

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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

Plaintiffs,

No. 5:13-cv-623-WTH-PRL

v.

SCHOOL BOARD OF LAKE
COUNTY, FLORIDA,

Defendant.

PLAINTIFFS' MOTION FOR ATTORNEY'S FEES & LITIGATION COSTS

Pursuant to M. D. Fla. Loc. R. 4.18, Fed.R.Civ.P. 54(d)(2), 42 U.S.C.

§ 1988, and this Court's Order on Remand (ECF 107), Carver Middle School Gay-Straight Alliance and H.F. (collectively, "Carver GSA") request the Court to award it attorney's fees and nontaxable costs or "litigation expenses" as the prevailing party in the district court. Furthermore, pursuant to the Eleventh Circuit's transfer order (ECF 105), the Carver GSA requests the Court to award it attorney's fees and litigation expenses as the prevailing party in the appellate court and incorporates its motion for attorney's fees filed in the Eleventh Circuit (ECF 106). Pursuant to Fed.R.Civ.P. 54(d)(1), the Carver GSA reserves any request for district court taxable costs (estimated to be \$10,923.91) until the Court enters judgment. The

Carver GSA also excludes from this request its pending Motion to Tax Appellate Costs (ECF 87) for \$2,297.70. The Carver GSA argues as follows:

I. Background

The students in the Carver GSA wanted to form and operate a noncurricular student group at Carver Middle in the fall of 2013. They wanted to continue the Carver GSA that had begun the previous spring. However, over the intervening summer the Florida legislature repealed § 1003.413(1), Fla. Stat., following the urging of two School Board members. School Board's Appellee Br. (ECF 111-8) at pdf p. 29 ("Both Mr. Mathias and Dr. Howard testified that they had contacted the legislators to encourage a change in the language in §1003.413(1) ..."). It was only because of that statute that the School Board recognized that Carver Middle School was subject to the Equal Access Act and agreed to permit the club in the spring of 2013. *See B.N.S. v. Sch. Bd. Of Lake Cty.*, No. 5:13-cv-205 (M.D. Fla.). With the statute repealed, the School Board was emboldened and determined to disapprove the Carver GSA's application and deny the club access in the fall. Two weeks before it filed the lawsuit, the Carver GSA requested the School Board identify how it "could amend its charter so that it would qualify under the current Board policy." Pls.' Trial Ex. 25. The School Board failed to respond. The

Carver GSA ultimately had to sue to secure the rights provided by the Equal Access Act.

In its complaint, the Carver GSA 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 Appeal*”). After trial, 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 the Eleventh Circuit 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 the district court’s judgment and remanded the case for further proceedings. *Id.*

The Eleventh Circuit’s opinion and judgment 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. *See Carver Middle Sch. Gay-*

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

Straight All. v. Sch. Bd. of Lake Cty., Fla., No. 5:13cv623, --- F.Supp.3d ----, 2017 WL 1368988, at *2 (M.D. Fla. Apr. 12, 2017) (hereinafter “*Carver*”) (the Carver “GSA filed its application for recognition as an approved club at Carver Middle School, and the School Board approved it”) (citations omitted).

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

The Carver “GSA is a prevailing party” entitled to attorney’s fees calculated by the “lodestar method”—the product of reasonable hourly rates and reasonable number of hours. *Carver*, 2017 WL 1368988, at *7. The Carver GSA is also entitled to an award of nontaxable litigation 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

Applying the lodestar method, the Carver GSA seeks attorney’s fees as follows:

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, attached and incorporated as Ex. 111-1. 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 more than three years of judicial clerk experience and nearly five years of civil rights litigation experience with the ACLU. Their experience was necessary in the opposition of seasoned counsel from the School Board. *Pennsylvania v. Delaware Valley Citizens’ Council for*

Clean Air, 483 U.S. 711, 730 (1987) (quality of opposition should be reflected in lodestar element of time). Therefore, reasonable hourly rates for the Carver GSA attorneys are as follows:

<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, attached and incorporated as Ex. 111-2, at 6, ¶ 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*, 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.

1. Hourly Rate x Total Time

The Carver GSA’s counsel has attached task-based, itemized statements of the time expended by each of the lawyers for which Plaintiffs seek compensation for work done. As reflected in their time records, the Carver GSA’s counsel spent 702.8 hours in total in the district court. *See Time Records*, attached and incorporated as Ex. 111-3. Counsel has sworn that these time records are accurate. *Declarations of Counsel*, attached and incorporated as Ex. 111-1. The product of these total hours and the reasonable rates is \$267,875.

The total time the Carver GSA's counsel dedicated to this litigation was reasonable. The case involved complex issues of federal civil rights and the novel question of whether Florida middle schools provide secondary education and thus are subject to the Equal Access Act. The Eleventh Circuit observed "no reported decisions of the Florida courts answer this question." *Carver Appeal*, 842 F.3d at 1331.

2. Hourly Rate x Total Time less Eliminated Time through Billing Judgment

However, the Carver GSA exercised billing judgment and eliminated numerous tasks from its requested fee application, even though its attorney committed time to them. The Carver GSA does not seek attorney's fees for work performed on its unsuccessful First Amendment claim. *Norman*, 836 F.2d at 1302 ("[I]n determining reasonable hours the district court must deduct time spent on discrete and unsuccessful claims."). And it eliminated time spent uniquely on this claim. For example, it does not request attorney's fees for time spent deposing the School Board members as their testimony was largely probative to the First Amendment claim. Furthermore, where the Carver GSA marshaled both claims in a single filing, e.g., the Complaint (ECF 1) and Motion for Preliminary Injunction (ECF 4), it made additional reductions in the hours requested to reflect the dual nature of the filing. However, because both claims involved a "common core of

facts” and “related legal theories,” and sought the same relief, “the district court should focus on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation.” *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983). Here, the Carver GSA obtained the relief it sought under either claim—it can now meet as a student club at school. Therefore, the Carver GSA “should recover a fully compensatory fee” without any further reduction to reflect its unsuccessful First Amendment claim. *Id.*

The Carver GSA does not seek compensation for duplication of efforts. With rare exception, it requests attorney’s fees for only a single attorney to handle a hearing or deposition or participating in a conference call, even when other attorneys expended time on these activities. *But see Johnson v. Univ. Coll. of Univ. of Alabama in Birmingham*, 706 F.2d 1205, 1208 (11th Cir. 1983) (“An award for time spent by two or more attorneys is proper as long as it reflects the distinct contribution of each lawyer to the case and the customary practice of multiple-lawyer litigation.”), *holding modified by Gaines v. Dougherty Cty. Bd. of Educ.*, 775 F.2d 1565 (11th Cir. 1985). It eliminated all travel time. It eliminated all time expended by Nancy Abudu, who with nearly 20 years of practice reviewed numerous filings, consulted about litigation strategy, and supervised much of the work. 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 significant assistance.

After the exercise of billing judgment, the Carver GSA requests compensation for 463.9 hours for time expended in the district court. Multiplied by the reasonable hourly rates, this totals an attorney's fee request of \$172,274. The total-sought attorney's fees represent greater than an overall 34% discount for billing judgment. These attorney's fees represent reasonable compensation for the attorneys' efforts in the district court. *See* Sheppard's Declaration (Ex. 111-2) at 6, ¶ 12.

Given the Carver GSA's substantial exercise of billing judgment, the district court need not further reduce the number of compensatory hours.

3. Carver GSA spent one-third less time than the School Board.

At times, the hours spent by the opposing side may reasonably differ. *Johnson*, 706 F.2d at 1208. However, generally the side with a greater stake in the "precedential value" is expected to spend more time on the case. *Id.* Here, that side is the party represented by the ACLU. In Florida, it has previously litigated four other cases on behalf of students wanting a GSA at their high school. *Gonzalez v. Sch. Bd. of Okeechobee Cty.*, No. 06cv14320 (S.D. Fla.); *Gay Straight All. of Yulee High Sch. v. Sch. Bd. of Nassau Cty.*, No. 3:09-cv-112 (M.D. Fla.); *Vanguard High Sch. Gay-Straight All. v. Yancey*, 5:12-cv-00268 (M.D. Fla.); *B.N.S. v.*

Lake Cty. Sch. Bd., No. 5:13-cv-205 (M.D. Fla.).² Ensuring students are able to access and speak in noncurricular forums established by schools is an ACLU priority. Nevertheless, the School Board expended *more* time in this litigation. Through the end of Feb. 2017, it had billed for more than 870 hours of attorney time for its work in both the district and appellate courts. *See* McLin Burned Invoices (Sept. 2013 – Mar. 2017), attached and incorporated as Ex. 111-4. By comparison, the Carver GSA requests compensation for 463.9 hours in the district court and 130.5 hours in the appellate court³ for a total of 594.4 hours.

4. Categorized Summary

The Carver GSA categorized its time entries at Ex. 111-5. *See Norman v. Hous. Auth. of City of Montgomery*, 836 F.2d 1292, 1303 (11th Cir. 1988) (“A well-prepared fee petition also would include a summary, grouping the time entries by the nature of the activity or stage of the case.”). However, several categories warrant further discussion beyond the individual time records.

² Each of those cases involved GSAs at high schools; and therefore, were not dispositive of this case involving a middle school. This case was the first time a court considered whether the Equal Access Act applied to middle schools in Florida. *See Carver Appeal*, 842 F.3d at 1331 (observing that “no reported decisions of the Florida courts answer this question.”).

³ *See* Carver GSA’s Mot. for Appellate Attorney’s Fees (ECF 106); Categorized Summary of Appellate Attorney Fees, attached and incorporated as Ex. 111-**Error! Main Document Only..**

Complaint

On Dec. 19, 2013, the Carver GSA filed a 16-page, two-count complaint. ECF 1. It succeeded on its Equal Access Act claim; it lost its free speech claim. The Carver GSA's counsel eliminated any claim for time spent specifically on its unsuccessful free speech claim and then additionally reduced its fee request by 20%.

Motion for Preliminary Injunction

On Jan. 15, 2014, the Carver GSA filed a 25-page motion for preliminary injunction. ECF 4. It attached 16 exhibits. This motion provided the appropriate legal analysis and marshaled facts that the School Board had approved noncurricular clubs, thereby subjecting it to the Equal Access Act. On Feb. 10, 2014, the district court held a hearing on the motion, which required preparation by counsel. The Carver GSA's counsel eliminated any claim for travel time and the attendance at the hearing by its second counsel. It also eliminated any claim for time spent specifically on its unsuccessful free speech claim and then additionally reduced its fee request by 25%.

Response to Motion to Dismiss

On Jan. 29, 2014, the School Board moved to dismiss the complaint, ECF 10, and the Carver GSA responded, ECF 12. The School Board raised four arguments, necessitating the Carver GSA's response to each.

Discovery - Depositions (June 2014)

On June 24-25, 2014, Carver GSA counsel deposed six witnesses: the Superintendent and Rule 30(b)(6) designee (Moxley), district staff charged with reviewing approving student club applications (Cole), Carver Middle School principal (Cunningham), and three other personnel expected to have knowledge about noncurricular student clubs. Although two attorneys attended each of these depositions, the Carver GSA exercised billing judgment to eliminate attendance time by the non-participating attorney in each deposition and all travel time. These depositions were critical for its motion for summary judgment (ECF 28) and trial.

Mot. in Limine to Exclude Expert

On July 18, 2014, the Carver GSA moved to exclude the School Board's two experts, ECF 25. Dr. Nguyen's expert testimony was inadmissible under Rule 702 because it was not "based on sufficient facts or data," was not "the product of reliable principles and methods," and was not applied to "the facts of this case."

The School Board ultimately agreed not to use his testimony at trial.

Superintendent Moxley sought to opine about whether Carver Middle was a secondary school. However, at trial she testified that she did not know if her understanding of what was a secondary school was accepted by other districts or educators. Indeed, her opinion stood untethered to any legal definition. Trial Tr. (Mar. 3, 2015) (ECF 70) at 86-88.

Discovery - Depositions (Sept./Oct. 2014)

On Sept. 30 and Oct. 1, 2014, Carver GSA counsel took 7 depositions—each of the School Board’s five members, its financial officer, and its expert Moxley. Additionally, the counsel had to attend or defend the deposition of 5 witnesses deposed by the School Board. Although two attorneys attended each of these depositions, the Carver GSA exercised billing judgment to eliminate attendance time by the non-participating attorney in each deposition and all travel time. Furthermore, as it did not prevail on its First Amendment claim, it seeks no fees related to the depositions of the School Board members.

The financial officer deposition was necessary to establish that the Carver Middle received federal financial assistance to bring the school under the Equal Access Act. *See* 20 U.S.C. § 4071(a). The School Board had refused to admit this fact, instead claiming “[t]he federal money is not awarded to a specific school.”

Request for Admin., No. 10. After the deposition, the School Board admitted this fact. Pretrial Statement (ECF 55) at ¶ 9(c).

Carver GSA counsel deposed Susan Moxley in June 2014. However, the School Board then disclosed her as an expert, ECF 25-1. This required a second trip and independent preparation for the deposition.

Mot. for Summ. J. (Equal Access Act)

On Aug. 22, 2014, the Carver GSA requested summary judgment solely on its ultimately successful Equal Access Act claim. ECF 28. In the 24-page motion, the Carver GSA advanced a strong legal argument supported by exhaustive factual predicate. Because the School Board refused to stipulate to any of the required elements, the Carver GSA had to prove each. It submitted 14 exhibits in support of the motion, including five depositions taken in June.

The School Board responded (ECF 32), warranting the Carver GSA to reply (ECF 36). The School Board then supplemented its response in light of the September/October depositions (ECF 40), again warranting the Carver GSA to reply (ECF 42). The Carver GSA's time related to all of these filings is reflected in this category.

Trial

The trial took place over two days, March 2-3, 2015. Like the School Board, two attorneys represented the Carver GSA at trial.

C. Appeal

The Carver GSA timely requested the Eleventh Circuit award it attorney's fees and litigation expenses incurred on appeal. (ECF 106). On Apr. 10, 2017, the Eleventh Circuit transferred the motion for consideration by the district court. Transfer Order (ECF 105). The Carver GSA's Motion for Appellate Attorney's Fees and Expenses remains pending before the district court. The Carver GSA incorporates that motion into the present motion and requests the district court resolve the dispute over the attorney's fees and litigation expenses incurred on appeal.

The Carver GSA submits now several appellate filing to apprise the district court of the complexity of the appeal and quality of the Carver GSA's work:

ECF 111-7	Carver GSA's Initial Brief
ECF 111-8	School Board's Answer Brief
ECF 111-9	Carver GSA's Reply Brief
ECF 111-10	Carver GSA's Motion to Supplement the Record
ECF 111-11	Carver GSA's Letter Brief on Organizational Standing

IV. Litigation Expenses

Reasonable attorney's fees include reimbursement for litigation expenses. *Missouri v. Jenkins*, 491 U.S. 274, 285 (1989) (holding that reasonable attorney's fees "must also take account of other expenses and profit"). The Carver GSA seeks reimbursement as identified in the District Court Expenses Itemization, attached and incorporated as Ex. 111-12. "[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 \$5,710.24. These litigation expenses were necessary for the litigation. See Tilley's Decl. (Ex. 111-1 at 1) at ¶ 5. The claim is support by receipts. See Receipts for Litigation Expenses, attached and incorporated as Ex. 111-13.

V. Conclusion

For the reasons set forth above, Plaintiffs respectfully request an award of attorney's fees and litigation expenses in the district court and the appellate court of pursuant to 42 U.S.C. §1988 as follows:

- \$172,274 - attorney's fees in the district court
- \$5,710.24 - nontaxable litigation expenses in the district court
- \$49,160 - attorney's fees in the appellate court
- \$615.49 - nontaxable litigation expenses in the appellate court

For a total of \$276,919.73 with interest.⁴

This amount represents the work done through June 15, 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).

Dated: June 15, 2017

Certificate of Service: Today, I filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all persons registered for this case, including any opposing counsel that have appeared.

Respectfully Submitted,

s/ Benjamin James Stevenson

Benjamin James Stevenson

Fla. Bar. No. 598909

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Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

CARVER MIDDLE SCHOOL GAY-
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SCHOOL BOARD OF LAKE COUNTY,
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Defendant.

TILLEY'S DECLARATION
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES

I, DANIEL B. 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 Attorneys' Fees and Litigation Expenses. 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.
5. The litigation expenses claimed in this Motion for Attorney's Fees and Litigation Expenses were necessarily incurred in the litigation of this case in the district court.

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

Executed on June 15, 2017

s/Daniel B. Tilley
Daniel B. Tilley

Daniel Tilley

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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

Daniel Tilley

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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://aclufl.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://aclufl.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]

Daniel Tilley

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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)]

Daniel Tilley

ACLU of Florida
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 Miami, FL 33137
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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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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 DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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

Plaintiffs,

No. 5:13-cv-623-WTH-PRL

v.

SCHOOL BOARD OF LAKE COUNTY,
FLORIDA,

Defendant.

STEVENSON'S DECLARATION
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES

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 Attorneys' Fees and Litigation Expenses. 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 June 15, 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)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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

Plaintiffs,

No. 5:13-cv-623-WTH-PRL

v.

SCHOOL BOARD OF LAKE COUNTY,
FLORIDA,

Defendant.

COOPER'S DECLARATION
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES

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 Attorneys' Fees and Litigation Expenses. 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 June 15, 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

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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

Plaintiffs,

No. 5:13-cv-623-WTH-PRL

v.

SCHOOL BOARD OF LAKE COUNTY,
FLORIDA,

Defendant.

ABUDU'S DECLARATION
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES

I, NANCY ABUDU, 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 Attorneys' Fees and Litigation Expenses. 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 1999.

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

Executed on June 15, 2017

s/Nancy Abudu
Nancy 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. Envtl. 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)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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

Plaintiffs,

No. 5:13-cv-623-WTH-PRL

v.

SCHOOL BOARD OF LAKE
COUNTY, FLORIDA,

Defendant.

DECLARATION OF WM. J. SHEPPARD
IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEY'S FEES

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 49 years and have handled numerous appeals in the Fifth Circuit Court of Appeal, Eleventh Circuit of Appeal, Fourth Circuit Court of Appeal, Seventh Circuit 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:

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);

Miller v. Carson, 563 F.2d 757 (5th Cir. 1977) (Civil Rights, Class Action, Jail Conditions);

Alvord v. State, 396 So.2d 184 (Fla. 1981) (Criminal, Death Penalty, Triple Murder);

In re Wainwright, 678 F.2d 951 (11th Cir. 1982) (Criminal, Murder, Death Penalty);

Vaught v. State, 442 So.2d 217 (Fla. 1983) (Criminal, Murder, Death Penalty);

Shabazz v. Barnauskas, 790 F.2d 1536 (11th Cir. 1986) (Civil Rights, Prisoner Beards);

Knight v. State, 512 So.2d 922 (Fla. 1987) (Criminal, Murder, Death Penalty);

Lucas v. O'Loughlin, 831 F.2d 232 (11th Cir. 1987) (Civil Rights, First Amendment, Head Jailer);

Murphy v. City of Flagler Beach, 846 F.2d 1306 (11th Cir. 1988) (Civil Rights, Employee Termination, Cop)

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);

Copcutt v. Woodham, 892 F.2d 87 (11th Cir. 1989) (Civil Rights, Class Action, Jail Conditions);

Dunn v. The Florida Bar, 889 F.2d 1010 (11th Cir. 1989) (Civil Rights, Indigent's Right to Access Courts);

Doe v. Garrett, 903 F.2d 1455 (11th Cir. 1990) (Civil, Employment Discrimination, HIV, Navy Recruiter);

Clark v. Nassau County, Fla., 976 F.2d 741 (11th Cir. 1992) (Civil Rights, Wrongful Death, High Speed Chase);

Doggett v. U.S., 505 U.S. 647 (1992) (Criminal, Cocaine Importation, Speedy Trial);

Adler v. Duval County School Board, 851 F.Supp. 446 (M.D. Fla. 1994) (Civil Rights, Establishment of Religion, High School Graduation Prayer);

Alexander v. University of North Florida, 39 F.3d 290 (11th Cir. 1994) (Civil Rights, Failure to Protect, Wrongful Death);

Babb v. Lake City Community College, 66 F.3d 270 (11th Cir. 1995) (Civil Rights, First Amendment, Right to Unionize);

Madden v. Singletary, 53 F.3d 1285 (11th Cir. 1995) (Civil Rights, Prison Conditions);

Alvord v. State, 694 So.2d 704 (Fla. 1997) (Criminal, Triple Murder, Death Penalty);

Dugan v. Singletary, 129 F.3d 1424 (11th Cir. 1997) (Civil Rights, Prison Conditions, Death Row Visitation);

Adler v. Duval County School Board, 250 F.3d (11th Cir. 2001) (Civil Rights, First Amendment, Establishment Clause, School Prayer);

T.C. v. Milner, 2005WL1618221 (M.D. Fla. 2005) (Civil Rights, Jail Visitation, Child's Right to Visit Parent);

Bryant v. Witkowski, 175 Fed.Appx. 297 (11th Cir. 2006) (Civil Rights, Excessive Force);

All States Humane Game Fowl Organization, Inc. v. City of Jacksonville, 2008 WL 2949442 (M.D. Fla. 2008) (Civil Rights, Due Process);

Nixon v. Rutherford, 2008WL299062 (M.D. Fla. 2008) (Civil Rights, False Imprisonment);

Osterback v. McDonough, 549 F.Supp.2d 1337 (M.D. Fla. 2008) (Civil Rights, Class Action, Prison Conditions (Super Max));

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);

Bell v. Atlantic Trucking Co., Inc., 405 Fed.Appx. 370 (11th Cir. 2010) (Race Discrimination in Employment);

Smith v. Beseler, 506 Fed.Appx. 894 (11th Cir. 2013) (Civil Rights, False Arrest, Malicious Prosecution, Misleading Arrest Affidavit);

Bodden v. Bodden, 510 Fed.Appx. 850 (11th Cir. 2013) (Civil rights, Excessive Force, police shooting);

Arrington v. Kinsey, 512 Fed.Appx. 956 (11th Cir. 2013) (Civil Rights, False Arrest/Malicious Prosecution, False Murder Allegations);

Runge v. Snow, 514 Fed.Appx. 891 (11th Cir. 2013) (Civil Rights, Excessive Force);

Jones v. Rutherford, 546 Fed.Appx. 808 (11th Cir. 2013) (Civil Rights, Deliberate Indifference, Inmate Medical Care);

Gennusa v. Canova, 748 F.3d 1103 (11th Cir. Apr. 8, 2014) (Civil Rights, Unreasonable Search and Seizure, Illegal Wiretapping of Attorney-Client Conversations);

Brenner v. Scott, 298 F.R.D. 689 (N.D. Fla. 2014) (Civil Rights, Same Sex Marriage, Civil Procedure, Intervention);

Bowden v. Stokely, 576 Fed.Appx. 951 (11th Cir. 2014) – (Civil Rights, Eighth Amendment, Excessive Force); and

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 in the district court in this dispute. 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.

4. For purposes of this opinion, I have presumed that Plaintiffs are the prevailing parties and entitled to reasonable fees under § 1988. Indeed, the district court has concluded they are the prevailing party. *Carver Middle Sch. Gay-Straight All. v. Sch. Bd. of Lake Cty., Fla.*, No. 5:13cv623, --- F.Supp.3d ---, 2017 WL 1368988, at *7 (M.D. Fla. Apr. 12, 2017). 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. I have also relied on the Categorized Summary of Attorney's Fees filed with the motion. I have reviewed the substantive filings in the case to analyze the complexity of legal argument and the difficulty in proffering the facts to determine whether the time spent on the filings was appropriate.

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 litigation at the district court level 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 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, unless eliminated through billing judgment, were sufficiently detailed to allow review for purposes of calculating a lodestar. Counsel were careful not to block bill their requested time, and in my estimation were appropriately specific in their entries.

11. This lawsuit involved the novel question of whether Florida middle schools provide secondary education^[1] and thus are subject to the Equal Access Act. Given the complexity and amount of work involved in the case at the district level, the time the Plaintiffs’ counsel spent was reasonable. Furthermore, I find the Plaintiffs’ counsel’s roughly 35% reduction as billing judgment reasonable. They took care to eliminate from their request for attorney fees redundant and unnecessary time as well as reduce their request for attorney’s fees to reflect their lack of success on their First Amendment claim. Nevertheless, given that they achieved the “overall relief” through their Equal Access Act claim, the lack of success on the First Amendment claim should further discount their fee award. *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983). Additionally, I concur with their reasoning and application in their motion to derive an appropriate number of hours requested for compensation.

12. Taking all of the above into account, the Plaintiffs’ counsel request for attorney’s fees in the district court of approximately \$175,000 is a reasonable attorney’s fee.

^[1] The Eleventh Circuit 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).

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

Executed on June 15, 2017.

s/Wm. J. Sheppard _____
Wm. J. Sheppard

Attorney Time Record

Timekeeper: **Daniel Tilley**
 Staff Attorney
 ACLU Foundation of Fla.
 4343 W. Flagler St., Ste. 400
 Miami, FL 33134

Style: *Carver GSA v. School Board of Lake County, Fla.*
 No. 5:13-cv-623 WTH-PRL (M.D. Fla)

314.9 Total Hours Worked

107.4 Less Eliminated Hours

207.5 Net Hours Requested

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
13-Aug-13	0.2	review news stories for discriminatory statements by school board members	Pre-Lawsuit Investigation	Eliminated
13-Aug-13	0.1	call with Benjamin Stevenson (BJS) to discuss potential role of organizational plaintiff	Pre-Lawsuit Investigation	
13-Aug-13	0.2	call with H.F. (intro conversation)	Pre-Lawsuit Investigation	
13-Aug-13	0.2	call with Janine Faughnan (into conversation)	Pre-Lawsuit Investigation	
14-Aug-13	0.2	review news stories for statements by school board members indicating discriminatory intent	Pre-Lawsuit Investigation	Eliminated
15-Aug-13	0.1	e-mail to Leslie Cooper (LC) re inclusion in retainer agreement	General	Eliminated
15-Aug-13	0.3	edited and reviewed form retainer agreement	General	
15-Aug-13	0.1	e-mail to client re retainer agreement (and answering questions)	General	
15-Aug-13	0.1	e-mail to Maria Kayanan (ACLU-FL attorney colleague) re designation of ACLU representative	General	
15-Aug-13	0.5	corresponded with co-counsel and client regarding club application	Pre-Lawsuit Investigation	
20-Aug-13	0.1	email to client's father re club application and retainer agreement	General	
5-Sep-13	0.1	call with H.F. re announcements at school re clubs	Pre-Lawsuit Investigation	
5-Sep-13	0.2	call with Janine re school not providing forms	Pre-Lawsuit Investigation	
5-Sep-13	0.1	email to BJS and LC re response to school's inaction in creating forms	Pre-Lawsuit Investigation	
6-Sep-13	0.1	email to Steve Johnson (SJ) re delay in preparing club applications	Pre-Lawsuit Investigation	
6-Sep-13	0.3	research when current policy was provided tentative approval	Pre-Lawsuit Investigation	
10-Sep-13	0.2	call with Janine and H.F. re Steve Johnson's response re delay in preparing club applications; advised on next steps	Pre-Lawsuit Investigation	
11-Sep-13	0.1	e-mail to Steve Johnson re Ms. Pease's (front desk, Carver Middle School) representations to H.F.	Pre-Lawsuit Investigation	
11-Sep-13	0.1	reviewed e-mail, club application, and consent form sent by Steve Johnson	Pre-Lawsuit Investigation	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
11-Sep-13	0.1	call with BJS re response to Ms. Pease's representation that she did not know anything about clubs apps and that clubs weren't happening yet this year	Pre-Lawsuit Investigation	
11-Sep-13	0.1	call with H.F. re her experience requesting club application from Ms. Pease	Pre-Lawsuit Investigation	
13-Sep-13	0.2	modified club charter in response to newly provided club application and e-mailed to BJS and LC for their comments	Pre-Lawsuit Investigation	
13-Sep-13	0.2	call with BJS re preparing club application	Pre-Lawsuit Investigation	
13-Sep-13	0.5	call with BJS re strategy around curriculum-related nature of clubs	Pre-Lawsuit Investigation	
13-Sep-13	0.1	call with H.F. re whether B8 met this week	Pre-Lawsuit Investigation	
23-Sep-13	0.5	call with BJS and Sara Cohan re how to change curriculum	Pre-Lawsuit Investigation	
2-Oct-13	0.5	call with BJS and H.F. and Janine re club application, ideas about activities for the year	Pre-Lawsuit Investigation	
2-Oct-13	0.2	call with BJS re club application, prepping for call with clients	Pre-Lawsuit Investigation	
3-Oct-13	0.1	e-mailed BJS and LC for their comments on modified club charter and application	Pre-Lawsuit Investigation	
3-Oct-13	0.3	modified club charter and application in accordance with discussion with clients from	Pre-Lawsuit Investigation	
6-Nov-13	0.1	call with BJS re follow up on application	Pre-Lawsuit Investigation	
13-Nov-13	0.1	email to Steve Johnson re status of club application	Pre-Lawsuit Investigation	
4-Dec-13	0.1	reviewed Sentinel article on funding for Lake County Schools for discriminatory intent by Superintendent	Pre-Lawsuit Investigation	Eliminated
4-Dec-13	1.2	drafting complaint (styling, signature, updating introduction, jurisdiction, venue, parties)	Complaint (ECF 1)	
4-Dec-13	0.2	call with Janine re filing of lawsuit	General	
5-Dec-13	0.3	downloaded and reviewed School Board meeting agendas and minutes from May 2013 through August 2013	Complaint (ECF 1)	Eliminated
5-Dec-13	0.1	review e-mail discussion of 1 st Amendment claims	Complaint (ECF 1)	Eliminated
5-Dec-13	0.5	drafting complaint (facts and relief)	Complaint (ECF 1)	
5-Dec-13	0.9	drafting complaint (facts)	Complaint (ECF 1)	
5-Dec-13	0.1	email to LC and BJS about lack of clubs not being a problem under EAA	Complaint (ECF 1)	
5-Dec-13	0.3	research school board minutes addressing opt-out provision, e-mailing LC and BJS re relevance of that provision to current policy	Complaint (ECF 1)	
5-Dec-13	0.3	researched EAA cases for rulings on theory that it's not necessary for clubs to exist for EAA to apply	Complaint (ECF 1)	
5-Dec-13	0.3	call with BJS about lack of clubs at school and concept of curriculum in current school club policy	Complaint (ECF 1)	
5-Dec-13	0.1	call with LC about lack of clubs at school	Complaint (ECF 1)	
5-Dec-13	0.2	call with LC re SJ's e-mail, whether student govt is curricular, need to talk to H.F., obtain club applications, whether and how to proceed	Complaint (ECF 1)	
5-Dec-13	0.1	texting with HF re need to chat	General	
5-Dec-13	0.1	reviewed e-mail from SJ that club application has been denied	Pre-Lawsuit Investigation	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
5-Dec-13	0.1	sent two e-mails to SJ re need for other club applications and for advice on how to amend club charter	Pre-Lawsuit Investigation	
5-Dec-13	0.2	call with BJS re how to respond to SJ's e-mail, whether and how to proceed	Pre-Lawsuit Investigation	
6-Dec-13	0.7	editing complaint (adding facts, adding comments for BJS and LC, proofreading for sending to BJS and LC); sent to BJS and LC for their review	Complaint (ECF 1)	
6-Dec-13	0.2	call with BJS re need for high school club applications, district's definition of curricular	Complaint (ECF 1)	
6-Dec-13	0.1	call with BJS re timing for filing complaint and PI motion, process servers	Complaint (ECF 1)	
6-Dec-13	0.1	review and respond to (multiple) e-mails from opposing counsel	Pre-Lawsuit Investigation	
8-Dec-13	0.1	review suggested edits e-mailed by LC	Complaint (ECF 1)	
9-Dec-13	0.3	reviewed past preliminary-injunction (PI) motions for potential use as template in this case	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
9-Dec-13	1.4	edited complaint in accordance with suggested edits by LC (deleted paragraphs, edited others, added others)	Complaint (ECF 1)	
9-Dec-13	0.2	call with HF to ask about clubs at school, GSA meetings last school year, filing date	Mot. for Prelim. Injunc. (ECF 4)	
9-Dec-13	0.1	e-mails with Sch. Bd. atty's assistant re scanning and e-mailing club applications to us	Pre-Lawsuit Investigation	
10-Dec-13	0.2	call with BJS re interpretation of school board minutes re opt-out policy, whether current policy includes non-curricular clubs	Complaint (ECF 1)	
10-Dec-13	0.5	beginning draft of PI motion using template from Vanguard GSA case	Mot. for Prelim. Injunc. (ECF 4)	
10-Dec-13	0.5	drafting PI motion	Mot. for Prelim. Injunc. (ECF 4)	
10-Dec-13	0.3	review high school club apps sent by SJ's assistant	Mot. for Prelim. Injunc. (ECF 4)	
11-Dec-13	1.5	edited complaint based on LC's comments	Complaint (ECF 1)	
11-Dec-13	0.1	e-mails with Leslie re sports at school	Complaint (ECF 1)	
11-Dec-13	0.1	call with BJS re whether to drop Superintendent as a defendant	Complaint (ECF 1)	
11-Dec-13	0.2	call with H.F. to discuss Beta-like club, sports at school, other students' involvement in GSA, and anti-bullying "program" at Oak Park Middle	Complaint (ECF 1)	
11-Dec-13	0.1	reviewed voicemail from H.F.	General	
11-Dec-13	0.9	finished first draft of facts section on PI motion	Mot. for Prelim. Injunc. (ECF 4)	
12-Dec-13	0.2	call with BJS logistics of filing, service	Complaint (ECF 1)	Eliminated
12-Dec-13	1.7	drafting PI motion (finishing draft of EAA claim; 1 st Am. Claim)	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
12-Dec-13	1.0	drafting PI motion (part of EAA claim; PI factors 2, 3, and 4)	Mot. for Prelim. Injunc. (ECF 4)	
12-Dec-13	0.1	e-mail to SJ re extended delay in sending us the club apps from district middle schools	Mot. for Prelim. Injunc. (ECF 4)	
12-Dec-13	0.1	e-mail with LC re update on other clubs at school	Mot. for Prelim. Injunc. (ECF 4)	
12-Dec-13	0.5	researched non-curricular nature of National Junior Honor Society and Cheerleading	Mot. for Prelim. Injunc. (ECF 4)	
12-Dec-13	0.1	texting with H.F. re Junior National Honor Society	Mot. for Prelim. Injunc. (ECF 4)	
13-Dec-13	0.1	formatting PI motion to comply with local rules	Mot. for Prelim. Injunc. (ECF 4)	Eliminated

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
13-Dec-13	1.4	PI motion (researching relevance of viewpoint discrimination; researching and adding positions of school board members)	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
13-Dec-13	0.1	discussed BJS's edits with BJS	Complaint (ECF 1)	
13-Dec-13	1.1	edited complaint based on BJS's edits	Complaint (ECF 1)	
13-Dec-13	0.2	call with BJS re his edits to complaint, imputing superintendent's actions to school, inclusion in club packet the club app for NJHS	Complaint (ECF 1)	
13-Dec-13	0.1	call with LC re interpretation of club policy to include non-curricular clubs, non-curricular nature of cheerleading and NJHS	Complaint (ECF 1)	
13-Dec-13	0.1	followed up with SJ re need for middle school club apps	Mot. for Prelim. Injunc. (ECF 4)	
13-Dec-13	0.1	researched school board policy re selection of superintendent	Mot. for Prelim. Injunc. (ECF 4)	
13-Dec-13	0.2	reviewed middle school clubs apps sent by SJ's assistant	Mot. for Prelim. Injunc. (ECF 4)	
15-Dec-13	0.7	reviewed LC's comments and edited complaint based on LC's comments	Complaint (ECF 1)	Eliminated
15-Dec-13	0.1	reviewed LC's comments and edited PI motion based on LC's comments	Mot. for Prelim. Injunc. (ECF 4)	
16-Dec-13	0.3	call with BJS re curricular in 1 st amendment vs. EAA	Complaint (ECF 1)	Eliminated
16-Dec-13	0.1	call with BJS re need to include complaint, exhibits, and consent order from prior iteration of	Complaint (ECF 1)	Eliminated
16-Dec-13	0.7	made further edits to complaint based on LC's comments and incorporated information on club approvals from other middle schools	Complaint (ECF 1)	
16-Dec-13	0.2	drafted H.F.'s declaration	Mot. for Prelim. Injunc. (ECF 4)	
16-Dec-13	0.2	edited H.F.'s declaration based on BJS's comments	Mot. for Prelim. Injunc. (ECF 4)	
16-Dec-13	2.3	edited PI motion (further edits based on LC's comments, incorporating research into other middle school clubs in the district, researching and incorporating research on curricular/non-curricular nature of National Junior Honor Society at Carver)	Mot. for Prelim. Injunc. (ECF 4)	
16-Dec-13	0.6	reviewed middle school clubs apps and took notes on club approvals relevant to complaint	Mot. for Prelim. Injunc. (ECF 4)	
16-Dec-13	0.1	call with Jim Faughnan re having H.F. review and sign the declaration	Mot. for Prelim. Injunc. (ECF 4)	
17-Dec-13	0.4	edited complaints based on LC's and Nancy Abudu's (ACLU-FL legal director) comments	Complaint (ECF 1)	
17-Dec-13	0.2	e-mail to LC and BJS responding to LC's comments re how to respond to Colorado GSA decision	Complaint (ECF 1)	
17-Dec-13	0.1	researched Colorado GSA decision to respond to LC's comments	Complaint (ECF 1)	
17-Dec-13	0.2	edited PI motion based on LC's and BJS's comments	Mot. for Prelim. Injunc. (ECF 4)	
17-Dec-13	0.2	reviewed club apps a second time re FCA	Mot. for Prelim. Injunc. (ECF 4)	
18-Dec-13	0.4	finalizing and sending complaint	Complaint (ECF 1)	Eliminated
18-Dec-13	0.2	preparing exhibits to complaint for filing	Complaint (ECF 1)	Eliminated
18-Dec-13	0.3	researching pro hac information and e-mailing LC re same	Other Filings	Eliminated

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
19-Dec-13	0.9	PI motion, editing based on LC's and BJS's comments	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
7-Jan-14	0.2	reviewed docket number 2 (notice of designation under local rule 3.05), accompanying case management report form, and local rule 3.05	General	
9-Jan-14	1.3	edited PI motion based on LC's comments; tc with LC re those comments; created exhibits list; added exhibit numbers and inserted paragraph numbers from H.F.'s declaration	Mot. for Prelim. Injunc. (ECF 4)	
12-Jan-14	0.4	reviewed BJS's comments and began making changes	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
13-Jan-14	0.2	call with Janine Faughan re logistics of getting declaration signed and sent back	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
13-Jan-14	3.1	edited PI motion based on BJS's comments; researched "secondary school" definition under state law; researched legislative history of Equal Access Act; incorporated this research into PI motion	Mot. for Prelim. Injunc. (ECF 4)	
14-Jan-14	0.3	e-mail to BJS and LC re edits I made and asking them whether to include exhibit re a school board member	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
14-Jan-14	4.3	finalized PI motion (used WestCheck; edited citations; revised and finalized exhibits list; drafted, edited (with BJS's comments), and finalized Tilley Declaration; conversation with Shalini Agarwal (ACLU-FL attorney colleague) re need for and obtaining sample of attorney declaration; tc with BJS re need for Tilley Declaration and authentication; collected exhibits and converted to PDF; redacted GSA application; filed document on CM/ECF)	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
14-Jan-14	3.6	edited PI motion (proofread; checked citations; added exhibits; added research on Beta Club and relevance of academic requirements for clubs; added research on school-sponsored issue)	Mot. for Prelim. Injunc. (ECF 4)	
21-Jan-14	0.5	drafted notice of compliance, discussed with BJS, filed, and served on Defendants' counsel	Other Filings	
21-Jan-14	0.2	served Court's order setting hearing on Defendant's counsel	Other Filings	
28-Jan-14	0.3	review Local Rule 2.02, filed written designation and consent to act	Other Filings	
29-Jan-14	0.3	reviewed motion to dismiss	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
29-Jan-14	1.5	started work on response to motion to dismiss (MTD): created document, altered service text, began introduction, drafted initial discussion re standing	Resp. to Mot. to Dismiss (ECF 12)	
30-Jan-14	3.1	MTD response: drafted first part of initial discussion re First Amendment	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
30-Jan-14	2.3	MTD response: drafted rest of the initial discussion re First Amendment	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
30-Jan-14	0.6	MTD response: reformatted document, added to first two sections, proofread quickly, sent e-mail with notes to BJS and LC and attached draft	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
30-Jan-14	2.2	MTD response: drafted initial discussion re Equal Access Act	Resp. to Mot. to Dismiss (ECF 12)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
30-Jan-14	0.4	MTD response: drafted initial discussion re moving force	Resp. to Mot. to Dismiss (ECF 12)	
30-Jan-14	1.7	MTD response: drafted initial discussion re pleading requirements	Resp. to Mot. to Dismiss (ECF 12)	
30-Jan-14	0.3	call with LC re responses to complaint (EAA, 1 st Amendment, standing, pleading, moving force)	Resp. to Mot. to Dismiss (ECF 12)	
3-Feb-14	1.6	doing final formatting of mtd response, checking cites and quotes, updating based on proofreading	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	2.9	editing MTD response (version 4) based on BJS and LC's comments and new research	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	1.4	editing MTD response (version 5) based on BJS and LC's comments and new research	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	0.8	editing MTD response (version 6) based on BJS and LC's comments and new research	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	0.9	proofreading near-final version	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	0.5	call with BJS re First Amendment and EAA claims	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	0.2	call with BJS re his comments & edits to my first draft of MTD response	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	0.4	preparing for moot	Mot. for Prelim. Injunc. (ECF 4)	
3-Feb-14	0.8	reviewed and analyzed Defendant's response to motion for preliminary injunction	Mot. for Prelim. Injunc. (ECF 4)	
4-Feb-14	2.8	PI hearing moot prep: first amendment	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
4-Feb-14	1.2	PI hearing moot prep: first amendment	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
4-Feb-14	0.3	PI hearing moot prep: newspaper quotes	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
4-Feb-14	0.2	prepared MTD response for filing and filed	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
4-Feb-14	0.1	review e-mail LC and incorporate final suggested edit	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
4-Feb-14	0.6	PI hearing moot prep: created outline	Mot. for Prelim. Injunc. (ECF 4)	
4-Feb-14	0.4	PI hearing moot prep: security bond	Mot. for Prelim. Injunc. (ECF 4)	
5-Feb-14	1.8	finish preparations for moot on PI hearing	Mot. for Prelim. Injunc. (ECF 4)	
5-Feb-14	1.4	moot on PI hearing and debrief	Mot. for Prelim. Injunc. (ECF 4)	
10-Feb-14	1.0	preliminary-injunction hearing	Mot. for Prelim. Injunc. (ECF 4)	
6-Mar-14	0.1	call with BJS re case	General	Eliminated
6-Mar-14	0.1	call with Steve Johnson re case	General	
7-Mar-14	0.8	case management conference	Case Management Report (ECF 19)	Eliminated
7-Mar-14	1.0	prepare for case management conference	Case Management Report (ECF 19)	Eliminated
20-Mar-14	0.5	prep for discovery discussion with BJS, LC	Discovery - Other	Eliminated
20-Mar-14	0.1	call with SJ re corrections to case management report	Case Management Report (ECF 19)	
20-Mar-14	0.2	edited case management report, discussed with BJS, sent to SJ	Case Management Report (ECF 19)	
20-Mar-14	0.2	made final edits to case management report, filed case management report	Case Management Report (ECF 19)	
20-Mar-14	0.1	follow-up discussion with BJS re need to file initial disclosures, timing for beginning discovery	Discovery - Initial & Written	
20-Mar-14	1.5	discussion of anticipated discovery, potential problems, with BJS and LC	Discovery - Other	
21-Mar-14	0.4	call with Leslie re viability of First Amendment claim, discovery, who to depose, questions re cheerleading	Discovery - Other	Eliminated
21-Mar-14	1.1	draft initial disclosures; send to BJS and LC for review; review and incorporate BJS and LC comments; send to SJ	Discovery - Initial & Written	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
21-Mar-14	0.1	review Defendant's initial disclosures	Discovery - Initial & Written	
24-Mar-14	1.4	first draft of rogs, RFPs, RFAa	Discovery - Initial & Written	
31-Mar-14	0.7	reviewed voicemail from LC re her final comments on discovery request; researched federal and local rules on discovery (expert testimony), made further edits, sent version to BJS for final review before filing	Discovery - Initial & Written	Eliminated
31-Mar-14	1.1	reviewing BJS and LC's comments on composite discovery request, making own edits	Discovery - Initial & Written	Eliminated
31-Mar-14	0.3	call with BJS re composite discovery request; sent LC follow-up e-mail	Discovery - Initial & Written	Eliminated
1-Apr-14	0.2	mailed and e-mailed discovery requests to opposing counsel	Discovery - Initial & Written	Eliminated
1-Apr-14	0.3	researched disclosures required by experts under federal rule; call with LC re same	Discovery - Initial & Written	Eliminated
1-Apr-14	0.2	call with BJS about expert disclosures and other final needed edits to discovery request	Discovery - Initial & Written	
1-Apr-14	0.2	email to opposing counsel re discovery proposal to waiver of paper requirement and waiver of the need to leave answer space for written interrogs	Discovery - Initial & Written	
1-Apr-14	0.2	made final edits to discovery requests	Discovery - Initial & Written	
3-Apr-14	0.4	call with BJS to discuss scheduling of depositions, what depositions we want	Discovery - Depositions (June 2014)	Eliminated
9-Apr-14	0.1	discussion with Leslie re 30b6 notices	Discovery - Depositions (June 2014)	Eliminated
11-Apr-14	0.2	call with H.F. to update on status of case	General	
30-Apr-14	0.2	email to LC and BJS re conversation with Steve Johnson	Discovery - Initial & Written	Eliminated
30-Apr-14	0.3	discussion with Steve Johnson re discovery requests, scheduling for depositions	Discovery - Initial & Written	
6-May-14	2.3	call with BJS re discovery	Discovery - Initial & Written	Eliminated
6-May-14	0.3	call with BJS re discovery	Discovery - Initial & Written	Eliminated
6-May-14	2.2	call with BJS re discovery	Discovery - Initial & Written	Eliminated
7-May-14	0.5	drafting email to Steve Johnson re deficient discovery responses	Discovery - Initial & Written	Eliminated
7-May-14	0.2	review BJS's edits to email to Steve Johnson email	Discovery - Initial & Written	Eliminated
28-May-14	2.1	call with BJS re discovery and witness questions	Discovery - Depositions (June 2014)	Eliminated
29-May-14	2.3	reviewing discovery	Discovery - Initial & Written	
4-Jun-14	0.1	email to BJS and LC re depositions	Discovery - Depositions (June 2014)	
4-Jun-14	2.1	review Carver emails produced in discovery	Discovery - Initial & Written	
9-Jun-14	3.2	review Carver emails produced in discovery	Discovery - Initial & Written	
10-Jun-14	1.6	draft deposition outlines	Discovery - Depositions (June 2014)	
11-Jun-14	1.3	draft deposition outlines	Discovery - Depositions (June 2014)	
11-Jun-14	0.3	call with H.F.	General	
11-Jun-14	0.3	draft motion to extend time to serve expert disclosure	Other Filings	
12-Jun-14	0.1	emails with BJS and LC re depositions	Discovery - Depositions (June 2014)	
13-Jun-14	0.9	expert witnesses	Discovery - Other	Eliminated
13-Jun-14	0.6	deposition outlines	Discovery - Depositions (June 2014)	
13-Jun-14	0.2	email to BJS and LC re potential expert witness	Discovery - Other	
13-Jun-14	0.5	spoke with potential expert witness	Discovery - Other	
15-Jun-14	1.7	draft deposition outline for Cole	Discovery - Depositions (June 2014)	
17-Jun-14	1.4	call with LC re depo outlines	Discovery - Depositions (June 2014)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
18-Jun-14	1.0	draft deposition outlines	Discovery - Depositions (June 2014)	
22-Jun-14	0.7	research board issue	General	Eliminated
22-Jun-14	0.6	draft deposition outlines	Discovery - Depositions (June 2014)	
1-Jul-14	1.1	call with LC re depos, expert	Discovery - Depositions (June 2014)	Eliminated
1-Jul-14	1.0	research carver issue	General	Eliminated
2-Jul-14	0.2	emails with LC and BJS re expert report	Discovery - Initial & Written	
8-Jul-14	0.2	discussion re expert witness	Mot. in Limine to Exclude Expert (ECF 25)	Eliminated
9-Jul-14	0.1	sent initial disclosures to opposing counsel	Discovery - Initial & Written	Eliminated
9-Jul-14	0.9	convo with BJS and LC	General	Eliminated
9-Jul-14	0.2	draft amended initial disclosures, mail to BJS	Discovery - Initial & Written	
9-Jul-14	0.2	convo with BJS re secondary school issue	General	
15-Jul-14	1.1	edits to motion to exclude experts	Mot. in Limine to Exclude Expert (ECF 25)	Eliminated
16-Jul-14	0.1	review email from BJS	General	Eliminated
16-Jul-14	0.2	call with LC about draft	Mot. in Limine to Exclude Expert (ECF 25)	Eliminated
16-Jul-14	2.6	edits to mtn to exclude experts	Mot. in Limine to Exclude Expert (ECF 25)	
16-Jul-14	2.3	edits to mtn to exclude experts	Mot. in Limine to Exclude Expert (ECF 25)	
17-Jul-14	0.3	comments on LC's comment	General	Eliminated
18-Jul-14	0.1	discuss research with legal intern Leor	General	Eliminated
18-Jul-14	0.9	final edits to mot in limine	Mot. in Limine to Exclude Expert (ECF 25)	Eliminated
18-Jul-14	0.2	drafting new requests for admission, discuss with LC	Discovery - Initial & Written	
22-Jul-14	0.2	discuss research with legal intern Leor	General	Eliminated
22-Jul-14	0.1	emails with LC	General	Eliminated
22-Jul-14	0.1	review email from legal intern Leor	General	Eliminated
22-Jul-14	0.3	call with BJS	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
23-Jul-14	0.5	review cases cited by legal intern Leor (in re asbestos)	General	Eliminated
23-Jul-14	0.2	call with LC re experts, msj	Discovery - Other	
28-Jul-14	2.8	drafting carver msj (began intro, facts, Equal Access Act discussion)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
29-Jul-14	0.2	drafting carver msj (Equal Access Act discussion)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
30-Jul-14	1.5	drafting carver msj (EAA discussion -- repeal of old law, career-themed courses, structure of state statutes)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
3-Aug-14	1.8	drafting carver msj (EAA -- read remedial statutes broadly; Carver receives federal financial assistance, Defendant has limited open forum, Carver is non-curricular group)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
4-Aug-14	2.4	drafting carver msj (update facts, summary-judgment standard, secondary school discussion, repeal of prior state law, discussion of Beta Club, discussion of National Junior Honor Society, discussion of cheerleading squad)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
5-Aug-14	0.5	drafting carver msj (update facts, discussion of effect of cheerleading squad on EAA)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
6-Aug-14	3.0	drafting carver msj (update intro/facts, revamp section on secondary schools, discussion of non-curricular groups)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
6-Aug-14	0.3	review LC comments and respond to LC and BJS	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
12-Aug-14	0.1	call to erica silberstein to set depo	General	Eliminated
12-Aug-14	0.1	review and respond to BJS email re deposition exhibits	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
12-Aug-14	0.1	review and respond to BJS email re filing of MSJ on EAA	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
18-Aug-14	0.2	email to Stephanie McCulloch re depos	Discovery - Depositions (June 2014)	Eliminated
18-Aug-14	0.5	drafting carver msj, review BJS's comments	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
18-Aug-14	0.5	call with bjs re msj	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
18-Aug-14	0.3	call with LC re msj	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
19-Aug-14	1.2	drafting carver msj	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
19-Aug-14	0.5	call with LC re msj	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
20-Aug-14	1.1	call with LC and BJS (BJS on for part of it)	General	Eliminated
20-Aug-14	2.1	drafting carver msj	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
20-Aug-14	0.4	call with Stephanie McCulloch and LC	General	
21-Aug-14	3.6	drafting carver msj	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
28-Aug-14	2.2	mootness issue	General	
5-Sep-14	0.1	review and respond to LC email	General	Eliminated
5-Sep-14	0.2	research attorney fee issue	Attorney's Fees, Litigation Expenses, & Costs	
5-Sep-14	0.5	call with bjs re responding to Defendant's discovery, scheduling depos	Discovery - Initial & Written	
5-Sep-14	1.1	drafting carver discovery response	Discovery - Initial & Written	
5-Sep-14	0.1	review and respond to email from Tina Johnson (of SJ's law firm)	General	
8-Sep-14	0.1	emails with bjs re depo dates	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
8-Sep-14	0.2	emails with Tina Johnson about depo dates, need for 30b6	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
8-Sep-14	0.2	edit discovery response to School Board	Discovery - Initial & Written	
9-Sep-14	0.1	sent carver discovery response to Stephanie McCulloch	Discovery - Initial & Written	Eliminated
9-Sep-14	0.2	researched discovery timing issue	Discovery - Other	Eliminated
9-Sep-14	1.2	drafting carver discovery response, emails with bjs and lc	Discovery - Initial & Written	
15-Sep-14	0.3	phone call with BJS to discuss potential reply, whether to request oral argument, next steps	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
16-Sep-14	0.1	review bjs's edits to motion for leave to file reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
16-Sep-14	0.3	call with LC to discuss reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
16-Sep-14	0.2	draft motion for leave to file reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
30-Sep-14	0.8	Deposed Kyleen Fisher	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
30-Sep-14	0.4	Attended deposition of M.G.	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
30-Sep-14	2.5	Defended deposition of Heather Jablonski	Discovery - Depositions (Sept./ Oct. 2014)	
30-Sep-14	0.6	Defended deposition of B.S.	Discovery - Depositions (Sept./ Oct. 2014)	
1-Oct-14	3.0	Deposed Tod Howard, Debbie Stivender, & Bill Mathias	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
1-Oct-14	2.6	Attended depositions of MacLeod & Moxley	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
8-Oct-14	0.2	call with BJS about Defendant's motion for leave to file reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
9-Oct-14	1.6	draft reply in support of msj on EAA claim	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
10-Oct-14	1.3	edit and finalize response to defendant's motion to file supplemental response to msj on EAA claim	Other filings	Eliminated
10-Oct-14	4.8	edit and finalize reply based on LC's comments	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
30-Oct-14	2.9	draft reply in support of MSJ	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
30-Oct-14	0.3	review school board's supplemental response	Other filings	
30-Oct-14	0.6	call with LC to discuss before drafting	Other filings	
3-Nov-14	0.3	further edits on reply based on bjs's comments	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
3-Nov-14	0.3	call with bjs and lc about reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
3-Nov-14	0.1	call with LC about reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
3-Nov-14	1.1	editing reply based on comments, making further edits, reviewing moxley depo	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
17-Nov-14	0.1	call with LC about calling chambers	General	Eliminated
17-Nov-14	0.4	prepared motion to convert hearing to telephonic hearing	Other Filings	Eliminated
17-Nov-14	0.1	call with bjs about calling chambers	General	
19-Nov-14	1.7	draft response to Defendant's MSJ, EAA issue, intro etc. (combining diff EAA args from our various filings)	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	
20-Nov-14	0.2	call with bjs re discovery hearing	General	
21-Nov-14	0.1	email to bjs and lc re discovery hearing	General	Eliminated
21-Nov-14	0.4	discovery hearing	General	
21-Nov-14	1.9	prepare for discovery hearing	General	
24-Nov-14	1.1	call with bjs about dr. nguyen response	Discovery - Other	Eliminated
24-Nov-14	1.8	edited response to MSJ (first am. section)	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	
29-Jan-15	0.2	email legal team re what to do to prepare for trial	Pretrial	Eliminated
29-Jan-15	0.3	research local rules re pretrial conf requirements, email to legal team to discuss local rule requirements for pretrial conference, scheduling necessary conf calls	Pretrial	
29-Jan-15	0.2	call with bjs discussing trial preparation	Pretrial	
2-Feb-15	1.1	drafting document of evidence for use at trial	Pretrial	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
2-Feb-15	0.2	emails with bjs, lc, and na re DE 54 about arguing unresolved motions at the pretrial conference	Pretrial	
2-Feb-15	2.2	prepare document re compliance with LR 3.06 for discussion with LC and BJS	Pretrial	
2-Feb-15	1.2	call with bjs and lc re pre-pretrial conf convo scheduled for Wednesday 2/4 with stephanie and steve	Pretrial	
4-Feb-15	0.6	post-conference call with bjs re next steps	Pretrial	Eliminated
4-Feb-15	0.6	pre-pretrial conference with bjs, Stephanie, and Steve	Pretrial	Eliminated
4-Feb-15	0.5	call with bjs to prepare for pre-pretrial conf	Pretrial	Eliminated
4-Feb-15	0.3	review materials for pre-pretrial conf	Pretrial	
5-Feb-15	0.2	emails with bjs re potential new motion in limine re moxley	General	
6-Feb-15	2.0	draft carver pretrial statement	Pretrial	
8-Feb-15	4.7	draft carver pretrial statement	Pretrial	
9-Feb-15	0.3	call with BJS	General	Eliminated
9-Feb-15	0.5	call with bjs re draft pretrial statement	Pretrial	Eliminated
9-Feb-15	0.6	call with bjs re his edits	Pretrial	Eliminated
9-Feb-15	0.3	review bjs's draft	Pretrial	Eliminated
9-Feb-15	0.3	review LC's comments	Pretrial	Eliminated
9-Feb-15	1.2	edits to pretrial statement	Pretrial	
10-Feb-15	4.6	draft pretrial statement	Pretrial	
10-Feb-15	0.9	call with BJS and LC re pretrial statement	Pretrial	
11-Feb-15	0.1	call with BJS about next steps	Trial	Eliminated
11-Feb-15	0.3	call with LC and BJS about next steps	Trial	Eliminated
11-Feb-15	0.1	emails to BJS and LC re status of responses from Defendant re pretrial statement	Pretrial	
11-Feb-15	0.1	emails to Stephanie re status of their portions of pre-trial statement	Pretrial	
11-Feb-15	1.5	working on deposition cites	Trial	
11-Feb-15	2.1	working on deposition cites	Trial	
12-Feb-15	2.9	prepare fisher, stivender, and cole deposition cites	Trial	Eliminated
13-Feb-15	2.1	call with bjs re preparation for pretrial conference	Pretrial	Eliminated
15-Feb-15	5.6	prep for MSJ portion of argument (pretrial conference)	Pretrial	
16-Feb-15	0.2	call with client H.F.	General	
16-Feb-15	4.7	prep for hearing	Pretrial	
17-Feb-15	0.1	email to BJS	Pretrial	Eliminated
17-Feb-15	1.3	prep for pretrial conference	Pretrial	
17-Feb-15	1.5	prep for pretrial conference	Pretrial	
18-Feb-15	0.1	email with LC re hearing	Pretrial	Eliminated
18-Feb-15	1.3	call with bjs before hearing	Pretrial	Eliminated
18-Feb-15	0.5	call with bjs after hearing	Pretrial	Eliminated
18-Feb-15	2.6	prep for pretrial conference	Pretrial	
20-Feb-15	1.4	putting together defense exhibits	Trial	
21-Feb-15	7.2	trial prep	Trial	
22-Feb-15	1.1	prepare B.S. depo cites	Trial	Eliminated
22-Feb-15	0.5	prepare mathias examination	Trial	Eliminated

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
23-Feb-15	0.1	email with steve and stephanie re exchanging page and line cites	Trial	
23-Feb-15	0.1	email with Tina Johnson with bns depo missing pages	Trial	
23-Feb-15	0.2	emails with Tina Johnson re exhibits	Trial	
23-Feb-15	0.4	preparing supplemental exhibits	Trial	
23-Feb-15	1.1	call with BJS re trial	Trial	
23-Feb-15	0.2	call with bjs re next steps	Trial	
24-Feb-15	0.1	emails with Tina Johnson re subpoena checks	Trial	Eliminated
24-Feb-15	0.1	call with BJS re trial	Trial	
25-Feb-15	2.2	board member examination questions	Trial	Eliminated
25-Feb-15	2.1	call with bjs re trial issues	Trial	Eliminated
25-Feb-15	1.0	call with bjs re trial issues	Trial	Eliminated
25-Feb-15	0.3	drafting supplemental exhibit and witness list	Pretrial	
25-Feb-15	0.1	emails for exhibits that I still need from defendant's original witness list, and stating need for their supplemental exhibits	Pretrial	
25-Feb-15	0.1	reviewing opposing counsel's supplemental exhibit and witness lists	Pretrial	
25-Feb-15	0.1	sending supplemental exhibits to opposing counsel	Pretrial	
25-Feb-15	0.1	email with Steve Johnson re B.S.'s attendance and exchange of depo and line cites	Trial	
28-Feb-15	0.3	conversation with clients re trial	Trial	Eliminated
28-Feb-15	0.3	conversation with bjs re trial re trial issues	Trial	Eliminated
28-Feb-15	2.9	trial prep	Trial	
2-Mar-15	5.9	Trial day 1	Trial	
3-Mar-15	0.3	discussed trial with clients	General	
3-Mar-15	3.7	Trial day 2	Trial	
5-Mar-15	0.5	conversation with bjs and LC re next steps	General	Eliminated
5-Mar-15	0.2	conversation with bjs re findings of fact	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
9-Mar-15	0.4	conversation with bjs re next steps	General	Eliminated
9-Mar-15	0.1	[Redacted]	Redacted	Eliminated
9-Mar-15	0.3	[Redacted]	Redacted	Eliminated
9-Mar-15	0.1	email steve and stephanie re need to extend posttrial deadlines	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
10-Mar-15	0.5	call with LC re next steps	General	
11-Mar-15	0.4	drafting proposed findings	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
13-Mar-15	0.6	[Redacted]	Redacted	Eliminated
26-Mar-15	0.3	call with bjs re proposed findings	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
26-Mar-15	1.3	drafting proposed findings	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
27-Mar-15	3.8	drafting mootness argument	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
30-Mar-15	0.5	call with bjs re proposed findings	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
30-Mar-15	6.9	drafting proposed findings	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
31-Mar-15	5.4	drafting proposed findings	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
31-Mar-15	0.6	call with bjs on proposed findings	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
31-Aug-15	0.4	call with BJS re carver appeal, bill of costs	Attorney's Fees, Litigation Expenses, & Costs	
3-Sep-15	0.3	call with Janine Faughnan about potential appeal, club reapplying	General	
12-Sep-15	0.2	call with parent of Carver student re GSA	General	
14-Sep-15	0.2	call with parent of Carver student re student's involvement in GSA	General	
14-Sep-15	0.1	edit retainer agreement for sending to parent of Carver student	General	
14-Sep-15	0.2	researched school board minutes for commentary on district court's decision	General	
16-Sep-15	0.3	conversation with BJS re GSA leadership decision to move forward	General	Eliminated
14-Oct-15	0.2	call with bjs on his edits to bill of costs	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
14-Oct-15	0.2	call with bjs on whether to move forward with motion on costs	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
14-Oct-15	2.1	draft objections to bill of costs	Attorney's Fees, Litigation Expenses, & Costs	
14-Oct-15	0.1	emails with legal team on next steps for bill of costs	Attorney's Fees, Litigation Expenses, & Costs	
14-Oct-15	0.1	follow-up email to Steve and Stephanie re waiving costs for M.G.	Attorney's Fees, Litigation Expenses, & Costs	
14-Oct-15	1.2	review NA and BJS's edits to objections to bill of costs, make further edits, do additional research, and finalize objections to bill of costs	Attorney's Fees, Litigation Expenses, & Costs	
27-Oct-15	0.1	emails with Stephanie McCulloch re costs	Attorney's Fees, Litigation Expenses, & Costs	
6-Dec-16	0.1	call with BJS re next steps	Settlement	Eliminated
6-Dec-16	0.1	call with LC re next steps	Settlement	Eliminated
6-Dec-16	0.1	call with Janine Faughnan re decision and next steps	Settlement	
6-Dec-16	0.1	correspondence with H.F. re decision and next steps	Settlement	
6-Dec-16	0.1	review emails from BJS and LC re next steps	Settlement	
6-Dec-16	0.2	review Eleventh Circuit decision	Settlement	
14-Dec-16	0.5	call with BJS to discuss fees	Settlement	
16-Dec-16	0.5	call with BJS and NA to discuss potential settlement /fees	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
16-Dec-16	0.3	call with BJS to discuss potential settlement / fees	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
10-Jan-17	0.6	call with BJS re attorneys' fees, status conference	Attorney's Fees, Litigation Expenses, & Costs	
12-Jan-17	1.3	call with BJS re club application, settlement	Settlement	
18-Jan-17	0.5	call with BJS re status conference tomorrow	Settlement	Eliminated
19-Jan-17	0.7	status conference with court	Settlement	Eliminated
19-Jan-17	0.2	call with BJS re status conference with court, next steps re submitting application and briefing	Settlement	Eliminated
19-Jan-17	0.1	call with Janine Faughnan and H.F. re next steps.	Settlement	
23-Jan-17	0.1	call with BJS re turning in club application, working on fee petition	Settlement	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
2-Feb-17	2.3	draft parts IA and IB of motion for partial summary judgment, do research for part IC	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
7-Feb-17	0.4	call with BJS re getting nominal damages under Equal Access Act, next steps if School Board denies GSA application	Settlement	
15-Feb-17	0.5	call with BJS re private right of action	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
15-Feb-17	0.3	reviewed BJS's edits to motion for partial summary judgment, provided additional comments (private right of action, damages)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
15-Feb-17	0.2	call with BJS re my comments to his edits to motion for partial summary judgment (private right of action, damages)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
15-Feb-17	0.2	make additional edits to motion for partial summary judgment based on cal with BJS (private right of action, damages)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
15-Feb-17	0.5	review and provide comments to Sections II and III of motion for partial summary judgment (GSA is prevailing party, GSA is entitled to lodestar attorney fees)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
8-Jun-17	0.6	Telephone conference with Stevenson re: settlement & Fees motion	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
13-Jun-17	0.3	Telephone conference with Stevenson re: settlement & Fees motion	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
13-Jun-17	1.0	Revised Mot. for Atty's Fees	Attorney's Fees, Litigation Expenses, & Costs	

Attorney Time Record

Timekeeper: **Benjamin Stevenson**
 Staff Attorney
 ACLU Foundation of Fla.
 3 W. Garden St., Ste 712
 Pensacola, FL 32502

Style: *Carver GSA v. School Board of Lake County, Fla.*
 No. 5:13-cv-623 WTH-PRL (M.D. Fla)

337.9 Total Hours Worked

98.9 Less Eliminated Hours

239.0 Net Hours Requested

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
13-Aug-13	0.1	Telephone call with Tilley re: GSA as plaintiff	Pre-Lawsuit Investigation	Eliminated
11-Sep-13	0.1	Telephone conference with Tilley re: status of club application	Pre-Lawsuit Investigation	
13-Sep-13	0.5	Telephone conference with Tilley re: GSA application and school's club requirements	Pre-Lawsuit Investigation	Eliminated
17-Sep-13	0.7	Reviewed proposed club's purpose, membership, and rules and proposed revisions based on and after review of school board policies with discussion with Tilley	Pre-Lawsuit Investigation	
23-Sep-13	0.5	Telephone conference with Tilley & Sara Cohen (teacher) re: meaning of "curricular" and who decides what is taught / intended to be learned	Pre-Lawsuit Investigation	
2-Oct-13	0.5	Telephone conference with Tilley & clients re: club application	Pre-Lawsuit Investigation	Eliminated
7-Oct-13	0.3	[Redacted]	Redacted	Eliminated
7-Oct-13	0.2	[Redacted]	Redacted	Eliminated
5-Dec-13	0.6	Reviewed current club policy to discern intent and meaning with regard to whether a club had to be curricular & spoke with Tilley re: same	Complaint (ECF 1)	
5-Dec-13	0.3	Telephone conference with Tilley re: methods to establish forum - by policy and practice	Complaint (ECF 1)	
6-Dec-13	0.3	Telephone conference with Tilley re: finalizing complaint and service	Complaint (ECF 1)	Eliminated
12-Dec-13	4.1	Revised complaint	Complaint (ECF 1)	
16-Dec-13	0.4	Telephone conference with Tilley re: different meaning of "curricular" in First Am. context v. Equal Access Act	Complaint (ECF 1)	Eliminated
17-Dec-13	0.9	Revised complaint	Complaint (ECF 1)	
18-Dec-13	0.2	Revised complaint	Complaint (ECF 1)	
10-Jan-14	2.1	Revised Mot. for Prelim. Injunc.	Mot. for Prelim. Injunc. (ECF 4)	
30-Jan-14	1.9	Researched issue of standing, associational standing and injury stemming from exclusion from forum for student clubs; research into final decision maker case law	Resp. to Mot. to Dismiss (ECF 12)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
31-Jan-14	4.7	Researched issue of First Am. standard applicable to forum for student clubs, application of Kuhlmeier and Bannon, viewpoint discrimination and drafted section of Resp. to Mot. to Dismiss on First Amendment claim	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
31-Jan-14	2.3	Edited other sections of Resp. to Mot. to Dismiss (aside from standing, injury, and final decision maker)	Resp. to Mot. to Dismiss (ECF 12)	
3-Feb-14	1.4	Research use of secondary school and education in regulations	Resp. to Mot. to Dismiss (ECF 12)	
3-Feb-14	0.6	Telephone conference with Tilley re: Curricular in Equal Access Act v. 1st Amendment and responding to Mot. to Dismiss	Resp. to Mot. to Dismiss (ECF 12)	
4-Feb-14	0.3	Drafted Mot. for Permission to Use Computers	Other Filings	Eliminated
4-Feb-14	3.1	Significantly revised Equal Access Section of Resp. to Mot. to Dismiss to include robust logical analysis of possible resolution of inconsistent uses of "secondary school", including review of the use of that term in Pupil Progression Plan	Resp. to Mot. to Dismiss (ECF 12)	
5-Feb-14	2.1	Prepared for (including study of Sch. Bd.'s Resp. to Mot. for Prelim. Injunc.) and participated in moot oral arguments on Mot. for Prelim. Injunc.	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
10-Feb-14	3.5	Travel to/from for hearing on Pls.' Mot. for Prelim. Injunc.	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
10-Feb-14	1.0	Attended hearing on Pls.' Mot. for Prelim. Injunc.	Resp. to Mot. to Dismiss (ECF 12)	
10-Feb-14	0.9	Prepared for hearing on Pls.' Mot. for Prelim. Injunc.	Resp. to Mot. to Dismiss (ECF 12)	
10-Feb-14	0.7	Transition time to and from hearing on Pls.' Mot. for Prelim. Injunc.	Resp. to Mot. to Dismiss (ECF 12)	
6-Mar-14	0.2	Telephone conference with D. Tilley re: Court's Order denying Mot. for Prelim. Injunc.	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
7-Mar-14	0.9	Telephone conference with D. Tilley re: Case Management Report and plaintiffs' discovery plan	Case Management Report (ECF 19)	Eliminated
7-Mar-14	0.9	Created draft Case Management Report	Case Management Report (ECF 19)	
7-Mar-14	0.8	Participated in Rule 26(f) Discovery Conference	Case Management Report (ECF 19)	
17-Mar-14	0.2	Reviewed and edited Joint Discovery Conference Report	Case Management Report (ECF 19)	
20-Mar-14	1.6	Discussion with Tilley & Cooper re: necessary discovery to prove claims redefined by the ruling on the motion for prelim. Injunction	Discovery - Other	Eliminated
26-Mar-14	1.9	Revised written discovery request	Discovery - Initial & Written	
26-Mar-14	2.0	Researched Lake County School funding of "secondary education" - specifically state and federal grants limited to "secondary education"	General	
31-Mar-14	0.4	Further editing of written discovery requests to Sch. Bd.	Discovery - Initial & Written	
31-Mar-14	0.3	Telephone conference with Tilley re: written discovery request	Discovery - Initial & Written	
3-Apr-14	0.4	Telephone conference with Tilley re: needed depositions and their order	Discovery - Depositions (June 2014)	
1-May-14	0.3	Reviewed email from Tilley and responded about strategies to limit discovery burden and quicken pace of discovery	Discovery - Other	
6-May-14	2.3	Telephone conference with Tilley re: outstanding discovery responses from Sch. Bd. & proper demand for requested written discovery	Discovery - Initial & Written	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
7-May-14	0.4	Revised letter to Johnson re: outstanding discovery and demand for responses and production	Discovery - Initial & Written	
9-May-14	0.4	Telephone conference with Tilley and Johnson re: Sch. Bd.'s inadequate discovery responses	Discovery - Initial & Written	
9-May-14	0.2	Telephone conference with Tilley re: how to make email request more reasonable	Discovery - Initial & Written	
14-May-14	0.5	Review of Lake Sch.'s financial statements for federal grants limited to "secondary" schools	Discovery - Initial & Written	
19-May-14	0.4	Research on federal funding of "secondary education"	General	
28-May-14	2.1	Telephone conference with Tilley re: discovery plan and specific questions for witnesses	Discovery - Depositions (June 2014)	
29-May-14	0.4	[Redacted]	Redacted	Eliminated
11-Jun-14	0.1	Reviewed motion to enlarge time for expert disclosures	Other Filings	Eliminated
11-Jun-14	0.5	Drafted Notice of Deposition for Rule 30(b)(6) deponent(s)	Discovery - Depositions (June 2014)	
11-Jun-14	2.1	Prepared for deposition of Superintendent & Rule 30(b)(6) deponent(s)	Discovery - Depositions (June 2014)	
12-Jun-14	2.1	Continued drafting Notice of Deposition for Rule 30(b)(6) deponent(s)	Discovery - Depositions (June 2014)	
19-Jun-14	2.3	Reviewed Sch. Bd.'s objections to Rule 30(b)(6) notice and researched whether school board deponent can be required to state school board's position on items not voted on	Discovery - Depositions (June 2014)	
20-Jun-14	2.1	Drafted response to Sch. Bd.'s objections to Rule 30(b)(6) depositions	Discovery - Depositions (June 2014)	
20-Jun-14	3.7	Prepared for Rule 30(b)(6) Deposition	Discovery - Depositions (June 2014)	
20-Jun-14	0.4	Telephone conference with D. Tilley re: Sch. Bd.'s objections to Rule 30(b)(6) depositions	Discovery - Depositions (June 2014)	
21-Jun-14	3.1	Continued to prepare for Rule 30(b)(6) deposition	Discovery - Depositions (June 2014)	
22-Jun-14	3.0	Traveled from Pensacola to Tallahassee on way to depositions in Leesburg, Fla.	Discovery - Depositions (June 2014)	Eliminated
22-Jun-14	1.0	Finalized outline for examination of Rule 30(b)(6) deposition	Discovery - Depositions (June 2014)	
23-Jun-14	3.1	Continued trip from Tallahassee to Leesburg for depositions	Discovery - Depositions (June 2014)	Eliminated
23-Jun-14	1.0	Assisted in preparation for depositions of Haugabrook, Forbes, Wright, and Cunningham solo - developed lines of inquiry	Discovery - Depositions (June 2014)	
23-Jun-14	2.3	Assisted in preparation for depositions of Haugabrook, Forbes, Wright, and Cunningham with Daniel Tilley	Discovery - Depositions (June 2014)	
24-Jun-14	7.5	Attended deposition of Haugabrook, Forbes, Wright, and Cunningham	Discovery - Depositions (June 2014)	Eliminated
24-Jun-14	2.3	Prepared for Rule 30(b)(6) Deposition	Discovery - Depositions (June 2014)	
24-Jun-14	1.8	Prepared for depositions of Haugabrook, Forbes, Wright, and Cunningham solo - developed lines of inquiry	Discovery - Depositions (June 2014)	
25-Jun-14	6.0	Returned to Pensacola from Leesburg after depositions	Discovery - Depositions (June 2014)	Eliminated
25-Jun-14	2.0	Attended deposition of Cole	Discovery - Depositions (June 2014)	Eliminated
25-Jun-14	5.4	Deposed Rule 30(b)(6) witness and Superintendent Moxley	Discovery - Depositions (June 2014)	
25-Jun-14	1.0	Prepared for Rule 30(b)(6) Deposition	Discovery - Depositions (June 2014)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
9-Jul-14	0.9	Telephone conference with Tilley, Cooper, and Chen re: Mot. in Limine against expert testimony, Mot. for Summ. J., and evidence from depositions	Mot. in Limine to Exclude Expert (ECF 25)	
14-Jul-14	2.5	Revised Mot. in Limine to Exclude Expert Testimony	Mot. in Limine to Exclude Expert (ECF 25)	
7-Aug-14	6.3	Edited Mot. for Summ. J.	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
12-Aug-14	3.9	Continued revising the Mot. for Summ. J. on Equal Access Claim with special attention to permitting or granting an opportunity for a limited open forum	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
13-Aug-14	5.4	Continued revising the Mot. for Summ. J. on Equal Access Claim with special attention to Sch. Bd.'s liability through delegation	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
20-Aug-14	0.3	Telephone conference with Tilley & Cooper re: Mot. for Summ. J.	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
20-Aug-14	0.7	Revised Mot. for Summ. J.	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
21-Aug-14	0.8	Revised Mot. for Summ. J.	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
26-Aug-14	1.0	Researched question of how GSA being accepted outside court order would affect attorney fees: Voluntary cessation doctrine to keep injunctive relief claim, Farrar's question of reasonableness of fees for mere nominal damages; Gary, 720 F.3rd 887 (11th Cir.)	Attorney's Fees, Litigation Expenses, & Costs	
26-Aug-14	0.5	Telephone conference with Tilley & Cooper re: Recovery of Atty fees, if GSA applies and is granted access	Attorney's Fees, Litigation Expenses, & Costs	
5-Sep-14	0.4	Revised response to written discovery	Discovery - Initial & Written	Eliminated
5-Sep-14	0.2	Telephone conference with Tilley re: depositions, resp. to summary judgment, and response to discovery	General	
15-Sep-14	0.3	Telephone conference with Tilley re: how best to handle the Sch. Bd.'s Resp. to Mot. for Summ. J.	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
15-Sep-14	0.4	Read Sch. Bd.'s Resp. to Mot. for Summ. J. & considered reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
17-Sep-14	0.5	Numerous communications with opposing counsel re: depositions	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
19-Sep-14	0.2	Drafted Notice of Depositions	Discovery - Depositions (Sept./ Oct. 2014)	
23-Sep-14	0.3	Communicated with opposing counsel re: depositions	Discovery - Depositions (Sept./ Oct. 2014)	
24-Sep-14	0.5	Communicated with opposing counsel re: depositions	Discovery - Depositions (Sept./ Oct. 2014)	
25-Sep-14	0.2	Communicated with opposing counsel re: depositions	Discovery - Depositions (Sept./ Oct. 2014)	
26-Sep-14	0.2	Communicated with opposing counsel re: depositions	Discovery - Depositions (Sept./ Oct. 2014)	
26-Sep-14	0.2	Drafted Am. Notice of Deposition	Discovery - Depositions (Sept./ Oct. 2014)	
26-Sep-14	1.2	Prepared for deposition of Susan Moxley as expert	Discovery - Depositions (Sept./ Oct. 2014)	
26-Sep-14	0.7	Prepared for deposition of Rule 30(b)(6) - federal financial assistance	Discovery - Depositions (Sept./ Oct. 2014)	
29-Sep-14	6.0	Travel from Pensacola to Leesburg (Depositions)	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
29-Sep-14	2.3	Continued preparations for deposition of Susan Moxley as expert	Discovery - Depositions (Sept./ Oct. 2014)	
29-Sep-14	0.5	Discussed deposition defense of M.G., Jablonski and B.S. with Tilley	Discovery - Depositions (Sept./ Oct. 2014)	
30-Sep-14	1.9	Reviewed deposition outlines for School Board Members and proposed changes / new questions / how to set up question	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
30-Sep-14	4.5	Attended depositions of Heather Jablonski, B.S., & Kyleen Fischer	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
30-Sep-14	1.2	Continued preparations for deposition of Susan Moxley as expert	Discovery - Depositions (Sept./ Oct. 2014)	
30-Sep-14	0.5	Defended deposition of M.G.	Discovery - Depositions (Sept./ Oct. 2014)	
1-Oct-14	6.0	Attended depositions of H.F., Janine Faughnan, Bill Mathias, Debbie Stivender, & Tod Howard	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
1-Oct-14	2.0	Deposed Susan Moxley (Expert)	Discovery - Depositions (Sept./ Oct. 2014)	
1-Oct-14	0.6	Deposed Carol MacLeod (Rule 30(b)(6) as to "receipt, accounting, apportionment, and allocation of federal financial assistance" as necessary because of Sch.Bd.'s denial of receipt of federal	Discovery - Depositions (Sept./ Oct. 2014)	
2-Oct-14	6.0	Travel from Leesburg to Pensacola (Depositions)	Discovery - Depositions (Sept./ Oct. 2014)	Eliminated
8-Oct-14	0.2	Telephone conference with Tilley re: Sch. Bd.'s request to Am. Resp. to Summ. J.	General	
8-Oct-14	0.2	Drafted correspondence with McCulloch re: Sch. Bd.'s request to Am. Resp. to Summ. J.	General	
9-Oct-14	0.3	Revised Reply in Support of Mot. for Summ. J.	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
9-Oct-14	0.8	Drafted Resp. to Sch. Bd.'s Mot. for Leave to File to Supp.	Other filings	
3-Nov-14	1.2	Revised Plaintiff's Reply with conversation with Tilley and review of depositions	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
3-Nov-14	0.5	Read and analyzed Sch. Bd.'s Supp. Response to Mot. for Summ. J. (DE 40)	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
10-Nov-14	0.5	Reviewed Def.'s Mot. to enlarge discovery and revised Pls.' Response	Other Filings	
16-Nov-14	0.7	Initial drafting of Resp. to Sch. Bd.'s Mot. for Summ. J. - First Am. Argument	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	Eliminated
19-Nov-14	1.9	Drafting of Resp. to Sch. Bd.'s Mot. for Summ. J. - First Am. Argument of Tinker	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	Eliminated
20-Nov-14	2.3	Drafting of Resp. to Sch. Bd.'s Mot. for Summ. J. - First Am. Argument of Kuhlmeier	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	Eliminated
23-Nov-14	1.7	Drafting of Resp. to Sch. Bd.'s Mot. for Summ. J. - First Am. Argument - Access to Forum	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	Eliminated
24-Nov-14	1.0	Telephone conference with Tilley re: Nguyen as expert	Discovery - Other	
13-Jan-15	0.3	Drafted correspondence to opposing counsel re: Unavailability	Pretrial	
21-Jan-15	1.5	Corresponded with D. Tilley re: Need to depose Dr. Nguyen	Discovery - Other	
21-Jan-15	0.2	Drafted and filed notice of unavailability	Pretrial	
29-Jan-15	0.2	Telephone conference with Tilley re: trial	Pretrial	
2-Feb-15	1.2	Telephone conference with Tilley & Cooper re: pretrial conference	Pretrial	Eliminated

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
4-Feb-15	0.5	Pretrial conference with opposing counsel	Pretrial	
4-Feb-15	0.5	Telephone conference with Tilley re: Litigation and Trial Strategy	Pretrial	
4-Feb-15	0.5	Telephone conference with Tilley re: Pretrial conference, stipulation, and presentation of evidence at trial	Pretrial	
5-Feb-15	0.5	Researched availability of using R. 30(b)(6) to present live, party testimony at trial - party admissions	Pretrial	
9-Feb-15	2.7	Reviewed & edited Pretrial Stipulations	Pretrial	
9-Feb-15	0.6	Telephone conference with Tilley re: pretrial stipulations	Pretrial	
10-Feb-15	0.9	Telephone conference with Tilley & Cooper re: pretrial stipulations	Pretrial	Eliminated
10-Feb-15	0.8	Reviewed & edited Pretrial Stipulations	Pretrial	
11-Feb-15	0.3	Telephone conference with Tilley re: trial preparations	Trial	
13-Feb-15	2.1	Telephone conference with Tilley re: pretrial conference	Pretrial	
18-Feb-15	1.5	Telephone conferences with Tilley re: pretrial conference	Pretrial	Eliminated
23-Feb-15	3.0	Outlined evidence presentation after reading briefing on Summ J.	Trial	
23-Feb-15	1.2	Telephone conference with Tilley re: trial preparations and division of work	Trial	
25-Feb-15	2.9	Telephone conferences with Tilley re: trial preparations	Trial	
27-Feb-15	6.0	Travel from Pensacola to Tavares	Trial	Eliminated
27-Feb-15	5.7	Trial preparations	Trial	
28-Feb-15	2.0	Met with H.F. and discussed possible testimony and questions	Trial	
28-Feb-15	13.0	Trial preparations	Trial	
1-Mar-15	1.0	Travel from Tavares to Ocala	Trial	Eliminated
1-Mar-15	1.5	Met with B.S. and discussed possible testimony and questions	Trial	
1-Mar-15	0.9	Met with H.F. and discussed possible testimony and questions	Trial	
1-Mar-15	13.5	Trial preparations	Trial	
2-Mar-15	7.5	Trial	Trial	
2-Mar-15	8.0	Trial preparations	Trial	
3-Mar-15	5.0	Travel from Ocala to Pensacola	Trial	Eliminated
3-Mar-15	4.0	Trial	Trial	
3-Mar-15	4.0	Trial preparations	Trial	
5-Mar-15	0.7	Telephone conferences with Tilley re: post-trial filings & strategies	General	
10-Mar-15	1.3	Research of Christian Coal. of Florida, Inc. v. United States, 662 F.3d 1182 (11th Cir. 2011), why it is inapplicable to this case	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
13-Mar-15	0.6	[Redacted]	Redacted	Eliminated
18-Mar-15	1.9	Review of record to develop facts as to basis for Cole's denial and what was communicated to plaintiffs	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
26-Mar-15	3.1	Revised Pls.' Proposed Findings & Conclusions of Law (DE 72)	Pls.' Proposed Findings & Conclusions of Law (DE 72)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
27-Mar-15	2.5	Revised Pls.' Proposed Findings & Conclusions of Law (DE 72)	Pls.' Proposed Findings & Conclusions of Law (DE 72)	
30-Mar-15	0.5	Telephone conference with Tilley & Cooper re: post-trial filing	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
31-Mar-15	0.6	Telephone conference with Tilley re: Filings of Fact	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
16-Sep-15	0.3	Telephone conference with Tilley re: GSA leadership / client	General	
14-Oct-15	0.4	Telephone conference with Tilley re: Bill of Costs	Attorney's Fees, Litigation Expenses, & Costs	
6-Dec-16	0.5	Outlined to co-counsel possible route for settlement	Settlement	
16-Dec-16	0.5	Telephone conference with Tilley & Abudu re: settlement and compromise of fee demand	Attorney's Fees, Litigation Expenses, & Costs	
19-Dec-16	2.4	Reviewed attorney time	Attorney's Fees, Litigation Expenses, & Costs	
12-Jan-17	1.3	Telephone conference with Tilley re: path to settlement	Settlement	
13-Jan-17	0.4	Telephone conference with Johnson & Tilley re: settlement	Settlement	
17-Jan-17	0.6	Reviewed current school board policy re: club application form and prepared application for submission	Settlement	
18-Jan-17	0.5	Telephone conference with Tilley re: resolution of case we want district court to adopt	Settlement	
18-Jan-17	2.8	Prepared for status conference by review of 11th Cir. opinion, case law on mootness, declaratory relief separate from an injunction, implied right of action, and availability of lodestar attorney fees for nominal damage award	Settlement	
18-Jan-17	0.3	Telephone conference with L.F. re: application submission	Settlement	
19-Jan-17	0.5	Telephone conference with Tilley & Cooper re: Status conference and roadmap for resolution	Settlement	
19-Jan-17	0.5	Attempted to attend status conference - waited on hold	Settlement	
19-Jan-17	0.8	Participated in the Case Status Conference	Settlement	
19-Jan-17	0.4	Telephone conference with Tilley re: Status Conference order, next steps, and division of labor	Settlement	
20-Jan-17	0.2	Correspondence with opposing counsel re: form of club application	Settlement	
1-Feb-17	1.1	Outlined argument and drafted preliminary statement in GSA's Mot. for Partial Summary Judgment and Briefing on Attorney Fees	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
7-Feb-17	0.4	Telephone conference with Tilley re: Entitlement to nominal damages with review of case law including Al-Amin v. Smith, 637 F.3d 1192 (11th Cir. 2011)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
9-Feb-17	0.2	Correspondence with opposing counsel re: settlement and attorney fees	Attorney's Fees, Litigation Expenses, & Costs	
10-Feb-17	0.2	Correspondence with opposing counsel re: settlement and attorney fees	Attorney's Fees, Litigation Expenses, & Costs	
10-Feb-17	4.9	Drafted GSA's Mot. for Partial Summary Judgment Sections on how GSA is prevailing party and its entitlement to lodestar fees as reasonable	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
13-Feb-17	2.5	Correlated attorney time records to share with opposing counsel	Attorney's Fees, Litigation Expenses, & Costs	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
13-Feb-17	0.7	Correlated district court costs and expenses	Attorney's Fees, Litigation Expenses, & Costs	
13-Feb-17	1.5	Revised Mot. for Partial Summary Judgment - with significant research of federal case law holding that a plaintiff who prevails on an appeal is the prevailing party in the district court, <i>Cerajeski v. Zoeller</i> , 794 F.3d 828 (7th Cir. 2015)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
15-Feb-17	1.0	Revised Mot. for Partial Summary Judgment to include discussion of unsuccessful Frist Amendment claim and distinguish <i>Walker v. Anderson Elec. Connectors</i> , 944 F.2d 841 (11th Cir. 2015)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
15-Feb-17	0.5	Telephone conference with Tilley re: Mot. for Partial Summary Judgment - private right of action - do we use analysis in <i>Love v. Delta Air Lines</i> , 310 F.3d 1347, 1351 (11th Cir. 2002) or <i>Schwier v. Cox</i> , 340 F.3d 1284, 1290 (11th Cir. 2003)	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
15-Feb-17	1.4	Research of private cause of action for Equal Access Act under Sec. 1983 - whether compensatory damages may be awarded	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
16-Feb-17	1.1	Revised Mot. for Partial Summary Judgment – focus on Equal Access Act affords private cause of action and legal remedy	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
16-Feb-17	0.2	Telephone conference with Tilley re: Private cause of action for compensatory damages.	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
17-Feb-17	3.1	Review of attorney fees and costs in district court	Attorney's Fees, Litigation Expenses, & Costs	
17-Feb-17	0.2	Final review of Mot. for Partial Summ. J. before filing	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	
27-Feb-17	0.3	Corresponded with opposing counsel re: enlargement after discussion with Tilley about how delay may affect the Carver GSA's ability to move for an injunction, if the court denies lodestar attorney fees as reasonable	Attorney's Fees, Litigation Expenses, & Costs	
17-Mar-17	0.5	Initially reviewed Sch. Bd.'s Motion for Summ. J. and took notes as to response	Sch. Bd.'s Mot. for Summ. J. (ECF 102)	
23-Mar-17	0.7	Outlined School Board's argument, dividing between response to our filing and Sch.Bd.'s motion for partial summary judgment	Sch. Bd.'s Mot. for Summ. J. (ECF 102)	
24-Mar-17	0.6	Drafted motion for leave for discovery on voluntary cessation and to brief the court on the application of these facts	Other Filings	
24-Mar-17	0.9	Drafted response to Sch.Bd.'s motion for summary judgment (ECF 102)	Sch. Bd.'s Mot. for Summ. J. (ECF 102)	
27-Mar-17	0.3	Drafted correspondence to opposing counsel re: Sch. Bd.'s request to dismiss claims as moot and Carver GSA's motion for leave	Sch. Bd.'s Mot. for Summ. J. (ECF 102)	
27-Mar-17	0.4	Telephone conference with Tilley re: whether the School Board found deficient the description of a chosen mission (charters must explain what the clubs will discuss) or that the club had to discuss critical thinking	Sch. Bd.'s Mot. for Summ. J. (ECF 102)	
27-Mar-17	1.3	Revised Resp. to Mot. for Summ. in light of discussion	Sch. Bd.'s Mot. for Summ. J. (ECF 102)	

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
28-Mar-17	1.6	Further revised Resp. to Mot. for Summ., including adding discussion on nominal damages	Sch. Bd.'s Mot. for Summ. J. (ECF 102)	
12-Apr-17	0.4	Read Dist. Ct.'s order granting partial summary judgment as to nominal damages (ECF 107)	Other Filings	Eliminated
14-Apr-17	0.5	Drafted correspondence to opposing counsel re: settlement	Attorney's Fees, Litigation Expenses, & Costs	
28-Apr-17	0.4	Telephone conference with Johnson re: Schedule to resolve attorney's fees dispute	Attorney's Fees, Litigation Expenses, & Costs	
28-Apr-17	0.1	Reviewed proposed schedule for filing to resolve attorney fee dispute	Attorney's Fees, Litigation Expenses, & Costs	
17-May-17	0.3	Drafted correspondence to Johnson re: School Board's response with a proposed settlement to our demand for atty fees	Attorney's Fees, Litigation Expenses, & Costs	
26-May-17	0.4	Telephone conference with Atty Jim Green re: fee petition and need for fee counsel	Attorney's Fees, Litigation Expenses, & Costs	
31-May-17	0.2	Reviewed and responded to correspondence from Johnson re: attorney's fee settlement	Attorney's Fees, Litigation Expenses, & Costs	
5-Jun-17	0.4	Telephone conference with Atty Bill Sheppard re: his serving as expert	Attorney's Fees, Litigation Expenses, & Costs	
8-Jun-17	4.1	Initial review of time entries to exercise of billing judgment and categorization of time	Attorney's Fees, Litigation Expenses, & Costs	
8-Jun-17	0.6	Telephone conference with Tilley re: Mot. for Atty's Fees and proposed settlement amounts	Attorney's Fees, Litigation Expenses, & Costs	
8-Jun-17	2.5	Initial drafting of Mot. for Atty Fees with focus on specific work completed in the case	Attorney's Fees, Litigation Expenses, & Costs	
9-Jun-17	5.1	Continued drafting the Mot. for Atty Fees with focused on reasonable hours and rates & introduction	Attorney's Fees, Litigation Expenses, & Costs	
13-Jun-17	0.6	Drafted declaration for Sheppard's review	Attorney's Fees, Litigation Expenses, & Costs	
13-Jun-17	0.3	Revised Mot. for Atty's Fees	Attorney's Fees, Litigation Expenses, & Costs	
13-Jun-17	0.3	Telephone conference with Tilley re: Mot. for Atty's Fees and proposed settlement amounts	Attorney's Fees, Litigation Expenses, & Costs	
14-Jun-17	0.8	Revised Mot. for Atty's Fees	Attorney's Fees, Litigation Expenses, & Costs	
14-Jun-17	1.2	Review of Litigation Expenses in the district court	Attorney's Fees, Litigation Expenses, & Costs	
14-Jun-17	0.5	Revised Mot. for Atty's Fees	Attorney's Fees, Litigation Expenses, & Costs	
15-Jun-17	0.5	Telephone conference with Sheppard re: Declaration and Motion for Attorney's Fees	Attorney's Fees, Litigation Expenses, & Costs	
15-Jun-17	1.9	Revised motion for atty's fees in light of discussion with Sheppard	Attorney's Fees, Litigation Expenses, & Costs	

Attorney Time Record

Timekeeper: **Leslie Cooper**
 Senior Staff Attorney
 LGBT & AIDS Project
 American Civil Liberties Union
 125 Broad St.
 New York, NY 10004

Style: *Carver GSA v. School Board of Lake County, Fla.*
 No. 5:13-cv-623 WTH-PRL (M.D. Fla)

42.8 Total Hours Worked

25.4 Less Eliminated Hours

17.4 Net Hours Requested

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
31-Jan-14	2.5	Reviewing PI brief	Mot. for Prelim. Injunc. (ECF 4)	
20-Mar-14	1.5	TC with DT and BS re discovery	Discovery - Other	Eliminated
21-Mar-14	0.4	TC with DT re 1st Am claim	General	Eliminated
11-Jun-14	2.4	Editing depo outlines	Discovery - Depositions (June 2014)	
17-Jun-14	1.4	TC with DT re dep prep	Discovery - Depositions (June 2014)	Eliminated
1-Jul-14	1.1	TC with DT re depos	Discovery - Depositions (June 2014)	Eliminated
6-Aug-14	3.8	Commenting on draft motion for SJ	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
18-Aug-14	4.8	Revising SJ brief	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
19-Aug-14	0.5	TC with DT re MSJ	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
20-Aug-14	3.5	Revising MSJ	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
22-Aug-14	1.3	Final revisions to MSJ	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
29-Aug-14	1.5	Reviewing research re mootness and writing memo to counsel re same	General	Eliminated
9-Oct-14	2.8	Editing reply brief	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
30-Oct-14	0.6	TC with DT re reply	Mot. for Summ. J. (Equal Access Act) (ECF 28)	
31-Oct-14	1.2	Revising reply to supplemental brief on SJ	Other filings	
3-Nov-14	1.8	Revising opposition to supplemental brief	Other filings	
2-Feb-15	1.2	TC with DT and BS re pretrial conf	Pretrial	Eliminated
10-Feb-15	0.9	TC with DT and BS re pretrial stmt	Pretrial	Eliminated
18-Feb-15	2.5	Reviewing and commenting on pre-trial statement	Pretrial	Eliminated
5-Mar-15	0.6	Telecon with DT and BS re strategy	General	Eliminated
10-Mar-15	0.5	TC with DT re next steps	General	Eliminated
13-Mar-15	0.6	TC with DT and BS re next steps	General	
31-Mar-15	3.3	Revising proposed FOF/COL	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
1-Apr-15	2.1	Editing FOF/COL	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated

Attorney Time Record

Timekeeper: **Nancy Abudu**
 Legal Director
 ACLU Foundation of Fla.
 4343 W. Flagler St., Ste. 400
 Miami, FL 33134

Style: *Carver GSA v. School Board of Lake County, Fla.*
 No. 5:13-cv-623 WTH-PRL (M.D. Fla)

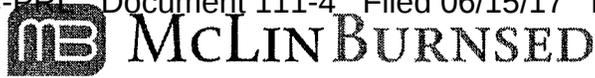
7.2 Total Hours Worked

7.2 Less Eliminated Hours

0.0 Net Hours Requested

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
18-Dec-13	0.2	review/edits/comments to complaint	Complaint (ECF 1)	Eliminated
14-Jan-14	0.2	review/edits/comments of motion for preliminary injunction	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
22-Jan-14	0.2	review of order setting hearing on plaintiff's motion for preliminary injunction	Other Filings	Eliminated
29-Jan-14	0.2	review defendant's motion to dismiss complaint	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
3-Feb-14	0.2	review defendant's response to plaintiff's PI motion	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
3-Feb-14	0.2	review/edits/comments to plaintiff's response to motion to dismiss	Resp. to Mot. to Dismiss (ECF 12)	Eliminated
5-Feb-14	0.2	prepare and participate in moot court re: PI motion	Mot. for Prelim. Injunc. (ECF 4)	Eliminated
6-Mar-14	0.2	review of order denying plaintiff's PI motion and defendant's motion to dismiss	Other Filings	Eliminated
19-Mar-14	0.2	review/edit/comments to case management report	Case Management Report (ECF 19)	Eliminated
20-Mar-14	0.2	review of Answer to Complaint	Other Filings	Eliminated
17-Jul-14	0.2	review/edits/comments to motion in limine to exclude defendant expert witness M. Nguyen and S. Moxley	Mot. in Limine to Exclude Expert (ECF 25)	Eliminated
25-Jul-14	0.2	review response in opp'n to motion in limine to exclude defendant expert witnesses	Mot. in Limine to Exclude Expert (ECF 25)	Eliminated
20-Aug-14	0.2	review/edits/comments to plaintiff's motion for summary judgment	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
15-Sep-14	0.2	review defendant's response to plaintiff's motion for summary judgment	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
9-Oct-14	0.2	review/edits/comments to plaintiff's reply to defendant's response to motion for summary judgment	Mot. for Summ. J. (Equal Access Act) (ECF 28)	Eliminated
29-Oct-14	0.2	review defendant's supplemental response to summary judgment motion	Other filings	Eliminated
2-Nov-14	0.2	review/edits/comments to plaintiff's supplemental reply to defendant's supplemental response to SJM	Other filings	Eliminated
6-Nov-14	0.2	review defendant's motion for summary judgment	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	Eliminated
26-Nov-14	0.2	review/edits/comments to plaintiff's response to defendant's motion to dismiss	Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	Eliminated
11-Feb-15	0.2	review of joint pretrial statement	Pretrial	Eliminated

<u>Date</u>	<u>Hours</u>	<u>Task</u>	<u>Category</u>	<u>Billing Judgment</u>
3-Mar-15	0.2	review of exhibit lists (plaintiff and defendant)	Trial	Eliminated
4-Mar-15	0.2	review of order re: proposed findings of fact and conclusions of law	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
29-Mar-15	0.2	review/edits/comments to proposed findings of fact and conclusions of law	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
15-Apr-15	0.2	review of defendant's proposed findings of fact and conclusions of law	Pls.' Proposed Findings & Conclusions of Law (DE 72)	Eliminated
27-Oct-15	0.2	review of amended bill of costs taxed against Plaintiff	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
6-Dec-16	0.2	review Order vacating and remanding lower court order	General	Eliminated
16-Dec-16	0.2	conf. w/D. Tilley and B. Stevenson re: case status and settlement	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
5-Jan-17	0.2	review of 11th Circuit's mandate	General	Eliminated
20-Jan-17	0.2	review of court's order re: deadlines for filing motions, to submit GSA application and to identify outstanding issues	Settlement	Eliminated
7-Feb-17	0.2	review of defendant's objection to motion to tax appellate costs	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
7-Feb-17	0.2	review of defendant's notice of compliance re: acceptance of GSA club application	Settlement	Eliminated
16-Feb-17	0.2	review of plaintiffs' draft re: motion for partial summary judgment	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
20-Mar-17	0.2	review defendant's motion for partial summary judgment	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
29-Mar-17	0.2	review plaintiff's reply in supp. of motion for summary judgment	Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	Eliminated
18-Apr-17	0.2	review court's order granting plaintiffs' summary judgment	Attorney's Fees, Litigation Expenses, & Costs	Eliminated
14-Jun-17	0.2	review plaintiffs' draft motion re: attorney's fees and costs	Attorney's Fees, Litigation Expenses, & Costs	Eliminated



Post Office Box 491357
 Leesburg, Florida 34749-1357
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<http://www.mclinburnsed.com>

Telephone: (352) 787-1241

Fax: (352) 326-2608

School Board of Lake County
 201 W. Burleigh Boulevard
 Tavares, FL 32778

September 30, 2013
 Client: 000055
 Matter: SB1514
 Invoice #: 294730
 Resp. Atty: SWJ
 Page: 1

RE: Policies - Student Clubs & Organizations

For Professional Services Rendered Through September 23, 2013

SERVICES

Date	Description of Services	Hours	
09/11/2013	Review emails; emails to ACLU attorneys.	0.30	
09/19/2013	Review policy and review letter from Key Club.	0.30	
	Total Professional Services	0.60	\$103.50
	Total Services	\$103.50	
	Total Current Charges		\$103.50
	Previous Balance		\$17.25
	<i>Less Payments</i>		(\$17.25)
	PAY THIS AMOUNT		\$103.50

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.

**MCLINBURSED**

Post Office Box 491357

Leesburg, Florida 34749-1357

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Telephone: (352) 787-1241

Fax: (352) 326-2608

School Board of Lake County
201 W. Burleigh Boulevard
Tavares, FL 32778

January 31, 2014

Client: 000055

Matter: SB1543

Invoice #: 300032

Resp. Atty: SWJ

Page: 1

RE: Carver Middle School GSA and H.F.
Litigation

For Professional Services Rendered Through January 23, 2014

SERVICES

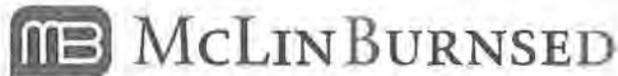
Date	Description of Services	Hours
12/30/2013	Review file including new complaint and attachments.	1.60
12/30/2013	Review Club Applications with attachments.	1.00
12/30/2013	Review high school applications for clubs.	1.10
12/31/2013	Review documents.	0.30
12/31/2013	Email to SJM; email to/from Lauren DeRidder.	0.40
1/2/2014	Review complaint.	0.50
1/3/2014	Telephone conference with Lauren DeRidder.	0.20
1/6/2014	Conference with SJM.	0.80
1/6/2014	Travel to and attendance at Executive Session for Litigation; conference with Superintendent Moxley and Mrs. Fischer.	2.90
1/7/2014	Conference with SWJ; research re: GSA cases.	2.50
1/7/2014	Review email from carrier.	0.10
1/8/2014	Conference with Steve Johnson.	0.40
1/8/2014	Email to/from Lauren DeRidder.	0.10
1/8/2014	Conference with SJM.	0.50
1/15/2014	Review email from SWJ and Motion for Injunction.	0.60
1/15/2014	Review email and attachment; review rules.	0.60
1/20/2014	Conference with SJM.	0.40
1/20/2014	Conference with SJM.	0.50
1/21/2014	Begin draft of Motion to Dismiss.	1.00

January 31, 2014
Client: 000055
Matter: SB1543
Invoice #: 300032
Resp. Atty: SWJ
Page: 2

SERVICES

Date	Description of Services	Hours	
1/21/2014	Review email from SWJ and Notice of Hearing on injunction.	0.40	
1/22/2014	Research re: First Amendment; review Complaint and Motion for Injunction; begin drafting Motion to Dismiss.	5.20	
1/22/2014	Conference with SJM; review notice of compliance and notice of filing.	1.00	
1/23/2014	Continue drafting motion to dismiss and research.	6.10	
	Total Professional Services	28.20	\$4,864.50
	Total Services	\$4,864.50	
	Total Current Charges		\$4,864.50
	PAY THIS AMOUNT		\$4,864.50

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

March 31, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 305005
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through March 21, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
1/24/2014	SJM	Research re: Agency Deference; §1983; standing; continue drafting Motion to Dismiss with Memorandum of Law in support.	8.20	\$1,414.50
1/25/2014	SJM	Draft, review and revise Motion to Dismiss with Memorandum of Law in Support.	6.00	\$1,035.00
1/27/2014	SJM	Review and revise Motion to Dismiss; research re: same.	5.20	\$897.00
1/28/2014	SJM	Research re: Motion for Injunction; review and revise Motion to Dismiss; begin response to Motion for Injunction; review and respond to emails from Steve Johnson.	8.70	\$1,500.75
1/28/2014	SWJ	Draft section of response; review cases.	7.00	\$1,207.50
1/29/2014	SJM	Finalize Motion to Dismiss; conference with Steve Johnson; continue drafting Response to Motion for Injunction and research re: same.	7.50	\$1,293.75
1/29/2014	SWJ	Final revisions to motion to dismiss.	3.00	\$517.50
1/31/2014	SWJ	Work on response.	6.00	\$1,035.00
2/2/2014	SWJ	Draft response; affidavits; factual section.	4.00	\$690.00
2/3/2014	SJM	Conferences with Stephen W. Johnson.	0.50	\$86.25
2/3/2014	SWJ	Final draft of response and affidavits.	5.00	\$862.50
2/4/2014	SJM	Conferences with Stephen W. Johnson; review GSA's response to Motion to Dismiss.	0.40	\$69.00
2/4/2014	SWJ	Review notice from court; review response to motion to dismiss.	0.50	\$86.25
2/5/2014	SWJ	Review pleadings.	1.50	\$258.75
2/6/2014	SJM	Review information and prepare for hearing on injunction.	3.00	\$517.50
2/7/2014	SJM	Conferences with Stephen W. Johnson.	0.25	\$43.12

March 31, 2014

Client: 025156

Matter: 140191

Invoice #: 305005

Resp. Atty: SWJ

Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
2/7/2014	SWJ	Review file, documents.	1.20	\$207.00
2/9/2014	SWJ	Preparation for hearing.	11.00	\$1,897.50
2/10/2014	SJM	Prepare for and travel to and attend hearing on Petition for Injunction.	5.00	\$862.50
2/10/2014	SWJ	Travel to and attendance at hearing in Ocala; telephone conference with Board members and Superintendent.	7.20	\$1,242.00
2/14/2014	SJM	Review and respond to Steve Johnson re: bloggers.	0.10	\$17.25
2/16/2014	SWJ	Review emails.	0.20	\$34.50
3/4/2014	SWJ	Review emails from Bill and attachments.	0.20	\$34.50
3/4/2014	SWJ	Review email from Dan Tilley.	0.10	\$17.25
3/6/2014	SJM	Review Order on Motion to Dismiss and Motion for Injunction.	0.40	\$69.00
3/6/2014	SWJ	Emails to/from Dan Tilley.	0.20	\$34.50
3/6/2014	SWJ	Review order; email to clients; review file for Case Management Conference.	1.80	\$310.50
3/7/2014	SWJ	Review file; case management conference call with Dan Tilley and Ben Stevenson.	1.20	\$207.00
3/18/2014	SWJ	Draft Answer and Affirmative Defeses.	1.50	\$258.75
3/19/2014	SWJ	Review Case Management Order; email to ACLU attorney.	0.40	\$69.00
3/20/2014	SJM	Research affirmative defenses; review and revise Answer; conference with SWJ.	1.25	\$215.62
3/20/2014	SWJ	Draft Initial 26(a) disclosures; telephone conference with Lauren DeRidder.	1.20	\$207.00
3/20/2014	SWJ	Conference with SJM; revise Answer to Complaint.	1.20	\$207.00
3/21/2014	SJM	Review disc losures; review and respond to e-mail from opposing counsel.	0.40	\$69.00
3/21/2014	SWJ	Review report.	0.10	\$17.25
Total Professional Services			101.40	\$17,491.49

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	54.50	\$172.50	\$9,401.25
SJM Stephanie J. McCulloch	PARTNER	1.25	\$172.50	\$215.62
SJM Stephanie J. McCulloch	PARTNER	0.25	\$172.48	\$43.12
SJM Stephanie J. McCulloch	PARTNER	45.40	\$172.50	\$7,831.50

March 31, 2014
Client: 025156
Matter: 140191
Invoice #: 305005
Resp. Atty: SWJ
Page: 3

DISBURSEMENTS

Date	Description of Disbursements	Amount
3/21/2014	Monthly Total - Duplication Costs	\$25.20
	Total Disbursements	\$25.20
	Total Services	\$17,491.49
	Total Disbursements	\$25.20
	Total Current Charges	\$17,516.69
	PAY THIS AMOUNT	\$17,516.69

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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Telephone: (352) 787-1241

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

April 30, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 305804
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through April 23, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
3/23/2014	SWJ	Review plaintiff's initial disclosures.	0.20	\$34.50
3/26/2014	SJM	Review e-mail and Order from Court.	0.10	\$17.25
3/28/2014	SWJ	Review Case Management Order.	0.10	\$17.25
4/1/2014	SJM	Review e-mail from opposing counsel.	0.10	\$17.25
4/1/2014	SJM	Review Plaintiffs' discovery requests.	0.50	\$86.25
4/2/2014	SJM	Review e-mail from Stephen W. Johnson.	0.10	\$17.25
4/2/2014	SWJ	Review emails from Dan Tilley; review discovery requests.	0.40	\$69.00
4/3/2014	SJM	Review e-mail from opposing counsel.	0.10	\$17.25
4/7/2014	SWJ	Review Report.	0.40	\$69.00
4/9/2014	SWJ	Review applications; conference with MH.	0.20	\$34.50
4/9/2014	SWJ	Review applications; conference with MH.	0.20	\$34.50
4/10/2014	SWJ	Review email from/to Dr. Moxley; revise report.	0.50	\$86.25
4/11/2014	SJM	Conferences with Steve Johnson, Dr. Moxley and Ms. Cole.	0.70	\$120.75
4/11/2014	SWJ	Conference call with SJM, Superintendent Moxley and Aurelia Cole re: discovery.	1.40	\$241.50
4/15/2014	SWJ	Continue review and organization of club application and notes in preparation for responding to Plaintiffs' discovery.	1.80	\$310.50
4/17/2014	SWJ	Review/organize club applications for high school, middle school and elementary school.	0.80	\$138.00
4/18/2014	SJM	Review e-mail from opposing counsel.	0.10	\$17.25
4/18/2014	SWJ	Conference with SJM; review High School club summaries; review emails and attachments from Superintendent; research.	1.00	\$172.50

April 30, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 305804
 Resp. Atty: SWJ
 Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
4/23/2014	SWJ	Review club status.	0.40	\$69.00
Total Professional Services			9.10	\$1,569.75

PERSON RECAP

Person		Level	Hours	Rate	Amount
SWJ	Stephen W. Johnson	PARTNER	7.40	\$172.50	\$1,276.50
SJM	Stephanie J. McCulloch	PARTNER	1.70	\$172.50	\$293.25

DISBURSEMENTS

Date	Description of Disbursements	Amount
4/23/2014	Monthly Total - Duplication Costs	\$131.40
Total Disbursements		\$131.40
Total Services		\$1,569.75
Total Disbursements		\$131.40
Total Current Charges		\$1,701.15
Previous Balance		\$17,516.69
PAY THIS AMOUNT		\$19,217.84

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



Post Office Box 491357
 Leesburg, Florida 34749-1357
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Telephone: (352) 787-1241

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

May 30, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 305731
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through May 23, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
5/7/2014	SJM	Review e-mail from opposing counsel.	0.10	\$17.25
5/8/2014	SJM	Review articles regarding Gay-Straight Alliance.	0.20	\$34.50
5/23/2014	SWJ	Telephone conference with Chris Patton re: emails.	0.10	\$17.25
Total Professional Services			0.40	\$69.00

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	0.10	\$172.50	\$17.25
SJM	Stephanie J. McCulloch	PARTNER	0.30	\$172.50	\$51.75
Total Services			\$69.00		
Total Current Charges				\$69.00	
Previous Balance				\$19,217.84	
PAY THIS AMOUNT				\$19,286.84	

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

June 30, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 306786
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through June 23, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
4/28/2014	SWJ	Telephone conference with Pati Painter.	0.20	\$34.50
4/29/2014	SWJ	Telephone conference with Daniel Tilley.	0.20	\$34.50
4/30/2014	SWJ	Telephone conference with Dan Tilley.	0.40	\$69.00
5/1/2014	SWJ	Prepare discovery responses for Interrogatoris, Request for Production and Request for Admissions; emails to/from client.	5.20	\$897.00
5/9/2014	SWJ	Review/revise discovery responses; review email from D. Tilley; conference call with Dan Tilley.	2.00	\$345.00
5/13/2014	SWJ	Conference re: discovery.	0.30	\$51.75
5/14/2014	SWJ	Discovery.	1.50	\$258.75
5/16/2014	SWJ	Review plaintiff's discovery; prepare responses; review disks.	0.70	\$120.75
5/27/2014	SWJ	Review email; email to client.	0.20	\$34.50
6/4/2014	SWJ	Telephone conference with Pati Painter; review e-mail from Pati Painter.	0.20	\$34.50
6/4/2014	SWJ	Letter to Dan Tilley.	0.20	\$34.50
6/6/2014	SJM	Conferences with Steve Johnson regarding expert; calls to experts; draft e-mails from Jan Tobias.	0.40	\$69.00
6/6/2014	SJM	Conference with Steve Johnson; draft Motion for Extension.	0.75	\$129.38
6/6/2014	SWJ	Telephone conference with Dr. Oakland (expert); telephone conference with Ms. Schneider (expert); draft Motion for Extension.	1.50	\$258.75
6/8/2014	SWJ	Review tapes.	2.80	\$483.00
6/9/2014	SWJ	Review e-mails from Daniel Tilley.	0.20	\$34.50

June 30, 2014

Client: 025156

Matter: 140191

Invoice #: 306786

Resp. Atty: SWJ

Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
6/10/2014	SJM	Review e-mail and Order from court on Motion for Extension.	0.20	\$34.50
6/11/2014	SJM	Review correspondence from court.	0.10	\$17.25
6/11/2014	SWJ	Review Plaintiffs Motion for Extension; review discovery file.	4.10	\$707.25
6/12/2014	SJM	Review correspondence and deposition notices; conference with Steve Johnson; review discovery documents; review file in preparation for depositions.	3.00	\$517.50
6/12/2014	SWJ	Review discovery documents; telephone conference with Daniel Tilley; summary of discovery responses; review discovery documents; telephone conference with client.	4.00	\$690.00
6/13/2014	SJM	Prepare for and attend pre-deposition conference with Mollie Cunningham; review 30(B)(6) notice and draft objections.	3.50	\$603.75
6/13/2014	SWJ	Review notices of deposition.	0.10	\$17.25
6/16/2014	SJM	Review and respond to e-mails regarding expert disclosures; review Orders regarding same.	0.30	\$51.75
6/17/2014	SJM	Prepare for and attend pre-deposition conferences with Dr. Moxley and Ms. Haugabrook.	4.75	\$819.38
6/17/2014	SWJ	Preparation for and attendance at pre-deposition conference with Superintendent Moxley.	2.75	\$474.38
6/18/2014	SJM	Prepare for and attend pre-deposition conference with Ms.Linda Wright.	1.75	\$301.88
6/18/2014	SJM	Review correspondence from Pati Painter; review curriculum information.	0.50	\$86.25
6/19/2014	SJM	Prepare for and attend pre-deposition conferences with Ms. Aurelia Cole and Ms. Nancy Forbes.	4.20	\$724.50
6/19/2014	SWJ	Preparation for and pre-deposition conference with Aurelia Cole.	1.50	\$258.75
6/20/2014	SWJ	Review e-mail from Benjamin Stevenson regarding 30(B)(6) designation.	0.20	\$34.50
6/23/2014	SJM	Review deposition notices and e-mail from Pati Painter.	0.30	\$51.75
6/23/2014	SWJ	Review e-mails from Pati Painter.	0.10	\$17.25
Total Professional Services			48.10	\$8,297.27

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	2.75	\$172.50	\$474.38
SWJ Stephen W. Johnson	PARTNER	25.60	\$172.50	\$4,416.00
SJM Stephanie J. McCulloch	PARTNER	1.75	\$172.50	\$301.88
SJM Stephanie J. McCulloch	PARTNER	4.75	\$172.50	\$819.38

June 30, 2014

Client: 025156
 Matter: 140191
 Invoice #: 306786
 Resp. Atty: SWJ
 Page: 3

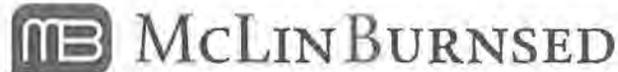
PERSON RECAP

Person	Level	Hours	Rate	Amount
SJM Stephanie J. McCulloch	PARTNER	12.50	\$172.50	\$2,156.25
SJM Stephanie J. McCulloch	PARTNER	0.75	\$172.51	\$129.38

DISBURSEMENTS

Date	Description of Disbursements	Amount
6/11/2014	United Parcel Service- Courier Fee- 05/16 ACLU Foundation of Florida, Miami FL	\$8.99
6/12/2014	United Parcel Service- Courier Fee- 05/28 ACLU Foundation of Florida Inc., Miami FL	\$8.99
Total Disbursements		\$17.98
Total Services		\$8,297.27
Total Disbursements		\$17.98
Total Current Charges		\$8,315.25
Previous Balance		\$19,286.84
<i>Less Payments</i>		(\$17,516.69)
PAY THIS AMOUNT		\$10,085.40

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

July 31, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 308399
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through July 23, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
5/8/2014	SWJ	Review email.	0.50	\$86.25
5/29/2014	SWJ	Review email from Dan Tilley re: designations; telephone conference with Pati Painter; email to Dan Tilley.	0.25	\$43.12
5/30/2014	SWJ	Telephone conference with Lauren DeRidder; conference call with Lauren DeRidder and JoAnn Jenkins.	0.20	\$34.50
5/30/2014	SWJ	Review Discovery responses.	2.10	\$362.25
6/3/2014	SWJ	Telephone conference with Jan Tobias.	0.20	\$34.50
6/24/2014	SJM	Prepare for and attend depositions of clients; draft correspondence to Stephen W. Johnson.	9.25	\$1,595.62
6/24/2014	SWJ	Review memos from SJM regarding testimony.	0.30	\$51.75
6/25/2014	SJM	Prepare for and attend depositions of clients; conferences with Dr. Moxley and Stephen W. Johnson.	7.90	\$1,362.75
6/25/2014	SWJ	Conference with Superintendent Moxley.	0.40	\$69.00
6/27/2014	SWJ	Research potential experts; email to Dr. Garber.	1.50	\$258.75
6/30/2014	SJM	Review correspondence from court reporter; review and respond to e-mails from Diana Abshier from Marion County; review deposition notes; research regarding psychology experts.	1.20	\$207.00
7/1/2014	SJM	Review expert disclosures.	0.80	\$138.00
7/1/2014	SWJ	Telephone conference with Dr. Ngyen; emails to UF Forensic Psychiatry; telephone conference (2) with Mrs. Hall; draft report and expert witness disclosure.	1.50	\$258.75
7/3/2014	SJM	Review e-mails from court reporter.	0.20	\$34.50
7/9/2014	SWJ	Review email from Dan Tilley and amended Disclosure.	0.10	\$17.25

July 31, 2014

Client: 025156

Matter: 140191

Invoice #: 308399

Resp. Atty: SWJ

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SERVICES

Date	Person	Description of Services	Hours	Amount
7/17/2014	SJM	Review and respond to e-mails from opposing counsel.	0.50	\$86.25
7/17/2014	SJM	Begin preparation of deposition summaries.	2.70	\$465.75
7/17/2014	SWJ	Review email from Dan Tilley.	0.10	\$17.25
7/18/2014	SJM	Review Motion to Exclude Expert Testimony from Plaintiffs; research regarding same.	1.80	\$310.50
7/18/2014	SJM	Continue preparation of deposition summaries.	2.20	\$379.50
7/21/2014	SJM	Review Plaintiffs' Second Request for Admissions; research and prepare response to Motion in Limine to exclude expert testimony.	3.30	\$569.25
7/22/2014	SJM	Finalize deposition summaries.	1.00	\$172.50
7/22/2014	SJM	Review correspondence from opposing counsel regarding Plaintiffs' renewed Request to Produce.	0.40	\$69.00
7/22/2014	SWJ	Review email from Dan Tilley & 2nd Request for Admissions.	0.20	\$34.50
7/23/2014	SJM	Review and respond to e-mail from opposing counsel regarding errata sheet.	0.30	\$51.75
7/23/2014	SJM	Review e-mail from opposing counsel regarding Dr. Nguyen.	0.10	\$17.25
7/23/2014	SWJ	Review emails from Dan Tilley re: discovery.	0.20	\$34.50
7/23/2014	SWJ	Review 2nd Request for Admissions.	0.10	\$17.25
Total Professional Services			39.30	\$6,779.24

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	0.25	\$172.48	\$43.12
SWJ Stephen W. Johnson	PARTNER	7.40	\$172.50	\$1,276.50
SJM Stephanie J. McCulloch	PARTNER	22.40	\$172.50	\$3,864.00
SJM Stephanie J. McCulloch	PARTNER	9.25	\$172.50	\$1,595.62

DISBURSEMENTS

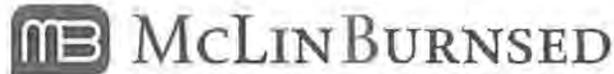
Date	Description of Disbursements	Amount
7/2/2014	United Parcel Service- Courier Fee- 06/04 ACLU Foundation of Florida, Miami FL	\$8.99
7/10/2014	CAB Reporting, Inc.- Deposition Cost-	\$694.30
7/10/2014	CAB Reporting, Inc.- Deposition Fee-	\$679.75
Total Disbursements		\$1,383.04

July 31, 2014

Client: 025156
Matter: 140191
Invoice #: 308399
Resp. Atty: SWJ
Page: 3

Total Services	\$6,779.24	
Total Disbursements	\$1,383.04	
Total Current Charges		\$8,162.28
Previous Balance		\$10,085.40
Less Payments		(\$1,770.15)
PAY THIS AMOUNT		\$16,477.53

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

August 29, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 309161
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through August 22, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
7/25/2014	SJM	Research and draft Response in Opposition to Motion in Limine; Review Plaintiff's Motion and case law regarding same.	2.75	\$474.38
7/25/2014	SWJ	Conference with SJM re: response to motion in limine.	0.20	\$34.50
7/29/2014	SJM	Prepare, review and revise deposition summaries.	2.10	\$362.25
7/29/2014	SJM	Review Initial Report.	0.20	\$34.50
7/30/2014	SWJ	Draft update report; emails to clients.	0.50	\$86.25
7/31/2014	SWJ	Preparation for and attendance at conference call.	1.00	\$172.50
8/8/2014	SJM	Prepare for and attend conference with Superintendent Moxley regarding deposition.	0.75	\$129.38
8/8/2014	SWJ	Draft requests for production, requests for admissions, notice of deposition of HM, HM's mother, Baylee Silberstein and teacher.	1.00	\$172.50
8/12/2014	SJM	Review and respond to correspondence from opposing counsel regarding depositions.	0.40	\$69.00
8/12/2014	MAP	Begin deposition summary of Mollie Cunningham.	5.00	\$250.00
8/13/2014	MAP	Continue deposition summary of Mollie Cunningham.	6.00	\$300.00
8/14/2014	SJM	Review and respond to correspondence from opposing counsel regarding discovery; review 30b(6) Notice.	0.40	\$69.00
8/14/2014	SJM	Review file; draft e-mail to opposing counsel; review e-mails from same.	0.70	\$120.75
8/14/2014	SWJ	Review email.	0.10	\$17.25
8/14/2014	MAP	Complete deposition summary of Mollie Cunningham.	4.00	\$200.00
8/14/2014	MAP	Begin summary of deposition of Tanya Haugabrook.	2.00	\$100.00
8/18/2014	SJM	Review e-mails from opposing counsel; draft e-mail to same.	0.40	\$69.00

August 29, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 309161
 Resp. Atty: SWJ
 Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
8/19/2014	MAP	Complete deposition summary of Tanya Haugabrook.	2.50	\$125.00
8/19/2014	MAP	Summarize deposition of Tammy Forbes.	6.00	\$300.00
8/20/2014	SJM	Conference with Stephen W. Johnson; prepare for and attend telephone conference with opposing counsel; review depositions; draft Joint Motion for Extension of Discovery; review and respond to e-mails from opposing counsel; review file.	2.25	\$388.12
8/20/2014	MAP	Prepare deposition summary of Aurelia Cole.	6.50	\$325.00
8/22/2014	SJM	Review e-mail from court.	0.10	\$17.25
Total Professional Services			44.85	\$3,816.63

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	2.80	\$172.50	\$483.00
SJM Stephanie J. McCulloch	PARTNER	0.75	\$172.51	\$129.38
SJM Stephanie J. McCulloch	PARTNER	2.25	\$172.50	\$388.12
SJM Stephanie J. McCulloch	PARTNER	2.75	\$172.50	\$474.38
SJM Stephanie J. McCulloch	PARTNER	4.30	\$172.50	\$741.75
MAP Margaret A. Pantolin	PARALEGAL	32.00	\$50.00	\$1,600.00
Total Services			\$3,816.63	
Total Current Charges				\$3,816.63
Previous Balance				\$16,477.53
Less Payments				(\$8,315.25)
PAY THIS AMOUNT				\$11,978.91

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: **Tamara St. John**

September 30, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 310867
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through September 23, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
8/25/2014	SJM	Review e-mail from court; review summary judgment notice.	0.25	\$43.12
8/25/2014	SWJ	Telephone conference with Superintendent Moxley.	0.60	\$103.50
8/26/2014	SJM	Review file and depositions; draft e-mails to opposing counsel regarding club applications; conferences with same; review Plaintiffs' Motion for Summary Judgment.	1.50	\$258.75
8/26/2014	SJM	Review e-mails and notices from court regarding trial/pretrial/rescheduling all dates.	0.20	\$34.50
8/27/2014	SWJ	Review pleadings and notice.	0.10	\$17.25
8/27/2014	MAP	Complete summary of deposition of Aurelia Cole.	2.50	\$125.00
8/29/2014	SJM	Begin draft of Response in Opposition to Plaintiffs' Motion for Summary Judgment.	1.00	\$172.50
8/29/2014	SWJ	Review email from P. Painter re: classes.	0.10	\$17.25
9/4/2014	MAP	Begin summary of deposition of Superintendent Susan Moxley.	4.50	\$225.00
9/5/2014	MAP	Continue deposition summary of Superintendent Susan Moxley.	5.50	\$275.00
9/9/2014	SJM	Review e-mails from opposing counsel.	0.40	\$69.00
9/9/2014	SJM	Review and respond to e-mails regarding discovery.	0.40	\$69.00
9/9/2014	MAP	Continue summary of deposition of Susan Moxley.	5.00	\$250.00
9/10/2014	MAP	Continue summary of deposition of Superintendent Susan Moxley.	6.00	\$300.00
9/12/2014	SJM	Review all depositions; begin draft of Response in Opposition to Plaintiffs' Motion for Summary Judgment.	7.25	\$1,250.62
9/12/2014	SWJ	Conference with SJM.	0.40	\$69.00

September 30, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 310867
 Resp. Atty: SWJ
 Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
9/14/2014	SJM	Continue research regarding statutory requirements; continue drafting Response in Opposition to Plaintiffs' Motion for Summary Judgment.	6.30	\$1,086.75
9/14/2014	SWJ	Review court order, Plaintiffs' Motion for Summary Judgment, School Board's Response to Motion for Injunction; review/revise Memorandum in response to Plaintiffs' Motion for Summary Judgment.	2.20	\$379.50
9/15/2014	SJM	Review and revise Response in Opposition to Plaintiffs' Motion for Summary Judgment.	1.00	\$172.50
9/15/2014	SWJ	Conference with SJM; review/revise response; research DOE Technical Assistance Programs and Board policies.	1.60	\$276.00
9/16/2014	SJM	Review Plaintiffs' Motion for Leave to File Reply; review and respond to e-mail from opposing counsel; review Plaintiffs' Response to Request for Admissions.	0.80	\$138.00
9/17/2014	SJM	Review and respond to correspondence from opposing counsel.	0.40	\$69.00
9/17/2014	MAP	Begin summary of deposition of Linda Wright.	5.00	\$250.00
9/20/2014	SWJ	Review Amended Notice.	0.10	\$17.25
9/23/2014	SJM	Review and respond to e-mails from opposing counsel and respond to same.	0.40	\$69.00
Total Professional Services			53.50	\$5,737.49

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	5.10	\$172.50	\$879.75
SJM Stephanie J. McCulloch	PARTNER	7.25	\$172.50	\$1,250.62
SJM Stephanie J. McCulloch	PARTNER	12.40	\$172.50	\$2,139.00
SJM Stephanie J. McCulloch	PARTNER	0.25	\$172.48	\$43.12
MAP Margaret A. Pantolin	PARALEGAL	28.50	\$50.00	\$1,425.00
Total Services			\$5,737.49	
Total Current Charges				\$5,737.49
Previous Balance				\$11,978.91
<i>Less Payments</i>				(\$11,978.91)
PAY THIS AMOUNT				\$5,737.49

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

October 31, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 312026
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through October 22, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
9/24/2014	SJM	Review file; prepare for pre-deposition conferences with School Board Members and depositions of same.	4.25	\$733.12
9/25/2014	SJM	Review e-mails from opposing counsel.	0.40	\$69.00
9/26/2014	SJM	Review and reply to e-mails from opposing counsel; draft subpoenas and deposition notices; continue review of file in preparation for pre-deposition conference and depositions.	1.75	\$301.88
9/26/2014	SWJ	Conference with Stephanie McCulloch.	0.30	\$51.75
9/29/2014	SJM	Prepare for and attend pre-deposition conferences; prepare for depositions.	9.25	\$1,595.62
9/29/2014	SWJ	Conference with SJM; prepare for 10/1/14 depositions.	0.40	\$69.00
9/30/2014	SJM	Prepare for and attend depositions; conferences with Dr. Moxley and Debbie Stivender; conference with Ms. Gielow, parent of deponent.	8.50	\$1,466.25
10/1/2014	SJM	Prepare for and attendance at depositions of Plaintiffs and School Board Members; draft summary of same.	11.80	\$2,035.50
10/2/2014	SWJ	Conference with Stephanie McCulloch re: depositions and continued discovery.	0.90	\$155.25
10/2/2014	MAP	Continue proofing summary of deposition of Superintendent Moxley.	3.00	\$150.00
10/3/2014	MAP	Complete proofing of deposition summary of Superintendent Moxley.	2.00	\$100.00
10/3/2014	MAP	Begin deposition summary of Dr. Nitza Alvares Torres.	2.00	\$0.00
10/6/2014	SJM	Review Order from Court.	0.25	\$43.12
10/8/2014	SJM	Review and respond to e-mails from opposing counsel.	0.50	\$86.25

October 31, 2014

Client: 025156

Matter: 140191

Invoice #: 312026

Resp. Atty: SWJ

Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
10/9/2014	SJM	Draft Motion for Leave to file Supplemental Response in Opposition to Plaintiffs' Motion for Summary Judgment; review e-mails from opposing counsel.	0.80	\$138.00
10/10/2014	SJM	Review Response to Motion for Leave; review Reply to Response in Opposition to Motion for Summary Judgment; review e-mails from opposing counsel and Carol MacLeod.	1.00	\$172.50
10/13/2014	SJM	Review e-mail from Carol MacLeod; conference with same regarding public records request; review e-mails from opposing counsel.	0.50	\$86.25
10/13/2014	SWJ	Review emails; email to Stephanie McCulloch.	0.20	\$34.50
10/14/2014	SJM	Draft e-mails to opposing counsel and clients regarding Supplemental Reply to Plaintiffs' Motion for Summary Judgment; review e-mails from same.	0.50	\$86.25
10/16/2014	SJM	Review e-mails from opposing counsel.	0.30	\$51.75
10/21/2014	SJM	Review docket and e-mails from opposing counsel.	0.40	\$69.00
10/22/2014	SWJ	Review Order.	0.10	\$17.25
Total Professional Services			49.10	\$7,512.24

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	1.90	\$172.50	\$327.75
SJM	Stephanie J. McCulloch	PARTNER	9.25	\$172.50	\$1,595.62
SJM	Stephanie J. McCulloch	PARTNER	0.25	\$172.48	\$43.12
SJM	Stephanie J. McCulloch	PARTNER	4.25	\$172.50	\$733.12
SJM	Stephanie J. McCulloch	PARTNER	24.70	\$172.50	\$4,260.75
SJM	Stephanie J. McCulloch	PARTNER	1.75	\$172.50	\$301.88
MAP	Margaret A. Pantolin	PARALEGAL	2.00	\$0.00	\$0.00
MAP	Margaret A. Pantolin	PARALEGAL	5.00	\$50.00	\$250.00

DISBURSEMENTS

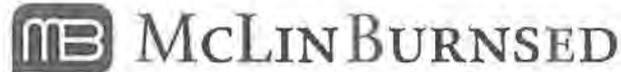
Date	Description of Disbursements	Amount
9/29/2014	Gehlbach Investigations- Service of Process-	\$45.00
10/1/2014	Nancy Gielow- Witness Fee-	\$51.99
10/3/2014	United Parcel Service- Courier Fee- 09/15 Mathew Nguyen M.D., Gainesville FL	\$12.57

October 31, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 312026
 Resp. Atty: SWJ
 Page: 3

DISBURSEMENTS

Date	Description of Disbursements	Amount
10/3/2014	United Parcel Service- Courier Fee- 09/15 Mathew Nguyen M.D., Gainesville FL	\$12.57
10/7/2014	CAB Reporting, Inc.- Court Reporter Fee- for Appearance	\$240.00
10/7/2014	CAB Reporting, Inc.- Court Reporter Fee- For Appearance	\$150.00
10/20/2014	CAB Reporting, Inc.- Deposition Cost- Transcripts	\$994.60
10/20/2014	CAB Reporting, Inc.- Deposition Cost- Transcripts	\$347.20
	Total Disbursements	\$1,853.93
	Total Services	\$7,512.24
	Total Disbursements	\$1,853.93
	Total Current Charges	\$9,366.17
	Previous Balance	\$5,737.49
	<i>Less Payments</i>	(\$5,737.49)
	PAY THIS AMOUNT	\$9,366.17

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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Telephone: (352) 787-1241

Fax: (352) 326-2608

CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

November 28, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 313433
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through November 21, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
10/23/2014	SJM	Review and respond to e-mails regarding Dr. Nguyen; review order from court.	0.60	\$103.50
10/27/2014	SJM	Begin draft of deposition summaries.	1.00	\$172.50
10/27/2014	SJM	Review and respond to e-mails from Tamara St. John regarding deposition costs.	0.40	\$69.00
10/27/2014	MAP	Complete summary of deposition of Heather Jablonski.	8.00	\$400.00
10/28/2014	MAP	Prepare deposition summary of Superintendent Moxley.	6.00	\$300.00
10/29/2014	SJM	Review and respond to e-mails from Tamara St. John regarding update and deposition summaries.	1.00	\$172.50
10/29/2014	SJM	Review depositions; draft Supplemental Response in Opposition to Plaintiffs' Motion for Summary Judgment.	9.75	\$1,681.88
10/29/2014	MAP	Begin summary of deposition of Hannah J. Faughnan.	6.50	\$325.00
10/30/2014	MAP	Begin summary of deposition of Bill Mathias.	2.00	\$100.00
11/3/2014	SJM	Review all depositions; draft Motion for Summary Judgment.	4.40	\$759.00
11/4/2014	SJM	Continue review of all depositions; continue drafting Motion for Summary Judgment.	7.90	\$1,362.75
11/4/2014	MAP	Continue deposition summary of Bill Mathias.	6.00	\$300.00
11/5/2014	SJM	Continue review of all depositions and drafting Motion for Summary Judgment.	5.60	\$966.00
11/5/2014	MAP	Complete deposition summary of Bill Mathias.	3.00	\$150.00
11/6/2014	SJM	Review, revise and finalize Motion for Summary Judgment.	6.70	\$1,155.75
11/6/2014	MAP	Complete deposition summary of Tod Howard.	2.50	\$125.00
11/6/2014	MAP	Begin summary of deposition of Kyleen Fischer.	5.00	\$250.00

November 28, 2014
 Client: 025156
 Matter: 140191
 Invoice #: 313433
 Resp. Atty: SWJ
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SERVICES

Date	Person	Description of Services	Hours	Amount
11/14/2014	SJM	Review and respond to e-mails from opposing counsel.	0.30	\$51.75
11/17/2014	SJM	Review e-mails regarding Dr. Nguyen; review Plaintiffs Motion for Telephonic Hearing; review and respond to e-mails from opposing counsel.	0.80	\$138.00
11/18/2014	MAP	Continue deposition summary of Ms. Fischer.	1.00	\$50.00
11/18/2014	MAP	Complete deposition summary of Ms. Fischer.	1.00	\$50.00
11/19/2014	MAP	Begin summary of deposition of Tod Howard.	3.00	\$150.00
11/19/2014	MAP	Prepare deposition summary of Debbie Stivender.	5.75	\$287.50
11/20/2014	SJM	Review e-mails from opposing counsel.	0.40	\$69.00
11/20/2014	SJM	Review and respond to e-mails from opposing counsel; conference with same; draft Motion to Appear Telephonically.	0.80	\$138.00
11/21/2014	SJM	Prepare for and attend telephonic hearing; review e-mail and order from court.	1.25	\$215.62
Total Professional Services			90.65	\$9,542.75

PERSON RECAP

Person	Level	Hours	Rate	Amount
SJM Stephanie J. McCulloch	PARTNER	9.75	\$172.50	\$1,681.88
SJM Stephanie J. McCulloch	PARTNER	1.25	\$172.50	\$215.62
SJM Stephanie J. McCulloch	PARTNER	29.90	\$172.50	\$5,157.75
MAP Margaret A. Pantolin	PARALEGAL	49.75	\$50.00	\$2,487.50

DISBURSEMENTS

Date	Description of Disbursements	Amount
10/28/2014	CAB Reporting, Inc.- Deposition Fee-	\$2,103.95
10/28/2014	CAB Reporting, Inc.- Deposition Fee-	\$312.09
10/29/2014	CAB Reporting, Inc.- Deposition Fee-	\$232.50
Total Disbursements		\$2,648.54

November 28, 2014
Client: 025156
Matter: 140191
Invoice #: 313433
Resp. Atty: SWJ
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Total Services	\$9,542.75	
Total Disbursements	\$2,648.54	
Total Current Charges		\$12,191.29
Previous Balance		\$9,366.17
Less Payments		(\$9,366.17)
PAY THIS AMOUNT		\$12,191.29

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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Fax: (352) 326-2608

CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

January 09, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 314452
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through December 23, 2014

SERVICES

Date	Person	Description of Services	Hours	Amount
11/24/2014	SJM	Review e-mails and invoice from Dr. Nguyen.	0.25	\$43.12
11/24/2014	MAP	Prepare summary of deposition of MG.	5.00	\$250.00
11/25/2014	MAP	Complete deposition summary of BNS.	5.50	\$275.00
12/1/2014	MAP	Begin deposition summary of Carol MacLeod.	6.00	\$300.00
12/3/2014	SJM	Review and respond to e-mails from opposing counsel and Dr. Nguyen.	0.25	\$43.12
12/5/2014	SJM	Review and respond to e-mails from opposing counsel.	0.25	\$43.12
12/5/2014	MAP	Continue summary of deposition of Carol MacLeod.	3.00	\$150.00
12/5/2014	MAP	Continue deposition summary of Carol MacLeod.	3.00	\$150.00
12/8/2014	SJM	Review e-mail from opposing counsel.	0.10	\$17.25
12/9/2014	SJM	Review e-mail from opposing counsel and subpoena regarding Dr. Nguyen.	0.25	\$43.12
12/9/2014	SWJ	Telephone conference with Lauren DeRidder.	0.20	\$34.50
12/10/2014	MAP	Complte summary of deposition of Carol MacLeod.	1.00	\$50.00
Total Professional Services			24.80	\$1,399.23

PERSON RECAP

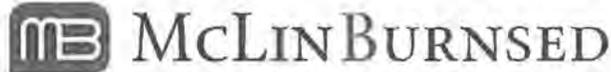
Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	0.20	\$172.50	\$34.50
SJM	Stephanie J. McCulloch	PARTNER	0.10	\$172.50	\$17.25

January 09, 2015
Client: 025156
Matter: 140191
Invoice #: 314452
Resp. Atty: SWJ
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PERSON RECAP

Person	Level	Hours	Rate	Amount
SJM Stephanie J. McCulloch	PARTNER	1.00	\$172.48	\$172.48
MAP Margaret A. Pantolin	PARALEGAL	23.50	\$50.00	\$1,175.00
	Total Services		\$1,399.23	
	Total Current Charges			\$1,399.23
	Previous Balance			\$12,191.29
	PAY THIS AMOUNT			\$13,590.52

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

February 03, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 315344
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through January 23, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
1/7/2015	SJM	Review correspondence from Tamara St. John.	0.10	\$17.25
1/14/2015	SJM	Review e-mails from opposing counsel.	0.25	\$43.12
1/14/2015	SJM	Review and respond to e-mail from Tamara St. John.	0.40	\$69.00
1/15/2015	SJM	Review e-mails from opposing counsel and Tamara St. John; conference with Stephen W. Johnson regarding trial.	0.40	\$69.00
1/20/2015	SJM	Review and respond to e-mail from Tamara St. John.	0.25	\$43.12
1/21/2015	SWJ	Review notice.	0.10	\$17.25
1/22/2015	SJM	Review e-mail from court; review Notice of Unavailability.	0.25	\$43.12
Total Professional Services			1.75	\$301.86

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	0.10	\$172.50	\$17.25
SJM	Stephanie J. McCulloch	PARTNER	0.75	\$172.48	\$129.36
SJM	Stephanie J. McCulloch	PARTNER	0.90	\$172.50	\$155.25

February 03, 2015
Client: 025156
Matter: 140191
Invoice #: 315344
Resp. Atty: SWJ
Page: 2

Total Services	\$301.86	
Total Current Charges		\$301.86
Previous Balance		\$13,590.52
Less Payments		(\$13,590.52)
PAY THIS AMOUNT		\$301.86

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

March 05, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 316794
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through February 23, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
1/28/2015	SJM	Review and respond to e-mail from Tamara St. John.	0.20	\$34.50
1/28/2015	SJM	Review and respond to e-mails from clients.	0.25	\$43.12
1/29/2015	SJM	Review and respond to e-mails from opposing counsel.	0.25	\$43.12
2/2/2015	SJM	Review and respond to e-mails from opposing counsel; review Order and e-mail from Court; conference with Stephen W. Johnson.	0.50	\$86.25
2/2/2015	SWJ	Review amended notice.	0.10	\$17.25
2/4/2015	SJM	Prepare for and attend conference with counsel to prepare Pretrial Stipulation.	1.50	\$258.75
2/4/2015	SWJ	Review Local Rules and Pretrial Order; conference call with ACLU attorneys re: pretrial.	0.80	\$138.00
2/5/2015	SJM	Review and respond to e-mail regarding witness meetings.	0.40	\$69.00
2/8/2015	SWJ	Review depositions of Plaintiffs, Carol MacLeod and students.	3.00	\$517.50
2/9/2015	SJM	Prepare Witness List; prepare Exhibit List; prepare draft of Pretrial Stipulation; review and respond to e-mails from opposing counsel.	4.10	\$707.25
2/9/2015	SWJ	Review depositions for trial.	1.00	\$172.50
2/10/2015	SJM	Review e-mail from opposing counsel; continue drafting our portions of the Pretrial Stipulation.	2.80	\$483.00
2/10/2015	SWJ	Review Exhibit and Witness lists.	1.20	\$207.00
2/11/2015	SJM	Review and respond to e-mails from opposing counsel; conferences with same; conference with Stephen W. Johnson; review and revise Pretrial Stipulation.	2.50	\$431.25

March 05, 2015

Client: 025156

Matter: 140191

Invoice #: 316794

Resp. Atty: SWJ

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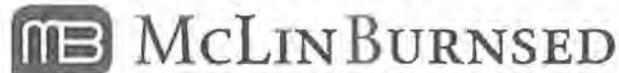
SERVICES

Date	Person	Description of Services	Hours	Amount
2/11/2015	SWJ	Conference calls with ACLU attorney; work on pretrial stipulation; including emails and telephone conferences with ACLU attorneys' drafts of pretrial stipulation.	7.50	\$1,293.75
2/12/2015	SJM	Review e-mails from opposing counsel.	0.40	\$69.00
2/17/2015	SJM	Prepare for hearings on Summary Judgment motions and Motions in Limine.	4.00	\$690.00
2/17/2015	SWJ	Review deposition summaries; documents; case law; prepare for pretrial conference.	8.50	\$1,466.25
2/17/2015	SWJ	Review depositions; review documents/exhibits; telephone conference with Superintendent Moxley; telephone conference with Natalie Challenger; prepare for pre-trial.	6.50	\$1,121.25
2/18/2015	SJM	Prepare for, travel to and attend Pretrial Conference.	3.00	\$517.50
2/18/2015	SWJ	Review deposition summaries, documents; research; travel to and attendance at pretrial conference; review pretrial order.	7.25	\$1,250.62
2/19/2015	SJM	Review Pretrial Order; review e-mails from opposing counsel.	0.40	\$69.00
2/19/2015	SWJ	Conference with Superintendent Moxley.	1.50	\$258.75
2/20/2015	SWJ	Prepare for trial.	1.00	\$172.50
2/23/2015	MAB	Research case law re: Rule 26 and 37.	3.50	\$603.75
2/23/2015	SJM	Review depositions and prepare witness interviews; review and respond to e-mails from opposing counsel.	8.30	\$1,431.75
Total Professional Services			70.45	\$12,152.61

PERSON RECAP

Person	Level	Hours	Rate	Amount
MAB Mark A. Brionez	PARTNER	3.50	\$172.50	\$603.75
SWJ Stephen W. Johnson	PARTNER	7.25	\$172.50	\$1,250.62
SWJ Stephen W. Johnson	PARTNER	31.10	\$172.50	\$5,364.75
SJM Stephanie J. McCulloch	PARTNER	28.10	\$172.50	\$4,847.25
SJM Stephanie J. McCulloch	PARTNER	0.50	\$172.48	\$86.24
Total Services			\$12,152.61	
Total Current Charges				\$12,152.61
Previous Balance				\$301.86
<i>Less Payments</i>				<i>(\$301.86)</i>
PAY THIS AMOUNT				\$12,152.61

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751

Attention: Tamara St. John

April 09, 2015

Client: 025156
 Matter: 140191
 Invoice #: 318276
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through March 27, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
2/19/2015	SJM	Attend meeting with Superintendent.	1.00	\$175.00
2/24/2015	SJM	Prepare for and attend pre-trial meetings with Bill Mathias, Debbie Stivender and Tod Howard.	6.25	\$1,093.75
2/24/2015	SWJ	Preparation for, travel to and attendance at meeting with Bill Mathias and Debbie Stivender to prepare for trial; telephone conference with Natalie Challenger; prepare subpoenas for witnesses.	3.00	\$525.00
2/24/2015	SWJ	Review additional verbatim transcript; meeting with Dr. Howard.	1.25	\$218.75
2/24/2015	SWJ	Review exhibits.	1.00	\$175.00
2/24/2015	SWJ	Review depositions of Ms. Cunningham and Mrs. Cole; review sex education documents.	1.50	\$262.50
2/25/2015	MAB	Research Rule 26 and Rule 27 re: expert opinion testimony, reports, etc.; research re: attorney acting as witness for client; discuss with Stephanie McCulloch and Steve Johnson.	7.00	\$1,225.00
2/25/2015	SJM	Prepare for and attend pre-trial meetings with Mollie Cunningham, Aurelia Cole and Claudia Rowe.	6.50	\$1,137.50
2/25/2015	SWJ	Trial preparation; meeting with Mollie Cunningham, Aurelia Cole and Rosanne Brandeburg; prepare amendments to exhibit/witness lists; emails to/from Attorney Tilley.	6.00	\$1,050.00
2/25/2015	SWJ	Trial preparation.	2.30	\$402.50
2/26/2015	SJM	Review and respond to e-mails from clients; prepare for trial.	8.50	\$1,487.50
2/26/2015	SWJ	Meeting with Kyleen Fischer; prepare deposition excerpts to introduce at trial; prepare supplemental exhibit list; review Plaintiffs' supplemental exhibit list.	2.80	\$490.00
2/26/2015	SWJ	Trial preparation.	3.70	\$647.50

April 09, 2015

Client: 025156

Matter: 140191

Invoice #: 318276

Resp. Atty: SWJ

Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
2/27/2015	MAB	Research re: expert witness, co-counsel as witness, etc.	4.50	\$787.50
2/27/2015	SJM	Conferences with clients and witnesses; prepare Pre-Trial Report and Budget; prepare for trial.	7.90	\$1,382.50
2/27/2015	SWJ	Trial preparation.	5.80	\$1,015.00
2/28/2015	SJM	Trial preparation.	11.25	\$1,968.75
2/28/2015	SWJ	Trial preparation.	10.00	\$1,750.00
3/1/2015	SJM	Conferences with witnesses; trial preparation; read depositions; read cases; draft opening statement and witness questions.	15.50	\$2,712.50
3/1/2015	SWJ	Trial preparation.	9.75	\$1,706.25
3/1/2015	SWJ	Review depositions and exhibits; continue working on questions for witnesses.	2.00	\$350.00
3/2/2015	SJM	Prepare for, travel to and attend trial; draft subpoena for Heather Jablonski; post-trial meeting with Dr. Moxley; prepare for day 2 trial; draft closing argument; renew and revise witness questions; review sex education exhibits provided by Claudia Rowe.	16.50	\$2,887.50
3/2/2015	SWJ	Travel to and attendance at trial.	9.75	\$1,706.25
3/2/2015	SWJ	Meeting with Dr. Moxley to prepare for day 2 of trial.	4.75	\$831.25
3/3/2015	SJM	Prepare for, travel to and attend trial.	8.50	\$1,487.50
3/3/2015	SWJ	Travel to and attendance at trial.	6.20	\$1,085.00
3/4/2015	SJM	Review e-mail from Court.	0.10	\$17.50
3/5/2015	SJM	Review e-mail from opposing counsel.	0.10	\$17.50
3/10/2015	SJM	Review unopposed motion for extension and e-mail from Court.	0.25	\$43.75
3/18/2015	SJM	Review Order from Court regarding extension.	0.10	\$17.50
3/19/2015	SWJ	Review notices.	0.10	\$17.50
3/23/2015	SJM	Review and respond to e-mails from Stephen W. Johnson; review Court Order regarding extension.	0.20	\$35.00
Total Professional Services			164.05	\$28,708.75

PERSON RECAP

Person	Level	Hours	Rate	Amount	
MAB	Mark A. Brionez	PARTNER	11.50	\$175.00	\$2,012.50
SWJ	Stephen W. Johnson	PARTNER	69.90	\$175.00	\$12,232.50
SJM	Stephanie J. McCulloch	PARTNER	82.65	\$175.00	\$14,463.75

April 09, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 318276
 Resp. Atty: SWJ
 Page: 3

DISBURSEMENTS

Date	Description of Disbursements	Amount
2/24/2015	Michael Gielow- Witness Fee-	\$71.80
2/24/2015	Bayli Silberstein- Witness Fee-	\$85.14
2/26/2015	Gehlbach Investigations- Service of Process-	\$90.00
3/2/2015	Heather Jablonski- Witness Fee-	\$73.60
3/3/2015	Gehlbach Investigations- Service of Process-	\$45.00
3/27/2015	Joy Hayes Court Reporting LLC- Court Reporter Fee-	\$896.35
	Total Disbursements	\$1,261.89
	Total Services	\$28,708.75
	Total Disbursements	\$1,261.89
	Total Current Charges	\$29,970.64
	Previous Balance	\$12,152.61
	PAY THIS AMOUNT	\$42,123.25

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

May 06, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 319603
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through April 23, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
4/1/2015	SJM	Review Plaintiffs' Proposed Findings of Fact/Conclusions of Law and e-mail from court.	0.50	\$87.50
4/8/2015	SJM	Review e-mail from Stephen W. Johnson.	0.10	\$17.50
4/8/2015	SWJ	Email from Tamara St. John; email to Tamara St. John.	0.10	\$17.50
4/9/2015	SJM	Review transcript of trial.	4.50	\$787.50
4/10/2015	SJM	Continue review of trial transcript and exhibits to prepare Findings of Fact/Conclusions of Law.	4.10	\$717.50
4/11/2015	SJM	Begin draft of Proposed Findings of Fact/Conclusions of Law.	2.00	\$350.00
4/14/2015	SJM	Continue drafting Proposed Findings of Fact/Conclusions of Law.	8.40	\$1,470.00
4/14/2015	SWJ	Review/revise recommended findings of fact and conclusions of law.	4.00	\$700.00
4/15/2015	SJM	Research regarding mootness issue; continue drafting and finalizing Proposed Findings of Fact/Conclusions of Law.	7.50	\$1,312.50
4/15/2015	SWJ	Review/revise findings.	2.00	\$350.00
4/17/2015	SJM	Review Plaintiffs' Notice of Withdrawal of Motion.	0.10	\$17.50
Total Professional Services			33.30	\$5,827.50

PERSON RECAP

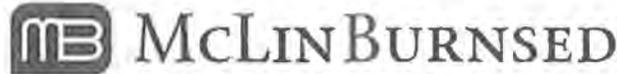
Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	6.10	\$175.00	\$1,067.50
SJM Stephanie J. McCulloch	PARTNER	27.20	\$175.00	\$4,760.00

May 06, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 319603
 Resp. Atty: SWJ
 Page: 2

DISBURSEMENTS

Date	Description of Disbursements	Amount
4/23/2015	Monthly Total - Mailing Expense	\$0.48
	Total Disbursements	\$0.48
	Total Services	\$5,827.50
	Total Disbursements	\$0.48
	Total Current Charges	\$5,827.98
	Previous Balance	\$42,123.25
	PAY THIS AMOUNT	\$47,951.23

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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Fax: (352) 326-2608

CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

June 02, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 321050
 Resp. Atty: SWJ
 Page: 1

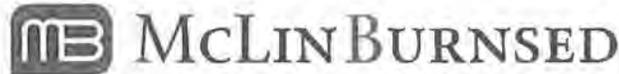
RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through May 22, 2015

DISBURSEMENTS

Date	Description of Disbursements	Amount
4/25/2014	United Parcel Service- Courier Fee- 04/10 JoAnne Jenkins, Maitland FL	\$8.25
	Total Disbursements	\$8.25
	Total Disbursements	\$8.25
	Total Current Charges	\$8.25
	Previous Balance	\$47,951.23
	<i>Less Payments</i>	(\$42,123.25)
	PAY THIS AMOUNT	\$5,836.23

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

August 04, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 322938
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through July 23, 2015

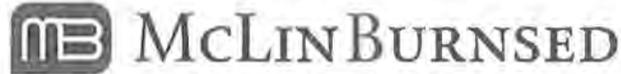
SERVICES

Date	Person	Description of Services	Hours	Amount
7/7/2015	SJM	Review e-mail from opposing counsel.	0.10	\$17.50
Total Professional Services			0.10	\$17.50

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SJM	Stephanie J. McCulloch	PARTNER	0.10	\$175.00	\$17.50
Total Services			\$17.50		
Total Current Charges				\$17.50	
Previous Balance				\$5,836.23	
<i>Less Payments</i>				(\$5,818.73)	
<i>Less Credits/Write Offs</i>				(\$17.50)	
PAY THIS AMOUNT				\$17.50	

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CCMSI
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 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

September 01, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 324354
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through August 21, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
8/19/2015	SJM	Review e-mail from Court; review Opinion.	0.50	\$87.50
Total Professional Services			0.50	\$87.50

PERSON RECAP

Person	Level	Hours	Rate	Amount
SJM	Stephanie J. McCulloch	PARTNER	0.50	\$175.00
Total Services			\$87.50	
Total Current Charges				\$87.50
Previous Balance				\$17.50
PAY THIS AMOUNT				\$105.00

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

October 06, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 325865
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through September 23, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
8/28/2015	SJM	Prepare and finalize Bill of Costs; conference with Stephen W. Johnson.	0.75	\$131.25
9/2/2015	SJM	Review and respond to e-mail from Dan Tilley regarding costs.	0.25	\$43.75
9/17/2015	SJM	Review e-mail from Court and Notice of Appeal.	0.30	\$52.50
9/17/2015	SWJ	Email to School Board.	0.20	\$35.00
9/22/2015	SWJ	Telephone conference with Ohio School Board attorney.	0.40	\$70.00
9/23/2015	SJM	Review e-mails from Eleventh Circuit Court of Appeals and Dan Tilley; conference with Stephen W. Johnson; review filing from ACLU.	0.90	\$157.50
9/23/2015	SWJ	Draft notice of appearance; research issue of appeal; review notes and emails from Attorney Tilley; review appeal te statutes; review notes and emails from Attorney Tilley; review appeal statutes; review certificate of interested persons; research all appellate rules.	2.10	\$367.50
Total Professional Services			4.90	\$857.50

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	2.70	\$175.00	\$472.50
SJM	Stephanie J. McCulloch	PARTNER	2.20	\$175.00	\$385.00

October 06, 2015
Client: 025156
Matter: 140191
Invoice #: 325865
Resp. Atty: SWJ
Page: 2

Total Services	\$857.50	
Total Current Charges		\$857.50
Previous Balance		\$105.00
Less Payments		(\$105.00)
PAY THIS AMOUNT		\$857.50

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

November 03, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 327772
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through October 21, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
9/24/2015	SJM	Review e-mail and Briefing Notice from Eleventh Circuit Court of Appeals.	0.30	\$52.50
9/25/2015	SJM	Review Plaintiff's Notice of Appearance; review e-mail from Court; draft Notice of Appearance.	0.40	\$70.00
9/25/2015	SJM	Review e-mail from Eleventh Circuit Court of Appeals and Plaintiff's Certificate of Interested Persons; review rules; conference with Stephen W. Johnson; draft Certificate of Additional Interested Persons.	0.75	\$131.25
9/25/2015	MAP	RV trial transcript for numbers of exhibits admitted by Judge Hodges. Prepare file memo and organize file for appeal.	6.00	\$300.00
9/28/2015	SWJ	Review correspondence from court.	0.30	\$52.50
10/2/2015	SWJ	Review notice of telephonic mediation conference; email to clients.	0.20	\$35.00
10/3/2015	SWJ	Review emails.	0.10	\$17.50
10/7/2015	SWJ	Review emails; email to Dan Tilley; review email from client.	0.20	\$35.00
10/13/2015	SJM	Review and respond to e-mails from opposing counsel regarding Bill of Costs.	0.50	\$87.50
10/14/2015	SJM	Review Plaintiff's Objection to Bill of Costs and e-mail from Court regarding same.	0.30	\$52.50
10/14/2015	SWJ	Review motion for redaction; emails to/from Daniel Tilley.	0.40	\$70.00
10/19/2015	SWJ	Emails to/from Daniel Tilley and client.	0.30	\$52.50
10/20/2015	SJM	Draft Notice of Resolution of objection to Bill of Costs; review e-mail from Court regarding same.	0.40	\$70.00
10/21/2015	SWJ	Emails to/from circuit mediator and Mr. Tilley.	0.20	\$35.00
Total Professional Services			10.35	\$1,061.25

November 03, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 327772
 Resp. Atty: SWJ
 Page: 2

PERSON RECAP

Person		Level	Hours	Rate	Amount
SWJ	Stephen W. Johnson	PARTNER	1.70	\$175.00	\$297.50
SJM	Stephanie J. McCulloch	PARTNER	2.65	\$175.00	\$463.75
MAP	Margaret A. Pantolin	PARALEGAL	6.00	\$50.00	\$300.00
Total Services				\$1,061.25	
Total Current Charges					\$1,061.25
Previous Balance					\$857.50
<i>Less Payments</i>					<i>(\$857.50)</i>
PAY THIS AMOUNT					\$1,061.25

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

December 08, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 328607
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through November 23, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
10/27/2015	SJM	Review Orders; review e-mails from Court and Appellee's Brief.	0.60	\$105.00
10/27/2015	SWJ	Review order.	0.10	\$17.50
10/27/2015	SWJ	Review Appellants' brief; prepare transcript and cases.	0.90	\$157.50
10/27/2015	SWJ	Letter to Tamara St. John.	0.30	\$52.50
10/28/2015	SJM	Review e-mail from Eleventh Circuit Court of Appeals.	0.10	\$17.50
10/28/2015	SWJ	Revise report.	0.20	\$35.00
11/11/2015	SWJ	Work on brief.	1.50	\$262.50
11/12/2015	SJM	Review Appellant's Brief and case law from Brief and Court.	6.25	\$1,093.75
11/12/2015	SWJ	Working on Answer Brief.	6.00	\$1,050.00
11/13/2015	SJM	Finish review of opposing counsel and Judge's cases; begin draft of Brief.	4.50	\$787.50
11/13/2015	SWJ	Draft appeal response.	4.50	\$787.50
11/16/2015	SJM	Review and respond to e-mails from Counsel Press; conferences with Stephen W. Johnson regarding Appeal.	0.50	\$87.50
11/16/2015	SWJ	Continue work on Answer Brief.	4.00	\$700.00
11/17/2015	SWJ	Draft brief.	6.20	\$1,085.00
11/18/2015	SWJ	Draft brief.	5.20	\$910.00
11/19/2015	SJM	Conferences with Stephen W. Johnson; continue drafting Brief.	3.25	\$568.75
11/19/2015	SWJ	Continue working on brief.	3.90	\$682.50
11/21/2015	SWJ	Draft brief.	6.00	\$1,050.00
11/22/2015	SWJ	Draft brief.	3.80	\$665.00

December 08, 2015
 Client: 025156
 Matter: 140191
 Invoice #: 328607
 Resp. Atty: SWJ
 Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
11/23/2015	SJM	Continue drafting Brief; research regarding ripeness.	7.25	\$1,268.75
11/23/2015	SWJ	Conference with Stephanie McCulloch; draft brief.	5.00	\$875.00
Total Professional Services			70.05	\$12,258.75

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	47.60	\$175.00	\$8,330.00
SJM	Stephanie J. McCulloch	PARTNER	22.45	\$175.00	\$3,928.75
Total Services				\$12,258.75	
Total Current Charges				\$12,258.75	
Previous Balance				\$1,061.25	
<i>Less Payments</i>				<i>(\$1,061.25)</i>	
PAY THIS AMOUNT				\$12,258.75	

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

January 12, 2016
 Client: 025156
 Matter: 140191
 Invoice #: 329572
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through December 23, 2015

SERVICES

Date	Person	Description of Services	Hours	Amount
11/24/2015	SJM	Research regarding mootness; continue drafting Brief.	12.80	\$2,240.00
11/24/2015	SWJ	Revise brief.	5.50	\$962.50
11/25/2015	SJM	Finalize Brief.	3.40	\$595.00
11/25/2015	SJM	Finalize Brief; review and respond to correspondence from Counsel Press.	2.10	\$367.50
11/25/2015	SWJ	Finalize brief; telephone conference with Counsel Press (2); review emails; review/revise; proof brief.	2.40	\$420.00
11/25/2015	SWJ	Review email; letter to mediator.	0.40	\$70.00
11/25/2015	SWJ	Review final version; make changes; email to Counsel Press.	0.90	\$157.50
11/30/2015	SWJ	Review rules and prepared supplemental appendix.	0.90	\$157.50
12/1/2015	SJM	Review and respond to e-mails from Counsel Press; conference with Stephen W. Johnson regarding appendix.	0.50	\$87.50
12/1/2015	SWJ	Final preparation of documents for supplemental appendix; emails to/from Counsel Press.	0.90	\$157.50
12/2/2015	SJM	Attend telephone conference with mediator.	0.25	\$43.75
12/2/2015	SJM	Review e-mail from mediator.	0.10	\$17.50
12/2/2015	SWJ	Prepare for and attendance at assessment conference; email to client.	0.30	\$52.50
12/4/2015	SWJ	Review email from Clerk; file online Certificate of Interested Persons and Corporate Disclosure Statement.	0.30	\$52.50
12/7/2015	SWJ	Review certificate of readiness.	0.10	\$17.50
12/14/2015	SJM	Review Notice of Acknowledgement from Court.	0.10	\$17.50
12/14/2015	SWJ	Review reply brief.	0.30	\$52.50

January 12, 2016
 Client: 025156
 Matter: 140191
 Invoice #: 329572
 Resp. Atty: SWJ
 Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
		Total Professional Services	31.25	\$5,468.75

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	12.00	\$175.00	\$2,100.00
SJM Stephanie J. McCulloch	PARTNER	19.25	\$175.00	\$3,368.75

DISBURSEMENTS

Date	Description of Disbursements	Amount
12/11/2015	Counsel Press, Inc.- Miscellaneous- Work with Brief in 11th Circuit Court of Appeals	\$788.00

Total Disbursements \$788.00

Total Services	\$5,468.75
Total Disbursements	\$788.00
Total Current Charges	\$6,256.75
Previous Balance	\$12,258.75
Less Payments	(\$12,258.75)
PAY THIS AMOUNT	\$6,256.75

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: Tamara St. John

February 05, 2016
 Client: 025156
 Matter: 140191
 Invoice #: 330633
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through January 22, 2016

DISBURSEMENTS

Date	Description of Disbursements	Amount
1/14/2016	Counsel Press, Inc.- Miscellaneous- Preparation of Appendix	\$542.00
	Total Disbursements	\$542.00
	Total Disbursements	\$542.00
	Total Current Charges	\$542.00
	Previous Balance	\$6,256.75
	PAY THIS AMOUNT	\$6,798.75

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
 Attention: **Tamara St. John**

June 30, 2016
 Client: 025156
 Matter: 140191
 Invoice #: 336019
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through June 23, 2016

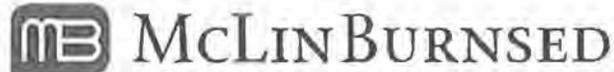
SERVICES

Date	Person	Description of Services	Hours	Amount
6/22/2016	SJM	Review e-mail from Court re: appeal docket.	0.10	\$17.50
6/22/2016	SWJ	Letter to 11th Circuit; email to client.	0.20	\$35.00
Total Professional Services			0.30	\$52.50

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	0.20	\$175.00	\$35.00
SJM	Stephanie J. McCulloch	PARTNER	0.10	\$175.00	\$17.50
Total Services				\$52.50	
Total Current Charges					\$52.50
Previous Balance					\$6,798.75
<i>Less Payments</i>					(\$6,256.75)
PAY THIS AMOUNT					\$594.50

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
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 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

October 04, 2016
 Client: 025156
 Matter: 140191
 Invoice #: 339932
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through September 23, 2016

SERVICES

Date	Person	Description of Services	Hours	Amount
9/6/2016	SWJ	Prepare for oral argument.	1.80	\$315.00
9/9/2016	SWJ	Prepare for Oral Argument.	9.00	\$1,575.00
9/10/2016	SWJ	Prepare for oral argument.	7.00	\$1,225.00
9/11/2016	SWJ	Prepare for oral argument.	6.30	\$1,102.50
9/12/2016	SWJ	Prepare for oral argument.	7.00	\$1,225.00
9/13/2016	SJM	Assist Steve Johnson with Oral Argument preparation.	1.00	\$175.00
9/13/2016	SWJ	Prepare for oral argument.	12.50	\$2,187.50
9/14/2016	SJM	Research re: Nominal Damages and Equal Access Act; conference with Steve Johnson re: same.	1.00	\$175.00
9/14/2016	SWJ	Drive to Jacksonville; preparation for oral argument.	11.00	\$1,925.00
9/15/2016	SWJ	Attendance at oral argument; drive from Jacksonville.	6.00	\$1,050.00
9/15/2016	SWJ	Telephone conference with Daily Commercial.	0.20	\$35.00
Total Professional Services			62.80	\$10,990.00

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	60.80	\$175.00	\$10,640.00
SJM	Stephanie J. McCulloch	PARTNER	2.00	\$175.00	\$350.00

October 04, 2016
Client: 025156
Matter: 140191
Invoice #: 339932
Resp. Atty: SWJ
Page: 2

Total Services	\$10,990.00	
Total Current Charges		\$10,990.00
Previous Balance		\$542.00
Less Payments		(\$542.00)
PAY THIS AMOUNT		\$10,990.00

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CCMSI
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 Maitland, FL 32751
Attention: Tamara St. John

November 02, 2016
 Client: 025156
 Matter: 140191
 Invoice #: 341451
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through October 21, 2016

SERVICES

Date	Person	Description of Services	Hours	Amount
10/11/2016	SWJ	Review Villarreal v. R. J. Reynolds; memo to Heather Thompson Bass.	0.40	\$70.00
Total Professional Services			0.40	\$70.00

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	0.40	\$175.00	\$70.00

DISBURSEMENTS

Date	Description of Disbursements	Amount
10/18/2016	First National Bank of Omaha- Miscellaneous- Hotel Expenses Associated w/ Hearing in Jacksonville 09/15/16	\$343.43
Total Disbursements		\$343.43

Total Services	\$70.00
Total Disbursements	\$343.43
Total Current Charges	\$413.43
Previous Balance	\$10,990.00
PAY THIS AMOUNT	\$11,403.43

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



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CCMSI
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 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

December 09, 2016
 Client: 025156
 Matter: 140191
 Invoice #: 341859
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through November 23, 2016

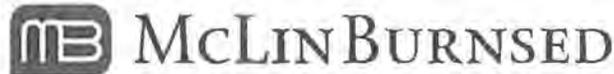
SERVICES

Date	Person	Description of Services	Hours	Amount
11/3/2016	SWJ	Review Order from 11th Circuit Court of Appeals; email to clients.	0.10	\$17.50
11/4/2016	SWJ	Pull case law for memo.	0.20	\$35.00
11/8/2016	SWJ	Review motion to supplement record on appeal.	1.40	\$245.00
11/10/2016	SWJ	Research.	1.50	\$262.50
11/17/2016	SWJ	Research; draft and file response to appellant's motion to supplement record.	2.80	\$490.00
11/18/2016	SWJ	Review Plaintiff's brief on ripeness and mootness - pull and begin review of case law.	1.20	\$210.00
Total Professional Services			7.20	\$1,260.00

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ Stephen W. Johnson	PARTNER	7.20	\$175.00	\$1,260.00
Total Services			\$1,260.00	
Total Current Charges				\$1,260.00
Previous Balance				\$11,403.43
<i>Less Payments</i>				(\$10,990.00)
PAY THIS AMOUNT				\$1,673.43

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Attention: Tamara St. John

January 05, 2017
 Client: 025156
 Matter: 140191
 Invoice #: 342202
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through December 23, 2016

SERVICES

Date	Person	Description of Services	Hours	Amount
11/30/2016	SWJ	Research; draft letter brief.	9.00	\$1,575.00
12/1/2016	SWJ	Revise brief.	4.90	\$857.50
12/6/2016	SWJ	Review opinion; email to clients.	0.40	\$70.00
12/12/2016	MDB	Conference with Steve Johnson (x2) re: appellate jurisdiction issue; Performed online and offline research re: same.	1.10	\$192.50
12/12/2016	SWJ	Telephone conference with Lauren DeRidder; research appeal; conference with Mark Brionez; telephone conference with Superintendent Moxley.	2.10	\$367.50
12/13/2016	SWJ	Telephone conference with Lauren DeRidder; draft report to Lauren DeRidder.	1.00	\$175.00
Total Professional Services			18.50	\$3,237.50

PERSON RECAP

Person	Level	Hours	Rate	Amount	
MDB	Matthew D. Black	PARTNER	1.10	\$175.00	\$192.50
SWJ	Stephen W. Johnson	PARTNER	17.40	\$175.00	\$3,045.00
Total Services			\$3,237.50		
Total Current Charges				\$3,237.50	
Previous Balance				\$1,673.43	
<i>Less Payments</i>				(\$1,673.43)	
PAY THIS AMOUNT:				\$3,237.50	

January 05, 2017
Client: 025156
Matter: 140191
Invoice #: 342202
Resp. Atty: SWJ
Page: 2

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.



Post Office Box 491357
 Leesburg, Florida 34749-1357
 Federal Tax I.D. No.: 59-1275664
<http://www.mclimburnsed.com>

Telephone: (352) 787-1241

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751
Attention: Tamara St. John

February 01, 2017
 Client: 025156
 Matter: 140191
 Invoice #: 342625
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through January 23, 2017

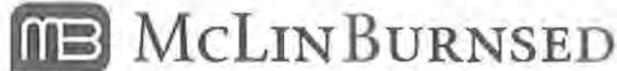
SERVICES

Date	Person	Description of Services	Hours	Amount
1/12/2017	SWJ	Research record and attorneys fee issues.	4.00	\$700.00
1/13/2017	SWJ	Research attorney fees; conference call with all attorneys.	2.40	\$420.00
1/16/2017	SWJ	Research; review issues re: attorneys fees and issues on appeal.	3.00	\$525.00
1/17/2017	SWJ	Research.	2.00	\$350.00
1/19/2017	SWJ	Preparation for, travel to and attendance at hearing in Ocala.	4.50	\$787.50
Total Professional Services			15.90	\$2,782.50

PERSON RECAP

Person	Level	Hours	Rate	Amount	
SWJ	Stephen W. Johnson	PARTNER	15.90	\$175.00	\$2,782.50
Total Services				\$2,782.50	
Total Current Charges				\$2,782.50	
Previous Balance				\$3,237.50	
PAY THIS AMOUNT				\$6,020.00	

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CCMSI
 Attn: JoAnne Jenkins, Claims Supervisor
 2600 Lake Lucien Drive, Suite 225
 Maitland, FL 32751

Attention: Tamara St. John

March 02, 2017

Client: 025156
 Matter: 140191
 Invoice #: 343229
 Resp. Atty: SWJ
 Page: 1

RE: Carver M.S. GSA v. LCSB
 LCSB's liability carrier
 Claim 13D91E052599

For Professional Services Rendered Through February 23, 2017

SERVICES

Date	Person	Description of Services	Hours	Amount
1/24/2017	SWJ	Conference with Margaret Pantolin.	0.40	\$70.00
1/25/2017	SWJ	Review documents re: costs taxation.	0.30	\$52.50
1/26/2017	SWJ	Research costs.	1.00	\$175.00
2/1/2017	SWJ	Telephone conference with Superintendent Moxley; letter to attorneys re: club application.	0.60	\$105.00
2/2/2017	SWJ	Research.	3.80	\$665.00
2/3/2017	SWJ	Revise responses; letter to Bill Mathias.	0.25	\$43.75
2/3/2017	SWJ	Research for memorandum.	0.90	\$157.50
2/6/2017	SWJ	Revise letter to clients; objection to motion for appellate costs; notice of compliance with court order; letter to ACLU attorneys	1.50	\$262.50
2/7/2017	SWJ	Final draft of documents.	1.50	\$262.50
2/7/2017	SWJ	Review Bill of Costs; draft objection to costs.	0.50	\$87.50
2/9/2017	SWJ	Email to Attorney Stevenson.	0.10	\$17.50
2/9/2017	SWJ	Research.	3.80	\$665.00
2/10/2017	SWJ	Draft memo; telephone conference with Lauren DeRidder.	4.20	\$735.00
2/13/2017	SWJ	Research.	2.10	\$367.50
2/14/2017	SWJ	Draft response/objection to plaintiffs' request for appellate attorney's fees.	8.50	\$1,487.50
2/21/2017	SWJ	Review correspondence and attachments from Benjamin Stevenson.	0.20	\$35.00
2/23/2017	SWJ	Telephone conference with Lauren DeRidder (2); telephone conference with Heather Bass.	0.50	\$87.50

March 02, 2017
 Client: 025156
 Matter: 140191
 Invoice #: 343229
 Resp. Atty: SWJ
 Page: 2

SERVICES

Date	Person	Description of Services	Hours	Amount
		Total Professional Services	30.15	\$5,276.25

PERSON RECAP

Person	Level	Hours	Rate	Amount
SWJ	Stephen W. Johnson	30.15	\$175.00	\$5,276.25
	Total Services		\$5,276.25	
	Total Current Charges			\$5,276.25
	Previous Balance			\$6,020.00
	<i>Less Payments</i>			(\$3,237.50)
	PAY THIS AMOUNT			\$8,058.75

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.

District Court Categorized Summary of Attorney's Fees <i>Carver GSA v. Lake Cty. Sch. Bd., No. 5:13cv623 (M.D. Fla.)</i>
--

<u>Category</u>	Total Hours	Requested Hours	Discount	1st Amend. Reduction	Requested Fee
Pre-Lawsuit Investigation	8.7	7.1	18%		\$2,550
Complaint (ECF 1)	20.7	17.5	15%	20%	\$5,144
Mot. for Prelim. Injunc. (ECF 4)	42.5	27.5	35%	25%	\$7,485
Resp. to Mot. to Dismiss (ECF 12)	43.6	18	59%		\$6,895
Case Management Report (ECF 19)	5.3	2.4	55%		\$935
Mot. in Limine to Exclude Expert (ECF 25)	11.1	8.3	25%		\$3,075
Discovery - Depositions (June 2014)	72.4	44.4	39%		\$17,460
Discovery - Depositions (Sept./ Oct. 2014)	45.7	13.7	70%		\$5,325
Discovery - Initial & Written	30.1	21.2	30%		\$7,740
Discovery - Other	11.4	5.2	54%		\$1,960
Mot. for Summ. J. (Equal Access Act) (ECF 28)	71.6	44.5	38%		\$16,965
Resp. to Sch. Bd.'s Mot. for Summ. J. (ECF 43)	10.5	3.5	67%		\$1,225
Other Filings	10.9	7.1	35%		\$2,880
General	24.7	14.1	43%		\$5,195
Pretrial	60.4	44.3	27%		\$15,950
Trial	117.6	94.5	20%		\$36,450
Pls.' Proposed Findings & Conclusions of Law (DE 72)	35.4	21.3	40%		\$7,895
Settlement	13.7	11.7	15%		\$4,535
Mot. for Partial Summ. J. & Determination of Attorney's Fees (ECF 98)	16.9	13.6	20%		\$5,300
Sch. Bd.'s Mot. for Summ. J. (ECF 102)	5.7	5.7	0%		\$2,280
Attorney's Fees, Litigation Expenses, & Costs	41.4	38.3	7%		\$15,030
Redacted	2.5	0	100%		\$0
District Court Subtotal	702.8	463.9	34%		\$172,274

Appellate Court Categorized Summary of Attorney's Fees <i>Carver GSA v. Lake Cty. Sch. Bd., No. 15-14183 (11th Cir.)</i>
--

<u>Category</u>	Total Hours	Requested Hours	Discount	1st Amend. Reduction	Requested Fee
Appendix	3	1.3	57%		\$455
Attorney Fees, Litigation Expenses, & Costs	23.4	17.4	26%		\$6,945
Civil Appeal Statement, CIP, Notices of Appeal, Appear of Counsel	2	1.9	5%		\$725
Client Relations	1.3	1.3	0%		\$455
Conference	3.3	1.1	67%		\$385
Initial Brief	62.9	51.6	18%		\$19,310
Mediation	5	3.4	32%		\$1,190
Mot. to Supplement	5	4.2	16%		\$1,610
Oral Arguments	24.7	19.4	21%		\$6,790
Reply Brief	19.4	15.3	21%		\$5,820
Review of Records	1	1	0%		\$425
Supplement Letter on Jurisdiction	13.9	12.6	9%		\$5,050
11th Cir. Subtotal	245.1	130.5	47%		\$49,160

Case: 15-14183 Date Filed: 10/27/2015 Page: 1 of 42

**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

BRIEF OF PLAINTIFFS-APPELLANTS

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Nancy G. Abudu

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**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Plaintiffs-Appellants state, pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, that the following individuals and entities have an interest in the outcome of this appeal:

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 (School Board member)

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

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)

Hodges, Hon. William Terrell (District Court judge)

Howard, Tod (former School Board member)

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

Mathias, Bill (School Board member)

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

McLin Burnsed (Counsel for Defendant-Appellee)

Moxley, Susan (Superintendent of Defendant-Appellee)

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

Stevenson, Benjamin James (Counsel for Plaintiffs-Appellants)

Stivender, Debbie (School Board member)

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

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, Plaintiffs-Appellants state that there are no corporate disclosures.

/s/ Daniel B. Tilley
Daniel B. Tilley

STATEMENT REGARDING ORAL ARGUMENT

Whether the Equal Access Act applies to Florida middle schools presents an important issue for students across Florida. Plaintiffs-Appellants respectfully request oral argument.

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**STATEMENT OF SUBJECT-MATTER
AND APPELLATE JURISDICTION**

The district court had subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights). This Court has appellate jurisdiction because the order and judgment on appeal are final and dispose of all parties' claims. *See* 28 U.S.C. § 1291 (“Final decisions of district courts”). The appeal is timely because the final order was entered on August 19, 2015, Doc.¹ 75, and the notice of appeal was filed on September 17, 2015, Doc. 78.

STATEMENT OF THE ISSUES

Whether the district court erred in concluding that this case is not ripe.

Whether the district court erred in concluding that this case is moot.

Whether the Equal Access Act applies to Florida public middle schools, including Carver Middle School.

STATEMENT OF THE CASE

At issue in this case is whether the federal Equal Access Act, 20 U.S.C. §§ 4071-4074, applies to Florida public middle schools—including Carver Middle School—and thus whether the Defendant-Appellee School Board of Lake County, Florida (“School Board”) could have lawfully denied the club application of the

¹ “Doc.” refers to the district court’s electronic docket.

Carver Middle School Gay-Straight Alliance (referred to with Plaintiff-Appellant H.F. collectively as “Carver GSA”). *See, e.g.*, Complaint (Doc. 1); Memorandum Opinion Including Findings of Fact and Conclusions of Law (Doc. 75) (“Final Order”). The Carver GSA contends that the denial was unlawful. *See infra passim*.²

In addition, the district court raised the issues of ripeness and mootness. Final Order at 16-20. The court held that the Carver GSA’s claim is not ripe because it did not submit a revised club application providing greater discussion of how the club will promote “critical thinking.” *Id.* at 16-18. The Carver GSA contends that this does not make the case unripe because, among other reasons, under the Equal Access Act, when a school has created a limited open forum for school clubs as Carver has, it cannot limit clubs to certain subject areas and require students to change the nature of the club they seek to form. *See infra* Part I. The court held that the case is moot because the Carver GSA did not resubmit a new application each school year. Final Order at 18-20. The Carver GSA contends that it was not required to go through the futile gesture of resubmitting each year an application that the School Board has steadfastly maintained is not acceptable. *See infra* Part II. And even if there were some reason to believe the School Board

² The Carver GSA has not appealed the First Amendment claim.

might have a change of heart despite its position in this case, the claim is not moot because it is capable of repetition yet evading review. *See id.*

Course of Proceedings and District Court Disposition

The Carver GSA filed a two-count complaint on December 19, 2013. Doc. 1. In Count I, the Carver GSA alleged that the School Board violated the Equal Access Act. Doc. 1 at 12-13. On March 6, 2014, the district court denied the Carver GSA’s motion for preliminary injunction and the School Board’s motion to dismiss. Doc. 17. The parties filed cross motions for summary judgment that included supplemental briefing. Docs. 28, 32, 36, 40, 42, 43, 52. The district court never ruled on these motions. *See* Dkt. A trial was held on March 2-3, 2015. Trial Transcript (“Tr.”) (Docs. 69-70). On August 19, 2015, the district court dismissed the case with prejudice, Doc. 75, and entered judgment for the School Board the following day, Doc. 76.

Statement of Facts

The School Board administers and operates Carver Middle School (“Carver”) in Leesburg, Florida. Final Order at 2. Carver is a public school for students in grades 6-8, *id.*, and “receives Federal financial assistance” within the meaning of the Equal Access Act, Parties’ Joint Pre-Trial Statement (Doc. 55) (“Stipulations”) at 23 (¶9(c)). Carver has a “limited open forum” within the meaning of the Equal Access Act for noncurriculum-related student clubs to form and operate on campus. *Id.* (¶9(d)); *cf. also* Final Order at 3 (describing the benefits of operating as an approved club).

Plaintiffs-Appellants are the Carver Middle School Gay-Straight Alliance and the student H.F. (collectively, “Carver GSA”). Doc. 1 (Complaint).³ The Carver GSA applied for access to the school’s forum. Final Order at 11. The Carver GSA wanted to form and operate as a school club to create a safer and more welcoming environment for all students, including lesbian, gay, bisexual, and transgender (“LGBT”) students and allied straight students. Carver GSA’s Application (Pls.’ Trial Exhibit (“Tr. Ex.”) 5, Doc. 4-11) (“GSA Application”) at 2. Its stated purposes and goals were as follows:

- (1) to create a safe, supportive environment at school for students to discuss experiences, challenges, and successes of LGBT students and their allies
- (2) to create and execute strategies to confront and work to end bullying, discrimination, and harassment against all students, including LGBT students
- (3) to promote critical thinking by discussing how to address bullying and other issues confronting students at Carver Middle School.

Final Order at 2-3; GSA Application at 2. Its anticipated activities were as follows:

- hold regular meetings
- design and market student-awareness campaigns
 - create educational pamphlets, fliers, posters, and/or artistic displays related to bullying and other issues facing students—including LGBT students—at Carver Middle School

³ H.F. was a seventh grader at Carver Middle School when this lawsuit was initiated, H.F. Decl. (Doc. 4-2) ¶ 2.

- educate students about civil rights
- engage in after-school or weekend volunteer work in the local community

GSA Application at 2. The Carver GSA included these goals and activities in its application to become a student club on the form provided by the School Board. *Id.* (listing goals and activities); Tr. (Doc. 69) at 125:12-15 (application on proper form). It complied with all of the procedural requirements to gain access to the forum. Tr. (Doc. 69) at 91:7-9; Sch. Bd.’s Resp. to Request for Admissions, Pls.’ Tr. Ex. 30, ¶ 9. The Carver GSA then submitted the application to Aurelia Cole, the administrator to whom the Superintendent had delegated her authority under School Board policy to approve or disapprove student clubs. Final Order at 7, 11.

The School Board disapproved the Carver GSA’s application and denied the club access to the school’s forum for noncurricular student clubs. Final Order at 12. Initially, Cole rejected the application on the basis that the club is not an extension of the curriculum. Tr. (Doc. 69) at 126:1-3; Final Order at 12. In rejecting the application, she wrote on it, “Club is not an extension of the school curriculum, per policy. Not Approved.” GSA Application at 1; Final Order at 12. Cole then returned the denied application to the school principal, as was the procedure. Tr. (Doc. 69) at 126:13-21.

After denying the Carver GSA’s application, Tr. (Doc. 69) at 126:1–127:14, Cole learned that clubs that “promote critical thinking” could also be approved

regardless of whether they were an extension of the curriculum. Tr. (Doc. 69) at 128:5-9; Final Order at 12. Superintendent Moxley testified that if the Carver GSA were found to “promote critical thinking,” then the School Board would have approved it. Tr. (Doc. 69) at 94:2-4. But the Carver GSA failed this test too. Final Order at 13-14. Ultimately, the School Board’s stated reason for disapproving the Carver GSA was because it did not “promote critical thinking” or otherwise qualify as one of four permitted club types.⁴ Tr. (Doc. 69) at 94:5-9.

Later, the School Board invited the Carver GSA to resubmit an application. Final Order at 14. The School Board contended that it explained at the time to the Carver GSA that it needed to better explain how it would “promote critical thinking.” The Carver GSA disputed this and accordingly neither reapplied that school year or the next.⁵ Final Order at 15.

⁴ The School Board restricted the forum for student clubs to four club types: (1) academic honor societies, (2) student governments, (3) those that are directly related to the curriculum, and (4) those that strengthen and promote critical thinking, business skills, athletic skills, or performing/visual arts. Final Order at 8; School Board Policy No. 4.502, Middle School Student Clubs and Organizations (Pls.’ Tr. Ex. 1, Doc. 4-1); Tr. (Doc. 69) at 81-84; *see also* Tr. (Doc. 69) at 81:20–82:3 (explaining that although the School Board policy actually states “and” between “athletic skills” and “performing/visual arts,” the School Board interprets the policy as if the word were “or”).

⁵ It is not necessary for this Court to resolve this factual dispute to reverse the district court’s decision because under the Equal Access Act, when a school opens a limited forum for school clubs, it cannot restrict clubs to certain subject areas

such as critical thinking. *See* 20 U.S.C. § 4071(a); *Bd. of Educ. of Westside Cmty. Schs. v. Mergens*, 496 U.S. 226, 239-40, 110 S. Ct. 2356 (1990). Nevertheless, Plaintiffs note that the district court’s finding that Cole told the principal in a December 6, 2013, email to extend an invitation to the Carver GSA faculty sponsor to reapply at the same time Cole returned the denied application to the principal was clearly erroneous. Final Order at 12. No basis for a reapplication could have existed in Cole’s mind at that time because it was not until later that she learned that critical-thinking clubs could be approved even if they did not relate to the curriculum. And in contradiction of such testimony, Cole testified clearly that her reason written on the application was “all the information [the principal] would have received” “at that time.” Tr. (Doc. 69) at 126:22–127:3.

Moreover, the reasons for denying the Carver GSA were written three times—in Cole’s handwritten note on the application explaining that the club is “not an extension of the school curriculum,” GSA Application at 1; Cole’s December 6, 2013, email to the principal stating that “the charter does not meet the requirements for middle school clubs/organizations as outlined in Policy 4.502,” Def.’s Tr. Ex. 43; and the School Board attorney’s December 5, 2013, email to Plaintiffs’ counsel stating that “the club charter does not meet the requirements for middle school clubs/organizations as outlined in the portion of the policy that is printed on the application,” Pls.’ Tr. Ex. 25 at 2—and nowhere was “critical thinking” mentioned.

The Carver GSA representative testified that had she known before filing a lawsuit how the application could have been improved, she would have reapplied. Tr. (Doc. 69) at 51:16–52:4. The Carver GSA’s counsel even asked the School Board’s counsel how the application could be improved. Tilley’s Email to Johnson (Dec. 5, 2013) (Pls.’ Tr. Ex. 25); Stipulations (Doc. 55) at 26 (¶9(t)). The School Board presented no evidence that it ever responded. Plaintiffs were not informed of the ability to refile by developing the critical-thinking component until Cole’s deposition in June 2014, Doc. 41-1 at 41-44, more than six months after the lawsuit was filed.

In any event, the School Board thereafter continued to argue that the School Board’s policy only permits “clubs that are an extension of the curriculum or are otherwise ‘curricular’ student groups.” Def.’s Mot. to Dismiss (Doc. 10) at 9 (filed Feb. 3, 2014).

The only evidence that the School Board explained before the lawsuit that the GSA only needed to expound on “critical thinking” to be approved comes from Cole’s testimony. She remembers telling this to the principal, Final Order at 14, contemporaneously with her December 6 email. She is not certain, but “almost

Statement of the Standard or Scope of Review

Plaintiffs-Appellants contend that the district court misapplied the law with respect to its disposition on ripeness, mootness, and the applicability of the Equal Access Act. *See infra* Parts I-III. This Court’s review is therefore de novo. *See Cook v. Bennett*, 792 F.3d 1294, 1298 (11th Cir. 2015) (“We review questions of standing and mootness *de novo*.”); *Temple B’Nai Zion, Inc. v. City of Sunny Isles Beach, Fla.*, 727 F.3d 1349, 1356 (11th Cir. 2013) (“The ripeness of a claim is a legal question that we review de novo.”).

SUMMARY OF ARGUMENT

The dispute over whether the Equal Access Act required the School Board to grant the Carver GSA access to its forum for noncurricular clubs is ripe for judicial review. As the Equal Access Act prohibits denying access based on the “content of the speech” at its meetings, 20 U.S.C. § 4071(a), it was error for the district court to rule that this case is not ripe because its application did not say more about “critical thinking.”

A live controversy remains for judicial resolution. A court could grant the requested nominal-damages relief to the Carver GSA if it prevails on its Equal Access claim. Furthermore, the fact that the Carver GSA has not resubmitted the

sure.” Tr. (Doc. 69) at 135:2. But Principal Cunningham does not recall the conversation, only the email. *Id.* at 147:7-12.

rejected application each school year does not make their claims for injunctive and declaratory relief moot because doing so would be futile and any litigation of this claim would take more than a year, making the violation capable of repetition yet evading review.

Carver is a “secondary” school that must comply with the Equal Access Act. 20 U.S.C. § 4071(a). The only plausible reading of Florida law is that middle schools are secondary schools. Furthermore, Carver unquestionably “provides” the same secondary education it has for years. *See* 20 U.S.C. § 4072(1).

ARGUMENT

I. This case is ripe.⁶

The dispute over whether the School Board violated the Equal Access Act by denying the Carver GSA’s application to operate as a student club is ripe for judicial review. The School Board’s decision was final as to the submitted application. However, the district court ruled that the Carver GSA should have submitted an application that better explained how the club would strengthen and promote critical thinking. Final Order at 17. This ruling erred. The Equal Access Act forbids any school that has a limited open forum for clubs from denying access

⁶ The issue of ripeness was never raised at any time in the litigation by either party or the district court prior to the issuance of the Final Order.

to a student group on the basis of the “content of the speech” at its meetings. 20 U.S.C. § 4071(a). Because the School Board has such a forum, it cannot limit student clubs to those that relate to particular subject areas such as critical thinking. Plaintiffs cannot be required to alter the content of the club’s speech in order to be approved. The court can therefore review the School Board’s improper denial of the application submitted.

Ripeness depends on both the “*fitness* of the issues for judicial decision and the *hardship* to the parties of withholding judicial review” “until conditions for deciding the controversy are ideal.” *Harrell v. The Florida Bar*, 608 F.3d 1241, 1258 (11th Cir. 2010).

A. This case is “fit” for review.

A fit issue presents final, developed facts. *See id.* The Carver GSA’s Equal Access Claim satisfies these requirements. It submitted an application to gain access to the school forum for noncurricular student clubs. GSA Application (Pls.’ Tr. Ex. 5, Doc. 4-11). The School Board denied that application based solely on that application and pursuant to its Policy No. 4.502 (Pls.’ Tr. Ex. 1, Doc. 4-1). Tr. (Doc. 69) at 88:1-4, 94:5-9, 124:15-20. The application, policy, and denial of access are all definite. The dispute is fully developed and ripe for review.

The district court erroneously faulted the Carver GSA for not resubmitting an application that provided more explanation of how the club would promote

critical thinking. Final Order at 17. It concluded that until the Carver GSA resubmitted an application that stood a better chance of approval, it could not review the School Board's decision to disapprove it. *Id.* This erred in two ways.

First, the Equal Access Act prohibits the School Board from denying access to a student group on the basis of the "content of the speech" at its meetings. 20 U.S.C. § 4071(a). Yet in its ripeness analysis, the district court implicitly assumed that the School Board could lawfully discriminate against clubs based on the meeting's content and limit them to one of four club types, including clubs that "promote critical thinking." But in so doing, the district court prematurely incorporated its conclusion that the Equal Access Act did not apply to Carver into its ripeness analysis, putting the cart before the horse. Instead, when a jurisdictional challenge implicates the merits, "[t]he proper course of action for the district court . . . is to find that jurisdiction exists and deal with the objection as a direct attack on the merits of the plaintiff's case." *Morrison v. Amway Corp.*, 323 F.3d 920, 925 (11th Cir. 2003) (second alteration in original; internal quotations omitted).

Second, contrary to the district court's conclusion that the case was not 'fit' for adjudication because it depended upon facts that were not sufficiently developed," Final Order at 17, no additional fact would make the case more fit for adjudication. The district court did not say what fact needed to be more developed,

see id., but it appeared to mean that the Carver GSA should have resubmitted an application that talked more about critical thinking. But the Carver GSA submitted an application for the club to which the students wanted to belong. Its goals and activities met their aims. The School Board might have preferred a different kind of club, but the students want a GSA, not a “GSA and Critical Thinking Club.” The dispute over whether the School Board properly denied their application is ripe for review.⁷

B. The prudential “hardship” prong is no barrier to review.

The Carver GSA continues to be denied access to the forum of noncurricular student clubs. It continues to be deprived of the benefits of school sponsorship, including meeting at the school during noninstructional time. *See* Final Order at 3 (describing the benefits offered to approved clubs). These constitute “adverse effects of a strictly legal kind” or hardship that necessitate promptly deciding this dispute. *Pittman v. Cole*, 267 F.3d 1269, 1280 (11th Cir. 2001) (internal quotations omitted); *see also Elrod v. Burns*, 427 U.S. 347, 373–74, 96 S.Ct. 2673 (1976).

⁷ Although the Carver GSA complied with all the procedural requirements, Tr. (Doc. 69) at 91:7-9, the case would be no less ripe if the Carver GSA had simply submitted a blank application. The Carver GSA would lose any subsequent litigation on the merits, but the denial of the blank application would unquestionably make the case ripe for a court’s review.

Additionally, a “practical harm” is present because the Carver GSA will not “have ample opportunity later to bring its legal challenge at a time when harm is more imminent and more certain,” *Pittman*, 267 F.3d at 1281 (internal quotation marks omitted). The harm is not merely “imminent”—it is ongoing. It will never be “more imminent and more certain” than it is now. The district court found no hardship because “[t]he costs to the GSA, both in terms of money and the delay in getting a final decision, appear to be minimal,” Final Order at 17, but the final decision has been rendered. It may be that the Carver GSA would get a different result if it submitted a different application, but it submitted the application it wanted to submit—one that reflects the club it wants to have—and a final decision was rendered on that application. The district court erroneously considered the hardship of submitting a *different* application rather than one of the students’ choosing, but it is the Carver GSA that gets to make that choice. The Carver GSA does not want to be a “GSA and Critical Thinking Club,” and given that a final decision was rendered on its application to be a GSA, this case is ripe for review.

II. This case is not moot.⁸

A court could grant relief to the Carver GSA if it prevails on its Equal Access claim. It could award the requested nominal damages, declaratory relief,

⁸ The mootness issue was not raised by either party or the court in the litigation prior to the district court’s raising the issue at trial. Tr. (Doc. 69) at 4.

and an injunction requiring the School Board to grant the Carver GSA access to its forum for noncurricular student clubs. Therefore, the claim is not moot. *Knox v. Serv. Employees Intern. Union, Local 1000*, 132 S. Ct. 2277, 2287 (2012) (“A case becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party.”) (internal quotation marks omitted).

The district court’s mootness conclusion was based on the fact that the Carver GSA did not resubmit its club application each subsequent school year. Final Order at 18. Considering only the requested injunctive relief, it concluded the entire dispute was moot because the injunctive claim was not capable of repetition yet evading review. *Id.* at 19. This was error. The School Board never changed its position that the application submitted by the Carver GSA was not acceptable. It has never suggested that it would ever approve the same Carver GSA application that it disapproved the year before. *See* Tr. (Doc. 69) at 94:5-9 (application did not satisfy School Board requirements).⁹ Given the School Board’s position, it is clear that resubmitting the same rejected application each year would be a futile gesture. Moreover, any litigation of this claim would take more than one year, making the claim capable of repetition yet evading review.

⁹ Given the futility of reapplying and the lack of any notice problem, it is not clear what purpose is served by requiring the Carver GSA to go through the hypertechnical reapplication-and-motion-to-amend loop proposed by the district court. *See* Final Order at 18-19.

A. The Carver GSA's claims for injunctive and declaratory relief are not moot.

Plaintiffs claim for injunctive and declaratory relief are not moot because Plaintiffs are not required to engage in futile gestures to maintain litigation. *See, e.g., Int'l Bhd. of Teamsters v. United States*, 431 U.S. 324, 365-66, 97 S.Ct. 1843 (1977) (plaintiffs need not “engage in a futile gesture” of applying when a discriminatory policy is known); *see also United States v. Hardman*, 297 F.3d 1113, 1121 (10th Cir. 2002) (“When . . . it would have been futile for a claimant to apply for a benefit, courts have not denied the claimant standing because of his failure to apply.”) (collecting cases); *Walls v. Miss. State Dep't of Public Welfare*, 730 F.2d 306, 314 n. 7 (5th Cir. 1984) (“To require a plaintiff to make a futile gesture such as refile the employment application, merely to ensure standing to litigate,” when she was precluded from being considered by a discriminatory requirement would “interpos[e] an artificial barrier to the plaintiff’s otherwise meritorious claim.”). Here, the School Board has not changed its position regarding the rejected application. *See, e.g., Tr.* (Doc. 69) at 94:5-9. Resubmitting that same application would be futile.

Moreover, the claims for injunctive and declaratory relief are not moot because the case “arises from a situation that is ‘capable of repetition, yet evading review.’” *Bourgeois v. Peters*, 387 F.3d 1303, 1308 (11th Cir. 2004). The “capable of repetition yet evading review” exception to mootness “applies when ‘(1) the

challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there was a reasonable expectation that the same complaining party would be subjected to the same action again.” *Strickland v. Alexander*, 772 F.3d 876, 887 (11th Cir. 2014) (internal quotation marks omitted). “[A]ctivities spanning less than one year are likely to evade review.” *Id.*; accord *Bourgeois*, 387 F.3d at 1309 (“[O]ne year is an insufficient amount of time for a district court, circuit court of appeals, and Supreme Court to adjudicate the typical case.”); see also *Turner v. Rogers*, 131 S. Ct. 2507, 2515 (2011) (because periods of incarceration of less than twelve months are not long enough for a person to challenge the constitutionality of the procedures used to subject the person to incarceration, where a person can show that they are likely to suffer future imprisonment of less than twelve months for the same reason, the case does not become moot upon the prisoner’s release from incarceration).

The two elements of the capable-of-repetition-yet-evading-review exception are easily satisfied here. First, no one suggests that this lawsuit could have been litigated within a year. Indeed, well over a year expired between the December 2013 filing of the Complaint (Doc. 1) and the March 2015 bench trial. Yet the district court concluded that because the Carver GSA could have reapplied, it was required to do so to keep a live controversy—even if the application was futile. See Final Order at 20 (assuming “[f]or present purposes” that the School Board would

deny subsequent applications). However, the workings of the district court's self-crafted exception to the capable-of-repetition-yet-evading-review exception reveal its error. Would the claim for injunctive relief be moot on the first day of school without a new application? If not, on what basis would the court give the Carver GSA a few weeks or months to apply?

The district court's reliance on *Christian Coal. of Fla., Inc. v. United States*, 662 F.3d 1182 (11th Cir. 2011) is also misplaced. Final Order at 19. In *Christian Coal. of Fla.*, the Eleventh Circuit held that a tax-refund suit was moot where the Internal Revenue Service had already refunded the disputed taxes in full. *Id.* at 1185, 1188-93. But this is not a case where the School Board decided after the initiation of litigation to reverse its position on the club's application and allow the club to meet after all, then ask the court to dismiss the Carver GSA's claims for injunctive and declaratory relief—that would be the analogous situation to *Christian Coal. of Fla.* Instead, the controversy is very much unresolved and “live,” *id.* at 1189 (internal quotation marks omitted)—the club is still not permitted to meet, and the School Board has not said it would now approve the application that it rejected.

Second, given the Superintendent's March 2015 testimony that the application was properly denied in the 2013-14 school year, *see* Tr. (Doc. 69) at

94:5-9 (application did not satisfy School Board requirements), resubmitting the same application in the 2014-15 school year would have been futile.¹⁰

Because both elements of the capable-of-repetition-yet-evading-review exception have been met, the Carver GSA's claims for injunctive and declaratory relief are not moot.

B. The Carver GSA's claim for nominal damages is not moot.

Apart from the claims for injunctive and declaratory relief, this Court has jurisdiction to resolve the Carver GSA's claim for past nominal damages. Nominal damages serve the symbolic function of recognizing a violation of rights. *See Brooks v. Warden*, No. 13-14437, --- F.3d ----, ----, 2015 WL 5157339, at *11 (11th Cir. Sept. 3, 2015). Accordingly, even when an injunctive claim is rendered moot, a claim for nominal damages prevents dismissal for mootness. *See Covenant Christian Ministries, Inc. v. City of Marietta*, 654 F.3d 1231, 1244, 1247 (11th Cir. 2011) (“Although a case will normally become moot when a subsequent ordinance brings the existing controversy to an end, when the plaintiff has requested damages, those claims are not moot[.]”; affirming district court's award of nominal damages of \$1) (alterations, citation, and internal quotation marks omitted);

¹⁰ Again, it is irrelevant that she may have approved a *different* application. What is clear—and all that need be the case—is that she would have denied the *same* application.

Hughes v. Lott, 350 F.3d 1157, 1162 (11th Cir. 2003) (“Nominal damages are appropriate if a plaintiff establishes a violation of a fundamental constitutional right, even if he cannot prove actual injury sufficient to entitle him to compensatory damages.”).¹¹

Here, the Carver GSA has had and continues to have a live claim for nominal damages. The well-established case law cited above demonstrates that this claim is not moot. Thus, even if the Court were to find that it lacked jurisdiction to resolve the Carver GSA’s claims for injunctive and declaratory relief, the Court should nevertheless resolve its claims for nominal damages by ruling upon its substantive claims.

III. The Equal Access Act applies to Carver and requires the School Board to grant access to the Carver GSA.

The Equal Access Act applies to “secondary” schools, 20 U.S.C. § 4071(a), which are defined as schools that “provide[] secondary education as determined by State law,” 20 U.S.C. § 4072(1). The district court concluded that the Equal Access

¹¹ Notably, if the Carver GSA succeeds in establishing that the Equal Access Act applies to Lake County’s public middle schools, the School Board would not be able to deny access to other clubs without being liable for punitive damages. *See Winn-Dixie Stores, Inc. v. Dolgencorp, LLC*, 746 F.3d 1008, 1035 (11th Cir. 2014) (ruling that Florida law (§ 768.72(2), Fla. Stat.) allows punitive damages where the defendant intentionally injured a person with “actual knowledge of the wrongfulness of the conduct”).

does not apply to Carver because it is not a “secondary” school. Final Order at 27.¹² This was error.

Prior to July 1, 2013, Florida law explicitly defined “secondary schools” as those “schools that primarily serve students in grades 6 through 12.” § 1003.413(1), Fla. Stat. (2012), *repealed by* Ch. 2013-27, § 12, Laws of Fla. *MP v. Fla. Dep’t of Corr.*, No. 4:06-cv-52-SPM-WCS, 2008 WL 4525134, at *1 (N.D. Fla. Sept. 30, 2008) (“In Florida, ‘secondary school’ constitutes education from grades 6 through 12.” (citing § 1003.413, Fla. Stat.)). Under this definition, Carver, which teaches grades six through eight, Final Order at 2, was in the spring of 2013

¹² The applicability of the Equal Access Act to Carver is otherwise not in dispute. The School Board stipulated that Carver is a (a) public school, that (b) receives federal financial assistance, and (c) has a “limited open forum” granting “an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time,” 20 U.S.C. § 4071(a). Stipulations (Doc. 55) at 23 (¶9(b)-(d)). (Although these elements of the Equal Access Act claim are stipulated, the Carver GSA notes that these elements are discussed in greater detail in Plaintiffs’ Motion for Summary Judgment on Equal Access Act Claim. Doc. 28 at 10-20.)

Furthermore, none of the exceptions contained in 20 U.S.C. § 4071(f) apply. The School Board has no factual basis to believe that the Carver GSA would present a challenge to the order and discipline of the school, would present a challenge to the well-being of students at Carver, or would be lewd or disruptive. Tr. (Doc. 69) at 94:10-22.

Therefore, if Carver is a secondary school, then the School Board violated federal law by denying access to the Carver GSA “on the basis of the ... content of the speech” at its meetings. Tr. (Doc. 69) at 94:5-9 (School Board disapproved of Carver GSA because it did not “promote critical thinking” or otherwise qualify as one of four permitted clubs types). Because no further facts need be found, reversal is warranted.

unquestionably a “public secondary school” subject to the Equal Access Act. Indeed, the School Board implicitly conceded this point at that time when a Carver GSA member sued the School Board to allow the club. *See* Complaint (Doc. 1) in *B.N.S. v. Sch. Bd. of Lake Cnty.*, 5:13-cv-205 (M.D. Fla. May 1, 2013). The day after the complaint was filed, the School Board acknowledged liability under the Equal Access Act presumably because Carver was unquestionably a secondary school to which the federal law applied. *See* Final Order (Doc. 20) at 2 in *B.N.S.*, 5:13-cv-205 (M.D. Fla. May 30, 2013).¹³

In 2013, the Florida legislature repealed the Florida Secondary School Redesign Act (“Redesign Act”) and with it the explicit definition of “secondary schools.” Ch. 2013-27, § 12, at 13, Laws of Fla. *available at* <http://laws.flrules.org/2013/27> (visited Oct. 27, 2015). The district court concluded that the repeal of the Redesign Act demonstrated an intent to reclassify middle schools no longer as secondary schools. Final Order at 27. But this intent cannot be discerned. The legislature repealed the entire Redesign Act and its “guiding principles for secondary school redesign,” § 1003.413, Fla. Stat. (2012), not just the definition subsection. It repealed the Redesign Act alongside many other revisions in an 84-page law governing numerous aspects of K-20 Education, but

¹³ The Carver GSA sought to admit into evidence the Complaint (Pls.’ Tr. Ex. 31), Consent Decree (Pls.’ Tr. Ex. 32), and the Final Order (Pls.’ Tr. Ex. 41) in *B.N.S.*, but the district court never ruled them admitted. Tr. (Doc. 69) at 22:18-23.

never replaced the definition of “secondary school” with a new definition. No legislative intent to alter what constitutes secondary education can be discerned from this wholesale repeal in a larger education law. To the contrary, the absence of a new definition leads to the logical conclusion—absent evidence to the contrary (of which there is none)—that middle schools continue to be secondary schools under Florida law,¹⁴ not that the definition was silently changed.¹⁵

¹⁴ Although Superintendent Susan Moxley’s view on the matter differs, Moxley’s views amount to no more than a personal belief about what constitutes a “secondary school,” untethered to what the state legislature actually determines. *See* Tr. (Doc. 70) at 87:2-5.

On July 18, 2014, the Carver GSA filed a motion in limine to exclude the testimony of Defendant’s proposed experts (Doc. 25), including Moxley. In its motion, the Carver GSA contended that Moxley’s expert testimony was inadmissible because it was not based on any facts, as required by Fed. R. Evid. 702(b). Doc. 25 at 8. The motion was never ruled upon, although the district court directed the clerk to “terminate” it and all other pending motions (which included both motions for summary judgment) in its final order. Final Order at 32. Plaintiffs objected to the testimony at trial, Tr. (Doc. 70) at 79:22 – 80:3, and in this appeal the Carver GSA maintains the position that Moxley’s testimony should have been excluded and should not be relied upon by this Court, just as they evidently were not relied upon by the district court, *see* Final Order at 21-27 (not citing Moxley’s testimony regarding the meaning of “secondary schools”).

¹⁵ The repeal of the Redesign Act (including its definition of “secondary school”) did not affect the courses or education offered at Lake County middle schools. *See* Tr. (Doc. 69) at 114:13 – 115:1. Because, as a matter of state law, until July 2013 middle schools were secondary schools providing secondary education, and because those middle schools’ provision of education did not change from year to year, then they (including Carver) continue to provide the same “secondary education,” *see* 20 U.S.C. § 4072(1).

Indeed, a review of Florida statutes makes clear that the repeal of the definition in the Redesign Act has changed nothing and that middle schools remain secondary schools under Florida law.

A. Principles of statutory interpretation require the conclusion that middle schools are “secondary” schools under Florida law.

Although there is no longer any explicit definition of “secondary school” in Florida’s statutes, an analysis of the statutes that use the terms “secondary school,” “middle school,” and “high school” leads to the conclusion that middle schools continue to be secondary schools under Florida law and are thus covered by the Equal Access Act.

Florida law uses the term “secondary school” in three different ways.

Sometimes, “secondary” is short for middle and high school:

- § 1007.35(2)(b), Fla. Stat.(expressing intent to assist “all public secondary schools, with a primary focus on low-performing middle and high schools.”)
- § 1003.491(4), (5)(b), Fla. Stat. (providing for the adoption of proposed “secondary courses,” including courses approved “for purposes of middle school promotion and high school graduation”)

At other times, Florida law considers elementary schools and secondary schools to occupy the field and constitute *all* the possible schools:

- § 1001.42(12)(a), Fla. Stat. (directing the provision of “all public schools, both elementary and secondary, as free schools ...”)
- § 256.032, Fla. Stat. (requiring the state flag be displayed at “each elementary and secondary public school”)

- § 316.615, Fla. Stat. (providing for safe operation of buses to schools, “public and private nursery, preelementary, elementary, and secondary level schools.”)
- § 790.06(12)(a)(10), Fla. Stat. (restricting use of concealed gun permit in “[a]ny elementary or secondary school facility”)¹⁶

¹⁶ See also § 1002.22, Fla. Stat. (“‘Agency’ means any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions”); § 1002.32, Fla. Stat. (“Each lab school may establish a primary research objective related to fundamental issues and problems that occur in the public elementary and secondary schools of the state.”); § 1004.02, Fla. Stat. (“‘Adult student’ is a student who is beyond the compulsory school age and who has legally left elementary or secondary school.”); § 1009.77(4), Fla. Stat. (“Public elementary or secondary school employers or postsecondary institution employers shall be reimbursed for 100 percent of the student’s wages by the participating institution.”); § 1012.797(1), Fla. Stat. (notification of district employees’ criminal charges “shall include other education providers such as the Florida School for the Deaf and the Blind, university lab schools, and private elementary and secondary schools.”); § 164.1051, Fla. Stat. (referring to the “[s]iting of elementary and secondary schools”); § 282.705, Fla. Stat. (“Private, nonprofit elementary and secondary schools are eligible for rates and services on the same basis as public schools if such schools do not have an endowment in excess of \$50 million.”); § 403.714(5)(b), Fla. Stat. (requiring school boards to “provide a program of student instruction in the recycling of waste materials,” stating that this instruction “shall be provided at both the elementary and secondary levels of education”); § 403.7186, Fla. Stat. (“As funds become available, the department shall inform the public about the provisions of this section and about the dangers of mercury contamination in game and fish by: (c) Distributing, in primary and secondary schools within the state, informational materials relating to recycling of mercury-containing devices and spent lamps.”) § 468.505(1)(i), Fla. Stat. (referencing “[a]n educator who is in the employ of a nonprofit organization approved by the council; a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or an accredited institution of higher education”); § 665.0501(7), Fla. Stat. (referring to a capital stock association’s power “[t]o contract with the proper authorities of any public or nonpublic elementary or secondary school or institution of higher learning”); § 667.009(7), Fla. Stat. (referring to a savings bank’s power “[t]o contract with the

And sometimes, “secondary” is accompanied by “elementary” and “middle”:

- § 386.212, Fla. Stat. (prohibiting smoking within 1,000 feet of an “elementary, middle, or secondary school”)
- § 1003.01(2), Fla. Stat. (“‘School’ means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education.”)
- § 1012.467, Fla. Stat. (“‘School grounds’ means the buildings and grounds of any public prekindergarten, kindergarten, elementary school, middle school, junior high school, high school, or secondary school”)

Although the first two uses are clear and easily harmonized—“secondary” includes both middle and high schools—the statutes in the third group, if read in isolation, could arguably be understood to suggest that middle schools are not “secondary schools” in order to avoid redundancy.¹⁷ But “statutory construction is

proper authorities of any public or nonpublic elementary or secondary school or institution of higher learning”); § 768.135(1), Fla. Stat. (“A volunteer team physician is any person licensed to practice medicine . . . (a) Who is acting in the capacity of a volunteer team physician in attendance at an athletic event sponsored by a public or private elementary or secondary school”); § 985.101(1)(b), Fla. Stat. (notification of certain delinquent acts of child “shall include other education providers such as the Florida School for the Deaf and the Blind, university developmental research schools, and private elementary and secondary schools.”).

¹⁷ However, “[f]ocusing on such semantics misses the larger purpose” of the language, which is to “cast[] a broad net” over the various school types. *Kutten v. Sun Life Assur. Co. of Canada*, 759 F.3d 942, 945 (8th Cir. 2014) (citing *JA Apparel Corp. v. Abboud*, 568 F.3d 390, 407 n. 4 (2d Cir. 2009) (Sack, J., concurring) (reasoning that the “itemization of terms” in a list “may reflect an intent to occupy a field of meaning, not to separate it into differentiated parts” and concluding that the “rule against surplusage” should be “applied with a grain or

a ‘holistic endeavor,.’” requiring interpretation in a larger context. *Black Warrior Riverkeeper, Inc. v. Black Warrior Minerals, Inc.*, 734 F.3d 1297, 1302 (11th Cir. 2013) (quoting *United Sav. Ass’n of Tex. v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 371, 108 S.Ct. 626, 630 (1988)). The only way to harmonize Florida law’s three uses of the term “secondary schools” is to interpret it to include middle schools, even if it makes redundant some statutes listing “secondary schools” alongside middle schools. No one is suggesting that middle schools are elementary schools. Tr. (Doc. 70) at 92:11-13. Therefore, when a Florida law applies only to elementary and secondary schools, if a middle school were not a secondary school, then the statute would absurdly not apply to middle schools. Failing to treat middle schools as “secondary schools” would make inapplicable to middle schools Florida law regarding the display of the state flag, § 256.032, Fla. Stat.; safety on independently operated school buses, § 316.615, Fla. Stat.; and the carrying of concealed weapons, § 790.06(12)(a)(10), Fla. Stat. Only interpreting “secondary school” to include middle school gives Florida law its full effect. Only under an interpretation of Florida law that includes middle schools within the definition of “secondary school” would these (and many other) provisions of Florida law that clearly are meant to apply to all public schools

two of salt when examining a list of words having similar or even overlapping meaning’’)).

extend to middle schools. *Cf. United Sav. Ass'n of Tex.*, 484 U.S. at 54 (a seemingly ambiguous provision can be clarified when “only one of the permissible meanings produces a substantive effect that is compatible with the rest of the law”); *United States v. Carrell*, 252 F.3d 1193, 1998 (11th Cir. 2001) (“In statutory construction, the plain meaning of the statute controls unless the language is ambiguous or leads to absurd results.”) (internal quotation marks omitted).

Instead of interpreting Florida to harmonize the inconsistent uses of “secondary school,” the district court simply elevated one statute above the others. Final Order at 23. In its view, § 1003.01(2), Fla. Stat.,¹⁸ resolves the debate in defining a three-tier system of elementary, middle, and secondary schools. *Id.* at 23-24. However, this mistakes the purpose of the statute and ignores the historical context.

Unlike the repealed Redesign Act, Section 1003.01(2), Fla. Stat., defines “schools,” not “secondary schools.” More importantly, its definition of “schools” has no operational effect of distinguishing among Florida schools; it simply provides that *all of the types* of schools listed are “schools” under Florida law.

¹⁸ See § 1003.01(2), Fla. Stat. (“‘School’ means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education.”).

Furthermore, for years leading up to 2013, Section 1003.01(2), Fla. Stat., and the repealed Redesign Act definition were both operative. The fact that § 1003.01(2), Fla. Stat., co-existed with a statutory definition of “secondary school” that included middle schools precludes relying on it to conclude that Florida law defines “secondary school” as being limited to high schools.

B. Carver “provides secondary education as determined by State law.”

Public middle schools in Lake County, including Carver, actually “provide[] secondary education as determined by State law.” 20 U.S.C. § 4072(1). Florida law authorizes “public secondary school[s]” to offer career-themed courses. § 1003.493(3)(a), Fla. Stat. Consistent with this authority, Lake County Schools offers these career-themed courses in middle and high schools, but not elementary schools. Tr. (Doc. 69) at 109:15-20. Moreover, no one disputes that high school classes constitute “secondary education.” Tr. (Doc. 69) at 106:2-8; Final Order at 27 (“‘secondary school’ means a high school”). And no one disputes that some high school courses are taught at Carver. As required by § 1003.4156(1)(b), Fla. Stat., Carver teaches Algebra I. Tr. (Doc. 69), 109:3-6. Algebra I is a high school course and is included on the Florida Department of Education’s course list for grades 9-12 (Pls.’ Tr. Ex. 43, Doc. 28-6 at 26), but not on the course list for middle schools (Pls.’ Tr. Ex. 44, Doc. 28-7). *See* Tr. (Doc. 69) at 137:15–138:5. Given

these facts, the school is—in the most literal sense—providing “secondary education,” 20 U.S.C. 4072(1), triggering the Equal Access Act.

Furthermore, Carver “provides” the same education today as it did under the Redesign Act when secondary schools were defined to include middle schools. Tr. (Doc. 69) at 114:14-25 (repeal “did not change anything in the way for middle school”—neither the courses nor topics). And the education Carver provided in the spring of 2013 qualified as “secondary education” to make the Equal Access Act apply in the *B.N.S.* case. Therefore, Carver’s provision of today’s education, which has not changed, also qualifies as the same “secondary education.”

C. The Equal Access Act’s remedial aim tilts the balance in favor of application.

Finally, in the absence of any clear statement from the legislature that middle schools do *not* provide secondary education, because the Equal Access Act is a remedial statute, it must be construed broadly to embrace middle schools in Florida. *See, e.g., Antenor v. D & S Farms*, 88 F.3d 925, 933 (11th Cir. 1996) (“[B]ecause the FLSA [(Fair Labor Standards Act)] and AWPA [(Migrant and Seasonal Agricultural Worker Protection Act)] are remedial statutes, we must construe them broadly.”); *accord, e.g., Montgomery v. Noga*, 168 F.3d 1282, 1300 (11th Cir. 1999) (same for Lanham Act); *Phillips v. Kaplus*, 764 F.2d 807, 817

(11th Cir. 1985) (same for “the securities acts”); *Galbreath v. Gulf Oil Corp.*, 413 F.2d 941, 946 (5th Cir. 1969) (same for Motor Carrier Act).

CONCLUSION

For the foregoing reasons, the decision of the district court holding that the case is not ripe, that the case is moot, and that the Equal Access Act does not apply to Florida’s public middle schools should be reversed. Because further proceedings on the merits beyond this appeal are not needed, Plaintiffs-Appellants respectfully request that this Court direct the district court to enter judgment for Plaintiffs.

Date: Tuesday, October 27, 2015

Respectfully submitted,

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Certificate of Compliance

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), Plaintiffs-Appellants state that this brief complies with the type-volume limitations set forth in Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 7,828 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).

This brief also complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface in 14-point Times New Roman.

Certificate of Service

Today, I electronically filed this document with the Clerk of Court using CM/ECF, which automatically serves opposing counsel Stephanie J. McCulloch (StephM@mclinburnsed.com) via electronic transmission of Notices of Docket Activity generated by CM/ECF. I have also e-mailed this document to opposing counsel Stephen W. Johnson (SteveJ@mclinburnsed.com).

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NO. 15-14183-E

United States Court of Appeals
for the
Eleventh Circuit

CARVER MIDDLE SCHOOL GAY-STRAIGHT ALLIANCE, an
unincorporated association; H.F., a minor by and through parent Janine
Faughnan,

Plaintiff/Appellant,

v.

SCHOOL BOARD OF LAKE COUNTY, FLORIDA,

Defendant/Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
CASE NO: 5:13-cv-00623-WTH-PRL
(Hon. William Terrell Hodges)

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Carver Middle School, et al. v. School Board of Lake County, FL, No. 15-14183

CERTIFICATE OF INTERESTED PERSONS IN THE APPEAL

Defendant-Appellee's state, pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, that the following individuals and entities have an interest in the outcome of this appeal:

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 (School Board member)

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

CCMSI, 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)

Hodges, Hon. William Terrell (District Court Judge)

Howard, Tod (former School Board member)

Case: 15-14183 Date Filed: 11/25/2015 Page: 3 of 41
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Pursuant to the Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 through 26.1-3, Defendant-Appellant states that there are no corporate disclosures.

/s/ Stephen W. Johnson
STEPHEN W. JOHNSON

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STATEMENT REGARDING ORAL ARGUMENT

Defendant-Appellee does not request oral argument.

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Florida Session Law 2002-38724

STATEMENT OF THE CASE

A. Statement of the facts

There are approximately 873 students enrolled in Carver Middle School. *Tr. (Doc. 69) at 166:17-19.* Ms. Heather Jablonski is a teacher and was assigned to Carver Middle School during the 2012-13 and 2013-14 school years. *Tr. (Doc. 70) at 20:23-25; and 21:1.*

The Carver GSA's meeting topics such as disclosure of sexual orientation and the group discussions of fears related to coming out and "ways to tell your parents you are LGBT (Lesbian, Gay, Bisexual or Transgendered) or coming out" were clearly not consistent with the Carver GSA's stated purpose of combating bullying in a manner designed to "promote critical thinking." *Tr. (Doc. 69) at 39:22-25; and 40:1-22.* No student or Carver GSA member was disciplined, censored, or prohibited by any adult at Carver Middle School for discussing any of the issues or topics related to the GSA while at school, either during the formal club meetings or during the 2013-14 school year. *Tr. (Doc. 69) at 41:4-8; and 65:25; and 66: 1-7; and 162:20-25; and 163:1-7.*

In August 2013, the School Board enacted three (3) policies relating to clubs: a middle school policy (*Pltfs' Tr. Exh. 1*); a high school policy (*Def's Tr. Exh. 28*) and an elementary school policy (*Def's Tr. Exh. 30*).

Under Policy 4.502, middle school students wishing to form a club had to submit a proper application and a club charter. Pursuant to this policy and the application form, any approved clubs were by definition school-sponsored: they had to be an extension of the curriculum by meeting one of the criteria set forth in the policy, they were required to have a faculty sponsor, they met on school premises, and were officially recognized as a student club. The approved clubs were also expected to teach the students something. *Tr. (Doc. 69) at 81:2-25; and 82: 1 to 85:7; and 87:1-8; Tr. (Doc. 70) at 71:25; and 72:1 to 75:25.*

At least a month and a half after the beginning of the 2013-14 school year, then 7th Grade student H.F. spoke to her attorneys and worked with Ms. Jablonski to serve as the faculty sponsor to support an application to form a GSA at Carver Middle School. *Tr. (Doc. 69) at 61:12-17.* Ms. Jablonski understood that under the new policy for middle school student clubs, if the club was nonacademic, it had to be tied to one of the several categories listed in Policy 4.502. She believed that the Carver GSA could possibly tie into the “critical thinking” category. *Tr. (Doc. 70) at 25:18-25; and at 26:1-13.*

Plaintiff H.F. worked with her lawyer, Mr. Tilley, on the club application and the charter, and worked with Ms. Jablonski on the application. *Tr. (Doc. 69) at 61: 18-25; and (Pltfs’ Tr. Exh. 5).* H.F. understood that the new policies allowed high schools to have more clubs than middle schools. *Tr. (Doc. 69) at 61:8-10.* Ms. Jablonski told H.F. that for middle school clubs to be approved, they had to be an extension of the curriculum and have some sort of curriculum

aspect. They could not be just for fun. *Tr. (Doc. 69) at 62:1-11.* Ms. Jablonski also told H.F. that the club expanded on civics with civil liberties and had a critical thinking aspect to it. *Tr. (Doc. 69) at 62:15-18.* The application and charter that H.F. and her attorney prepared did not contain any other reference to “critical thinking” other than stating “promote critical thinking by addressing bullying issues.” The Carver GSA did not utilize any critical thinking class components at the GSA meetings in the year before, it was just an open group discussion. *Tr. (Doc. 69) at 63:7-15; and at 21-24.* H.F. never talked to Ms. Jablonski about other ways the GSA could meet the criteria in the policy. *Tr. (Doc. 69) at 65:5-7.*

Ms. Jablonski did not draft or help H.F. draft the charter for the Carver GSA Club, despite the fact that she and another teacher, Ms. Smith, brainstormed and came up with ideas of how the club could be tied directly with the requirements of the policy. *Tr. (Doc. 70) at 27: 7-25.*

Ms. Jablonski understood when she saw Ms. Cole’s handwriting on the top of the initially rejected application, that it meant that the Superintendent and Ms. Cole thought the Carver GSA did not promote critical thinking and did not meet the criteria in the policy. *Tr. (Doc. 70) at 28:20-25; 29:1-20.*

Ms. Jablonski was never confused by the requirements of the policy. At all times relevant, she knew that the Carver GSA would have to demonstrate that it met the critical thinking component of the policy. *Tr. (Doc. 70) at 28:1-19*. Ms. Jablonski knew that if they could demonstrate it thoroughly enough that the GSA would potentially be approved as a critical thinking type club as described in the policy. Ms. Jablonski agreed that the Carver GSA could have put more details specifically tying the club's purposes to critical thinking in order to get it approved. Ms. Jablonski confirmed that the term "critical thinking" in the academic sense involves the use of more particular strategies and analytical skills that are very structured, and that none of these strategies or skills were described in the Carver GSA charter. Ms. Jablonski admits it could have been more detailed as to how it could have used critical thinking as part of its club meetings or activities. Ms. Jablonski agreed that the way the charter was drafted, the Carver GSA did not meet the letter of the policy or the new guidelines. *Tr. (Doc. 70) at 29:1 to 30:25; and 31:20-24*.

Contrary to the statement contained in the Carver GSA's statement of facts, on December 6, 2013, the Carver GSA knew it had an opportunity to submit a revised application with more details regarding the clubs correlation to the curriculum specifically to "critical thinking." *Pretrial Stip. (Doc. 55) at 9(u)*. Ms.

Jablonski acknowledged that she spoke with Ms. Cunningham in early December, 2013, after the application was rejected. One of the options given to Ms. Jablonski as the Carver GSA sponsor was that the GSA could resubmit the application. Ms. Jablonski spoke with H.F. about revising the application and resubmitting it. However, H.F. spoke to her attorney, and H.F. and her lawyers decided that the GSA would not resubmit the application but would rather pursue litigation. *Tr. (Doc. 70) at 37: 13-25; 38: 1-23; 39: 8-15; Pretrial Stip. (Doc. 55) 9(u).*

Ms. Jablonski similarly believes that if the Carver GSA had better outlined the charter with a reasonable explanation of how the Carver GSA would have met the critical thinking component, it may have met the letter of the policy. Ms. Jablonski also believes that if the Carver GSA had amended the application and expounded more upon critical thinking in the application and charter as offered by Ms. Cole and Ms. Cunningham, the Carver GSA would have been approved. *Tr. (Doc. 70) at 32: 18-25.*

No Board Member saw the Carver GSA's application prior to the denial. *Tr. (Doc. 69) at 233: 20-25; 234: 1-6.* School Board members consistently testified that had the Carver GSA met the criteria in Policy 4.502 as determined by

the Superintendent, they would expect the club to have been approved. *Tr. (Doc. 69) at 206: 24-25; 207: 1-4; 215: 7-23; 219: 3-8; 234:7-12.*

Plaintiffs' failed to resubmit the application. Likewise, the Carver GSA failed to submit an application for the 2014-15 school year. *Pretrial Stip. (Doc. 55) 9(r)*. H.F. stated she wanted to form a GSA at Carver but did not contact Ms. Jablonski or any other teacher to request them to sponsor because she decided she would rather pursue litigation. *Tr. (Doc. 69) at 67: 20-25*. Plaintiff H.F. did not discuss with Ms. Jablonski or any other would be members of the Carver GSA as to whether they would rather reapply to have the club rather than pursue litigation. *Tr. (Doc. 69) at 68: 1-5*. The Carver GSA would be required to fill out an application and submit a charter for each school year in order to apply to have a club in middle school. *Tr. (Doc. 69) at 68: 6-9; Tr. (Doc. 70) at 98: 4-10.*

STANDARD OF REVIEW

The standard of review following a bench trial is "clear error" for findings of fact and *de novo* for the interpretation and application of a statute. *907 Whitehead Street, Inc. v. Secretary of Agriculture, et al.*, 701 Fed. 3d 1345, 1348 (11th Cir. 2012).

SUMMARY OF ARGUMENT

As the district court properly concluded, the Carver GSA's claims were not ripe at the time of filing or trial, because the Carver GSA failed to avail itself of the opportunity given by the School Board in early December, 2013 to resubmit the club's application and charter with more details to demonstrate compliance with the requirements of policy 4.502. All evidence and testimony presented at trial demonstrated that the Carver GSA sponsor and the only student Plaintiff/Appellant knew that the "critical thinking" component was deficient and that the application could be approved with revision. In fact, all School Board witnesses testified that if the Carver GSA had corrected these deficiencies and resubmitted the application, it would have been approved. Accordingly, the Carver GSA's claims were not ripe for review because there was no concrete controversy or evidence to support the Carver GSA's erroneous opinion that resubmitting the application would be futile.

Further, the Carver GSA's claims were moot, particularly by the time of trial in March, 2015. Not only did the Carver GSA fail to resubmit the application in the 2013-14 school year, as described above, the Carver GSA failed to submit any application or charter during the 2014-15 school year. The Carver GSA's failure to even comply with the neutral basic requirements of policy 4.502 by completing an application and submitting a club charter clearly rendered their claims moot.

Also of significance, the Carver GSA, through its only student – Plaintiff/Appellant, H.F. opted to continue litigation rather than simply follow the requirements of policy 4.502. H.F. is now a high school student, not subject to policy 4.502. No other student or faculty sponsor has requested club recognition on behalf of the Carver GSA. Accordingly, the district court properly determined that the Carver GSA’s claims are moot.

Nonetheless, should this Court find the Carver GSA’s claims were ripe for review and not rendered moot, the district court correctly ruled that the Equal Access Act was not applicable. When the GSA applied for club status at Carver Middle School under School Board Policy 4.502, compliance with the Equal Access Act, 20 U.S.C. §4071(a) was not required since middle schools were not secondary schools under Florida law.

ARGUMENT

I. Plaintiff’s claims are not ripe or have been properly rendered moot

As the district court correctly concluded, Article II of the Constitution limits the jurisdiction of federal courts to cases and controversies. There are “three strands of the justiciability doctrine- standing, ripeness, and mootness---that go to the heart” of the constitutional requirement of a live case or controversy. *Christian Coalition of Florida, Inc. v. United States*, 662 F.3d 1182, 1189 (11th Cir. 2011)

(quoting *Harrell v. The Florida Bar*, 608 F.3d 1241, 1247 (11th Cir. 2010)). At issue in the instant case are the doctrines of Ripeness and Mootness.

A. Carver GSA’s claims were not ripe for review

“Ripeness” is a justiciability doctrine designed to prevent courts from entangling themselves in abstract disagreements over administrative policies, and to protect agencies from premature judicial interference. *National Park Hospitality Assoc. v. Dept. of the Interior*, 538 U.S. 803, 807-08, 123 S.Ct. 2026, 2030 (2003). As occurred in the instant case, the question of ripeness may be considered on the court’s own motion. *Id.* When determining if a claim is ripe for judicial review, the Eleventh Circuit considers both constitutional and prudential concerns. *National Advertising Co. v. City of Miami*, 402 F.3d 1335, 1339 (11th Cir. 2005). In some circumstances, although a claim may satisfy constitutional ripeness requirements, prudential concerns counsel judicial restraint. *Id.* Strict application of the Ripeness Doctrine prevents federal courts from rendering impermissible advisory opinions and wasting resources through review of potential or abstract disputes. The Ripeness inquiry requires a two part determination of: (1) the fitness of the issues for judicial decision, and (2) the hardship to the parties of withholding court consideration. *Id.* One of the basic rationales for the Ripeness Doctrine is “to protect the [administrative] agencies from judicial interference until an

administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” *Id.* When a court is asked to review decisions of administrative agencies, it is “hornbook law” that courts must exercise patience and permit the administrative agency the proper time and deference for those agencies to consider the case fully. *Id.* at 1339-41. (Where initial application was not granted and applicant could have fixed specific deficiencies or pursued administrative options to protest denial but chose not to based upon applicant’s own opinion that it was “certain” the application would be denied, no tangible controversy existed; Erroneous presumptions and impatience led [it] to rush to the courthouse and present an insufficiently concrete claim). Further, mere uncertainty as to the validity of legal rule does not constitute hardship, for purposes of determining whether administrative policy is ripe for judicial review. *National Park Hospitality Assoc.*, 538 U.S. at 811-12. Like here, the courts simply have neither the power nor the inclination to resolve a potential dispute founded only on a party’s belief that the agency will interpret a rule in such a way as to violate the party’s [First Amendment] rights. *Ward v. County of Orange*, 217 F. 3d 1350, 1356 (11th Cir. 2000).

The Carver GSA’s claims clearly were not “fit” for review by the district court, as the Carver GSA, in lieu of correcting the obvious (even according to

Carver GSA and their own sponsor) deficiencies and resubmitting the club application which all evidence suggests would have been approved, permitting the Carver GSA to become a recognized club, chose to continue litigation that could easily have been avoided. The Carver GSA continued the instant litigation based only upon their grossly unsubstantiated opinion that the School Board that would apply policy 4.520 in a manner that would violate their rights. This opinion is not only unsupported, but in fact, directly contradicted by all the evidence submitted at the trial in this matter.

There was simply no evidence presented on the record to support Carver GSA's opinion that correcting the application would be futile. In fact, the only evidence presented confirmed that the Carver GSA's own sponsor, Heather Jablonski, knew that the application submitted did not meet the requirements of the policy. Ms. Jablonski also admitted that the application and proposed charter contained no information regarding "critical thinking" aspects of the club, and had it been more detailed, she believed it could have been approved. When she was presented with the opportunity by administration to revise and resubmit the application, she informed Plaintiff, H.F., the only student that was a party to the lawsuit. H.F. not only failed to resubmit an application for the 2013-14 school year, but failed to apply for the 2014-15 school year, despite her knowledge and

understanding of the School Board's policy 4.502, which requires every proposed student club to submit an application each school year.

Instead, H.F. testified she and her attorney "decided to pursue litigation." (*Memorandum Opinion, Doc. 75, p. 14*). Interestingly enough, throughout the litigation before the district court, the Carver GSA, despite the unambiguous factual testimony in this case to the contrary by their own members, the Carver GSA has urged through unsupported allegations and legal conclusions that its stated purpose met the "critical thinking" component of the policy 4.502. (*Memorandum Opinion (Doc. 75) P. 10, fn. 8*). In their Initial Brief, however, the Appellants reiterate that the "students want a GSA, not a GSA and Critical Thinking Club," thus, ironically admitting yet again that their application failed to meet the neutral requirements of Policy 4.502. The only evidence in the record confirms that had the Appellants correctly revised and resubmitted their application, it would have been approved.

Testimony of school personnel as well as Superintendent Moxley and each individual School Board Member supports that the intent of the policy was to allow any student club who met the criteria contained in 4.502 to be an approved club in Lake County Middle Schools. Not only did the Carver GSA fail to resubmit the application for the 2013-14 school year, despite extensive testimony by its own proponents and club sponsor acknowledging the application's obvious deficiencies,

but the Carver GSA expressed no interest in having a club during the 2014-15 school year, and failed to submit any application at all. As noted by the district court, the Carver GSA's allegations that their application would not be approved is an "exaggeration that is not supported by the evidence or the credible testimony of the witnesses." (*Memorandum Opinion (Doc. 75) P. 8*).

To the contrary, each testifying School Board Member confirmed that had the GSA met the conditions of the new policy, there would be no objection to the club being approved. *Tr. (Doc. 69) at 183, 185, 190 (Fischer); Tr. (Doc. 69) at 218-19 (Howard); Tr. (Doc. 69) at 230-34 (Stivender)*. Dr. Moxley confirmed that she would have approved the GSA application for the 2013-14 school year if it had spelled out in more detail its stated purpose of fostering critical thinking, or even demonstrated a basic effort in describing how the club's proposed purposes would "promote critical thinking" in accordance with its conclusory stated purpose and the requirements of Policy 4.520. *Tr. (Doc. 70) at 71*. The Carver GSA's own failure to follow the simple neutral application process, and not any enjoined action of the School Board, is what caused the Carver GSA's "hardship" if any. Not only did they fail to avail themselves of the application process, but the School Board also had available a facilities' use policy, which would have allowed the Carver

GSA to meet on school premises and have virtually the same access to school facilities as a sponsored school club. (*Pltfs' Tr. Exh. 3*).

Like the Plaintiff in *National*, Carver GSA prematurely initiated litigation based only upon erroneous presumptions and impatience. Impatience, which actually and single-handedly prevented the Carver GSA from forming a club during the 2013-14 school year. The trial testimony indicates that both the sponsor and the Plaintiff/student were aware before the conclusion of the first semester, that the application could be resubmitted with more detailed information. Instead, Appellants opted to bring unripe claims through protracted litigation that ultimately rendered their otherwise unsupported claims moot.

Likewise, any “hardship” allegedly sustained by the Plaintiffs’ was a direct result of Appellants’ own failure to avail themselves of the opportunity to amend and resubmit the club application in the 2013-14 school year, as well as their failure to submit a club application of **any kind** for the 2014-15 school year. This election by the Plaintiffs to sue prematurely rather than simply follow the requirements of Policy 4.502 rendered the Plaintiffs’ claims not ripe for determination, as well as moot as correctly determined by the district court. *Christian Coalition of Florida, Inc., v. United States*, 662 F.3d 1182 (2011).

B. Carver GSA's claims became and remain moot

Federal courts are without power to decide questions that cannot affect the rights of litigants before them. *DeFunis v. Odegaard*, 416 U.S. 312, 317-318, 94 S. Ct. 1704, 1705 (1974). Existence of speculative contingency with no prospect of immediacy and reality is insufficient to re-establish a “controversy,” where it has already ceased to be “definite and concrete” and no longer “touches the legal relations of parties having adverse legal interests.” *Id.* at 318, quoting *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 240-241, 57 S. Ct. 461, 464 (1937).

The “capable of repetition but evading review” exception to the general principle of Mootness does not apply here. *DeFunis*, 416 U.S. at 317-318. In *DeFunis*, a prospective law student was denied admission upon his first application. The state court granted his request for relief, and through the duration of the litigation, he was enrolled in and attending law school. By the time the federal court considered his claims, he was enrolled in and registered for classes in the last semester of his third and final year of law school. The Supreme Court, in finding his claims to be moot, further declared that the claims did not meet the “capable of repetition, yet evading review exception” to the Mootness Doctrine. The Court ruled that the case was not capable of repetition with respect to the named plaintiff, because he was in fact attending law school and would be able, through university

policies, to complete his final semester. The Court further ruled that the type of constitutional claims raised would not “evade review,” in that the law school had not changed its admissions policy or the procedures that were challenged in the case. The Court stated there was no reason to suppose that a subsequent case attacking those procedures could not come with relative speed before the court if the law school’s procedures remained unchanged. The Court declined to permit a departure from the general rule in federal cases that an actual controversy must exist at stages of appellate or certiorari review, and not simply at the date the action is initiated. *Id.*, 416 U.S. at 319-320. The Court noted that “educational policy choices” confronting a school [university] are not ordinarily a subject for judicial oversight. *Id.* at 325.

To the contrary, that exception is limited to extraordinary cases where (1) the duration of the challenged action is too short to allow full litigation before it ceases, and (2) there is a reasonable expectation that the plaintiffs will be subjected to it again. *Nat’l Parks Conservation Assoc., Inc. v. U.S. Army Corp. of Engineers*, 574 F. Supp.2d 1314 (S.D. Fla. 2008); *Merkey v. Bd. Of Regents of the State of Fla.*, 439 F. 2d (5th Cir. 1974)(Appeal from judgment upholding university’s refusal to recognize student group was moot where individual plaintiffs were not students and no present student was shown by the record to seek recognition of the organization).

H.F. was an 8th grade student during the 2014-15 school year, and the 2014-15 school year concluded only a short time after entry of judgment and the district court's Order. H.F., the only named student plaintiff/appellant, is now attending high school. *Board of School Commissioners of the City of Indianapolis v. Jacobs*, 95 S. Ct. 848, 129-130 (1985) (Case was moot where all named plaintiffs, who were high school students involved in publication of student newspaper had graduated from city school system; case or controversy no longer existed between plaintiffs and board of school commissioners with respect to validity of board's rules).

The High School Student Club policy (4.503) is different than 4.502, which governed the club application in this case. There is no evidence that policy 4.502 was unlawful; let alone that there is any conceivable injunctive relief that could be crafted that would direct the School Board to do anything other than what it has already lawfully done---administer its policy in a lawful manner to any middle school student group applying for club recognition. Not only has the only named student plaintiff/appellant, H. F. failed to resubmit an application during her tenure as a middle school student, but she matriculated to high school, and thus is subject to an entirely different student club policy. Neither the Carver GSA, its prior teacher sponsor, any proposed members or other middle school students have even

expressed an interest in forming the GSA club, let alone submit an application or follow the basic requirements to request recognition of a student club.

Even if, as the Carver GSA urges this Court to find, the Equal Access Act did apply to middle schools in Florida, it would not eliminate the need for Plaintiffs to comply with the very basic, neutral policy requirements that apply to **all** student clubs wishing to form a recognized club---that is, complete and submit a club application and club charter.

II. The district court correctly determined that the Equal Access Act did not apply to middle school club policies in Florida

The district court ruled correctly that, at the time Plaintiff submitted an application for the approval of a club under the School Board's Middle School Club policy, a middle school in Florida was not a secondary school under Florida law. Therefore, the Equal Access Act did not apply to excuse Plaintiffs' failure to submit a club application that met the requirements of the School Board policy.

The Equal Access Act makes it unlawful for "any public secondary school" that receives federal tax dollars, and has a limited open forum, to deny equal access on the basis of the content of speech at a meeting. *20 U.S.C. Section 4071(a)*. A secondary school is defined as "a public school which provides secondary education as determined by State law." *20 U.S.C. Section 4072*.

A. The statutory definition and interpretation confirm that middle schools are not secondary schools under Florida law.

The Middle School Club policy was adopted by the School Board on August 12, 2013 after discussion at several meetings over a number of months. At the same time the School Board also adopted separate club policies for high schools and elementary schools. When the School Board began its discussions there existed Florida Statute §1003.413(1), which defined secondary schools as primarily serving students in grades six through 12. That statute was repealed on July 1, 2013. *Florida Senate Bill 1076*. Although the terms high school, middle school, secondary school, junior high school and elementary school are used in a considerable number of Florida Statutes, often inconsistently, there is only one definitional statute that defines the term “school” in the Education Code in Florida Statutes, i.e., Florida Statute §1003.01(1). The only reasonable interpretation of that statute, as pointed out by the district court, is that secondary schools are high schools. (*Memorandum Opinion (Doc. 75) P. 24*).

The Carver GSA asserts that the logical conclusion to be drawn when the legislature repealed Florida Statute §1003.413(1) is that middle schools continue to be secondary schools. Not only is that directly opposite to the clear, current definition of “schools” in §1003.01(1), it also proposes a scenario where, at the time any legislation is repealed, regardless of what other legislation may be

relevant to the same issue, there should be no change in any legal status that was impacted by the statute prior to its repeal. There is no foundation, legal or factual, for that proposition.

The only evidence relating to this repeal was presented by the School Board. Both Mr. Mathias and Dr. Howard testified that they had contacted the legislators to encourage a change in the language in §1003.413(1) so that only the definition in §1003.01 would control. *Tr. (Doc.69) at 207:14-20 and 223:2-17*. Following these discussions, whether influenced by the School Board members or not, the legislature repealed that section.

“Legislative intent is the polestar of statutory interpretation.” *Patel v. State*, 141 So. 3d 1239, 1243 (Fla. 5th DCA 2014). To discern legislative intent, courts must look first and foremost at the actual language of the statute. *Patel* at 1243; *DeGregorio v. Balkwill*, 853 So.2d 371, 373 (Fla. 2003). When language in the statute is clear and unambiguous and conveys a clear and definite meaning, the statute must be given its plain and obvious meaning. *Patel* at 1243; *Knowles v. Beverly Enterprises Florida, Inc.*, 898 So.2d 1 (2005) (When the language of the statute is clear and unambiguous, and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation. Courts are without power to construe an unambiguous statute in a way which would extend,

modify, or limit, its express terms or its reasonable and obvious implications). *Id.* When engaged in the task of discerning the meaning of a statute, courts will not look merely to a particular clause in which general words might be used, but will take in connection with it the whole statute. *Quarantello v. Leroy*, 977 So.2d 648, 651 (Fla. 5th DCA 2008). Courts are required to give effect to every word, phrase, sentence, and part of the statute, and words in a statute should not be construed as mere surplusage. *Id.* at 652; *American Home Assur. Co. v. Plaza Materials Corp.*, 908 So.2d 360, 366 (Fla. 2005).

Section 1003.01 is titled “Definitions” and is in the Chapter titled “Public K-12 Education.” It must be assumed that the Legislature knew what it was referring to when it established a list of definitions. *American Bankers Ins. Group v. U.S.*, 408 F.3d 1328, 1332-35 (11th Cir. 2005); *Koile v. State*, 934 So.2d 1226 (Fla. 2006). A middle school cannot be a secondary school if the two are identified side by side. As the district court noted, the unambiguous language of the statute favors the position of the School Board. The clear language, combined with the placement of the commas, separates schools into three different tiers or levels: (1) elementary; (2) middle or junior high school; and (3) secondary or high school. (*Order (Doc.17) Pp.12-13*). This is also consistent with the reasonable and typical English language use and interpretation of the term “secondary school”.

(*Memorandum Opinion (Doc. 75) Pp. 24-25*]. Although the use of different terms to identify schools has fluctuated over the years, it seems apparent, at least to the legislature, that a middle school is not a secondary school.

The Superintendent of Schools provided testimony on this subject. Superintendent Moxley confirmed Lake County's categorization of secondary schools as high schools. *Tr. (Doc.70) at 76:11 to 77:24*. "When a statute is silent or ambiguous, we afford deference to an administrative agency's interpretation of the statute as long as it is reasonable and not "arbitrary, capricious, or manifestly contrary to the statute." *907 Whitehead Street, Inc. v. Secretary of Agriculture, et al.*, 701 Fed.3d 1345, 1349 (11th Cir. 2012).

Although there are consistent and inconsistent references to secondary schools in other chapters of Florida Statutes, it is a well-recognized principle of statutory construction that courts are only required to adopt the rules of construction of a statutory provision which harmonizes and recognizes it if the two conflicting provisions are contained in the same Act. *Knowles*, 898 So.2d at 9-10, citing *Woodgate Dev. Corp. v. Hamilton Inv. Trust*, 351 So.2d 14, 16. Here, although the Plaintiffs cited to numerous statutory provisions to support their position, many of those provisions are contained outside of the Education Code provisions governing public schools in Florida Statutes. Even if the conflicts

referenced were contained in the same Act, there must be “a hopeless inconsistency” between different statutes before rules of construction are applied to defeat the plain language of one of the statutes. *Knowles*, 898 So. 2d at 9-10. Other than the definition contained in Chapter 1003 (which as noted above, applies to Public K-12 Education) there remain fifty to sixty references in the Florida Statutes to “secondary school.” In some places the statutes describe (in discussing a particular point) schools as elementary and secondary schools. In other places, it identifies schools as elementary, middle schools and secondary schools. The legislature repealed the only section contained in Chapter 1003 that provided any directly conflicting definition of “secondary school.” As such, since the repeal and effective deletion of the definition of “secondary school” previously contained in §1003.413, only the plain and unambiguous language of §1003.01(2) remains. There is no longer any inconsistency within Chapter 1003, let alone a “hopeless inconsistency,” between 1003.01(2) and 1003.413, and no reason to delve further into the rules of statutory construction, particularly in the face of clear legislative intent regarding how schools are categorized and defined in Florida.

The Carver GSA’s argument that the inconsistencies in the statutes reflect an intent of the legislature not to change the definition of secondary school when they repealed §1003.413 is not supported by the evidence. The Carver GSA’s argument

assumes that all of the statutes that they reference as being inconsistent were drafted and passed yesterday without discussion of the status of law at the time that these statutes were passed. For example, the Carver GSA cites to §768.135, a statute dealing with immunity for volunteer team physicians, which was passed effective October 1, 1980. That statute states that a volunteer team physician is a doctor licensed under certain statutes, acting in the capacity of a volunteer team physician at an athletic event “sponsored by a public or private elementary or secondary school”. The Carver GSA would then assert that must mean there were only elementary and secondary schools, so all schools that are not elementary schools must be secondary schools, which would include middle schools. What the Carver GSA does not point out is that there was a complete rewrite of the Education Code in the year 2002 (Florida Session Law 2002-387). The general provisions for public education for the rewrite were found in Chapter 228, Florida Statutes, specifically §228.041(a). The definition section for the Florida School Code as it existed in 1980 stated “Public schools.- The public schools shall consist of kindergarten classes; elementary and secondary school grades and special classes; and adult, part-time, vocational, and evening schools, courses, or classes authorized by law to be operated under the control of school boards.” At the time that §768.135 was passed, which had the language referenced by Appellants, the

Education Law did not even recognize middle schools or junior highs as a specific category of public schools in Florida. The language in §768.135 would thus be consistent with the definitional section that existed at the time. The present 1003.01 was then created at the time of the 2002 rewrite and renumbering of the Education Code and reads the same as today.

Additionally, the application of §1003.01 Florida Statutes by the lower court does not eliminate the applicability of the Equal Access Act in the State of Florida as has been suggested by the Carver GSA. It is also not an attempt for the State of Florida to avoid the provisions of the Act. It merely accurately applies the Act only to high school students in grades 9 through 12 in the K-12 education system. This actually clarifies the overall picture. No evidence was offered by the Carver GSA nor was any statutory reference presented from another jurisdiction that demonstrated that this was, in any fashion, a different result from that achieved in any other state by their definition of secondary schools.

B. The application of the Equal Access Act by the courts and government confirms the correctness of the district court's conclusion that it does not apply to middle schools in Florida.

The cases interpreting the Equal Access Act, dealing with school settings, have almost exclusively dealt with its application to colleges and high schools and have included discussions of the maturity level of students as being the basis for

the application of the Act in some scenarios and not others. Often cited cases applying the Equal Access Act seem to reiterate that the Act protects the rights of high school students. "...Congress specifically rejected the argument that high school students are likely to confuse an equal access policy with state sponsorship of religion." *Board of Education of Westside Community Schools v. Mergens*, 496 U.S. 224, 250 (1990). "In 1984, Congress passed the EAA to both guarantee and protect the rights of public high school students." *Boyd County High School Gay Straight Alliance v. Board of Education of Boyd County*, 258 F. Supp. 2d 667, 680 (E.D. Ky. 2003).

The evidence adduced at trial was that there is a difference in maturity levels between children in middle school and high school. *Tr. (Doc. 70) at 25:7-10*. At the same time that the middle school policy was enacted the School Board also passed a new policy for the high schools and elementary schools. The high school policy recognized that high schools are secondary schools and the Equal Access Act is applicable to club issues in high school. One, perhaps two, high school GSA clubs had already been approved at the time of trial. *Tr. (Doc. 70) at 83:9-20*.

Appellants have not cited to any case that supports their argument that the provisions of the Equal Access Act applies to Florida middle schools. To the School Board's knowledge there is no published decision applying the Act to

students in grades 6 to 8 in any state. Even guidance in the form of Key Policy Letters presented by the U.S. Department of Education suggests that the Act applies to students in “high school” (*Doc. 43 at 13*).

C. The provision of a single high school algebra course in lower grades does not convert a middle or elementary school into a secondary school.

The Carver GSA is then left with the argument that a couple of isolated courses usually taught in high school, being provided in a limited fashion in the middle schools as part of an acceleration program required by the legislature, creates a presumption that 8th grade is now part of secondary school. As pointed out by the court below, that type of analysis could lead to divergent interpretations of the applicability of the Equal Access Act in contiguous school districts within the state. (*Memorandum Opinion (Doc. 75) at 26*). Superintendent Moxley testified that the teaching of one high school math class does not convert middle school into a high school. *Tr. (Doc.70) at 79:16-21 and 80:10-21*. If it did, then how are K-8 schools to be treated? Dr. Moxley noted that a K-8 is a school that serves students from kindergarten to 8th grade. *Tr. (Doc. 70) at 20-22*. If there are only elementary schools and secondary schools as appellants suggest, then where do the students in a K-8 fall? If an 8th grader in a K-8 school (or perhaps a gifted 5th grader) takes a high school algebra class that does not make the K-8 school a

secondary school. As the Carver GSA notes in their brief that “(n)o one is suggesting that middle schools are elementary schools.” (*Appellant’s Brief at 34*). Elementary school students could take a high school class if they had the aptitude and if the principal recommended or signed off on the course.

There is no evidence of an intention to make the Equal Access Act applicable to groups of five-year-old students in kindergarten. Assuming that to be true, then where would the Carver GSA have us draw the line? The Legislature has provided a definition that describes the three tiers of schools in this state and that guidance should be used to resolve this issue.

There is no particular case that appears to point out the extent of the remedial nature of the Equal Access Act relative to this factual situation, and the Carver GSA has cited none. In any event, any remedial impact of the Act should not and does not alter statutory interpretation of Florida law and does not amend the clear and unambiguous language of the Federal Statute.

CONCLUSION

The district court correctly found that the Carver GSA’s claims were not ripe for review and were later rendered moot by their failure to resubmit a club application in the 2013-14 school year and failure to submit any application during the 2014-15 school year.

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Nonetheless, even if the Carver GSA's claims were ripe for review and not moot, the district court correctly ruled that the Equal Access Act is inapplicable and properly entered judgment in favor of the School Board. Accordingly, the judgment should be affirmed.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), Defendant-Appellee's state that this brief complies with the type-volume limitations set forth in Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 6,862 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).

This brief also complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface in a 14-point Times New Roman.

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I hereby certify that on November 25, 2015, 7 copies of the brief were dispatched for delivery to the Clerk's Office of the United States Court of Appeals for the Eleventh Circuit by third-party commercial carrier for overnight delivery at the following address:

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**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

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ARGUMENT

On November 25, 2015, Defendant-Appellee School Board of Lake County, Florida (“School Board”) filed its response (“Response”) to the opening brief (“Opening Brief”) of Appellants Carver Middle School Gay-Alliance and H.F. (collectively, “Carver GSA”). Contrary to the School Board’s assertions, the Carver GSA’s claims are ripe and not moot, and the Equal Access Act applies to Carver Middle School.

I. The case is ripe and not moot.

The School Board’s Response centers on the legally irrelevant fact that the Carver GSA could have reapplied at any time to form a club different than the one they originally sought. Despite the great deal of time spent by the School Board in criticizing the Carver GSA for not revising and resubmitting their application to satisfy the “critical thinking” prong of Policy 4.502, to be approved under the “critical thinking” prong, the club would have to include “critical thinking class components” and “strategies and analytical skills that are very structured.” Response at 3, 4 (PDF pp.12, 13). This would transform the Carver GSA into a different kind of club. The fact that the Carver GSA decided to pursue litigation to be able to have the club the students want rather than submit a new application for

an entirely different club that the School Board would prefer does not make the claim unripe or moot.¹

The School Board further argues that the case is not ripe because the Carver GSA did not submit a club application for the 2014-15 school year. Response at 11-13 (PDF pp.20-22). Given the School Board's continued insistence that the application submitted for 2013-14 was properly denied, it is abundantly clear that a resubmission of the same application for the 2014-15 school year would be denied. As discussed in the Opening Brief, plaintiffs are not required to engage in futile gestures to maintain litigation. Opening Brief at 23 (PDF p.26).

The School Board also appears to contend that the case is moot because H.F. is now in high school. *See* Response at 16-17 (PDF pp.25-26) (citing *Merkey v. Bd. of Regents of State of Fla.*, 493 F.2d 790 (5th Cir. 1974) (per curiam)). *Merkey* does not support a finding of mootness here. First, although the School Board does not address this in its Response, H.F.'s claim for past nominal damages survives a mootness challenge even if other forms of relief are unavailable. *See, e.g.*,

¹ Since, as the School Board concedes, the club forum is open to non-curricular clubs, Doc. 55 (Parties' Joint Pre-Trial Statement) at 23 ¶ 9(c) (stipulation), the School Board may not, under the Equal Access Act, exclude clubs based on content, *see* 20 U.S.C. § 4071(a). That means that it cannot limit non-curricular clubs to those related to "critical thinking" or any of the other enumerated subjects it approves of.

Covenant Christian Ministries, Inc. v. City of Marietta, 654 F.3d 1231, 1244, 1247 (11th Cir. 2011) (“Although a case will normally become moot when a subsequent ordinance brings the existing controversy to an end, when the plaintiff has requested damages, those claims are not moot[.]”); affirming district court’s award of nominal damages of \$1) (alterations, citation, and internal quotation marks omitted). *Merkey* did not involve a claim for nominal damages. See *Merkey v. Bd. of Regents of State of Fla.*, 344 F. Supp. 1296, 1298 (N.D. Fla. 1972) (plaintiffs filed “amended complaint for declaratory and injunctive relief”), *vacated*, 493 F.2d 790. Moreover, even if *all* of H.F.’s claims were moot, the Carver GSA itself remains an organizational plaintiff with standing (as the district court found, Doc. 17 at 6-7) and ongoing injury, which necessarily prevents dismissal on mootness grounds. See *Amnesty Intern., USA v. Battle*, 559 F.3d 1170, 1178 (11th Cir. 2009) (requirements for organization to establish representational standing); *Fla. State Conference of NAACP v. Browning*, 522 F.3d 1153, 1165-66 (11th Cir. 2008) (requirements for organization to establish standing in its own right). Finally, in *Merkey*, the individual plaintiff at issue was not even a student at the time suit was filed. See 344 F. Supp. at 1299. Here, of course, H.F. was a student at the time of filing and at trial.

For these reasons, the case is ripe and not moot.

II. The Equal Access Act applies.

Carver Middle School is a “secondary school” subject to the Equal Access Act. 20 U.S.C. § 4071(a). It “provides secondary education as determined by State law.” 20 U.S.C. § 4072(1). The School Board continues to contend that the Equal Access Act does not apply to middle schools in Florida. Response at 18-28 (PDF pp.27-37). The Opening Brief addresses most of its contentions, Opening Brief at 27-38 (PDF pp.30-41), but the Carver GSA will address a few points.

The School Board points to Superintendent Moxley’s view that middle schools are not secondary schools, Response at 22 (PDF p.31), but she made clear that her views are untethered to state law, *see* Tr. (Doc. 70) at 87:2-5; Moxley Dep. (Oct. 1, 2014) (Doc. 41-6) at 39:1-8, 47:4-12; and it is the law that matters, *see* 20 U.S.C. § 4072(1) (“The term ‘secondary school’ means a public school which provides secondary education as determined by State law.”).² And while the School Board appears to contend that it is an executive-branch administrative agency whose superintendent deserves deference with respect to statutory interpretation, *see* Response at 22 (PDF p.31), this is not so. Not only is the School Board’s review of club applications not an administrative proceeding—replete with an ALJ or hearing officer, along with factual findings—but neither the

² For the same reason, the School Board’s contentions regarding the maturity of middle school students is irrelevant.

Superintendent nor her designee invoked the interpretation of any statute in denying the club application. Moreover, even were there such a proceeding, the School Board's views on the meaning of state law deserve no deference because it is not charged with administering—as opposed to complying with—the relevant provisions of state law. *Cf. Donato v. Am. Tel. & Tel. Co.*, 767 So.2d 1146, 1153 (Fla. 2000) (recognizing “the general rule that the interpretation of a statute by the administrative agency or body charged with its enforcement is entitled to great deference” and noting, in case concerning interpretation of Florida Civil Rights Act, that “[t]he Commission [on Human Relations] is the administrative body created by the Legislature to administer the Florida Civil Rights Act”).

Although the School Board also finds relevant the fact that “many” of the statutes cited by the Carver GSA in support of the applicability of the Equal Access Act “are contained outside of the Education Code,” Response at 22 (PDF p.31), it entirely avoids addressing the provisions in the Education Code itself where the very operation of the provisions *requires* that the definition of secondary school include middle schools. *See, e.g.*, § 1007.35(2)(b), Fla. Stat. (“It is the intent of the Legislature to provide assistance to all public secondary schools, with a primary focus on low-performing middle and high schools.”); § 1003.491(4), (5)(b), Fla. Stat. (providing for the adoption of proposed “secondary courses,” including courses approved “for purposes of middle school promotion and high

school graduation”). Because these statutes are “hopelessly inconsisten[t],” *Knowles v. Beverly Enters.-Fla., Inc.*, 898 So.2d 1, 9 (Fla. 2004), with the School Board’s interpretation of its preferred statutory provision, the School Board’s citation to *Knowles* does not support its position.

Notably, given that the School Board also argues that a 2002 rewrite of the Education Code renders the language of statutes passed before that time irrelevant, *see* Response at 23-25 (PDF pp.32-24), these statutes were enacted after or as part of the 2002 rewrite. *See* § 1007.35, Fla. Stat. (effective July 1, 2004); § 1003.491, Fla. Stat. (effective Jan. 7, 2003 as part of the rewrite, Laws of Fla., Ch. 2002-387). But, in any event, the School Board’s suggestion that the language used in the rewrite confirms its own interpretation and necessarily voids all interpretations from earlier-enacted statutes is belied by the language of the rewrite itself. Far from settling on one interpretation, the rewrite at times reproduces the very language that the School Board claims it tossed aside. *E.g.*, Laws of Fla., Ch. 2002-387, § 31 (“The department may cooperate with and assist all local and state educational agencies in making surveys pertaining to the use and economics of educational television in the fields of primary, elementary, secondary, or college level education”); § 55 (“Provide for the operation of all public schools, both elementary and secondary, as free schools”); § 97 (“Each lab school may

establish a primary research objective related to fundamental issues and problems that occur in the public elementary and secondary schools of the state.”).

Finally, the School Board contends that the fact that a school teaches a high-school algebra course does not convert it into a secondary school. Response at 27-28 (PDF pp.36-37). But the teaching of high-school algebra at Carver Middle School is just one of the many indications that the school provides secondary education. The offering of career-themed courses also shows this, *see* § 1003.493(3)(a), Fla. Stat. (providing that career-themed courses may be offered at public secondary schools); Tr. (Doc. 69) at 109:15-20 (Lake County Schools offers career-themed courses in middle and high schools but not elementary schools); along with the only reasonable harmonization of Florida Statutes and the fact that the repeal of the Redesign Act did not affect the courses or education offered at Lake County middle schools.³ Opening Brief at 30 n.15, 31-37 (PDF pp.33-40). Pursuant to the School Board’s hypothesized line-drawing problem, it evidently would contend that a K-12 school does not provide secondary education and that therefore the Equal Access Act does not apply to any of its students. That is not a reasonable understanding of the law, nor is this Court required to engage with that reasoning to find that the statute applies to Carver Middle School. In any

³ In other words, Carver Middle School continues to provide the same education as it did when it was explicitly defined as a secondary school.

event, the Equal Access Act is a remedial statute that must be construed broadly, Opening Brief at 37-38 (PDF pp.40-41), and this Court should find that it applies to Carver Middle School.

CONCLUSION

This case is ripe and not moot, and the Equal Access Act applies to Carver Middle School. The Carver GSA again respectfully requests that this Court direct the district court to enter judgment for Plaintiffs.

Date: Monday, December 14, 2015

Respectfully submitted,

/s/ Daniel B. Tilley

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Certificate of Compliance

Pursuant to Federal Rule of Appellate Procedure 32(a)(7)(C), Plaintiffs-Appellants state that this brief complies with the type-volume limitations set forth in Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 1,747 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).

This brief also complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface in 14-point Times New Roman.

Certificate of Service

Today, I electronically filed this document with the Clerk of Court using CM/ECF, which automatically serves opposing counsel Stephanie J. McCulloch (StephM@mclinburnsed.com) and Stephen W. Johnson (SteveJ@mclinburnsed.com) via electronic transmission of Notices of Docket Activity generated by CM/ECF.

/s/ Daniel B. Tilley
Daniel B. Tilley

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

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

Plaintiffs-Appellants,

Case No.: 15-14183

v.

SCHOOL BOARD OF LAKE COUNTY,
FLORIDA;

Defendant-Appellee.

/

APPELLANT GSA'S MOTION TO SUPPLEMENT THE RECORD

In its November 3, 2016, order, the Court questioned whether any member of Appellant Carver Middle School Gay-Straight Alliance (“GSA”) continues to attend Carver Middle School. Accordingly, the Court directed the parties to file supplemental briefs regarding whether the GSA continues to have organizational standing to seek injunctive or declaratory relief.

The GSA would like to support its supplemental brief with one or more declarations by a current student at Carver Middle School about whether he or she is also a current member of the GSA. Such a declaration would bolster the argument that GSA continues to have organizational standing to vindicate the rights of its members (“associational standing”). *See Arcia v. Florida Sec'y of State*, 772 F.3d 1335, 1341-42 (11th Cir. 2014).

Practical considerations weigh in favor of permitting the GSA to submit this evidence of injunctive-relief standing directly to this Court. Student normally promote through grade levels. Accordingly, due to the passage of time inherent in litigation,¹ the set of GSA members who attend Carver Middle School (grades 6-8) will continually change and is inherently transitory. Therefore, submitting current evidence of standing at this stage is the only way to demonstrate the existence of individual members of the GSA who currently attend Carver Middle School when this Court rules on the GSA's claim for prospective relief. *Cf. County of Riverside v. McLaughlin*, 500 U.S. 44, 52 (1991).

WHEREFORE, pursuant to Fed.R.App.P. 10(e), the GSA requests leave to supplement the appellate record with one or more declarations by a current student at Carver Middle School about whether he or she is also a current member of the GSA.

¹ The Complaint was filed in December 2013 after school officials denied the GSA's club application in that fall.

CERTIFICATE OF CONFERRAL

Appellants' counsel conferred with Appellee's counsel about this motion. Appellee opposes the relief.

CERTIFICATE OF SERVICE

Today, I electronically filed this document with the Clerk of Court using CM/ECF, which automatically serves opposing counsel Stephanie J. McCulloch (StephM@mclinburnsed.com) via electronic transmission of Notices of Docket Activity generated by CM/ECF. I have also e-mailed this document to opposing counsel Stephen W. Johnson (SteveJ@mclinburnsed.com).

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**UNITED STATES COURT OF APPEALS
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CARVER MIDDLE SCHOOL GAY-
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SCHOOL BOARD OF LAKE COUNTY,
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/

**APPELLANTS' SUPPLEMENTAL LETTER BRIEF ON
ORGANIZATIONAL STANDING**

Pursuant to this Court's November 3, 2016, order, Appellants Carver Middle School Gay-Straight Alliance ("GSA") and H.F. submit three bases to support a finding that the GSA has continued standing to seek injunctive or declaratory relief:¹

A. The GSA has associational standing.

An organizational plaintiff has standing to enforce the rights of its members when "(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Black Warrior Riverkeeper, Inc. v. U.S. Army Corps of Engineers*, 781 F.3d 1271, 1279 (11th Cir. 2015) (internal quotations omitted). The GSA satisfies these three requirements for associational standing.

First, at least one GSA member currently attends Carver Middle. That member has standing to seek prospective relief in his own right because he "faces a

¹ The GSA contends that in addition to standing to seek prospective relief, it has clear standing for its claim for nominal damages. *See* Compl. (ECF 1) at 15, ¶ F.

realistic danger of suffering an injury.”² *Arcia v. Florida Sec’y of State*, 772 F.3d 1335, 1342 (11th Cir. 2014) (internal quotations omitted); *see also Black Warrior Riverkeeper*, 781 F.3d at 1279 (reciting the three requirements for Article III standing). Unless otherwise compelled by a court, school officials will continue to deny him an equal opportunity to conduct meetings of a noncurricular student club in violation of the Equal Access Act, 20 U.S.C. § 4071(a). *See* Final Order (ECF 75) at 20 (assuming “[f]or present purposes” that the School Board would deny subsequent applications).

Second, the member’s interest in conducting GSA meetings at the school is germane to the GSA’s purpose. The GSA’s purpose includes “create[ing] a safe, supportive environment at school for students to discuss experiences, challenges, and successes of LGBT students and their allies.” Final Order (ECF 75) at 2. Ensuring that GSA members at Carver Middle can meet as a noncurricular student group goes to the heart of the GSA’s goals.

Third, neither the claim asserted by the GSA nor the relief it is requesting requires the participation of individual members in the lawsuit. His injury is the same as all other members at Carver Middle and any remedy would equally benefit all members. Accordingly, no individualized proof of “the fact and extent of injury” of each member is required to establish the claim or tailor the general relief. *Warth v. Seldin*, 422 U.S. 490, 515-16 (1975); *accord* Order Denying Motions to Dismiss and for Preliminary Injunction (ECF 17) at 7 (“neither the claims asserted or the relief requested necessitates participation by the individual members”). Indeed, the remaining dispute on appeal is purely legal—whether the Equal Access Act applies to Florida public middle schools, including Carver Middle. App. Brief at 8. The U.S. Supreme Court has found associational standing

² The Appellants sought leave to supplement the record with a declaration concerning the existence of such a student. If the Court grants the motion, this fact could be established with evidence.

In addition, the record shows that in the past, numerous Carver Middle students joined and participated in the GSA. T. (Mar. 2) (ECF 69), 33:6-8. Therefore, the substantial likelihood that Carver Middle students would want, if permitted, to participate in GSA meetings at the school is sufficient to establish the GSA’s associational standing. *Cf. Fla. State Conference of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1160-64 (11th Cir. 2008) (ruling prudential concerns were satisfied to permit an organization associational standing to pursue *prospective* relief even without identifying a single member).

particularly appropriate in legal disputes and claims for prospective relief—both of which are present here. *See Int’l Union, United Auto., Aerospace & Agr. Implement Workers of Am. v. Brock*, 477 U.S. 274, 287 (1986) (claim raising pure question of law did not depend on individual member’s specific injuries); *United Food & Commercial Workers Union Local 751 v. Brown Grp., Inc.*, 517 U.S. 544, 546 (1996) (“‘individual participation’ is not normally necessary when an association seeks prospective or injunctive relief for its members”).

The GSA satisfies each of the three requirements for associational standing to permit this Court to resolve the legal dispute on appeal and provide prospective relief for individual members at Carver Middle.

B. The GSA has diversion-of-resources standing in its own right.

“Under the diversion-of-resources theory, an organization has standing to sue when a defendant’s illegal acts impair the organization’s ability to engage in its own projects by forcing the organization to divert resources in response.” *Arcia*, 772 F.3d at 1341. The GSA has diversion-of-resources standing in its own right to seek prospective relief.

The GSA wants to resume operating as a noncurricular school club at Carver Middle. Only as a noncurricular school club could it enjoy numerous benefits, including meeting at the school and distributing messages through the school. *See* T. (Mar. 2) (ECF 69), 145:3–146:19. Meeting at the school and combating bullying through in-school messages are central to its organizational goals. Final Order (ECF 75) at 2. Furthermore, the GSA itself has an interest in attracting future members. *Cf. Familias Unidas v. Briscoe*, 619 F.2d 391, 398 n. 7 (5th Cir. 1980) (noting that compelled disclosure of members “may discourage membership and therefore threaten the very existence of the organization”). By denying the GSA access to the forum of noncurricular school groups at Carver Middle, school officials force it to meet, if at all, away from the school and prohibit it from distributing in-school messages and soliciting new members at school. As a consequence, in order to meet at all, the GSA would need to divert resources to advertise and hold off-campus meetings, solicit new members from, and distribute information to students outside the school. *Browning*, 522 F.3d at 1165–66 (ruling an organization has standing in its own right if the defendant’s unlawful acts impair its ability to engage in its projects by forcing the organization to divert resources to counteract those illegal acts); *see also* Compl. (ECF 1) at 11, ¶ 31 (“Plaintiffs will have to divert time and resources to meeting outside the school and advertising meetings without using school resources, and they will be denied the use of other benefits available to student clubs.”).

C. The GSA's prospective claim is capable of repetition, yet evading review.

The GSA's prospective claims for relief are not moot because the controversy is "capable of repetition, yet evading review." *Bourgeois v. Peters*, 387 F.3d 1303, 1308 (11th Cir. 2004). The "capable of repetition yet evading review" exception to mootness "applies when '(1) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there was a reasonable expectation that the same complaining party would be subjected to the same action again.'" *Strickland v. Alexander*, 772 F.3d 876, 887 (11th Cir. 2014) (internal quotation marks omitted). The GSA has standing because it satisfies both requirements of this exception to mootness.

Carver Middle has students in grades six through eight. Final Order (ECF 75) at 2. Therefore, a student will usually attend there for about 2 $\frac{3}{4}$ years—starting sixth grade in August and graduating eighth grade by June in the third year. This time period is too short to complete judicial review in this age of congested court calendars. The procedural history of this case bears out this fact. The GSA filed its complaint in December 2013 after school officials denied the GSA's application to form and operate a noncurricular school club that fall. Nearly three years later, the dispute has yet to be resolved by the courts. Indeed, given the duration of some legal disputes, the U.S. Supreme Court at times has ignored concerns of mootness of important disputes involving students. *Fisher v. Univ. of Texas at Austin*, 758 F.3d 633, 640 (5th Cir. 2014) (rejecting university's argument that the plaintiff lacked standing because she graduated from another university in May 2012, noting that the U.S. Supreme Court—when it first heard the case, 133 S. Ct. 2411 (2013)—had "its own independent obligation to confirm jurisdiction" to hear a student's equitable claim to be admitted to college now that the student graduated from another school, but resolved the dispute even though the issue of mootness "was squarely presented to it"), *aff'd without discussion of jurisdiction*, 136 S. Ct. 2198 (2016).³ Even if Plaintiff H.F. had been in sixth grade at the time of filing the complaint,⁴ she would still no longer be a Carver Middle student.

³ The complaint in *Fisher* was filed in April 2008, but was not resolved until June 2016—over eight years later. *Compare Fisher v. Univ. of Texas at Austin*, 136 S. Ct. 2198 (2016) (decided in June 2016) with *Fisher v. Univ. of Texas at Austin*, 645 F. Supp. 2d 587, 590 (W.D. Tex. 2009) (complaint filed in April 2008).

⁴ Plaintiff H.F. was a seventh grade student at the time. Final Order (ECF 75) at 11.

The GSA has a reasonable expectation that school officials will unlawfully deny any future applications to become a noncurricular school club. The Superintendent testified that the application was properly denied in the 2013-14 school year. Tr. (Doc. 69) at 94:5-9 (application did not satisfy School Board requirements). There is thus no dispute that resubmitting the same application would result in anything but a denial. *Accord* Final Order (ECF 75) at 20 (assuming “[f]or present purposes” that the School Board would deny subsequent applications).

Therefore, the GSA’s claims for prospective relief are capable of repetition, yet evading review.

WHEREFORE the Appellants request that the Court find that (1) the GSA and H.F. have continued standing to seek nominal damages and (2) the GSA has continued standing to seek injunctive or declaratory relief or, in the alternative if the Court finds that the Appellants do not have standing for relief and will dismiss the appeal, vacate the district court ruling for lack of standing.

Dated: Nov. 17, 2016

CERTIFICATE OF SERVICE

Today, I electronically filed this document with the Clerk of Court using CM/ECF, which automatically serves opposing counsel Stephen W. Johnson (SteveJ@mclinburnsed.com) and Stephanie J. McCulloch (StephM@mclinburnsed.com) via electronic transmission of Notices of Docket Activity generated by CM/ECF.

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Case: 15-14183 Date Filed: 11/17/2016 Page: 6 of 6

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District Court Litigation Expenses

<i>Carver GSA v. Lake Cty. Sch. Bd., No. 5:13cv623 (M.D. Fla.)</i>
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<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
18-Dec-13	Fed Ex	Postage: Filing Fee to U.S. District Ct.	\$55.41
8-Feb-14	United Airlines	Travel-Airfare for Hearing (Stevenson) on Mot. for Preliminary Injunction (Feb. 10)	\$183.00
9-Feb-14	Westar Lejeune	Travel-Fuel for Hearing (Tilley) on Mot. for Preliminary Injunction (Feb. 10)	\$26.26
9-Feb-14	Daniel Tilley	Travel-Food Allowance for Hearing (Tilley) on Mot. for Preliminary Injunction (Feb. 10)	\$25.00
10-Feb-14	Daniel Tilley	Travel-Car (2 days) for Hearing on Mot. for Preliminary Injunction (Feb. 10)	\$60.96
10-Feb-14	Kangaroo	Travel-Fuel for Hearing (Tilley) on Mot. for Preliminary Injunction (Feb. 10)	\$25.65
10-Feb-14	Chevron	Travel-Fuel for Hearing (Tilley) on Mot. for Preliminary Injunction (Feb. 10)	\$23.60
10-Feb-14	Holiday Inn	Travel-Lodging for Hearing (Tilley) on Mot. for Preliminary Injunction (Feb. 10)	\$90.00
10-Feb-14	Daniel Tilley	Travel-Food Allowance for Hearing (Tilley) on Mot. for Preliminary Injunction (Feb. 10)	\$15.00
10-Feb-14	SunPass	Travel-Tolls for Hearing (Tilley) on Mot. for Preliminary Injunction (Feb. 10)	\$33.38
12-Jun-14	Fed Ex	Postage: Correspondence to Johnson re: depositions	\$24.14
22-Jun-14	Benjamin Stevenson	Travel-Food Allowance for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$25.00
23-Jun-14	Benjamin Stevenson	Travel-Food Allowance for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$50.00
23-Jun-14	Daniel Tilley	Travel-Food Allowance for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$25.00
24-Jun-14	Daniel Tilley	Travel-Car (3 days) for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$113.97
24-Jun-14	BP Oil	Travel-Fuel for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$53.53

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
24-Jun-14	Benjamin Stevenson	Travel-Food Allowance for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$40.00
24-Jun-14	Daniel Tilley	Travel-Food Allowance for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$15.00
24-Jun-14	Daniel Tilley	Travel-Food Allowance for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$25.00
24-Jun-14	SunPass	Travel-Tolls for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$35.42
25-Jun-14	CupCake Time Cafe	Travel-Food for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$25.39
25-Jun-14	Tom Thumb	Travel-Fuel for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$53.31
25-Jun-14	Pensacola Airport	Travel-Parking for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$36.00
25-Jun-14	Benjamin Stevenson	Travel-Food Allowance for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$25.00
25-Jun-14	BW Plus Chain	Travel-Lodging for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$161.98
25-Jun-14	BW Plus Chain	Travel-Lodging for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$172.18
26-Jun-14	Dollar Rent a Car	Travel-Car for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$153.71
27-Jun-14	Shell Oil	Travel-Fuel for June 2014 Depositions (Haugabrook, Forbes, Wright, Cunningham, Cole, R. 30(b)(6), & Moxley)	\$27.00
29-Sep-14	Benjamin Stevenson	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$40.00

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
29-Sep-14	Daniel Tilley	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$25.00
29-Sep-14	BP Oil	Travel-Fuel for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$32.03
29-Sep-14	Shell Oil	Travel-Fuel for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$29.29
30-Sep-14	Benjamin Stevenson	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$50.00
30-Sep-14	Daniel Tilley	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$15.00
30-Sep-14	Daniel Tilley	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$25.00
1-Oct-14	Benjamin Stevenson	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$40.00

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
1-Oct-14	Daniel Tilley	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$15.00
1-Oct-14	Daniel Tilley	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$25.00
2-Oct-14	Daniel Tilley	Travel-Car for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$122.37
2-Oct-14	Avis	Travel-Car Rental for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$150.99
2-Oct-14	Benjamin Stevenson	Travel-Food Allowance for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$15.00
2-Oct-14	Exxon Mobil Foundation	Travel-Fuel for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$11.69
2-Oct-14	Pilot Gas Station	Travel-Fuel for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$32.37
2-Oct-14	Racetrack Fuel	Travel-Fuel for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$18.90

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
2-Oct-14	Best Western	Travel-Lodging for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$227.07
2-Oct-14	Best Western	Travel-Lodging for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$229.47
2-Oct-14	SunPass	Travel-Tolls for Sept. 2014 Depositions (Jablonski, M.G., B.S., Fischer, H.F., Faughnan, Mathias, Stivender, Howard, R.30(b)(6) (federal funding), Moxley (as expert))	\$32.02
17-Feb-15	Daniel Tilley	Travel-Food Allowance for Pretrial Conference (Feb. 18)	\$25.00
17-Feb-15	Shell Oil	Travel-Fuel for Pretrial Conference (Feb. 18)	\$36.13
18-Feb-15	Daniel Tilley	Travel-Food Allowance for Pretrial Conference (Feb. 18)	\$15.00
18-Feb-15	TD Bank	Bank Fee: Bank Stop Payment on 8 Checks for Appearance Fees	\$200.00
18-Feb-15	Sunoco	Travel-Fuel for Pretrial Conference (Feb. 18)	\$26.75
18-Feb-15	Holiday Inn	Travel-Lodging for Pretrial Conference (Feb. 18)	\$127.44
19-Feb-15	Enterprise	Travel-Car Rental for Pretrial Conference (Feb. 18) (1/2 of Expense)	\$49.93
20-Feb-15	Fed Ex	Postage: Correspondence to Johnson	\$55.06
20-Feb-15	Fed Ex	Postage: Correspondence to Lake Servicers	\$24.58
26-Feb-15	Staples	Supplies for Trial	\$63.98
27-Feb-15	Benjamin Stevenson	Travel-Food Allowance for Trial (Mar. 2015)	\$40.00
27-Feb-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$25.00
27-Feb-15	Gas Station	Travel-Fuel for Trial (Mar. 2015)	\$24.75
27-Feb-15	Kirby	Travel-Fuel for Trial (Mar. 2015)	\$21.87
27-Feb-15	FDOT	Travel-Toll for Trial (Mar. 2015)	\$3.75
28-Feb-15	Benjamin Stevenson	Travel-Food Allowance for Trial (Mar. 2015)	\$40.00
28-Feb-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$15.00
28-Feb-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$25.00
28-Feb-15	Sunoco	Travel-Fuel for Trial (Mar. 2015)	\$19.53

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
1-Mar-15	Benjamin Stevenson	Travel-Food Allowance for Trial (Mar. 2015)	\$40.00
1-Mar-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$15.00
1-Mar-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$25.00
1-Mar-15	Holiday Inn	Travel-Lodging for Trial (Mar. 2015)	\$353.99
1-Mar-15	Holiday Inn	Travel-Lodging for Trial (Mar. 2015)	\$318.90
2-Mar-15	Benjamin Stevenson	Travel-Food Allowance for Trial (Mar. 2015)	\$40.00
2-Mar-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$15.00
2-Mar-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$25.00
3-Mar-15	Benjamin Stevenson	Travel-Food Allowance for Trial (Mar. 2015)	\$40.00
3-Mar-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$15.00
3-Mar-15	Daniel Tilley	Travel-Food Allowance for Trial (Mar. 2015)	\$25.00
3-Mar-15	Shell Oil	Travel-Fuel for Trial (Mar. 2015)	\$20.00
3-Mar-15	Holiday Inn	Travel-Lodging for Trial (Mar. 2015)	\$246.00
3-Mar-15	FDOT	Travel-Toll for Trial (Mar. 2015)	\$3.75
3-Mar-15	Bob Sikes	Travel-Toll for Trial (Mar. 2015)	\$1.00
3-Mar-15	Fla. Turnpike	Travel-Tolls for Trial (Mar. 2015)	\$39.30
3-Mar-15	Fla. Turnpike	Travel-Tolls for Trial (Mar. 2015)	\$37.80
4-Mar-15	Enterprise	Travel-Car Rental for Trial (Mar. 2015)	\$196.83
4-Mar-15	Shell Oil	Travel-Fuel for Trial (Mar. 2015)	\$13.22
4-Mar-15	Holiday Inn	Travel-Lodging for Trial (Mar. 2015)	\$369.00
5-Mar-15	Enterprise	Travel-Car Rental for Trial (Mar. 2015)	\$264.62
5-Mar-15	Gas Station	Travel-Fuel for Trial (Mar. 2015)	\$9.97
14-Mar-15	Enterprise	Travel-Tolls as penalties by rental car agency	\$10.50
14-Mar-15	Enterprise	Travel-Tolls as penalties by rental car agency	\$10.50

<i>Litigation Expenses - Total</i>	\$5,710.24
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1/01/2014 # 55.44

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Billing Information

Tracking ID no.	< Prev	877129769670	Next >
Invoice no.		2-506-26273	
Account no.		1141-6494-1	
Ship date		12/18/2013	
Invoice date		12/24/2013	
Due date		01/08/2014	
Tracking ID Balance due		\$0.00	
Status		Closed	

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Messages

Distance Based Pricing, Zone 3
 Fuel Surcharge - FedEx has applied a fuel surcharg [Read More..](#)

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Sender Information

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

Recipient Information

CLERK
 US COURTHOUSE ROOM 337
 207 NW 2 ST
 OCALA FL 34475
 US

Shipment Details

Ship date	12/18/2013
Payment type	Shipper
Service type	FedEx First Overnight
Zone	03
Package type	FedEx Envelope
Weight	0.00 lbs
Pieces	1
Meter No.	
Declared value	\$0.00

Charges

Transportation Charge	50.60
Fuel Surcharge	4.81
Weekday Delivery	0.00
Total charges	\$55.41

Original Reference

Customer reference no. **CARVER II FLING FEE**
 Department no.
 Reference #2
 Reference #3

Updated Reference [Edit](#)

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

Proof of Delivery

Delivery date 12/19/2013 08:49
 Service area code A4
 Signed by B.WAL
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Cost Allocation Reference [Edit](#)

Cost allocation
 Shipment Notes

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United Confirmation Number **NVS841**

Purchase Summary	
1 Adults (age 18 to 64)	\$172.00
Additional Taxes/Fees	\$11.00
Total	\$183.00

Payment Information	
Name of Cardholder:	Benjamin Stevenson
Card Type:	American Express
MileagePlus Members:	Upon completion of this itinerary, you will earn up to 330 MileagePlus award miles.*

Flight Details		United Confirmation Number
Sat., Feb. 8, 2014 Pensacola, FL (PNS) to Tampa/St. Petersburg, FL (TPA)		NVS841
Depart: 7:43 a.m. Sat., Feb. 8, 2014 Pensacola, FL (PNS)	Arrive: 10:20 a.m. Sat., Feb. 8, 2014 Tampa/St. Petersburg, FL (TPA)	Flight: UA3979 Operated by Silver Airways. Aircraft: Saab 340/340B Fare Class: Economy (E) Meal: None No Special Meal Offered.
Travel Time: 1 hr 37 mn		Distance: 330 miles
Note: Flight 3979 is serviced by a non-jet equipment type.		

Traveler(s)	
Mr. Benjamin Stevenson	
Date of Birth:	11/1/1974
Gender:	Male
Special Meals Request:	Not applicable for this itinerary
Frequent Flyer:	UA-NN779771
E-mail Address:	box353@gmail.com
Home Phone:	(702) 306-6708 - United States
Seat Assignments:	PNS - TPA: ---

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AVIS

Hertz

Important Travel Information:

- The U.S. government raised the security alert level and implemented extra restrictions to assure the security of air travel. Certain changes in airport procedures and restrictions on items allowed on board aircraft are detailed on the [Travel Alert: Elevated Security](#) page.
- Any changes to your flight reservations may incur additional charges.
- Airlines require government issued photo identification upon check-in, such as a driver's license or passport.
- Passport, visa and health requirements may apply for this itinerary. Each passenger must ensure he or she has all required travel documents as stated in Rule 19 of the [Contract of Carriage](#). Information on this site is provided as a courtesy and should be verified by the passenger before travel. Other resources include the consulate of the destination country and the [U.S. Department of State](#).
- Please read important information governing [airline baggage liability limitations](#).
- You will be contacted with any changes or additional information such as schedule changes, itinerary changes, etc.
- Special services are on a request basis and cannot be guaranteed.
- Special meal requests must be received at least 24 hours before the departure of your flight and cannot be guaranteed.

**Miles shown are the actual miles flown for this segment. Mileage accrued will vary depending on the terms and conditions of your frequent flyer program. United MileagePlus mileage accrual is subject to the rules of the MileagePlus program and, as provided therein, mileage will be credited in accordance with the terms and conditions of the MileagePlus Program in effect at the time of travel, not at the time air travel is purchased, booked or reserved, and accordingly miles may not be awarded for some tickets or miles may be awarded in an amount fewer than shown.

Important Baggage Information

Carry-on baggage allowed

United accepts the following items, per customer to be carried on the aircraft at no charge:

WESTAR 62 ST.
WELCOME
10129/6237-001 WESTAR 62
6201 NORTH MIAMI AVE
MIAMI FL 33138

DUPLICATE OUTDOOR RECEIPT

DATE 02/09/14
TIME 10:57 AM
AUTH# 543265

AMEX
ACCOUNT NUMBER
XXXX XXXXXX X1381
TILLEY/D

PUMP PRODUCT PPG
01 UNLD \$3.459

GALLONS TOTAL
7.592 \$26.26

THANKS, COME AGAIN

Kangaroo Exp 6524
3873 SW College Rd
Ocala FL 34474
(352) 237-0852

TP12087610-001

DATE 02/10/14
TIME 2:12 PM
AUTH# 501340

AMEX

PUMP PRODUCT PPG
07 UNLD \$3.369

GALLONS FUEL TOTAL
7.615 \$25.65

THANK YOU
HAVE A NICE DAY

WELCOME TO
EUROPA CAFE & CARWASH
6075 BISCAYNE BLVD, MIAMI

EUROPA CARWASH & CAF
00202663
6075 BISCAYNE BLVD
MIAMI, FL
02/10/2014 485020266
07:08:27 PM

XXXXXXXXXXXXX1381
AMEX
INVOICE E/6300389
AUTH 584181

PUMP# 1
UNLEAD REG 6.744G
PRICE/GAL 3.499

FUEL TOTAL \$ 23.60

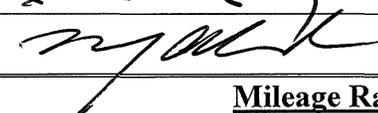
CREDIT \$ 23.60

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THANK YOU
COME AGAIN

Employee/Board Member Name: Daniel Tilley Date: 2/11/2014

Charge to Department or Project: Legal – Carver II

Date of Item	Description of Business Expense ¹	Amount ²	Case ³
2/9/14	Dinner per diem	\$25	Carver II
2/10/14	Lunch per diem	\$15	Carver II
2/9 – 2/10/14	Tolls	\$33.38	Carver II
	Rental car estimate	\$60.96	Carver II
	(Hotel and Gas were charged to AMEX)		
Total reimbursement ⁴ requested: \$134.34		Employee/Board Member Signature: 	
		Project/Dept/Office Director Signature: 	

Reviewed By: DW
 Chk: 2475
 Date: 2/11/14

Affiliate Foundation ✓
 Account # 5721 Class Legal
 Date _____
 Authorized _____

Carver II

Per Diem
Breakfast - \$ 10.00
Lunch - \$ 15.00
Dinner - \$ 25.00

Mileage Rate
\$0.56 x # miles

¹ Meeting/event name, conference name, etc.

² Remember: ACLU Foundation of Florida expenses incurred in the state of Florida are tax exempt, ACLU expenses are not. When asked for proof of tax exemption, copies of the ACLU Foundation of Florida's exempt organization certification may be obtained from the Administration & Finance Dept.

³ CASE expenses should be coded to the case account. If chapter expense, please indicate chapter name.

⁴ Attach all receipts

2/11/2014

Enterprise Rent-A-Car: Rental Cars at Everyday Low Rates



Member#: Password:
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Reservation Summary

40% Complete

Location Details [change](#)

Pick Up Location
 DOWNTOWN MIAMI
 MIAMI, FL 33131-2140
 Tel.: (305) 379-3003
 We'll Pick You Up.™

Dates & Times [change](#)

Pick Up
 Feb 23, 2014 @ Noon
Return
 Feb 24, 2014 @ Noon

Vehicle Class
 (not yet chosen)

Renter's Age [change](#)
 25 and Up

Renter's Information
 (not yet entered)

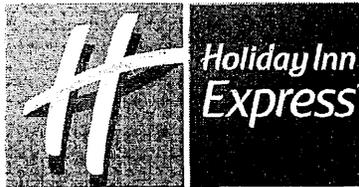
[Start over](#)

Pick a Vehicle:
 9 of 20 Vehicle Classes to choose from.

[Show nearest locations](#)

Vehicle Class	Description	Price Quote	
Additional surcharges, local taxes, etc. may apply.			
Economy	Chevy Spark or similar see details	\$ 30.48 USD / day \$ 35.51 USD Total see details	<input type="button" value="Select"/>
Compact	Nissan Versa, Toyota Yaris or similar see details	\$ 31.86 USD / day \$ 36.99 USD Total see details	<input type="button" value="Select"/>
Intermediate	Toyota Corolla, Ford Focus or similar see details	\$ 33.78 USD / day \$ 39.04 USD Total see details	<input type="button" value="Select"/>
Standard	Chrysler 200 or similar see details	\$ 35.43 USD / day \$ 40.81 USD Total see details	<input type="button" value="Select"/>
Full Size	Ford Fusion, Nissan Altima or similar see details	\$ 37.08 USD / day \$ 42.58 USD Total see details	<input type="button" value="Select"/>
Premium	Chrysler 300 or similar see details	\$ 51.98 USD / day \$ 58.52 USD Total see details	<input type="button" value="Select"/>
Luxury	Cadillac ATS, Lincoln MKZ or similar see details	Call Tel.: (305) 379-3003 for Availability	
Minivan	Dodge Grand Caravan, Chrysler Town and Country or similar see details	\$ 54.99 USD / day \$ 61.74 USD Total see details	<input type="button" value="Select"/>
Intermediate SUV	Toyota Rav 4, Ford Escape or similar see details	\$ 49.99 USD / day \$ 56.39 USD Total see details	<input type="button" value="Select"/>
Standard SUV	Hyundai Santa Fe, or similar see details	\$ 49.99 USD / day \$ 56.39 USD Total see details	<input type="button" value="Select"/>
Large SUV	Chevy Tahoe, Ford Expedition, or similar see details	Call Tel.: (305) 379-3003 for Availability	
Premium Elite	Lincoln MKX or similar see details	Not available.	Check availability at other locations
Luxury SUV	Cadillac Escalade, Lincoln Navigator or similar see details	Not available.	Check availability at other locations
Pickup Truck	Chevy Colorado, Dodge Dakota or similar see details	Call Tel.: (305) 379-3003 for Availability	
Large Pickup	Dodge Ram 1500 Quad Cab or similar see details	Call Tel.: (305) 379-3003 for Availability	
Small Van	GM Express, Ford	Call Tel.: (305) 379-3003	

Handwritten: $x2 = 60.96$



02-10-14

Mr Daniel Tilley 689 Ne 61st St Apt 3 Miami FL 33137-2336 US	Folio No. :		Room No. :	322
	A/R Number :		Arrival :	02-09-14
	Group Code :		Departure :	02-10-14
	Company :		Conf. No. :	63625801
	Membership No. :	PC 294413183	Rate Code :	IDAAA
	Invoice No. :		Page No. :	1 of 1

Date	Description	Charges	Credits
02-09-14	*Accommodation	90.00	
02-10-14	American Express		90.00
Thank you for staying at Holiday Inn Express Midtown Ocala. Qualifying points for this stay will automatically be credited to your account. To make additional reservations online, update your account information or view your statement please visit www.priorityclub.com. We look forward to welcoming you back soon.		Total	90.00 90.00
		Balance	0.00

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

Activity for Account Number: 15349384

Posted Date Range Searched: 02/04/2014 to 02/11/2014

Posted Date	Transaction Date	Activity Description	Friendly Name	Type	Amount	Balance
02-11-2014 02:23:52 AM	02-10-2014 06:34:14 PM	Transponder 124197070110 on 02/10/2014 06:34:14 PM at Cypress Creek ORT South lane 02S Agency Turnpike District with 02 axles.		TTOL	(\$1.02)	\$14.28
02-10-2014 08:15:31 PM	02-10-2014 08:15:31 PM	Replenishment - Credit Card		REPLENISH	\$10.00	\$15.30
02-10-2014 06:56:12 PM	02-10-2014 06:51:55 PM	Transponder 124197070110 on 02/10/2014 06:51:55 PM at SR 91 GOLDEN GLADES MAIN SB lane 60S Agency Turnpike District with 02 axles.		TTOL	(\$1.02)	\$5.30
02-10-2014 06:17:12 PM	02-10-2014 06:12:36 PM	Transponder 124197070110 on 02/10/2014 06:12:36 PM at Lantana lane 08Z Agency Turnpike District with 02 axles.		XTKT	(\$11.84)	\$6.32
02-10-2014 03:55:09 PM	02-10-2014 03:46:37 PM	Transponder 124197070110 on 02/10/2014 03:46:37 PM at Three Lakes lane 04Y Agency Turnpike District with 02 axles.		ETKT	\$0.00	\$18.16
02-10-2014 03:54:52 PM	02-10-2014 03:54:52 PM	Replenishment - Credit Card		REPLENISH	\$10.00	\$18.16
02-10-2014 03:13:00 PM	02-10-2014 03:02:04 PM	Transponder 124197070110 on 02/10/2014 03:02:04 PM at Leesburg lane 09D Agency Turnpike District with 02 axles.		TTOL	(\$2.81)	\$8.16
02-09-2014 11:26:12 PM	02-09-2014 11:26:59 AM	Transponder 124197070110 on 02/09/2014 11:26:59 AM at Cypress Creek ORT North lane 03S Agency Turnpike District with 02 axles.		TTOL	(\$1.02)	\$10.97
02-09-2014 03:27:24 PM	02-09-2014 02:47:48 PM	Transponder 124197070110 on 02/09/2014 02:47:48 PM at Leesburg lane 10D Agency Turnpike District with 02 axles.		TTOL	(\$2.81)	\$11.99

Posted Date	Transaction Date	Activity Description	Friendly Name	Type	Amount	Balance
02-09-2014 02:16:27 PM	02-09-2014 02:16:27 PM	Replenishment - Credit Card		REPLENISH	\$10.00	\$14.80
02-09-2014 02:12:24 PM	02-09-2014 02:03:14 PM	Transponder 124197070110 on 02/09/2014 02:03:14 PM at Three Lakes lane 06Z Agency Turnpike District with 02 axles.		XTKT	(\$11.84)	\$4.80
02-09-2014 11:52:16 AM	02-09-2014 11:47:54 AM	Transponder 124197070110 on 02/09/2014 11:47:54 AM at Lantana lane 06Y Agency Turnpike District with 02 axles.		ETKT	\$0.00	\$16.64
02-09-2014 11:14:15 AM	02-09-2014 11:09:47 AM	Transponder 124197070110 on 02/09/2014 11:09:47 AM at SR 91 GOLDEN GLADES MAIN NB lane 50S Agency Turnpike District with 02 axles.		TTOL	(\$1.02)	\$16.64
02-06-2014 04:44:47 AM	02-05-2014 10:08:37 PM	Transponder 124197070110 on 02/05/2014 10:08:37 PM at East/West Expwy - SR 836 lane 08B Agency Miami-Dade Expressway with 02 axles.		TTOL	(\$1.00)	\$17.66

Total: 33.38

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Billing Information

Tracking ID no. [< Prev](#) **877129769717** [Next >](#)
 Invoice no. 2-695-56268
 Account no. 1141-6494-1
 Ship date 06/12/2014
 Invoice date 06/24/2014
 Due date 07/09/2014
 Tracking ID Balance due \$0.00
 Status Closed

Messages

Distance Based Pricing, Zone 3
 Fuel Surcharge - FedEx has applied a fuel surcharg [Read More..](#)

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Sender Information

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

Recipient Information

STEVE JOHNSON
 MCLIN BURNSES
 1000 W MAIN ST
 LEESBURG FL 34749
 US

Shipment Details

Ship date 06/12/2014
 Payment type Shipper
 Service type FedEx Standard Overnight
 Zone 03
 Package type FedEx Envelope
 Weight 0.00 lbs
 Pieces 1
 Meter No.
 Declared value \$0.00

Charges

Transportation Charge 22.05
 Fuel Surcharge 2.09
 Weekday Delivery 0.00
Total charges \$24.14

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 06/13/2014 09:30
 Service area code A4
 Signed by A.NAVE
[View signature proof of delivery](#)

Cost Allocation Reference

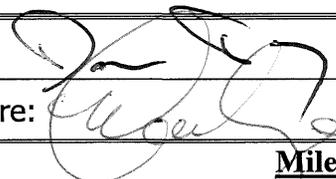
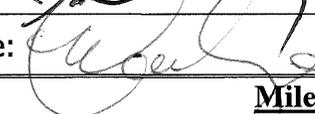
[Edit](#)

Cost allocation
 Shipment Notes

REQUEST FOR REIMBURSEMENT FOR BUSINESS TRAVEL EXPENSES

Employee/Board Member Name: Daniel Tilley Date: 7/29/14

Charge to Department or Project: Legal **Carver 2 -- depositions**

Date of Item	Description of Business Expense ¹	Amount ²	Case ³
6/23/14	Dinner per diem	\$25	Carver 2
6/24/14	Lunch per diem	\$15	Carver 2
6/24/14	Dinner per diem	\$25	Carver 2
6/23-24/14	Rental car approximation	\$113.97 (37.99 *3 – no tax)	Carver 2
6/23-24/14	Tolls (stayed in Orlando longer for personal reasons, therefore the dates coming back to Miami for the toll charges are later)	\$35.42	Carver 2
			Affiliate _____ Foundation <input checked="" type="checkbox"/> Account # <u>5721 class</u> Date _____ <u>Legal</u> Authorized _____ <u>Carver</u>
Total reimbursement ⁴ requested: \$214.39		Employee/Board Member Signature: 	
		Project/Dept/Office Director Signature: 	

Per Diem
 Breakfast - \$ 10.00
 Lunch - \$ 15.00
 Dinner - \$ 25.00

Mileage Rate
 \$0.56 x # miles

Reviewed by: Dee
 CK: 2735
 Date: 7/29/14

¹ Meeting/event name, conference name, etc.
² Remember: ACLU Foundation of Florida expenses incurred in the state of Florida are tax exempt, ACLU expenses are not. When asked for proof of tax exemption, copies of the ACLU Foundation of Florida's exempt organization certification may be obtained from the Administration & Finance Dept.
³ CASE expenses should be coded to the case account. If chapter expense, please indicate chapter name.
⁴ Attach all receipts.



Member#: Password:
 [Forgot?](#)

Reservation Summary

40% Complete

Pick a Vehicle:
9 of 20 Vehicle Classes to choose from.

[Show nearest locations](#)

Location Details [change](#)

Additional surcharges, local taxes, etc. may apply.

Pick Up Location

DOUBLETREE GRAND
 MIAMI, FL 33132-1196
 Tel.: (305) 358-5513
[We'll Pick You Up.™](#)

Dates & Times [change](#)

Pick Up

Oct 6, 2014 @ Noon

Return

Oct 9, 2014 @ Noon

Vehicle Class
 (not yet chosen)

Renter's Age [change](#)

25 and Up

Renter's Information

(not yet entered)

Method of Payment

Pay Later

[Start over](#)

Vehicle Class	Description	Price Quote	
Economy	see details Chevy Spark or similar	Best Price \$ 37.99 USD / day \$ 130.93 USD Total see details	<input type="button" value="Select"/>
Compact	see details Nissan Versa, Toyota Yaris or similar	Best Price \$ 39.99 USD / day \$ 137.35 USD Total see details	<input type="button" value="Select"/>
Intermediate	see details Toyota Corolla, Ford Focus or similar	Best Price \$ 41.99 USD / day \$ 143.77 USD Total see details	<input type="button" value="Select"/>
Standard	see details Chrysler 200 or similar	Best Price \$ 43.99 USD / day \$ 150.19 USD Total see details	<input type="button" value="Select"/>
Full Size	see details Ford Fusion, Nissan Altima or similar	Best Price \$ 45.99 USD / day \$ 156.61 USD Total see details	<input type="button" value="Select"/>
Premium	see details Chrysler 300 or similar	Best Price \$ 59.99 USD / day \$ 201.55 USD Total see details	<input type="button" value="Select"/>
Luxury	see details Cadillac ATS, Lincoln MKZ or similar	Call Tel.: (305) 358-5513 for Availability	
Minivan	see details Dodge Grand Caravan, Chrysler Town and Country or similar	Best Price \$ 79.99 USD / day \$ 265.75 USD Total see details	<input type="button" value="Select"/>
Intermediate SUV	see details Toyota Rav 4 or similar	Best Price \$ 54.99 USD / day \$ 185.50 USD Total see details	<input type="button" value="Select"/>
Standard SUV	see details Hyundai Santa Fe, or similar	Best Price \$ 59.99 USD / day \$ 201.55 USD Total see details	<input type="button" value="Select"/>
Premium Elite	see details Lincoln MKX or similar	Not available.	Check availability at other locations

Receipt

636210062523112014

THANKS FOR SHOPPING
Store #0017
1802 Creighton Rd
Pensacola FL
32504

Term: 000614222
Appr: 513889

Unld_Regular
PUMP 04
VOLUME 14.689
PRICE/G \$3.629
GAS TOTAL \$53.31

TAX \$0.00
TOTAL \$53.31

American Express
XXXXXXXXXXXX1407

06/25/2014 22:51:04

I agree to pay the
above Total Amount
according to Card
Issuer Agreement.

Pensacola International Airport
2500 Airport Blvd.
Pensacola, FL 32504
(850) 435-8767

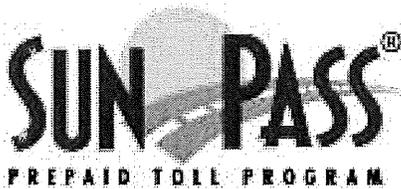
FeeComputer Number: : 10
Entry Time: 6/22/2014 1:20 PM
Exit Time: 6/25/2014 11:11 PM
Duration: 3d 9h 51m
Op: Joe
Receipt #: 00000000005584
Non-resetable tr #: 16365

Tran: 6362
Ticket Number: 52260

Surface Lot Parking Fee \$ 36.00

Total: \$ 36.00
American Express \$ 36.00
Last 4 Digits: 1407

Thank You!
Have a nice day!



Detail Statement

DANIEL TILLEY
689 NE 61ST ST
3
MIAMI FL 33137

Statement Period: 06/01/2014 12:00:00 AM to 06/30/2014 11:59:59 PM

Customer# 15349384

Printed On: 07/29/2014 11:10:05 AM

You are enrolled in SunPass® Plus.
You saved \$10.76 during this period by using SunPass®.

Account Activity:

Reference ID	Posted Date	Description	Type	Amount	Balance
		BEGINNING ACCOUNT BALANCE			\$11.59
15605775712	06/11/2014 03:53:20 AM	Transponder 124197070110 on 06/10/2014 08:50:10 PM at Airport Expwy - SR 112 lane 05D Agency Miami-Dade Expressway with 02 axles.	TTOL	(\$1.00)	\$10.59
15674618510	06/22/2014 03:40:36 PM	Transponder 124197070110 on 06/22/2014 12:48:22 AM at Airport Expwy - SR 112 lane 05D Agency Miami-Dade Expressway with 02 axles.	TTOL	(\$1.00)	\$9.59
695386592	06/22/2014 03:45:24 PM	Replenishment - Credit Card	REPLENISH	\$10.00	\$19.59
15679122444	06/23/2014 12:13:07 PM	Transponder 124197070110 on 06/23/2014 12:08:56 PM at SR 91 GOLDEN GLADES MAIN NB lane 50S Agency Turnpike District with 02 axles.	TTOL	(\$1.02)	\$18.57
15679303582	06/23/2014 12:55:21 PM	Transponder 124197070110 on 06/23/2014 12:49:06 PM at Lantana lane 06Y Agency Turnpike District with 02 axles.	ETKT	\$0.00	\$18.57
15679491112	06/23/2014 01:43:26 PM	Transponder 124197070110 on 06/23/2014 12:26:36 PM at Cypress Creek ORT North lane 03S Agency Turnpike District with 02 axles.	TTOL	(\$1.02)	\$17.55
15679823712	06/23/2014 03:23:14 PM	Transponder 124197070110 on 06/23/2014 03:14:48 PM at Three Lakes lane 07Z Agency Turnpike District with 02 axles.	XTKT	(\$11.84)	\$5.71
695631870	06/23/2014 03:26:59 PM	Replenishment - Credit Card	REPLENISH	\$10.00	\$15.71
15680171574	06/23/2014 04:09:25 PM	Transponder 124197070110 on 06/23/2014 03:58:30 PM at Clermont lane 03D Agency Turnpike District with 02 axles.	TTOL	(\$1.28)	\$14.43
15698679732	06/26/2014 01:50:11 PM	Transponder 124197070110 on 06/26/2014 01:40:50 PM at Clermont lane 03D Agency Turnpike District with 02 axles.	TTOL	(\$1.28)	\$13.15
15703333178	06/27/2014 07:21:48 AM	Transponder 124197070110 on 06/26/2014 01:17:16 PM at PINE HILLS (M) lane 09D Agency OOCEA with 02 axles.	TTOL	(\$1.09)	\$12.06
15703599000	06/27/2014 07:54:16 AM	Transponder 124197070110 on 06/26/2014 01:20:26 PM at Hiwassee lane 11D Agency OOCEA with 02 axles.	TTOL	(\$0.82)	\$11.24
15704991982	06/27/2014 12:34:12 PM	Transponder 124197070110 on 06/27/2014 12:26:30 PM at Clermont lane 02D Agency Turnpike District with 02 axles.	TTOL	(\$1.28)	\$9.96
696667070	06/27/2014 12:36:59 PM	Replenishment - Credit Card	REPLENISH	\$10.00	\$19.96
15706445290	06/27/2014 05:05:04 PM	Transponder 124197070110 on 06/27/2014 04:53:13 PM at Three Lakes lane 04Y Agency Turnpike District with 02 axles.	ETKT	\$0.00	\$19.96
15707859218	06/27/2014 07:51:11 PM	Transponder 124197070110 on 06/27/2014 07:46:08 PM at Lantana lane 08Z Agency Turnpike District with 02 axles.	XTKT	(\$11.84)	\$8.12

Account Activity:

Reference ID	Posted Date	Description	Type	Amount	Balance
15708006356	06/27/2014 08:33:12 PM	Transponder 124197070110 on 06/27/2014 08:27:43 PM at SR 91 GOLDEN GLADES MAIN SB lane 60S Agency Turnpike District with 02 axles.	TTOL	(\$1.02)	\$7.10
696789178	06/27/2014 08:37:50 PM	Replenishment - Credit Card	REPLENISH	\$10.00	\$17.10
15708147068	06/27/2014 09:14:38 PM	Transponder 124197070110 on 06/27/2014 08:09:06 PM at Cypress Creek ORT South lane 02S Agency Turnpike District with 02 axles.	TTOL	(\$1.02)	\$16.08
15709005440	06/28/2014 04:20:54 AM	Transponder 124197070110 on 06/27/2014 12:51:35 PM at PINE HILLS (M) lane 06D Agency OOCEA with 02 axles.	TTOL	(\$1.09)	\$14.99
15710162522	06/28/2014 08:48:18 AM	Transponder 124197070110 on 06/27/2014 12:48:19 PM at Hiwassee lane 07D Agency OOCEA with 02 axles.	TTOL	(\$0.82)	\$14.17
ENDING ACCOUNT BALANCE					\$14.17

Transaction Legend --- ACCTADJ = Account Balance Realignment adjustment, BALADJ = Balance Adjustment, BALFWD = Balance Forward and Non-Toll Activity, BALTRNF = Balance Transfer, CHGBCK = Chargeback, EPRK = Entry into a SunPass Plus Parking facility, ETKT = Ticket Plazas Entry, FADJ = Fare Adjustment(Managed Lanes), IMAGEFEE = Image Fee, IRVS = Image Reversal, ITOL = Image Toll, NSFCHK = NSF Check, NSFEE = NSF Fee, OPENBAL = Opening Balance, PAYMENT = Payments, PRODUCT = Product Purchases, PROMO = Promotional Discount, RCVDS = Recovery of Promotional Discount, REBATE = Rebates, REFPAY = Refund Payments, REPLENISH = Replenishment, RETAIL = Account Receivables, RETAILPAY = Account Receivables- Payment, RSPREC = 3rd party RSP Receivable, SALESTAX = Sales Tax, STMTFEEPAY = Statement fee Payment, TCA = Toll Credit Adjustment, TTOL = Transponder Toll, WRT-OFF = Write-Off Adjustment, XADJ = Axle Adjustment, XTKT = Ticket Plazas Exit

SUNPASS® is a registered trademark of the Florida Department of Transportation



776773

Cupcake time cafe.

CUSTOMER'S ORDER NO.		DATE
		6-25-14
NAME		
ADDRESS		
CITY, STATE, ZIP		
SOLD BY	CASH	C.O.D.
CHARGE	ON. ACCT.	MDSE. RETD.
PAID OUT		
QUAN.	DESCRIPTION	AMOUNT
1	Cuban	
2		
3	Cuban	
4		
5	703 lap.	
6		
7		
8	1 brownie	
9		
10		
11	2 cupcakes.	
12		
RECEIVED BY		TIP 4.23
		2.16
		(25.39)

MM 229 Florida's Turnpike
 Canoe Creek Service Plaza
 St. Cloud FL 34769

SHELL
 57543704019
 MILE MARKER 229
 SAINT CLOUD , FL
 34769
 06/27/2014 105755585
 05:25:54 PM

XXXX XXXXXX X1381
 AMEX

INVOICE 677534
 AUTH 563570

PUMP# 18
 REGULAR 7.5236
 PRICE/GAL \$9.589

FUEL TOTAL \$ 27.00

CREDIT \$ 27.00

THANK YOU
 DRIVE SAFELY

SHELL
 57543704118
 MILE MARKER 184
 OKEECHOBEE , FL
 34972
 06/23/2014 891334670
 02:10:54 PM

XXXX XXXXXX X1381
 AMEX

INVOICE 674093
 AUTH 548114

PUMP# 11
 Regular 4.2946
 PRICE/GAL \$3.749

FUEL TOTAL \$ 16.10

CREDIT \$ 16.10

Rental Location Out

Dollar Rent A Car - DTG Operations, Inc.
 PENSACOLA GULF COAST REGIONAL AIRPORT
 2430 AIRPORT BLVD.
 PENSACOLA, FL 32504
 866-434-2226

Vehicle Information

Veh.# D833722 Cls: SDAR
 Lic.# K6487Y Color WHI
 2013 CHRYSLER 200
 Rate: RCUD3 Cls:SDAR 5022
 Fuel Level Out: FULL
 Fuel Level In: FULL
 Mileage In: 25938
 Mileage Out: 25100
 Total Mls 838
 Driven:

Rental Expires On

6/26/2014
 6:00:00 AM

Rental Agreement #

QY090828-3

POSTED

Date/Time Out

6/22/2014 1:36:00 PM

Date/Time In

6/26/2014 6:00:00 AM

Rental Closed At

Dollar Rent A Car - DTG Operations, Inc.
 PENSACOLA GULF COAST REGIONAL AIRPORT
 2430 AIRPORT BLVD.
 PENSACOLA, FL 32504

Customer Information

STEVENSON, BENJAMIN
 919 PANFERIO DR
 PENSACOLA BEACH, FL 32561
 4010 FL 11/1/2018 7863632738

Additional Drivers : None

** Charges**

Daily	4 @ 21.00	84.00
Total Time & Mileage		84.00
FACTYUSEFEE	4 @ 4.25/Day	17.00
CONFEEECCHG	11.11%	12.86
VEH LIC FEE	4 @ 0.62/Day	2.48
FLORIDA SURCHARGE	4 @ 2.02/Day	8.08
ENERGY RECOVERY FEE	4 @ 0.58/Day	2.32
PLATEPASS ALL INCLUSIVE	3 @ 8.99/Day	26.97
Total Charges		153.71

** Credits/Payments**

Deposits		0.00
Net Due		153.71
Payments		-153.71
ZERO BALANCE		0.00

Credit Card and Cash Payments

AX/ ****1407/ 528409/ 153.71/ Pmt/6/26/2014

DP
 HR8836/251 AWI15D/251

Tell us about your experience and
 save 10% on a future rental

- 1) Visit www.dollarrentalsurvey.com
- 2) Enter Access Code:PNS
- 3) Complete a brief survey about your rental experience

BW PLUS CHAIN OF LAKES INN & SUITES

1321 N 14TH STREET
LEESBURG, FL 34748



(352) 460-0118

10381@hotel.bestwestern.com

C/O 06/25/2014 07:27 AM SHIFT2

Registered To:

STEVENSON, BENJIMEN
689 NE 61ST #3
MIAMI, FL 33137

(786) 363-2714

Room # 225-A

Conf # 895680348-01
Arrival 06/23/14
Departure 06/25/14

Room Type KSUITE-1 KING
Guests 1 / 0

Payment Amex
Acct XXXX-XXXXXX-X1407

Posting	Oper	AcctCo	Description	From	Reference	Amount
06/23/14	SHIFT3	RC	ROOM CHRG REVENUE			\$80.99
06/24/14	SHIFT3	RC	ROOM CHRG REVENUE			\$80.99
06/25/14	SHIFT2	AX	PAYMENT AMEX		1407 - 590354	\$161.98-
Balance Due						\$0.00

THE UNDERSIGNED GUEST AGREES TO PAY THE AMOUNT INDICATED ON THE BALANCE DUE PORTION OF THIS INVOICE. IF THE CHARGES ARE TO BE BILLED TO A THIRD PARTY, THE UNDERSIGNED AGREES TO BE PERSONALLY LIABLE FOR PAYMENT OF THE CHARGES IN THE EVENT THAT THE INDICATED THIRD PARTY, PERSON, COMPANY OR ASSOCIATION FAILS TO PAY FOR ANY PART OR THE FULL AMOUNT OF SUCH CHARGES.

“Each BEST WESTERN® branded hotel is independently owned and operated.”

Signature

FOR BUSINESS TRAVEL EXPENSES

Employee/Board Member Name: Daniel Tilley Date: 10/9/14

Charge to Department or Project: Legal **Carver 2 – depositions part 2**

Date of Item	Description of Business Expense ¹	Amount ²	Case ³
9/29/14	Dinner per diem	\$25	Carver 2
9/30/14	Lunch per diem	\$15	Carver 2
9/30/14	Dinner per diem	\$25	Carver 2
10/1/14	Lunch per diem	\$15	Carver 2
10/1/14	Dinner per diem	\$25	Carver 2
9/29 – 10/2	Rental car approximation	\$122.37 (no tax included)	Carver 2
9/29 – 10/2	Tolls	\$32.02	Carver 2
Total reimbursement ⁴ requested: \$259.39		Employee/Board Member Signature: 	
		Project/Dept/Office Director Signature: 	

Affiliate Foundation ✓
 Account # 5721 Classe Legal
 Date _____
 Authorized _____

Per Diem
 Breakfast - \$ 10.00
 Lunch - \$ 15.00
 Dinner - \$ 25.00

Mileage Rate
 \$0.56 x # miles

Reviewed By: 
2842
10/14/14

¹ Meeting/event name, conference name, etc.

² Remember: ACLU Foundation of Florida expenses incurred in the state of Florida are tax exempt, ACLU expenses are not. When asked for proof of tax exemption, copies of the ACLU Foundation of Florida's exempt organization certification may be obtained from the Administration & Finance Dept.

³ CASE expenses should be coded to the case account. If chapter expense, please indicate chapter name.

⁴ Attach all receipts

Carver GSA -- Round 2 (13343)

WELCOME
6818694

DATE 09/29/14 14:39
PUMP # 04
PRODUCT: UNLD1
GALLONS: 9.261
PRICE/G: \$ 3.459
FUEL SALE \$ 32.03

AMEX
XXXXXXXXXXXX1407
Auth #: 559521
Ref: 21621044
Resp Code: 000
Stan: 25493000048

SITE ID: 6818694

Earn rebates
with BP Visa
Take application
and Apply Today

THANK YOU
HAVE A NICE DAY

ot #374
Highway 71
na FL 32448
)482-2148

2
Ma

Invo # 98513
Date 10/02/14
Time 13:25
Auth 513364

AX
Acct
###1407
Pump llons Price
08 .445 \$ 3.099

Prod Amount
Unle \$ 32.37

Tota le \$ 32.37
SALE ard Swiped

T You For
C ing Pilot
Ple Come Again

GET MYREWARDS C

7822 N Davis Hwy
Pensacola FL 32514

~~XXXXXXXXXXXX1407~~

QUICK MART
FG12112153001
7822 N. DAVIS HWY
PENSACOLA , FL
32534
10/02/2014 913457236
03:26:38 PM

XXXXXXXXXXXX1407
Am Express
STEVENSON/BENJAMIN
INVOICE 022122
AUTH 561722

PUMP# 4
Regular 3.490G
PRICE/GAL \$3.349

FUEL TOTAL \$ 11.69

CREDIT \$ 11.69

Customer-activated Purchase/Capture
Site #: 000000000477595
Shift Number 1
Sequence Number 38677
APPROVED 561722

Thank you for your business!

RaceTrac 607
1470 E. Osceola Pkwy
Kissimmee , FL 34744

For Guest Experience

Comments, Please
Call 888.636.5589 or
go to racetrac.com
TID: JD12042512004
Appr: 546667
Seq#: 003021

PUMP No. 14
Grade: Unl-87, Sel
Gallons: 5.798 G
Price: \$3.259/Gal
Total Fuel: \$18.90
TOTAL SALE \$18.90
CREDIT \$18.90

American Express
XXXXXXXXXXXX1381

10/02/2014 13:21:35
HOW ARE WE DOING?
WWW.TELLRACETRAC.COM
OR CALL 800.251.6970
FOR FREE BAKERY ITEM
EXPIRES 10/31/2014

FT. PIERCE SHELL
MM#145 FL. TURNPIKE
772-879-3870

SHELL
57543704209
MILE MARKER # 145
PORT SAINT LU, FL
34952
09/29/2014 421693506
01:02:08 PM

XXXX XXXXXX X1381
AMEX

INVOICE 286518
AUTH 589716

PUMP# 26
UNLEADED 8.467G
PRICE/GAL \$3.459
FUEL TOTAL \$ 29.29
CREDIT \$ 29.29

HAVE A NICE DAY
PLEASE DRIVE
SAFELY!!!

RENTAL AGREEMENT NUMBER 243026825

RECEIPT

YOUR INFORMATION

Customer Name : STEVENSON, BENJAMIN
 Avis Worldwide Disc : ACLU
 Methods Of Payment : AMEX XX1407

YOUR VEHICLE INFORMATION

Avis Car Number : 6 5 1 4 8 5 3 2
 Plate Number : FL BPEE57
 Veh Grp Charged : Intermediate
 Veh Grp Rented : Intermediate
 Veh Description : GRY TOYOTA COROLLA 4 DR
 Total Driven : 827 MIs Odometer In: 18998 MIs
 Fuel Gauge Reading: Full

YOUR RENTAL

Pickup Date/Time : SEP 29, 2014 @ 08:55 AM
 Pickup Location : 7171 NORTH DAVIS HIGHWAY
 PENSACOLA, FL, 32504, US

Return Date/Time : OCT 02, 2014 @ 03:35 PM
 Return Location : 7171 NORTH DAVIS HIGHWAY
 PENSACOLA, FL, 32504, US

YOUR VEHICLE CHARGES:

MIM	1 DAY	MAX	98 HRS		
	RATE CHART		TIME AND MILEAGE		
MIs	: Unlimited				
HRLY	: 27.00				
DAILY	35.99		4DY@	35.99=	143.96
WKLY	: 179.95				
MNTLY	:				

YOUR OPTIONAL PRODUCTS/SERVICES

Less 5.0% Discount = 7.20

Time & Mileage: 136.76

TAXABLE FEES

ENERGY RECOVERY FEE	.60 /DY	+	2.40
TIRE BATTERY FEE	.02 /DY	+	.08
VEH LICENSE RECOUP	.80 /DY	+	3.20
6.00% Concession Recovery Fee		+	8.55

Subtotal Charges: 150.99

NON TAXABLE ITEMS

Your Total Charges Paid: 150.99

Prepayment : .00

NET CHARGES: USD 150.99

Your Total Due: 0.00

Fuel service: .3662/MI 9.890/Gal

-----NOTICES-----AVIS-----NOTICES-----AVIS-----NOTICES-----AVIS-----NOTICES

I agree to the rental charges above. I acknowledge additional charges could be added based on tolls, tickets, fines administrative charges and other fees which may be applicable. X _____

Thank you for renting with Avis.

If you have questions regarding this rental, call us at 850-429-1844

This vehicle was rented to you by WAYAN

This vehicle was checked in for you by WAYAN

BEST WESTERN PLUS Chain of Lakes

Chain of Lakes Inn & Suite
 1321 N 14th STREET
 LEESBURG, FL 34748



(352) 460-0118

10381@hotel.bestwestern.com

C/O 10/02/2014 10:03 AM SHIFT2

Loyalty Club: 6006637460468416 BASE

Room # 310-A

Registered To:

TILLEY/stevenson, DANIEL/ james
 4500 BISCAYNE BLVD, SUITE 340
 919 panferio dr,32661
 MIAMI, FL 33137

Conf # 160639462-01
 Arrival 09/29/14
 Departure 10/02/14

Room Type KNS-1 KING BED
 Guests 1 / 0

(786) 363-2714

Payment Amex
 Acct XXXX-XXXXXX-X1407

Posting	Oper	AcctCo	Description	From	Reference	Amount
09/29/14	SHIFT3	RC	ROOM CHRG REVENUE			\$71.99
09/30/14	SHIFT3	RC	ROOM CHRG REVENUE			\$71.99
10/01/14	SHIFT3	RC	ROOM CHRG REVENUE			\$71.99
10/02/14	SHIFT2	MS	MISC. CHARGE		PRINTING	\$11.10
10/02/14	SHIFT2	AX	PAYMENT AMEX		1407 - 522843	\$227.07-
Balance Due						\$0.00

THE UNDERSIGNED GUEST AGREES TO PAY THE AMOUNT INDICATED ON THE BALANCE DUE PORTION OF THIS INVOICE. IF THE CHARGES ARE TO BE BILLED TO A THIRD PARTY, THE UNDERSIGNED AGREES TO BE PERSONALLY LIABLE FOR PAYMENT OF THE CHARGES IN THE EVENT THAT THE INDICATED THIRD PARTY, PERSON, COMPANY OR ASSOCIATION FAILS TO PAY FOR ANY PART OR THE FULL AMOUNT OF SUCH CHARGES.

"Each BEST WESTERN® branded hotel is independently owned and operated."

Signature _____

BEST WESTERN PLUS Chain of Lakes

Chain of Lakes Inn & Suite
 1321 N 14th STREET
 LEESBURG, FL 34748



(352) 460-0118

10381@hotel.bestwestern.com

C/O 10/02/2014 10:03 AM SHIFT2

Loyalty Club: 6006637460468416 BASE

Room # 312-A

Registered To:

TILLEY / stenenson, DANIEL /benjamin
 4500 BISCAYNE BLVD, SUITE 340
 919 panferio dr,32561
 MIAMI, FL 33137

(786) 363-2714

Conf # 160639462-02

Arrival 09/29/14

Departure 10/02/14

Room Type QQNS-2 QUEEN

Guests 1 / 0

Payment Amex

Acct XXXX-XXXXXX-X1407

Posting	Oper	AcctCo	Description	From	Reference	Amount
09/29/14	SHIFT3	RC	ROOM CHRG REVENUE			\$76.49
09/30/14	SHIFT3	RC	ROOM CHRG REVENUE			\$76.49
10/01/14	SHIFT3	RC	ROOM CHRG REVENUE			\$76.49
10/02/14	SHIFT2	AX	PAYMENT AMEX		1407 - 525521	\$229.47-

Balance Due	\$0.00
--------------------	---------------

THE UNDERSIGNED GUEST AGREES TO PAY THE AMOUNT INDICATED ON THE BALANCE DUE PORTION OF THIS INVOICE. IF THE CHARGES ARE TO BE BILLED TO A THIRD PARTY, THE UNDERSIGNED AGREES TO BE PERSONALLY LIABLE FOR PAYMENT OF THE CHARGES IN THE EVENT THAT THE INDICATED THIRD PARTY, PERSON, COMPANY OR ASSOCIATION FAILS TO PAY FOR ANY PART OR THE FULL AMOUNT OF SUCH CHARGES.

"Each BEST WESTERN® branded hotel is independently owned and operated."

 Signature

 **PANEL FILED**
Card Ending 9-01381

9 done ✓

			Amount
06/18/14	LGBT BAR ASSOCIATION 202-637-7663 100183802432 20005	FL	\$270.00
			<i>registration for Lavender Law Conference</i>
06/23/14	SHELL OIL 5754370411 OKEECHOBEE AUTO FUEL DISPENSER	FL	\$16.10
06/25/14	Cupcake Time Cafe Leesburg 8774174551	FL	\$25.39
			<i>Lunch for Benjamin and I for Carver GSA deposition</i>
06/27/14	SHELL OIL 5754370401 SAINT CLOUD AUTO FUEL DISPENSER	FL	\$27.00
			<i>Gas for trip to Carver GSA deposition</i>
06/27/14	BW PLUS CHAIN OF LAKLEESBURG Arrival Date 06/23/14 00000000 LODGING	FL Departure Date 06/27/14	\$344.36
			<i>Hotel for Carver GSA deposition and Windsor anniversary panel</i>

TAVES

\$32.02

**Activity for Account Number: 15349384**

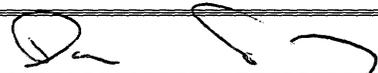
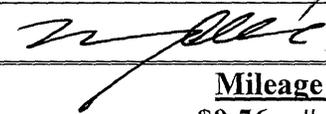
Posted Date Range Searched: 09/29/2014 to 10/09/2014

Posted Date	Transaction Date	Activity Description	Friendly Name	Type	Amount	Balance
10-04-2014 05:55:52 PM	10-04-2014 05:44:47 PM	Transponder 124197070110 on 10/04/2014 05:44:47 PM at SR922 Broad Cswy Main WB MP 3 lane 60S Agency Town of Bay Harbor Island with 02 axles.		TTOL	(\$1.00)	\$18.07
10-04-2014 01:06:14 PM	10-04-2014 01:06:14 PM	Replenishment - Credit Card		REPLENISH	\$10.00	\$19.07
10-04-2014 01:03:48 PM	10-04-2014 10:05:46 AM	Transponder 124197070110 on 10/04/2014 10:05:46 AM at SR922 Broad Cswy Main EB MP 3 lane 50S Agency Town of Bay Harbor Island with 02 axles.		TTOL	(\$1.00)	\$9.07
10-03-2014 05:38:11 PM	10-02-2014 04:21:44 PM	Transponder 124197070110 on 10/02/2014 04:21:44 PM at SR91 CypressCreek Main SB MP63 lane 02S Agency Turnpike District with 02 axles.		TTOL	(\$1.04)	\$10.07
10-03-2014 06:50:44 AM	10-02-2014 01:10:49 PM	Transponder 124197070110 on 10/02/2014 01:10:49 PM at Shingle Crk lane 06B Agency OOCEA with 02 axles.		TTOL	(\$2.00)	\$11.11
10-02-2014 04:52:23 PM	10-02-2014 04:46:43 PM	Transponder 124197070110 on 10/02/2014 04:46:43 PM at SR 91 GOLDEN GLADES MAIN SB lane 60S Agency Turnpike District with 02 axles.		TTOL	(\$1.04)	\$13.11
10-02-2014 04:26:56 PM	10-02-2014 04:26:56 PM	Replenishment - Credit Card		REPLENISH	\$10.00	\$14.15
10-02-2014 04:14:25 PM	10-02-2014 04:09:04 PM	Transponder 124197070110 on 10/02/2014 04:09:04 PM at Lantana lane 08Z Agency Turnpike District with 02 axles.		XTKT	(\$12.02)	\$4.15

aclu/f REQUEST FOR REIMBURSEMENT FOR BUSINESS TRAVEL EXPENSES

Employee/Board Member Name: Daniel Tilley Date: 2/25/15

Charge to Department or Project: Legal **Carver 2**

Date of Item	Description of Business Expense ¹	Amount ²	Case ³
2/17/15	Dinner per diem – trip to Ocala for pretrial conference	\$25.00	Carver 2
2/18/15	Lunch per diem – trip to Ocala for pretrial conference	\$15.00	Carver 2
Total reimbursement ⁴ requested: \$40.00		Employee/Board Member Signature: 	
		Project/Dept/Office Director Signature: 	

Affiliate: Foundation ✓
 Account # 5721 class of legal
 Date: _____
 Authorized: Carver 2

Per Diem
 Breakfast - \$ 10.00
 Lunch - \$ 15.00
 Dinner - \$ 25.00

Mileage Rate
 \$0.56 x # miles

Reviewed By: 
 Ck: 3069
 Date: 2/26/15

¹ Meeting/event name, conference name, etc.
² Remember: ACLU Foundation of Florida expenses incurred in the state of Florida are tax exempt, ACLU expenses are not. When asked for proof of tax exemption, copies of the ACLU Foundation of Florida's exempt organization certification may be obtained from the Administration & Finance Dept.
³ CASE expenses should be coded to the case account. If chapter expense, please indicate chapter name.
⁴ Attach all receipts

ACLU REQUEST FOR REIMBURSEMENT FOR BUSINESS TRAVEL EXPENSES

Employee/Board Member Name: Daniel Tilley Date: 2/27/14

Charge to Department or Project: Legal Carver 2

Date of Item	Description of Business Expense ¹	Amount ²	Case ³
2/17/15	Toll on way to Ocala for pretrial conference	\$1.25	Carver 2
2/17/15	Toll on way to Ocala for pretrial conference	\$15.40	Carver 2
2/17/15	Toll on way to Ocala for pretrial conference	\$3.00	Carver 2
2/18/15	Toll returning from Ocala for pretrial conference	\$3.00	Carver 2
2/18/15	Toll returning from Ocala for pretrial conference	\$15.40	Carver 2
2/18/15	Toll returning from Ocala for pretrial conference	\$1.25	Carver 2
Total reimbursement ⁴ requested: \$39.30		Employee/Board Member Signature: 	
		Project/Dept/Office Director Signature: 	

Affiliate Foundation ✓
 Account # 5721 Class Legal
 Date _____ Carver 2
 Authorized _____

Per Diem
 Breakfast - \$ 10.00
 Lunch - \$ 15.00
 Dinner - \$ 25.00

Mileage Rate
 \$0.56 x # miles

Reviewed By 
 Ck: 3093
 Date: _____

¹ Meeting/event name, conference name, etc.
² Remember: ACLU Foundation of Florida expenses incurred in the state of Florida are tax exempt, ACLU expenses are not. When asked for proof of tax exemption, copies of the ACLU Foundation of Florida's exempt organization certification may be obtained from the Administration & Finance Dept.
³ CASE expenses should be coded to the case account. If chapter expense, please indicate chapter name.
⁴ Attach all receipts

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Cypress Creek

FLORIDA TURNPIKE ENTERPRISE

PLAZA 005200 LANE 02

COLL 9290

TOLL DUE 1.25

PAID 1.25 CHANGE 0.75

PAY TYPE CASH

02/17/15-13:41:46.010

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Lantana ML

FLORIDA TURNPIKE ENTERPRISE

PLAZA 004200 LANE 13

COLL C181

TOLL DUE 15.40

PAID 15.40 CHANGE 4.60

PAY TYPE CASH

02/18/15-19:47:12.732

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Leesburg

FLORIDA TURNPIKE ENTERPRISE

PLAZA 003100 LANE 14

COLL R262

TOLL DUE 3.00

PAID 3.00 CHANGE 0.00

PAY TYPE CASH

02/17/15-17:05:44.718

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Leesburg

FLORIDA TURNPIKE ENTERPRISE

PLAZA 003100 LANE 05
COLL R143
TOLL DUE 3.00
PAID 3.00 CHANGE 0.00
PAY TYPE CASH

02/18/15-16:24:43.400

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Three Lakes ML

FLORIDA TURNPIKE ENTERPRISE

PLAZA 004100 LANE 14
COLL 5514
TOLL DUE 15.40
PAID 15.40 CHANGE 4.60
PAY TYPE CASH

02/17/15-16:18:59.527

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Cypress Creek

FLORIDA TURNPIKE ENTERPRISE

PLAZA 005200 LANE 17
COLL C205
TOLL DUE 1.25
PAID 1.25 CHANGE 0.00
PAY TYPE CASH

02/18/15-20:10:30.304

<http://www.sunpass.com>

1-888-865-5352

Thank you!

WELCOME TO SUNOCO
2711 W Silver Springs
Ocala, Fl. 34475

SUNOCO
2711 WEST SILVER SP
OCALA, FL 34475
DLR#: H312420388001

02/18/15 15:35.20

Pump#: 4 /Self
Product: 87 REGULAR
Gallons 11.012
\$/Gal \$ 2.429
Fuel Sale \$ 26.75
Total Sale \$ 26.75

XXXXXXXXXXXX1381
AMX

Trans# 414506
Approval# 525484

1487833s1361c4
THANK YOU FOR
YOUR BUSINESS

*** REPRINT *** REPRINT *** REPRINT ***
3601 BISCAYNE BLVD
MIAMI FL 33137
SHELL , 57543957401
3601 BISCAYNE BLVD
MIAMI , FL
33137

02/17/2015 10:29:50 AM 655857231

XXXX XXXXXX X1381 AMEX
INVOICE 670950
AUTH 586673

PUMP# 5
REGULAR 12.9076
PRICE/GAL 2.799

FUEL TOTAL \$ 36.13

Subtotal = \$ 36.13
Tax = \$ 0.00

*** REPRINT *** REPRINT *** REPRINT ***

Total = \$ 36.13

CREDIT \$ 36.13
*** REPRINT *** REPRINT *** REPRINT ***

THANK YOU
HAVE A
NICE DAY

*** REPRINT *** REPRINT *** REPRINT ***

CARVER II

Activity For: 02/01/15 to 02/28/15
 Relationship: 00000000044261290153
 Settlement Account: 00000000004261290153
 Settlement Type: Debit
 Settlement Cycle: Monthly

AMERICAN CIVIL LIBERTIES UNION

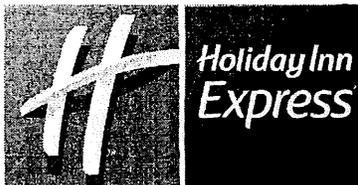
Service Detail

AFP Code	Service Description	Volume	Unit Price	Total Price	Balance Required
General Account Services					
	[REDACTED]				
ACH Services					
	[REDACTED]	9	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	17	[REDACTED]	[REDACTED]	[REDACTED]
Balance And Compensation Info					
	[REDACTED]	263	[REDACTED]	[REDACTED]	[REDACTED]
Depository Services					
	[REDACTED]	10	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	43	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	43	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	62	[REDACTED]	[REDACTED]	[REDACTED]
Information Reporting Services					
	[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	103	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	3	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	4	[REDACTED]	[REDACTED]	[REDACTED]
150410	ETRS-Stop Payments	8	\$25.0000	\$200.00	[REDACTED]
	[REDACTED]	1	[REDACTED]	[REDACTED]	[REDACTED]
Total Analyzed Fees				[REDACTED]	[REDACTED]
Total Waived Fees				[REDACTED]	[REDACTED]
Total Services Performed				[REDACTED]	[REDACTED]

All 8 checks are legal case : Carver II

cks 3044 - 3049 + cks 3051 - 3052

→ had to be re-issued



02-18-15

Mr Daniel Tilley 689 Ne 61st St Apt 3 Miami FL 33137-2336 United States	Folio No. :	Room No. : 112
	A/R Number :	Arrival : 02-17-15
	Group Code :	Departure : 02-18-15
	Company :	Conf. No. : 66378080
	Membership No. : PC 294413183	Rate Code : IDAAA
	Invoice No. :	Page No. : 1 of 1

Date	Description	Charges	Credits
02-17-15	*Accommodation	118.00	
02-17-15	Room Tax - 6%	7.08	
02-17-15	Occupancy Tax - 2%	2.36	
02-18-15	American Express		127.44
Thank you for staying with us! Qualifying points for this stay will automatically be credited to your account. Please tell us about your stay by writing a review here - www.ihgrewardsclub.com/review . We look forward to welcoming you back soon.		Total	127.44
		Balance	0.00

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

FedEx Billing Online

View Cart 0.00 [Printer-friendly](#) [Logout](#) [?](#) [Help](#)

[Account Summary](#) | [Search/Download](#) | [My Options](#) | [Message Center](#)

Tracking ID Details [Back](#)

Tracking ID Summary [Help](#) [Hide](#)

Billing Information

Tracking ID no. [< Prev](#) 806331770713 [Next >](#)
 Invoice no. 2-977-97797
 Account no. 1141-6494-1
 Ship date 02/20/2015
 Invoice date 03/24/2015
 Due date 04/08/2015
 Tracking ID Balance due \$0.00
 Status Closed

Messages

Distance Based Pricing, Zone 3
 Fuel Surcharge - FedEx has applied a fuel surcharg [Read More..](#)

[View Invoice History](#)
[View signature proof of delivery](#)

Transaction Details [Help](#) [Hide](#)

Sender Information

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

Recipient Information

STEPHEN W JOHNSON
 MCLIN BURNSD
 1000 W MAIN ST
 LEESBURG FL 34749
 US

Shipment Details

Ship date 02/20/2015
 Payment type Shipper
 Service type FedEx First Overnight
 Zone 03
 Package type FedEx Envelope
 Weight 0.00 lbs
 Pieces 1
 Meter No.
 Declared value \$0.00

Charges

Transportation Charge 53.20
 Fuel Surcharge 1.86
 Weekday Delivery 0.00
Total charges \$55.06

CHILVER II

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 02/23/2015 08:53
 Service area code A4
 Signed by M.BAKICH
[View signature proof of delivery](#)

Cost Allocation Reference [Edit](#)

Cost allocation
 Shipment Notes

[Approve/notify user](#) [Dispute](#) [Pay](#)

[Back](#)

FedEx Billing Online

View Cart 0.00 [Printer-friendly](#) [Logout](#) [Help](#)

[Account Summary](#) | [Search/Download](#) | [My Options](#) | [Message Center](#)

Tracking ID Details [Back](#)

Tracking ID Summary [Help](#) [Hide](#)

Billing Information

Tracking ID no. [< Prev](#) 806331770713 [Next >](#)
 Invoice no. 2-977-97797
 Account no. 1141-6494-1
 Ship date 02/20/2015
 Invoice date 03/24/2015
 Due date 04/08/2015
 Tracking ID Balance due \$0.00
 Status Closed

[View Invoice History](#)
[View signature proof of delivery](#)

Messages

Distance Based Pricing, Zone 3
 Fuel Surcharge - FedEx has applied a fuel surcharge [Read More..](#)

Transaction Details [Help](#) [Hide](#)

Sender Information

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

Recipient Information

STEVEN IMHOF
 LAKE SERVICERS
 252 W ARDICE ST 202
 EUSTIS FL 32726
 US

Shipment Details

Ship date 02/20/2015
 Payment type Shipper
 Service type FedEx Standard Overnight
 Zone 03
 Package type FedEx Envelope
 Weight 0.00 lbs
 Pieces 1
 Meter No.
 Declared value \$0.00

Charges

Transportation Charge 23.75
 Fuel Surcharge 0.83
 Weekday Delivery 0.00
Total charges \$24.58

CARVER II

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 02/23/2015 15:07
 Service area code A5
 Signed by J.LABLONSKI
[View signature proof of delivery](#)

Cost Allocation Reference [Edit](#)

Cost allocation
 Shipment Notes

[Approve/notify user](#) [Dispute](#) [Pay](#)

[Back](#)

ENTERPRISE LEASING COMPANY, 1717 N BAYSHORE DR STE 120, MIAMI, FL 331321196 (305) 358-5513

RENTAL AGREEMENT REF#
 508597 9HYYQ7

SUMMARY OF CHARGES

RENTER
 TILLEY, DANIEL

Charge Description	Date	Quantity	Per	Rate	Total
TIME & DISTANCE	02/17 - 02/19	2	DAY	\$44.00	\$88.00
REFUELING CHARGE	02/17 - 02/19				\$0.00
Subtotal:					\$88.00

DATE & TIME OUT
 02/17/2015 09:25 AM
DATE & TIME IN
 02/19/2015 07:38 AM

Taxes & Surcharges					
SALES TAX	02/17 - 02/19			7%	\$6.53
SC REC - SURCHARGE	02/17 - 02/19	2	DAY	\$2.00	\$4.00
RECOVERY					
TIRE AND BATTERY FEE	02/17 - 02/19	2	DAY	\$0.02	\$0.04
VLF REC - VEHICLE LICENSE FEE	02/17 - 02/19	2	DAY	\$0.64	\$1.28
Total Charges:					\$99.85

BILLING CYCLE
 24-HOUR

VEH #1 2014 FORD FUSI TTNR
 VIN# 3FA6P0K91ER235554
 LIC# CIGD62
 MILES DRIVEN 210

Total Amount Due \$0.00

PAYMENT INFORMATION

AMOUNT PAID	TYPE	CREDIT CARD NUMBER
\$99.85	American Express	xxxxxxxxxxxx1381 PENDING



2121 Biscayne Boulevard
MIAMI, FL 33137
(305) 573-1680

SALE 1735324 9 001 28985
1831 02/26/15 03:31

QTY	SKU	PRICE
1	AVERY INDXMAKR UNP 072782114329	31.99N
1	AVERY INDXMAKR UNP 072782114329	31.99N
SUBDTAL		63.98

Tax Exempt Number 3915768885

TOTAL \$63.98

American Express 63.98
Card No.: XXXXXXXXXXXX2421 [S]
Auth No.: 523740

TOTAL ITEMS 2

Staples brand products.
Guaranteed quality. Prices you'll love.

THANK YOU FOR SHOPPING AT STAPLES !

Shop online at www.staples.com

Full Return Policy is available at
the Customer Service Desk of
each U.S. Staples store or
at staples.com/returns.

Get with the program.
Staples Rewards members get up to 5%
back in rewards and free shipping every
day. Exclusions apply. See an associate
for full program details or to enroll.



MI 229 Florida's Turnpike
Canoe Creek Service Plaza
St. Cloud FL 34769

SHELL
57543704019
MILE MARKER 229
SAINT CLOUD , FL
34769
03/04/2015 311529881
12:22:49 AM

XXXX XXXXXX X1381
AMEX

INVOICE 827105
AUTH 503720

PUMP# 21
REGULAR 5.399G
PRICE/GAL \$2.449

FUEL TOTAL \$ 13.22

CREDIT \$ 13.22

THANK YOU
DRIVE SAFELY

MT VERNON SUNOCO
1705 HWY 441
LEESBURG FL 34748
1-352-728-3703

T012651821-001
SUNOCO 0743855900
1705 US HIGHWAY 441
LEESBURG FL 3474

DATE 02/28/15
TIME 9:35 AM
AUTH# 504515

AMEX
TILLEY/D

PUMP PRODUCT PPG
11 UNLD \$2.449

GALLONS TOTAL
7.976 \$19.53

THANK YOU
HAVE A NICE DAY

WELCOME

T012917757-001
BISCAYNE U-GAS
3401 BISCAYNE BLVD
MIAMI FL 3313

DATE 02/27/15
TIME 10:19 AM
AUTH# 546940

AMEX
ACCOUNT NUMBER
XXXX XXXXXX X1381
TILLEY/D

PUMP PRODUCT PPG
01 UNLD \$2.699

GALLONS FUEL TOTAL
9.169 \$24.75

THANK YOU
HAVE A NICE DAY

WELCOME TO
STORE 1086
IPI?254486-001 GULF 116 COAST PETRI
729 GULF BREEZE
GULF BREEZE FL 32561

DUPLICATE OUTDOOR RECEIPT

DATE 03/05/15
TIME 2:36 PM
AUTH# 594338

AMEX

PUMP PRODUCT PPG
04 UNLD \$2.499

GALLONS TOTAL
3.988 \$9.97

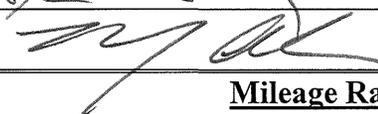
THANKS, COME AGAIN

Carver GSA -- Round 2 (13343)

ACLU REQUEST FOR REIMBURSEMENT FOR BUSINESS TRAVEL EXPENSES

Employee/Board Member Name: Daniel Tilley Date: 3/5/15

Charge to Department or Project: Legal Carver 2

Date of Item	Description of Business Expense ¹	Amount ²	Case ³
2/27/15	Dinner per diem – trip to Ocala for trial	\$25.00	Carver 2
2/28/15	Lunch per diem – trip to Ocala for trial	\$15.00	Carver 2
2/28/15	Dinner per diem – trip to Ocala for trial	\$25.00	Carver 2
3/1/15	Lunch per diem – trip to Ocala for trial	\$15.00	Carver 2
3/1/15	Dinner per diem – trip to Ocala for trial	\$25.00	Carver 2
3/2/15	Lunch per diem – trip to Ocala for trial	\$15.00	Carver 2
3/2/15	Dinner per diem – trip to Ocala for trial	\$25.00	Carver 2
3/2/15	Lunch per diem – trip to Ocala for trial	\$15.00	Carver 2
3/3/15	Dinner per diem – trip to Ocala for trial	\$25.00	Carver 2
Total reimbursement ⁴ requested: \$185.00		Employee/Board Member Signature: 	
		Project/Dept/Office Director Signature: 	

Per Diem
 Breakfast - \$ 10.00
 Lunch - \$ 15.00
 Dinner - \$ 25.00

Mileage Rate
 \$0.56 x # miles

Affiliate: Foundation ✓

Account # 5721

Date _____

Authorized _____

Class
Legal
Carver 2

Reviewed By: 
 Ck: 3105
 Date: 3/10/15

¹ Meeting/event name, conference name, etc.

² Remember: ACLU Foundation of Florida expenses incurred in the state of Florida are tax exempt, ACLU expenses are not. When asked for proof of tax exemption, copies of the ACLU Foundation of Florida's exempt organization certification may be obtained from the Administration & Finance Dept.

³ CASE expenses should be coded to the case account. If chapter expense, please indicate chapter name.

⁴ Attach all receipts

ACLU REQUEST FOR REIMBURSEMENT FOR BUSINESS TRAVEL EXPENSES

Employee/Board Member Name: Daniel Tilley Date: 2/27/14

Charge to Department or Project: Legal Carver 2

Date of Item	Description of Business Expense ¹	Amount ²	Case ³
2/27/15	Toll on way to Ocala for trial	\$1.25	Carver 2
2/27/15	Toll on way to Ocala for trial	\$15.40	Carver 2
2/27/15	Toll on way to Ocala for trial	\$1.50	Carver 2
3/3/15	Toll returning from Ocala trial	\$3.00	Carver 2
3/4/15	Toll returning from Ocala for trial	\$15.40	Carver 2
3/4/15	Toll returning from Ocala for trial	\$1.25	Carver 2
Total reimbursement ⁴ requested: \$37.80		Employee/Board Member Signature: 	
		Project/Dept/Office Director Signature: 	

Affiliate Foundation ✓

Account # 5721 class Legal

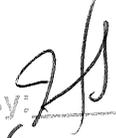
Date _____

Authorized _____

Legal
Carver 2

Per Diem
 Breakfast - \$ 10.00
 Lunch - \$ 15.00
 Dinner - \$ 25.00

Mileage Rate
 \$0.56 x # miles

Reviewed By: 
 Ck: 3106
 Date: 3/10/15

¹ Meeting/event name, conference name, etc.

² Remember: ACLU Foundation of Florida expenses incurred in the state of Florida are tax exempt, ACLU expenses are not. When asked for proof of tax exemption, copies of the ACLU Foundation of Florida's exempt organization certification may be obtained from the Administration & Finance Dept.

³ CASE expenses should be coded to the case account. If chapter expense, please indicate chapter name.

⁴ Attach all receipts

FLORIDA DOT
TOLL RECEIPT

DATE: 06/27/15 TIME: 10:02 PLAZA: GARDEN LANE: 00110301
CLASS: 07 TOLLS: 3.75 BALANCE: 0.00

FLORIDA DOT
TOLL RECEIPT

DATE: 06/27/15 TIME: 10:00 PLAZA: GARDEN LANE: 00110302
CLASS: 02 TOLLS: 3.75 BALANCE: 0.00

YOU WOULD HAVE SAVED TIME AT
THIS TOLL PLAZA BY USING SURPASS

AVAILABLE AT PUBLICS, EYS, A&M
AND MAR SURPASS.COM

YOU WOULD HAVE SAVED TIME AT
THIS TOLL PLAZA BY USING SURPASS

AVAILABLE AT PUBLICS, EYS, A&M
AND MAR SURPASS.COM

3586 HWY 90 WEST
386-755-3828
LAKE CITY FL 32055

shell
1699 capt circle nw
tallahassee fl 32303

KIRBY 4
00000183350
3586 W US HIGHWAY
LAKE CITY FL
02/27/2015 264010505
03:52:39 PM

COMMON WEALTH SHELL
1002
Shell
1699 Capital Circle

6885
M/C

Tallahassee, fl
32303
03/03/2015
05:39:46 PM

INVOICE 155120
AUTH 00-05417Z
REF580280227151551

PREPAID RECEIPT

PUMP# 10
REGULAR 9.118G
PRICE/GAL \$2.399

PUMP# 3
REGULAR 8.133G
PRICE/GAL 2.459
FUEL TOTAL \$ 20.00

FUEL TOTAL \$ 21.87

CREDIT \$ 21.87

FINAL PURCHASE
AMOUNT RECEIPT WITH
FULL TRANSACTION
DETAIL AVAILABLE
INSIDE

Batch: 58 Seq Num: 28
ZIP CODE APPROVED
Earn up to \$.50 on
Earn up to \$.25 on
Marathon purchases
with Marathon Visa

come again
thank you

THANK YOU!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Leesburg

FLORIDA TURNPIKE ENTERPRISE

PLAZA 003100 LANE 03
COLL 3300
TOLL DUE 3.00
PAID 3.00 CHANGE 0.00
PAY TYPE CASH

03/03/15-23:25:10.398

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Lantana ML

FLORIDA TURNPIKE ENTERPRISE

PLAZA 004200 LANE 15
COLL 2653
TOLL DUE 15.40
PAID 15.40 CHANGE 4.60
PAY TYPE CASH

03/04/15-02:49:48.762

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Cypress Creek

FLORIDA TURNPIKE ENTERPRISE

PLAZA 005200 LANE 18
COLL 5321
TOLL DUE 1.25
PAID 1.25 CHANGE 0.00
PAY TYPE CASH

03/04/15-03:19:40.220

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Leesburg

FLORIDA TURNPIKE ENTERPRISE

PLAZA 003100 LANE 03
COLL 3300
TOLL DUE 3.00
PAID 3.00 CHANGE 0.00
PAY TYPE CASH

03/03/15-23:25:10.398

<http://www.sunpass.com>

1-888-865-5352

Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Lantana ML

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03/04/15-02:49:48.762

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Thank you!

FLORIDA TURNPIKE ENTERPRISE

CUSTOMER TOLL RECEIPT

Cypress Creek

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TOLL DUE 1.25
PAID 1.25 CHANGE 0.00
PAY TYPE CASH

03/04/15-03:19:40.220

<http://www.sunpass.com>

1-888-865-5352

Thank you!



03-01-15

Daniel Tilley 4500 Biscayne Blvd Ste 340 Miami FL 33137-3227 United States	Folio No. :	Cashier No. : 3	Room No. : 320
	A/R Number :		Arrival : 02-27-15
	Group Code :		Departure : 03-01-15
	Company :		Conf. No. : 64276052
	Membership No. : PC 294413183		Rate Code : IDAAA
	Invoice No. :		Page No. : 1 of 1

Date	Description	Charges	Credits
02-27-15	Room Accommodation	156.95	
02-27-15	State Tax - Room	10.99	
02-27-15	Bed/Occupancy Room Tax	6.28	
02-28-15	Room Accommodation	161.95	
02-28-15	State Tax - Room	11.34	
02-28-15	Bed/Occupancy Room Tax	6.48	
03-01-15	American Express XXXXXXXXXXXX1381		353.99
Thank you for staying at Holiday Inn Express Tavares. Qualifying points for this stay will automatically be credited to your account. To make additional reservations online, update your account information or view your statement please visit www. priorityclub.com. We look forward to welcoming you back soon.		Total	353.99
		Balance	0.00

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.



03-01-15

Daniel Tilley 4500 Biscayne Blvd Ste 340 Miami FL 33137-3227 United States	Folio No. :	89142	Cashier No. :	497	Room No. :	326
	A/R Number :				Arrival :	02-27-15
	Group Code :				Departure :	03-01-15
	Company :				Conf. No. :	64276052
	Membership No. :	PC 294413183			Rate Code :	IDAAA
	Invoice No. :				Page No. :	1 of 1

Date	Description	Charges	Credits
02-27-15	Room Accommodation	156.95	
02-27-15	State Tax - Room	10.99	
02-27-15	Bed/Occupancy Room Tax	6.28	
02-28-15	Room Accommodation	161.95	
02-28-15	State Tax - Room	11.34	
02-28-15	Bed/Occupancy Room Tax	6.48	
03-01-15	State Tax - Room - Adj	-11.34	
03-01-15	State Tax - Room - Adj	-10.99	
03-01-15	Bed/Occupancy Room Tax - Ac	-6.48	
03-01-15	Bed/Occupancy Room Tax - Ac	-6.28	
03-01-15	American Express XXXXXXXXXXXX1381		318.90
Thank you for staying at Holiday Inn Express Tavares. Qualifying points for this stay will automatically be credited to your account. To make additional reservations online, update your account information or view your statement please visit www.priorityclub.com. We look forward to welcoming you back soon.		Total	318.90
		Balance	0.00

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

Holiday Inn Express Hotel Suites Tavares
 3601 W Burleigh Blvd
 Tavares, FL 32778
 Telephone: (352) 742-1600



103

03-23-15

Mr Daniel Tilley 689 Ne 61st St Apt 3 Miami FL 33137-2336 United States	Folio No. :	85055	Room No. :	323
	A/R Number :		Arrival :	03-01-15
	Group Code :		Departure :	03-03-15
	Company :		Conf. No. :	63565893
	Membership No. :	PC 294413183	Rate Code :	IDAAA
	Invoice No. :		Page No. :	1 of 1

Date	Description	Charges	Credits
03-01-15	*Accommodation	123.00	
03-02-15	*Accommodation	123.00	
03-03-15	American Express XXXXXXXXXXXX1381		246.00
Thank you for staying with us! Qualifying points for this stay will automatically be credited to your account. Please tell us about your stay by writing a review here - www.ihgwardsclub.com/review. We look forward to welcoming you back soon.		Total	246.00
		Balance	0.00

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.



03-04-15

Mr Daniel Tilley 689 Ne 61st St Apt 3 Miami FL 33137-2336 United States	Folio No. :		Room No. :	325
	A/R Number :		Arrival :	03-01-15
	Group Code :		Departure :	03-04-15
	Company :		Conf. No. :	63565893
	Membership No. :	PC 294413183	Rate Code :	IDAAA
	Invoice No. :		Page No. :	1 of 1

Date	Description	Charges	Credits
03-01-15	*Accommodation	123.00	
03-02-15	*Accommodation	123.00	
03-03-15	*Accommodation	123.00	
Thank you for staying with us! Qualifying points for this stay will automatically be credited to your account. Please tell us about your stay by writing a review here - www.ihgrewardsclub.com/review . We look forward to welcoming you back soon.		Total	0.00
		Balance	369.00

Guest Signature: _____

I have received the goods and / or services in the amount shown heron. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

ENTERPRISE LEASING COMPANY, 1717 N BAYSHORE DR STE 120, MIAMI, FL 331321196 (305) 358-5513

RENTAL AGREEMENT REF# 508811
 SUMMARY OF CHARGES 9LCRWM

RENTER
 TILLEY, DANIEL

DATE & TIME OUT
 02/27/2015 10:12 AM
 DATE & TIME IN
 03/04/2015 12:45 PM

BILLING CYCLE
 24-HOUR

VEH #1 2015 DODG DART SXT
 VIN# 1C3CDFBB4FD159385
 LIC# T553ZD
 MILES DRIVEN 60

Charge Description	Date	Quantity	Per	Rate	Total
TIME & DISTANCE	02/27 - 03/04	1	WEEK	\$185.99	\$185.99
REFUELING CHARGE	02/27 - 03/04				\$0.00
Subtotal:					\$185.99
Adjustments					
0531 - DR CUSTOMER SATISFACTION					(\$18.00)
Taxes & Surcharges					
SALES TAX	02/27 - 03/04			7%	\$12.88
SC REC - SURCHARGE RECOVERY	02/27 - 03/04	6	DAY	\$2.00	\$12.00
TIRE AND BATTERY FEE	02/27 - 03/04	6	DAY	\$0.02	\$0.12
VLF REC - VEHICLE LICENSE FEE	02/27 - 03/04	6	DAY	\$0.64	\$3.84
Total Charges:					\$196.83

Total Amount Due \$0.00

PAYMENT INFORMATION

AMOUNT PAID	TYPE	CREDIT CARD NUMBER
\$196.83	American Express	xxxxxxxxxxxx1381 PENDING

ENTERPRISE LEASING COMPANY - SOUTH CENTRAL, 2699 GULF BREEZE PKWY, GULF BREEZE, FL 325633023 (850) 916-0999

RENTAL AGREEMENT REF#
29904 9LF4DM

SUMMARY OF CHARGES

RENTER
STEVENSON, BENJAMIN

DATE & TIME OUT
02/27/2015 10:41 AM
DATE & TIME IN
03/05/2015 12:52 PM

BILLING CYCLE
24-HOUR

VEH #1 2014 TOYO PRIU 4DR
VIN# JTDKN3DU3E0383268
LIC# 595HXI
MILES DRIVEN 869

Charge Description	Date	Quantity	Per	Rate	Total
TIME & DISTANCE	02/27 - 03/05	1	WEEK	\$260.00	\$260.00
REFUELING CHARGE	02/27 - 03/05				\$0.00
Subtotal:					\$260.00

Taxes & Surcharges					
TIRE AND BATTERY FEE	02/27 - 03/05	7	DAY	\$0.02	\$0.14
VLF RECOVERY FEE	02/27 - 03/05	7	DAY	\$0.64	\$4.48
Total Charges:					\$264.62

Total Amount Due \$0.00

PAYMENT INFORMATION

AMOUNT PAID	TYPE	CREDIT CARD NUMBER
\$264.62	American Express	xxxxxxxxxxxx1407 PENDING

Carver GSA -- Round 2 (13343)