil rights issues at law schools and at conferences of state bar associations and other professional groups.

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

Executed on Jan. 24, 2017

s/Leslie Cooper
Leslie Cooper

Leslie Cooper Bar Admissions

	Year Admitted
New Jersey State Bar	1995
New York State Bar	1996
U.S. Supreme Court	2015
U.S. Court of Appeals for the Third Circuit	2012
U.S. Court of Appeals for the Fourth Circuit	2015
U.S. Court of Appeals for the Sixth Circuit	2001
U.S. Court of Appeals for the Eighth Circuit	2015
U.S. Court of Appeals for the Eleventh Circuit	2002
U.S. District Court for the Eastern District of Arkansas	2003
U.S. District Court for the Western District of Arkansas	2003
U.S. District Court for the Northern District of California	2016
U.S. District Court for the Middle District of Florida	2014
U.S. District Court for the Northern District of Florida	2014
U.S. District Court for the Eastern District of Michigan	2013
U.S. District Court for the Western District of Missouri	2011
U.S. District Court for Nebraska	2005
U.S. District Court for Nevada	2013

U.S. District Court for the Southern District of New York	1997
U.S. District Court for the Eastern District of New York	1997
U.S. District Court for the Middle District of Pennsylvania	2013

STEVENSON'S DECLARATION
IN SUPPORT OF APPELLATE FEE APPLICATION

I, BENJAMIN STEVENSON, am over the age of 18 and make this declaration based on my personal knowledge, unless otherwise noted:

1. I represented and continue to represent the Plaintiffs in this case both in the appeal and at the trial level.

2. I performed the legal work attributed to me in Plaintiffs' time records that is attached in support of Plaintiffs' Motion for Appellate Attorneys' Fees and Costs. The time records document the work I performed up until the date the Motion is filed; if I perform any further work I will supplement this declaration if necessary.

3. Although several attorneys worked on this case for the Plaintiffs, each of us made a distinct contribution and did not duplicate our efforts. All of the legal work I performed was necessary for the representation of Plaintiffs.

4. My professional experience and education are detailed in my attached resume. I have been a licensed attorney since 2002.

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

Executed on Jan. 31, 2017

s/Benjamin Stevenson
Benjamin Stevenson

BENJAMIN JAMES STEVENSON

3 W. Garden St., Suite 712 • Pensacola, FL 32502 • 786.363.2738 • bstevenson@aclufl.org

EXPERIENCE

American Civil Liberties Union Foundation of Florida, Inc., Pensacola, Florida

Staff Attorney — March 2007 – present

- Lead Counsel in ACLU's Pensacola office advocating individual rights by litigating and educating the public on a broad array of issues affecting individual freedoms in the United States, including freedom of speech, free exercise of religion, equal protection, and warrantless searches and seizures

Andrews Moyé, LLC, Tallahassee, Florida

Associate Attorney — August 2004 – August 2005

- Represented clients in a personal injury, criminal law, and false-claim practice law firm

Florida Attorney General's Office, Tallahassee, Florida

Special Counsel for Qui Tam Litigation — April 2003 – August 2004

- Directed Florida's false-claims-act cases by overseeing attorney's prosecutions & settlements
- Proposed and implemented state policy on false claim prosecution

Fowler White Boggs Banker, P.A., Tallahassee, Florida

Associate Attorney — October 2002 – April 2003

- Represented clients in a statewide, causality insurance defense law firm

EDUCATION

Florida State University, College of Law, Tallahassee, Florida

Doctor of Jurisprudence, *cum laude* — April 2002

- Order of the Coif, FSU Law Review

University of the South, Sewanee, Tennessee

Bachelor of Arts, Philosophy, *magnum cum laude* — May 1997

- Phi Beta Kappa, Departmental Honors in Philosophy

LEGAL COMMUNITY INVOLVEMENT

N.D. Fla. Committee for the Development of a Pro Bono Rep. Panel, *Chairperson* (2014-2015)

Escambia-Santa Rosa Bar Association, *President* (2013), *Member* (2007-2015)

Pensacola Inns of Court, *Member* (2007-2014)

PUBLICATIONS

Pursuing an End to Foreign Child Labor Through U.S. Trade Law: WTO Challenges and Doctrinal Solutions, 7 UCLA J. Int'l L. & Foreign Aff. 129 (2002)

NOTABLE COURT DECISIONS

Carver Middle Sch. Gay-Straight All. v. Sch. Bd. of Lake County, Florida, 842 F.3d 1324 (11th Cir. 2016) (student club meetings)

Voss v. City of Key W., Fla., 24 F. Supp. 3d 1228 (S.D. Fla. 2014) (drug testing of city employee)

Doe v. Sch. Bd. for Santa Rosa County, Fla., 264 F.R.D. 670 (N.D. Fla. 2010) (school promotion of religion)

Underwood v. Manfre, No. 3:13cv192, 2014 WL 67644 (M.D. Fla. Jan. 8, 2014) (jail ban on letters)

Gillman v. Sch. Bd. for Holmes County, Fla., 567 F. Supp. 2d 1359 (N.D. Fla. 2008) (student free speech)

COURT ADMISSIONS

Fla. Bar (2002); N.D. Fla.(2002); S.D. Fla. (2002); 11th Cir. (2002); M.D. Fla. (2003); U.S. S.Ct. (2015)

**TILLEY'S DECLARATION
IN SUPPORT OF APPELLATE FEE APPLICATION**

I, DANIEL_TILLEY, am over the age of 18 and make this declaration based on my personal knowledge, unless otherwise noted:

1. I represented and continue to represent the Plaintiffs in this case both in the appeal and at the trial level.
2. I performed the legal work attributed to me in Plaintiffs' time records that is attached in support of Plaintiffs' Motion for Appellate Attorneys' Fees and Costs. The time records document the work I performed up until the date the Motion is filed; if I perform any further work I will supplement this declaration if necessary.
3. Although several attorneys worked on this case for the Plaintiffs, each of us made a distinct contribution and did not duplicate our efforts. All of the legal work I performed was necessary for the representation of Plaintiffs.
4. My professional experience and education are detailed in my attached resume. I have been a licensed attorney since 2010.

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

Executed on Jan. 26, 2017

s/Daniel Tilley
Daniel Tilley

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Daniel Tilley

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Miami, FL 33137
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Legal Experience

- American Civil Liberties Union of Florida – Miami, FL** Oct. 2012 – Present
Staff attorney focused primarily on LGBT rights.
- U.S. District Court, Northern District of Georgia – Atlanta, GA** Sept. 2010 – Sept. 2012
Federal clerkship for U.S. Magistrate Judge Alan J. Baverman.
- U.S. Court of Appeals for the Armed Forces – Washington, D.C.** June 2009 – Aug. 2010
Federal clerkship for Judge Margaret A. Ryan; received Secret clearance.
- International Criminal Tribunal for Rwanda – Arusha, Tanzania** Summer 2008
Performed legal research; drafted memoranda; analyzed witness testimony; attended court proceedings.
- Probate Court of Athens-Clarke County – Athens, GA** Fall 2007
Researched statutory reform of mental-health issues; drafted orders pertaining to the probate of wills, guardianships, year’s support, and mental-health commitments; observed trials.
- International Law Association – Brussels, Belgium** June 2007
Historical international-law research.

Education

- University of Georgia School of Law, Athens, GA** 2006 – 2009
Juris Doctor, *magna cum laude*, 3.73 GPA (Top 10%), Order of the Coif
- Articles Editor, *Georgia Law Review*
 - Spurgeon Public Interest Fellowship recipient
 - President, OutLaws (LGBT group)
 - President, Georgia Society of International and Comparative Law
 - Co-President, American Constitution Society
 - Advisory Board, Working in the Public Interest (WIPI) Conference
 - Secretary, Law Students for Reproductive Justice
 - Treasurer, Equal Justice Foundation
 - Member, Blue Key Honor Society and Phi Kappa Phi Honor Society
- New York University, New York, NY** 2002 – 2006
Bachelor of Music in Piano Performance, *magna cum laude*, 3.89 GPA
- Minor in German Language and Literature
 - Trustee Scholarship recipient
 - Ernst Rose-G.C.L. Schuchard Anniversary Prize (for excellence in German writing and overall German language competency)
- Kennesaw State University, Kennesaw, GA** 2001 – 2002
- Joint enrollment as a high-school senior
 - President’s List, 4.00 GPA

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Selected Publications

- *The Non-Rules of Evidence in the ad hoc Tribunals*, 45 INTL. LAWYER 695 (Summer 2011)
- *D.M.T. v. T.M.H.: Breaking Down Barriers to Same-Sex Parenthood*, JURIST - Sidebar, Jan. 3, 2014, <http://jurist.org/sidebar/2014/01/daniel-tilley-florida-art.php>
- *The Continued Push for LGBT Rights in the South and Beyond*, ACSblog, June 27, 2014, <http://www.acslaw.org/acsblog/the-continued-push-for-lgbt-rights-in-the-south-and-beyond>
- *Courage at the Commission Chamber*, ACLU of Florida Blog of Rights, Dec. 12, 2014, <https://acluf.org/2014/12/12/courage-at-the-commission-chamber/>
- *“First Comes Marriage, Then Comes _____”: What Today’s Win Means for the March toward Justice*, ACLU of Florida Blog of Rights, June 26, 2015, https://acluf.org/2015/06/26/first-comes-marriage-then-comes-_____-what-todays-win-means-for-the-march-toward-justice/

Language Skills

- Proficient in **German**.
- Intermediate reading knowledge, basic speaking knowledge in **French**.
- Intermediate reading knowledge, basic speaking knowledge in **Spanish**.

Active Bar Admissions

- State of New York (2010)
- District of Columbia (2011)
- State of Florida (2013)
- Supreme Court of the United States (2015)
- United States Court of Appeals for the Eleventh Circuit (2014)
- U.S. District Courts for the Northern, Middle, and Southern Districts of Florida (2013)
- U.S. Court of Appeals for the Armed Forces (2010)

Representative Cases

B.N.S. v. Sch. Bd. of Lake Cty., Fla., 5:13-cv-205 (M.D. Fla. filed May 1, 2013) (settled)

Challenge to school’s prohibiting a student anti-bullying (and LGBT-affirming) club from meeting.

[First Amendment rights to free speech and association; Equal Access Act, 20 U.S.C. §§ 4071-74]

Wilson v. Pinellas Cty. Schs. (U.S. Dep’t of Educ. complaint filed Sept. 17, 2013) (settled)

Challenge to school’s prohibiting a transgender student from accessing restrooms consistent with her gender identity.

[Title IX]

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Carver Middle School Gay-Straight Alliance v. Sch. Bd. of Lake Cty., Fla. (M.D. Fla. filed Dec. 19, 2013), 842 F.3d 1324 (11th Cir. 2016)

Challenge to school's prohibiting a student anti-bullying (and LGBT-affirming) club from meeting.

[First Amendment rights to free speech and association; Equal Access Act, 20 U.S.C. §§ 4071-74]

Grimsley v. Scott, 4:14-cv-138 (consolidated case no. 4:14-cv-107) (N.D. Fla. filed Mar. 12, 2014), 999 F.Supp.2d 1278 (N.D. Fla. 2014) (sub nom. *Brenner v. Scott*)

Challenge to Florida's constitutional and statutory bans on the recognition of marriages of same-sex couples.

[Due Process Clause; Equal Protection Clause]

Doe v. Miami-Dade Cty., 1:14-cv-23933 (S.D. Fla. filed Oct. 23, 2014), ___ F.3d ___ (11th Cir. Jan. 25, 2017)

Challenge to Miami-Dade County's sexual-offender residency restriction (the Lauren Book Child Safety Ordinance).

[Void for Vagueness; Due Process Clause; Ex Post Facto Clause]

In re Merchant, No. 1D15-1568 (1st DCA filed Apr. 7, 2015), 185 So.3d 1282 (1st DCA 2016)

Challenge to trial court's denial of name change of transgender woman.

[Equal Protection Clause; Due Process Clause; right to medical privacy; right to self-determination concerning medical decisionmaking; Florida's name-change statute, § 68.07]

Williamson v. Brevard Cty., 6:15-cv-1098 (M.D. Fla. filed July 7, 2015) (pending).

Challenge to county's policy to permit only theists to give invocations at county commission meetings.

[Establishment Clause; Free Exercise Clause; Free Speech Clause; Equal Protection Clause; Florida constitutional provisions concerning religion (Fla. Const. art. I, §§ 2-3)]

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Naber v. Jones, 2:15-cv-14427 (S.D. Fla. amended compl. filed Mar. 31, 2016) (voluntarily dismissed following client's death)

Challenge to prison's denial of medically necessary care (a name change) to a transgender woman.

[Eighth Amendment; Due Process Clause; Free Speech Clause]

Selected Presentations

Date	Role / Event / Location	Topic
March 20, 2013	Panelist (with Kendall Coffey), "DOMA Town Hall: How <i>U.S. v. Windsor</i> Impacts You", Miami Beach Botanical Garden, Miami Beach, FL	Defense of Marriage Act ("DOMA")
April 27, 2013	Presenter, "TransCon: A Conference on Being Transgender in Today's Workplace," SunServe, Fort Lauderdale, Florida	Changing Names and Gender Markers on Identity Documents
June 28, 2013	Panelist (with U.S. Bankruptcy Judge John K. Olson), "Marriage Equality: Supreme Court Update," Florida Bar Convention, Boca Raton, FL	History and Effect of California Marriage Litigation, Effect of Defense of Marriage Act in Florida
October 2, 2013	Panelist, University of Miami School of Law, Coral Gables, FL	Transgender Legal Equality
October 18, 2013	Panelist, "Out of the Closet and In Your Office: Representing LGBT Clients 2013," CLE conference, Florida Coastal School of Law, Jacksonville, FL	Review of Supreme Court decisions affecting LGBT individuals
October 21, 2013	Presenter, "DOMA Townhall," Grove Isle Hotel, Coconut Grove, FL	"Overview & What's Next" re DOMA
November 13, 2013	Presenter, Queer Studies class, University of Miami, Coral Gables, FL	Strategies in LGBTQ Rights Advocacy

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Daniel Tilley

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February 12, 2014	Interview Role Player, "Trans Employment Forum," LGBT Visitor Center, Miami Beach, FL	Discussing transgender status in an interview
February 13, 2014	Panelist, "American Human Rights Policy Should Stress LGBT Issues," St. Petersburg Conference on World Affairs, St. Petersburg, FL	Promotion of LGBT Justice Abroad
February 14, 2014	Panelist, "Snowden and Manning: Traitors?," St. Petersburg Conference on World Affairs, St. Petersburg, FL	Intersection of National Security and Civil Liberties
March 8, 2014	Presenter, "TransCon 14: Tolls, Trainings & Talks," Barry University, Miami Shores, FL	Know Your (Trans) Rights
March 19, 2014	Panelist, "Federal Regulatory Matters" (in series entitled "Marriage Equality: Practical Implications For a Post-DOMA Landscape"), University of Miami School of Law, Coral Gables, FL	Affordable Care Act and Social Security
May 3, 2014	Speaker, Miami-Dade Gay and Lesbian Film Festival, Miami Beach Cinematheque, Miami Beach, FL	ACLU-FL LGBT Work
May 5, 2014	Panelist, Miami-Dade Gay and Lesbian Film Festival, O Cinema Miami Shores, Miami Shores, FL	Florida's Marriage Litigation, "Case Against 8" Film
May 23, 2014	Panelist, Florida GAL (Guardian ad Litem) Program's "Disabilities Training Conference: Advocating for Children in Florida's Dependency System," JW Marriot, Orlando, FL	Intersection of LGBTQ Issues and Disability Rights
June 27, 2014	Panelist, "The <i>Windsor</i> Effect: Same-Sex Marriage in the U.S. and Florida One Year	Florida Marriage Litigation, Due Process Arguments, <i>Windsor</i> Implementation

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	Later," U.S. Bankruptcy Court, Orlando, FL	Issues
June 28, 2014	Speaker, "Florida Countdown to Marriage Rally," LGBT Visitor Center, Miami Beach, FL	Marriage Litigation
July 2, 2014	Presenter, ChangeMakers Summer Leadership Institute, (Alliance for GLBTQ Youth), Switchboard Miami, Miami, FL	Know Your (Youth) Rights
August 13, 2014	Presenter, Gay & Lesbian Lawyers Association Luncheon (Miami-Dade Gay & Lesbian Chamber of Commerce), City Hall (The Restaurant), Miami, FL	Marriage Litigation
September 5, 2014	Speaker / Award Recipient, SAVE's Luminary Awards, Miami Beach Botanical Garden, Miami Beach, FL	LGBT Justice
October 23, 2014	Moderator, Panel on Voting, Redistricting, and Upcoming Election Issues, National Council of Jewish Women – Greater Miami Section, Jewish Museum of Florida, Miami Beach, FL	Voting Rights, Redistricting, and Upcoming Election Issues
October 24, 2014	Panelist, "Out of the Closet and In Your Office: Representing LGBT Clients 2014" conference, Nova Southeastern University Shepard Board Law Center, Davie, FL	Marriage Equality Update
May 5, 2015	Speaker, "History's Doorstep: The ACLU, Marriage Equality, and the Path to the Supreme Court," Copperfish Seafood Grill, Tampa, FL	Marriage Equality
June 30, 2015	Presenter, Pride Month Celebration, U.S. Customs and Immigration Enforcement, Hialeah Field Office, Hialeah,	LGBT Rights Overview

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	FL	
September 18, 2015	Panelist, "Protect and Defend: What is Real Religious Liberty?" (Coalition for Liberty and Justice), Trinity Cathedral, Miami, FL	Religious Refusals Litigation and Legislation
October 9, 2015	Presenter, "Litigating Constitutional Change," Federal Bar Association (Orlando Chapter) "State of the District Luncheon", U.S. District Court, Orlando, FL	Litigating Constitutional Change, History of Marriage Litigation, Recent and Upcoming Supreme Court Decisions
October 21, 2015	Presenter, GSA (Gay-Straight Alliance) Leadership Summit (Broward County Public Schools), SunServe, Fort Lauderdale, FL	Know Your LGBTQ Rights
October 23, 2015	Panelist, "Out of the Closet and In Your Office" CLE conference, Stetson University College of Law, Gulfport, FL	Pro- and Anti-LGBT Legislation, Non-Discrimination Protections
November 17, 2015	Presenter, Florida HIV Criminalization Strategic Planning Meeting, FEA, Tallahassee, FL	Overview of HIV Criminalization Laws in Florida
March 7, 2016	Speaker, "All Together Now: the 2nd LGBTQ Florida School District Conference," The Safe Schools Institute, Boca Raton, FL	ACLU-FL LGBT Work in Schools
March 19, 2016	Presenter, 2016 Policy Weekend, New Leaders Council Miami, Phichol Williams Community Center, Homestead, FL	LGBT Rights Overview
April 6, 2016	Panelist, Florida International University College of Law (Women's Law Society), Miami, FL	Transgender Rights Overview
May 11, 2016	Panelist, "Marriage Equality 2.0," ABA Group Legal Services Association 2016 Joint Spring Meeting, Key West Marriott Beachside	Marriage Equality and Other LGBT Issues Post- <i>Obergefell</i>

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	Hotel, Key West, FL	
June 14, 2016	Panelist, "Diversifying Florida's Courts," SAVE and the Florida Access to Justice Project, Miami-Dade College, Miami, FL	Diversity and Judicial Decisionmaking

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

**CARVER MIDDLE SCHOOL GAY-
STRAIGHT ALLIANCE, *et al.*;**

Plaintiffs-Appellants,

v.

Case No.: 15-14183

**SCHOOL BOARD OF LAKE COUNTY,
FLORIDA;**

Defendant-Appellee.

**DECLARATION OF WM. J. SHEPPARD
IN SUPPORT OF APPELLATE FEE APPLICATION**

I, WM. J. SHEPPARD, am over the age of 18 and make this declaration based on my personal knowledge, unless otherwise noted:

Declarant's Qualifications To Render an Opinion

1. I am the founding partner of Sheppard, White, Kachergus, & DeMaggio, P.A., in Jacksonville, Florida. Our firm focuses on three practice areas, including civil rights. I have been a member of the Florida Bar and the Bar of the Middle District of Florida for 48 years and have handled numerous appeals in the Fifth Circuit Court of Appeal, Eleventh Circuit of Appeal, Fourth Circuit Court of Appeal, Seventh Court of Appeal and the Federal Circuit, and have appeared in the United States Supreme Court and argued on three occasions.

2. I am familiar with the hourly rates for the legal community in the Middle District of Florida for complex state and federal litigation, including constitutional civil rights cases.

(a) I have been involved with litigating civil rights issues and constitutional issues at the district court, circuit court of appeal, and United States Supreme Court, including, but not limited to:

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1. *Coffey v. Braddy*, 372 F. Supp. 116 (M.D. Fla. 1971) Civil Rights, Class Action, Race Discrimination Case to Integrate the City of Jacksonville Fire Department;
2. *Miller v. Carson*, 563 F.2d 757 (5th Cir. 1977) (Civil Rights, Class Action, Jail Conditions);
3. *Alvord v. State*, 396 So.2d 184 (Fla. 1981) (Criminal, Death Penalty, Triple Murder);
4. *In re Wainwright*, 678 F.2d 951 (11th Cir. 1982) (Criminal, Murder, Death Penalty);
5. *Vaught v. State*, 442 So.2d 217 (Fla. 1983) (Criminal, Murder, Death Penalty);
6. *Shabazz v. Barnauskas*, 790 F.2d 1536 (11th Cir. 1986) (Civil Rights, Prisoner Beards);
7. *Knight v. State*, 512 So.2d 922 (Fla. 1987) (Criminal, Murder, Death Penalty);
8. *Lucas v. O'Loughlin*, 831 F.2d 232 (11th Cir. 1987) (Civil Rights, First Amendment, Head Jailer);
9. *Murphy v. City of Flagler Beach*, 846 F.2d 1306 (11th Cir. 1988) (Civil Rights, Employee Termination, Cop)'
10. *Allen v. Consolidated City of Jacksonville, Fla.*, 719 F.Supp. 1532(M.D. Fla. 1989) (Civil Rights, First Amendment, Establishment Clause, City Day of Prayer);
11. *Copcutt v. Woodham*, 892 F.2d 87 (11th Cir. 1989) (Civil Rights, Class Action, Jail Conditions);
12. *Dunn v. The Florida Bar*, 889 F.2d 1010 (11th Cir. 1989) (Civil Rights, Indigent's Right to Access Courts);
13. *Doe v. Garrett*, 903 F.2d 1455 (11th Cir. 1990) (Civil, Employment Discrimination, HIV, Navy Recruiter);
14. *Clark v. Nassau County, Fla.*, 976 F.2d 741 (11th Cir. 1992) (Civil Rights, Wrongful Death, High Speed Chase);

15. *Doggett v. U.S.*, 505 U.S. 647 (1992) (Criminal, Cocaine Importation, Speedy Trial);
16. *Adler v. Duval County School Board*, 851 F.Supp. 446 (M.D. Fla. 1994) (Civil Rights, Establishment of Religion, High School Graduation Prayer);
17. *Alexander v. University of North Florida*, 39 F.3d 290 (11th Cir. 1994) (Civil Rights, Failure to Protect, Wrongful Death);
18. *Babb v. Lake City Community College*, 66 F.3d 270 (11th Cir. 1995) (Civil Rights, First Amendment, Right to Unionize);
19. *Madden v. Singletary*, 53 F.3d 1285 (11th Cir. 1995) (Civil Rights, Prison Conditions);
20. *Alvord v. State*, 694 So.2d 704 (Fla. 1997) (Criminal, Triple Murder, Death Penalty);
21. *Dugan v. Singletary*, 129 F.3d 1424 (11th Cir. 1997) (Civil Rights, Prison Conditions, Death Row Visitation);
22. *Adler v. Duval County School Board*, 250 F.3d (11th Cir. 2001) (Civil Rights, First Amendment, Establishment Clause, School Prayer);
23. *T.C. v. Milner*, 2005WL1618221 (M.D. Fla. 2005) (Civil Rights, Jail Visitation, Child's Right to Visit Parent);
24. *Bryant v. Witkowski*, 175 Fed.Appx. 297 (11th Cir. 2006) (Civil Rights, Excessive Force);
25. *All States Humane Game Fowl Organization, Inc. v. City of Jacksonville*, 2008 WL 2949442 (M.D. Fla. 2008) (Civil Rights, Due Process);
26. *Nixon v. Rutherford*, 2008WL299062 (M.D. Fla. 2008) (Civil Rights, False Imprisonment);

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27. *Osterback v. McDonough*, 549 F.Supp.2d 1337 (M.D. Fla. 2008) (Civil Rights, Class Action, Prison Conditions (Super Max));
28. *S.D. v. St. Johns County School Dist.*, 632 F.Supp.2d 1085 (M.D. Fla. 2009) (Civil Rights, First Amendment, Establishment Clause, Religion in School);
29. *Bell v. Atlantic Trucking Co., Inc.*, 405 Fed.Appx. 370 (11th Cir. 2010) (Race Discrimination in Employment);
30. *Smith v. Beseler*, 506 Fed.Appx. 894 (11th Cir. 2013) (Civil Rights, False Arrest, Malicious Prosecution, Misleading Arrest Affidavit);
31. *Bodden v. Bodden*, 510 Fed.Appx. 850 (11th Cir. 2013) (Civil rights, Excessive Force, police shooting);
32. *Arrington v. Kinsey*, 512 Fed.Appx. 956 (11th Cir. 2013) (Civil Rights, False Arrest/Malicious Prosecution, False Murder Allegations);
33. *Runge v. Snow*, 514 Fed.Appx. 891 (11th Cir. 2013) (Civil Rights, Excessive Force);
34. *Jones v. Rutherford*, 546 Fed.Appx. 808 (11th Cir. 2013) (Civil Rights, Deliberate Indifference, Inmate Medical Care);
35. *Gennusa v. Canova*, 748 F.3d 1103 (11th Cir. Apr. 8, 2014) (Civil Rights, Unreasonable Search and Seizure, Illegal Wiretapping of Attorney-Client Conversations);
36. *Brenner v. Scott*, 298 F.R.D. 689 (N.D. Fla. 2014) (Civil Rights, Same Sex Marriage, Civil Procedure, Intervention);
37. *Bowden v. Stokely*, 576 Fed.Appx. 951 (11th Cir. 2014) – (Civil Rights, Eighth Amendment, Excessive Force); and
38. *Elliott v. Wilcox*, 2016 WL 18821 (11th Cir. Jan. 14, 2016) (Civil Rights, False Arrest, Trespass, Excessive Force).

(b) I have received the Florida Bar Foundation Medal of Honor, which is the highest honor bestowed upon a lawyer by the legal profession in Florida; the Tobias Simon Pro Bono Award, which is given annually by the Chief Justice of the Florida Supreme Court to the attorney in Florida who has given the most outstanding pro bono service; the Selig I. Goldin Memorial Award, which is presented annually by the Criminal Law Section of the Florida Bar for making significant contribution to the criminal justice system of the State of Florida; and the Steven M. Goldstein Criminal Justice Award, the highest honor awarded by the Florida Association of Criminal Defense Lawyers. I am a Fellow in the American College of Trial Lawyers.

3. I was asked by counsel for the Plaintiffs to render an opinion on the reasonableness of the hours they expended to successfully reverse on appeal the district court's order dismissing the lawsuit. *Carver Middle Sch. Gay-Straight All. v. Sch. Bd. of Lake County, Florida*, 842 F.3d 1324 (11th Cir. 2016). I was also asked to opine on what a reasonable hourly rate would be in the Middle District of Florida legal services market for each attorney claiming fees. I am not being compensated for these efforts.

4. For purposes of this opinion, I have presumed that Plaintiffs are the prevailing parties and entitled to reasonable fees under § 1988, as a result of their success in the initial phase of the instant case. I did not examine the issue of, and express no opinion on, entitlement.

5. For purposes of this opinion, I relied on the time records attached by Plaintiffs' counsel to the motion for fees.

6. In reviewing the fee claim, I endeavored to apply the holding of the United States Supreme Court in *Perdue v. Kenny A.*, 559 U.S. 542, 552 (2010), which reaffirmed that a reasonable fee under 42 U.S.C. § 1988 is one "sufficient to induce a capable attorney to undertake the representation of a meritorious civil rights case." My objective was to calculate, via the lodestar method, "an award that *roughly* approximates the fee that the prevailing attorney would have received if he or she had been representing a paying client who was billed by the hour in a comparable case." *Id.* at 551 (emphasis in original).

7. In calculating the lodestar for each timekeeper's efforts, I used the prevailing market rates in the United States District Court for the Middle District of Florida as I understand them to be at this time, based on my experience and knowledge as a practitioner.

8. In giving my opinion, I considered *Johnson's* twelve factors in establishing a reasonable hourly rate and fee. *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir.1974), cited with approval by *Hensley v. Eckerhart*, 461 U.S. 424, 429–30 (1983) and *Gray v. Bostic*, 625 F.3d 692, 714 (11th Cir. 2010); *Norman v. Housing Authority of the City of Montgomery*, 836 F.2d 1292, 1299 (11th Cir.1988).

9. As reflected in their resumes and declarations, the four attorneys who participated in the appeal are experienced and well-qualified. Noting the year and state in which they first began practicing law, I find reasonable and in line with the prevailing market for legal services of the complexity reflected in the issues and briefing their requested hourly rates:

<u>Attorney</u>	–	<u>Year (State)</u>	<u>Rate</u>
Nancy Abudu	–	1999 (NY)	\$450
Leslie Cooper	–	1996 (NY)	\$450
Benjamin Stevenson	–	2002 (FL)	\$400
Daniel Tilley	–	2010 (NY)	\$350

10. I found that the hourly records of Plaintiffs' counsel were sufficiently detailed to allow review for purposes of calculating a lodestar. Counsel were careful not to block bill their time, and in my estimation were appropriately specific in their entries.

11. This appeal involved justiciability issues (ripeness and mootness) as well as the novel question of whether Florida middle schools provide secondary education^[1] and thus are subject to the Equal Access Act. The Plaintiffs' counsel also participated in oral arguments and prepared this fee application. Given the complexity and amount of work involved in this appeal, the time the Plaintiffs' counsel spent was reasonable. Furthermore, I find the Plaintiffs' counsel's roughly

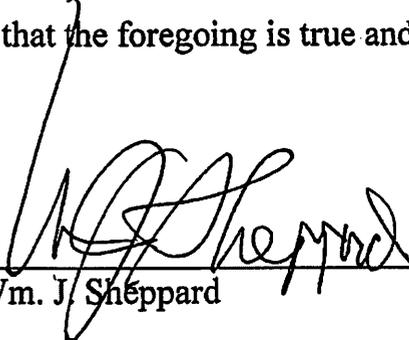
^[1] This Court observed that “no reported decisions of the Florida courts answer this question.” *Carver Middle Sch. Gay-Straight All. v. Sch. Bd. of Lake County, Florida*, 842 F.3d 1324, 1331 (11th Cir. 2016)

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20% reduction as billing judgment reasonable. Taking all of the above into account, the Plaintiffs' counsel request for an award for appellate attorney fees of approximately \$50,000 is a reasonable attorney's fee.

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

Executed on January 31st, 2017.



Wm. J. Sheppard

WJS/ldh[carver.middle.school.affidavit]

Appellate Litigation Expenses

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>	<u>Type</u>
15-Sep-2015	Fed Ex	Postage: Correspondence to client re: Appeal	\$34.73	Postage
17-Sep-2015	Fed Ex	Postage: Appellate Filing Fee to U.S. District t	\$25.70	Postage
27-Oct-2015	Fed Ex	Postage: Initial Brief to 11th Cir.	\$57.82	Postage
30-Oct-2015	Fed Ex	Postage: Appendix to 11th Cir.	\$82.42	Postage
14-Dec-2015	Fed Ex	Postage: Reply Brief to 11th Cir.	\$48.96	Postage
23-Jun-2016	Fed Ex	Postage: Briefs for Oral Arguments to 11th Ci	\$101.28	Postage
		Postage Subtotal	\$350.91	
14-Sep-2016	Sunoco	Travel: Fuel	\$16.66	Travel
14-Sep-2016	Fairfield Inn	Travel: Lodging	\$149.16	Travel
14-Sep-2016	Fairfield Inn	Travel: Lodging (credited tax exemption)	-\$17.16	Travel
14-Sep-2016	Daniel Tilley	Travel: Allocation for Personal Use of Car	\$51.60	Travel
14-Sep-2016	Daniel Tilley	Travel: Dinner per diem	\$25.00	Travel
15-Sep-2016	ExxonMobil	Travel: Fuel	\$17.30	Travel
15-Sep-2016	Chevron	Travel: Fuel	\$10.00	Travel
15-Sep-2016	Sunpass	Travel: Tolls	\$12.02	Travel
		Travel Subtotal	\$264.58	
Total Litigation Expenses for Appeal			\$615.49	

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Billing Information

Tracking ID no. [< Prev: 806331770941](#) [Next >](#)
 Invoice no. 5-187-00017
 Account no. [REDACTED]
 Ship date 09/16/2015
 Invoice date 09/22/2015
 Due date 10/07/2015
 Tracking ID Balance due \$0.00
 Status Closed

Messages

Package Delivered to Recipient Address - Release A [Read More](#).
 Distance Based Pricing, Zone 4
 Fuel Surcharge - FedEx has applied a fuel surcharge [Read More](#).

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DANIEL TILLEY
 ACLU OF FLORIDA
 4500 BISCAYNE BLVD STE 340
 MIAMI FL 33137-3227
 US

Recipient Information

JANINE & JIM FAUGHAN
 [REDACTED]
 [REDACTED] FL 32169
 US

Shipment Details

Ship date 09/15/2015
 Payment type Shipper
 Service type FedEx Priority Overnight
 Zone 04
 Package type FedEx Envelope
 Weight 0.00 lbs
 Pieces 1
 Motor No.
 Declared value \$0.00

Charges

Transportation Charge	30.65
Fuel Surcharge	0.88
Residential Delivery	3.50
Weekday Delivery	0.00
Total charges	35.03

Original Reference

Customer reference no. NO REFERENCE INFORMATION
 Department no.
 Reference #2
 Reference #3

Updated Reference Edit

Customer reference no.
 Department no.
 Reference #2
 Reference #3

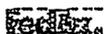
Proof of Delivery

Delivery date 09/16/2015 11:54
 Service area code A5
 Signed by see above
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Billing Information		Messages	
Tracking ID no.	< Prev 806331770930 Next >	Distance Based Pricing, Zone 3 Fuel Surcharge - FedEx has applied a fuel surcharge Read More..	
Invoice no.	6-167-00017		
Account no.			
Ship date	09/17/2015		
Invoice date	09/22/2015		
Due date	10/07/2015		
Tracking ID Balance due	\$0.00		
Status	Closed		

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Sender Information		Recipient Information	
DANIEL TILLEY ACLU OF FLORIDA 4500 BISCAYNE BLVD STE 340 MIAMI FL 33137-3227 US		US DISTRICT COURT CLERK 207 NW SECOND ST RM 337 OCALA FL 34475 US	
Shipment Details		Charges	
Ship date	09/17/2015	Transportation Charge	26.20
Payment type	Shipper	Fuel Surcharge	0.50
Service type	FedEx Priority Overnight	Weekday Delivery	0.00
Zone	03	Total charges	\$26.70
Package type	FedEx Envelope		
Weight	0.00 lbs		
Pieces	1		
Meter No.			
Declared value	\$0.00		

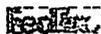
Original Reference		Updated Reference Edit	
Customer reference no.	NO REFERENCE INFORMATION	Customer reference no.	
Department no.		Department no.	
Reference #2		Reference #2	
Reference #3		Reference #3	

Proof of Delivery		Cost Allocation Reference Edit	
Delivery date	09/18/2015 09:23	Cost allocation	
Service area code	A4	Shipment Notes	
Signed by	E.SULLIVAN		

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Tracking ID no.	< Prev 806331770827 <input checked="" type="checkbox"/> Next >	Distance Based Pricing, Zone 4 Fuel Surcharge - FedEx has applied a fuel surcharg Read More..	
Invoice no.	5-233-81484	W 140.24 44	
Account no.	[REDACTED]		
Ship date	10/27/2015		
Invoice date	11/24/2015		
Due date	12/09/2015		
Tracking ID Balance due	\$0.00		
Status	Closed		
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DANIEL TILLEY ACLU OF FLORIDA 4500 BISCAYNE BLVD STE 340 MIAMI FL 33137-3227 US		US COURT OF APPEALS FOR THE 14 58 FORSYTH ST NW ATLANTA GA 30303 US	
Shipment Details		Charges	
Ship date	10/27/2015	Transportation Charge	57.25
Payment type	Shipper	Fuel Surcharge	0.57
Service type	FedEx Standard Overnight	Weekday Delivery	0.00
Zone	04	Total charges	\$57.82
Package type	FedEx Small Box		
Weight	4.00 lbs		
Pieces	1		
Meter No.			
Declared value	\$0.00		
Original Reference		Updated Reference Edit	
Customer reference no.	CARVER GSA	Customer reference no.	
Department no.		Department no.	
Reference #2		Reference #2	
Reference #3		Reference #3	
Proof of Delivery		Cost Allocation Reference Edit	
Delivery date	10/28/2015 10:03	Cost allocation	
Service area code	A1	Shipment Notes	
Signed by	W.MILLER		
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<p>Billing Information</p> <p>Tracking ID no. < Prev: 806331770849 Next ></p> <p>Invoice no. 6-233-31484</p> <p>Account no. [REDACTED]</p> <p>Ship date 10/30/2015</p> <p>Invoice date 11/24/2015</p> <p>Due date 12/09/2015</p> <p>Tracking ID Balance due \$0.00</p> <p>Status Closed</p> <p>View Invoice History</p> <p>View signature proof of delivery</p>	<p>Messages</p> <p>Distance Based Pricing, Zone 4</p> <p>Fuel Surcharge - FedEx has applied a fuel surcharge Read More...</p>
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<p>Sender Information</p> <p>DANIEL TILLEY ACLU OF FLORIDA 4500 BISCAYNE BLVD STE 340 MIAMI FL 33137-3227 US</p> <p>Shipment Details</p> <p>Ship date 10/30/2015</p> <p>Payment type Shipper</p> <p>Service type FedEx Standard Overnight</p> <p>Zone 04</p> <p>Package type FedEx Large Box</p> <p>Weight 9.00 lbs</p> <p>Pieces 1</p> <p>Meter No.</p> <p>Declared value \$0.00</p> <p>Original Reference</p> <p>Customer reference no. CARVER GSA</p> <p>Department no.</p> <p>Reference #2</p> <p>Reference #3</p> <p>Proof of Delivery</p> <p>Delivery date 11/02/2015 09:00</p> <p>Service area code A1</p> <p>Signed by W.MILLER</p> <p>View signature proof of delivery</p>	<p>Recipient Information</p> <p>CLERK OF COURT US COURT ODF APPEAL FOR THE 11 58 FORTSYTH ST NW ATLANTA GA 30303 US</p> <p>Charges</p> <table border="1" style="width: 100%;"> <tr> <td>Transportation Charge</td> <td style="text-align: right;">81.60</td> </tr> <tr> <td>Fuel Surcharge</td> <td style="text-align: right;">0.82</td> </tr> <tr> <td>Weekday Delivery</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td>Total charges</td> <td style="text-align: right;">\$82.42</td> </tr> </table> <p>Updated Reference Edit</p> <p>Customer reference no.</p> <p>Department no.</p> <p>Reference #2</p> <p>Reference #3</p> <p>Cost Allocation Reference Edit</p> <p>Cost allocation</p> <p>Shipment Notes</p>	Transportation Charge	81.60	Fuel Surcharge	0.82	Weekday Delivery	0.00	Total charges	\$82.42
Transportation Charge	81.60								
Fuel Surcharge	0.82								
Weekday Delivery	0.00								
Total charges	\$82.42								

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<p>Billing Information</p> <table border="0"> <tr><td>Tracking ID no.</td><td>808331770850</td></tr> <tr><td>Invoice no.</td><td>6-263-57292</td></tr> <tr><td>Account no.</td><td>[REDACTED]</td></tr> <tr><td>Ship date</td><td>12/14/2015</td></tr> <tr><td>Invoice date</td><td>12/22/2015</td></tr> <tr><td>Due date</td><td>01/08/2016</td></tr> <tr><td>Tracking ID Balance due</td><td>\$0.00</td></tr> <tr><td>Status</td><td>Closed</td></tr> </table> <p>View Invoice History View signature proof of delivery</p>	Tracking ID no.	808331770850	Invoice no.	6-263-57292	Account no.	[REDACTED]	Ship date	12/14/2015	Invoice date	12/22/2015	Due date	01/08/2016	Tracking ID Balance due	\$0.00	Status	Closed	<p>Messages</p> <p>Distance Based Pricing, Zone 4 Fuel Surcharge - FedEx has applied a fuel surcharge Read More...</p>
Tracking ID no.	808331770850																
Invoice no.	6-263-57292																
Account no.	[REDACTED]																
Ship date	12/14/2015																
Invoice date	12/22/2015																
Due date	01/08/2016																
Tracking ID Balance due	\$0.00																
Status	Closed																

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<p>Sender Information</p> <p>DANIEL TILLEY ACLU OF FLORIDA 4500 BISCAYNE BLVD STE 340 MIAMI FL 33137-3227 US</p> <p>Shipment Details</p> <table border="0"> <tr><td>Ship date</td><td>12/14/2015</td></tr> <tr><td>Payment type</td><td>Shipper</td></tr> <tr><td>Service type</td><td>FedEx Standard Overnight</td></tr> <tr><td>Zone</td><td>04</td></tr> <tr><td>Package type</td><td>FedEx Small Box</td></tr> <tr><td>Weight</td><td>2.00 lbs</td></tr> <tr><td>Pieces</td><td>1</td></tr> <tr><td>Meter No.</td><td></td></tr> <tr><td>Declared value</td><td>\$0.00</td></tr> </table> <p>Original Reference</p> <table border="0"> <tr><td>Customer reference no.</td><td>CARVER SA</td></tr> <tr><td>Department no.</td><td></td></tr> <tr><td>Reference #2</td><td></td></tr> <tr><td>Reference #3</td><td></td></tr> </table> <p>Proof of Delivery</p> <table border="0"> <tr><td>Delivery date</td><td>12/15/2015 09:32</td></tr> <tr><td>Service area code</td><td>A1</td></tr> <tr><td>Signed by</td><td>B.GREEN</td></tr> </table> <p>View signature proof of delivery</p>	Ship date	12/14/2015	Payment type	Shipper	Service type	FedEx Standard Overnight	Zone	04	Package type	FedEx Small Box	Weight	2.00 lbs	Pieces	1	Meter No.		Declared value	\$0.00	Customer reference no.	CARVER SA	Department no.		Reference #2		Reference #3		Delivery date	12/15/2015 09:32	Service area code	A1	Signed by	B.GREEN	<p>Recipient Information</p> <p>CLERK OF COURT' US COURT APPEALS ELEMENT CIR 56 FORSYTH ST NW ATLANTA GA 30303 US</p> <p>Charges</p> <table border="0"> <tr><td>Transportation Charge</td><td>47.65</td></tr> <tr><td>Fuel Surcharge</td><td>1.31</td></tr> <tr><td>Weekday Delivery</td><td>0.00</td></tr> <tr><td>Total charges</td><td>\$48.96</td></tr> </table> <p>Updated Reference Edit</p> <table border="0"> <tr><td>Customer reference no.</td><td></td></tr> <tr><td>Department no.</td><td></td></tr> <tr><td>Reference #2</td><td></td></tr> <tr><td>Reference #3</td><td></td></tr> </table> <p>Cost Allocation Reference Edit</p> <p>Cost allocation Shipment Notes</p>	Transportation Charge	47.65	Fuel Surcharge	1.31	Weekday Delivery	0.00	Total charges	\$48.96	Customer reference no.		Department no.		Reference #2		Reference #3	
Ship date	12/14/2015																																																
Payment type	Shipper																																																
Service type	FedEx Standard Overnight																																																
Zone	04																																																
Package type	FedEx Small Box																																																
Weight	2.00 lbs																																																
Pieces	1																																																
Meter No.																																																	
Declared value	\$0.00																																																
Customer reference no.	CARVER SA																																																
Department no.																																																	
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Delivery date	12/15/2015 09:32																																																
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Weekday Delivery	0.00																																																
Total charges	\$48.96																																																
Customer reference no.																																																	
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D. Tilley

Room: 326
Room Type: QNQM
Number of Guests: 1
Rate: \$132.00 Clerk

Date	Description	Charges	Credits
------	-------------	---------	---------

14Sep16	Room Charge	132.00	
14Sep16	Occupancy Sales Tax	9.24	
14Sep16	Occupancy Tax	7.92	
15Sep16	American Express		149.16

Card #: XXXXXXXXXXXXXXX1381XXXX
Amount: 149.16 Auth: 560309 Signature on File
This card was electronically swiped on 14Sep16

Balance: 0.00

Handwritten signature

Rewards Account # XXXXX3582. Your Rewards points/miles earned on your eligible earnings will be credited to your account. Check your Rewards Account Statement or your online Statement for updated activity.

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WELCOME
TO
MOBIL

DATE 09/15/16 13:47
TRAN# 9090862
PUMP# 09
SERVICE LEVEL: SELF
PRODUCT: UNLD
GALLONS: 8.654
PRICE/G: \$ 1.999
FUEL SALE \$ 17.30
CREDIT \$17.30

Am Express
XXXXXXXXXXXX1381
Auth #: 508280
Resp Code: 0
Stan: 05231453768
Invoice #: 591017
Shift #: 1

Store #
SITE ID: FE121241910
01

Sunshine 304
195 Palm Bay rd

WELCOME
00202663
CHEV 474
6075 BISCAYNE BLVD
MIAMI FL

DATE 09/15/16 17:09
TRAN# 9075168
PUMP# 07
SERVICE LEVEL: SELF
PRODUCT: UNLD
GALLONS: 3.847
PRICE/G: \$ 2.599
FUEL SALE \$ 10.00
CREDIT \$10.00

XXXXXXXXXXXX1381
Stn# 00202663
AMEX
Inv# 6348193
Auth# 502357

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Total Shown Below.

Trans #: 237349
Grade: Regular (87)
Pump Number: 10
Gallons: 8.093
Price: \$2.859
Total Fuel: \$16.66
Total Sale: \$16.66 ✓

Term: JD12417347001

Appr: 583927

Seq#: 050890

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#14

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Unlimited Mileage	Included
TAXES & FEES	LEARN MORE ABOUT TAXES AND FEES
SC REC	\$ 4.00
TIRE & BATTERY FEE	\$ 0.04
VLF REC	\$ 1.56
SALES TAX (7.0%)	\$ 3.62
ESTIMATED TOTAL	

\$ 51.60

\$ 55.22

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Get the Interned:
\$4.28 more.
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Doubletree Grand

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10:00 AM
Wednesday, Septem
5:00 PM
Thursday, Septemb



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Activity for Account Number: 15349384

Posted Date Range Searched: 09/14/2016 to 09/15/2016

Returned to Miami
↑
Left Miami

Posted Date	Transaction Date	Activity Description	Friendly Name	Type
09-15-2016 09:18:17 PM	09-15-2016 09:14:05 PM	Transponder 124197070110 on 09/15/2016 09:14:05 PM at US 41- 8th St SE/SW lane 50S Agency Turnpike District with 02 axles.		TTOL
09-15-2016 07:35:12 PM	09-15-2016 07:29:58 PM	Transponder 124197070110 on 09/15/2016 07:29:58 PM at US 41- 8th St NW lane 60S Agency Turnpike District with 02 axles.		TTOL
09-15-2016 04:55:37 PM	09-15-2016 04:51:33 PM	Transponder 124197070110 on 09/15/2016 04:51:33 PM at SR 91 GOLDEN GLADES MAIN SB lane 60S Agency Turnpike District with 02 axles.		TTOL
09-15-2016 04:35:10 PM	09-15-2016 04:29:50 PM	Transponder 124197070110 on 09/15/2016 04:29:50 PM at SR91 CypressCreek Main SB MP63 lane 60S Agency Turnpike District with 02 axles.		TTOL
09-15-2016 04:14:09 PM	09-15-2016 04:14:09 PM	Replenishment - Credit Card		REPLENISH
09-15-2016 04:12:19 PM	09-15-2016 04:07:34 PM	Transponder 124197070110 on 09/15/2016 04:07:34 PM at Lantana lane 08Z Agency Turnpike District with 02 axles.		XTKT
09-15-2016 03:28:12 PM	09-15-2016 03:20:05 PM	Transponder 124197070110 on 09/15/2016 03:20:05 PM at Jupiter lane 02Y Agency Turnpike District with 02 axles.		ETKT
09-14-2016 11:25:06 AM	09-14-2016 11:17:03 AM	Transponder 124197070110 on 09/14/2016 11:17:03 AM at Fort Pierce lane 04Z Agency Turnpike District with 02 axles.		XTKT
09-14-2016 10:26:26 AM	09-14-2016 10:21:15 AM	Transponder 124197070110 on 09/14/2016 10:21:15 AM at Lantana lane 06Y Agency Turnpike District with 02 axles.		ETKT
09-14-2016 10:04:23 AM	09-14-2016 10:00:11 AM	Transponder 124197070110 on 09/14/2016 10:00:11 AM at SR91 CypressCreek Main NB MP63 lane 50S Agency Turnpike District with 02 axles.		TTOL
09-14-2016 09:48:15 AM	09-14-2016 09:43:29 AM	Transponder 124197070110 on 09/14/2016 09:43:29 AM at SR 91 GOLDEN GLADES MAIN NB lane 50S Agency Turnpike District with 02 axles.		TTOL

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TILLEY'S DECLARATION
IN SUPPORT OF APPELLATE FEE APPLICATION

I, DANIEL_TILLEY, am over the age of 18 and make this declaration based on my personal knowledge, unless otherwise noted:

1. I represented and continue to represent the Plaintiffs in this case both in the appeal and at the trial level.

2. The litigation expenses claimed in this Motion for Attorney's Fees were necessarily incurred in the litigation of this case on appeal to the Eleventh Circuit.

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

Executed on Jan. 26, 2017

s/Daniel Tilley
Daniel Tilley