

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,)
)
Plaintiff,)
)
v.) Case No. 5:15-CV-00324-C
)
SOUTHEASTERN OKLAHOMA)
STATE UNIVERSITY,)
)
and)
)
THE REGIONAL UNIVERSITY)
SYSTEM OF OKLAHOMA,)
)
)
Defendants.)

**PLAINTIFF DR. RACHEL TUDOR'S
MOTION AND INCORPORATED BRIEF
FOR RECOVERY OF ATTORNEYS' FEES, COSTS,
AND OTHER REASONABLE EXPENSES**

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INTRODUCTION

Given Dr. Tudor's substantial victory in this case, as well as the high degree of skill and experience her attorneys¹ brought to this matter to reach this successful conclusion, Tudor now moves this Court to grant lodestar attorney's fees of \$723,913.50, apply on top of that a multiplier of 1.5, bringing total fees to \$1,085,870.25, and expenses of \$21,453.00 not included in the separately filed bill of costs (ECF No. 299).

I. BACKGROUND

Discernment of the appropriate fees and expenses in this matter turns in large part on the unique circumstances of this case and the extraordinary hurdles Tudor and her counsel traversed on the way to a successful outcome. To that end, Tudor proffers the foregoing background:

Dr. Tudor is a transgender woman and citizen of the Chickasaw Nation. She began a tenure-track professorship at Southeastern Oklahoma State University ("Southeastern") in Fall 2004 with the intent to secure tenure and remain there for the rest of her career. Tudor had a special connection to

¹ For a brief period, Tudor was represented by the Law Office of Jillian Weiss, P.C. ("Weiss Firm") and the Transgender Legal Defense and Education Fund, Inc. ("TLDEF"). In or about July 2016 Tudor's case and all interests in it were transferred from the Weiss Firm to TLDEF. In late May 2017, Tudor's case was transferred from TLDEF to the Law Office of Ezra Young ("Young Firm") which continues to serve as lead counsel in this matter. Since transfer to the Young Firm, Tudor has repeatedly requested that TLDEF issue an itemized bill of fees and costs. Unfortunately, that request was repeatedly declined. On the evening of June 20, 2018, TLDEF reached out to the undersigned regarding TLDEF's purported interests in this case. Additional information is provided in Exhibit 1 at n.1.

Southeastern—as a citizen of the Chickasaw Nation, Tudor greatly valued working at Southeastern sits on (ECF No. 24 ¶ 127) and she was drawn to Southeastern’s sizable Chickasaw student population (ECF No. 268-1 ¶5(c)). Tudor also desired to work with Southeastern’s students, many of whom, like her, were among the first in their families to attend college (ECF No. 246 at 37:10–19).

Due to discrimination and retaliation at Southeastern, Tudor’s career was unjustly cut short. When Tudor applied for tenure in the 2009-10 cycle her application was approved by the faculty but denied by the administration for reasons that the jury ultimately deemed to be pretext for discrimination (ECF No. 262). When Tudor attempted to reapply for tenure in the 2010-11 cycle, the Southeastern administration refused her application for reasons the jury found to be pretext for both discrimination and retaliation (*id.*).

Though employment discrimination is a regrettably not too uncommon experience in American workplaces, Tudor’s case is exceptional due to whom she is, Defendants’ recalcitrant litigation tactics, the lengthy involvement of the U.S. Department of Justice (“DOJ”) in this matter, collateral attacks forged by the Oklahoma Attorney General’s Office (“OAG”) in an attempt to undermine favorable decisions secured by Tudor in this Court, and the extraordinary results obtained at Tudor’s first of its kind jury trial.

From the earliest stages of this case, Tudor faced an uphill battle to

redress what happened at Southeaster simply because she is a different kind of woman. Though Tenth Circuit precedent has long held that transgender persons can redress sex discrimination experienced in the workplace (“Title VII status question”), those protections have been illusory for most in Tudor’s shoes due to rampant misunderstanding and the risks involved in such cases.

Indeed, the Title VII status question created extraordinary problems for Tudor’s retention of counsel. Tudor struggled to find private counsel to represent her given the nature of her case (Exhibit 1 ¶ 57(a)). Tudor also faced considerable hurdles obtaining additional counsel as the exigencies of the case shifted and the composition of parties changed (*id.* ¶57(b)).

Defendants’ untoward fixation on overturning the Title VII status question also created unnecessary work and delay in this case. Indeed, the lengths to which Defendants pursued the Title VII status question are far from normal (*id.* ¶ 47), evidencing a high degree of recalcitrance. For example, despite the fact that Tudor secured a cause finding at the EEOC stage (ECF No. 24 ¶ 8) and Defendants were aware of strong evidence in support of Tudor, Defendants refused to settle. Once this case was filed, Defendants continued a distasteful attempt to cast Tudor and all other transgender victims of sex discrimination out of the protective ambit of Title VII, filing a motion to dismiss (ECF No. 30), a motion for summary judgment (ECF No. 177), and even arguing after trial that the jury was “hoodwinked” in an effort to tee up an

appeal on this issue (ECF No. 270 at 2–3).

Most disturbing, in the middle of this litigation and on the eve of the originally scheduled November 2016 trial, the State of Oklahoma, of which Defendants are sub-divisions, lodged a collateral attack on this Court’s earlier issued decisions on the Title VII status question through *Texas v. US*, a case filed in the Northern District of Texas. In *Texas v. US*,² Defendants’ counsel in this matter, the OAG, and others urged a co-equal article III judge to review evidence in this case³ and temporarily enjoin it,⁴ ultimately inviting that same judge to issue orders that if granted would nullify this Court’s earlier issued orders. Due to OAG’s actions, which gave rise to a preliminary injunction this Court deemed to apply to this matter (ECF No. ECF No. 123; ECF No. 130), Tudor was forced to intervene in *Texas v. US*, ultimately appealing the injunction to the Fifth Circuit⁵. Seven months after the stay was issued in this case, the *Texas* Plaintiffs dropped their suit, dissolving the injunction, ultimately allowing Tudor and DOJ to return to this Court to resolve this case

² Throughout this Brief, Dr. Tudor points to filings in *Texas et al. v. United States et al.*, 7:16-cv-54-O (N.D.Tex.) and *Texas et al. v. United States et al.*, 16-11534 (5th Cir.). Fed. R. Ev. 201(b) allows this Court to take judicial notice of facts not subject to reasonable dispute where such facts are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Thus, this Court may take notice of these cited materials of public record.

³ *Texas*, 7:16-cv-54-O, ECF No. 64 at 4(inviting the Northern District of Texas to assess excerpts taken from the depositions in this matter and attaching excerpts as exhibits); ECF No. 64-1 (excerpts from deposition of Dr. Bryon Clark); ECF No. 64-2 (excerpts from deposition of Dr. Charles Weiner); ECF 64-3 (excerpts from deposition of Dr. Douglas McMillan); ECF No. 64-4 (excerpts from deposition of Ms. Cathy Conway); ECF No. 64-5 (excerpts from deposition of Dr. Claire Stubblefield).

⁴ *Texas*, 7:16-cv-54-O, ECF No. 64 at 3–4.

⁵ *Texas*, 7:16-cv-54-O, ECF No. 94 (Tudor’s protective notice of appeal); *Texas*, 16-11534, Tudor Open. Brief (Jan. 3, 2017).

on the merits (ECF No. 131). OAG's unprecedented collateral attack on this Court and this case through *Texas v. US*, though ultimately unsuccessful, reflects an untoward disregard for the rule of law, fair play, and, ultimately, created unnecessary work that required a high degree of skill by Tudor's counsel to counter-act.

On the eve of trial, Tudor and her counsel also faced and deftly navigated other exceptional hurdles erected by Defendants and forces outside of Tudor's control. For example, in the twilight of discovery, DOJ settled its claims, leaving Tudor to quickly staff up a trial team and attempt to negotiate exit terms so as to prevent prejudice. Rather than agree to reasonable terms, Defendants insisted in filing an unsound motion for protective order which, after lengthy briefing, this Court rejected (ECF No. 206) and resisted Tudor's requests for basic accommodations which this Court later ruled were necessary (*id.*).

Tudor also faced staggering odds at trial. Among other things, Tudor was in the unenviable position of going up against a well-staffed OAG trial team with her private counsel whom, though skilled, had not planned on going to trial without DOJ. Additionally, Tudor's trial team also faced the inordinate burden of creating a winning strategy for a first-of-its-kind trial, requiring both intensive research, collaboration with experts and scholars, and extra work beyond what is typically needed in a run-of-the-mill employment case (see, e.g.,

Exhibit 1 ¶ 56). Of course, Tudor beat the odds, and resoundingly prevailed at trial on three of her four claims and securing a jury award of \$1,165,000 in damages—an extraordinary outcome that drew the attention of local and national media.

At this juncture, it is beyond dispute that Dr. Tudor has secured much of the relief she requested through Defendants’ voluntary adoption of a non-discriminatory health plan in Fall 2016 (ECF No. 268-4), the terms of the United States’ settlement with Defendants which was achieved only after a protracted period of co-litigation (ECF No. 268-3), the jury verdict (ECF No. 262) and other relief ordered by this Court (ECF No. 292)⁶. Additionally, Tudor has otherwise obtained extraordinary results and furthered important civil rights goals.

II. STATUTORY BASIS FOR ATTORNEYS’ FEES AND EXPENSES

A. ATTORNEYS’ FEES

1. Presumption of fees.

Title VII allows attorneys’ fees for prevailing plaintiffs pursuant to 42 U.S.C. § 2000e-5(k). A prevailing plaintiff should ordinarily recover attorneys’ fees unless special circumstances would render such an award unjust. *Dahlem v. Bd. of Educ. of Denver Pub. Schs.*, 901 F.2d 1508, 1510 (10th Cir. 1980). The

⁶ Though Tudor intends to appeal some of this Court’s orders on equitable relief, those efforts do not undercut the extraordinary results Tudor has otherwise obtained.

district court's discretion to deny attorneys' fees is quite narrow. *Id.* at 1514 (citing *Chicano Police Officer's Ass'n v. Stover*, 624 F.2d 127, 129 (10th Cir. 1980)).

2. Traditional Calculation of Fees

In a Title VII fee request, a claimant must prove two elements: (1) that she was the "prevailing party" in the proceeding; and (2) that the claimant's fee request is "reasonable."

Prevailing party. A plaintiff should be considered the prevailing party even if she does not win all claims. This is especially so where, as is the situation here, the only claim lost is a hostile work environment claim which is substantially subsumed within other successful claims and the overall "results obtained are excellent." *Roberts v. Roadway Exp., Inc.*, 149 F.3d 1098, 1111 (10th Cir. 1998) (citing *Ramos v. Lamm*, 713 F.2d 546, 556 (10th Cir. 1983)).

Traditional means of ascertaining reasonableness. Typically, fees are calculated by taking the reasonable hours expended multiplied by the hourly rate in the community. "The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The product of that computation is the "lodestar amount" of a fee. *Metz v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 39 F.3d 1482,

1493 (10th Cir. 1994). Once an applicant for a fee has carried the burden of showing that the claimed rate and number of hours are reasonable, the resulting product is presumed to be a reasonable fee as contemplated by Title VII. *Roberts*, 149 F.3d at 1111.

Factors to be considered in the “reasonableness” inquiry are (1) whether the tasks being billed “would normally be billed to a paying client,” (2) the number of hours spent on each task; (3) “the complexity of the case,” (4) the “number of reasonable strategies pursued,” (5) “the responses necessitated by the maneuvering of the other side,” and (6) “potential duplication of services” by multiple lawyers. *Robison v. City of Edmond*, 160 F.3d 1275, 1281 (10th Cir. 1998) (*citing Ramos*, 713 F.2d at 555).

The “reasonable hourly rate” rate should also take into account evidence of what the attorneys would be able to charge working in the civil rights field. *Gragert v. Lake*, 2014 WL 3828705 at *1 (W.D.Okla. Aug. 4, 2014) (Cauthron, J.) (*citing Case v. Unified Sch. Dist. No. 233, Johnson Cnty., Kan.*, 157 F.3d 1243, 1257 (10th Cir. 1998)). The Court may also draw upon its own “experience and knowledge regarding an appropriate hourly rate.” *Gragert*, at *1 (*citing Lucero v. City of Trinidad*, 815 F.2d 1384, 1385 (10th Cir. 1987)).

3. Special considerations when calculating fees.

Out-of-town counsel. Where counsel is from out of town and the exigencies of the case require out of town counsel, courts award a rate

comparable to that of the attorneys' home market. *Malloy v. Monahan*, 73 F.3d 1012, 1018 (10th Cir. 1996) (citing *Blum v. Stinson*, 465 U.S. 886, 895 n.11 (1984)) ("reasonable hourly rate" used should be comparable to rates in the prevailing community charged by attorneys with relatively similar skill, experience, and reputation); *Mathur v. Bd. of Trustees of S. Ill. Univ.*, 317 F.3d 738, 744 (7th Cir. 2003) (out-of-town attorneys may be compensated at their home rate; out-of-town attorneys' home rate is appropriate in civil rights case where professor in employment discrimination case could not find local attorneys to represent him). Compensating out-of-town attorneys according to their home rates is especially important in civil rights cases given that "[f]ee-shifting statutes in civil rights legislation are intended to allow litigants access to attorneys who would otherwise be inaccessible, given the low retainers many plaintiffs can afford." *Mathur*, 317 F.3d at 743 (citing *City of Riverside v. Rivera*, 477 U.S. 561, 576 (1986); *Eckerhart*, 461 U.S. 424).

Degree of success obtained. The most critical factor in determining the reasonableness of the fee is "the degree of success obtained." *Farrar v. Hobby*, 506 U.S. 103, 114 (1992) (citing *Eckerhart*, 461 U.S. at 436). The lodestar figure may be "an excessive amount" for parties who achieve only limited success. *Id.* On the other hand, a party who achieves "excellent results" is entitled to "a fully compensatory fee." *Eckerhart*, 461 U.S. at 435.

4. Burdens and Limited Defenses to Fees Requests

The prevailing party has the burden of submitting evidence showing the claimed rates and hours expended on the litigation are reasonable. *Blum v. Stenson*, 465 U.S. 886, 897 (1984). “The party opposing the fee application has a burden of rebuttal that requires submission of evidence to the district court challenging the accuracy and reasonableness of the hours charged or the facts asserted by the prevailing party in its submitted affidavits.” *Gates v. Deukmejian*, 987 F.2d 1392, 1397–98 (9th Cir. 1992).

Awards of Title VII attorneys’ fees against a state or state subdivisions are not barred by the Eleventh Amendment. *Fitzpatrick v. Bitzer*, 427 U.S. 445, 457 (1976) (“given the express congressional authority for such an award in a case brought under Title VII, it follows necessarily [] that Congress’ exercise of power in this respect is also not barred by the Eleventh Amendment”).

B. EXPENSES

Federal Rule of Civil Procedure 54 creates a presumption that the district court will award costs to the prevailing party. *Zearan v. Diamond Broadcasting*, 203 F.3d 714, 722 (10th Cir. 2000). Further, 42 U.S.C. § 2000e-5(k), 28 U.S.C. § 1821, 28 U.S.C. § 1920, and 42 U.S.C. § 1988 create presumptions that taxable costs and reasonable expenses shall be awarded to the prevailing party. *See, e.g., Barrett v. Salt Lake Cnty.*, 754 F.3d 864, 870 (10th Cir. 2014) (observing standard for compensable fees and expenses under

Title VII's 42 U.S.C. § 2000e-5(k) is roughly the same as those under 42 U.S.C. § 1988); *Ramos*, 713 F.2d at 559 (itemized expenses not normally absorbed as part of law firm overhead may be reimbursed under 42 U.S.C. § 1988).

III. LOADSTAR ATTORNEYS' FEES

Tudor has expended diligent efforts identifying timekeepers who have worked on this matter, their backgrounds, and their hourly rates. The hourly rates charged are reasonable. In support thereof, Tudor proffers declarations from Ezra Young (Exhibit 1), Brittany Novotny (Exhibit 2), and Marie E. Galindo (Exhibit 3). In applying those rates to the hours worked, the total fees claimed are \$723,913.50. By firm, the fees are broken down as follows:

FIRM	HOURS	FEES
Law Firm of Ezra Young	1,054.6	\$569,740.00
Law Office of Marie E. Galindo	102	\$30,600.00
National Litigation Law Group	129.7	\$38,910.00
Lewis, Feinberg, Lee, and Jackson	227.20	\$84,663.50
Total:		\$723,913.50

In further support, Tudor proffers detailed, itemized bills of fees. *See* Exhibit 1 at ex. A (Young Firm); Exhibit 1 at ex. B (LFLJ Firm); Exhibit 2 at ex. A (National Litigation Law Group); Exhibit 3 at ex. A (Galindo Firm).

The fees are particularly appropriate as Tudor was unable to find a local law firm to handle her case alone (Exhibit 1 ¶ 57(a)); this case was taken on a contingency and Tudor lacked the means to compensate counsel for the work

required out-of-pocket (*id.*); the legal work necessitated special expertise (*id.* ¶¶ 32–35, 39(c), 57(b)); and some of the firms involved had to travel a significant distance to meet with Tudor and attend depositions, settlement conferences, court hearings, and trial (*id.* ¶ 51). *See, e.g., Ramos*, 713 F.2d at 555 (where there are unusual circumstances or specialized skills are need in a civil rights case, hourly rates of out-of-town counsel’s home market may be used).

IV. REQUEST FOR MULTIPLIER

Tudor also respectfully requests that the Court apply an appropriate multiplier to the attorneys’ fees sought. Given the unique circumstances of this case, the outcome, and pertinent case law, Tudor requests that the fees be multiplied by a factor of 1.5, with total fees after the multiplier is applied broken down as follows:

FIRM	FEES
Law Firm of Ezra Young	\$854,610.00
Law Office of Marie E. Galindo	\$45,900.00
National Litigation Law Group	\$58,365.00
Lewis, Feinberg, Lee, and Jackson	\$126,995.25
Total:	\$1,085,870.25

A multiplier of 1.5 is appropriate in this case for several reasons.

A. Extraordinary Results

This case falls squarely in line with precedents recognizing that application of a multiplier is appropriate where attorneys obtain “excellent

results” in civil rights cases. *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 554 (2010) (“superior attorney performance” merits multiplier); *Eckerhart*, 461 U.S. at 435 (“Where a plaintiff has obtained excellent results, [her] attorney should recover a fully compensatory fee. Normally this will encompass all hours reasonably expended on the litigation, and indeed in some cases of exceptional success an enhanced award may be justified.”); *Ramos*, 713 F.2d at 557 (exceptional success justifies an enhanced fee may be based upon the performance of counsel, total victory, or establishment of significant new law).

Tudor secured extraordinary results in this case. Among other things, Tudor deftly navigated an ever-shifting and precarious litigation landscape, fending off novel disputes, survived multiple dispositive motions which garnered national attention, collaterally attacked a nationwide injunction to preserve her interests in this case which ultimately freed up the United States to secure substantial systemic injunctive relief, prevailed at a first of its kind jury trial with a historic damages award, and in large part secured much of the substantive relief she sought. No similar case has overcome similar obstacles let alone secured such a successful result. Application of a multiplier is appropriate.

B. Defendants’ Recalcitrance

Defendants’ aggressive defense of this case also merits application of a multiplier. Though a party to a lawsuit is entitled to defend itself, “unremitting

recalcitrance,” especially in defense of a civil rights action, is fertile grounds for enhancing a fee award. *See, e.g., Wells v. Hutchinson*, 499 F.Supp. 174, 211–212 (E.D.Tex. 1980) (“The unremitting recalcitrance of defendants in this lawsuit and the prospect of receiving no fee at all for handling the lawsuit also makes appropriate an enhanced award to plaintiff’s attorney”; granting multiplier by a factor of two); *Martino v. Carey*, 568 F.Supp. 848, 852 (D.Or. 1983) (applying a multiplier of 1.6 in light of Defendants’ repeated refusals to compromise, confer, and “[t]ime [] needlessly consumed in petitioning the court for assistance” due to Defendants’ tactics).

As detailed at length in the declarations of counsel (Exhibits 1, 2, and 3)—and as otherwise reflected in the record—Defendants displayed a high degree of recalcitrance throughout these proceedings going both far beyond the norms of defense practice and creating otherwise unnecessary work for Tudor’s counsel and erecting unreasonable barriers to continued prosecution.

C. Risk of Delay in Payment

Application of a multiplier is also appropriate given that Tudor’s private counsel risked and stand to risk far into the future significant delay in payment due to Defendants’ litigation tactics.

All of Tudor’s private attorneys took on this matter on a contingency fee basis and all faced the real risk of not prevailing due to the novel nature of this case. *See, e.g., Exhibit 1 ¶¶ 56, 57(a)* (explaining risk of not prevailing in this

case). Due to that arrangement, private counsel's entitlement to fees depended on their success and delayed by several years. Delay and risk of nonpayment attendant to a contingency arrangement merits application of a multiplier. *See, e.g., Missouri v. Jenkins by Agyei*, 491 U.S. 274, 282 (1989). Moreover, the "real risk of not prevailing" given the difficult legal landscape coupled with the contingency arrangement of this case warrants a multiplier. *See, e.g., Homeward Bound, Inc. v. Hissom Memorial Center*, 963 F.2d 1352, 1360 (10th Cir. 1992).

The Supreme Court has recognized that though most cases taken on a contingency basis entail a delay in payment to attorneys, there are rare cases where delay in resolution is unjustifiably caused by defendants thereby supporting an enhancement of the attorneys' fees award. *Perdue*, 559 U.S. at 556 ("an enhancement may be appropriate where an attorney assumes these costs in the face of unanticipated delay, particularly where the delay is unjustifiably caused by the defense").

There is abundant evidence in the record, in addition to other evidence of which this Court may take judicial notice, supporting a finding of needless delay caused by Defendants. As one notable example, Defendants' foray into *Texas v. US* unreasonably unjustifiably caused a delay in this case of nearly seven months, pushing back the scheduled trial one-calendar year. Additionally, Defendants' plans to appeal the jury verdict to the Tenth Circuit

(see, e.g., ECF No. 270 at 25), will sow further delay in payment of fees to Tudor’s counsel.

IV. AMOUNT OF EXPENSES

Concurrent to filing the instant motion, Tudor submitted a Bill of Costs seeking payment of costs properly taxable (see ECF No. 299). In addition to those costs, Tudor further requests reimbursement of expenses related to the prosecution of this case totaling \$21,453.00. An itemized summary of expenses sought is appended hereto. *See* Exhibit 1 at Ex.A (Young Firm costs); Exhibit 1 at Ex.B (LFLJ costs); Exhibit 3 at Ex.B (Galindo Firm costs). A summary of expenses broken down by firm is as follows:

FIRM	EXPENSES
Law Firm of Ezra Young	\$12,650.64
Law Office of Marie E. Galindo	\$5,085.78
National Litigation Law Group	\$0
Lewis, Feinberg, Lee, and Jackson	\$3,716.58
Total:	\$21,453.00

The costs for which Tudor seeks reimbursement are wholly reasonable and were necessary for the prosecution of this case.

A. Availability of Reasonable Expenses

Tenth Circuit precedent recognizes that Tudor, as the prevailing party, may be awarded out-of-pocket expenses that are otherwise not taxable as costs. Reasonable out-of-pocket expenses are compensable because they are conceived “being included in the concept of attorney’s fees as ‘incidental and

necessary expenses incurred in furnishing effective and competent representation’.” *Brown v. Gray*, 227 F.3d 1278, 1297 (10th Cir. 2000) (*quoting* 122 Cong. Rec. H12160 (daily ed. Oct. 1, 1976) (statement of Rep. Drinan). Thus, “[i]tems that are normally itemized and billed in addition to the hourly rate should be included in fee allowances in civil rights cases if reasonable in amount.” *Ramos*, 713 F.2d at 559.

B. Expenses Sought Are Reasonable

Tudor seeks reasonable out-of-pocket expenses for items that her attorneys typically bill to paying clients and which were necessarily incurred in the prosecution of this case.

1. LFLJ Firm Expenses

Tudor seeks reasonable expenses of \$3,716.58 incurred by the LFLJ Firm in the course of its representation of Tudor during the EEOC proceedings. The expenses incurred by the LFLJ Firm are itemized and appended hereto (see Exhibit 1 at Ex.D).

Among other things, the LFLJ Firm incurred expenses for attorney travel to and within Oklahoma to conduct pre-litigation interviews in 2014, meals and lodging during the same, as well as printing, postage, and research costs incurred during the representation. *See* Exhibit 1 at Ex.D. Such expenses are reasonable. *See, e.g., Sussman v. Patterson*, 108 F.3d 1206, 1213 (10th Cir. 1997) (imposition of cost items such as photocopying, mileage, meals, and

postage proper expenses so long as typically charged to clients in the relevant community).

2. Young Firm and Galindo Firm Expenses

Tudor also seeks reasonable expenses of \$12,650.64 incurred by the Young Firm and \$5,085.78 incurred by the Galindo Firm in the course of their representation. The expenses incurred by the Young Firm are itemized and appended hereto (see Exhibit 1 at Ex.B). The expenses incurred by the Galindo Firm are itemized and appended hereto (see Exhibit 3 at Ex.B).

Collectively, the Young Firm and Galindo Firm incurred reasonable expenses including: shipping of discovery production and trial exhibits to other parties; office supplies purchased for out-of-office work; attorney travel to and within Oklahoma and Texas for depositions, hearings, trial preparation, witness preparation, and trial; attorney per diems in connection with travel within Oklahoma and Texas for depositions, hearings, and trial; attorney lodging in connection to depositions, hearings, trial preparation, witness preparation, and trial; expert witness fees and expenses; and fact witness lodging and parking in connection with trial.

Shipping. Shipping expenses were also necessarily incurred in this matter and thus are reasonable. For example, Tudor's counsel shipped hard copies of discovery production to the parties in September 2017—hard copy service was a condition demanded by Defendants at an earlier stage of this

litigation (Exhibit 1 ¶ 50(a)). Additionally, on the eve of trial, Tudor's counsel shipped Defendants a USB drive containing her marked trial exhibits in response to Defendants' representation that they desired electronic copies but could not otherwise access them through alternative virtual share mechanisms (Exhibit 1 ¶ 50(b)). Because shipping of the aforementioned items was done at Defendants request and was otherwise necessary to the prosecution of this case, they are reasonable expenses. *See, e.g., Wirtz v. Kans. Farm Bureau Servs., Inc.*, 355 F.Supp.2d 1190, 1207 (D.Kans. 2005) (deeming postage and delivery charges as properly compensable in Title VII action).

Attorney travel, lodging, and per diems. Travel and lodging was necessary for Tudor's out-of-town counsel to conduct to attend necessary depositions, hearings, multiple settlement conferences, conduct in person trial preparations, meet with witnesses, and to attend the trial (Exhibit 1 ¶ 51). Because Tudor's out-of-town counsel possess special expertise in the unique issues involved in this case (see, e.g., Exhibit 1 ¶¶ 32–35, 39) and Tudor was unable to secure all local trial counsel (see, e.g., Exhibit 1 ¶ 57(b)), these expenses should be recoverable as part of the attorney fee award. *See, e.g., Sorbo v. United Parcel Serv.*, 432 F.3d 1169, 1180 (10th Cir. 2005) (*citing Bee v. Greaves*, 910 F.2d 686, 690 (10th Cir. 1990) (recognizing that counsel's travel and lodging expenses may be recovered as part of attorney fee award where, in a civil rights case, those expenses would normally be billed to private client));

D.H. v. Ponca City Indep't Sch. Dist. No. 71, 2007 WL 2670105 at *3 (N.D.Okla. Sept. 7, 2007) (out-of-town counsel's high level of expertise in substantive issue area supports award of travel expenses).

Expert witness fees and expenses. Dr. Tudor privately retained two experts in September 2017—Dr. Robert Parker and Dr. George Brown—whom were formerly retained by the United States. Private retention was necessary due to the United States settling its own claims immediately prior to Tudor fending off Defendants' motion for summary judgment and the subsequent trial. Under the contract with Dr. Parker, no fees were paid but Tudor was obliged to cover the costs of his travel and expenses for deposition and trial testimony. Under the contract with Dr. Brown, a retainer of \$1,000 was paid and Tudor was obliged to pay a per hour rate fee as well as expenses for deposition and trial testimony (Exhibit 1 ¶ 52(b)).

Tudor prepared both Dr. Brown and Dr. Parker for scheduled depositions (which Defendants later cancelled) as well as prepared both for the trial, at which Dr. Parker testified and for which he incurred travel, lodging, and meal expenses. Dr. Parker's expenses are thus properly coverable. *See, e.g., Chicago College of Osteopathic Medicine v. George A. Fuller Co.*, 801 F.2d 908, 911 (7th Cir. 1986) (observing expert witness fees taxable where expert was important to prevailing party's case); *Czarniak v. 20/20 Institute, L.L.C.*, 2013 WL 3728805 at *3 (D.Colo. July 15, 2013) (holding that monies paid to witnesses

to cover private vehicle travel are taxable pursuant to 28 U.S.C. § 1821(c)(2); holding common carrier travel expenses taxable pursuant to 28 U.S.C. § 1821(c)(1)).

Though Dr. Brown did not testify at trial, Tudor paid Dr. Brown for his services and expenses incurred up through the eve of trial, at which point Defendants conceded the points regarding the meaning of “sex” Brown was retained to testify about. *See* ECF No. 225 at 7:22–23; ECF No. 224 (related order). Retention of Dr. Brown was thus a necessary part of Tudor’s trial strategy and is recoverable. *See, e.g., Wehr v. Burroughs Corp.*, 477 F.Supp. 1012 (E.D.Pa. 1979), *aff’d on other grounds*, 619 F.2d 276 (3d Cir. 1980) (non-testifying witness fees taxable where testimony rendered unnecessary by occurrence of extrinsic circumstances, such as when stipulation of counsel makes testimony unnecessary). Reimbursement of Brown’s nonrefundable airfare to Oklahoma City, which was purchased on the assumption that he would testify at trial, is also appropriate because Defendants’ strategy of electing at the last minute to no longer challenge the issues on which Brown was set to testify obviated his testimony. Due to these unique circumstances, Brown’s airfare is recoverable. *Vorburger v. Central Ga. Ry. Co.*, 47 F.R.D. 571, 572 (M.D.Ala. 1969) (taxing as costs non-testifying witnesses attendance fees where opposing side’s testimony at trial obviated need for non-testifying witnesses).

Fact witness lodging and parking in connection with trial. Expenses were also incurred in connection with the lodging and lodging and overnight parking for two fact witnesses slated to testify at trial—Ms. Mindy House and Dr. William Fridley. As to Ms. House, she requested lodging from counsel so that she could safely make it to court on time the day she testified (Exhibit 1 ¶ 53(a)). This is a proper expense insofar as the Court deems it one typically billed to private clients in non-contingency matters. *Cf. Bee*, 910 F.2d at 690.

As to Dr. Fridley, a rebuttal witness, his lodging and overnight parking are reasonable because Tudor's counsel anticipated calling him if any one of several defense witnesses had been called at trial (Exhibit 1 ¶53(b)). Because Defendants elected to not disclose to Tudor's counsel which witnesses they would call and threatened to call others at the last minute, Fridley spent two days in the courthouse (and one overnight in Oklahoma City) waiting to be called to testify as a rebuttal witness (*id.*). Ultimately, the potential defense witnesses whose testimony Fridley was prepared to rebut were not called by Defendants, obviating his testimony. Under these circumstances, Fridley's expenses are reasonable. *See, e.g., Vorburger*, 47 F.R.D. at 572 (non-testifying witnesses attendance fees proper where opposing side's testimony at trial obviated need for non-testifying witnesses).

CONCLUSION

Based on the foregoing, Dr. Tudor respectfully requests recovery of lode start attorneys' fees in the amount of \$723,913.50, application of a multiplier of 1.5 bringing total fees to \$1,085,870.25, and expenses in the amount of \$21,453.00.

Dated: June 20, 2018

/s/ Ezra Young
Ezra Young (NY Bar No. 5283114)
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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2018, I electronically filed a copy of the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve all counsel of record.

/s/ Ezra Young
Ezra Young (NY Bar No. 5283114)

Exhibit 1

DECLARATION OF EZRA YOUNG, ESQ.

I, Ezra Young, declare as follows:

1. I am the sole proprietor of the Law Office of Ezra Young (“Young Firm”), based in New York City. I have personal knowledge of the facts stated in this declaration.

Compensation Sought in this Matter

2. I am seeking compensation for the time I have spent on this matter between Mid-May 2017 through present as well as some of the costs and expenses that my Firm fronted for this matter during that same period, including fees incurred in the filing of Plaintiff’s petition for fees, expenses, and costs.
3. I have expended 1,054.6 hours in this matter for which I am seeking fees of \$569,740.00. Along with all other attorneys in this petition, I am seeking application of a multiplier of 1.5 for fees bringing my total fees request to \$854,610.00. I am also seeking expenses of \$12,650.64.
4. Itemized time entries showing the work for which I seek compensation in this matter are attached as Exhibit A.
5. A tabulation of expenses for which I seek compensation in this matter are attached as Exhibit B.
6. In my capacity as lead counsel of record in this matter, I am also seeking fees and expenses on behalf of the Lewis, Feinberg, Lee, and Jackson, P.C. (“LFLJ Firm”), which served as Tudor’s counsel between 2014 and 2015. A tabulation of time billed for which the LFLJ Firm seeks fees is attached as Exhibit C. A

tabulation of expenses for which the LFLJ Firm seeks compensation is attached as Exhibit D. The LFLJ Firm expended 227.20 hours for which it seeks fees of \$84,663.50. Along with all other attorneys in this petition, the LFLJ Firm is seeking application of a multiplier of 1.5 for fees bringing its total fees request to \$126,995.25. The LFLJ Firm also seeks costs and expenses of \$3,716.58.

Education and Training

7. I received my BA in Philosophy from Cornell University in January 2009. While a college student, I led an on-campus transgender support group and served as the Student Liaison for Transgender Health to Student Health Services. As the Transgender Health Liaison, I drafted best practices white papers and provided Cornell with a survey of trans inclusive health policies at peer universities. During that same period, I taught myself insurance and contract law and developed special expertise in handling transgender insurance appeals as a non-lawyer representative. I received my JD from Columbia Law School in May 2012. While a law student, I served as Executive Manager Editor of the *Columbia Journal of Gender and Law* and the Online & Consulting Editor of the *Columbia Journal of Race and Law*.
8. From 2012 through 2014, I was a Post Doctoral Scholar at Columbia Law School, where I focused on transgender rights, Critical Race Theory, and intersectionality. My studies were supervised by renowned scholar Kimberlé Crenshaw. During my post-doctoral studies, I substantively developed legal

theories and strategies to redress sex discrimination experienced by transgender persons under existing federal civil rights laws like Title VII. Additionally, I received extensive one-on-one training from Professor Crenshaw on a range of topics and skills including but not limited to public speaking, American and foreign nondiscrimination law and constitutional law, legal writing, and framing civil rights issues for mass-appeal.

9. Since entering legal practice, I have regularly sought out formal and informal educational and training opportunities that go beyond the requisite CLE coursework that I complete to maintain my law license.

Experience

10. I was admitted to practice in the State of New York in 2014 and the Chickasaw Nation in 2017. Additionally, I am admitted to practice in the U.S. District Court for the Southern District of New York, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. Court of Appeals for the Tenth Circuit. I am also routinely admitted *pro hac vice* before other tribunals across the nation.
11. Concurrent to my post-doctoral work at Columbia Law School, I served as research director of the Columbia Center for Intersectionality and Social Policy Studies and legal director of the African American Policy Forum.
12. After I completed my post-doctoral studies, I was an associate at the Law Office of Jillian Weiss, P.C. (“Weiss Firm”) from September 2014 through July 2016. During my tenure at the Weiss Firm I served as counsel for transgender persons in dozens of employment, education, and healthcare discrimination

cases across the country before local, state, and federal tribunals. Concurrently, I maintained a separate *pro bono* practice where I handled transgender healthcare discrimination cases.

13. From July 2016 through mid-May 2017 I worked at Transgender Legal Defense and Education Fund, Inc. (“TLDEF”), a non-profit based in New York City. At TLDEF I served as the top lawyer, managing a diverse portfolio of transgender civil rights cases including employment, healthcare, name change, military law, education, and public accommodations matters brought before state and federal agencies and courts throughout the nation as well as maintained an active *amici* practice.

14. From mid-May 2017 to present I have been the sole proprietor of the Young Firm, a private law firm based in New York City. At the Young Firm I manage a boutique docket of transgender civil rights cases, including high-impact employment and healthcare discrimination matters before federal courts and agencies.

15. I am a Founding Board Member of the National Trans Bar Association and co-Chair of NTBA’s Governance Committee. I also serve on the New York City Bar Association’s Lesbian, Gay, Bisexual, and Transgender Rights Committee.

16. I maintain memberships in a variety of professional organizations, including the World Professional Association for Transgender Health (“WPATH”), the American Constitution Society for Law and Policy, the American Studies

Association, the Chickasaw Bar Association, the Federal Bar Association, and the New York City Bar Association.

17. I regularly provide advice to and consult with physicians, attorneys, government regulators, agency administrators, and journalists on a wide variety of transgender civil rights issues.

18. **Civil rights litigation experience involving transgender persons.** I possess significant experience in transgender civil rights litigation and jurisprudence and am widely recognized as a national expert in the field. In addition to this matter and ancillary matters to it, I have been involved in several leading transgender rights cases prosecuted in federal and state courts and tribunals, including but not limited to:

a. Employment discrimination.

- i. *Allegra Schawe-Lane and Dane Lane v. Amazon.KYDC LLC*, 2:17-cv-134 (E.D.Ky.). I served as lead counsel at the EEOC charge stage and secured cause findings against Amazon. I currently serve as lead counsel in the ongoing litigation.
- ii. *Wilkinson v. Comprehensive Health Servs. et al.*, 6:15-cv-779 (M.D.Fla.). I served as second chair on case, which was settled out of court in June 2016.
- iii. *EEOC and Brittany Austin v. Deluxe Fin. Servs.*, 0:15-cv-02646 (D.Minn.). Co-litigated case with EEOC, ultimately securing consent decree and \$115,000 settlement.

- iv. *Chavez v. Credit Nation Auto Sales, LLC*, 641 Fed.Appx. 883 (11th Cir. 2016). I served as second chair on case on appeal and co-authored merits and reply briefs, ultimately securing reversal of summary judgment. Case later settled out of court.
- v. *EEOC v. Lakeland Eye Center*, 8:14-cv-241 (M.D.Fla.). I co-litigated case with EEOC, ultimately securing consent decree and \$150,000 settlement.
- vi. *Jamal v. Saks & Company*, 4:14-cv-02782 (S.D.Tex.). I served as second-chair on the case, which was amicably settled.
- vii. In addition to the above, I have handled dozens of private sector administrative matters before the U.S. Equal Employment Opportunity Commission on behalf of transgender workers redressing workplace sex and/or disability discrimination throughout the nation. The vast majority of those matters were amicably resolved either at the EEOC stage or through confidential settlements which expressly limit my ability to identify respondents or disclose my compensation. However, I can state generally that the vast majority of matters resulted in significant settlements for my clients and I was compensated according to prevailing market rates.
- viii. I have also served as lead counsel in a federal sector EEO case brought on behalf of a transgender client redressing sex and

disability discrimination against the U.S. Treasury. Ultimately, Treasury admitted cause, undertook significant training measures, reprimanded those responsible for EEO violations, transferred my client to a more hospitable work environment, and settled the case for \$112,856.42.

b. Education discrimination.

- i. *Gloucester Cnty. Sch. Bd. v. G.G., By His Next Friend and Mother, Deidre Grimm*, No. 16-273 (U.S.). Author of *amici* brief filed on behalf of 101 transgender Americans in support of Gavin Grimm's right to use boy's restroom at his public high school. The Brief was a collaborative project between TLDEF and Cleary Gottlieb Steen & Hamilton LLP, and presented legal analysis explaining how Title IX secures identity-based access to segregated restrooms in public schools as well as presented anecdotes from transgender Americans highlighting the import of those protections.
- ii. In addition to the above, I have successfully mediated an education discrimination case, redressing various sex and disability discrimination issues, of a transgender student at an elite private university and secured substantial relief for my client.

c. Healthcare discrimination.

- i. *Darin B. v. OPM*, 2017 WL 1103712 (EEOC). I secured a first of its kind published March 2017 Commission decision which found that transition related fringe benefit healthcare discrimination violates Title VII's sex discrimination proscription and *may* constitute disability discrimination in violation of the Rehabilitation Act. Case is ongoing.
- ii. *Lauderdale v. United Healthcare*, 2016 WL 1470038 (HHS). I secured first of its kind published decision from Medicare Appeals Council ordering a Medicare Advantage plan to cover vaginal reconstruction surgery for a transgender woman in January 2016.
- iii. *Tovar v. Essentia Health et al.*, 857 F.3d 771 (8th Cir. 2017). I was lead author of an *amici* brief filed in October 2016 on behalf of TLDEF, WPATH, and Whitman Walker Health in support of a mother of transgender child challenging denial of transition health care under her employer provided health plan. Brief elevated issues of liability under Title VII, the Minnesota Human Rights Act, and the Affordable Care Act. Litigation is ongoing.
- iv. *Rumble v. Fairview Health Servs., et al.*, 14-cv-2037 (D.Minn.). I was lead author of an *amicus* brief filed in December 2016 on behalf of TLDEF in support of a transgender man seeking to redress discrimination endured in private hospital setting. The brief provided comprehensive analysis of liability under the

Affordable Care Act and the Minnesota Human Rights Act as well as presented analysis of the prevalence of transgender health setting discrimination. Case later settled out of court.

- v. In addition to the above, I have handled dozens of internal appeals and administrative cases seeking to redress health insurance sex discrimination endured by transgender persons throughout the nation. That vast majority of those cases were amicably resolved, and patients were ultimately given the health care they requested.

d. Name change recognition.

- i. *In the Matter of ___ for Leave to Assume the Name of Benjamin Arrik Stanford*, No. 16-01100 (4th App. Div. N.Y.). Counsel along with an attorney from Reed Smith LLP representing transgender man seeking a name change. On appeal, we argued that transgender persons need not provide medical evidence of change of gender to obtain gender-affirming name change. Ultimately, the appellate court agreed and set new precedent in division.
- ii. *In the Matter of Name Change of ___ a/k/a Kendra Catherine Brill*, No. CL-16-106 (Cir. Ct. Cnty. Shenandoah, Va.). Counsel along with an attorney from Nixon Peabody LLP representing transgender woman with criminal record seeking name change.

Ultimately, we secured a court ordered name change in October 2016.

19. Speaking and writing. In addition to having an active law practice, I maintain a busy speaking and writing schedule that for the last five years has been narrowly focused on transgender civil rights issues. During this period, I have given invited lectures and/or spoken on panels thirty-five times at events hosted by leading law schools, institutions, law firms, and companies including but not limited to: Columbia Law School, University of Chicago Law School, University of Georgia School of Law, Loyola Law School (Los Angeles), NYU School of Medicine, the Federal Bar Association, the New York State Bar Association, the National LGBT Bar Association, the Center for Excellence for Transgender Health at University of California at San Francisco, Stroock Stroock & Lavan LLP, Outten & Golden LLP, and S&P Capital IQ. Additionally, I am scheduled to speak at several events this year, including a CLE event in Oklahoma City hosted by the Oklahoma Employment Lawyers Association and a featured panel at the annual convening of the American Studies Association. This year alone, I anticipate two book chapters focusing on transgender civil rights issues going to publication in anthologies published by Rutledge and the New Press.

Service as Tudor's Counsel

20. I have served as Tudor's private counsel since Fall of 2014 up through present with no breaks in representation. Between September 2014 and mid-July 2016,

I worked as an attorney with the Weiss Firm. Between mid-July 2016 and mid-May 2017, I worked as an attorney at TLDEF. In mid-May 2017, I left TLDEF and created the Young Firm, and continue to operate it to present as a sole proprietorship. Upon my departure from TLDEF, Dr. Tudor terminated her relationship with TLDEF.

21. Throughout the entirety of my representation of Dr. Tudor I have endeavored to ensure she is provided with excellent representation that is also non-duplicative and cost efficient.
22. During the period of time when the U.S. Department of Justice (“DOJ”) was involved in this case, I took steps to ensure that Tudor’s private counsel did not duplicate work performed by DOJ. For the entirety of the co-litigation, Tudor’s private counsel worked closely with DOJ to ensure proper and efficient handling of the case. Among other things, we collaborated on motion practice, discovery strategy, and ultimately attempted to secure equitable settlement terms for both the United States and Tudor, though Tudor was ultimately unable to settle her claims.
23. From time to time, and only as necessary, prosecution of Tudor’s case required enlisting the support of additional attorneys outside of my respective firm at the time.
 - a. It is my recollection that the LFLJ Firm was brought in during a period when a co-litigation with the DOJ was still up in the air, and that the LFLJ Firm exited the case once it became apparent that their services

were not needed given the work load share with DOJ and Tudor's other private attorneys at the time.

- b. Similarly, Brittany Novotny was brought in as local counsel in early 2015 because her nonduplicative local counsel services and other work were necessary.
- c. Similarly, Marie Galindo was brought in as local counsel in the collateral action in *Texas v. U.S.* because her nonduplicative local counsel services and other work were necessary.
- d. Similarly, both Novotny and Galindo were enlisted to take on more substantial roles in this case starting in mid-May 2017 and running through present once certain exigencies of Tudor's case necessitated additional work that I could not handle by myself.

24. As to my own hours billed, I have endeavored throughout my representation of Tudor to bill only for work absolutely needed to further the prosecution of her case. Though the hours I billed in this case are substantial, the aggressiveness of Defendants' defense necessitated the work I performed.

- a. For example, responding to Defendants' motion for protective order on the eve of trial consumed many hours, but was necessary given the untoward restraints Defendants sought to put on Tudor at trial through that protective order. As another example, opposing Defendants' and DOJ's stipulation of dismissal of claims was absolutely necessary

because Defendants would not otherwise agree to key concessions needed by Tudor to avoid prejudice to her merits case on the eve of trial.

- b. Also, responding to Defendants' summary judgment motion required substantial work on my part to research novel issues implicated therein as well as to gather and mark evidence in support of Tudor's position.
- c. Additionally, I performed substantial work on post-trial motions, including Tudor's bids for reinstatement and front pay, to ensure that the Court was apprised of all relevant issues and evidence and to otherwise preserve for Tudor all necessary arguments to support her efforts to obtain reinstatement on appeal.

Hourly Rate Sought

25. In this matter, I am seeking an hourly rate of \$550.

26. An hourly rate of \$550 is abundantly reasonable given my educational background, extensive and specialized experience in transgender civil rights matters, non-duplicative work, and contributions to the trial preparation and trial in this matter, all of which brought about an excellent result for Dr. Tudor.

27. An hourly rate of \$550 aligns with the rates I have been compensated at most recently in private settlements in less complex employment discrimination matters where I represented transgender workers.

28. An hourly rate of \$550 is conservative given the comparable rates for work in federal litigation performed by lawyers with my equivalent education,

experience, and expertise in the New York City metropolitan area, where my office is located.

29. It is my regular practice to keep contemporaneous records of billing in all contingency matters I handle and I followed that practice throughout the time I have worked on this matter.

30. In exercise of my billing judgment, I did the following:

- a. I discounted my hourly rate by one-half for all hours billed for travel.
- b. I declined to bill for many of the considerable hours I expended in preparation for this first of its kind jury trial, including background social science research on jury selection in cases involving transgender persons, research on the likely jury pool in the Western District of Oklahoma, and historical and psychological research that informed the theory of the case presented to the jury and other litigation tactics integral to the successful outcome.
- c. I declined to bill for all of the work I expended preparing Tudor's Bill of Costs and ancillary filings as well as the concurrently filed fees and expenses petition.

31. I personally reviewed and prepared my itemized fees in this matter (Exhibit A) to ensure accuracy, remove duplicative billing, and to otherwise exercise billing judgment in accordance with binding precedents.

Degree of Skill Required to Prosecute this Case

32. Successful prosecution of Tudor's case required specific expertise in transgender sex discrimination matters, which I specially acquired through study and experience.

33. I have spent my entire adult life formally and informally studying transgender rights issues, including the myriad legal issues involved in Tudor's case and ancillary proceedings critical to its success. Among other things, I have closely studied hundreds of cases involving transgender persons in the United States and in foreign jurisdictions and conducted extensive surveys of scholarly literature on the same. I have also closely studied scientific literature touching on the diagnosis of Gender Dysphoria and similar conditions, treatment of the same, and the nature of sex more broadly. This knowledge has proved invaluable throughout the prosecution of Tudor's case, allowing me to make efficient, informed, and ultimately successful litigation decisions.

34. My extensive and considerable experience handling transgender sex discrimination cases has also proved invaluable. The sheer number of cases I have handled gives me rich insights into strengths and weaknesses of various theories of liability, a keen eye for how to navigate contentious and ever-evolving public opinion on these issues, and the skill needed to deftly attend to the shifting landscape as needed.

35. My skill and expertise communicating fundamental concepts about transgender sex discrimination also played a critical role in securing success for Tudor. Transgender sex discrimination cases are exceedingly rare, often

politicized, and otherwise susceptible to misunderstanding by good, fair people who have not previously encountered transgender persons or thought deeply about transgender sex discrimination. Throughout the prosecution of this case, I have drawn upon experience and study to carefully frame issues, explain nuances, and otherwise made litigation decisions in a manner that facilitated understanding of broader issues at play and the merits of Tudor's case. This careful work played an integral role in securing Tudor much needed successes through motion practice and at trial.

Necessity of Co-Counsel's Work

36. Though I have kept and maintained billing records for all work I performed for Dr. Tudor from 2014 to present, I am only seeking fees from the date of my separation from TLDEF in mid-May 2017 through present. Similarly, I am only seeking expenses dating from mid-May 2017 through present.¹

37. Though I am not seeking compensation for the period between 2014 and mid-May 2017, I have knowledge of the work of co-counsel on this matter which is pertinent to Plaintiff's overall petition for fees, costs, and reasonable expenses.

¹ From Summer 2017, onward I repeatedly reached out to TLDEF and its counsel to request an itemized bill of fees and costs and supporting documentation that Tudor might review for inclusion in any potential petition and otherwise take into consideration in any settlement talks with Defendants. Despite efforts to obtain necessary documentation and information from TLDEF for many months, TLDEF and its counsel repeatedly declined to provide me with the necessary materials. In late November 2017, after Tudor prevailed at trial, TLDEF's counsel informed me via email that TLDEF planned to separately petition this Court for fees, costs, and expenses. In April 2018, I notified TLDEF's counsel via email that a judgment was forthcoming in this case and they responded that TLDEF would separately file a petition in this matter. On June 20, 2018 at 5:35pm eastern, I received a lengthy email from TLDEF's Interim Executive Director, Dolph Goldenberg, attaching what appeared to be voluminous documents and a request that I personally review those materials and take steps to include TLDEF in any forthcoming petitions for costs, fees, and expenses filed in this Court. At 5:57pm eastern that same day, I responded to Mr. Goldenberg's email advising that I was unable to substantively respond to his lengthy email and that, due to a number of issues and the late outreach, I was personally unable to review TLDEF's materials and prepare appropriate filings on their behalf.

38. **LFLJ Firm.** The LFLJ Firm is a law firm, specializing in civil rights, once based in San Francisco, California. Between February 2014 and late March 2015 the LFLJ Firm served as co-private counsel for Tudor along with me and another lawyer affiliated with one of my former firms. I have undertaken efforts to ascertain the work performed by the LFLJ Firm and attest as follows:

- a. Tudor retained the LFLJ Firm during the EEOC administrative process, in anticipation of litigation in federal court.
- b. During the pertinent period, the LFLJ Firm had five different attorneys work on the Tudor matter and one law clerk. At all times, the LFLJ Firm exercised appropriate billing judgment to prevent internal firm duplication of work, staffed work according to attorney skill to avoid over-billing, and otherwise sought to ensure work performed by the LFLJ Firm did not duplicate work being done by DOJ or other private attorneys involved.
- c. For the pertinent period, the LFLJ Firm seeks fees of \$84,663.50 (which the Court may elect to apply a 1.5 multiplier to, bringing the fees sought to \$126,995.25) and expenses and costs of \$3,716.58.
- d. The LFLJ Firm ceased operations in 2016, at which time, I was informed that any fees, expenses, or costs due to it would be sought by former shareholder Bill Lan Lee on the firm's behalf.
- e. I personally reached out to Bill Lee to confirm the amount of fees and costs sought for the work of the LFLJ Firm as well as to confirm other

details included in support thereof. At the direction of Mr. Lee, I personally prepared documents compiling the LFLJ Firm fees (Exhibit C) and expenses and costs sought (Exhibit D). All documents supplied in support of fees, expenses, and costs due to the LFLJ Firm were created relying on the instruction of Mr. Lee and contemporaneous billing and costs reports records supplied to me by Mr. Lee upon the dissolution of the LFLJ Firm.

- f. I attest that, based upon my knowledge of the work performed by the LFLJ Firm, the reputation and experience of attorneys and the clerk who worked on this matter, and the metropolitan area in which the LFLJ Firm was based that the hourly rates sought by the LFLJ Firm are reasonable.

39. *Novotny and Galindo*. Though I have held various titles and positions throughout my representation of Dr. Tudor, I have, for all intents and purposes, served as Tudor's *de facto* lead counsel throughout this litigation and all ancillary matters related to it. Based on my knowledge and role in this case, I can attest to the following work performed:

- a. Between 2015 and mid-May 2017, I led drafting of Tudor's complaint in intervention, drafted the majority of Tudor's substantive motions and responsive briefing, led coordination with DOJ attorneys for the majority of this litigation, drafted and responded to discovery requests and production requests, handled day-to-day client needs and responded

to questions, attended and conducted nearly all depositions on Tudor's behalf, attended all hearings and settlement conferences on Tudor's behalf, led and negotiated settlement efforts on Tudor's behalf, and otherwise steered this litigation on Tudor's behalf. I also led efforts to retain local counsel for ancillary actions, including a motion to quash a deposition in the Northern District of Texas in Summer 2016, a mirror motion to quash a deposition in the Eastern District of Oklahoma in Summer 2016, and a novel action to attack a nationwide injunction that temporarily stayed this case in the Northern District of Texas (intervention filed in September 2016) which was later appealed to the U.S. Court of Appeals for the Fifth Circuit in October 2016 and finally resolved in March 2017.

- b. Though I am not seeking compensation for work I personally performed between 2015 and mid-May 2017, I can attest that it was quite substantial and that the work performed by Ms. Marie E. Galindo and Ms. Brittany Novotny, as detailed in their respective declarations, was a tremendous help, absolutely necessary, non-duplicative, and critical to the ultimate success of Tudor's case. Specifically:

- i. Ms. Novotny expended considerable time as local counsel in this matter between early 2015 and mid-May 2017. During this period, Novotny handled the filing of initial motions and the complaint and intervention, assisted in the drafting of *pro hac*

vice motions and filed them, read all filings to ensure compliance with local rules, repeatedly provided advice on local practice and customs in the Western District, substantially assisted my preparations for key depositions where local knowledge proved invaluable, and provided advice and assistance on retaining additional local counsel in service of quashing subpoenas of Ms. Feleshia Porter in two different district courts. I have personally read and reviewed Novotny's declaration and her corresponding itemized requests for fees, costs, and expenses for this period and attest that these comport with my recollection of her work.

- ii. Ms. Galindo also expended considerable time as local counsel in the *Texas v. U.S.* ancillary matter in the Northern District of Texas which we later appealed to the U.S. Court of Appeals for the Fifth Circuit, all occurring between September 2016 and March 2017. During this period, Galindo assisted in strategy, drafting pleadings, motions and responses thereto, briefs, and other matters critical to the successful prosecution of *Texas v. U.S.* Galindo also provided exceptional and necessary insights into obscure and at times convoluted practice issues that arose in the course of prosecution. I have personally read and reviewed Galindo's declaration and her corresponding itemized requests for

fees, costs, and expenses for this period and attest that these comport with my recollection of her work.

- c. In mid-May 2017 I formed the Young Firm and continued my representation of Tudor. Due to the exigencies of this case and increased workload in it as well as the urgent need to bring on additional attorneys with the requisite skills to handle trial, I reached out to both Galindo and Novotny with a request that they take on more substantial roles in this case. Both Galindo and Novotny agreed to take on larger roles in this matter, and both provided excellent and absolutely indispensable work. Without reservation, I attest that the work of Galindo and Novotny from mid-May 2017 to present was absolutely necessary, non-duplicative, and critical to the ultimate success of Tudor's case. I have personally read and reviewed Novotny's and Galindo's declarations and her corresponding itemized requests for fees, costs, and expenses for this period and attest that these comport with my recollection of their work.

Other Expenses Sought

40. In this matter, I am seeking compensation for expenses and costs expended in connection with prosecution, in the amount of \$12,650.64.

41. It is my regular practice to keep records of expenses and costs incurred in the prosecution of any case I handle and I followed that practice throughout the time I have worked on this matter.

42. In all matters that I handle for private clients who pay me directly by the hour, I reserve the right to seek reimbursement for necessary expenses and costs incurred in the course of representation, including but not limited to: printing, shipping, travel, lodging, a modest per diem when I am out of office, and similar items law firms traditionally bill to clients.

43. In all matters that I handle on a contingency basis for private clients, I reserve the right to seek reimbursement for necessary expenses and costs incurred in the course of representation, and I traditionally seek reimbursement for the same kinds of expenses and costs sought from clients who pay me directly by the hour.

44. I personally reviewed and prepared my itemized expenses and costs in this matter (Exhibit B) to ensure accuracy and to exercise billing judgment in accordance with binding precedents.

45. I attest that my prosecution of this matter would not have been possible without incurring the reasonable expenses and costs outlined in Exhibit B.

Comparing Tudor's Case to Others

46. I have handled dozens of employment cases involving sex discrimination claims brought by transgender persons, several of which resulted in litigation in federal court and the vast majority of which were amicably settled.

47. Based upon my considerable experience in this area, Defendants' litigation strategy in Tudor's case was markedly recalcitrant and unusually aggressive. Among other things, Defendants' repeated attempts to argue that Title VII

does not protect transgender persons whom experience sex discrimination—which is contrary to binding precedent in the Tenth Circuit—is atypical amongst the private and public defense bar at this time.

48. The Oklahoma Attorney General's Office's foray into *Texas v. United States*, a declaratory judgment action that sought to collaterally attack Tudor's case before this Court in the twilight of discovery and the eve of the originally scheduled November 2016 trial, is also a highly unusual and atypical move. Among other things, I am aware of no other employer (public or private) whom previously employed such a tactic to collaterally attack previously issued orders in other civil rights cases involving transgender persons.

49. Comparing Tudor's litigation to others I have handled and research I have done on other cases, I believe that Tudor's is a clear outlier in the realm of civil rights cases involving sex discrimination claims brought by transgender persons. Among other things, the fact that a jury trial was necessary due to the parties' inability to strike a settlement is highly unusual—most similar cases are resolved either at the administrative complaint stage or, if litigation is necessary, close in time to filing or through dispositive motion practice.

Additional Background on this Case

50. Through these proceedings, Defendants have taken steps and otherwise made demands that resulted in increased work for Tudor's counsel and/or expense.

- a. For example, early on, Defendants demanded that all discovery documents be transmitted between the parties in hard-copy—even if electronic delivery were otherwise possible.
- b. For example, on the eve of trial, Tudor’s counsel approached Defendants’ counsel with a request to serve marked trial exhibits electronically rather than in paper. After attempts were made to transfer files through virtual share mechanisms, Defendants demanded delivery of a hard copy device which was shipped at Tudor’s expense.

51. Throughout the prosecution of this case, Tudor’s out-of-town private counsel incurred significant expenses related to attorney travel, lodging, and meals while travelling. Among other things, Tudor’s counsel traveled from their respective home offices to attend depositions, hearings, multiple settlement conferences, conduct in person trial preparations, meet with witnesses, and to attend the trial. It is my understanding that reasonable efforts were taken to avoid unnecessary expenditures related to attorney travel, lodging, and meals while travelling. Among other things, attorneys purchased economy class plane tickets, sought reasonably priced rental cars where necessary, stayed in modest hotels, and endeavored to spend no more on meals while travelling than would be compensable under the prevailing federal per diem rates for the particular locale.

52. Upon the DOJ’s settlement of its claims in this case, I personally reached out to previously designated experts Dr. Robert Parker and Dr. George Brown to

retain them going forward on Tudor's personal behalf. I endeavored to negotiate fair but economic terms of retention.

- a. As to Dr. Parker, he agreed to not charge Tudor any fees in connection with his work on this case and requested only that he be reimbursed for his expenses in connection with testimony in any future deposition or at trial. Dr. Parker was never deposed in this matter, but he did testify at trial, incurring expenses of \$1,218.90 for which he was reimbursed by counsel.
- b. As to Dr. Brown, he agreed to a retainer of \$1,000, to charge Tudor an hourly rate of \$400 for work that did not involve depositions or court testimony, other terms that are not pertinent to this petition, and reimbursement of expenses associated with testifying at deposition or trial. I worked efficiently but closely with Dr. Brown to formulate a response to Defendants' late-filed *Daubert* motion that sought to exclude his testimony at trial, work which Brown charged me for under the retainer agreement. On the eve of trial, I authorized Dr. Brown to purchase a non-refundable plane ticket for Tudor's trial on the belief that Brown's testimony was necessary because Defendants had, at that point, continued to argue that the meaning of "sex" would be at issue at trial. At the November 1, 2017 docket call Defendants, for the first time, informed me and the Court that they no longer desired to pursue "sex" arguments, mooting the *Daubert* motion response that I was preparing

to file, and otherwise obviating testimony from Brown at trial. Shortly thereafter I informed Brown his testimony was not needed at trial. I later received an invoice from Brown indicating the work and expenses he sought payment for had consumed the retainer I paid.

53. The Young Firm also incurred expenses in connection with fact witnesses attendance at trial not accounted for in the Bill of Costs.

- a. For example, Ms. Mindy House requested that she be provided with a hotel room for the evening prior to her testimony due to the lengthy drive from Durant, OK to Oklahoma City, the early hour at which her attendance was compelled, and her concern that without this accommodation she would not be sufficiently well-rested for her testimony which she anticipated would be emotionally trying. Because Ms. House was convinced that without such an accommodation her ability to testify at trial may be impaired, this expense was paid and her overnight parking at the hotel was also paid.
- b. For example, Dr. William Fridley, whom was subpoenaed as a rebuttal witness, also requested a hotel and overnight parking in connection with his presence at the courthouse during the trial. This was required in part due to the distance between Durant, OK and Oklahoma City and Defendants' litigation tactics. Dr. Fridley was prepared to testify in rebuttal on a range of issues that Tudor's counsel anticipated would be addressed by a number of Defendants' witnesses disclosed on the Joint

Pretrial Report. Because Defendants elected to not disclose to Tudor's counsel which witnesses they would call and threatened to call others at the last minute, Fridley spent two days in the courthouse (and one overnight in Oklahoma City) waiting to be called to testify as a rebuttal witness. Ultimately, the potential defense witnesses whose testimony Fridley was prepared to rebut were not called by Defendants, obviating his testimony.

Application of a Multiplier is Justified

54. Dr. Tudor's motion for fees and expenses requests that the Court apply a multiplier to the fees sought. In my judgment, application of a multiplier is appropriate. In support of that request, and to supplement the points made by my co-counsel in their respective declarations, I submit the following:

55. **Extraordinary results.** Application of a multiplier is appropriate in this matter given the extraordinary results secured for Dr. Tudor and the important interests furthered by its successful prosecution. At the time Tudor's case was filed in 2015, there were few similar cases in federal courts and many practitioners and scholars alike openly doubted the viability of cases like this one given thorny precedents and widespread misunderstanding regarding the expansive scope of protections afforded by remedial sex discrimination laws. Tudor's case broke new ground at nearly every turn. As one example, this Court's order denying Defendants' motion to dismiss, which, among other things, recognized that Tudor is protected by Title VII, is now widely taught

around the nation and has been cited in federal regulations, federal guidance documents, and several trial and appellate court filings in and outside of the 10th Circuit. Tudor's successful navigation of the nationwide injunction in *Texas v. US* is also widely discussed by leading practitioners and scholars and there is significant interest from the same regarding the Court's decision denying Defendants' motion for summary judgment. Tudor's successful motion practice has significantly impacted the legal landscape, influencing federal and state agencies to change their approaches to sex discrimination claims brought by transgender persons as well as incentivizing leading private companies to modify their policies and align their practices with the standards struck by this Court's orders. Additionally, Tudor's success at trial—which required significant investment of time and resources to secure—made headlines the moment it was issued and continues to garner attention from practitioners and legal scholars and lay people around the nation.

56. Hard-fought, complex, novel, and high-risk. A multiplier is also appropriate in this matter given that it was so hard-fought, complex, novel, and high-risk. Throughout the course of this litigation Defendants aggressively defended their interests, requiring Tudor to engage in motion practice that is often unnecessary in typical cases, consuming considerable resources and time of counsel and limiting the number of other cases I could personally take on to sustain my business. Tudor's case also presented complex and novel issues both with regards to the merits (e.g., scope of Title VII coverage and tenure

denial) as well as tactical issues that had to be deftly navigated to ensure a successful result for Tudor (e.g., ending the nationwide injunction in *Texas v. US*, navigating a change of administration at DOJ in the midst of a co-litigation in a highly-contentious case, prosecuting the first federal jury trial redressing sex discrimination experienced by a transgender person). Additionally, this litigation was and remains incredibly high-risk. As in any civil rights case taken on a contingency basis, Tudor's counsel had to expend significant work and front significant expenses for a long-deferred payment. Other significant risks are present as well. For instance, Defendants' aggressive tactics require extraordinary care to counteract as, it is plain, any and all wins for Tudor before this Court will be appealed to the highest courts in our nation and the possibility of an amicable settlement is improbable. Among other things, Defendants' tactics have forced Tudor's counsel throughout these proceedings to carefully preserve issues for appeal and expend significant time responding to defenses and arguments that often totally lacked merit so as to ensure potential errors are preserved for future proceedings.

57. Other attorneys would not take on this case. Application of a multiplier is also warranted because it appropriately incentivizes attorneys to take on cases like this one.

a. *Tudor struggled for years to find private counsel to take on her case.*

Despite the important issues at stake and considerable evidence supporting Tudor's claims, Tudor struggled to secure private counsel for

several years during the pendency of the EEOC proceedings. Among other things, Tudor advised me, and I have seen records substantiating, that she sought to retain private counsel early on but was unable to do so after expending reasonable efforts. Among other things, Tudor reached out to local attorneys, local and national non-profit organizations, and a wide array of for-profit and not-for-profit firms throughout the country. It is Tudor's understanding that the considerable expense involved in prosecuting her case, aggressive defense tactics of the Oklahoma Attorney General's Office, and the novel and complex issues at play deterred others from taking this case on. It is also Tudor's understanding that the fact that she could not pay attorneys by the hour—instead relying on a contingency fee arrangement—also made it incredibly difficult for her to find private counsel.

b. *The other members of Tudor's core trial team are outliers—I struggled to find other co-counsel.* For my part, I can attest that throughout these proceedings it was incredibly difficult to secure skilled, knowledgeable, and competent co-counsel for this high-risk and high-stakes litigation.

i. In addition to the issues that Tudor directly encountered, I personally faced myriad problems securing co-counsel required to respond to Defendants' aggressive litigation tactics. For example, to quash the various Porter subpoenas in Summer 2016, Ms.

Novotny and I had to locate attorneys admitted to practice in districts foreign to us which had particularly restrictive local attorney requirements. Additionally, for the *Texas v. US* matter, we once again encountered the problem of restrictive local attorney requirements and also experienced considerable difficulties locating an appropriately skilled attorney who was not conflicted out—no small feat given the fifteen state and state subdivisions involved in addition to the several federal agencies involved in the ancillary matter and the DOJ and OAG’s involvement in Tudor’s main case before this Court. Of the handful of firms and attorneys whom were not conflicted out, very few were willing to work on a high-profile, contentious, contingency matter proceeding on an incredibly novel theory to attack the nationwide injunction and no attorney, save Ms. Galindo, was willing to step in immediately as was needed given the quick moving nature of that matter.

- ii. In Summer 2017, once Tudor’s case was rescheduled for trial, I continued to face obstacles securing co-counsel whom were not conflicted and whom possessed the requisite skill, capacity, and desire to prosecute this case. Indeed, I reached out to several non-profit and for-profit law firms and national advocacy organizations, none of which would agree to co-counsel given the

high-stakes, expected workload given Defendants' aggressive tactics, expense, and what they collectively deemed as low-likelihood of success given this was a first-of-its-kind trial. Lacking additional support, I reached out to Ms. Galindo and Ms. Novotny and asked them to take on a higher workload and help cover the costs associated with this case. Knowing full well the stakes involved, Ms. Galindo and Ms. Novotny agreed—they are outliers.

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

Executed this 20th day of June, 2018 in New York, New York.

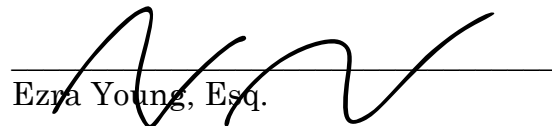

Ezra Young, Esq.

Exhibit A

Law Firm of Ezra Young
Ezra Young Billing for *Tudor v. Se. Okla. State Univ. et al.*,
5:15-cv-324 (W.D.Okla.)

ABBREVIATIONS:

BN:	Brittany Novotny
DOJ:	U.S. Department of Justice
JW:	Jillian Weiss
MG:	Marie Galindo
OAG:	Oklahoma Attorney General's Office/ Defendants
RUSO:	Regional University System of Oklahoma
SE:	Southeastern Oklahoma State University
TLDEF:	Transgender Legal Defense and Education Fund, Inc.
*	Travel time, billed at ½ rate.

#	DATE	DESCRIPTION	HOURS	FEE
1.	5/18/17	Meeting with client to discuss change of Firm affiliation.	1.1	\$605
2.	5/18/17	Email to JW and TLDEF counsel re withdrawal of JW and termination of TLDEF.	.2	\$110
3.	5/19/17	Draft and email retainer to client memorializing change of Firm affiliation.	.5	\$275
4.	5/19/17	Email JW confirming receipt of electronic client file.	.1	\$55
5.	5/21/17	Draft EY notice of change of firm affiliation.	.2	\$110
6.	5/22/17	File EY notice of change of firm affiliation.	.1	\$55
7.	5/23/17	Emails with DOJ attorneys re common interest agreement.	.2	\$110
8.	5/23/17	Review client file transfer from TLDEF.	.5	\$275
9.	5/23/17	Call with DOJ attorneys re settlement efforts; Call with client re call with client re settlement efforts.	1.3	\$715
10.	5/23/17	Email to BN re settlement efforts.	.1	\$55
11.	5/23/18	Email to JW re filing of motion to withdraw as counsel and follow up on case transfer.	.2	\$110
12.	5/23/17	Review of JW motion to withdraw as counsel and exhibits; email client notifying of JW withdrawal status.	.2	\$110
13.	5/23/17	Call with BN re case transfer and settlement efforts.	1	\$550
14.	5/23/17	Call with BN re settlement efforts.	.2	\$110
15.	5/24/17	Prep for and Call with DOJ attorneys re settlement efforts. Call with client re settlement efforts.	2.3	\$1,265
16.	5/25/17	Emails with OAG and DOJ attorneys re settlement efforts.	.2	\$110
17.	5/25/17	Email to client re settlement efforts.	.1	\$55
18.	5/25/17	Email to OAG re settlement efforts and scheduling call.	.1	\$55
19.	5/26/17	Email to DOJ re settlement efforts.	.1	\$55

20.	5/26/17	Call with DOJ re settlement efforts. Calls with OAG and DOJ re settlement efforts. Call with client re settlement efforts. Email with BN re settlement efforts.	2.8	\$1,540
21.	5/26/17	Call with DOJ re settlement efforts. Call with client re settlement efforts.	.8	\$440
22.	5/29/17	Email to client to set up meeting to discuss settlement efforts.	.1	\$55
23.	5/30/17	Call with Greg Nevins at Lambda Legal re litigation support.	.2	\$110
24.	5/30/17	Call with client re settlement efforts. Email with DOJ re settlement efforts. Email with client re settlement efforts.	1.5	\$825
25.	5/30/17	Email with BN re research related to settlement efforts.	.6	\$330
26.	5/30/17	Review email archive; Email with JW re inaccessibility of email archive transfer as part of client file transfer.	.2	\$110
27.	5/30/17	Email to DOJ re settlement efforts. Email to OAG re settlement efforts. Call with client re settlement efforts.	.2	\$110
28.	5/30/17	Call with client re settlement efforts. Email to DOJ re settlement efforts.	1	\$550
29.	5/30/17	Email to BN re settlement efforts.	.1	\$55
30.	5/31/17	Legal research re confidentiality of gov't entity settlement agreements under federal and Oklahoma law.	.3	\$165
31.	5/31/17	Calls with DOJ re settlement efforts. Email to DOJ to memorialize content of call. Call with client re settlement efforts.	.5	\$275
32.	5/31/17	Call with DOJ re settlement efforts. Calls with OAG and DOJ re settlement efforts. Calls with client re settlement efforts.	1.5	\$825
33.	5/31/17	Call with client re settlement efforts.	.2	\$110
34.	5/31/17	Emails with DOJ re settlement efforts.	.2	\$110
35.	6/1/17	Email to DOJ re settlement efforts.	.2	\$110
36.	6/1/17	Draft notice of no settlement.	.6	\$330
37.	6/1/17	Call with client re settlement efforts.	.1	\$55
38.	6/1/17	Email to BN re update on settlement efforts.	.2	\$110
39.	6/1/17	Email to DOJ re intent to file no settlement notice.	.1	\$55
40.	6/1/17	Call with client re settlement status filing.	.1	\$55
41.	6/1/17	Email to Judge Goodwin and all counsel correcting email address for EY.	.1	\$55
42.	6/2/17	Email to DOJ re settlement efforts.	.2	\$110
43.	6/2/17	Call with client re settlement efforts.	.8	
44.	6/2/17	Email to Court retracting request for clarification.	.1	\$55
45.	6/5/17	Email to DOJ re new scheduling order.	.1	\$55
46.	6/5/17	Email to DOJ re new scheduling order.	.1	\$55

47.	6/5/17	Email to DOJ and OAG forwarding correspondence to Judge Goodwin's chambers re correction of EY email address.	.1	\$55
48.	6/5/17	Call with DOJ re new scheduling order.	.4	\$220
49.	6/5/17	Call with client re new scheduling order and sequencing of remaining discovery.	.3	\$165
50.	6/6/17	Emails with DOJ re new scheduling order.	.1	\$55
51.	6/6/17	Emails with DOJ re new scheduling order.	.2	\$110
52.	6/6/17	Email with client re new scheduling order.	.1	\$55
53.	6/7/17	Emails with DOJ re new scheduling order.	.2	\$110
54.	6/7/17	Emails with DOJ re new scheduling order.	.2	\$110
55.	6/7/17	Email to client re new scheduling order.	.1	
56.	6/8/17	Prep for call with DOJ re new scheduling order.	.2	\$110
57.	6/8/17	Call with DOJ re new scheduling order and sequencing of remaining discovery.	.2	\$110
58.	6/8/17	Call with client re new scheduling order.	.2	\$110
59.	6/8/17	Emails with DOJ and OAG re new scheduling order.	.3	\$165
60.	6/9/17	Legal research re potential motion to compel redeposition of Judge Ogden and Whitney Popchoke (Defendant 30(b)(6) designee).	2.5	\$1,375
61.	6/12/17	Email with BN re settlement efforts.	.1	\$55
62.	6/12/17	Email with client re continued tracking of mitigation efforts.	.3	\$165
63.	6/13/17	Email with BN re discovery sequencing and upcoming depositions.	.1	\$55
64.	6/13/17	Call with client re scope of DOJ Common Interest Agreement.	.1	\$55
65.	6/13/17	Review docketed Scheduling Order; add dates to Firm calendar; Email client copy of docketed Scheduling Order.	.3	\$165
66.	6/14/17	Email with client responding to questions re Scheduling Order.	.1	\$55
67.	6/14/17	Legal research and outline of motion to compel redeposition of Judge Ogden.	1.2	\$660
68.	6/14/17	Begin draft of motion to compel redeposition of Judge Ogden.	.8	\$440
69.	6/15/17	Email with client re scope of DOJ Common Interest Agreement.	.2	\$110
70.	6/15/17	Review and revise draft motion to compel redeposition of Judge Ogden.	1.1	\$605
71.	6/22/17	Call with client re scope of DOJ Common Interest Agreement and trial prep.	.7	\$385
72.	6/23/17	Legal research re trial preparation.	2.8	\$1,540
73.	6/26/17	Review Order re settlement conference set for DOJ and OAG.	.1	\$55
74.	6/26/17	Begin preparation of digital trial notebooks for Nov. 2017 trial setting.	2	\$1,100

75.	7/7/17	Call with client to discuss mitigation efforts and case status updates.	1.1	\$605
76.	7/10/17	Review Charles Babb deposition transcript (May 2016) to prepare for redeposition (Aug. 2017). Begin outline for Babb redepositiion.	1.8	\$990
77.	7/11/17	Review and revise Babb redeposition outline.	.8	\$440
78.	7/11/17	Legal research in anticipation of OAG summary judgment motion. Memo to file re recent 10th Cir. Title VII decisions and recent Cauthron decisions on same.	1.3	\$715
79.	7/12/17	Review transcript of Whitney Popchoke deposition (Aug. 2016). Begin draft of motion to compel redeposition of Whitney Popchooke (Ds' 30(b)(6) designee).	1.9	\$1,045
80.	7/20/17	Review and revise Tudor responses to OAG written discovery requests to comply with ongoing production burden on mitigation efforts.	.9	\$495
81.	7/24/17	Review and revise standing client memo to file on Federal Rule of Evidence 407 application to any potential settlement between DOJ and OAG.	.6	\$330
82.	7/24/17	Listen to voicemail from OAG attorney Dixie Coffey. Call with client. Call to Dixie Coffey re voicemail and follow up email providing available to speak re voicemail topic.	1.2	\$660
83.	7/24/17	Legal research re grounds to retain Tudor/DOJ expert witnesses if DOJ settles all claims.	.4	\$220
84.	7/24/17	Email with BN re settlement efforts.	.1	\$55
85.	7/25/17	Emails with client re settlement efforts. Emails to DOJ re status request status on settlement conference.	1	\$550
86.	7/26/17	Emails to DOJ re request on status of settlement conference. Call to DOJ attorney Allan Townsend—left voicemail requesting status update re settlement conference resolution.	.4	\$220
87.	7/26/17	Review DOJ brief in <i>Zarda v. Altitude Express</i> , 15-3775 (2d Cir. 2017) re position taken on scope of Title VII.	.8	\$440
88.	7/26/17	Call with BN re trial preparation.	.5	\$275
89.	7/26/17	Calls with client re settlement efforts; emails with client re settlement efforts.	1.5	\$825
90.	7/27/17	Emails with DOJ to set up call to discuss discovery coordination.	.1	\$55
91.	7/27/17	Memo to file re streamlining remaining discovery and evaluating propriety of planned motions to compel.	.5	\$275
92.	7/27/17	Call with DOJ to discuss discovery coordination. Call with client to relay contents of DOJ call. Text to BN to relay contents of DOJ call.	1.4	\$770
93.	7/28/17	Memo to file re strategy for upcoming dispositive motions and pre-trial motion practice.	2.2	\$1,210
94.	7/31/17	Research memo to file re scope of DOJ common interest agreement.	3.6	\$1,980

95.	7/31/17	Email to TLDEF follow up on request for itemized bill of fees and costs.	.1	\$55
96.	7/31/17	Email to DOJ re discovery coordination.	.2	\$110
97.	8/1/17	Emails with TLDEF re request for itemization fees and costs. New due date set for 8/14/17.	.2	\$110
98.	8/1/17	Email to client re deposition schedule, TLDEF fees and costs.	.2	\$110
99.	8/1/17	Emails from DOJ re scheduling of DOJ 30(b)(6), Babb, House, Dr. Brown, and Dr. Parker depositions.	.2	\$110
100.	8/1/17	Email to BN re DOJ re scheduling of DOJ 30(b)(6), Babb, House, Dr. Brown, and Dr. Parker depositions.	.1	\$55
101.	8/3/17	Emails with BN re splitting coverage of August 2017 depositions.	.1	\$55
102.	8/3/17	Review email from OAG re response to re DOJ re scheduling of DOJ 30(b)(6), Babb, House, Dr. Brown, and Dr. Parker depositions.	.1	\$55
103.	8/3/17	Emails with BN re OAG re response to re DOJ re scheduling of DOJ 30(b)(6), Babb, House, Dr. Brown, and Dr. Parker depositions.	.2	\$110
104.	8/4/17	Emails with BN re Tim Bunson appearance.	.1	\$55
105.	8/4/17	Emails with DOJ re proposed joint response to OAG re response to re DOJ re scheduling of DOJ 30(b)(6), Babb, House, Dr. Brown, and Dr. Parker depositions.	.3	\$165
106.	8/7/17	Review OAG email re scheduling DOJ 30(b)(6), Babb, House, Dr. Brown, and Dr. Parker depositions.	.2	\$110
107.	8/8/17	Review DOJ and OAG emails re scheduling 30(b)(6), Babb, Dr. Brown, and Dr. Parker depositions.	.2	\$110
108.	8/9/17	Supplement to standing legal research on ESI waiver issue re OAG's failure to timely claw-back inadvertant production of 50,000+ documents in Summer 2016.	.2	\$110
109.	8/9/17	Review deposition notices served by DOJ. Review emails re hold dates for depositions of P designated experts Robert Parker and George Brown.	.7	\$385
110.	8/9/17	Review OAG email re DOJ 30(b)(6)'s topics and stipulations. Email to client re update to deposition schedule.	.2	\$110
111.	8/10/17	Review email from OAG re ongoing Tudor discovery obligations. Review and revise Tudor responses to written discovery requests; send draft of revised responses to DOJ to coordinate.	.6	\$330
112.	8/10/17	Review and revise trial strategy memo to file.	.8	\$440
113.	8/10/17	Begin draft of memo to file re litigation history and merits facts timeline in anticipation of adding on new co-counsel.	2.2	\$1,210
114.	8/11/17	Review and revise merits facts timeline memo to file.	.4	\$220
115.	8/11/17	Review and revise merits facts timeline memo to file.	4.6	\$2,530

116.	8/11/17	Email to TLDEF re outstanding request for transfer of deposition exhibit binders.	.1	\$55
117.	8/11/17	Review OAG letter re narrowing of ESI dispute.	.8	\$440
118.	8/11/17	Emails with DOJ re proposed stipulations to resolve DOJ 30(b)(6) dispute with OAG.	.6	\$330
119.	8/11/17	Review and revise litigation history memo to file.	.8	\$440
120.	8/14/17	Review DOJ and OAG emails re ESI dispute.	.4	\$220
121.	8/14/17	Review DOJ motion and supporting exhibits re ESI dispute. Email to client re DOJ motion. Review OAG email re ESI dispute.	.6	\$330
122.	8/14/17	Review DOJ reply to OAG's Second Motion In Limine. Email to client re DOJ reply; answer client questions.	.8	\$440
123.	8/15/17	Email to DOJ re discovery coordination and additional Tudor production.	.6	\$330
124.	8/15/17	Email to TLDEF re request for transfer of remaining client files and itemized bill of fees and costs.	.4	\$220
125.	8/15/17	Legal research re ethical duties of NY barred attorneys to maintain and provide itemized bill of fees and costs upon request of former client in reasonable time. Memo to file on same.	.5	\$275
126.	8/15/17	Emails with TLDEF re request for transfer of remaining client files and itemized bill of fees and costs.	.2	\$110
127.	8/15/17	Emails with TLDEF re request for transfer of remaining client files and itemized bill of fees and costs.	.2	\$110
128.	8/15/17	Call with client to discuss TLDEF failure to transfer remaining client files and failure to provide itemized bill of fees and costs. Authorization to reconstruct deposition exhibit binders anew given upcoming deposition needs.	.5	\$275
129.	8/15/17	Emails with DOJ re discovery coordination.	.2	\$110
130.	8/16/17	Email to Shannon Minter re advice on strategy for jury trial involving transgender plaintiff.	.3	\$165
131.	8/16/17	Additional legal research re ethical duties of NY barred attorneys to maintain and provide itemized bill of fees and costs upon request of former client in reasonable time. Revise memo to file on same.	1.5	\$825
132.	8/16/17	Review OAG and DOJ emails re scope of Babb redeposition. Return separate thread email to DOJ re scope of Babb deposition.	.2	\$110
133.	8/16/17	Prepare new set of deposition exhibit binders.	3.5	\$1,925
134.	8/16/17	Review and respond to DOJ email re proposed stipulations for DOJ 30(b)(6) deposition.	.7	\$385
135.	8/17/17	Emails with DOJ re Tudor draft amended discovery responses.	.2	\$110
136.	8/17/17	Emails with DOJ re timing of Tudor discovery production.	.1	\$55

137.	8/17/17	Email with client re status of transfer of remaining client files from TLDEF and TLDEF itemized bill of fees and costs.	.3	\$165
138.	8/17/17	Respond to TLDEF email re status of client file transfer and itemized bill of fees and costs.	.4	\$220
139.	8/17/17	Emails with DOJ re Babb deposition scope dispute.	.2	\$110
140.	8/17/17	Emails with DOJ re coordination of Tudor discovery production.	.2	\$110
141.	8/17/17	Review and return email to Shannon Minter re advice on strategy for jury trial involving transgender plaintiff.	.2	\$110
142.	8/18/17	Emails with Shannon Minter re advice on strategy for jury trial involving transgender plaintiff.	.5	\$275
143.	8/18/17	Texts with BN re trial strategy and remaining discovery schedule.	.2	\$110
144.	8/18/17	Emails with DOJ re coordination of Babb redeposition and DOJ's noticed 30(b)(6) depositions next week.	.3	\$165
145.	8/18/17	Emails with DOJ and OAG re coordinate meet and confer re Babb deposition scope of parameters of DOJ 30(b)(6) depositions.	.9	\$495
146.	8/18/17	Call with BN to discuss trial strategy and additional support needs in anticipation of trial.	.8	\$440
147.	8/18/17	Review OAG motion for extension to reply of OAG's Second Motion In Limine and OAG's Motion to Quash DOJ's noticed 30(b)(6) depositions.	.3	\$165
148.	8/18/17	Texts with BN re OAG's motions filed today. Review of Motion to Dismiss Decision (July 2015) to confirm that issues of exhaustion and laches affirmative defenses already disposed of.	.8	\$440
149.	8/21/17	Review DOJ emails re scheduling expert depositions.	.1	\$55
150.	8/21/17	Email with DOJ re OAG request for extension to reply to DOJ response to OAG 2d Motion In Limine.	.1	\$55
151.	8/21/17	Email with DOJ re coordination on OAG Partial Motion to Quash 30(b)(6) depositions.	.1	\$55
152.	8/21/17	Legal research on rejection of affirmative defense in denied 12(b)(6) motion.	.5	\$275
153.	8/21/17	Emails with DOJ re OAG request for extension to reply to DOJ response to OAG 2d Motion In Limine.	.2	\$110
154.	8/21/17	Emails with TLDEF re transfer of client files and itemized bill of fees and costs.	.4	\$220
155.	8/21/17	Emails with TLDEF re delivery of hard copy client files today.	.2	\$110
156.	8/21/17	Email to client re deposition schedule.	.1	\$55
157.	8/21/17	Review hard copy client files delivered by TLDEF courier. Email TLDEF confirming receipt of files. Email to client confirming receipt of files.	.7	\$385
158.	8/21/17	Review emails between OAG and DOJ re narrowing deposition topics for DOJ 30(b)(6) depositions.	.2	\$110

159.	8/22/17	Travel from NYC to DFW for depositions on 8/23/17 and 8/24/17*	4.5	\$1,237.50
160.	8/22/17	Travel from DFW to OKC for depositions.	3.5	\$1,650
161.	8/22/17	Email with DOJ to set up meeting to coordinate strategy on 8/23/17 and 8/24/17 depositions.	.2	\$110
162.	8/22/17	Call with DOJ to discuss coordinated strategy on 8/23/17 and 8/24/17 depositions.	.8	\$440
163.	8/22/17	In person meeting with client to discuss joint Tudor-DOJ deposition strategy.	.2	\$110
164.	8/22/17	Review and revise outline for redeposition of Charles Babb.	1.6	\$880
165.	8/23/17	Memo to file re adjustments to litigation strategy if DOJ and OAG settle. Email to BN enclosing copy of memo.	1.4	\$770
166.	8/23/17	DOJ 30(b)(7) depositions of Defendant's designees.	7	\$3,850
167.	8/23/17	Meeting with DOJ attorneys to discuss Babb deposition on 2/24/17.	.2	\$110
168.	8/23/17	Review voicemail from BN re trial preparation.	.1	\$55
169.	8/23/17	Email with MG to coordinate meeting next week to discuss trial preparation.	.2	\$110
170.	8/23/17	Call with BN re trial preparation.	.4	\$220
171.	8/23/17	Call with DOJ to discuss joint litigation next steps.	1.1	\$605
172.	8/24/17	Final review and revise of Babb deposition outline. Compile final copies of potential deposition exhibits.	1.1	\$605
173.	8/24/17	Meeting with client to discuss joint Tudor-DOJ litigation next steps.	.5	\$275
174.	8/24/17	Meeting with client to discuss joint Tudor-DOJ litigation next steps.	.4	\$220
175.	8/24/17	Babb deposition.	3	\$1,650
176.	8/24/17	Travel from OKC to Dallas/FortWorth, en route to NYC*	3.5	\$1,650
177.	8/24/17	Review OAG's objections to Tudor and DOJ exhibit and witness lists.	.2	\$110
178.	8/25/17	Travel from Dallas/FortWorth to NYC*	4.5	\$1,237.50
179.	8/25/17	Email with client re mitigation efforts.	.2	\$110
180.	8/28/17	Emails with DOJ re Tudor mitigation efforts.	.2	\$110
181.	8/28/17	Call with MG re trial strategy and timing to file pro hac vice motion. Email to MG conveying copies of case documents. Email introducing MG to BN.	.8	\$440
182.	8/28/17	Email to client confirming MG joining trial team.	.1	\$55
183.	8/28/17	Review emails with DOJ and OAG re DOJ production served on 8/24/17.	.2	\$110
184.	8/28/17	Review OAG Reply to DOJ Response on OAG 2nd Motion In Limine.	.3	\$165
185.	8/28/17	Emails with client re mitigation efforts.	1.8	\$990
186.	8/29/17	Call with DOJ re settlement efforts.	.4	\$220

187.	8/29/17	Call with client re mitigation efforts and settlement efforts.	.5	\$275
188.	8/29/17	Text with BN re assisting MG file pro hac motion and update on settlement efforts.	.1	\$55
189.	8/29/17	Review DOJ production.	3.5	\$1,925
190.	8/29/17	Email with client re mitigation efforts.	.4	\$220
191.	8/29/17	Continued review of DOJ production. Email to client re updates on DOJ production.	1.7	\$935
192.	8/29/17	Call with DOJ re settlement efforts. Call with client re DOJ call re settlement efforts.	.2	\$110
193.	8/30/17	Email with client re DOJ production.	.1	\$55
194.	8/30/17	Review and revise memo to file on merits facts.	.7	\$385
195.	8/30/17	Review OAG Motion for Protective Order (ECF 156). Email to BN and MG re same. Email to client re same.	.3	\$165
196.	8/30/17	Call with client to discuss OAG Motion for Protective Order (ECF 156) and prospective outreach to potential witness Mindy House.	.3	\$165
197.	8/30/17	Email to DOJ re scheduling call to discuss OAG Motion for Protective Order (ECF 156).	.1	\$55
198.	8/30/17	Legal research and begin draft of Tudor opposition to OAG motion for protective order.	.5	\$275
199.	8/30/17	Call with DOJ re OAG Motion for Protective Order (ECF 156).	.2	\$110
200.	8/30/17	Email to BN and MG re DOJ call re OAG Motion for Protective Order (ECF 156).	.2	\$110
201.	8/30/17	Call with client re status of DOJ-OAG settlement and OAG Motion for Protective Order (ECF 156).	.3	\$165
202.	8/30/17	Additional legal research and review and revise draft of Tudor opposition to OAG motion for protective order.	3.4	\$1,870
203.	8/30/17	Call with MG re OAG Motion for Protective Order (ECF 156); Email with MG following up on the same.	.2	\$110
204.	8/30/17	Review letter from DOJ re termination of Common Interest Agreement.	.2	\$110
205.	8/30/17	Call with client to relay and explain letter from DOJ re termination of Common Interest Agreement.	.1	\$55
206.	8/30/17	Email to BN and MG re letter from DOJ re termination of Common Interest Agreement.	.1	\$55
207.	8/31/17	Review and revise Tudor opposition to OAG Motion for Protective Order (ECF 156).	3.4	\$1,870
208.	8/31/17	Email to client re answer questions re case status.	.3	\$165
209.	8/31/17	Prep for call with DOJ to discuss DOJ transition out of litigation.	.2	\$110
210.	8/31/17	Review and revise Tudor opposition to OAG Motion for Protective Order (ECF 156).	.6	\$330
211.	8/31/17	Call with DOJ re DOJ transition out of litigation.	.2	\$110
212.	8/31/17	Email with MG to discuss Tudor opposition to DOJ withdrawal without concessions.	.2	\$110

213.	8/31/17	Call with DOJ re request for concessions from DOJ in exchange for non-opposition to dismissal.	.3	\$165
214.	8/31/17	Call with BN to confer on OAG TRO Motion response strategy.	.6	\$330
215.	8/31/17	Email with MG re status update on OAG TRO motion and OAG Motion for Protective Order (ECF 156).	.1	\$55
216.	8/31/17	Review of docketed TRO.	.2	\$110
217.	8/31/17	Email to client to convey copy of TRO and provide advice on effect of TRO on her counsel and her.	.2	\$110
218.	8/31/17	Call with DOJ and OAG re possibility of Tudor stipulating to dismissal of DOJ.	.2	\$110
219.	8/31/17	Call with BN to discuss DOJ/OAG call re possibility of Tudor stipulating to dismissal of DOJ and Tudor strategy response.	.3	\$330
220.	8/31/17	Email to DOJ re request for edit to draft of proposed stipulation of dismissal of DOJ claims.	.1	\$55
221.	8/31/17	Email to client re status of negotiation of proposed stipulation of dismissal of DOJ claims.	.1	\$55
222.	8/31/17	Left voicemail for Mindy House requesting call or email back to discuss Tudor case.	.1	\$55
223.	8/31/17	Legal research on potential effects of stipulating to dismissal of DOJ claims where settlement premising dismissal does not resolve mirror claims of remaining plaintiff. Memo to file. Email same memo to MG and BN and list of proposed Tudor concessions from DOJ in exchange for stipulation of dismissal.	2.4	\$1,320
224.	8/31/17	Respond to client email re DOJ-OAG settlement. Respond to DOJ email re memorialization of Tudor-OAG-DOJ conferral call on 8/31/17.	.4	\$220
225.	9/1/17	Draft Tudor motion seeking request for clarification of scope of TRO. Email to BN and MG to discuss the same.	1.7	\$935
226.	9/1/17	Respond to client email re witness Meg Cotter-Lynch.	.2	\$110
227.	9/1/17	Review email from OAG re proposed stipulation of dismissal of DOJ claims.	.1	\$55
228.	9/1/17	Review and revise Tudor motion seeking request for clarification of scope of TRO.	1.6	\$880
229.	9/1/17	Email with DOJ re proposed stipulation of dismissal of DOJ claims. Review latest draft of proposed stipulation of dismissal.	.2	\$110
230.	9/1/17	Call with client to convey contents of current draft of proposed stipulation of dismissal and to get authorization from client re same.	1.1	\$605
231.	9/1/17	Emails with MG re TRO clarification motion draft.	.1	\$55
232.	9/1/17	Read and respond to email from Mindy House.	.1	\$55
233.	9/1/17	Read and respond to email from Mindy House; schedule time to speak via phone today.	.1	\$55

234.	9/1/17	Review and revise DOJ proposed stipulation of dismissal.	.3	\$165
235.	9/1/17	Prep for call with DOJ re proposed stipulation of dismissal.	.4	\$220
236.	9/1/17	Review OAG motion for extension on ESI dispute briefing.	.1	\$55
237.	9/1/17	Call with DOJ to discuss concession Tudor seeks in exchange for agreement to stipulate to dismissal of DOJ claims.	.4	\$220
238.	9/1/17	Call with Dr. Robert Parker to discuss Tudor retention of Parker as expert. Email to Parker memorializing retention.	.9	\$495
239.	9/1/17	Email to client confirming retention of Dr. Robert Parker.	.1	\$55
240.	9/1/17	Call with Mindy House re House's knowledge of facts pertinent to Tudor merits case and willingness to serve as witness at trial.	.9	\$495
241.	9/1/17	Call with client to provide updates on Mindy House call and next steps in litigation.	.4	\$220
242.	9/1/17	Call with DOJ re follow up on concessions Tudor seeks in exchange for agreement to stipulate to dismissal of DOJ claims; inform DOJ of Tudor's retention of Dr. Parker.	.3	\$165
243.	9/1/17	Email to client relaying content of DOJ call re concessions in exchange for stipulation of dismissal.	.1	\$55
244.	9/1/17	Email to MG and BN re anticipated opposition to DOJ dismissal.	.2	\$110
245.	9/4/17	Email to Dr. George Brown re retention as expert.	.2	\$110
246.	9/4/17	Call with client to discuss retention of Dr. George Brown as expert.	.7	\$385
247.	9/4/17	Email with client re retention of Dr. Brown as expert.	.1	\$55
248.	9/4/17	Review and revise Dr. Brown retention agreement. Email draft to Dr. Brown with signed agreement and advise that retainer is forthcoming.	.2	\$110
249.	9/4/17	Draft list of stipulations to seek from OAG in exchange for Tudor stipulation to dismissal of DOJ claims. Send list of proposed stipulations to DOJ.	.6	\$330
250.	9/4/17	Prep outline for defense of deposition of Dr. Robert Parker.	.8	\$440
251.	9/4/17	Return email to Dr. Parker re prep for deposition and trial.	.1	\$55
252.	9/4/17	Return email to Dr. Brown re retention as expert and prep for deposition and trial.	.1	\$55
253.	9/4/17	Review expert report of Dr. Brown.	.5	\$275
254.	9/5/17	Email to BN and MG to schedule meeting on 9/6/17 to discuss trial prep.	.1	\$55
255.	9/5/17	Review Court Order re ESI motion extension.	.1	\$55

256.	9/5/17	Return email to client re all accounting of itemized fees and costs in this matter for Tudor.	.6	\$330
257.	9/5/17	Email to DOJ re proposed concessions in exchange for Tudor stipulation to dismissal of all DOJ claims.	.2	\$110
258.	9/5/17	Draft email to OAG re request for response to Tudor's proposed stipulations as concessions in exchange for Tudor stipulation of dismissal of DOJ claims.	.2	\$110
259.	9/5/17	Draft formal engagement letter for Dr. Parker. Email letter to Parker.	.5	\$225
260.	9/5/17	Emails with DOJ re Tudor concessions sought in exchange for stipulation of dismissal. Call with client to discuss the same.	.6	\$330
261.	9/5/17	Legal research in support of Tudor opposition to OAG motion for protective (1st amendment, standard for motion sealing, settlement agreement exclusion theory for HWE claims, limitations on scope of Rule 26 protective orders, etc.).	1.4	\$770
262.	9/5/17	Review, revise, and send email to OAG re request for response to Tudor's proposed stipulations as concessions in exchange for Tudor stipulation of dismissal of DOJ claims.	.1	\$55
263.	9/5/17	Emails with DOJ re proposed concessions in exchange for Tudor stipulation to dismissal of all DOJ claims.	.1	\$55
264.	9/5/17	Email to client re update of DOJ position re proposed concessions in exchange for Tudor stipulation to dismissal of all DOJ claims.	.1	\$55
265.	9/5/17	Return email to OAG re Tudor position on stipulation of dismissal.	.1	\$55
266.	9/5/17	Email with Mindy House re participation as witness.	.1	\$55
267.	9/5/17	Review and revise Tudor request for clarification on scope of TRO. File clarification request on ECF.	1.8	\$990
268.	9/6/17	Emails with MG and BN re coordinate time for meeting today to discuss trial strategy and pre-trial motion practice.	.2	\$110
269.	9/6/17	Email to Shannon Minter requesting advice re TRO and OAG protective order motion.	.1	\$55
270.	9/6/17	Email to David Lopez requesting advice re TRO and OAG protective order motion.	.1	\$55
271.	9/6/17	Email to James Esseks requesting advice re TRO and OAG protective order motion.	.1	\$55
272.	9/6/17	Email to DOJ following up on request for call re Tudor concessions in exchange for stipulation to dismissal of DOJ claims.	.1	\$55
273.	9/6/17	Prep for meeting with BN and MG. Outline of all outstanding tasks from present through end of trial.	1.2	\$660
274.	9/6/17	Legal research re grounds to oppose anticipated OAG-DOJ joint stipulation of dismissal of DOJ claims if reasonable concessions not given.	.7	\$385

275.	9/6/17	Email with Dr. Parker re engagement letter.	.1	\$55
276.	9/6/17	Prep for call with DOJ re Tudor concessions in exchange for stipulation to dismissal of DOJ claims.	.5	\$225
277.	9/6/17	Call with DOJ re Tudor concessions in exchange for stipulation to dismissal of DOJ claims.	.2	\$110
278.	9/6/17	Call with client re authorization needed for revised concessions sought from DOJ re Tudor concessions in exchange for stipulation to dismissal of DOJ claims.	.2	\$110
279.	9/6/17	Draft agreement between Tudor and DOJ setting forth terms and conditions regarding potential Tudor agreement to stipulate to dismissal of DOJ claims. Email to DOJ.	.5	\$225
280.	9/6/17	Respond to email from Dr. Brown re deposition hold date.	.1	\$55
281.	9/6/17	Emails with OAG re concessions sought by Tudor in exchange for stipulation to dismissal of DOJ claims; OAG email notice of cancellation of depositions of Drs. Parker and Brown.	.4	\$220
282.	9/6/17	Call with BN and MG to discuss outstanding tasks from present through end of trial and divvy up remaining tasks between counsel.	1.4	\$770
283.	9/6/17	Email to Dr. Brown notifying of cancellation of his deposition based on OAG email.	.1	\$55
284.	9/6/17	Review Order re Tudor clarification request regarding TRO scope; Review Order re OAG 2d Motion In Limine.	.3	\$165
285.	9/6/17	Email to Dr. Parker notifying of cancellation of his deposition based on OAG email and Court decision on Daubert motion.	.2	\$110
286.	9/6/17	Email to DOJ re OAG representations to Tudor re timeliness of disclosure of experts Brown and Parker given effect on Tudor's ability to agree to stipulation of dismissal of DOJ claims.	.1	\$55
287.	9/6/17	Call with client to discuss Order re Tudor clarification request regarding TRO scope and Order re OAG 2d Motion In Limine; provide summary update on task split between co-counsel going forward.	.5	\$275
288.	9/6/17	Email to OAG re Tudor position on stipulation to dismissal of DOJ claims.	.2	\$110
289.	9/6/17	Email to DOJ re Tudor position on stipulation of dismissal of DOJ claims.	.4	\$220
290.	9/6/17	Respond to OAG email regarding Tudor use of experts Dr. Parker and Dr. Brown and setting new deposition dates.	.2	\$110
291.	9/6/17	Respond to email from Dr. Brown re request to push OAG to pick and stick with deposition date.	.1	\$55

292.	9/6/17	Email to client memorializing earlier call with cocounsel.	.3	\$165
293.	9/6/17	Email to MG re next steps on evaluating propriety of motion to compel the redeposition of Judge Ogden; attach draft motions, exhibits, and research to the same.	.7	\$385
294.	9/7/17	Emails with OAG to schedule time to speak today about Tudor position on stipulation to dismissal of DOJ claims.	.3	\$165
295.	9/7/17	Call with OAG to discuss Tudor position on stipulation to dismissal of DOJ claims.	.2	\$110
296.	9/7/17	Emails with DOJ to advise of status of Tudor discussions with OAG re Tudor position on stipulation to dismissal of DOJ claims.	.2	\$110
297.	9/7/17	Email to OAG memorializing 9/7/17 call btw Tudor-OAG and to share authorities OAG requested supporting Tudor's opposition to joint OAG-DOJ motion to dismiss DOJ claims.	.6	\$330
298.	9/7/17	Call with client to discuss status of negotiations with OAG re dismissal of DOJ claims.	.2	\$110
299.	9/7/17	Email to DOJ to notify of cancellation of depositions of Dr. Brown and Dr. Parker and promise to keep apprised of status due to DOJ privileges re expert reports.	.2	\$110
300.	9/7/17	Email forwarding correspondence re DOJ-OAG-Tudor negotiations on dismissal of DOJ claims to MG.	.1	\$55
301.	9/7/17	Read DOJ email to OAG and Tudor advising DOJ is neutral in negotiations and not working to support Tudor; respond to DOJ email confirming DOJ has not offered assistance to Tudor.	.1	\$55
302.	9/7/17	Emails with Mindy House discussing role as witness, setting up call for next week to discuss testimony.	.2	\$110
303.	9/7/17	Review DOJ-OAG motion to dismiss. Email copy of motion to client and MG.	.2	\$110
304.	9/7/17	Emails with client re next steps preparing for summary judgment motion from OAG and request for assistance identifying Southeastern personnel for declarations in support of Tudor and update on discussions with Mindy House.	.2	\$110
305.	9/7/17	Preparation for deposition and trial testimony prep session with Dr. Parker.	.7	\$385
306.	9/7/17	Travel from Philadelphia to Urbana-Champaign, IL to meet with Dr. Parker for in person prep session on 9/8/17*	4.5	\$1,237.50
307.	9/7/17	In person prep session with Dr. Parker for deposition and trial testimony.	7	\$3,850
308.	9/7/17	Return travel from Urbana-Champaign, IL to NYC*	4.5	\$1,237.50

309.	9/7/17	Emails with OAG and DOJ re proposed joint motion for extension of deadlines for outstanding motions until resolution of OAG-DOJ motion to dismiss DOJ claims.	.3	\$165
310.	9/7/17	Emails with Dr. Parker re follow up questions regarding prep and next steps.	.4	\$220
311.	9/10/17	Email to Mindy House cancelling phone call due to EY illness.	.1	\$55
312.	9/10/17	Email responding to Dr. Brown inquiry re setting deposition date.	.1	\$55
313.	9/12/17	Email to client requesting call on 9/13/17.	.1	\$55
314.	9/12/17	Email to Mindy House seeking to reschedule phone call.	.1	\$55
315.	9/13/17	Email to Mindy House following up on request to reschedule phone call.	.1	\$55
316.	9/13/17	Emails with DOJ to set up phone call re Dr. Brown and Dr. Parker retention.	.1	\$55
317.	9/13/17	Call with client to discuss case next steps, upcoming deadlines, and set time for call next week.	.4	
318.	9/13/17	Share electronic file permissions with BN and MG. Email to BN and MG re next steps in litigation.	.2	\$110
319.	9/13/17	Emails with DOJ to reschedule call.	.1	\$55
320.	9/14/17	Review email from Dr. Parker.	.1	\$55
321.	9/15/17	Email to MG and BN re next steps to close out discovery.	.2	\$110
322.	9/15/17	Review email from Dr. Parker sent on 9/14/17 and respond to inquiries re next steps.	.2	\$110
323.	9/15/17	Respond to David Lopez email re scheduling meeting to confer re litigation next steps.	.1	\$55
324.	9/15/17	Prep for meeting with DOJ re overlapping expert privileges.	.4	\$220
325.	9/15/17	Call with DOJ re overlapping expert privileges.	.4	\$220
326.	9/15/17	Draft response to OAG-DOJ motion to dismiss DOJ claims.	4.6	\$2,530
327.	9/15/17	Review draft DOJ motion to seal response to OAG motion for protective order. Email to advise DOJ Tudor does not oppose DOJ motion to seal response.	.2	\$110
328.	9/18/17	Email with MG re coordination on remaining discovery closure and trial prep.	.1	\$55
329.	9/18/17	Draft motion for Tudor to file response to OAG's motion for protective order under deal. Email motion and proposed order to OAG and DOJ.	.9	\$495
330.	9/18/17	Prep for client meeting. Call with client to discuss upcoming filing deadlines leading up to trial; coordinate exchange of remaining documents in client possession for discovery production, client review of draft amended discovery responses; set schedule for client prep for trial direct and cross exam.	1.4	\$770
331.	9/18/17	Email with OAG re OAG position on Tudor's proposed motion to file under seal.	.1	\$55

332.	9/18/17	Respond to client email re questions on upcoming litigation deadlines and client prep work for trial testimony.	.1	\$55
333.	9/18/17	Review DOJ's filed motion to file response to OAG protective order motion ex parte and under seal.	.1	\$55
334.	9/18/17	Review and revise Tudor opposition to OAG motion for protective order.	3.9	\$2,145
335.	9/18/17	Respond to OAG email re Tudor motion for leave to file ex parte and under seal. File Tudor motion seeking leave to file opposition to OAG protective order motion ex parte and under seal.	.2	\$110
336.	9/18/17	Call with David Lopez re advice on litigation strategy.	.4	\$220
337.	9/19/17	Review and revise Tudor opposition to OAG motion for protective order.	1.4	\$770
338.	9/19/17	Review and revise Tudor opposition to OAG motion for protective order; legal research for the same.	3.4	\$1,870
339.	9/19/17	Review Orders granting permission to Tudor and DOJ to files responses to OAG motion for protective order ex parte and under seal.	.2	\$110
340.	9/19/17	Emails with client following up on supplemental discovery production.	.1	\$55
341.	9/19/17	Review and revise Tudor opposition to OAG motion for protective order.	4.7	\$2,585
342.	9/19/17	Emails with OAG and DOJ re proposed joint motion to stay deadlines for DOJ. Review draft of propose joint motion.	.7	\$385
343.	9/19/17	Emails with Mindy House to reschedule call to 9/21/17.	.2	\$110
344.	9/19/17	Emails with client re corrections to drafted amended written discovery responses; Email to client passing on copies of Orders granting permission to Tudor and DOJ to files responses to OAG motion for protective order ex parte and under seal.	.6	\$330
345.	9/19/17	Review and revise opposition to OAG motion for protective order.	2.3	\$1,265
346.	9/19/17	Email to MG re filing of pro hac vice application; email follow up with BN re same.	.1	\$55
347.	9/20/17	Respond to BN email re accessing client files through shared cloud service and organization of the same.	.8	\$440
348.	9/20/17	Review and revise Tudor opposition to OAG motion for protective order and compile exhibits. File ex parte and under seal.	10.1	\$5,555
349.	9/20/17	Review DOJ mark-up of OAG draft of motion for partial stay of deadlines. Respond to email from OAG re same.	.2	\$110
350.	9/20/17	Respond to client email re remaining discovery obligations and goals.	.2	\$110
351.	9/20/17	Review DOJ's filed opposition to OAG motion for protective order.	.3	\$165

352.	9/20/17	Email client re copies of DOJ and Tudor opposition briefs (w/ exhibits) to OAG motion for protective order.	.1	\$55
353.	9/20/17	Email to TLDEF re outstanding request for itemized accounting of fees and costs.	.1	\$55
354.	9/21/17	Email to client advising TLDEF missed deadline to provide itemized accounting of fees and costs.	.1	\$55
355.	9/21/17	Email to TLDEF re failure to provide itemized accounting of fees and costs.	.2	\$110
356.	9/21/17	Review comments from Dr. Parker re issues raised by OAG in Daubert motion in anticipation of issues being raised again via summary judgment and last minute pretrial motions in limine.	.6	\$330
357.	9/21/17	Respond to TLDEF email re outstanding request for itemized fees and costs.	.2	\$110
358.	9/21/17	Call with BN re strategy for Tudor planned motions in limine to exclude Collin College personnel files and witnesses Newell and Weasenforth and settlement strategy and sequencing up through trial.	1.3	\$715
359.	9/21/17	Compile and bates mark final set of Tudor discovery production. Review and revise draft of Tudor amended written discovery.	1	\$550
360.	9/21/17	Call with client re final approval on closing out discovery and advise of planned upcoming motion practice.	.3	\$165
361.	9/21/17	Call to Linda Goode re fixing filing error on docket.	.2	\$110
362.	9/21/17	Leave voicemail for Mindy House requesting follow up to discuss participation as witness.	.1	\$55
363.	9/21/17	Text with MG to reschedule meeting from 9/21/17 to 9/22/17.	.1	\$55
364.		Emails with Mindy House to reschedule call to discuss participation as witness.	.2	\$110
365.	9/22/17	Review email and documents from TLDEF re itemized bill of costs and fees. Draft email response to TLDEF pointing to deficiencies in bill and concerns about lack of supporting and/or conflicting documentation; propose resolution with deadline for final corrected itemized bill of fees and costs on 9/29/17.	1.6	\$880
366.	9/22/17	Call to Linda Goode to follow up re fixing filing error on docket.	.1	\$55
367.	9/22/17	Review and revise final Tudor amended written discovery. Draft cover letter to counsel.	1.3	\$715
368.	9/22/17	Review and revise objections to Defendants' exhibit list. File.	5.3	\$2,915
369.	9/22/17	Call with MG re strategy for jury trial and check in on division of labor between cocounsel.	.2	\$110
370.	9/22/17	Call with client re confirm accuracy of final draft of amended Tudor written discovery responses.	.1	\$55

371.	9/22/17	Email final Tudor discovery production to OAG and DOJ along with final Tudor amended written discovery responses and cover letter. Dispatch hard copies.	.1	\$55
372.	9/22/17	Email Jennifer Arendes Tudor's amended written discovery responses (inadvertently left off other email).	.1	\$55
373.	9/22/17	Call to Mindy House, no answer, left voicemail re appointment to follow up to discuss participation as witness; email to Mindy House re same.	.1	\$55
374.	9/22/17	Email client copy of Tudor objections to OAG exhibit list.	.1	\$55
375.	9/22/17	Email to OAG disclosing compensation rates of Dr. Brown and Dr. Parker.	.2	\$110
376.	9/22/17	Review OAG's motion for summary judgment. Email to motion to client, BN, and MG along with initial impressions of how to respond.	.8	\$440
377.	9/23/17	Outline weaknesses in OAG motion for summary judgment, identify issues for legal research, identify benefit of attending <i>Zarda</i> oral argument on 9/26/17 in order to divine best rebuttal to OAG arguments re DOJ position in <i>Zarda</i> .	1.1	\$605
378.	9/23/17	Review email and document drafted by Dr. Parker at attorney request regarding trial talking points.	.7	\$385
379.	9/23/17	Emails with Mindy House to reschedule call to discuss testimony.	.2	\$110
380.	9/23/17	Emails with MG to reschedule meeting.	.2	\$110
381.	9/24/17	Call with MG re discuss strategy for Tudor opposition to SJ, discuss allocation of facts between trial witnesses, discuss MG work on voir dire and jury instructions motions.	1.5	\$825
382.	9/25/17	Emails with Kimberlé Crenshaw re request for connection with local Oklahoma City social justice workers re outreach to discuss jury trial.	.2	\$110
383.	9/26/17	Review and revise Tudor opposition to OAG-DOJ motion to dismiss DOJ claims. Legal research: past Cauthron rulings on Rule 41(a)(2) dismissal, cognizable prejudice in context of opposition to Rule 41(a)(2).	3.4	\$1,870
384.	9/26/17	Travel to and attend <i>Zarda</i> oral arguments at Second Circuit.	2.5	\$1,375
385.	9/26/17	Review and revise Tudor opposition to OAG-DOJ motion to dismiss DOJ claims.	2.2	\$1,210
386.	9/26/17	Email to client re <i>Zarda</i> oral arguments as pertain to OAG argument in OAG summary judgment motion.	.1	\$55
387.	9/26/17	Follow up email to client re <i>Zarda</i> oral arguments.	.1	\$55
388.	9/26/17	Review and revise Tudor opposition to OAG-DOJ motion to dismiss DOJ claims.	.9	\$495
389.	9/27/17	Respond to email from client re OAG contacts with witnesses.	.1	\$55

390.	9/27/17	Email to Dan Althoff to set up call.	.1	\$55
391.	9/27/17	Email to client to get contact information for Meg Cotter-Lynch and Corie Delashaw.	.1	\$55
392.	9/27/17	Emails with client to set up time for call. Call with client re discussion of witness selection for trial and declarations needed for summary judgment opposition.	1.3	\$715
393.	9/27/17	Respond to TLDEF email re outstanding request for itemized fees and costs.	.1	\$55
394.	9/27/17	Respond to TLDEF email re outstanding request for itemized fees and costs.	.3	\$165
395.	9/27/17	Return email to client re Meg Cotter-Lynch.	.1	\$55
396.	9/27/17	Review and revise Tudor opposition to OAG-DOJ motion to dismiss DOJ claims. Additional legal research re cognizable prejudice in Rule 41(a)(2) context.	2.5	\$1,375
397.	9/27/17	Email response to OAG email re Tudor position on OAG filing reply ex parte and under seal in briefing on OAG protective order motion.	.1	\$55
398.	9/27/17	Email response to Dan Althoff and setting up time for call.	.1	\$55
399.	9/27/17	Review OAF motion for leave to file reply ex parte and under seal in briefing on OAG protective order motion.	.2	\$110
400.	9/28/17	Review and revise Tudor opposition to OAG-DOJ motion to dismiss DOJ claims. File.	8.6	\$4,730
401.	9/28/17	Emails with client re trial witnesses.	.1	\$55
402.	9/28/17	Email to OAG re OAG filing response ex parte and under seal.	.1	\$55
403.	9/29/17	Review email from Linda Goode re request for confirmation of courtesy copy re ECF 181. Call with BN re help with courtesy copy.	.2	\$110
404.	9/29/17	Call with local vendors to see if they can print and deliver same-day courtesy copy re ECF 181. Call with BN re courtesy copy, arrange for BN's associate to deliver courtesy copy to chambers re ECF 181.	.6	\$330
405.	9/29/17	Call to TLDEF counsel re itemized fees and costs. No answer, left voicemail.	.1	\$55
406.	9/29/17	Email to TLDEF counsel re call re itemized fees and costs.	.1	\$55
407.	9/29/17	Call with TLDEF counsel re itemized fees and costs.	.7	\$385
408.	9/29/17	Email to TLDEF counsel following up on call re itemized fees and costs.	.2	\$110
409.	9/29/17	Respond to TLDEF counsel email re memorialization of call re itemized fees and costs.	.1	\$55
410.	9/29/17	Prep for call with Dan Althoff.	.3	\$165
411.	9/29/17	Call with Dan Althoff to gather information for declaration.	1.4	\$770
412.	9/29/17	Email to client re Dan Althoff call.	.1	\$55

413.	9/29/17	Email to Mindy House re request for declaration.	.2	\$110
414.	10/2/17	Review DOJ motion for extension re reply to Tudor response to JM to dismiss DOJ claims.	.1	\$55
415.	10/2/17	Outline opposition response to OAG SJ motion.	.5	\$225
416.	10/2/17	Begin draft response in opposition to OAG SJ motion.	2.7	\$1,485
417.	10/2/17	Emails with TLDEF re itemized fees and costs.	.3	\$165
418.	10/2/17	Respond to OAG request for extension re time to respond to Tudor objection to OAG-DOJ motion to dismiss DOJ claims.	.1	\$55
419.	10/2/17	Review and revise Tudor opposition to OAG SJ.	2.6	\$1,430
420.	10/2/17	Email to client re TLDEF request re itemized fees and costs.	.2	\$110
421.	10/2/17	Email with MG re voire dire.	.1	\$55
422.	10/2/17	Review and respond to DOJ email re extension on time to respond to Tudor opposition to DOJ-OAG motion to dismiss DOJ claims.	.2	\$110
423.	10/2/17	Review and revise Tudor opposition to OAG SJ.	.4	\$220
424.	10/3/17	Email to Dr. Brown re status update re service as expert.	.1	\$55
425.	10/3/17	Review Court's orders granting extensions to OAG and DOJ responses to Tudor's opposition to DOJ motion to dismiss claims.	.2	\$110
426.	10/3/17	Review OAG motion for extension of time (ECF No. 183) and proposed order.	.1	\$55
427.	10/3/17	Review nad revise Tudor opposition to OAG SJ.	4.4	\$2,420
428.	10/3/17	Begin draft of Tudor jury instructions. Legal research and compile exemplar instructions in 10th Cir and WD Okla. Email draft to MG and BN.	1.7	\$935
429.	10/3/17	Begin draft of Tudor trial brief.	1.7	\$935
430.	10/4/17	Review and revise Tudor opposition to OAG SJ.	1.4	\$770
431.	10/4/17	Memo to file re settlement position.	.4	\$220
432.	10/4/17	Emails with TLDEF re itemized fees and costs.	.1	\$55
433.	10/4/17	Respond to TLDEF re itemized fees and costs.	.1	\$55
434.	10/4/17	Respond to TLDEF re itemized fees and costs.	.1	\$55
435.	10/4/17	Review and revise Tudor opposition to OAG SJ.	.8	\$440
436.	10/4/17	Respond to TLDEF re itemized fees and costs.	.2	\$110
437.	10/4/17	Respond to TLDEF re itemized fees and costs.	.2	\$110
438.	10/4/17	Respond to OAG email re settlement efforts.	.1	\$55
439.	10/4/17	Call with client re settlement efforts.	.4	\$220
440.	10/4/17	Email with Meg Cotter-Lynch re documents to review before call re declaration.	.1	\$55
441.	10/4/17	Email with client re trial prep.	.1	\$55
442.	10/4/17	Call with Meg Cotter-Lynch—gather info for declaration for SJ opposition.	.9	\$495
443.	10/4/17	Review and revise Tudor opposition to OAG SJ.	.3	\$165
444.	10/4/17	Email to OAG re settlement efforts.	.2	\$110

445.	10/4/17	Respond to client email re call with Meg Cotter-Lynch.	.1	\$55
446.	10/5/17	Review and revise Tudor opposition to OAG SJ.	1.3	\$715
447.	10/5/17	Review and revise Tudor opposition to OAG SJ.	1.2	\$660
448.	10/5/17	Follow up with MG office on status of pro hac vice paperwork.	.1	\$55
449.	10/5/17	Return email to client re media coverage of case.	.1	\$55
450.	10/5/17	Review OAG email re settlement. Email with client re same.	.2	\$110
451.	10/5/17	Draft response to OAG email re settlement.	.2	\$110
452.	10/5/17	Emails to Dru Levasseur, James Esseks, Shannon Minter, Asaf Orr, and Sharon McGowan seeking model jury instructions from trans sex Title VII cases.	.1	\$55
453.	10/5/17	Review and revise and send email to OAG re settlement.	.1	\$55
454.	10/5/17	Review and revise Tudor opposition to OAG SJ.	2.6	\$1,430
455.	10/5/17	Email to Mindy House re testimony.	.1	\$55
456.	10/5/17	Call with client to discuss DOJ 10/4/17 memorandum.	.1	\$55
457.	10/5/17	Return email to MG office re rescheduling meeting.	.1	\$55
458.	10/5/17	Call with BN re Tudor settlement position and DOJ 10/4/17 memorandum	.3	\$165
459.	10/5/17	Review DOJ 10/4/17 Title VII memorandum. Email copy to client, BN, and MG.	.2	\$110
460.	10/5/17	Call with client to discuss settlement efforts.	.9	
461.	10/6/17	Email draft of Tudor opposition to OAG SJ to BN and MG for comment.	.1	\$55
462.	10/6/17	Email draft of Tudor opposition to OAG SJ to client for comment.	.1	\$55
463.	10/6/17	Return email to Mindy House re testimony.	.1	\$55
464.	10/6/17	Reply to MH re pro hac vice application.	.1	\$55
465.	10/6/17	Call with OAG re settlement efforts.	.1	\$55
466.	10/6/17	Call with client re OAG call.	.1	\$55
467.	10/6/17	Review and revise Tudor opposition to OAG SJ.	3.4	\$1,870
468.	10/6/17	Call with client to discuss draft of Tudor opposition to OAG SJ.	.5	\$275
469.	10/6/17	Review and revise Tudor opposition to OAG SJ.	2.4	\$1,320
470.	10/7/17	Review and revise Tudor opposition to OAG SJ.	4	\$2,200
471.	10/7/17	Begin assembly of exhibits for Tudor opposition to OAG SJ.	.1	\$55
472.	10/7/17	Draft declaration of Dan Althoff. Assemble and mark exhibits re same. Email draft to Althoff for review and signature.	1.6	\$880
473.	10/7/17	Draft Mindy House declaration. Assemble and mark exhibits re same. Email draft to House for review.	3.9	\$2,145
474.	10/8/17	Review and revise Tudor opposition to OAG SJ.	1.1	\$605
475.	10/8/17	Respond to BN email re motions in limine and coordinate on copy of Tudor objections to OAG proposed trial exhibits.	.1	\$55

476.	10/8/17	Review OAG email re deficiencies in Tudor discovery. Email with BN and MG re potential motion in limine from OAG re tenure-track positions sought by Tudor.	.3	\$165
477.	10/8/17	Call with MG re voir dire, jury instructions, and trial brief.	.7	\$385
478.	10/8/17	Review and revise Tudor opposition to OAG SJ.	3.2	\$1,760
479.	10/8/17	Return email to client re Tudor opposition to OAG SJ.	.1	\$55
480.	10/8/17	Email revised draft Tudor opposition to OAG SJ to BN and MG.	.1	\$55
481.	10/8/17	Email revised draft Tudor opposition to OAG SJ to client.	.1	\$55
482.	10/8/17	Review and revise Tudor opposition to OAG SJ; continue to mark and assemble exhibits of same.	5.6	\$3,080
483.	10/9/17	Legal research for trial brief.	1.3	\$715
484.	10/9/17	Review MG draft pro hac vice motion.	.1	\$55
485.	10/9/17	Review and revise trial brief.	1.8	\$990
486.	10/9/17	Emails with Mindy House checking in on review of draft declaration.	.2	\$110
487.	10/9/17	Email exemplars to BN re exclusion of after-acquired evidence.	.2	\$110
488.	10/9/17	Email to MG re admission status.	.1	\$55
489.	10/9/17	Review and revise trial brief.	2.4	\$1,320
490.	10/9/17	Email to Meg Cotter-Lynch reminder re call.	.1	\$55
491.	10/9/17	Prepare list of questions for Meg Cotter-Lynch call.	.4	\$220
492.	10/9/17	Review and revise Tudor opposition to OAG SJ.	.7	\$385
493.	10/9/17	Review and revise trial brief.	.7	\$385
494.	10/9/17	Return email to BN re legal research for motions in limine.	.1	\$55
495.	10/9/17	Review and revise BN draft of motions in limine re Collin College. Email draft back to BN.	.2	\$110
496.	10/9/17	Review and revise trial brief.	1.3	\$715
497.	10/9/17	Call with Meg Cotter-Lynch re interview for declaration for SJ opposition motion.	2.8	\$1,540
498.	10/9/17	Review and revise trial brief.	.7	\$385
499.	10/9/17	Review and revise Tudor opposition to OAG SJ.	.7	\$385
500.	10/10/17	Draft Meg Cotter-Lynch declaration and assemble exhibits. Email draft to Cotter-Lynch.	3.7	\$2,035
501.	10/10/17	Email to Dan Althoff with reminder to review and sign decalaration.	.1	\$55
502.	10/10/17	Review and revise voir dire. Send draft to BN and MG.	.4	\$220
503.	10/10/17	Email to BN re exhibit conferral with OAG.	.1	\$55
504.	10/10/17	Review and revise trial brief.	.4	\$220
505.	10/10/17	Make payment for MG pro hac vice fee through Pay.gov. Follow up email with BN need help with Pay.gov.	.2	\$110
506.	10/10/17	Email exchange drafts of voir dire and jury instructions with MG. Call with MG re same.	.7	\$385

507.	10/10/17	Draft summary description of case for inclusion in jury instructions, email to MG.	.3	\$165
508.	10/10/17	Review and revise voir dire to incorporate edits from BN. Send revised voir dire to MG and BN.	.2	\$110
509.	10/10/17	Review and revise trial brief to incorporate edits from BN.	.2	\$110
510.	10/10/17	Review and revise Althoff declaration based on requests from Althoff. Send draft back to Althoff for signature.	.2	\$110
511.	10/10/17	Review and revise Mindy House declaration based on House requests. Send draft back to House for signature.	.6	\$330
512.	10/10/17	Review and revise trial brief.	.2	\$110
513.	10/10/17	Reviewed signed Althoff declaration. Email Althoff to confirm receipt of signed declaration. Mark as exhibit for Tudor opposition response to OAG SJ.	.2	\$110
514.	10/10/17	Call with MG re next steps on jury instructions and voir dire.	1	\$550
515.	10/10/17	File trial brief.	.1	\$55
516.	10/10/17	Review and revise proposed voir dire. File voir dire.	.2	\$110
517.	10/10/17	Send copies of all Tudor filings to client—motions in limine, trial brief, and voir dire.	.1	\$55
518.	10/10/17	Return email to MG re appearance filing.	.1	\$55
519.	10/11/17	Review email re edits to declaration from Meg Cotter-Lynch. Review and revise re same. Email re same back to Cotter-Lynch for signature.	.3	\$165
520.	10/11/17	Email to client re OAG's filings on 10/10/17 and passing on copies of same. Advise clients of timing to file opposition to SJ and client trial prep schedule.	.2	\$110
521.	10/11/17	Review OAG's motions in limine. Email with BN to coordinate response.	.8	\$440
522.	10/11/17	Email copies of declarations for use in opposition to SJ to BN and MG for review.	.1	\$55
523.	10/11/17	Review final Tudor and OAG requested jury instructions. Mark OAG instructions.	.6	\$330
524.		Emails with client re next steps and trial prep.	.2	\$110
525.	10/11/17	Return email to BN re exhibit conferral with OAG.	.2	\$110
526.	10/11/17	Review and revise Tudor opposition to OAG SJ.	1.9	\$1,045
527.	10/11/17	Call with BN to discuss settlement efforts and trial strategy.	1.1	\$605
528.	10/11/17	Review and revise Tudor opposition to OAG SJ.	.6	\$330
529.	10/11/17	Email BN and MG re scheduling meeting to discuss trial strategy.	.1	\$55
530.	10/11/17	Email with OAG re pretrial report.	.1	\$55
531.	10/11/17	Email to Mindy House re testimony.	.2	\$110
532.	10/11/17	Return email to Mindy House.	.1	\$55
533.	10/11/17	Review and revise Tudor opposition to OAG SJ.	2.3	\$1,265
534.	10/12/17	Review and revise Tudor opposition to OAG SJ.	.6	\$330

535.	10/12/17	Call with client re Tudor declaration for Tudor opposition to OAG SJ.	1.5	\$825
536.	10/12/17	Draft Tudor declaration.	1.8	\$990
537.	10/12/17	Review OAG reply to Tudor response in opposition to dismissal of DOJ claims.	.2	\$110
538.	10/12/17	Review and revise Tudor declaration. Email to client for signature.	.4	\$220
539.	10/12/17	Review and revise Tudor opposition to OAG SJ.	2.4	\$1,320
540.	10/12/17	Review and revise Tudor opposition to OAG SJ.	3	\$1,650
541.	10/13/17	Review and revise Tudor opposition to OAG SJ. Assemble and mark remaining exhibits re same. Format for filing. File.	17.6	\$9,680
542.	10/13/17	Draft motion to file select confidential exhibits ex parte and under seal; email to all parties and Linda Goode.	.6	\$330
543.	10/14/17	Print and assemble courtesy copy of Tudor opposition to OAG SJ. Get bound. Dispatch overnight to Court.	.4	\$220
544.	10/15/17	Begin draft pretrial report. Email joint portion to OAG for review.	1.9	\$1,045
545.	10/16/17	Emails with Linda Goode re check in on delivery of courtesy copy of Tudor opposition to OAG SJ and redocketing ECF 205 to fix footnote 1.	.2	\$110
546.	10/16/17	Email to all parties re: redocketed ECF 205 to fix footnote 1, as per instruction of Linda Goode.	.1	\$55
547.	10/16/17	Review letter from TLDEF re itemized fees and costs. Reply to TLDEF via email re necessity of final itemized fees and costs.	.3	\$165
548.	10/16/17	Return emails to OAG re requesting copy of email and exhibits for motion to file exhibits ex parte and under seal on 10/13/17.	.2	\$55
549.	10/16/17	Email with OAG re coordination of pretrial report.	.2	\$55
550.	10/16/17	Review and review Tudor portions of pretrial report.	2.1	\$1,155
551.	10/16/17	Review and review Tudor portions of pretrial report.	.9	\$495
552.	10/16/17	Call with MG re pretrial report.	.7	\$385
553.	10/16/17	Review and review pretrial report to incorporate OAG edits.	1.4	\$770
554.	10/16/17	Call with OAG re settlement efforts (Dixie Coffey and Jeb Joseph).	.2	\$110
555.	10/16/17	Review and revise pretrial report. Email copy to OAG (Dixie Coffey).	1.4	\$770
556.	10/16/17	Call with client to discuss trial logistics and settlement efforts.	.7	\$385
557.	10/16/17	Send client documents to review in preparation for trial testimony.	.2	\$110
558.	10/16/17	Review email from Dr. Parker re trial testimony. Email with Dr. Parker re same and potential trial testimony dates.	.2	\$110
559.	10/16/17	Review and revise pretrial report and add in OAG objections to Tudor exhibits.	1.7	\$935

560.	10/16/17	Respond to email from Mindy House re testimony and scheduling time to meet.	.2	\$110
561.	10/17/17	Begin outline of direct examination of Rachel Tudor.	.8	\$440
562.	10/17/17	Review email from OAG re OAG portions of pretrial report. Review and revise joint portions of pretrial report. Email revised draft pretrial report to OAG for review.	2.3	\$1,265
563.	10/17/17	Reply to Mindy House email.	.1	\$55
564.	10/17/17	Review Order re dismissal of DOJ claims, protective order, mooted motions of US.	.3	\$165
565.	10/17/17	Follow up emails to client re Court order.	.2	\$110
566.	10/17/17	Review and revise pretrial report. Send email with final draft to OAG for approval before filing.	.4	\$220
567.	10/17/17	Draft cover letter to accompany courtesy copy of pretrial report. Place order for printed and delivered courtesy copy. Email Linda Goose to notify of courtesy copy shipping info.	.3	\$165
568.	10/17/17	Email client re trial testimony and final witnesses.	.2	\$110
569.	10/17/17	Email to Dr. Parker re no deposition; proceeding to trial; discuss next steps re prep and trial logistics.	.2	\$110
570.	10/17/17	Email to Dr. Brown re no deposition; proceeding to trial; discuss next steps re prep and trial logistics.	.2	\$110
571.	10/18/17	Email with Linda Goode re courtesy copy.	.1	\$55
572.	10/18/17	Email to MG and BN re call today.	.2	\$110
573.	10/18/17	Reply to email from Dr. Parker re trial testimony.	.1	\$55
574.	10/18/17	Emails with BN and MG re reschedule meeting re trial prep.	.2	\$110
575.	10/18/17	Emails with Dr. Brown re scheduling time to discuss trial testimony.	.3	\$165
576.	10/18/17	Return email to client re OAG-DOJ Settlement, motions in limine, and pretrial report.	.3	\$165
577.	10/18/17	Email to DOJ re notice of likelihood to call Drs. Parker and Brown as experts.	.2	\$110
578.	10/18/17	Return email to BN and MG re rescheduling meeting.	.2	\$110
579.	10/18/17	Compile and send list of outstanding deadlines to MG and BN.	.3	\$165
580.	10/18/17	Call with BN re trial prep.	1.7	\$935
581.	10/18/17	Email to OAG re request for settlement conference with Judge Goodwin.	.1	\$55
582.	10/18/17	Respond to OAG email re Judge Goodwin phone conferral.	.1	\$55
583.	10/18/17	Respond to OAG email re Tudor position on OAG motion for leave to file late <i>Daubert</i> motion re Dr. Brown.	.1	\$55
584.	10/18/17	Review OAG motion re Dr. Brown.	.1	\$55
585.	10/18/17	Compile and mark Tudor trial exhibits.	2.1	\$1,155
586.	10/19/17	Review <i>Daubert</i> motion re Dr. Brown filed by OAG.	.2	\$110
587.	10/20/17	Email Dr. Brown re <i>Daubert</i> motion.	.2	\$110

588.	10/20/17	Respond to email from MG re settlement efforts.	.1	\$55
589.	10/20/17	Begin draft of opposition to OAG jury instructions. Legal research in support of the same.	.2	\$110
590.	10/20/17	Email with Dr. Brown to set up time to discuss <i>Daubert</i> motion.	.1	\$55
591.	10/20/17	Prep question for meeting with Dr. Brown.	.4	\$220
592.	10/20/17	Call with Dr. Brown re <i>Daubert</i> motion.	.7	\$385
593.	10/20/17	Emails with BN and MG re settlement efforts.	.1	\$55
594.	10/20/17	Email with BN to coordinate review of Tudor opposition to OAG's motions in limine.	.1	\$55
595.	10/20/17	Email to client re updates re settlement efforts.	.1	\$55
596.	10/20/17	Review and revise objections to OAG jury instructions.	.5	\$225
597.	10/20/17	Review OAG reply to Tudor opposition to OAG SJ.	.7	\$385
598.	10/21/17	Review and revise objections to OAG jury instructions.	1.7	\$935
599.	10/21/17	Review and revise objections to OAG jury instructions.	.5	\$225
600.	10/22/17	Review and revise objections to OAG jury instructions.	1.3	\$715
601.	10/22/17	Review and revise objections to OAG jury instructions.	1.3	\$715
602.	10/22/17	Review and revise objections to OAG jury instructions.	1.3	\$715
603.	10/22/17	Email draft of objections to OAG jury instructions to MG for comment.	.1	\$55
604.	10/23/17	Email to MG and BN re potential opposition to OAG's voir dire.	.2	\$110
605.	10/23/17	Review and revise Tudor deposition designations.	1.7	\$935
606.	10/23/17	Review and revise deposition designations.	.7	\$385
607.	10/23/17	Review and revise deposition designations.	.3	\$165
608.	10/24/17	Review and revise Tudor response to OAG motions in limine. Email revisions to BN.	3.6	\$1,980
609.	10/24/17	Review and revise objections to OAG jury instructions.	1.6	\$880
610.	10/24/17	Review and revise objections to OAG jury instructions.	.4	\$220
611.	10/24/17	Review and revise objections to OAG jury instructions.	.4	\$220
612.	10/24/17	Email to OAG requesting time to meet and confer on 10/26/17 to discuss disputes regarding trial exhibits and jury instructions.	.1	\$55
613.	10/24/17	Review final draft of Tudor response to motions in limine.	.2	\$110
614.	10/24/17	Return email to OAG re trial exhibits.	.1	\$55
615.	10/24/17	File objections to OAG jury instructions.	.2	\$110
616.	10/24/17	Review and revise deposition designations.	2.6	\$1,430
617.	10/24/17	Respond to OAG email re trial exhibits.	.1	\$55
618.	10/24/17	Review and revise deposition designations.	2.9	\$1,595
619.	10/25/17	Review and revise deposition designations.	2.1	\$1,155
620.	10/25/17	Review and revise deposition designations.	1.3	\$715
621.	10/25/17	Review and revise deposition designations.	1.7	\$935
622.	10/25/17	Review and revise deposition designations.	.1	\$55
623.	10/25/17	Call with client re mitigation efforts.	1.2	\$660
624.	10/25/17	Review and revise deposition designations.	8.5	\$4,675
625.	10/25/17	Email with DOJ to schedule time to speak today.	.1	\$55

626.	10/25/17	Call with DOJ to ascertain position re position on potential Tudor motion to unseal DOJ-OAG settlement agreement and related filings re OAG motion for protective order.	.4	\$220
627.	10/26/17	Email to Linda Goode re question on unsealing DOJ-OAG settlement agreement and related filings, correct EY contact information on docket, fix error on docket call.	.2	\$110
628.	10/26/17	Respond to email from Linda Good.	.1	\$55
629.	10/26/17	Respond to email from Mindy House—set time and place to meet on 10/30/17 for trial prep.	.1	\$55
630.	10/26/17	Email to Judge Goodwin's chambers re follow up on settlement efforts.	.1	\$55
631.	10/26/17	Review and revise exhibit list and compile final exhibit copies for Defendants.	.4	\$220
632.	10/26/17	Call with Judge Goodwin re settlement efforts.	.2	\$110
633.	10/26/17	Draft motion to unseal OAG-DOJ settlement agreement and protective order motion documents and proposed order.	3.1	\$1,705
634.	10/26/17	File motion to unseal documents.	.2	\$110
635.	10/26/17	Call with client to discuss trial testimony and practice.	1.1	\$605
636.	10/26/17	Call with OAG to discuss settlement efforts and reach date certain for trial.	.2	\$110
637.	10/27/17	Email with Dr. Brown re scheduling trial testimony.	.1	\$55
638.	10/27/17	Email with OAG re setting trial date certain.	.1	\$55
639.	10/27/17	Return email to Dr. Parker re coordinating prep session and date for trial testimony.	.2	\$110
640.	10/27/17	Respond to OAG email re timing of Dr. Brown's trial testimony.	.1	\$55
641.	10/27/17	Organize and renumber final Tudor trial exhibits.	4.7	\$2,585
642.	10/27/17	Emails with MG re trial setting and settlement conference date. Return email to OAG re scheduling Dr. Brown's testimony.	.2	\$110
643.	10/27/17	Call with BN re trial logistics.	.4	\$220
644.	10/27/17	Call with Freedom for All Americans re preparing press releases for Tudor trial outcome and coordinating media strategy.	.5	\$225
645.	10/27/17	Begin draft opposition to OAG <i>Daubert</i> motion.	.6	\$330
646.	10/29/17	Review and revise opposition to OAG <i>Daubert</i> motion. Legal research in support of same.	4.2	\$2,310
647.	10/30/17	Travel from NYC to DFW*	4.5	\$1,237.50
648.	10/30/17	Travel from DFW to OKC*	3.5	\$962.5
649.	10/30/17	Emails with Cotter-Lynch to arrange for time to meet in person to prep in person on 10/30/17.	.3	\$165
650.	10/30/17	In person trial prep meeting with Mindy House.	1.1	\$605

651.	10/30/17	In person trial prep meeting with Meg Cotter-Lynch.	1.2	\$660
652.	10/31/17	Review and revise exhibit and witness form to bring to docket call on 11/1/17.	.5	\$225
653.	10/31/17	Draft talking points for docket call on 11/1/17.	.7	\$385
654.	10/31/17	In person meeting with MG and BN—prep for 11/1/17 docket call, settlement conference strategy, trial preparation, and strategy discussion re post-trial motion practice.	6.7	\$3,685
655.	10/31/17	Conferral call with OAG re settlement efforts, availability of witnesses.	.1	\$55
656.	11/1/17	Email to OAG (Lori Cornell) re deficiencies/issues with Defendants' trial exhibits.	.7	\$385
657.	11/1/17	Docket call hearing with Judge Cauthron.	.5	\$225
658.	11/1/17	Settlement conference with Judge Goodwin.	3.7	\$2,035
659.	11/1/17	Trial testimony prep with client.	3.9	\$2,145
660.	11/1/17	Trial testimony prep with client.	.6	\$330
661.	11/1/17	Email to Mindy House re scheduling testimony and follow up fact questions.	.2	\$110
662.	11/1/17	Email to Dr. Brown notifying he will not need to testify at trial.	.2	\$110
663.	11/2/17	Email to Linda Goode re contact info for court reporter.	.1	\$55
664.	11/2/17	Return email to Mindy House re logistics.	.1	\$55
665.	11/2/17	Call to Sheri Grubbs—leave VM ordering transcript of 11/1/17 hearing.	.1	\$55
666.	11/2/17	Draft email to Judge Goodwin re fees and costs available if prevail at trial.	.9	\$495
667.	11/2/17	Return email to BN re witness division.	.1	\$55
668.	11/2/17	Trial prep call with Meg Cotter-Lynch.	1.9	\$1,045
669.	11/2/17	Trial testimony prep with client.	1.4	\$770
670.	11/2/17	Return VM from OAG (Dixie Coffey) re settlement efforts.	.2	\$110
671.	11/2/17	Discuss settlement efforts with client.	.4	\$220
672.	11/2/17	Call with BN re settlement efforts.	.8	\$440
673.	11/2/17	Email to Meg Cotter-Lynch notifying her date of trial, likely date of testimony, and logistics for trial.	.2	\$110
674.	11/3/17	Prep for call with OAG (Dixie Coffey) re settlement efforts.	.2	\$110
675.	11/3/17	Call with OAG (Dixie Coffey) re settlement efforts.	.6	\$330
676.	11/3/17	Call with Dr. Parker re trial testimony prep.	2.1	\$1,155
677.	11/3/17	Call with Meg Cotter-Lynch re EHL Department receptivity to Tudor return.	.4	\$220
678.	11/3/17	Meeting with client re settlement efforts.	.8	\$440
679.	11/3/17	Email with Meg Cotter-Lynch re SE climate and Tudor's return.	.3	\$165
680.	11/3/17	Emails with MG and BN re timing of service of trial subpoenas.	.3	\$165

681.	11/3/17	Call with Meg Cotter-Lynch re SE climate and Tudor's return.	.1	\$55
682.	11/4/17	Trial testimony prep with client.	4.4	\$2,420
683.	11/4/17	Review and revise outline of direct examination of Dr. Parker.	.7	\$385
684.	11/4/17	Emails with MG re direct and cross examination of Cathy Conway and exhibit disputes.	.3	\$330
685.	11/5/17	Email with Meg Cotter-Lynch re SE climate.	.2	\$110
686.	11/5/17	Review and revise direct examination outline of Dr. Parker. Email to Dr. Parker.	.6	\$330
687.	11/5/17	Email to Sherri Grubbs re cost of transcripts.	.1	\$55
688.	11/5/17	Email to Meg Cotter-Lynch re Tudor's 2010-11 portfolio.	.1	\$55
689.	11/5/17	Trial testimony prep with client.	4.3	\$2,365
690.	11/6/17	Email to Meg Cotter-Lynch to reschedule call.	.1	\$55
691.	11/6/17	Draft trial subpoenas.	.6	\$330
692.	11/6/17	Call with Meg Cotter-Lynch re prep for trial testimony.	.8	\$440
693.	11/6/17	Call with Dr. Parker re prep for trial testimony.	1.3	\$715
694.	11/6/17	Email with MG re jury selection and voir dire coordination.	.1	\$55
695.	11/6/17	Review and revise trial subpoenas. File on docket. Coordinate service with process server in OKC and Durant, OK.	2.6	\$1,430
696.	11/6/17	Call with BN to discuss settlement efforts.	.3	\$165
697.	11/6/17	Emails with BN and MG re trial subpoenas service and ordering of Tudor witnesses.	.5	\$275
698.	11/6/17	Meeting with client to discuss settlement efforts.	.2	\$110
699.	11/6/17	Begin draft opening statement.	.6	\$330
700.	11/6/17	Draft response to OAG settlement offer.	.6	\$330
701.	11/7/17	Email to OAG with Tudor counter-offer.	.1	\$55
702.	11/7/17	Conferral with client re settlement strategy.	.3	\$165
703.	11/7/17	Call with BN to discuss next steps re settlement efforts.	.2	\$110
704.	11/7/17	Call with OAG to discuss settlement.	.2	\$110
705.	11/7/17	Call with Judge Goodwin re settlement efforts.	.2	\$110
706.	11/7/17	Call with BN to update on call with Judge Goodwin and settlement efforts.	.4	\$220
707.	11/7/17	Emails with Dan Althoff re trial subpoena.	.1	\$55
708.	11/7/17	Email with Meg Cotter-Lynch re SE climate.	.2	\$110
709.	11/7/17	Email to client re updates.	.1	\$55
710.	11/7/17	Review and revise opening statement.	1.1	\$605
711.	11/7/17	Meeting with MG and BN to discuss voir dire and strategize selection.	2.4	\$1,320
712.	11/7/17	Email MG copy of draft opening statement.	.1	\$55
713.	11/8/17	Final prep for voir dire and jury selection.	1.5	\$825
714.	11/8/17	Voir dire and jury selection.	1.6	\$880
715.	11/8/17	Settlement Conference with Judge Jones.	4.9	\$2,695

716.	11/8/17	Email to Sherri Grubbs providing list of names (with correct spellings) read by Judge Cauthron during voir dire.	.1	\$55
717.	11/8/17	Research on backgrounds of selected jurors; conferral meeting with MG and BN.	1.8	\$990
718.	11/9/17	Emails with Linda Goode re local rules concerning marking of trial exhibits and timing to deliver Tudor trial exhibits to the courthouse.	.4	\$220
719.	11/9/17	Deliver hard copy trial exhibits to OAG office.	.2	\$110
720.	11/9/17	Emails with OAG re disputes regarding Tudor and OAG trial exhibits.	.3	\$165
721.	11/9/17	Review and revise direct examination outline for Meg Cotter-Lynch.	1.2	\$660
722.	11/9/17	Draft motion in limine and motion to strike affirmative defenses and proposed order.	2.6	\$1,430
723.	11/9/17	Call with Prof. Kimberlé Crenshaw re strategy for opening and closing statement, framing of narrative, tips on communication with OKC audience.	1	\$550
724.	11/10/17	Draft Tudor motion in limine and motion to strike. Email copy to BN so she can draft proposed order.	2.1	\$1,155
725.	11/10/17	Email copy of Tudor direct examination outline to MG.	.1	\$55
726.	11/10/17	Order and pick up custom stamp to mark all trial exhibits with case number as per OAG demand.	.3	\$165
727.	11/10/17	Review and prep trial exhibits with BN.	2.6	\$1,430
728.	11/10/17	Prep for call with Dr. Parker re trial testimony prep.	2.1	\$1,155
729.	11/10/17	Review and revise direct examination outline for Dr. Parker. Email Dr. Parker re direct examination revisions.	2.8	\$1,540
730.	11/11/17	File motion in limine and motion to strike affirmative defenses.	.2	\$110
731.	11/11/17	Review and prep trial exhibits with BN.	9.6	\$5,280
732.	11/11/17	Trial testimony prep with client.	3.6	\$1,980
733.	11/11/17	Trial testimony prep with client.	1.7	\$935
734.	11/11/17	Review and revise opening statement.	.4	\$220
735.	11/11/17	Email to Mindy House re logistics for trial.	.2	\$110
736.	11/12/17	Review and revise opening statement.	3.7	\$2,035
737.	11/13/17	Review and revise opening statement. Practice opening statement for timing.	2.6	\$1,430
738.	11/13/17	Jury trial.	6.5	\$3,575
739.	11/13/17	Meeting with co-counsel re trial strategy.	1.6	\$880
740.	11/13/17	Meeting with client to practice cross and redirect.	1.2	\$660
741.	11/13/17	Begin draft closing statement.	3.6	\$1,980
742.	11/13/17	Call with William Fridley re trial subpoena.	.3	\$165
743.	11/13/17	Review trial transcript from 11/13/17.	1.5	\$825
744.	11/13/17	Email to OAG re OAG trial exhibits.	.2	\$110
745.	11/14/17	Email with Willian Fridley memorializing phone call.	.1	\$55
746.	11/14/17	Jury trial.	5.8	\$3,190

747.	11/14/17	Conferral meeting with client and co-counsel.	1.1	\$605
748.	11/14/17	Call with James Knapp—rescheduling trial testimony.	.2	\$110
749.	11/14/17	Email with BN and MG re shuffling of witnesses on 11/15/17 to accommodate James Knapp late arrival.	.1	\$55
750.	11/14/17	Email to William Fridley following up on day to come for testimony.	.1	\$55
751.	11/14/17	Mark-up revisions to jury instructions provided by clerk. Draft talking points for objections.	.9	\$495
752.	11/14/17	Email with BN and MG re revisions to jury instructions.	.2	\$110
753.	11/14/17	Draft outline of James Knapp direct examination.	1.9	\$1,045
754.	11/14/17	Review trial transcript from 11/14/17.	1.6	\$880
755.	1/15/17	Draft outline of Mark Spencer direct examination.	1.2	\$660
756.	11/15/17	Emails with BN and MG re coordinating service of subpoena/ securing voluntary compliance of Dr. Weiner to testify. Coordinate with MG and process server.	.6	\$330
757.	11/15/17	Draft Tudor proposed verdict form. Email draft form to Linda Goode.	.9	\$495
758.	11/15/17	Review and revise closing statement.	2.1	\$1,155
759.	11/15/17	Jury trial.	5.8	\$3,190
760.	11/15/17	Conferral meeting with client and co-counsel.	1.1	\$605
761.	11/15/17	Review trial transcript from 11/15/17.	1.9	\$1,045
762.	11/16/17	Draft talking points for Tudor directed verdict.	1.2	\$660
763.	11/16/17	Chambers meeting with Judge Cauthron and OAG re directed verdict motions.	.4	\$220
764.	11/16/17	Jury trial.	6.3	\$3,465
765.	11/16/17	Conferral meeting with client and co-counsel.	1.1	\$605
766.	11/16/17	Meeting with BN and MG re closing statement. Review and revise closing statement.	3.6	\$1,980
767.	11/16/17	Review trial transcript from 11/16/17.	1.7	\$935
768.	11/17/17	Review and revise closing statement. Practice closing statement.	4.3	\$2,365
769.	11/17/17	Chambers meeting with Judge Cauthron and OAG re jury instructions and verdict form.	.4	\$220
770.	11/17/17	Jury trial.	6.1	\$3,355
771.	11/17/17	Conferral meeting with client and co-counsel.	1.1	\$605
772.	11/18/17	Review trial transcript from 11/17/17.	.9	\$495
773.	11/20/17	Jury trial.	3.5	\$1,925
774.	11/20/17	Emails with TLDEF re itemized fees and costs.	.2	\$110
775.	11/21/17	Emails with TLDEF re cease and desist public statements.	.2	\$110
776.	11/22/17	Drive from OKC to DFW*	3.5	\$962.5
777.		Flight from DFW to NYC*	4.5	\$1,237.50
778.	11/27/17	Email with client re trial transcripts and points for reinstatement briefing.	.3	\$165
779.	11/27/17	Email with Sherri Grubbs to order 11/8/17 voir dire transcript.	.1	\$55

780.	11/28/17	Emails with Sherri Grubbs to order 11/8/17 voir dire transcript.	.2	\$110
781.	11/29/17	Emails with TLDEF re itemized fees and costs and cease and desist public statements.	.4	\$220
782.	12/5/17	Return email to client re reinstatement briefing.	.2	\$110
783.	12/5/17	Legal research re reinstatement in Title VII matters.	1.2	\$660
784.	12/5/17	Emails to David Lopez, Shannon Minter, Jennifer Levi, James Esseks, and Greg Nevins seeking exemplar briefs on reinstatement issue.	.3	\$165
785.	12/5/17	Begin draft of reinstatement brief.	1.9	\$1,045
786.	12/5/17	Respond to OAG email re remittitur and reinstatement.	.3	\$165
787.	12/5/17	Email to client re OAG email re remittitur and reinstatement.	.1	\$55
788.	12/5/17	Emails with Meg Cotter-Lynch re declaration in support of reinstatement.	.6	\$330
789.	12/6/17	Emails with Meg Cotter-Lynch re declaration in support of reinstatement.	.3	\$165
790.	12/6/17	Legal research re reinstatement factors across all circuits in professor/tenure cases.	1.6	\$1,430
791.	12/6/17	Review and revise reinstatement brief.	1.6	\$1,430
792.	12/6/17	Review of exemplar briefs in reinstatement cases.	.6	\$330
793.	12/6/17	Begin draft of Cotter-Lynch declaration.	.3	\$165
794.	12/7/17	Review and revise Cotter-Lynch declaration.	2.6	\$1,430
795.	12/7/17	Email to client re content for client declaration.	.1	\$55
796.	12/7/17	Review client email re content for client declaration.	.2	\$110
797.	12/7/17	Respond to client email re client declaration content.	.1	\$55
798.	12/8/17	Review and revise reinstatement brief.	2.6	\$1,430
799.	12/8/17	Review and revise reinstatement brief.	.8	\$440
800.	12/8/17	Review and revise reinstatement brief.	.7	\$385
801.	12/8/17	Review and revise reinstatement brief.	3.3	\$1,815
802.	12/9/17	Review and revise Cotter-Lynch declaration.	.7	\$385
803.	12/9/17	Review and revise reinstatement brief.	2.6	\$1,430
804.	12/10/17	Draft Tudor declaration.	2.3	\$1,265
805.	12/10/17	Review and revise reinstatement brief.	.9	\$495
806.	12/10/17	Email draft reinstatement brief to MG and BN.	.1	\$55
807.	12/11/17	Return email to Meg Cotter-Lynch re signed declaration.	.1	\$55
808.	12/11/17	Review and revise reinstatement brief.	2.6	\$1,430
809.	12/11/17	Return email to client re edits to client declaration.	.1	\$55
810.	12/11/17	Email Cotter-Lynch confirming receipt of signed declaration.	.1	\$55
811.	12/11/17	Emails with client re revisions to client declaration.	.2	\$110
812.	12/11/17	Review and revise reinstatement brief.	1.2	\$660
813.	12/11/17	Respond to email from MG re feedback on draft reinstatement brief.	.1	\$55
814.	12/11/17	Review and revise reinstatement brief. Compile and mark all exhibits. File.	6.9	\$3,795

815.	12/11/17	Draft proposed order for reinstatement. Email to clerk and all parties.	.3	\$165
816.	12/11/17	Send courtesy copy of reinstatement brief to court; send tracking info to Linda Goode.	.1	\$55
817.	12/11/17	Send copy of reinstatement brief and exhibits as filed to client.	.1	\$55
818.	12/13/17	Follow up email with Sherri Grubbs re 11/8/17 transcript.	.1	\$55
819.	12/14/17	Follow up email with Sherri Grubbs re 11/8/17 transcript.	.1	\$55
820.	12/15/17	Legal research and memorandum to file re statutory caps and remittitur issues.	.9	\$495
821.	12/15/17	Email to Sheri Grubs re spellings of names in 11/15/17 transcript.	.2	\$110
822.	12/18/17	Return email to client re next steps and briefing schedule.	.2	\$110
823.	12/19/17	Emails with Dr. Parker re expert's itemized expenses and invoice for trial.	.2	\$110
824.	12/20/17	Skim review OAG opposition to reinstatement and exhibits. Call with client. Email to Meg Cotter-Lynch requesting call.	.4	\$220
825.	12/20/17	Review and mark-up OAG opposition to reinstatement. Draft questions for client.	2.2	\$1,210
826.	12/20/17	Email to Dr. parker re OAG opposition to reinstatement.	.1	\$55
827.	12/20/17	Email to client re next steps.	.1	\$55
828.	12/20/17	Return email to Sheri Grubbs re voir dire transcript and check. Prepare cover letter re same.	.2	\$110
829.	12/20/17	Return email to client re OAG opposition to reinstatement.	.1	\$55
830.	12/20/17	Return email to Meg Cotter-Lynch re scheduling to to speak.	.1	\$55
831.	12/20/17	Emails with client re OAG opposition to reinstatement.	.2	\$110
832.	12/20/17	Emails with BN re OAG opposition to reinstatement.	.1	\$55
833.	12/21/17	Emails with client re OAG opposition to reinstatement.	.2	\$110
834.	12/21/17	Email with MG re OAG opposition to reinstatement.	.1	\$55
835.	12/21/17	Legal research on grounds for appeal of jury verdict.	.2	\$110
836.	12/21/17	Call with client re OAG opposition to reinstatement.	2.1	\$1,155
837.	12/21/17	Review recommendation letters from client's Collin College colleagues.	.2	\$110
838.	12/21/17	Email to client with list of items needed for reply to OAG reinstatement opposition.	.2	\$110
839.	12/21/17	Reply to email from Meg Cotter-Lynch.	.2	\$110
840.	12/21/17	Legal research re timing of appeal of jury verdict where 50(b) motion not timely filed.	.4	\$220
841.	12/21/17	Legal research on Rule 50(a)/50(b) motions and Rule 59 motions—timing, sufficiency of preserving issues.	.7	\$385

842.	12/21/17	Review email from Dr. Parker re feedback on OAG opposition to reinstatement as to tenure issues. Respond to Parker email.	1.1	\$605
843.	12/22/17	Review client email re OAG opposition to reinstatement.	.3	\$165
844.	12/22/17	Call with client to discuss strategy for reply to OAG opposition to reinstatement.	.7	\$385
845.	12/22/17	Email to Lisa Roy Davis.	.1	\$55
846.	12/22/17	Emails with MG and BN re need to look at Rules 50(a), 50(b), and 59 motion issues.	.2	\$110
847.	12/22/17	Prep for call with Meg Cotter-Lynch.	.2	\$110
848.	12/22/17	Respond to email from Lisa Roy Davis.	.1	\$55
849.	12/22/17	Review SE Faculty Senate minutes from 11/29/17.	.2	\$110
850.	12/22/17	Phone call with husband of Lisa Roy Davis.	.1	\$55
851.	12/22/17	Phone call with client re exhibits to be used in reply to OAG opposition to reinstatement.	.4	\$220
852.	12/22/17	Call with Jollene Weier to discuss declaration.	.3	\$165
853.	12/22/17	Call with client to discuss Weier declaration.	.3	\$165
854.	12/22/17	Email to Joellene Weier re declaration.	.1	\$55
855.	12/22/17	Begin to compile exhibits for reply to OAG opposition to reinstatement.	.2	\$110
856.	12/23/17	Call with Carolyn Fridley to discuss declaration.	.2	\$110
857.	12/23/17	Email to Carolyn Fridley re declaration.	.1	\$55
858.	12/23/17	Draft Carolyn Fridley declaration. Email to Fridley.	.6	\$330
859.	12/23/17	Draft declaration of Jonelle Weier. Email to Weier.	.7	\$385
860.	12/23/17	Respond to client email re exhibits for reply to OAG opposition to reinstatement.	.1	\$55
861.	12/26/17	Draft client declaration.	2.4	\$1,320
862.	12/26/17	Draft reply to OAG opposition to reinstatement.	.9	\$495
863.	12/26/17	Review and revise reply to OAG opposition to reinstatement.	2.6	\$1,430
864.	12/26/17	Review and revise reply to OAG opposition to reinstatement.	3	\$1,650
865.	12/26/17	Review and revise Jonnelle Weier declaration and email back to Weier.	.2	\$110
866.	12/26/17	Review and revise Jonnelle Weier declaration and email back to Weier.	.1	\$55
867.	12/27/17	Review and revise Jonnelle Weier declaration and email back to Weier.	.2	\$110
868.	12/27/17	Emails with client re reply to OAG opposition to reinstatement.	.2	\$110
869.	12/27/17	Draft declaration for Meg Cotter-Lynch.	1.2	\$660
870.	12/27/17	Respond to Cotter-Lynch request for edits to declaration.	.1	\$55
871.	12/27/17	Review and revise reply to OAG opposition to reinstatement.	3.3	\$1,815
872.	12/27/17	Review edits from Carolyn Fridley to declaration.	.1	\$55

873.	12/27/17	Text with Carolyn Fridley re edits to declaration. Review and revise Fridley declaration, return to Fridley for signature.	.4	\$220
874.	12/27/17	Email client copies of signed declarations from Fridley and Weier.	.1	\$55
875.	12/27/17	Email draft reply to OAG opposition to reinstatement to MG and BN. Send copy to client for review.	.1	\$55
876.	12/28/17	Review email from Cotter-Lynch with requests for edits to declaration. Review and revise Cotter-Lynch declaration and return via email.	1.4	\$770
877.	12/28/17	Emails with BN and MG re edits to reply to OAG opposition to reinstatement.	.3	\$165
878.	12/28/17	Respond to email from Meg Cotter-Lynch re edits to declaration.	.1	\$55
879.	12/28/17	Review and revise reply to OAG opposition to reinstatement.	1.9	\$1,045
880.	12/28/17	Legal research—cases cited by OAG re availability of tenure as remedy.	.6	\$330
881.	12/28/17	Email to client re status of declarations and reply brief.	.1	\$55
882.	12/28/17	Review and revise reply to OAG opposition to reinstatement.	.6	\$330
883.	12/29/17	Email to Meg Cotter-Lynch re declaration.	.1	\$55
884.	12/29/17	Review and revise reply to OAG opposition to reinstatement.	2.7	\$1,485
885.	12/29/17	Email to Meg Cotter-Lynch re declaration.	.1	\$55
886.	12/29/17	Review and revise Meg Cotter-Lynch declaration.	.1	\$55
887.	12/29/17	Email to client re client declaration.	.1	\$55
888.	12/29/17	Email draft reply brief and exhibits to client for review.	.1	\$55
889.	12/29/17	Email draft reply brief to MG and BN for review.	.1	\$55
890.	12/29/17	Return client emails re draft of reply brief and exhibits.	.2	\$110
891.	12/29/17	Review and revise client declaration and compile exhibits attached thereto.	3.8	\$2,090
892.	12/29/17	Review and revise reply to OAG opposition to reinstatement.	2.6	\$1,430
893.	12/29/17	Call with client to discuss client declaration edits.	.2	\$110
894.	12/29/17	Email draft of reply brief and exhibits to MG and BN.	.1	\$55
895.	12/29/17	Call with client about client declaration edits.	.2	\$110
896.	12/29/17	Review and revise reply to OAG opposition to reinstatement. File.	2.6	\$1,430
897.	1/2/18	Coordinate printing and delivery of courtesy copy of reply to OAG opposition to reinstatement. Email Linda Goode tracking number for courtesy copy.	.2	\$110
898.	1/4/18	Call with BN—timing on remaining briefing, discussion of appeal process, coordinating joint motion for fees.	.8	\$440
899.	1/4/18	Review OAG email re seeking leave to file surreply re reinstatement. Review local rules.	.2	\$110
900.	1/4/18	Respond to OAG email re surreply.	.1	\$55

901.	1/4/18	Email with BN re OAG request to file surreply.	.1	\$55
902.	1/4/18	Respond to BN email re OAG request to file surreply.	.1	\$55
903.	1/4/18	Review OAG motion for leave to file surreply.	.1	\$55
904.	1/4/18	Email client re OAG motion for leave to file surreply.	.1	\$55
905.	1/4/18	Respond to client email re OAG motion for leave to file surreply.	.2	\$110
906.	1/4/18	Respond to client email re OAG motion for leave to file surreply.	.2	\$110
907.	1/5/18	Respond to client email re OAG motion for leave to file surreply.	.2	\$110
908.	1/5/18	Email with DOJ re set up call today.	.1	\$55
909.	1/5/18	Call with client to discuss surreply and DOJ call.	.4	\$220
910.	1/5/18	Call with DOJ—Allan Townsend leaving DOJ.	.1	\$55
911.	1/5/18	Email with BN and MG re filing FOIA request.	.2	\$110
912.	1/5/18	Draft FOIA request re DOJ-OAG settlement.	.6	\$330
913.	1/5/18	Email copy of FOIA request to client for review.	.1	\$55
914.	1/5/18	Email copy of FOIA request to BN and MG.	.1	\$55
915.	1/8/18	Review order re grant of leave to file surreply.	.1	\$55
916.	1/8/18	Email client re order re grant of leave to file surreply.	.1	\$55
917.	1/8/18	Email with BN and MG re SE compliance with settlement agreement and FOIA request.	.1	\$55
918.	1/9/18	Respond to client email re next steps with OAG surreply.	.2	\$110
919.	1/11/18	Review FOIA response letter from DOJ FOIA office. Fill out certification of identity form. Email to client for signature.	.3	\$165
920.	1/12/18	Email to client—follow up on FOIA certification of identity form signature.	.1	\$55
921.	1/13/18	Review email from client re FOIA.	.1	\$55
922.	1/16/18	Email to client—follow up on FOIA certification of identity form signature.	.1	\$55
923.	1/16/18	Review OAG surreply.	.6	\$330
924.	1/16/18	Email copy of OAG surreply to client. Emails with MG and Bn re same.	.1	\$55
925.	1/16/18	Email with client re OAG surreply.	.1	\$55
926.	1/17/18	Email with client re DOJ FOIA.	.1	\$55
927.	1/17/18	Email with MG and BN re coordinating meeting re next steps.	.1	\$55
928.	1/17/18	Call with MG re next steps in reinstatement briefing and planning appeal.	.6	\$330
929.	1/17/18	Respond to MG re 10th Circuit contacts.	.1	\$55
930.	1/17/18	Draft summary meeting email, send to BN and MG.	.2	\$110
931.	1/17/18	Email to client updating on MG and EY meeting and next steps.	.1	\$55
932.	1/17/18	Respond to client email re reinstatement briefing.	.2	\$110
933.	1/18/18	Email to client re set up call.	.1	\$55
934.	1/19/18	Emails with client re settlement viability.	.3	\$165

935.	1/19/18	Legal research and memorandum to file re Rule 50(b) motions and timing.	1.6	\$880
936.	1/22/18	Prep for call with client.	.5	\$225
937.	1/22/18	Call with client to discuss next steps through reinstatement briefing, other post-judgment briefs, and appeals.	.7	\$385
938.	1/29/18	Review order denying reinstatement.	.2	\$110
939.	1/29/18	Call with client to discuss next steps on reinstatement.	.4	\$220
940.	1/29/18	Emails with MG and BN re next steps on reinstatement.	.3	\$165
941.	1/29/18	Begin outline of reconsideration of reinstatement motion.	1.9	\$1,045
942.	1/29/18	Email to Meg Cotter-Lynch notifying of denial of reinstatement.	.1	\$55
943.	1/30/18	Emails with client re reconsideration of reinstatement.	.2	\$110
944.	1/30/18	Emails with MG and BN re reconsideration of reinstatement.	.2	\$110
945.	1/30/18	Review and revise outline of reconsideration of reinstatement.	1.3	\$715
946.	1/30/18	Begin draft of reconsideration of reinstatement motion.	.1	\$55
947.	1/30/18	Legal research on standard for reconsideration.	1.4	\$770
948.	1/30/18	Respond to email from Meg Cotter-Lynch re reconsideration of reinstatement.	.2	\$110
949.	1/30/18	Email to MG and BN re reconsideration of reinstatement status.	.2	\$110
950.	1/30/18	Call with client to discuss reconsideration of reinstatement motion.	.7	\$385
951.	1/30/18	Return email to client re reconsideration of reinstatement.	.1	\$55
952.	1/31/18	Call with MG and BN re strategy for reconsideration of reinstatement motion and preserving issues for appeal.	.7	\$385
953.	2/1/18	Call with client re reconsideration of reinstatement motion.	.6	\$330
954.	2/1/18	Review and revise motion for reconsideration of reinstatement.	.3	\$165
955.	2/1/18	Email with Dr. Parker re denial of reinstatement.	.2	\$110
956.	2/2/18	Review and revise reconsideration of reinstatement motion.	.8	\$440
957.	2/2/18	Review and revise reconsideration of reinstatement motion.	.3	\$165
958.	2/2/18	Review and revise reconsideration of reinstatement motion.	.8	\$440
959.	2/2/18	Review and revise reconsideration of reinstatement motion. Additional legal research on hallmarks of "extreme hostilities" precluding reinstatement and equitable considerations.	3.3	\$1,815
960.	2/3/18	Respond to client questions re reconsideration of reinstatement motion.	.7	\$385

961.	2/3/18	Legal research on equitable considerations pertinent to reconsideration of reinstatement motion.	.7	\$385
962.	2/5/18	Review and revise reconsideration of reinstatement motion.	1.7	\$935
963.	2/5/18	Review and revise reconsideration of reinstatement motion.	4.3	\$2,365
964.	2/5/18	Review and revise reconsideration of reinstatement motion.	2.2	\$1,210
965.	2/5/18	Legal research on equitable maxims and principles for reconsideration of reinstatement motion.	.8	\$440
966.	2/6/18	Email draft reconsideration of reinstatement motion to client. Emails with client re same.	.2	\$110
967.	2/6/18	Email draft of reconsideration of reinstatement motion to BN and MG. Emails with co-counsel re same.	.2	\$110
968.	2/6/18	Review and revise reconsideration of reinstatement motion.	3.2	\$1,760
969.	2/6/18	Review and revise reconsideration of reinstatement motion.	3.3	\$1,815
970.	2/6/18	Call with MG confer re reconsideration of reinstatement motion.	1.1	\$605
971.	2/6/18	Call with Dr. Parker re consideration of reinstatement motion—discuss issues of fact re tenure credentials of comparators and standard for tenure in SE EHL department.	1.1	\$605
972.	2/7/18	Email to BN re reconsideration of reinstatement and drafting of motion for extension for front pay motion.	.1	\$55
973.	2/7/18	Review and revise Tudor reconsideration of reinstatement motion.	2.6	\$1,430
974.	2/7/18	Review and revise reconsideration of reinstatement motion.	2.7	\$1,485
975.	2/7/18	Review and revise reconsideration of reinstatement motion.	2.6	\$1,430
976.	2/8/18	Review and revise reconsideration of reinstatement motion.	3.2	\$1,760
977.	2/8/18	Review and revise reconsideration of reinstatement motion.	1	\$550
978.	2/8/18	Call with client re reconsideration of reinstatement motion.	.2	\$110
979.	2/8/18	Review and revise reconsideration of reinstatement motion.	2.6	\$1,430
980.	2/9/18	Review and revise reconsideration of reinstatement motion.	4	\$2,200
981.	2/9/18	Review and revise reconsideration of reinstatement motion. File.	2.7	\$1,485
982.	2/9/18	Email client copy of reconsideration of reinstatement motion as filed.	.1	\$55
983.	2/10/18	Review and revise motion for extension of time to file front pay motion. File.	.6	\$330

984.	2/12/18	Review minutes of RUSO 1/26/18 meeting re promotion and tenure decisions in SE EHL department; review tentative agenda for 2/16/18 meeting.	.4	\$220
985.	2/12/18	Email to Linda Goode re extension sought on front pay motion.	.1	\$55
986.	2/12/18	Review order denying reconsideration of reinstatement/ partially granting extension to file motion for front pay.	.1	\$55
987.	2/12/18	Call with client to discuss order denying reconsideration of reinstatement/ partially granting extension to file motion for front pay.	.6	\$330
988.	2/12/18	Email to Meg Cotter-Lynch re denial of reconsideration of reinstatement motion; set up time to speak via phone re front pay motion.	.2	\$110
989.	2/12/18	Emails with David Lopez re advice on appealing reinstatement/ preserving issues for appeal.	.2	\$110
990.	2/12/18	Legal research—front pay.	.4	\$220
991.	2/12/18	Emails with Meg Cotter-Lynch seeking information needed for declaration in support of front pay.	.4	\$220
992.	2/13/18	Begin draft outline of reconsideration reinstatement/front pay motion.	.9	\$495
993.	2/13/18	Additional legal research—front pay.	.8	\$440
994.	2/13/18	Additional legal research—front pay.	2.4	\$1,320
995.	2/13/18	Call with client re collection information needed for declaration in support of reconsideration reinstatement/front pay motion.	1.2	\$660
996.	2/13/18	Begin draft of reconsideration reinstatement/front pay motion.	.6	\$330
997.	2/13/18	Research on timing to file notice of appeal of denial of reinstatement; email to MG and BN re same.	.3	\$165
998.	2/14/18	Memo to file re timing of notice of appeal to preserve reinstatement issue.	.6	\$330
999.	2/14/18	Call with client to gather information needed for declaration re reconsideration reinstatement/front pay motion.	.2	\$110
1000.	2/14/18	Emails with MG and BN re timing of remaining post-judgment motions.	.3	\$165
1001.	2/14/18	Review and revise reconsideration reinstatement/front pay motion.	.7	\$385
1002.	2/15/18	Begin outline of attorneys fees motion.	1.3	\$715
1003.	2/15/18	Email to client re sequencing of post-judgment motions.	.4	\$220
1004.	2/15/18	Emails with BN re sequencing of post-judgment motions.	.1	\$55
1005.	2/16/18	Email to Meg Cotter-Lynch confirming today's call.	.1	\$55
1006.	2/16/18	Prep questions for call with Meg Cotter-Lynch.	.7	\$385
1007.	2/16/18	Call with Meg Cotter-Lynch to gather info for declaration in support of reconsideration reinstatement/front pay motion.	1.5	\$825

1008	2/19/18	Begin draft post judgment interest motion. Legal research re same.	1.3	\$715
1009	2/19/18	Begin draft motion requesting entry of judgment and proposed order.	1.4	\$770
1010	2/19/18	Review and revise reconsideration reinstatement/front pay motion. Draft proposed order.	1.3	\$715
1011	2/20/18	Draft notice of appeal of reinstatement.	.1	\$55
1012	2/20/18	Legal research on front pay. Review and revise reconsideration reinstatement/front pay motion.	1	\$550
1013	2/20/18	Email to DOJ-CR FOIA office following up on 1/17/18 email.	.1	\$55
1014	2/20/18	Begin draft EY declaration in support of attorneys fees.	.3	\$165
1015	2/20/18	Emails with MG re timing of attorneys fees petition.	.1	\$55
1016	2/20/18	Emails with MG and BN re fees and costs petitions.	.2	\$110
1017	2/20/18	Return email to client re AAUP conference; emails with MG and BN re same.	.2	\$110
1018	2/21/18	Review and revise reconsideration reinstatement/front pay motion.	.9	\$495
1019	2/21/18	Email to TLDEF re TLDEF representation in itemized fees and costs issue.	.1	\$55
1020	2/21/18	Email to Bill Lee re notice of upcoming petition for attorneys fees and costs.	.1	\$55
1021	2/21/18	Begin draft of Exhibit 8 to reconsideration reinstatement/front pay motion, calculating out front pay.	.4	\$220
1022	2/21/18	Review and revise draft of Exhibit 8 to reconsideration reinstatement/front pay motion, calculating out front pay.	.7	\$385
1023	2/22/18	Begin draft of Meg Cotter-Lynch declaration in support of front pay.	1.1	\$605
1024	2/22/18	Return email to TLDEF re itemized fees and costs.	.2	\$110
1025	2/22/18	Call with MG to discuss timing of fees and costs petitions.	.1	\$55
1026	2/22/18	Respond to TLDEF email re timing of petitions for fees and costs/ entry of judgment.	.1	\$55
1027	2/22/18	Review and revise Meg Cotter-Lynch declaration in support of front pay.	1.3	\$715
1028	2/22/18	Review and revise Meg Cotter-Lynch declaration in support of front pay. Email copy of draft to Cotter-Lynch for review.	.2	\$110
1029	2/23/18	Review and revise draft reconsideration reinstatement/front pay motion.	1.9	\$1,045
1030	2/23/18	Review and revise draft reconsideration reinstatement/front pay motion.	1.6	\$880
1031	2/25/18	Research re current prevailing interest rates and inflation rates. Legal research on calculation of reduction to net present value under 10th Cir precedent. Review and revise Exhibit 8 to reconsideration	3.8	\$2,090

		reinstatement/front pay motion, calculating out front pay.		
1032	2/25/18	Review and revise Cotter-Lynch declaration in support of front pay.	.9	\$495
1033	2/25/18	Email to MG and BN re Exhibit 8 (calculating front pay) and status of reconsideration reinstatement/front pay motion.	.2	\$110
1034	2/26/18	Respond to email from Meg Cotter-Lynch re declaration in support of front pay.	.1	\$55
1035	2/26/18	Review and revise reconsideration reinstatement/ front pay motion.	1.9	\$1,045
1036	2/26/18	Email front of reconsideration reinstatement/ front pay motion to BN and MG for comment.	.1	\$55
1037	2/26/18	Review and revise Exhibit 8 to reconsideration reinstatement/front pay motion, calculating out front pay.	1.6	\$880
1038	2/26/18	Review and revise reconsideration reinstatement/ front pay motion.	4.1	\$2,255
1039	2/27/18	Review and revise Cotter-Lynch declaration in support of front pay. Email draft to Cotter-Lynch for signature.	.6	\$330
1040	2/27/18	Review and revise Tudor declaration in support of front pay. Email draft to client for review and signature.	1.9	\$1,045
1041	2/27/18	Review and revise reconsideration reinstatement/ front pay motion.	.6	\$330
1042	2/27/18	Review and revise reconsideration reinstatement/ front pay motion. Recalculate all of Exhibit 8 (calculating out front pay) due to corrections from Cotter-Lynch. Assemble and mark all exhibits in support. Texts with MG and BN re ECF filing error screen. File. Email proposed order to Court.	12.4	\$6,820
1043	2/28/18	Order printing and delivery of courtesy copy of reconsideration of front pay. Emails with Linda Goode passing on delivery status.	.3	\$165
1044	3/2/18	Legal research re new decisions on use of after-acquired evidence in anticipation of OAG response to Tudor reconsideration/reinstatement motion.	1.6	\$880
1045	3/5/18	Email to client re mitigation efforts.	.1	\$55
1046	3/5/18	Call with client re mitigation efforts.	1.1	\$605
1047	3/6/18	Additional legal research on timeliness of Rule 50(b) motion.	.7	\$385
1048	3/9/18	Call with client re mitigation efforts and FOIA request.	.3	\$165
1049		Email to client re legal advice for attendance at SE conference on 3/10/18.	1.6	\$880
1050		Emails with client re legal advice for attendance at SE conference on 3/10/18.	.3	\$165
1051	3/10/18	Check in emails to client re SE conference.	.2	\$110

1052	3/11/18	Emails with client re SE conference on 3/10/18 and first motion to supplement reconsideration of reinstatement/front pay motion.	.7	\$385
1053	3/12/18	Begin draft of first motion to supplement reconsideration of reinstatement/front pay motion. Draft Tudor declaration in support of same. Assemble and mark exhibits. Email all to client for review.	3.1	\$1,705
1054	3/12/18	Emails with OAG re position on Tudor's first motion to supplement reconsideration of reinstatement/front pay motion.	.1	\$55
1055	3/12/18	Emails with client re corrections to first motion to supplement reconsideration of reinstatement/ front pay motion and Tudor declaration in support.	.1	\$55
1056	3/12/18	Review and revise first motion to supplement reconsideration of reinstatement/ front pay motion and Tudor declaration in support.	.3	\$165
1057	3/12/18	Respond to OAG email re position on Tudor's first motion to supplement reconsideration of reinstatement/front pay motion.	.1	\$55
1058	3/12/18	Review and revise Tudor's first motion to supplement reconsideration of reinstatement/front pay motion.	.4	\$220
1059	3/12/18	Drafted proposed order for Tudor's first motion to supplement reconsideration of reinstatement/front pay motion.	.2	\$110
1060	3/12/18	Review and revise Tudor's first motion to supplement reconsideration of reinstatement/front pay motion. File.	.2	\$110
1061	3/13/18	Respond to email from Linda Goode re courtesy copy for ECF 280.	.1	\$55
1062	3/13/18	Review and revise EY declaration in support of attorneys fees motion.	.7	\$385
1063	3/14/18	Review and revise EY declaration in support of attorneys fees motion.	.7	\$385
1064	3/15/18	Review and revise EY declaration in support of attorneys fees motion.	1	\$550
1065	3/15/18	Review and revise EY declaration in support of attorneys fees motion.	4.3	\$2,365
1066	3/16/18	Emails with client re mitigation efforts.	.2	\$110
1067	3/16/18	Emails with client re SE EHL tenure track position opening ad.	.1	\$55
1068	3/19/18	Emails with client re publication status of new articles.	.2	\$110
1069	3/19/18	Emails with BN and MG re client's publication of new articles; discuss filing second motion to supplement reinstatement/front pay motion.	.2	\$110
1070	3/19/18	Respond to email from MG re timing to file second motion to supplement reinstatement/front pay motion.	.1	\$55
1071	3/19/18	Email to OAG requesting position on Tudor's second motion to supplement reconsideration reinstatement/front pay motion.	.2	\$110

1072	3/19/18	Draft second motion to supplement reconsideration reinstatement/front pay motion.	.9	\$495
1073	3/19/18	Review and revise second motion to supplement reconsideration reinstatement/front pay motion. Assemble and mark exhibits. File.	3.4	\$1,870
1074	3/19/18	Emails with client re filing of second motion to supplement reconsideration reinstatement/front pay motion.	.2	\$110
1075	3/20/18	Legal research re timing and relief for DOJ failure to timely respond to 1/10/2018 FOIA request.	.1	\$55
1076	3/20/18	Email to DOJ FOIA office following up on 1/10/18 FOIA request.	.1	\$55
1077	3/20/18	Review OAG response to Tudor's reconsideration reinstatement/front pay motion.	.3	\$165
1078	3/20/18	Review redocketed OAG response to Tudor's reconsideration reinstatement/front pay motion.	.2	\$110
1079	3/20/18	Email to OAG (Jeb Joseph) re refiled OAG response to Tudor's reconsideration reinstatement/front pay motion. Request that as courtesy OAG clarify to court that OAG was notified of substance of Tudor redocketed second motion to supplement.	.1	\$55
1080	3/21/18	Outline reply to OAG opposition to reinstatement/ front pay motion.	1.1	\$605
1081	3/21/18	Emails with BN and MG re strategy responding to OAG opposition to reinstatement/front pay motion.	.1	\$55
1082	3/21/18	Review of documents filed as exhibits in ECF Nos 283 and 284 for compliance with redaction rules and confidentiality order. Email to OAG requesting that they ask clerk to undocket portions of exhibits which are confidential/ must be redacted.	.6	\$330
1083	3/21/18	Courtesy email to DOJ re OAG docketing documents subject to confidentiality order and violating redaction rules re ECF Nos 283 and 284. Request that DOJ continue to comply with confidentiality order/ redaction requirements.	.1	\$55
1084	3/21/18	Legal research for Tudor reply to OAG opposition to reinstatement/ front pay (review cases cited by OAG).	.9	\$495
1085	3/21/18	Email to Linda Goode re request for help re ECF No 283-4 and 284-4—documents must be pulled from docket because confidential.	.2	\$110
1086	3/21/18	Return email to MG re setting up time to discuss attorneys fees petition.	.1	\$55
1087	3/21/18	Legal research for Tudor reply to OAG opposition to reinstatement/ front pay (review cases cited by OAG).	.2	\$110
1088	3/21/18	Begin draft of Tudor reply to OAG opposition to reinstatement/ front pay.	1.1	\$605

1089	3/21/18	Email to OAG requesting that they ask clerk to undocket portions of ECF Nos 283 and 28 exhibits which are confidential/ must be redacted.	.1	\$55
1090	3/21/18	Review and revise draft of Tudor reply to OAG opposition to reinstatement/ front pay.	1.2	\$660
1091	3/22/18	Email to OAG requesting that they ask clerk to undocket portions of ECF Nos 283 and 28 exhibits which are confidential/ must be redacted.	.1	\$55
1092	3/22/18	Call with Linda Goode re request for help re ECF No 283-4 and 284-4—documents must be pulled from docket because confidential.	.2	\$110
1093	3/22/18	Emails with client re Linda Goode is pulling from public docket portions of ECF No 283-4 and 284-4 which are confidential.	.2	\$110
1094	3/22/18	Emails with BN and MG re Linda Goode is pulling from public docket portions of ECF No 283-4 and 284-4 which are confidential.	.1	\$55
1095	3/22/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay.	1.7	\$935
1096	3/22/18	Call with MG and BN to discuss work division on remaining post-judgment motions; revisions to fees petitions; division of labor on legal research on fees issues; revisions to declarations in support of fees.	.7	\$385
1097	3/22/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay.	.6	\$330
1098	3/23/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay.	2.2	\$1,210
1099	3/23/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay.	1.2	\$660
1100	3/23/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay.	.7	\$385
1101	3/23/18	Respond to MG emails re legal research on attorneys fees. Review research.	.4	\$220
1102	3/24/18	Read and respond to client email re draft of Tudor reply to OAG opposition to reinstatement/front pay.	.6	\$330
1103	3/26/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay. Send new draft to MG and BN for comment.	2.2	\$1,210
1104	3/26/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay.	2.6	\$1,430
1105	3/26/18	Respond to email from MG re comments on Tudor reply to OAG opposition to reinstatement/front pay.	.1	\$55
1106	3/26/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay. Assemble and mark exhibits.	2.2	\$1,210
1107	3/26/18	Email new draft of Tudor reply to OAG opposition to reinstatement/front pay to client for approval.	.1	\$55

1108	3/26/18	Email new draft of Tudor reply to OAG opposition to reinstatement/front pay to BN and MG for final comment.	.1	\$55
1109	3/27/18	Emails with client re notification of latest publication acceptance.	.3	\$165
1110	3/27/18	Emails with BN and MG re Tudor's latest publication and plan to include in Tudor reply to OAG opposition to reinstatement/front pay.	.2	\$110
1111	3/27/18	Emails with BN re comments on Tudor reply to OAG opposition to reinstatement/front pay.	.2	\$110
1112	3/27/18	Review and revise Tudor reply to OAG opposition to reinstatement/front pay. Remark all exhibits to add in notice of Tudor's latest publication. File.	1.2	\$660
1113	3/27/18	Email client copy of Tudor reply to OAG opposition to reinstatement/front pay as filed.	.1	\$55
1114	3/28/18	Emails with Linda Goode re courtesy copy needed of Tudor reply to OAG opposition to reinstatement/ front pay.	.2	\$110
1115	3/28/18	Emails and texts with BN and MG re printing and delivery of courtesy copy of Tudor reply to OAG opposition to reinstatement/ front pay.	.3	\$165
1116	3/28/18	Email to Linda Goode notifying of delivery of courtesy copy of Tudor reply to OAG opposition to reinstatement/front pay.	.1	\$55
1117	4/2/18	Review and revise EY declaration in support of attorneys fees motion.	4.6	\$2,530
1118	4/3/18	Review and revise EY declaration in support of attorneys fees motion.	1.4	\$770
1119	4/3/18	Email to MG and BN re declarations in support of attorneys fees motion.	.1	\$55
1120	4/3/18	Email to client re status of post-trial motions.	.2	\$110
1121	4/3/18	Review and revise attorneys fees motion. Legal research in support of same.	4.5	\$2,475
1122	4/3/18	Call with client to discuss ongoing mitigation efforts and pending motions on reinstatement and front pay. Discuss appeal.	.9	\$495
1123	4/5/18	Review and revise attorneys fees motion. Legal research in support of same.	3.6	\$1,980
1124	4/5/18	Email to BN and MG re costs and fees and draft declarations.	.1	\$55
1125	4/5/18	Email to client re status of costs and fees petition and TLDEF issue re same.	.1	\$55
1126	4/5/18	Review and revise attorneys fees petition.	.3	\$165
1127	4/10/18	Review and revise attorneys fees petition.	.1	\$55
1128	4/10/18	Email to BN and MG re declarations in support of attorneys fees petition.	.1	\$55
1129	4/10/18	Draft declarations in support of attorneys fees petition.	1.4	\$770

1130	4/11/18	Return email to MG/BN re declarations in support of attorneys fees petition.	.1	\$55
1131	4/11/18	Return emails to Nicole Hyland (TLDEF) re statements regarding Tudor case.	.6	\$330
1132	4/11/18	Email to BN and MG re declarations in support of attorneys fees petition.	.2	\$55
1133	4/12/18	Start draft of MG declaration in support of attorneys fees petition.	1.9	\$1,045
1134	4/12/18	Start draft of BN declaration in support of attorneys fees petition.	.4	\$220
1135	4/12/18	Email draft declarations in support of attorneys fees petition to BN and MG.	.1	\$55
1136	4/12/18	Review and revise EY declaration in support of fees and expenses.	3.1	\$1,705
1137	4/12/18	Send draft of EY declaration in support of fees and expenses for tentative approval.	.1	\$55
1138	4/13/18	Review and revise fees petition.	.6	\$330
1139	4/13/18	Call with client to discuss reinstatement/front pay order and motion for reconsideration.	.8	\$440
1140	4/13/18	Email to David Lopez re reinstatement/front pay order.	.1	\$55
1141	4/14/18	Emails with client re reinstatement/front pay order.	.3	\$165
1142	4/15/18	Emails with David Lopez to schedule call to discuss reinstatement/front pay order.	.1	\$55
1143	4/16/18	Email to BN and MG re scheduling team meeting call to discuss reinstatement/front pay order and potential appeal.	.3	\$165
1144	4/17/18	Email to BN and MG re scheduling meeting.	.1	\$55
1145	4/19/18	Email to client re closing out case in district court.	.1	\$55
1146	4/25/18	Email with client re mitigation efforts.	.1	\$55
1147	4/25/18	Email with MG and BN re scheduling of team meeting.	.1	\$55
1148	4/25/18	Emails with client re mitigation efforts and records maintenance given forthcoming appeal.	.4	\$220
1149	4/25/18	Call with client re closing out case in district court, direction on mitigation of damages, and next steps.	.9	\$495
1150	4/25/18	Email to client re preservation of documents.	.1	\$55
1151	4/26/18	Email to DOJ-CR FOIA office re status of FOIA request.	.1	\$55
1152	4/27/18	Review client email re next steps in district court, return email and answer client questions re forthcoming motion re reconsideration of front pay.	.2	\$110
1153	4/27/18	Email MG materials and drafts of fees and costs petition with substantive requests for comments and revisions.	.3	\$165
1154	4/27/18	Begin draft outline of reconsideration of front pay motion. Email draft to MG and BN for comments.	.8	\$440
1155	4/27/18	Email draft outline of reconsideration of front pay motion to client for approval.	.1	\$55
1156	4/27/18	Begin draft of reconsideration of front pay motion.	1.6	\$880
1157	4/30/18	Review DOJ-CR FOIA request email status update.	.1	\$55

1158	4/30/18	Review and revise reconsideration of front pay motion.	5.6	\$3,080
1159	5/1/18	Review and revise reconsideration of front pay motion.	5.4	\$2,970
1160	5/2/18	Compile and mark exhibits for reconsideration of front pay motion.	.7	\$385
1161	5/2/18	Review and revise reconsideration of front pay motion. File via ECF.	2.7	\$1,485
1162	5/2/18	Email filed front pay reconsideration materials to client.	.1	\$55
1163	5/2/18	Draft proposed order for front pay reconsideration. Email to deputy clerk.	.3	\$165
1164	5/2/18	Email front pay reconsideration materials to David Lopez.	.1	\$55
1165	5/3/18	Review OAG remittitur motion.	.1	\$55
1166	5/3/18	Legal research: Remittitur and waiver and acquiescence of cap.	.7	\$385
1167	5/3/18	Begin outline of brief in opposition to remittitur.	.2	\$110
1168	5/4/18	Call to deputy clerk re question on timing to file response to OAG remittitur brief.	.1	\$55
1169	5/4/18	Follow up call with deputy clerk re question on timing to file response to OAG remittitur brief.	.1	\$55
1170	5/4/18	Review and revise outline re brief in response to OAG remittitur. Legal research in support of same re remittitur, waiver, and acquiescence.	3.6	\$1,980
1171	5/11/18	Call with client re next steps in district court and answers to questions re same.	.6	\$330
1172	5/15/18	Emails with client re ongoing mitigation efforts.	.2	\$110
1173	5/18/18	Team call with MH and BN re fees petition, reconsideration petition, and response to OAG remittitur brief.	1.4	\$770
1174	5/20/18	Begin full draft of response to OAG remittitur brief.	14	\$7,700
1175	5/21/18	Review and revise response to OAG remittitur brief.	11.3	\$6,215
1176	5/22/18	Review and revise response to OAG remittitur brief.	10.5	\$5,775
1177	5/23/18	Review and revise response to OAG remittitur brief. Legal research re §1981a cap for same.	14	\$7,700
1178	5/24/18	Review and revise opposition to remittitur brief. Legal research re Seventh Amendment issues for same. File via ECF.	14	\$7,700
1179	5/31/18	Call with client re settlement efforts.	.3	\$165
1180	6/5/18	Informal settlement discussion with Dixie Coffey.	1	\$550
1181	6/6/18	Review order on remittitur and reconsideration of front pay. Emails and texts with BN and MG re same.	.6	\$330
1182	6/6/18	Discuss order on remittitur and reconsideration of front pay with client.	.5	\$275
1183	6/18/18	Emails and texts with BN to reschedule call re tax offset and post-judgment interest motions.	.2	\$110
1184	6/18/18	Call with BN re tax offset and post-judgment interest motions.	.4	\$220
1185	6/18/18	Emails with MG and BN re fees and costs motion.	.2	\$110

1186	6/19/18	Review BN draft of tax offset and post-judgement interest motion. Send comments via email.	.3	\$165
1187	6/19/18	Email to Bill Lan Lee advising of status of fees and costs petition and posing questions re LFLJ's position.	.2	\$110
1188	6/19/18	Email to MG re fees and costs motion.	.2	\$110
1189	6/19/18	Review and revise fees and costs petition.	.2	\$110
1190	6/18/18	Review and revise EY fees tabulation for EY declaration in support of fees and costs.	.7	\$385

Total Hours: 1054.7

Billing Rate: \$550 (1/2 rate for travel hours)

Total Fees w/o multiplier: \$569,740.00

Total Fees w/ 1.5 multiplier: \$854,610.00

Exhibit B

Law Firm of Ezra Young
Costs Summary Chart for
Tudor v. Se. Okla. State Univ. et al.,
5:15-cv-324 (W.D.Okla.)

Printing & Shipping		\$108.63
EY	Shipping discovery production to all parties (9/22/17)	\$45.13
	Shipping electronic copies of Tudor trial exhibits to Defendants (at Defendants' request)	\$63.50
Supplies		\$167.09
	Office supplies for trial (legal pads, pens, highlighters, paper, binders, folders, plastic sleeves)	\$167.09
Attorney Transportation and Parking		\$4,382.74
EY	Airfare—Aug 2017 Depositions	\$384.40
	Rental Car—Aug 2017 Depositions	\$232.57
	Gas—Aug 2017 Depositions	\$20.17
	Cab—Aug 2017 Depositions	\$62.25
	Cab—Sept 2017 Parker Prep Trip	\$37.70
	Airfare—Sept 2017 Parker Prep Trip	\$500.40
	Rental Car—Sept 2017 Parker Prep Trip	\$165.26
	Cab—Sept 2017 Parker Prep Trip	\$30.94
	Airfare—Hearings, settlement conferences, and in person witness prep in OK	\$402.39
	Rental Car— Hearings, settlement conferences, and in person witness prep in OK (10/30/17 to 11/9/17)	\$723.87
	Gas (10/31/17)	\$23.69
	Gas (11/9/17)	\$30.46
	Airfare—Change of ticket to extend for trial	\$160.00
	Gas (11/20/17)	\$30.64
	Rental Car—Final in person witness prep and trial (11/10/17 to 11/22/17)	\$1,536.00
	Parking at Court house for hearings, settlement conferences, and trial (11/1/17, 11/8/17, 11/13/17, 11/14/17, 11/15/17, 11/16/17, 11/17/17, 11/20/17)	\$42.00
Attorney Lodging		\$3,594.38
EY	Aug 2017 Depositions (8/22/17, 8/23/17, 8/24/17)	\$510.64
	Sept 2017 Parker Prep (9/7/18)	\$121.43
	Hearings, settlement conferences, and in person witness prep in OK (10/30/17–11/8/17)	\$1,710.14
	Final in person witness prep in OK and trial (11/9/17–11/22/17)	\$1,252.17
Expert Witnesses		\$2,218.90

EY	Robert Parker: Reimburse out of pocket expenses for airfare, lodging, and cabs for trial testimony	\$1,218.90
	George Brown: Retainer (services and expenses used retainer in full)	\$1,000
Fact Witnesses		\$408.90
EY	Mindy House lodging and parking	\$204.45
	William Fridley lodging and parking	\$204.45
Attorney Per Diem		\$1,770.00
EY	Aug 2017 Depositions: 8/22/17, 8/23/17, 8/24/17, 8/25/17 x \$59	\$236
	Sept 2017 Parker Prep Trip: 9/7/18, 9/8/17 x \$59	\$118
	Hearings, settlement conferences, and in person witness prep in OK: 10/30/17, 10/31/17, 11/1/17, 11/2/17, 11/3/17, 11/4/17, 11/5/17, 11/6/17, 11/7/17, 11/8/17, 11/9/17 x \$59	\$649
	Final in person witness prep, trial, transit home: 11/10/17, 11/11/17, 11/12/17, 11/13/17, 11/14/17, 11/15/17, 11/16/17, 11/17/17, 11/18/17, 11/19/17, 11/20/17, 11/21/17, 11/22/17 x \$59	\$767

Total Costs: \$12,650.64

Exhibit C

Lewis, Feinberg, Lee, & Jackson, P.C.
 Billing for *Tudor v. Se. Okla. State Univ. et al.*,
 5:15-cv-324 (W.D.Okla.)

Summary Fees:

First Name	Last Name	Position	Actual Time	Rate	Actual Value
Bill	Lee	Shareholder & Attorney	1.7	\$900	\$1,530
Teresa	Renaker	Shareholder & Attorney	3.4	\$725	\$2,465
Julie	Wilensky	Shareholder & Attorney	.3	\$420	\$126
Andrew	Lah	Associate Attorney	58.4	\$475	\$27,740
Jacob	Richards	Associate Attorney	104.9	\$350	\$36,715
Danica	Li	Law Clerk	58.5	\$275	\$16,087.50

Total Hours: 227.20

Total Fees (w/o multiplier): \$84,663.50

Total Fees w/ 1.5 multiplier: \$126,995.25

Itemized Fees:

Date	Atty/Staff	Description	Actual Time	Current Rate	Actual Value
2/11/14	JR	Conversation w/ B. Lann Lee and T. Renaker re collaborating w/ Jill Weiss. Call w/ Jill Weiss	0.60	\$350.00	\$210.00
2/12/14	JR	Call w/ Jill Weiss	0.40	\$350.00	\$140.00
2/18/14	JR	Conversation w/ B. Lann Lee re: Rachel Tudor status	0.20	\$350.00	\$70.00
3/5/14	JR	Review documents from Jill Weiss	0.60	\$350.00	\$210.00
3/14/14	JR	Review docs and call Jill Weiss	1.00	\$350.00	\$350.00
4/11/14	JR	Call w/ Jill Weiss; email T. Renaker and B. Lann Lee	0.60	\$350.00	\$210.00
4/18/14	BL	Transgender cases, Rachel Tudor, email to J. Richards re factual issues	0.30	\$900.00	\$270.00

4/18/14	JR	Call Jill Weiss, email T. Renaker, B. Lann Lee, and J. Wilensky	0.60	\$350.00	\$210.00
4/21/14	JR	Discussion w/ B. Lann Lee and T. Renaker re: Tudor and other cases from Jill Weiss	0.40	\$350.00	\$140.00
4/21/14	TR	Meeting with Jacob Richards and Bill Lann Lee regarding Tudor	0.50	\$725.00	\$362.50
4/23/14	JR	Call Jill Weiss and follow up email; email B. Lann Lee and T. Renaker re: case updates	1.00	\$350.00	\$350.00
4/23/14	JR	Intra-office conference w/ T. Renaker re: co-counsel-counsel agreement and updates from Jill Weiss	0.30	\$350.00	\$105.00
4/23/14	TR	Intra-office conference with Jacob Richards re Tudor	0.30	\$725.00	\$217.50
4/25/14	BL	Emails with J. Richards re factual issues	0.20	\$900.00	\$180.00
4/25/14	JR	Draft co-counsel-counsel agreement and client retainer agreement; confer w/ J. Wilensky re: same	2.30	\$350.00	\$805.00
4/25/14	JW	Intra-office conference with J. Richards re: retainer and co-counsel agreements.	0.30	\$420.00	\$126.00
4/29/14	JR	Email Jill Weiss re: conference call logistics	0.20	\$350.00	\$70.00
4/30/14	JR	Call w/ T. Renaker re: retainer agreement; edit and send agreement to Jill Weiss	1.20	\$350.00	\$420.00
4/30/14	JR	Intra-office conference w/ A. Lah, B. Lann Lee, and T. Renaker re: case factual research	0.10	\$350.00	\$35.00
4/30/14	TR	Review tudor agreements and discuss same with Jacob Richards	0.70	\$725.00	\$507.50
5/1/14	AL	Intra-office conference with J. Richards re: case investigation.	0.40	\$475.00	\$190.00
5/1/14	JR	Intra-office conference w/ B. Lann Lee and A. Lah re: fact investigation	0.70	\$350.00	\$245.00
5/2/14	BL	Meeting with J. Richards re planning for Skype call	0.40	\$900.00	\$360.00
5/2/14	JR	Call w/ client, Jill Weiss, B. Lann Lee and T. Renaker	1.40	\$350.00	\$490.00
5/2/14	JR	Call w/ Jill Weiss re: case management, retainer and co-counsel agreements	0.40	\$350.00	\$140.00
5/2/14	JR	Review documents and emails from co-counsel	0.10	\$350.00	\$35.00

5/2/14	JR	Confer w/ B. Lann Lee re: case management and agenda for call w/ Jill Weiss and client	0.90	\$350.00	\$315.00
5/2/14	TR	Call with Bill Lee, Jacob Richards, Jillian Weiss, Rachel Tudor	1.30	\$725.00	\$942.50
5/5/14	JR	Edit co-counsel and retainer agreements	1.30	\$350.00	\$455.00
5/5/14	JR	Research DOJ litigation procedure	0.90	\$350.00	\$315.00
5/5/14	TR	Review Tudor documents; email to Jacob Richards regarding same	0.40	\$725.00	\$290.00
5/7/14	JR	Email co-counsel re: co-counsel agreement and retainer	0.50	\$350.00	\$175.00
5/8/14	AL	Intra-office conference with J. Richards re: case.	0.20	\$475.00	\$95.00
5/8/14	JR	Title VII trans research	0.80	\$350.00	\$280.00
5/9/14	JR	Call w/ co-counsel re: co-counsel agreement and case management; prep and follow up emails for same	1.30	\$350.00	\$455.00
5/12/14	AL	Intra-office conference with J. Richards re: case issues.	0.40	\$475.00	\$190.00
5/12/14	JR	Intra-office conference w/ A. Lah re: case development	0.70	\$350.00	\$245.00
5/12/14	JR	Research post-Etsitty 10th Circuit cases	2.20	\$350.00	\$770.00
5/12/14	JR	Email Jill Weiss re: case development questions and trip to TX/OK	0.70	\$350.00	\$245.00
5/13/14	AL	Intra-office conference with J. Richards and review emails and retainer.	0.30	\$475.00	\$142.50
5/13/14	JR	Research jury instructions	2.30	\$350.00	\$805.00
5/13/14	JR	Email Jill Weiss re: retainer agreement; Title VII research; planning trip	0.60	\$350.00	\$210.00
5/14/14	AL	Intra-office conference with J. Richards and emails re: retainer.	0.30	\$475.00	\$142.50
5/14/14	BL	Meet with J. Richards and emails re co-counsel-counseling issues	0.30	\$900.00	\$270.00
5/14/14	JR	Intra-office conference w/ A. Lah and B. Lann Lee re: co-counsel-counsel agreement, local counsel, and case management	0.20	\$350.00	\$70.00
5/14/14	JR	Research Eastern and Western District of Oklahoma judges	0.90	\$350.00	\$315.00
5/14/14	JR	Research Oklahoma rules re: contacting management employees	0.60	\$350.00	\$210.00
5/14/14	JR	Edit co-counsel-counsel agreement; email B. Lann Lee and A. Lah re: same	0.30	\$350.00	\$105.00

5/15/14	AL	Email re: co-counsel agreement.	0.10	\$475.00	\$47.50
5/15/14	JR	Research Oklahoma rules re: contacting management employees; organize notes on various decision makers and potential witnesses	3.60	\$350.00	\$1,260.00
5/15/14	JR	Review academic policies and procedures manual	0.90	\$350.00	\$315.00
5/16/14	JR	Research re: contacting management employees; call w/ Jill Weiss re: same	1.90	\$350.00	\$665.00
5/19/14	JR	Intra-office conference w/ K. Scott re: ethics rules and contacting employees; research same; read emails from J. Weiss	2.10	\$350.00	\$735.00
5/20/14	AL	Intra-office conference with J. Richards re: case issues and review amicus briefs.	1.00	\$475.00	\$475.00
5/20/14	JR	Conversation w/ A. Lah re: communications with SOSU employees	0.40	\$350.00	\$140.00
5/21/14	JR	Call and follow up email w/ Jill Weiss; finalize co-counsel agreement	0.30	\$350.00	\$105.00
5/22/14	AL	Research and analysis of case law.	2.00	\$475.00	\$950.00
5/23/14	AL	Emails re; retainer and meeting with client and Intra-office conference with J. Richards re: same.	0.30	\$475.00	\$142.50
5/23/14	JR	Call w/ co-counsel re: retainer agreement; email co-counsel re: case management	0.60	\$350.00	\$210.00
5/27/14	AL	Review and analyze documents.	0.30	\$475.00	\$142.50
5/27/14	DL	Met with J. Richards re: professional responsibility + judges background research assignment.	0.60	\$275.00	\$165.00
5/27/14	JR	Talk to Danica re: management employee & district court research	0.60	\$350.00	\$210.00
5/28/14	DL	Research on professional responsibility.	1.50	\$275.00	\$412.50
5/28/14	DL	Research on professional responsibility.	2.50	\$275.00	\$687.50
5/29/14	AL	Review NELA email.	0.10	\$475.00	\$47.50
5/29/14	DL	Continuing research on no-contact rule.	3.30	\$275.00	\$907.50
5/29/14	DL	Continuing research on no-contact rule.	1.10	\$275.00	\$302.50
5/30/14	DL	Writing up memo on 4.2 no-contact rule.	2.90	\$275.00	\$797.50

5/30/14	DL	Writing up memo on 4.2 no-contact rule.	3.60	\$275.00	\$990.00
6/2/14	JR	Email co-counsel and DOJ re: agreements and conference call	0.20	\$350.00	\$70.00
6/3/14	JR	Review witness contact research; call co-counsel re: same	3.00	\$350.00	\$1,050.00
6/4/14	AL	Review emails from DOJ.	0.10	\$475.00	\$47.50
6/5/14	AL	Conference call, Intra-office conference with J. Richards, and review cases.	1.30	\$475.00	\$617.50
6/5/14	DL	Refining memo on 4.2 no contact rule.	2.80	\$275.00	\$770.00
6/5/14	JR	Call w/ co-counsel & DOJ; follow up call w/ co-counsel	1.20	\$350.00	\$420.00
6/5/14	JR	Read Jill's article; research on reinstatement	3.10	\$350.00	\$1,085.00
6/6/14	DL	Refining 4.2 no contact memo.	4.00	\$275.00	\$1,100.00
6/6/14	DL	Refining 4.2 no contact memo.	0.70	\$275.00	\$192.50
6/6/14	JR	Research reinstatement	1.20	\$350.00	\$420.00
6/6/14	JR	Read two-spirit bibliography	0.40	\$350.00	\$140.00
6/6/14	JR	Research district court judges	0.30	\$350.00	\$105.00
6/9/14	DL	Researching notable Oklahoma transgender cases.	0.70	\$275.00	\$192.50
6/9/14	JR	Review travel plans for trip to Dallas	0.20	\$350.00	\$70.00
6/9/14	JR	Two spirit research	0.20	\$350.00	\$70.00
6/10/14	AL	Review and analyze mediation brief and related documents.	0.50	\$475.00	\$237.50
6/10/14	JR	Review DOJ mediation brief and related documents	1.30	\$350.00	\$455.00
6/10/14	JR	Review documents from witnesses	0.60	\$350.00	\$210.00
6/10/14	JR	Email Jill Weiss re: witness interviews & trip logistics	0.40	\$350.00	\$140.00
6/11/14	AL	Emails re: trip to Dallas and admin issues.	0.30	\$475.00	\$142.50
6/12/14	AL	Intra-office conference with law clerk re: research.	0.20	\$475.00	\$95.00
6/12/14	JR	Review Danica Li's research memos	0.30	\$350.00	\$105.00
6/12/14	JR	Intra-office conference w/ A. Lah re: witness interviews and travel logistics; email co-counsel-counsel re: same	0.40	\$350.00	\$140.00
6/13/14	AL	Intra-office conference w/ J. Richards re: preparation for witness interviews; email J. Richards re: trans resources	1.00	\$475.00	\$475.00
6/13/14	JR	Intra-office conference w/ A. Lah re: preparation for witness	1.70	\$350.00	\$595.00

		interviews; email A. Lah re: trans resources			
6/15/14	AL	Prepare for meetings in Texas.	3.00	\$475.00	\$1,425.00
6/16/14	AL	Travel to Texas.	7.00	\$475.00	\$3,325.00
6/16/14	AL	Meeting with client, copy documents, and travel to and from meeting.	2.50	\$475.00	\$1,187.50
6/16/14	JR	Two-spirit research	4.00	\$350.00	\$1,400.00
6/16/14	JR	Travel to Dallas	4.80	\$350.00	\$1,680.00
6/16/14	JR	Dinner w/ client and co-counsel	1.50	\$350.00	\$525.00
6/16/14	JR	Document review w/ co-counsel, take documents to be scanned	1.00	\$350.00	\$350.00
6/17/14	AL	Meetings with client and fact investigation meetings with potential witnesses, document collection, and travel time	9.50	\$475.00	\$4,512.50
6/17/14	JR	Meeting w/ A. Lah and co-counsel-counsel	2.00	\$350.00	\$700.00
6/17/14	JR	Travel time	2.00	\$350.00	\$700.00
6/17/14	JR	Collect scanned documents	0.80	\$350.00	\$280.00
6/17/14	JR	Interview w/ Meg Cotter-Lynch	1.50	\$350.00	\$525.00
6/17/14	JR	Meeting w/ Dr. Tudor	4.00	\$350.00	\$1,400.00
6/18/14	AL	Fact investigation and meeting with potential witnesses in Oklahoma.	2.50	\$475.00	\$1,187.50
6/18/14	AL	Travel to and from Oklahoma for meetings/investigation.	3.00	\$475.00	\$1,425.00
6/18/14	AL	Return travel from Dallas to San Francisco.	6.50	\$475.00	\$3,087.50
6/18/14	JR	Travel time	10.80	\$350.00	\$3,780.00
6/18/14	JR	Witness interviews	3.50	\$350.00	\$1,225.00
6/19/14	AL	Intra-office conference with Z. McCoy re: documents.	0.10	\$475.00	\$47.50
6/19/14	AL	Emails to and from co-counsel	0.10	\$475.00	\$47.50
6/19/14	JR	Intra-office conference w/ T. Renaker re: witness interviews	0.20	\$350.00	\$70.00
6/19/14	TR	Intra-office conference with Jacob Richards regarding witnesses	0.20	\$725.00	\$145.00
6/20/14	AL	Intra-office conference with J. Richards and email re: call with co-counsel	0.30	\$475.00	\$142.50
6/20/14	DL	Price Waterhouse research.	0.30	\$275.00	\$82.50
6/20/14	DL	Refreshing myself on Etsitty and Price Waterhouse.	0.40	\$275.00	\$110.00
6/20/14	JR	Discuss research follow up w/ A. Lah	0.30	\$350.00	\$105.00

6/23/14	DL	Meeting with JR re: reverse religious discrimination, punitive damages, etc.	0.30	\$275.00	\$82.50
6/23/14	DL	Reverse religious discrimination research.	1.50	\$275.00	\$412.50
6/23/14	DL	Reverse religious discrimination research.	1.40	\$275.00	\$385.00
6/23/14	DL	Punitive damages research.	0.40	\$275.00	\$110.00
6/23/14	JR	Meet w/ Danica Li re: research projects	0.50	\$350.00	\$175.00
6/24/14	DL	Punitive damages and knowledge issue.	1.60	\$275.00	\$440.00
6/25/14	DL	Knowledge issue research.	1.70	\$275.00	\$467.50
6/25/14	DL	Writing up reverse religious discrim memo.	2.10	\$275.00	\$577.50
6/25/14	DL	Writing up punitive damages and knowledge issues.	0.40	\$275.00	\$110.00
6/25/14	DL	Writing up knowledge issue.	0.10	\$275.00	\$27.50
6/26/14	DL	Writing up reverse religious discrimination memo.	3.20	\$275.00	\$880.00
6/26/14	DL	Writing up reverse religious discrimination memo.	2.10	\$275.00	\$577.50
6/27/14	DL	Finishing up reverse religious discrimination memo.	0.50	\$275.00	\$137.50
6/27/14	DL	Finishing up reverse religious discrimination memo.	2.30	\$275.00	\$632.50
6/30/14	AL	Email re: punitive damages research.	0.10	\$475.00	\$47.50
6/30/14	AL	Miscellaneous emails.	0.10	\$475.00	\$47.50
6/30/14	DL	Writing up knowledge issue for JR.	1.80	\$275.00	\$495.00
7/2/14	AL	Intra-office conference with D. Li re: Legal Research	0.20	\$475.00	\$95.00
7/2/14	AL	Call with co-counsel re: strategy.	0.50	\$475.00	\$237.50
7/2/14	DL	Meeting with AL and JR about more research assignments.	0.10	\$275.00	\$27.50
7/2/14	JR	Intra-office conference w/ A. Lah	0.20	\$350.00	\$70.00
7/2/14	JR	Conversation w/ co-counsel-counsel and A. Lah	0.50	\$350.00	\$175.00
7/14/14	DL	Legal Research	1.20	\$275.00	\$330.00
7/14/14	DL	Legal Research	1.70	\$275.00	\$467.50
7/17/14	AL	Conference with attorney re: District of Oklahoma	0.30	\$475.00	\$142.50
7/17/14	DL	Legal Research	1.10	\$275.00	\$302.50
7/17/14	DL	Legal Research	1.00	\$275.00	\$275.00
7/17/14	JR	Intra-office conference w/ A. Lah re Tenth Circuit developments in Title VII law	0.10	\$350.00	\$35.00

7/18/14	DL	Writing memo on inadvertent destruction of evidence for AL.	2.40	\$275.00	\$660.00
7/18/14	JR	Review research memos from D. Li	1.50	\$350.00	\$525.00
7/21/14	AL	Review and analyze memos.	0.40	\$475.00	\$190.00
7/24/14	DL	Meeting with JR re: reverse religious discrimination memo.	0.40	\$275.00	\$110.00
7/24/14	DL	Typing up notes on Tudor writing sample feedback with JR.	0.50	\$275.00	\$137.50
7/24/14	JR	Intra-office meeting w/ D. Li re: religious discrimination memo	0.60	\$350.00	\$210.00
8/6/14	DL	Research Treatment of Price Waterhouse in 10th Circuit.	0.10	\$275.00	\$27.50
8/6/14	DL	Research Treatment of Price Waterhouse in 10th Circuit.	0.30	\$275.00	\$82.50
8/6/14	DL	Research Treatment of Price Waterhouse in 10th Circuit.	0.30	\$275.00	\$82.50
8/6/14	DL	Research Treatment of Price Waterhouse in 10th Circuit/district courts.	1.60	\$275.00	\$440.00
9/12/14	AL	Email from co-counsel and preliminary review of draft complaint.	0.30	\$475.00	\$142.50
9/16/14	AL	Emails re; draft complaint.	0.10	\$475.00	\$47.50
10/6/14	AL	Emails re: status of case.	0.20	\$475.00	\$95.00
10/6/14	JR	Call w/ Jill Weiss re: DOJ updates; email A. Lah and B. Lann Lee re: same	0.20	\$350.00	\$70.00
10/8/14	AL	Intra-office conference re: strategy.	0.30	\$475.00	\$142.50
10/8/14	JR	Intra-office conference w/ A. Lah re: Tudor strategy	0.10	\$350.00	\$35.00
10/16/14	AL	Intra-office conference re: filing case.	0.10	\$475.00	\$47.50
10/16/14	AL	Research re: new CRD appointee.	0.20	\$475.00	\$95.00
10/17/14	AL	Intra-office conference re: strategy.	0.30	\$475.00	\$142.50
10/17/14	JR	Intra-office conference w/ B. Lann Lee & A. Lah re: filing timeline and strategy; follow up email	0.60	\$350.00	\$210.00
10/20/14	JR	Email team re: filing timeline	0.20	\$350.00	\$70.00
11/13/14	AL	Intra-office conference with J. Richards re: status and email re: same.	0.30	\$475.00	\$142.50
11/13/14	JR	Call w/ Jill Weiss re: DOJ timeline; follow up conversation w/ A. Lah	0.30	\$350.00	\$105.00
11/17/14	JR	Email Jill Weiss re: DOJ timing	0.10	\$350.00	\$35.00
12/18/14	JR	Read DOJ memorandum	0.10	\$350.00	\$35.00
12/29/14	JR	Read case re: Title VII claim and reinstatement/tenure	0.30	\$350.00	\$105.00
12/31/14	AL	Emails re: DOJ and status.	0.20	\$475.00	\$95.00

1/9/15	AL	Call with DOJ CRD and call with co-counsel re: same.	0.60	\$475.00	\$285.00
1/9/15	JR	Call w/ DOJ re: case status	0.60	\$350.00	\$210.00
1/22/15	AL	Emails (several) re: call with DOJ.	0.20	\$475.00	\$95.00
1/22/15	JR	Call w/ DOJ, follow up call w/ co-counsel; follow up email to A. Lah	0.70	\$350.00	\$245.00
2/2/15	AL	Call with DOJ.	0.40	\$475.00	\$190.00
2/2/15	AL	Intra-office conference with J. Richards re: status.	0.10	\$475.00	\$47.50
2/2/15	JR	Emotional distress research	0.20	\$350.00	\$70.00
2/2/15	JR	Call w/ DOJ	0.40	\$350.00	\$140.00
2/9/15	AL	Intra-office conference with J. Richards re: call with DOJ and case strategy.	0.30	\$475.00	\$142.50
2/9/15	JR	Call w/ DOJ and co-counsel. Debrief conversation w/ A. Lah	0.20	\$350.00	\$70.00
2/12/15	AL	Emails re: call with DOJ.	0.10	\$475.00	\$47.50
2/12/15	AL	Conference call with DOJ.	0.30	\$475.00	\$142.50
2/12/15	JR	Conference call w/ DOJ and co-counsel re: litigation strategy; email B. Lann Lee and T. Renaker re: same	0.60	\$350.00	\$210.00
2/12/15	JR	Email DOJ re: conference call	0.10	\$350.00	\$35.00
2/18/15	AL	Research re: intervening.	0.80	\$475.00	\$380.00
2/19/15	DL	Researched standards governing intervention at the federal level for A. Lah	2.00	\$275.00	\$550.00
2/20/15	JR	Email co-counsel on fees question	0.10	\$350.00	\$35.00
2/24/15	AL	Conference call.	0.20	\$475.00	\$95.00
2/24/15	AL	Review research, Legal Research re: intervening, and Intra-office conference with J. Richards re: same.	0.80	\$475.00	\$380.00
2/24/15	AL	Intra-office conference re: case issues.	0.30	\$475.00	\$142.50
2/24/15	JR	Call w/ DOJ re: case status	0.20	\$350.00	\$70.00
2/24/15	JR	Intra-office conference w/ A. Lah re: case management and intervention research	0.30	\$350.00	\$105.00
2/25/15	AL	Intra-office conference with J. Richards re: status.	0.40	\$475.00	\$190.00
2/25/15	JR	Research fees for intervenors	0.40	\$350.00	\$140.00
2/25/15	JR	Intra-office conference w/ A. Lah re: intervenor's fees and case management	0.40	\$350.00	\$140.00
3/10/15	AL	Conference call with DOJ.	0.50	\$475.00	\$237.50
3/10/15	JR	Call w/ DOJ re: case status	0.40	\$350.00	\$140.00

3/12/15	DL	Researched and wrote up memo for AL on intervention standards in the 10th Circuit.	2.00	\$275.00	\$550.00
3/23/15	AL	Emails re: call.	0.10	\$475.00	\$47.50
3/24/15	AL	Review and analyze intervention memo and Legal Research re: same.	0.50	\$475.00	\$237.50
3/24/15	AL	Intra-office conferences with B. Lann Lee and J. Richards re: case issues.	0.50	\$475.00	\$237.50
3/24/15	BL	Meeting with A. Lah and J. Richards re continued participation in case and DOJ issues	0.40	\$900.00	\$360.00
3/24/15	JR	Intra-office conference w/ A. Lah and B. Lann Lee	0.60	\$350.00	\$210.00
3/24/15	JR	Email co-counsel re: division of labor	0.10	\$350.00	\$35.00
3/24/15	JR	Read memo on intervention standards	0.10	\$350.00	\$35.00
3/25/15	AL	Work on case termination.	1.00	\$475.00	\$475.00
3/25/15	AL	Call with co-counsel and email re: same.	1.00	\$475.00	\$475.00
3/25/15	AL	Review and analyze draft complaint.	0.40	\$475.00	\$190.00
3/25/15	AL	Call with DOJ and co-counsel.	1.00	\$475.00	\$475.00
3/25/15	AL	Call with co-counsel	0.50	\$475.00	\$237.50
3/25/15	JR	Call w/ co-counsel re: case staffing, complaint; follow up conversation w/ A. Lah	1.20	\$350.00	\$420.00
3/25/15	JR	Draft email to co-counsel re: withdrawing from case	0.30	\$350.00	\$105.00
3/25/15	JR	Review DOJ complaint	0.70	\$350.00	\$245.00
3/25/15	JR	Call w/ DOJ	1.00	\$350.00	\$350.00
3/26/15	AL	Review and analyze draft press release.	0.20	\$475.00	\$95.00
3/26/15	AL	Intra-office conference with J. Richards re: press release and DOJ.	0.30	\$475.00	\$142.50
3/26/15	JR	Review press release	0.40	\$350.00	\$140.00
3/31/15	AL	Draft and revise termination agreement.	0.50	\$475.00	\$237.50
4/1/15	BL	Review termination agreement	0.10	\$900.00	\$90.00
4/1/15	JR	Edit termination agreement	0.10	\$350.00	\$35.00
4/9/15	AL	Intra-office conference with J. Richards and emails re: same.	0.20	\$475.00	\$95.00
4/9/15	JR	Intra-office conference w/ A. Lah re: terminating co-counsel agreement; email co-counsel re: same	0.10	\$350.00	\$35.00

4/10/15	JR	Call Allan Townsend	0.20	\$350.00	\$70.00
7/13/15	AL	Review order denying motion to dismiss.	0.30	\$475.00	\$142.50
7/13/15	JR	Read order permitting intervention	0.20	\$350.00	\$70.00
7/22/15	JR	Email co-counsel re: termination agreement	0.10	\$350.00	\$35.00
9/24/15	JR	Organize file to transfer to co-counsel	1.20	\$350.00	\$420.00
10/1/15	JR	Compile records for co-counsel	1.10	\$350.00	\$385.00

Exhibit D

Lewis, Feinberg, Lee, & Jackson, P.C.
 Costs Summary Chart for
Tudor v. Se. Okla. State Univ. et al.,
 5:15-cv-324 (W.D.Okla.)

Date	Category	Description	Value
6/6/14	Airfare	J. Richards & A. Lah's Airfare for 06/16/2014 trip	\$1,424.00
6/11/14	Airfare	A. Lah's additional airfare for 06/16/2014 trip	\$224.00
6/11/14	Airfare	J. Richards additional airfare for 06/16/2014 trip	\$224.00
6/16/14	Other	A. Lah's copy expense while traveling on 06/16/2014 trip	\$1.51
6/16/14	Travel Expense	A. Lah's BART to SFO	\$8.95
6/16/14	Hotel & Meals	J. Richards & A. Lah's Hotel expense for 06/16/2014 trip	\$311.84
6/16/14	Hotel & Meals	J. Richards's meal expense while traveling for 06/16/2014 trip	\$6.28
6/16/14	Hotel & Meals	J. Richards's meal expense while traveling for 06/16/2014 trip	\$9.80
6/16/14	Other	Supplies while on 06/16/2014 trip	\$8.52
6/16/14	Hotel & Meals	A. Lah's meal expense while on 06/16/2014 trip	\$5.68
6/16/14	Travel Expense	A. Lah's rental car for 06/16/14 trip	\$520.81
6/17/14	Other	Document copies while on 06/16/2014 trip	\$302.56
6/17/14	Hotel & Meals	A. Lah's meal expense while on 06/16/2014 trip	\$1.62
6/17/14	Hotel & Meals	J. Richards & A. Lah's meal expense while on 06/16/2014 trip	\$9.91
6/17/14	Hotel & Meals	J. Richards & A. Lah's meal expense while traveling for 06/16/2014 trip	\$42.72
6/18/14	Travel Expense	J. Richards's fuel expense while traveling for 06/16/2014 trip	\$50.00
6/18/14	Hotel & Meals	J. Richards & A. Lah's meal expense while traveling for 06/16/2014 trip	\$7.14
6/18/14	Hotel & Meals	J. Richards & A. Lah's meal expense while traveling for 06/16/2014 trip	\$9.17
6/18/14	Hotel & Meals	J. Richards & A. Lah's meal expense while traveling for 06/16/2014 trip	\$15.15
6/18/14	Hotel & Meals	A. Lah's meal expense while on 06/16/2014 trip	\$10.63

6/18/14	Hotel & Meals	J. Richards & A. Lah's Meal expense while traveling on 06/16/14 trip	\$28.02
6/19/14	Travel Expense	A. Lah's BART from SFO	\$8.95
6/29/14	Travel Expense	A. Lah's bridge tolls during car rental	\$22.72
6/30/14	Copies & Prints	June 2014 Copies & Prints	\$18.10
6/30/14	Copies & Prints	June 2014 Copies & Prints	\$1.00
7/31/14	Copies & Prints	July 2014 Copies & Prints	\$2.00
9/30/14	Copies & Prints	September 2014 Copies & Prints	\$1.80
3/1/15	Outside Service	February 2015 Westlaw research charges	\$2.58
3/31/15	Copies & Prints	March 2015 Copies & Prints	\$1.10
4/1/15	Outside Service	March 2015 Westlaw research charges	\$3.95
6/1/15	Outside Service	May 2014 Westlaw research charges	\$310.99
7/1/15	Outside Service	June 2014 Westlaw research charges	\$119.66
7/31/15	Postage	July 2015 Postage	\$1.42

Total Costs: \$3,716.58

DECLARATION OF BRITTANY M. NOVOTNY, ESQ.

I, Brittany M. Novotny, declare as follows:

1. I am the sole proprietor of the Brittany M. Novotny, Attorney at Law, and an Associate Attorney with the National Litigation Law Group, PLLC based in Oklahoma City, Oklahoma. I have personal knowledge of the facts stated in this declaration.

Compensation Sought in this Matter

2. I am seeking compensation for the time I have spent on this matter. I have expended 129.7 hours in this matter for which I am seeking compensation of \$38,910.00. Along with all other attorneys in this petition, I am seeking application of a multiplier of 1.5 for fees bringing my total fees request to \$58,365.00.
3. Time sheets showing my work in this matter are attached as Exhibit 1.

Education and Training

4. I received a BA from the University of Science and Arts of Oklahoma in 2002. I received a JD from the University of California - Hastings College of the Law in 2005.
5. I was admitted to practice in Oklahoma in 2005, and since that time I have practiced in state and federal courts in Oklahoma. My experience consists of litigating scores of civil cases, including a large number of employment matters. I have represented several transgender clients in various claims related to their employment in Oklahoma.
6. I regularly seek out formal and informal educational and training opportunities that meet and even go beyond the requisite CLE coursework that I complete to maintain my Oklahoma law license.
7. I regularly speak on panels and teach CLE classes on topics ranging from constitutional law, civil rights, to criminal justice, and political messaging. In the last 10 years, I have

given several presentations and served on panels hosted by leading public and private law schools and universities (including Oklahoma City University School of Law, University of Oklahoma School of Law, University of Central Oklahoma, and my alma mater University of Science and Arts of Oklahoma) community organizations, etc.

8. In 2016, I was a presenter for a CLE course regarding representing transgender clients. I gave a presentation on the Nuts and Bolts of Representing Transgender Clients in Oklahoma. Among issues I have worked on as an attorney, I have helped several transgender clients with legal name changes, as well as other legal hurdles such clients face in the process of their gender transitions or treatment faced from employers after or during such a transition.

Experience

9. I was admitted to practice in the State of Oklahoma in 2005. Additionally, I am presently admitted to practice in the U.S. District Court for the Western District of Oklahoma.
10. I have extensive practice experience in both state and federal courts.
11. Throughout my career, I have handled a variety of complex matters in the areas of transgender civil rights, criminal justice, and transactional work.
12. Besides my work helping transgender clients navigate the name change process, I have represented several transgender clients who alleged discrimination by employers as a result of their gender transitions. Through my knowledge and expertise regarding transgender issues and employment law I was able to help those clients resolve their claims with their employers. I have also represented transgender clients in criminal matters. In one of those cases, I took the case to a jury trial, before my client decided to take a blind plea on the fourth day of jury trial.

13. I have trial experience in courts in Oklahoma and the EEOC. I have tried 3 cases to Oklahoma juries, including a case wherein I represented a transgender person.

14. To my knowledge, I am one of the few Oklahoma practitioners with experience representing transgender persons in Oklahoma jury trials.

Service as Tudor's Counsel

15. I was retained by Dr. Tudor as counsel in early 2015 in anticipation of Tudor's motion to intervene as a party in mid-2015.

16. From between April 2015 and May 2017, I performed traditional duties as local counsel, assisting Mr. Young and colleagues at his previous firm on prosecuting this case. Among other things, I reviewed pleadings and motions for compliance with local rules, advised on local practice points and customs, providing background research on attorneys and parties in this matter drawing on my own practice experience and that of colleagues in my professional network, performed opposition research, providing periodic updates to lead counsel on evolving political issues in Oklahoma that could or did influence Defendants' handling of this case, and helped lead counsel prepare for some depositions of key witnesses. In the Summer of 2016, I also assisted Mr. Young as he attempted to quash subpoenas related to this case in the Northern District of Texas and the Eastern District of Oklahoma. My work on those subpoenas went beyond that of traditional local counsel. Among other things, I assisted Young in locating appropriate counsel admitted into those other courts, assisted in drafting of motion papers, helped craft strategy on those motions, and performed other work.

17. In May 2017, Young reached out to me to notify me of his change of firm and requested that I both stay on as local counsel in this matter and asked me to take on a more

substantial role akin to equal co-counsel. I agreed to that arrangement, we agreed to keep me on a contingency basis, and immediately began to undertake more considerable tasks and work in connection with prosecution of this matter, including but not limited to: assistance in settlement efforts, scheduling to cover depositions Young could not attend (those depositions were cancelled by Defendants at the last minute), and making substantial preparations for dispositive motion practice and trial.

18. Starting in August 2017, I worked even more closely with Young and our newest trial team member, Marie Galindo. As Mr. Young was wrapping up discovery, the transition out of the U.S. Department of Justice as co-litigants, and preparing for dispositive motion practice, I and Ms. Galindo began substantial preparations for a jury trial in this matter
19. Drawing upon my experience and unique insights into Oklahomans and transgender rights issues, I worked closely with Young and Galindo to craft a trial strategy for this matter that drew upon the unique skill sets of all attorneys involved and avoided duplicative work.
20. Starting in September 2017, I took on even more work in this matter, only some of which I am seeking fees for. Among other things, I performed extensive research on the jury pools in the Western District of Oklahoma, conferred with experts and colleagues in the area about jury selection, researched demographics and verdicts in this Court, and undertook significant pre-trial motion practice work and led Tudor's efforts to negotiate trial exhibits with Defendants.
21. Starting in October 2017, I undertook extensive responsibilities in drafting and preparing filings in this matter in anticipation of trial, spent time reviewing depositions and pertinent discovery, and began preparing direct and cross examination, among other

things. During this period I also took a proactive role in locating and securing *pro bono* consultants to assist the trial team jury selection and providing advice on jury selection in this very unique case. My work in this matter in October was so burdensome that I turned down other work.

22. In November, I nearly exclusively worked on this case. During this period I attended hearings in this matter, participated in multiple in person settlement conferences and conferred and participated in virtual settlement discussions, participated in the preparation of Dr. Tudor's direct and cross examination, continued to prepare for trial, filed several motions and conferred on others, assisted and partially drafted Young's opening and closing statements, assisted with other trial preparations undertaken by Young and Galindo as needed, and ultimately served as trial counsel alongside Young and Galindo.

23. From December 2017 through present I have continued to work on this matter, albeit in a more limited capacity so as to avoid duplicative work. Throughout these months I have contributed to briefing on reinstatement, reconsideration of reinstatement, and front pay as well as performed some substantial work in anticipation of Defendants' threatened appeal.

Hourly Rate Sought

24. In this matter, I am seeking an hourly rate of \$300.00.

25. An hourly rate of \$300.00 is abundantly reasonable given my extensive experience, non-duplicative work, and contributions to the trial preparation and trial in this matter, all of which brought about an excellent result for Dr. Tudor.

26. An hourly rate of \$300.00 aligns with rates I have received in other hourly cases throughout my career, adjusted for inflation.
27. An hourly rate of \$300.00 aligns with comparable rates for work in federal litigation work performed by lawyers with my equivalent education, experience, and expertise in the Oklahoma City, Oklahoma metropolitan area, where my offices are currently located.
28. It is my regular practice to keep contemporaneous records of billing in all hourly fee matters I handle and I followed that practice throughout the time I have worked on this matter.
29. I personally reviewed and prepared my itemized fees in this matter (Exhibit 1) to ensure accuracy, remove duplicative billing, and to exercise billing judgment in accordance with binding precedents.

Application of a Multiplier is Justified

30. Dr. Tudor's motion for fees and expenses requests that the Court apply a multiplier to the fees sought. In my judgment, application of a multiplier is appropriate. In support of that request, I submit the following:
31. Extraordinary results. Application of a multiplier is appropriate in this matter given the extraordinary results secured for Dr. Tudor and the important interests furthered by its successful prosecution. At the time Tudor's case was filed in 2015, there were few similar cases in federal courts and many practitioners and scholars alike openly doubted the viability of cases like this one given thorny precedents and widespread misunderstanding regarding the expansive scope of protections afforded by remedial sex discrimination laws. Tudor's case broke new ground at nearly every turn. As one example, this Court's order denying Defendants' motion to dismiss, which, among other

things, recognized that Tudor is protected by Title VII, is now widely taught around the nation and has been cited in federal regulations, federal guidance documents, and several trial and appellate court filings in and outside of the 10th Circuit. Tudor's successful navigation of the nationwide injunction in *Texas v. US* is also widely discussed by leading practitioners and scholars and there is significant interest from the same regarding the Court's decision denying Defendants' motion for summary judgment. Tudor's successful motion practice has significantly impacted the legal landscape, influencing federal and state agencies to change their approaches to sex discrimination claims brought by transgender persons as well as incentivizing leading private companies to modify their policies and align their practices with the standards struck by this Court's orders. Additionally, Tudor's success at trial—which required significant investment of time and resources to secure—made headlines the moment it was issued and continues to garner attention from practitioners and legal scholars and lay people around the nation.

32. Hard-fought, complex, novel, and high-risk. A multiplier is also appropriate in this matter given that it was so hard-fought, complex, novel, and high-risk. Throughout the course of this litigation Defendants aggressively defended their interests, requiring Tudor to engage in motion practice that is often unnecessary in typical cases, consuming considerable resources and time of counsel and limiting the number of other cases I could personally take on to sustain my business. Tudor's case also presented complex and novel issues both with regards to the merits (e.g., scope of Title VII coverage and tenure denial) as well as tactical issues that had to be deftly navigated to ensure a successful result for Tudor (e.g., ending the nationwide injunction in *Texas v. US*, navigating a change of administration at DOJ in the midst of a co-litigation in a highly-contentious case,

prosecuting the first federal jury trial redressing sex discrimination experienced by a transgender person). Additionally, this litigation was and remains incredibly high-risk. As in any civil rights case taken on a contingency basis, Tudor's counsel had to expend significant work and front significant expenses for a long-deferred payment. Other significant risks are present as well. For instance, Defendants' aggressive tactics require extraordinary care to counteract as, it is plain, any and all wins for Tudor before this Court will be appealed to the highest courts in our nation and the possibility of an amicable settlement is improbable. Among other things, Defendants' tactics have forced Tudor's counsel throughout these proceedings to carefully preserve issues for appeal and expend significant time responding to defenses and arguments that often totally lacked merit so as to ensure potential errors are preserved for future proceedings.

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

Executed this 19th day of June, 2018 in Hanover, Minnesota.



Brittany M. Novotny, Esq.

Brittany M. Novotny, Esq.

National Litigation Law Group, PLLC, 2401 NW 23rd Street, Ste. 42 * Oklahoma City, OK 73107
405.420.5890 * brittany.novotny@gmail.com

EXHIBIT 1 - Brittany Novotny - Billing for *Tudor v. Se. Okla. State Univ. et al.*, 5:15-cv-324 (W.D.Okla.)

ABBREVIATIONS:

EY: Ezra Young
DOJ: U.S. Department of Justice
JW: Jillian Weiss
MG: Marie Galindo
OAG: Oklahoma Attorney General's Office/ Defendants
RUSO: Regional University System of Oklahoma
SE: Southeastern Oklahoma State University
TLDEF: Transgender Legal Defense and Education Fund, Inc.

No.	Date	Description	Hours	Fee
1	4/8/15	Call/emails with EY and JW re TLDEF filing intervention	.5	
2	4/9/15	Filed Motions to Intervene and Pro Hac for EY and JW	.5	
3	7/10/15	Confer with EY and JW re Motion decision	.5	
4	7/22/15	Confer with EY and JW re Status Conf	.1	
5	7/23/15	Status Conference at WDOK Cthse	.5	
6	10/21/15	Confer with JW, EY and DOJ re discovery	1.0	
7	4/7/16	Confer with DOJ, JW, EY re DOJ atty joining case	0.5	
8	7/29/16	Confer with EY and JW re MTQ Porter docs	0.5	
9	8/1/16	Confer with EY and Ryan Eitzmann to file MTQ	1.0	
10	5/18/17	Confer with EY and Tudor re Tudor change of counsel	0.2	
11	5/23/17	Email with EY re Sett Discussions	0.1	
12	5/23/17	Call with EY re case transfer and settlement efforts.	1.0	
13	5/23/17	Call with EY re settlement efforts	0.2	
14	5/26/17	Email with EY re settlement efforts	0.2	
15	5/30/17	Emails with EY re settlement research and efforts	0.5	
16	6/1/17	Emails with EY re settlement efforts	0.2	
17	6/12/17	Email with EY re settlement efforts	0.1	
18	6/13/17	Email with EY re settlement efforts	0.1	
19	7/24/17	Email with EY re settlement efforts	0.1	
20	7/26/17	Phone with EY re trial preparation	0.5	
21	8/1/17	Email with EY re deposition scheduling	0.1	
22	8/3/17	Emails with EY re deposition scheduling and coverage	0.3	
23	8/4/17	Email with EY re Tim Bunson appearance	0.1	
24	8/18/17	Texts with EY re trial preparation	0.2	
25	8/18/17	Call with EY re trial preparation	0.8	
26	8/18/17	Texts with EY re OAG motion	0.2	
27	8/23/17	Email from EY re strategy memo	0.2	

28	8/23/17	Call with EY re trial preparation	0.4	
29	8/28/17	Emails with EY and MG re trial team	0.4	
30	8/29/17	Text from EY re MG Pro Hac Vice Mtn	0.1	
31	8/30/17	Emails with EY re Protective Order	0.3	
32	8/31/17	Call with EY re motion and trial strategy	0.6	
33	8/31/17	Call with EY re possible stip to DOJ dismiss	0.3	
34	9/1/17	Emails with EY and MG re TRO response	0.5	
35	9/1/17	Emails with EY and MG re DOJ dismissal	0.2	
36	9/6/17	Emails with EY and MG re scheduling call	0.1	
37	9/6/17	Call with EY and MG re motion practice and trial strat	1.4	
38	9/13/17	Emails with EY and MG re file sharing	0.2	
39	9/15/17	Emails with EY and MG re closing discovery	0.2	
40	9/19/17	Email from EY re MG pro hac vice app	0.1	
41	9/20/17	Emails with EY re file sharing access	0.4	
42	9/21/17	Call with EY re motions and trial strategy	1.3	
43	9/22/17	Review OAG's MSJ	0.5	
44	9/22/17	Emails with MG and EY re OAG's MSJ	0.2	
45	9/29/17	Call with EY re help with courtesy copy of ECF 181.	0.1	
46	9/29/17	Call with EY re courtesy copy, arrange for associate to deliver courtesy copy to chambers re ECF 181.	0.2	
47	10/3/17	Email from EY and review of draft jury instructions	0.5	
48	10/5/17	Call with EY re Tudor sett position and discussions	0.3	
49	10/8/17	Emails with EY and MG re Motions in Limine	0.2	
50	10/8/17	File Pro Hac Vice for MG and courtesy to court	0.2	
51	10/8/17	Review Opp to MSJ from EY	0.8	
52	10/9/17	Email with EY re after acquired evidence	0.2	
53	10/9/17	Draft Motions in Limine	2.2	
54	10/9/17	Emails with EY re MIL drafts	0.2	
55	10/10/17	Review draft of possible voir dire from EY	0.3	
56	10/10/17	Email from EY re coordinating with defense re exhibits	0.1	
57	10/10/17	Email EY re proposed edits to voir dire	0.2	
58	10/10/17	Email EY re proposed edits to trial brief	0.2	
59	10/11/17	Review OAG's MIL's and confer with EY re response	0.8	
60	10/11/17	Review Declarations for Opp to MSJ	0.2	
61	10/11/17	Emails with EY and OAG re Exhibits	0.2	
62	10/11/17	Call with EY re settlement efforts and trial strategy	1.1	
63	10/18/17	Emails with EY and MG re mtg to discuss trial	0.2	
64	10/18/17	Review email from EY re remaining deadlines	0.2	
65	10/18/17	Call with EY re trial preparations	1.7	
66	10/20/17	Emails with EY re response to OAG MIL's and sett efforts	0.2	
67	10/24/17	Review revised oppositions to OAG MIL's from EY	0.5	
68	10/27/17	Call with EY re trial logistics	0.4	

69	10/31/17	Mtg with EY and MG for trial prep and sett conf strategy	6.7	
70	11/1/17	Docket call hearing with Judge Cauthron.	0.5	
71	11/1/17	Settlement conference with Judge Goodwin.	3.7	
72	11/2/17	Call with EY re continuing settlement efforts	0.8	
73	11/3/17	Emails with EY and MG re trial subpoenas	0.3	
74	11/6/17	Call with EY re settlement efforts	0.3	
75	11/6/17	Emails with EY and MG re trial subpoenas and witnesses	0.5	
76	11/7/17	Call with EY re settlement efforts	0.2	
77	11/7/17	Call with EY re Judge Goodwin update and further efforts	0.4	
78	11/7/17	Mtg with EY and MG re voir dire and strategy	2.4	
79	11/8/17	Voir dire and jury selection.	1.6	
80	11/8/17	Settlement Conference with Judge Jones.	4.9	
81	11/8/17	Research selected jurors	0.7	
82	11/8/17	Research on backgrounds of selected jurors; conferral meeting with MG and EY.	1.8	
83	11/10/17	Draft proposed order for EY	0.3	
84	11/10/17	Review and prep exhibits and binders with EY	2.6	
85	11/11/17	Review and prep exhibits and binders with EY	9.6	
86	11/12/17	Review depositions to prepare for witness exams	2.2	
87	11/13/17	Jury Trial	6.5	
88	11/13/17	Mtg with EY and MG re trial debrief and strategy	1.6	
89	11/13/17	Review depositions to prepare for witness exams	1.8	
90	11/14/17	Jury Trial	5.8	
91	11/14/17	Emails with EY and MG re jury instructions	0.3	
92	11/14/17	Review depositions to prepare for witness exams	1.4	
93	11/15/17	Emails with EY and MG re service of subpoenas	0.3	
94	11/15/17	Jury Trial	5.8	
95	11/15/17	Mtg with EY, MG and client re trial debrief and strategy	1.1	
96	11/15/17	Review depositions to prepare for witness exams	1.2	
97	11/16/17	Chambers meeting with Judge Cauthron and OAG re directed verdict motions.	0.4	
98	11/16/17	Jury Trial	6.3	
99	11/16/17	Conferral meeting with client, MG and EY	1.1	
100	11/16/17	Meeting with EY and MG re closing statement	1.8	
101	11/16/17	Review depositions to prepare for witness exams	0.8	
102	11/17/17	Chambers meeting with Judge Cauthron and OAG re jury instructions and verdict form.	0.4	
103	11/17/17	Jury Trial	6.1	
104	11/17/17	Conferral meeting with client, MG and EY	1.1	
105	11/17/17	Chambers meeting with Judge Cauthron and OAG re jury instructions and verdict form.	0.4	
106	11/20/17	Jury Trial	3.5	

107	12/10/17	Review reinstatement brief from EY	0.8	
108	12/20/17	Review OAG opposition to reinstatement	0.5	
109	12/20/17	Email with EY re OAG opposition	0.1	
110	12/22/17	Emails with EY and MG re motion issues	0.2	
111	12/27/17	Email from EY with draft Reply brief	0.1	
112	12/27/17	Review draft reply brief	0.6	
113	12/28/17	Emails with EY and MG re Reply brief edits	0.3	
114	12/29/17	Email from EY with Reply brief for review	0.1	
115	12/29/17	Review Reply brief	0.4	
116	1/4/18	Call with EY re remaining briefing, discussion of appeal process, coordinating joint motion for fees.	0.8	
117	1/4/18	Email with EY re OAG request to file surreply.	0.1	
118	1/5/18	Email with EY and MG re FOIA request	0.2	
119	1/5/18	Email from EY of FOIA request	0.1	
120	1/8/18	Email with EY and MG re SE compliance	0.1	
121	1/17/18	Emails with EY and MG re next steps and surreply	0.2	
122	1/29/18	Emails with MG and EY re next steps on reinstatement	0.3	
123	1/30/18	Emails w MG and EY re reconsideration of reinstatement	0.2	
124	1/30/18	Email from EY re reconsideration of reinstatement status	0.1	
125	1/31/18	Call with MG and EY re strategy for reconsideration of reinstatement motion and preserving issues for appeal.	0.7	
126	2/6/18	Emails with MG and EY re reconsideration	0.2	
127	2/7/18	Email from EY re reconsideration of reinstatement and drafting of motion for extension for front pay motion.	0.1	
128	2/14/18	Emails with MG and EY re timing of remaining post-judgment motions.	0.3	
129	2/15/18	Emails with BN re sequencing of post-judgment motions.	0.1	
130	2/20/18	Emails with MG and BN re fees and costs petitions.	0.2	
131	3/19/18	Emails with EY and MG re client's publication of new articles; discuss filing second motion to supplement reinstatement/front pay motion.	0.2	
132	3/21/18	Emails with EY and MG re strategy responding to OAG opposition to reinstatement/front pay motion.	0.1	
133	3/22/18	Call with MG and EY to discuss work division on remaining post-judgment motions; revisions to fees petitions; division of labor on legal research on fees issues; revisions to declarations in support of fees.	0.7	
134	3/27/18	Emails with EY and MG re Tudor's latest publication and plan to include in Tudor reply to OAG opposition to reinstatement/front pay.	0.2	
135	3/27/18	Emails with EY re comments on Tudor reply to OAG opposition to reinstatement/front pay.	0.2	

136	3/28/18	Emails and texts with EY and MG re printing and delivery of courtesy copy of Tudor reply to OAG opposition to reinstatement/ front pay	0.2	
137	3/28/18	Coordinate with associate to deliver courtesy copy	0.3	
138	4/26/18	Conference call with EY and MG re next steps/appeal	1.0	
139	6/18/18	Research and draft motion re interest on judgment	4.2	

Total Hours	129.7
Billing Rate	\$300/hr
TOTAL FEES	\$38,910.00

DECLARATION OF MARIE E. GALINDO, ESQ.

I, Marie E. Galindo, declare as follows:

1. I am the sole proprietor of the Law Offices of Marie E. Galindo in Lubbock, Texas, and one of Plaintiff's counsel herein. I have personal knowledge of the facts stated in this declaration.

Compensation Sought in this Matter

1. I am seeking compensation for the time I have spent on this matter as well as some of the costs and expenses my Firm fronted for this matter. I have expended 102 hours in this matter for which I am seeking compensation for attorney's fees, without the multiplier, \$30,600.00. Along with all other attorneys in this petition, I am seeking application of a multiplier of 1.5 for fees bringing my total fees request to \$45,900. I am also seeking costs and expenses of \$5,085.78.
2. Time sheets showing my work in this matter are attached as Exhibit A.
3. A tabulation of costs and expenses I seek are attached as Exhibit B.

Education and Training

4. I received a BA from the University of Houston in Political Science in 1992. I received a JD from Rutgers University School of Law in 1995.
5. I have been very fortunate to have a diverse and accomplished legal career that spans two decades involving federal and state civil and criminal laws. I have been a solo practitioner since 2005 in one of the largest cities in America, Houston, Texas, and in one of the busiest economies in Midland, Texas, where I served my hometown as a part-time appointed Associate City Judge. As a solo practitioner, I have been able to hand-select cases wherein my legal experience can be put to work towards good ends for a variety of individuals. I

was a federal law clerk in the Western District of Texas for five years and worked on a great variety of cases including notable death penalty, employment and significant oil and gas litigation. I had prior experience before my clerkship as legal counsel to the City of Midland, Texas where I defended civil rights and employment cases plus advised various municipal departments and prepared related transactional work. I worked for small and medium-size boutique firms, too, that exposed me to sports/entertainment, criminal and medical malpractice litigation. Thus, even though I attended Rutgers University to focus on international mergers in anticipation of NAFTA, the courtroom has been the centerpiece of my career.

6. I regularly seek out formal and informal educational and training opportunities that go beyond the requisite CLE coursework that I complete to maintain my Texas law license.
7. For example, over the last ten years or so, I have attended the U.S. Court of Appeals – 10th Circuit Bench Bar Conference; served as a Master for American Inns of Court at Texas Tech University Law School; selected Applicant in the National Forensic College sponsored by NACDL and the Cardozo School of Law; licensing agreement speaker at the World Cyber Games Conference; recognized participant in the Trial Academy held by the Texas Association of Defense Counsel, Inc.; and selected Applicant for the Clarence F. Darrow Death Penalty Defense College held at the University of Michigan Law School.
8. In in the last ten years or so, I have spoken on topics ranging from constitutional law, civil rights, immigration and criminal justice hosted by local law schools, bar associations, universities, community organizations and churches.

Experience

9. I was admitted to practice in the State of Texas in 1996 after moving back from Philadelphia, Pennsylvania. Additionally, I am presently admitted to practice in the U.S.

District Court for the Southern District of Texas, the U.S. District Court for the Western District of Texas, the U.S. District Court for the Northern District of Texas, the U.S. Court of Appeals for the Fifth Circuit, the U.S. Court of Appeals for the Tenth Circuit, and the United States Supreme Court. I am also regularly admitted to practice *pro hac vice* in other jurisdictions, including most recently for this case in the U.S. District Court for the Western District of Oklahoma.

10. I maintain memberships in a variety of professional organizations, including the Texas Criminal Defense Lawyers Association, National Association of Criminal Defense Lawyers Association, Lubbock County Bar Association, Texas Bar Association, Lubbock Criminal Defense Bar Association.
11. I have extensive litigation and trial experience in both state and federal courts in both criminal and civil matters.
12. Throughout my career, I have handled a variety of complex matters in the areas of civil rights, criminal justice, immigration, commercial litigation, and domestic relations. I have also served as counsel in fee disputes in both state and federal courts.
13. I have had the privilege of working on some notable cases that directly relate to the instant case. A few have been related to sex discrimination which served as sound experience herein as what one would expect to confront in the courtroom. I have averred for father's rights in trial and appellate courts given rulings in certain southern states in *In the Interest of DH*. Additionally, the Social Security Administration denied benefits to the children of a same sex couple who had an anonymous sperm donor so when the mother, who had not given birth, passed away, the children were entitled to survivor and other benefits in the case of the Suazo children. Moreover, I represented Konan Kouadio in the 10th Circuit U.S.

Court of Appeals when his ex-wife was granted legal permanent resident status, but he was denied the same and accused of marriage fraud with her. I represented a young man in the *State v. Anibar Barrera, Jr.* case wherein he was charged with aggravated sexual assault on a college campus that was under investigation. Title IX was at the heart of the way in which he was mistreated due to a federal investigation of a college who was on the short list of universities under investigation at the time. Furthermore, I represented one of the first same sex couples with USCIS applying for legal permanent residency of a spouse in the state of Texas. Lastly, I've countered attorney's fees in several civil matters. One of those made it all the way to the Texas Supreme Court wherein the highest state court upheld the jury's verdict that the Plaintiff was not automatically entitled to attorney's fees despite a breach of contract finding against my client, the Defendant. *See First Serv. Air Condition Contrs. Inc. v. Midland W. Bld. LLC.*, 300 S.W.3d 787 (2008).

14. I also have extensive trial experience. Over the course of my three decades of legal practice, which includes criminal and civil matters, I estimate that I have taken, at least, over 150 cases to trial, approximately 50% of which were jury trials.
15. The vast majority of jury trials I have handled have been in federal and state courts in rural and mid-size regions in Texas. In my judgment, the demographics in the aforementioned regions closely align with the demographics in the jury pool drawn in the Western District of Oklahoma.
16. In my last decade of practice, I have been repeatedly sought out by colleagues to handle the trial stage of their cases due to my considerable experience and successes with jury trials. Among other things, my extensive knowledge of community demographics, regional mores, and ability to speak and communicate in a manner which is relatable to jurors in

those respective communities gives me a considerable advantage at trial. Indeed, I have found that my special skills and expertise in trying cases to juries in the aforementioned regions is of great aid when I am representing a party who is a member of an underrepresented minority in that community.

Service as Tudor's Counsel

17. I was retained by Dr. Tudor as counsel in September 2016, in *Texas et al. v. United States et al.*, 7:16-cv-00054-O (N.D. Tex.) and continued to serve as counsel through Tudor's appeal of the same in *Texas et al. v. United States et al.*, 16-11534 (5th Cir.). As this Court is already aware, Tudor was forced to intervene and challenge a nationwide preliminary injunction issued by the Northern District of Texas in the *Texas v. U.S.* case because that other court deemed itself to have the power to enjoin proceedings in this matter. As a result of the *Texas v. U.S.* injunction, this Court was forced to stay proceedings in this matter until the injunction either lifted or this matter was deemed outside of the scope of the injunction.

18. Along with Tudor's lead counsel in this matter, Ezra Young, I worked tirelessly for Dr. Tudor in the *Texas v. U.S.* case to attempt to get this matter out from under the injunction. We worked for months strategizing and ultimately seeking a novel intervention at the district court level (which was never ruled on), and then a more novel intervention on appeal, seeking relief from the injunction from the U.S. Court of Appeals for the Fifth Circuit.

19. Between September 2016 and March 2017, I worked closely with Mr. Young to craft pleadings, motions and motion responses, appellate merits briefs, compile appellate appendices, appellate motions and replies, and an appellate reconsideration motion.

20. In March 2017, the Plaintiff States in *Texas v. U.S.* dropped their lawsuit, which automatically dissolved the injunction, allowing Dr. Tudor to return to this court to prosecute her Title VII case. Once my work in *Texas v. U.S.* was complete, I advised Dr. Tudor and Mr. Young that if my services were needed in this matter, especially if it were to go to trial, that I would be happy to serve Dr. Tudor again.
21. In June 2017 Mr. Young reached out to me and requested, on Dr. Tudor's behalf, that I join him in prosecuting this case. At the time, Mr. Young indicated that he likely would need to build a trial team from scratch due to his recent change of firm and the possibility that the U.S. Department of Justice would not stay in the case through trial. I agreed to come on as Tudor's counsel in June 2017 on a contingency basis. By agreement with Mr. Young, I would not appear in this matter or take on substantial work until my services were needed so as to avoid duplicative billing on matters that Mr. Young and Ms. Novotny could already handle alone.
22. Starting in August 2017, I took on a more substantial role as counsel in this matter. As Mr. Young was wrapping up discovery, the transition out of the U.S. Department of Justice as co-litigants, and preparing for dispositive motion practice, I and Ms. Novotny began substantial preparations for a jury trial in this matter.
23. Drawing upon my extensive experience, I worked closely with Young and Novotny to craft a trial strategy for this matter that drew upon the unique skill sets of all attorneys involved and avoided duplicative work.
24. Starting in September 2017, I took on even more work in this matter, only some of which I am seeking fees for. Among other things, I performed extensive research on the jury pools in the Western District of Oklahoma, conferred with experts and colleagues in the area

about jury selection, researched demographics and verdicts in this Court, as well as advised Mr. Young on practice points necessary for a successful federal jury trial.

25. Starting in October 2017, I undertook extensive responsibilities in drafting and preparing filings in this matter in anticipation of trial, spent time reviewing depositions and pertinent discovery, and began preparing direct and cross examination, among other things. During this period I also took a proactive role in locating and securing *pro bono* consultants to assist the trial team in crafting opening and closing statements and providing advice on jury selection in this very unique case. My work in this matter in October was so burdensome that I turned down new cases brought to me, resulting in a loss of income.

26. In November, I nearly exclusively worked on this case and continued to turn down new cases brought to me. During this period I attended hearings in this matter, prepared and led voir dire, participated in multiple in person settlement conferences and conferred and participated in virtual settlement discussions, continued to prepare for trial, filed several motions and conferred on others, assisted with the trial preparations undertaken by Young and Novotny as needed, and ultimately served as trial counsel alongside Young and Novotny.

27. From December 2017 through present I have continued to work on this matter, albeit in a more limited capacity so as to avoid duplicative work. Throughout these months I have contributed to briefing on reinstatement, reconsideration of reinstatement, and front pay as well as performed some substantial work in anticipation of Defendants' threatened appeal.

Hourly Rate Sought

28. In this matter, I am seeking an hourly rate of \$300.00.

29. An hourly rate of \$300.00 is abundantly reasonable given my extensive experience, non-duplicative work, and contributions to the trial preparation and trial in this matter, all of which brought about an excellent result for Dr. Tudor.
30. An hourly rate of \$300.00 aligns with rates I have received in other hourly cases throughout my career, adjusted for inflation.
31. An hourly rate of \$300.00 aligns with comparable rates for work in federal litigation work performed by lawyers with my equivalent education, experience, and expertise in the Lubbock metropolitan area, where my offices are currently located.
32. It is my regular practice to keep contemporaneous records of billing in all hourly fee matters I handle and I followed that practice throughout the time I have worked on this matter.
33. I personally reviewed and prepared my itemized fees in this matter (Exhibit A) to ensure accuracy, remove duplicative billing, and to exercise billing judgment in accordance with binding precedents.

Other Expenses and Costs Sought

34. In this matter, I am seeking compensation for expenses and costs that my Firm expended in connection with prosecution of this matter, in the amount of \$5,085.78.
35. It is my regular practice to keep records of expenses and costs incurred in the prosecution of any case I handle and I followed that practice throughout the time I have worked on this matter.
36. In all matters that I handle for private clients who pay me directly by the hour, I reserve the right to seek reimbursement for necessary expenses and costs incurred in the course of

representation, including but not limited to: printing, shipping, travel, lodging, a modest per diem when I am out of office, and similar items law firms traditionally bill to clients.

37. In all matters that I handle on a contingency basis for private clients, I reserve the right to seek reimbursement for necessary expenses and costs incurred in the course of representation, and I traditionally seek reimbursement for the same kinds of expenses and costs sought from clients who pay me directly by the hour.

38. I personally reviewed and prepared my itemized expenses and costs in this matter (Exhibit 2) to ensure accuracy and to exercise billing judgment in accordance with binding precedents.

39. I attest that my prosecution of this matter would not have been possible without incurring the reasonable expenses and costs outlined in Exhibit B.

Application of a Multiplier is Justified

40. Dr. Tudor's motion for fees and expenses requests that the Court apply a multiplier to the fees sought. In my judgment, application of a multiplier is appropriate. In support of that request, and to supplement the points made by my co-counsel in their respective declarations, I submit the following:

41. **Extraordinary results.** Application of a multiplier is appropriate in this matter given the extraordinary results secured for Dr. Tudor and the important interests furthered by its successful prosecution. At the time Tudor's case was filed in 2015, there were few similar cases in federal courts and many practitioners and scholars alike openly doubted the viability of cases like this one given thorny precedents and widespread misunderstanding regarding the expansive scope of protections afforded by remedial sex discrimination laws. Tudor's case broke new ground at nearly every turn. As one example, this Court's order

denying Defendants' motion to dismiss, which, among other things, recognized that Tudor is protected by Title VII, is now widely taught around the nation and has been cited in federal regulations, federal guidance documents, and several trial and appellate court filings in and outside of the 10th Circuit. Tudor's successful navigation of the nationwide injunction in *Texas v. US* is also widely discussed by leading practitioners and scholars and there is significant interest from the same regarding the Court's decision denying Defendants' motion for summary judgment. Tudor's successful motion practice has significantly impacted the legal landscape, influencing federal and state agencies to change their approaches to sex discrimination claims brought by transgender persons as well as incentivizing leading private companies to modify their policies and align their practices with the standards struck by this Court's orders. Additionally, Tudor's success at trial—which required significant investment of time and resources to secure—made headlines the moment it was issued and continues to garner attention from practitioners and legal scholars and lay people around the nation.


42. **Hard-fought, complex, novel, and high-risk.** A multiplier is also appropriate in this matter given that it was so hard-fought, complex, novel, and high-risk. Throughout the course of this litigation Defendants aggressively defended their interests, requiring Tudor to engage in motion practice that is often unnecessary in typical cases, consuming considerable resources and time of counsel and limiting the number of other cases I could personally take on to sustain my business. Tudor's case also presented complex and novel issues both with regards to the merits (e.g., scope of Title VII coverage and tenure denial) as well as tactical issues that had to be deftly navigated to ensure a successful result for Tudor (e.g., ending the nationwide injunction in *Texas v. US*, navigating a change of

administration at DOJ in the midst of a co-litigation in a highly-contentious case, prosecuting the first federal jury trial redressing sex discrimination experienced by a transgender person). Additionally, this litigation was and remains incredibly high-risk. As in any civil rights case taken on a contingency basis, Tudor's counsel had to expend significant work and front significant expenses for a long-deferred payment. Other significant risks are present as well. For instance, Defendants' aggressive tactics require extraordinary care to counteract as, it is plain, any and all wins for Tudor before this Court will be appealed to the highest courts in our nation and the possibility of an amicable settlement is improbable. Among other things, Defendants' tactics have forced Tudor's counsel throughout these proceedings to carefully preserve issues for appeal and expend significant time responding to defenses and arguments that often totally lacked merit so as to ensure potential errors are preserved for future proceedings.

43. I therefore request \$30,600.00 as fees for my hours expended in this matter and costs and expenses of \$5,085.78. Along with all other attorneys in this petition, I am seeking application of a multiplier of 1.5 for fees bringing my total fees request to \$45,900.

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

Executed this 20th day of JUNE, 2018 in Lubbock, Texas.



Marie E. Galindo, Esq.

MARIE EISELA GALINDO
ATTORNEY AT LAW

EXHIBIT A

Marie Eisela Galindo's Billing for *Tudor v. Se. Okla. State Univ. et al.*,
5:15-cv-324 (W.D.Okla.)

#	DATE	DESCRIPTION	HOURS	FEE
1.	6/8/17	Meeting with EY in NYC Re:potential representation	.2	\$60
2.	8/23/17	Email with EY to coordinate trial prep	.2	\$60
3.	8/28/17	Call with EY. Email with BN. Trial Strategy and PHC.	.8	\$240
4.	8/28/17	Email review of email to client from EY re: representation	.1	\$30
5.	8/29/17	Communicate with BN about PHV	.1	\$30
6.	8/30/17	Review OAG Motion for Protective Order with all	.3	\$90
7.	8/30/17	Review Emails concerning OAG Protective Order	.2	\$60
8.	8/30/17	Review email and talk to EY OAG Protective Order	.2	\$60
9.	8/30/17	Review email and exchange emails with EY – DOJ K	.1	\$30
10.	8/31/17	Emails concerning Tudor opp DOJ withdrawal from K	.2	\$60
11.	8/31/17	Emails concerning OAG TRO and PROT Order –EY	.1	\$30
12.	9/1/17	Emails with EY RE: TRO Clarification Motion	.1	\$30
13.	9/1/17	Emails with EY and BN re: Opp DOJ Dismissal	.2	\$60
14.	9/5/17	Exchange emails with EY/BN re: meeting trial prep	.1	\$30
15.	9/6/17	Email exchanges for meeting on pretrial and trial strategy	.2	\$60
16.	9/6/17	Prepare for trial and pretrial practice meeting	1.1	\$360
17.	9/6/17	Conf Call – divided tasks for trial, etc.	1.5	\$450
18.	9/6/17	Email exchange on Judge Ogden (will cross at trial)	.7	\$210
19.	9/7/17	Review correspondence and emails on DOJ dismissal	.1	\$30
20.	9/13/17	Emails exchanged and files with EY and next steps	.2	\$60
21.	9/15/17	Emails exchanged re: closing discovery	.2	\$60
22.	9/18/17	Email with EY re: discovery and trial prep.	.1	\$30
23.	9/19/17	Email exchange with EY re: PHC	.1	\$30
24.	9/22/17	Conf with EY re: dividing work and trial strategy	.2	\$60
25.	9/22/17	Review MSJ and emails exchanges on ideas.	.8	\$240
26.	9/23/17	Emails to r/s meetings	.2	\$60
27.	9/24/17	Discuss work on jury instructions and voir dire/SJ response	1.5	\$450
28.	10/2/17	Emails on voir dire	.1	\$30
29.	10/3/17	Worked on jury instructions with EY and research.	1.7	\$510
30.	10/5/17	Email with EY on PHV	.1	\$30
31.	10/6/17	Email review on attachment of response to SJ	.1	\$30
32.	10/8/17	Email review on changes	.1	\$30
33.	10/9/17	Prepared and sent PHV Motion	.2	\$60

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34.	10/10/17	Emails on voir dire revisions	.2	\$60
35.	10/10/17	Checked to make sure PHC fee paid and followed up	.2	\$60
36.	10/10/17	Discussed voir dire and instructions with EY	.7	\$210
37.	10/10/17	Reviewed, edited and emailed on Summary of Case	.3	\$90
38.	10/10/17	Reviewed voir dire emails and edits	.2	\$60
39.	10/10/17	Conf Call with EY on voir dire and jury instructions	1	\$300
40.	10/10/17	Email to EY re: appearance form	.1	\$30
41.	10/11/17	Emails re: opposition declarations.	.1	\$30
42.	10/11/17	Emails exchanged to schedule meeting to prepare	.1	\$30
43.	10/16/17	Conf Call with EY re: pretrial report	.7	\$210
44.	10/18/17	Emails on scheduled call	.1	\$30
45.	10/18/17	Emails to reschedule meeting for trial strategy	.2	\$60
46.	10/18/17	Emails with EY/BN re: rescheduling meeting	.2	\$60
47.	10/20/17	Emails with EY re: settlement.	.1	\$30
48.	10/20/17	Email updates on settlement efforts	.1	\$30
49.	10/23/17	Emails with EY/BN in opposing potential voir dire	.2	\$60
50.	10/27/17	Emails on trial setting and settlement conference	.2	\$60
51.	10/31/17	Met in OKC to prepare for docket call, settlement, etc.	6.7	\$2010
52.	10/31/17	Docket Call with Judge Cauthron – Attended	.5	\$150
53.	11/1/17	Settlement Conf with Judge Goodwin	3.7	\$1,110
54.	11/3/17	Emails exchanged on serving subpoenas	.3	\$90
55.	11/4/17	Emails with EY on cross v. direct and exhibits	.3	\$90
56.	11/6/17	Emails with EY re: jury selection and voir dire	.1	\$30
57.	11/7/17	Meeting to strategize for jury selection and voir dire	2.4	\$720
58.	11/7/17	Review opening statement	.1	\$30
59.	11/8/17	Final preparation for VD and JS	1.6	\$450
60.	11/8/17	VD and Jury Selection – Attended	1.6	\$480
61.	11/8/17	Settlement Conf with Judge Jones	4.9	\$1,470
62.	11/8/17	Confer re: jurors	1.8	\$540
63.	11/13/17	Jury Trial Starts	6.5	\$1,950
64.	11/13/17	Meeting with co-counsel re: trial strategy	1.6	\$480
65.	11/14/17	Jury Trial	5.8	\$1,740
66.	11/14/17	Conference with trial team and client/trial prep on my own-reviewing depositions	2.4	\$720
67.	11/14/17	Emails on witnesses	.1	\$30
68.	11/14/17	Emails on jury instruction revisions	.2	\$60
69.	11/15/17	Jury Trial	5.8	\$1,740
70.	11/15/17	Conference with trial team and client	1.1	\$330
71.	11/15/17	Review trial transcript purchased	1.9	\$570
72.	11/15/17	Reviewed EEOC transcripts	1.2	\$360
73.	11/16/17	Met with Judge Cauthron re: directed verdict/jury charge	.4	\$120

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74.	11/16/17	Jury Trial	6.3	\$1,890
75.	11/16/17	Conference with trial team and client	1.1	\$330
76.	11/16/17	Conference with team on closing	3.6	\$1,080
77.	11/17/17	Meeting with Judge on Charge and Verdict Form	.4	\$120
78.	11/17/17	Jury Trial	6.1	\$1,830
79.	11/17/17	Conference with trial team and client	1.1	\$330
80.	11/20/17	Jury Trial	3.5	\$1,050
81.	12/10/17	Review reinstatement draft	.2	\$60
82.	12/11/17	Email EY on thoughts on draft	.1	\$30
83.	12/21/17	Email re: opposition to reinstatement	.1	\$30
84.	12/22/17	Emails exchanged	.2	\$60
85.	12/27/17	Emails OAG opposition	.1	\$30
86.	12/28/17	Emails regarding edits exchanged	.3	\$90
87.	12/29/17	Emails re: Reply Brief	.1	\$30
88.	12/29/17	Emails brief with exhibits	.1	\$30
89.	01/04/18	Emails and call on loose ends	.8	\$240
90.	01/05/18	Emails on FOIA	.2	\$60
91.	01/08/18	Emails on FOIA and compliance	.1	\$30
92.	01/16/18	Emails on Sureply	.1	\$30
93.	01/17/18	Email to set meeting on next steps	.1	\$30
94.	01/17/18	Call with EY re: reinstatement briefing and appeal	.6	\$180
95.	01/17/18	10 th Circuit email to EY	.1	\$30
96.	01/17/18	Review emails on meeting and what to discuss	.2	\$60
97.	01/17/18	Review email to client	.1	\$30
98.	01/29/18	Emails on next steps on reinstatement	.3	\$90
99.	01/30/18	Emails on reconsideration of reinstatement	.2	\$60
100.	01/30/18	More emails on reconsideration of reinstatement	.2	\$60
101.	01/31/18	Conf Call re: strategy on next steps and appeal	.7	\$210
102.	02/06/18	Emails on further reinstatement steps	.2	\$60
103.	02/06/18	Call on reconsideration of reinstatement	1.1	\$330
104.	02/07/18	Emails on Front Pay Extension	.1	\$30
105.	02/13/18	Emails on appellate research and related issues	.3	\$90
106.	02/14/18	Emails on postjudgment deadlines	.3	\$90
107.	02/20/18	Emails on timing of attorney fees petitions	.1	\$30
108.	02/20/18	Emails on fee and costs	.2	\$60
109.	2/20/18	Emails on AAUP	.2	\$60
110.	2/22/18	Call on fees and costs with EY	.1	\$30
111.	2/25/18	Emails on front pay	.2	\$60
112.	2/26/18	Emails on reconsideration motions	.1	\$60
113.	2/27/18	Emails, review and revising reconsideration motions	1.4	\$420
114.	3/19/18	Emails on front pay and supplemental motions	.2	\$60
115.	3/19/18	Email to EY on deadlines	.1	\$30

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116.	3/21/18	Emails in responding to OAG	.1	\$30
117.	3/21/18	Email to EY on attorney fees	.1	\$30
118.	3/22/18	Emails on confidential docket entrees	.1	\$30
119.	3/22/18	Conference Call on work division for appeal/postjudge	.7	\$210
120.	3/23/18	Email to EY on attorney's fee and research	.4	\$120
121.	3/26/18	Reviewed, emailed, researched with EY	1.2	\$660
120.	3/26/18	Email to EY on Tudor Reply to OAG opposition front pay and reinstatement	.1	\$30
121.	3/26/18	Emailed EY thoughts on latest draft of Tudor Reply	.1	\$30
122.	3/27/18	Emails on what more to do on reinstatement	.2	\$60
123.	3/28/18	Emails/texts responses on reinstatement/reply	.3	\$90

TOTAL HOURS: 102.00
BILLING RATE: \$300.00
TOTAL FEES: \$30,600

Exhibit B

MARIE EISELA GALINDO
Costs Summary Chart for
Tudor v. Se. Okla. State Univ. et al.,
5:15-cv-324 (W.D.Okla.)

Flight – Docket Call/Prepare/Settlement Conf	\$572.67
Flight-Jury Selection/Settlement Conf	\$561.17
Flight-Jury Trial	\$476.96
Flight-Jury Trial	\$395.96
Lyft to Court	\$11.30
Lyft to Court	\$11.30
Lyft to Court	\$11.50
Meeting Meal with Client/Co-Counsel	\$134.55
Meeting Meal with Client/Co-Counsel	\$27.64
Meeting Meal with Client/Co-Counsel	\$46.74
Office Max – Supplies for Trial	\$113.88
Hotel-Docket/Prep/Settlement Conference	\$868.29
Hotel-Jury Trial	\$2722.11

Total Costs: \$5,085.78

2015 HOURLY RATE FACT SHEET

**Hourly Rates by Demographic Category
2013 and 2015 Median Hourly Rate by Sex, Race, and Ethnicity**

	Median Hourly Rates		Change from 2013 to 2015	
	2013	2015	Difference	Percent Change
All Full-Time Private Practitioners				
Full-Time attorneys	\$242 (N = 4,951)	\$260 (N = 4,260)	\$18	7.4%
Sex				
Male	\$247 (N = 3,271)	\$275 (N = 2,749)	\$28	11.3%
Female	\$228 (N = 1,458)	\$250 (N = 1,406)	\$22	9.6%
Race				
White	\$245 (N = 3,958)	\$260 (N = 3,730)	\$15	6.1%
All Racial Minorities (For 2013, this included Hispanic or Latino)	\$218 (N = 732)	\$250 (N = 371)	\$32	14.7%
Black or African American	\$220 (N = 132)	\$250 (N = 110)	\$30	13.6%
American Indian or Alaska Native	\$200 (N = 14)	\$250 (N = 24)	\$50	25.0%
Asian (above was "Asian/Pacific Islander in 2013)	\$230 (N = 107)	\$250 (N = 89)	\$20	8.7%
Native Hawaiian or Other Pacific Islander	N/A	~	N/A	N/A
Two or More Races	\$233 (N = 65)	\$264 (N = 74)	\$31	13.2%
Other Race	\$238 (N = 53)	\$250 (N = 70)	\$12	5.0%
Ethnicity				
Hispanic or Latino	\$203 (N = 361)	\$250 (N = 376)	\$47	23.2%
Not Hispanic or Latino	N/A (N = 3,721)	\$265 (N = 3,721)	N/A	N/A

If multiple rates provided, by practice area, they were averaged for overall hourly rate. Rates are reported only for groups with six or more observations. Otherwise the tilde is shown (~).

EXHIBIT C

2015 HOURLY RATE FACT SHEET

Hourly Rates by Demographic Category
2013 and 2015 Median Hourly Rate by Years of Experience

Years of Experience	Median Hourly Rates		Change from 2013 to 2015	
	2013	2015	Difference	Percent Change
2 or less years	\$185 (N = 590)	\$200 (N = 475)	\$15	8.1%
3 to 6 years	\$218 (N = 790)	\$250 (N = 759)	\$32	14.7%
7 to 10 years	\$239 (N = 533)	\$250 (N = 483)	\$11	4.6%
11 to 15 years	\$245 (N = 498)	\$258 (N = 483)	\$13	5.4%
16 to 20 years	\$261 (N = 437)	\$300 (N = 382)	\$39	14.9%
21 to 25 years	\$264 (N = 504)	\$300 (N = 383)	\$36	13.6%
Over 25 years	\$281 (N = 1,399)	\$300 (N = 1,194)	\$19	6.8%

Note: Years of experience based on year first licensed in any jurisdiction.

2015 HOURLY RATE FACT SHEET

Hourly Rates by Demographic Category
2013 and 2015 Median Hourly Rate by Age

Age	Median Hourly Rates		Change from 2013 to 2015	
	2013	2015	Difference	Percent Change
21 to 25 years	\$150 (N = 26)	\$180 (N = 49)	\$30	20.0%
26 to 30 years	\$192 (N = 624)	\$200 (N = 567)	\$8	4.2%
31 to 35 years	\$227 (N = 686)	\$250 (N = 672)	\$23	10.1%
36 to 40 years	\$237 (N = 512)	\$250 (N = 466)	\$13	5.5%
41 to 45 years	\$240 (N = 499)	\$254 (N = 444)	\$14	5.9%
46 to 50 years	\$262 (N = 500)	\$290 (N = 398)	\$28	10.7%
51 to 55 years	\$268 (N = 530)	\$275 (N = 426)	\$7	2.6%
56 to 60 years	\$269 (N = 546)	\$300 (N = 428)	\$31	11.5%
61 to 65 years	\$270 (N = 397)	\$300 (N = 367)	\$30	11.1%
More than 65 years	\$279 (N = 401)	\$300 (N = 325)	\$21	7.5%

2015 HOURLY RATE FACT SHEET

**Hourly Rates by Demographic Category
2013 and 2015 Median Hourly Rates by Practice Area**

Practice Area	Median Hourly Rates		Change from 2013 to 2015	
	2013	2015	Difference	Percent Change
Administrative and Public	\$243 (N = 132)	\$271 (N = 88)	\$28	11.6%
ADR	\$278 (N = 65)	\$300 (N = 30)	\$22	7.9%
Antitrust	\$463 (N = 19)	\$485 (N = 13)	\$22	4.8%
Appellate	\$258 (N = 190)	\$295 (N = 162)	\$37	14.3%
Aviation	\$230 (N = 11)	\$310 (N = 11)	\$80	34.8%
Bankruptcy	\$259 (N = 218)	\$300 (N = 106)	\$41	15.8%
Business	\$248 (N = 841)	\$285 (N = 879)	\$37	14.9%
Construction	\$235 (N = 197)	\$250 (N = 215)	\$15	6.4%
Consumer	\$233 (N = 128)	\$243 (N = 88)	\$10	4.1%
Creditor-Debtor	\$211 (N = 200)	\$250 (N = 159)	\$39	18.5%
Criminal	\$190 (N = 519)	\$200 (N = 149)	\$10	5.3%
Elder Law	\$228 (N = 97)	\$250 (N = 58)	\$22	9.6%
Entertainment	\$307 (N = 15)	\$300 (N = 19)	-\$7	-2.3%
Environmental	\$321 (N = 59)	\$308 (N = 54)	-\$14	-4.2%
Ethics-Legal Malpractice	\$279 (N = 29)	\$273 (N = 30)	-\$7	-2.3%
Family	\$227 (N = 1,071)	\$250 (N = 916)	\$23	10.1%
Government/Administrative	\$196 (N = 143)	\$225 (N = 126)	\$29	14.8%
Health Care	\$247 (N = 116)	\$255 (N = 112)	\$8	3.2%
Immigration	\$196 (N = 87)	\$270 (N = 12)	\$74	37.8%

Note: Attorneys could report working in more than one practice area. For example, if an attorney reported working in both family law and criminal law they were counted in both.

2015 HOURLY RATE FACT SHEET

**Hourly Rates by Demographic Category
2013 and 2015 Median Hourly Rates by Practice Area (Continued)**

Practice Area	Median Hourly Rates		Change from 2013 to 2015	
	2013	2015	Difference	Percent Change
Insurance	\$183 (N = 269)	\$195 (N = 271)	\$12	6.6%
Intellectual Property	\$331 (N = 267)	\$365 (N = 208)	\$34	10.3%
International	\$350 (N = 36)	\$385 (N = 31)	\$35	10.0%
Juvenile	\$147 (N = 47)	\$100 (N = 27)	-\$47	-32.0%
Labor-Employment	\$256 (N = 335)	\$278 (N = 282)	\$22	8.4%
Law Office Management	\$241 (N = 15)	~	N/A	N/A
Litigation: Commercial	\$265 (N = 1,299)	\$283 (N = 1,209)	\$18	6.6%
Litigation: Personal Injury	\$189 (N = 599)	\$185 (N = 431)	-\$4	-2.1%
Military	~	~	N/A	N/A
Oil & Gas	\$240 (N = 350)	\$255 (N = 302)	\$15	6.3%
Other	\$237 (N = 265)	\$260 (N = 183)	\$23	9.7%
Public Utility Law	\$259 (N = 44)	\$308 (N = 30)	\$49	18.7%
Real Estate	\$237 (N = 731)	\$250 (N = 612)	\$13	5.5%
School Law	\$208 (N = 56)	\$225 (N = 48)	\$17	8.2%
Securities Law	\$338 (N = 83)	\$385 (N = 78)	\$47	13.9%
Social Security Law	\$194 (N = 12)	~	N/A	N/A
Taxation	\$292 (N = 151)	\$350 (N = 172)	\$58	19.9%
Technology	\$290 (N = 30)	\$375 (N = 25)	\$85	29.3%
Wills-Trusts-Probate	\$232 (N = 867)	\$250 (N = 602)	\$18	7.8%

Note: Attorneys could report working in more than one practice area. Rates are reported only for groups with six or more observations. Otherwise the tilde is shown (-).

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Dr. Rachel Tudor,)
Plaintiff,)
v.) Case No. 5:15-CV-00324-C
Southeastern Oklahoma State University) Honorable Robin J. Cauthron
-and-)
The Regional University System Of)
Oklahoma,)
Defendants.)

**APPLICATION TO JOIN IN PLAINTIFF’S FEE REQUEST BY FORMER
COUNSEL, TRANSGENDER LEGAL DEFENSE AND EDUCATION FUND**

Because Plaintiff’s Motion For Attorney Fees, Costs And Expenses (Document 303) failed to include the fees and expenses incurred by Plaintiff’s former counsel, Applicant, Transgender Legal Defense & Education Fund, Inc. (also “TLDEF”), Applicant respectfully seeks leave to amend the Motion and add TLDEF’s fees and expenses.

1. TLDEF is a non-profit law firm located in New York City that represents and advocates for the transgender community. It is committed to ending discrimination against transgender people, and to achieving equality through education and through impact litigation, such as this case.

2. To that end, TLDEF undertook Plaintiff’s representation in this important civil rights case pursuant to a retainer agreement with Plaintiff dated August 31, 2016 (“The Retainer Agreement”), which gives rise to TLDEF’s right

to recover attorney's fees and expenses. A copy of the Retainer Agreement is attached as Applicant's Exhibit No. 1.

3. During the period of TLDEF's representation, Plaintiff's present counsel, Ezra Young, Esq., served as TLDEF's Director of Impact Litigation, representing Dr. Tudor in this case.

4. Mr. Young left TLDEF in May 2017, taking this case with him.

5. During the period of Mr. Young's representation of Plaintiff on behalf of TLDEF, from August 31, 2016, to May 24, 2017, TLDEF incurred attorney fees totaling \$119,770 and expenses totaling \$3,236.68.

6. As its reasonable attorney's fee herein, TLDEF seeks the sum of \$119,770, representing 342.2 hours of Ezra Young's attorney time as TLDEF Director of Impact Litigation. Mr. Young's time was billed at the reasonable rate of \$350 per hour.

7. As expenses, TLDEF seeks recovery of the sum of \$3,236.68 in expenditures that it actually incurred on this matter during the period from August 31, 2016, through May 2, 2017.

8. As a TLDEF attorney, Ezra Young was required to record his time in matters such as the present case, where TLDEF's time may be eligible for a fee award. Mr. Young recorded his time in tenths of an hour (i.e., in segments of no less than six minutes), describing the specific tasks on which time was spent. For matters in which time was spent on more than one task in a particular matter

during any single day, Mr. Young was instructed to avoid “block billing,” and to specify the amount of time spent on each task in the course of that day. As Mr. Young will certainly attest, he followed that policy.

9. In Mr. Young’s Declaration supporting Plaintiff’s Motion for Attorneys’ Fees, he describes in detail the nature of this action, the novel, important, and complex issues of transgender rights involved, and the history of this action. TLDEF adopts that description and incorporates it herein by reference.

10. TLDEF also adopts, and incorporates herein by reference Mr. Young’s detailed description of his educational and legal background, particularly with respect to his experience protecting and furthering the rights of transgender people. Mr. Young’s expertise, legal background and experience amply justifies the reasonableness of the \$350 hourly rate.

11. TLDEF’s Application seeks fees only for the time billed by Mr. Young while he was employed by TLDEF. Applicant is not seeking recovery of any fees billed by TLDEF’s former Executive Director, Jillian Weiss.

12. TLDEF also does not seek recovery of any attorney fees for either Mr. Young’s or Ms. Weiss’ time incurred during the time period between when Mr. Young and Ms. Weiss began working at TLDEF in July 2016, and the August 31, 2016, Retainer Agreement.

13. Pursuant to local rule, Applicant has spoken with counsel for Plaintiff and the Defendants, all of whom object to this Application.

WHEREFORE, Applicant, Transgender Legal Defense & Education Fund, Inc., respectfully seeks leave to amend Plaintiff's Motion and add TLDEF's fees and expenses.

Respectfully submitted,

s/ Charles J. Watts

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E-mail: cjwattslaw@yahoo.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 2018, an electronically transmitted copy of the foregoing document was filed with the Court Clerk using the ECF System, with the Clerk transmitting a Notice of Electronic Filing to the following ECF registrants:

Ezra Young
Law Office of Ezra Young
Email: ezraiyoung@gmail.com
Attorney for Plaintiff

Dixie L. Coffey
Jeb E. Joseph
Kindanne Jones
Timothy M. Bunson
Attorney General's Office, Litigation Division
Email: dixie.coffey@oag.ok.gov
Email: jeb.joseph@oag.ok.gov
Email: kindanne.jones@oag.ok.gov
Email: tim.bunson@oag.ok.gov
Attorneys for Defendants Southeastern
Oklahoma State University and The Regional
University System of Oklahoma

s/Charles J.Watts

TRANSGENDER LEGAL DEFENSE
& EDUCATION FUND, INC.
20 W. 20th Street
New York, NY 10014
(646) 862-9396
fax: (646) 930-5654

RETAINER AGREEMENT

1. I, Rachel Tudor, hereby retain the Transgender Legal Defense & Education Fund, Inc. (TLDEF) to represent me in the following matter:

With regard to United States and Rachel Tudor v. Southeastern Oklahoma State University and Regional University System of Oklahoma, Case No. 5:15-CV-00324-C, currently pending before the United States District Court for the Western District of Oklahoma as well as all related cases filed in federal district courts.

2. I understand that TLDEF's representation is limited to the proceedings in the tribunal or court listed above. TLDEF may elect to participate in further trial or appellate processes in this matter, under the terms and conditions of this Agreement, but has no obligation to represent me. TLDEF also has no obligation to find a lawyer to represent me in any legal matter I may have. Any future representation will be determined as needed and will also be subject to this written agreement, unless superseded or modified by another written agreement.

3. I authorize TLDEF to take whatever action it deems necessary in representing me in the matter described in paragraph 1, above.

4. As of the date I signed this Retainer, I understand that TLDEF has assigned Ezra Young to my case. I also understand that as of the date of this Retainer, the Executive Director of TLDEF is Jillian Weiss.

5. I understand that TLDEF may involve other lawyers, law firms or public interest legal

organizations (“Cooperating Attorneys”) in this matter, and may assign a lawyer to represent me. I have no right to a particular attorney under this agreement.

6. Staff attorneys working at TLDEF may or may not be admitted to practice law in the jurisdiction of the tribunals or courts listed in paragraph 1. TLDEF will associate with local counsel admitted to practice law in those jurisdictions as necessary and as required by law. Any statements in reference to laws or legal requirements are not intended as legal advice unless and until representation by TLDEF is accepted by a court, tribunal or government agency operating in the appropriate state.

7. If the application of TLDEF to appear in the action referenced in paragraph 1 is denied, and reasonable attempts to reverse any denial fail, then this Agreement is terminated.

CLIENT COOPERATION AND COMMUNICATION

8. I agree to cooperate fully with TLDEF in this matter. I will notify it of any changes in my address or telephone number immediately. I will promptly return phone calls and emails within a reasonable time. I will assist in the preparation of my case and will not contact attorneys representing opposing parties.

9. I will not delete any electronic data of any kind relating to this case, including emails, texts or social media, or accounts for same containing such information, without written permission from my attorney. I will not discard or give away any electronic device, including computers, phones, iPads, etc., for any reason, including but not limited to a need to return them to the company for warranty purposes or device upgrades, without written permission of my attorney. I understand this applies to devices that no longer function, as non-functioning devices can still be forensically examined to retrieve the information on them.

10. I understand that during the course of litigation I may be offered the option of mediation. If TLDEF requests, I agree to attend and participate in mediation proceedings.

11. TLDEF uses email for my convenience, but I am aware that email is inherently insecure, with significant risk of third-party interception. If I prefer not to take the risk, I am aware that I must let the firm know in writing, which will then use fax or mail for all communications. I am aware that email, including personal email accessed via the web, created or viewed through employer-provided systems, including smartphones, can be viewed by the employer. See ABA Opinion No. 11-459.

FEES, COSTS, AND OTHER CHARGES

12. I understand that TLDEF will not seek legal fees and costs from me, unless there is a monetary recovery. If there is a settlement, TLDEF shall be entitled attorney fees as well as in its costs. If TLDEF is permitted by law to apply for and request legal fees and costs from any legally responsible party, it may do so by filing a request with the appropriate government agency, tribunal or court that is authorized to award attorney fees from a legally responsible party.

13. I authorize TLDEF, and its Cooperating Attorneys to apply in my name for any attorneys' fees, costs, reimbursements or any other amounts I may be entitled to in connection with this matter as set forth in paragraph 23. I will cooperate with TLDEF to help it recover such amounts.

14. I understand that any amounts received by me as compensation or damages are subject to tax. I understand that TLDEF is not expert in tax matters, and I will consult my own accountant or tax attorney to address amounts owed in tax after recovery of compensation or

damages.

15. I understand that I alone am responsible for paying any fines, penalties, attorneys' fees, costs or damages assessed against me personally. I understand that if an adverse party is the prevailing party before a government agency, tribunal or court, that party may apply for reimbursement of fees and costs.

16. I understand that my health insurance company may have a right to recoup amounts it paid for medical care on my behalf for physical or mental injury if such injuries are a subject of this lawsuit.

CONFIDENTIALITY AND PUBLICITY

17. I will not make statements to media without first requesting written approval of any statement during the pendency of this matter.

18. I will not speak to or provide written information about my case to media, including but not limited to newspapers, television or radio shows, or blogs, without written permission of my attorney. All requests for comment will otherwise be directed to my attorney.

19. I will not make any comments about pending lawsuits in emails, texts or social media to anyone, including friends and family members, without written permission from my attorney. However, to the extent I have already made such comments, I will not delete them.

20. I understand that the lawyer(s) assigned to my case may discuss the matter with attorneys and others in an effort to give me the best representation. To this end, I authorize my lawyer(s) to reveal confidential information to such others, who will be asked to maintain the confidence of such information.

21. I hereby authorize the firm and Cooperating Attorneys to publicize the case in any

manner that it believes in good faith will advance my interests. I hereby consent to use of my name in TLDEF publicity. I understand that TLDEF will not use my likeness in any promotional activities without my consent. I understand that TLDEF does not have control of use of my likeness (authorized or not authorized) by third parties. I understand that TLDEF engages in impact litigation designed to create precedents favorable to the transgender community, and designed to be publicized in a way that provides education to our society. In addition, I understand that much of TLDEF's funding comes from requesting donations from the public, and that it will do so in conjunction with the publicity regarding my case and facts about me and my life that are disclosed through public court filings in my case. I am willing to move forward with the matter after having considered these issues.

TRANSFER FROM LAW OFFICE OF JILLIAN T. WEISS, P.C.

22. I acknowledge that I was previously represented by the Law Office of Jillian T. Weiss, P.C. (Law Office) in this matter, pursuant to a retainer agreement dated February 2014. Because the Law Office plans to cease offering legal services at this time, I have been given the option to retain TLDEF to represent me in this matter. I am aware that I have the option to decline TLDEF's representation and to retain another attorney, and I have freely chosen to retain TLDEF. I consent for TLDEF to be substituted as counsel in place of the Law Office in this matter and I understand that, upon substitution, the Law Office will cease representing me in this matter and will no longer have any obligation to provide me with legal advice or services.

ATTORNEYS' FEES AND DISBURSEMENTS

23. I understand that, pursuant to N.Y. Jud. Law § 475, the Law Office has a statutory charging lien on any future recovery in this matter, to cover attorneys' fees for the work it has done to date and to reimburse the Law Office for any costs it has advanced on my behalf. Accordingly, I consent to the following arrangement regarding attorneys' fees and disbursements:

- (a) If the matter is settled at any time, and there is no award by a government agency, tribunal or court of attorney fees or costs (the "Settlement"), all of my personal attorneys for this matter, including the Law Office and TLDEF, shall jointly be entitled to attorneys' fees in the amount of one-third of the Settlement (gross amount before costs) (the "Contingency Fee Amount"). I understand that TLDEF will hold all earmarked attorneys fees in trust, to be distributed to all of my personal counsel as per representation agreements in effect at the time of settlement.
- (b) Alternatively, if attorneys' fees are awarded and fully collected in this matter, then TLDEF, the Law Office, and all other counsel with valid representation agreements in effect at the time of Judgment shall be entitled to legal fees in the amount awarded (the "Fee Award"), not to exceed one-third of the total Judgment and Attorneys Fees (gross amount before costs). To the extent that the Law Office and/or TLDEF are unable, after making reasonable efforts, to collect the full amount of the Fee Award from the defendant(s), they shall be entitled to be paid the balance of the Fee Award from any judgment that is collected, not to exceed one-third total of the Judgment and Attorneys Fees (gross amount before costs). I further understand that TLDEF will hold all

earmarked attorneys fees in trust, to be distributed to all of my personal counsel as per representation agreements in effect at the time of Judgment.

- (c) In addition to any attorneys' fees, I understand that all of my personal counsel in this matter, including the Law Office and TLDEF, are each entitled to reimbursement of all costs and disbursements they have advanced on my behalf, which will be paid from either the balance of any Settlement after deduction of attorneys' fees, under Paragraph 23(a), or the balance of any judgment after deduction of legal fees, under Paragraph 23(b).

TERMINATION

24. TLDEF may terminate its involvement in this matter if:

- a) It becomes clearly frivolous, unreasonable or groundless; or
- b) The facts are found to be materially different from those I have stated; or
- c) I fail to comply with the terms of this Retainer Agreement; or
- d) Some other compelling reason makes it necessary to withdraw from the matter.

25. I understand that TLDEF will not settle my case without my express permission. I also understand that, as a non-profit committed to impact litigation, TLDEF prefers to bring cases to completion in the courts rather than to settle them. However, if TLDEF determines that it is in my best interests to accept a settlement, and a reasonable settlement offer is made and I decline it, I understand that TLDEF may elect to withdraw. If TLDEF withdraws I understand that I will be responsible for finding new counsel if I wish to continue with the matter. I further understand that I will be responsible for ensuring that, if a monetary recovery is made after

TLDEF withdraws, that I must notify TLDEF within 14 days of any settlement or judgment, and that I must include TLDEF's services in any fee application to applicable tribunals or courts.

26. I also understand that I am free at any time to discharge TLDEF. If I do, however, TLDEF is not required to find another attorney for me, and I will be responsible for finding new counsel if I wish to continue with the matter. I further understand that I will be responsible for ensuring that, if a monetary recovery is made after TLDEF is discharged, that I must notify TLDEF within 14 days of any settlement or judgment, and that I must include TLDEF's services in any fee application to applicable tribunals or courts.

SOLE AGREEMENT

27. This Agreement is the sole and entire retainer agreement between the parties, and supersedes any prior understandings or agreements. Any future agreements modifying the terms of this retainer must be in writing and signed by the party to be charged.

Rachel Tudor

RACHEL TUDOR

Date: 8/31/16

TRANSGENDER LEGAL DEFENSE AND EDUCATION FUND, INC.

By:

Jillian Weiss

Jillian Weiss, Executive Director

Date: 8/31/16



VIA FEDEX OVERNIGHT

October 19, 2017

Kindanne C. Jones
State of Oklahoma
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

Re: Attorney's Liens in favor of Transgender Legal Defense & Education Fund, Inc. and Law Office of Jillian T. Weiss, P.C., in regard to U.S. v. SEOSU et al., No. 5:15-cv-00324-C,

Dear Ms. Jones:

Please find enclosed two attorney's liens in regard to the above-referenced action.

Thank you.

Very truly yours,

Jillian T. Weiss



October 23, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **770544687864**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	K.KITE	Delivery location:	313 NE 21ST ST OKLAHOMA CITY, OK 73105
Service type:	FedEx 2Day	Delivery date:	Oct 23, 2017 08:47
Special Handling:	Deliver Weekday		



Shipping Information:

Tracking number:	770544687864	Ship date:	Oct 19, 2017
		Weight:	0.5 lbs/0.2 kg

Recipient:
Kindanne C. Jones
Oklahoma Attorney General/ Tudor
313 NE 21st Street
OKLAHOMA CITY, OK 73105 US

Shipper:
Jillian Weiss
20 W. 20th Street
Suite 705
New York, NY 10011 US

Thank you for choosing FedEx.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
RACHEL TUDOR,)	
)	
Plaintiff-Intervenor)	
v.)	CASE NO. 5:15-CV-00324-C
)	
SOUTHEASTERN OKLAHOMA)	
STATE UNIVERSITY, and)	
)	
THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA,)	
)	
Defendants.)	

**NOTICE OF ATTORNEY’S LIEN OF
TRANSGENDER LEGAL DEFENSE & EDUCATION FUND, INC.**

PLEASE TAKE NOTICE that pursuant to 5 Okla. Stat. Ann. §§ 6, 7, Transgender Legal Defense & Education Fund, Inc. (“TLDEF”), asserts an Attorney’s Lien on these causes of action, settlement, and any verdict or judgment herein, for attorney fees and expenses in the course of its representation of Plaintiff-Intervenor Rachel Tudor (“Dr. Tudor”) in these causes of action. This lien includes attorney fees for services rendered by the Law Office of Jillian T. Weiss, P.C., on behalf of Plaintiff-Intervenor Rachel Tudor, which have all been assigned to Transgender Legal Defense & Education Fund, Inc. The extent of the lien for attorney fees shall be limited to the appropriate portion of the contingency fee of one-third of any settlement or award (gross before costs), as set forth in the retainer agreement with TLDEF signed by Dr. Tudor on August 31, 2016, as well as expenses.

Dated: October 19, 2017

s/ Jillian T. Weiss _____
Jillian T. Weiss
Executive Director
Transgender Legal Defense & Education Fund, Inc.
20 W. 20th Street
Suite 705
New York, New York 10011
(646)862-9396
Fax: (646)930-5654
jweiss@transgenderlegal.org
Admitted Pro Hac Vice



Donna Levinsohn <dlevinsohn@transgenderlegal.org>

Tudor Fee Petition

1 message

Dolph Goldenburg <dgoldenburg@transgenderlegal.org>
To: Ezra Young <ezra@ezrayoung.com>, ezrayoung@gmail.com
Cc: "Hyland, Nicole" <nhyland@fkks.com>

Wed, Jun 20, 2018 at 5:35 PM

Dear Ezra:

I write on behalf of Transgender Legal Defense & Education Fund ("TLDEF"). I am copying Nicole Hyland, TLDEF's attorney, on this letter, to make clear that you may respond to this communication without violating any ethical constraints that would preclude you from communicating directly with me regarding the above matter. However, please copy Ms. Hyland on any response.

We recently learned that a judgment ("Judgment") (a copy of which is attached) was entered in Dr. Tudor's favor on June 6, 2018, in the sum of \$420,081.54. From your email dated November 20, 2017, we were waiting for you to pass on instructions from the Court regarding fee petition deadlines.

As you may know, TLDEF's retainer agreement with Dr. Tudor, dated August 31, 2016 ("Retainer Agreement") (a copy of which is attached), expressly provided in Paragraph 26, at page 8, that although Dr. Tudor had the right to discharge us at any time, if a monetary recovery were made after any such discharge, Dr. Tudor "must notify TLDEF within 14 days of any settlement or judgment, and . . . must include TLDEF's services in any fee application to applicable tribunals or courts."

Since we were not notified that the Judgment had been entered nor of the applicable deadlines, we expect that you will include TLDEF's services, and its attorneys' fees and expenses incurred, in any fee application you make on Dr. Tudor's behalf (either today or at any later date), as required by the terms of the Retainer Agreement, in the following amounts:

For attorneys' fees, TLDEF seeks the sum of \$119,770, representing 342.2 hours of time that you -- and only you -- spent on the matter from August 31, 2016 (the date of the retainer and of TLDEF's appearance in the matter, see ECF 118-119) through May 16, 2017, billed at the rate of \$350 per hour that TLDEF applied internally to your time. Those hours, and the underlying time entries you made contemporaneously, are all set forth on the next two documents attached: one extracted from Evernote, covering the period from August 31, 2016 through January 31, 2017 (totaling 229.3 hours), and one setting forth your entries for the Tudor matter in TLDEF's TimeBilling X system, covering the period from April 5, 2017 through May 16, 2017 (totaling 112.9 hours). (We are not seeking recovery of any fees for the period from February 1, 2017 through April 4, 2017.)

We wish to emphasize that to avoid duplicative charges, and to avoid any possible dispute with you or with defendants about the nature, amount, or reasonable value of the time billed on this matter during the relevant period by TLDEF's former Executive Director, Jillian Weiss, we are not seeking recovery of any fees for Ms. Weiss's time during that period. In addition, and also in the interest of keeping our request as simple as possible, we are not seeking recovery of any attorneys' fees (whether arising from your time billed on the matter or Ms. Weiss's time) that were incurred on the matter prior to August 31, 2016, whether at Ms. Weiss's old firm or at TLDEF.

For expenses, we seek recovery of the sum of \$3,236.68 in expenditures actually incurred on this matter during the period from August 31, 2016 through May 2, 2017, as summarized on the attached Excel spreadsheet. (I will send you the backup documentation of those expenses by a separate email.)

Thus, the total that TLDEF seeks and that you should include in any fee application you make on plaintiff's behalf, is \$123,006.68 (\$119,770 in attorneys' fees, plus \$3,236.68 in expenses incurred).

We strongly urge you to put any disputes you may have with TLDEF to rest and avoid a public airing of those disputes -- something that would benefit neither of us, let alone Dr. Tudor -- by complying, on Dr. Tudor's behalf, with the provisions of her Retainer Agreement with TLDEF.

Thank you in advance for your cooperation.

Sincerely,

Dolph W. Goldenburg
Interim Executive Director

C: Nicole Hyland

Attachments:

TLDEF Retainer

Ezra Young records via Time BillingX

Tudor Expenses 09-06-16 to 05-02-17

Tudor Judgement

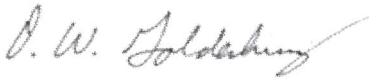
Dolph Ward Goldenburg
Interim Executive Director

Transgender Legal Defense
& Education Fund, Inc.

20 West 20th Street
Suite 705
New York, New York 10011

t: 646.862.9396 x 101
c: 215.913.5171
f: 646.930.5654
e: dgoldenburg@transgenderlegal.org
w: transgenderlegal.org







8 attachments



clip_image001.png
17K



TLDEF Logo leetle.jpg
3K

-  Letter to E Young - Tudor Fee Petition-c.docx
114K
-  Tudor Judgment.pdf
70K
-  TLDEF Retainer 8-31-16 (Tudor) (1).pdf
127K
-  Ezra Young Tudor TimeBillingX _ Simple Time Tracking _ timeentries.pdf
128K
-  TLDEF timesheets, Ezra Young, 8.31.16 - 1.31.17.pdf
136K
-  Tudor Expenses 09-06-16 to 05-02-17.pdf
42K

Filters

01 of June of 2016 to 30 of June of 2018

Client

Tudor

96 Records ✓ Worked Hours: 112h 59m | ✓ Billable Hours: 112h 54m

Project

All

Filtered by: Client: Tudor User: Ezra Young

Account Manager

All

User

Ezra Yo...

#438 | May 16, 2017

Billed # 16 (#invoices/16)

Tudor Tudor - Litigation

Review GG filings to identify if OK has taken public stance that can be used to sway DOJ in Tudor strategy. Mark up brief. Email to DOJ to initiate discussions re settlement.

Worked Hrs. 00h 32m Billable Hrs. 00h 30m

Hourly Rate: \$ 350.00

#442 | May 16, 2017

Billed # 16 (#invoices/16)

Tudor Tudor - Litigation

Review new order from Court re: scheduling extension. Add to file.

Worked Hrs. 00h 03m Billable Hrs. 00h 06m

Hourly Rate: \$ 350.00

#444 | May 16, 2017

Billed # 16 (#invoices/16)

Tudor Tudor - Litigation

Email back to DOJ re settlement next steps.

Worked Hrs. 00h 06m Billable Hrs. 00h 06m

Hourly Rate: \$ 350.00

#448 | May 16, 2017

Billed # 16 (#invoices/16)

Tudor Tudor - Litigation

Call with DOJ-CR re next steps in settlement discussions. Notes from conversation to file.

Worked Hrs. 00h 12m Billable Hrs. 00h 12m

Hourly Rate: \$ 350.00

#428 | May 15, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Email to client confirming receipt of full health plan document. Quick skim of plan document--no clear exclusion of coverage for transition care.

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m**Hourly Rate:** \$ 350.00

#406 | May 12, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Call with JW on DOJ negotiations. Call with client to get permission for 3 to 6 months of extension. FU email to client.

Worked Hrs.

00h 48m

Billable Hrs.

00h 48m**Hourly Rate:** \$ 350.00

#414 | May 12, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Call with DOJ.

Worked Hrs.

00h 18m

Billable Hrs.

00h 18m**Hourly Rate:** \$ 350.00

#415 | May 12, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Email to client re: medical issue.

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m**Hourly Rate:** \$ 350.00

#418 | May 12, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Review health insurance plan documents.

Worked Hrs.

00h 30m

Billable Hrs.

00h 30m**Hourly Rate:** \$ 350.00

#391 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Email back to client re: passport and DOJ strategy.

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m**Hourly Rate:** \$ 350.00

#392 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Email to Brittany Novotny reminding her about birth certificate issue and passing on copy of RT's 2017 passport.

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m**Hourly Rate:** \$ 350.00

#393 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Review follow up email from Brittany Novotny re: RT birth certificate issue.

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m**Hourly Rate:** \$ 350.00

#394 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Call with DOJ-CR on DOJ's planned call with OAG. Notes to file.

Worked Hrs.

00h 18m

Billable Hrs.

00h 18m**Hourly Rate:** \$ 350.00

#395 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Legal research on FRE 407 (subsequent remedial measures barred where admission sought to prove negligence/culpable conduct, but exceptions where sought to prove, inter alia, feasibility of alternatives which can be used as evidence to support a disparate impact claim).

Worked Hrs.

01h 36m

Billable Hrs.

01h 36m**Hourly Rate:** \$ 350.00

#401 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Call with DOJ-CR.

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m**Hourly Rate:** \$ 350.00

#404 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

14h 00m

Billable Hrs.

14h 00m

Research on DOJ limits on settling enforcement actions.

Hourly Rate: \$ 350.00

#407 | May 11, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 42m

Billable Hrs.

00h 42m

Brainstorming options to move forward with DOJ. Email to AT requesting time to talk.

Hourly Rate: \$ 350.00

#376 | May 10, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Email to DOJ re: status of extended settlement discussions.

Hourly Rate: \$ 350.00

#388 | May 10, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Call with client re: update on DOJ plan for new settlement conference. Rachel gave authorization to go ahead with conference.

Hourly Rate: \$ 350.00

#389 | May 10, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Email to all counsel giving Tudor's consent to settlement conference plan proposed by the US.

Hourly Rate: \$ 350.00

#362 | May 09, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Research memo on standard for seeking redposition of fact witness and standard for seeking redeposition of 30b6 witness.

Call with DOJ about possibly pursuing settlement discussions again with Defendants. Call with Tudor about DOJ call. Attempt to call back Allan but no answer.

Worked Hrs.	Billable Hrs.
02h 03m	02h 06m

Hourly Rate: \$ 350.00

#369 | May 09, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Email to DOJ and OAG--proposing 2 wk extension for possible settlement discussions.

Worked Hrs.	Billable Hrs.
00h 06m	00h 06m

Hourly Rate: \$ 350.00

#337 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

scheduling coordination call with DOJ-CR.

Worked Hrs.	Billable Hrs.
00h 06m	00h 06m

Hourly Rate: \$ 350.00

#338 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Meeting with JW--update on settlement conference.

Worked Hrs.	Billable Hrs.
00h 30m	00h 30m

Hourly Rate: \$ 350.00

#339 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Onboarding AH to litigation as well as update on next steps in Tudor. FU email to AH on next steps in Tudor.

Worked Hrs.	Billable Hrs.
01h 06m	01h 06m

Hourly Rate: \$ 350.00

#340 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.
00h 06m

Billable Hrs.
00h 06m

Review docket entry on failure to settle.

Hourly Rate: \$ 350.00

#343 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.
00h 25m

Billable Hrs.
00h 24m

Prep for meeting with DOJ.

Hourly Rate: \$ 350.00

#345 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.
00h 17m

Billable Hrs.
00h 18m

Cotnued prep for DOJ call on next steps in litigation.

Hourly Rate: \$ 350.00

#348 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.
00h 30m

Billable Hrs.
00h 30m

Continued prep for DOJ call. Call with DOJ on next steps in litigation.

Hourly Rate: \$ 350.00

#349 | May 08, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.
00h 22m

Billable Hrs.
00h 24m

Call with client re: next steps in litigation.

Hourly Rate: \$ 350.00

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#352 | May 06, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.
09h 00m

Billable Hrs.
09h 00m

Travel time. OKC to NYC

Hourly Rate: \$ 350.00

#353 | May 05, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

14h 00m

Billable Hrs.

14h 00m

Settlement conference.

Hourly Rate: \$ 350.00

#354 | May 05, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 24m

Billable Hrs.

00h 24m

Final pre-conference prep meeting with client.

Hourly Rate: \$ 350.00

#360 | May 05, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Summary email to JW (forwarded to AH) on settlement conference.

Hourly Rate: \$ 350.00

#355 | May 04, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

07h 00m

Billable Hrs.

07h 00m

Travel from NYC to OKC.

Hourly Rate: \$ 350.00

#356 | May 04, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

01h 24m

Billable Hrs.

01h 24m

Pre-settlement conference planning meeting with DOJ-CR attorneys.

Hourly Rate: \$ 350.00

#336 | May 03, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

06h 14m

Billable Hrs.

06h 12m

Continue review and revise claims/defenses memo. Meeting with JW to discuss pressure points for insurer and EY settlement authority.

Hourly Rate: \$ 350.00

#314 | May 02, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Return email to client re: RUSO job opening.

Hourly Rate: \$ 350.00

#316 | May 02, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 57m

Billable Hrs.

01h 00m

Review and revise legal cheat sheet for Tudor settlement conference.

Hourly Rate: \$ 350.00

#325 | May 02, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 50m

Billable Hrs.

00h 48m

Review and revise Tudor claims/defenses memo.

Hourly Rate: \$ 350.00

#330 | May 02, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

01h 07m

Billable Hrs.

01h 06m

Continue review and revise settlement claims/defenses chart.

Hourly Rate: \$ 350.00

#278 | May 01, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Follow up email to Melissa (Equivity) on binder status.

Hourly Rate: \$ 350.00

#282 | May 01, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Email to all office reminding office of need to be quiet at 3pm for judge conference call.

Hourly Rate: \$ 350.00

#287 | May 01, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 11m

Billable Hrs.

00h 12m

Prep for call with Judge Goodwin.

Hourly Rate: \$ 350.00

#290 | May 01, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Email to Melissa (Equivity) on the binder organization.

Hourly Rate: \$ 350.00**Page 4 of 7**

#294 | May 01, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 54m

Billable Hrs.

00h 54m

Call with Judge Goodwin. Call with client. Call with Allan Townsend re: call with Judge Goodwin.

Hourly Rate: \$ 350.00

#304 | May 01, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Check in email with Brittany Novotny on birth certificate issue,

Hourly Rate: \$ 350.00

#305 | May 01, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

FU email w/ Brittany Novotny on birth certificate issue.

Hourly Rate: \$ 350.00

#243 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

EY call with AT at DOJ-CR. EY advised of call scheduled with Judge Goodwin on 5/1/17.

Hourly Rate: \$ 350.00

#244 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Logistics and substantive prep for settlement conference update email to client.

Hourly Rate: \$ 350.00

#245 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Call back from AT to clarify purpose of call with Judge Goodwin and DOJ's nonparticipation.

Hourly Rate: \$ 350.00

#246 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

01h 35m

Billable Hrs.

01h 36m

Continued legal research and drafting of memo on availability of reinstatement with tenure as ideal remedy under Title VII.

Hourly Rate: \$ 350.00

#249 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 42m

Billable Hrs.

00h 42m

Explain and give assignment to intern--chart of law issues for settlement conference.

Hourly Rate: \$ 350.00

#250 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 36m

Billable Hrs.

00h 36m

Availability of remedy research--reinstatement w/ tenure and promotion.

Hourly Rate: \$ 350.00

#253 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

01h 06m

Billable Hrs.

01h 06m

Continued work on tenure remedy availability memo.

Hourly Rate: \$ 350.00

#257 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

01h 17m

Billable Hrs.

01h 18m

Continued work on tenure remedy memo.

Hourly Rate: \$ 350.00

#270 | April 28, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Check in with Jazmine on Tudor settlement prep memo.

Hourly Rate: \$ 350.00

#187 | April 27, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 30m

Billable Hrs.

00h 30m

Meeting with law clerk to give assignment--research memo on magistrate judge.

Hourly Rate: \$ 350.00

#190 | April 27, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Coordinate time to speak on Monday with Judge Goodwin via email w/ clerk.

Hourly Rate: \$ 350.00

#192 | April 27, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Correspondence with Melissa (Equity) on binder assignment.

Hourly Rate: \$ 350.00

#236 | April 27, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Email to law clerk on Goodwin memo.

Hourly Rate: \$ 350.00

#237 | April 27, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 50m

Billable Hrs.

00h 48m

Research memo on reinstatement as remedy in Title VII cases.

Hourly Rate: \$ 350.00

#182 | April 26, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 30m

Billable Hrs.

00h 30m

Prep for meeting with DOJ

Hourly Rate: \$ 350.00

#183 | April 26, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 24m

Billable Hrs.

00h 24m

Call with DOJ-CR. Email to Judge Goodwin's clerk requesting time to speak.

Hourly Rate: \$ 350.00

#184 | April 26, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Send binder assignment to Melissa (Equivity).

Hourly Rate: \$ 350.00

#186 | April 26, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

01h 54m

Billable Hrs.

01h 54m

Doc Review.

Hourly Rate: \$ 350.00

#169 | April 25, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Return email to client re: birth certificate and authorization on letter to court.

Hourly Rate: \$ 350.00

#170 | April 25, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Review name change documents sent by client. Email to Brittany Novotny following up on Chickasaw Nation issue.

Hourly Rate: \$ 350.00

#173 | April 25, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

03h 20m

Billable Hrs.

03h 18m

Document review. Checkin meeting with Logikcull staff on use of software for Tudor ESI production.

Hourly Rate: \$ 350.00

#176 | April 25, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

01h 00m

Billable Hrs.

01h 00m

Revise settlement letter. Email letter to Court. Review settlement letters from DOJ and OAG. Email to client. Update email to JW.

Hourly Rate: \$ 350.00

#158 | April 24, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Coordinate meeting time with DOJ-CR.

Hourly Rate: \$ 350.00

#161 | April 24, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Call with DOJ-CR.

Worked Hrs.

00h 36m

Billable Hrs.

00h 36m**Hourly Rate:** \$ 350.00

#162 | April 24, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Prep for DOJ-CR call.

Worked Hrs.

00h 24m

Billable Hrs.

00h 24m**Hourly Rate:** \$ 350.00

#163 | April 24, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Review and revise settlement letter to Court. Email new draft to client.

Worked Hrs.

00h 48m

Billable Hrs.

00h 48m**Hourly Rate:** \$ 350.00

#165 | April 24, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Email client re: next steps with birth certificate issues.

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m**Hourly Rate:** \$ 350.00-----
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#151 | April 23, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Review and revise settlement letter. Email to DOJ. Email to client.

Worked Hrs.

03h 00m

Billable Hrs.

03h 00m**Hourly Rate:** \$ 350.00

#150 | April 22, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Correspondence with DOJ.

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m**Hourly Rate:** \$ 350.00

#143 | April 21, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

04h 24m

Billable Hrs.

04h 24m

In person preparation of client for settlement conference. Overview of expectations and strategy.

Hourly Rate: \$ 350.00

#144 | April 21, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

03h 30m

Billable Hrs.

03h 30m

Continued in person meeting with client prepping for settlement conference. Practice questions and provided answers to client concerns about sensitive issues that might come up.

Hourly Rate: \$ 350.00

#147 | April 21, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Review counter-offer letter from OAG.

Hourly Rate: \$ 350.00

#148 | April 21, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Correspondence with DOJ.

Hourly Rate: \$ 350.00

#141 | April 20, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 40m

Billable Hrs.

00h 42m

Draft open settlement letter to court.

Hourly Rate: \$ 350.00

#142 | April 20, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

06h 00m

Billable Hrs.

06h 00m

Draft settlement letter.

Hourly Rate: \$ 350.00

#129 | April 19, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

Update email to JW.

Hourly Rate: \$ 350.00

#130 | April 19, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Email to Brittany Novotny re: birth certificate--asking her to take care of liaison with Nation if possible.

Hourly Rate: \$ 350.00

#134 | April 19, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

04h 42m

Billable Hrs.

04h 42m

Settlement prep with client.

Hourly Rate: \$ 350.00

#113 | April 17, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 36m

Billable Hrs.

00h 36m

Initial brainstorming of letter to Magistrate. Prep for DOJ Meeting.

Hourly Rate: \$ 350.00

#115 | April 17, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 36m

Billable Hrs.

00h 36m

Call with DOJ planning for settlement conf.

Hourly Rate: \$ 350.00

#116 | April 17, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 16m

Billable Hrs.

00h 18m

Call with client.

Hourly Rate: \$ 350.00

#117 | April 17, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 15m

Billable Hrs.

00h 18m

Draft letter to chambers for settlement.

Hourly Rate: \$ 350.00**Page 7 of 7**

#100 | April 14, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

FU email to Dixie Coffey.

Hourly Rate: \$ 350.00

#38 | April 07, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 12m

Billable Hrs.

00h 12m

ESI doc dump doc review.

Hourly Rate: \$ 350.00

#16 | April 06, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 32m

Billable Hrs.

00h 30m

Call with Brittany Novotny on birth certificate issue. Email to client.

Hourly Rate: \$ 350.00

#21 | April 06, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m

Correspondence w/ client.

Hourly Rate: \$ 350.00

#9 | April 05, 2017

Billed # 16 (/#invoices/16)

Tudor Tudor - Litigation

Email to Adelle Fontenet requesting referral for Indian Law practitioner for vital records issue in OK. Did not disclose client or nature of issue, requested absolute discretion.

Worked Hrs.

00h 06m

Billable Hrs.

00h 06m**Hourly Rate:** \$ 350.00

#15 | April 05, 2017

Billed # 16 (#invoices/16)

Tudor Tudor - Litigation

Research on indian law practiioners in Oklahoma. Cursory research on Chickasaw Nation legal support services. Research any recent changes to CDIB documentation/ BIA processes.

Worked Hrs.

01h 06m

Billable Hrs.

01h 06m

Hourly Rate: \$ 350.00

No further data

Date	Hours	Service
8/31/16	.4	File motion to extend time to file.
8/31/16	12.1	Draft motion to compel re: Ogden dep. 6.05am to 12pm 12.30pm to 6.45pm
9/1/16	1.2	Invoicing of deposition trip receipts. Meeting with Tabytha to explain receipts.
9/1/16	2.6	Draft intervention filings. Legal research (intervention status, review filings in TX v. US, O'Connor opinions on intervention). FU with potential leads on local counsel. 8.20am to 11am
9/2/16	.3	Emails with Howard Zelbo. Email to potential local. 9.38pm to 9.57pm
9/2/16	0.3	Research on Intervenor denial in NC case. 12.15pm to 12.37pm
9/2/16	.9	Emails with DOJ to schedule call on 9/3/16. Emails and voicemails left with potential local counsel. Return emails with Howard Zelbo coordinating immediate responses to potential local counsel.
9/2/16	.9	Legal research on collateral estoppel.
9/2/16	1.7	Local counsel request follow up. Mike Gibson (nothing), Kyle Velte, Anthony Garza, Emails with Kyle Velte. 2.16pm to 4.07pm
9/3/16	.2	Email to client summarizing next steps and DOJ call.
9/3/16	1.6	Preparation for call with DOJ. Continued legal research on collateral estoppel and res judicata. Email to Jill. Call to Jill.
9/3/16	2.6	Call with DOJ. FU call with Jill. Respond to Jill's emails on intervention status. Email to DOJ passing on authorities on intervention
9/4/16	.2	Email to Steph (intern) re: work this week.
9/4/16	.2	Respond to DOJ email seeking time for a conference call this evening. Text to Jill to bring her up to speed on conference call this evening.

Date	Hours	Service
9/4/16	0.4	Put together research questions for Steph. 12.20pm to 12.47pm
9/4/16	1.1	Put together research tasks for Steph. Prep for call with DOJ. DOJ call. Quick return call to Jill. 5.29pm to 6.35pm
9/5/16	.1	Check in email with potential local for ND Texas.
9/5/16	.2	Prepare documents for intern. Respond to intern questions on research. 12.39pm to 12.52pm
9/5/16	1.1	Conferral meeting with Jill on next steps on intervention in ND Tex. Draft additional intervention materials (motion to proceed w/o local counsel); Motion to intervene. 1.31pm to 2.41pm
9/5/16	3.6	Continued legal research on motion to intervene and articulation of claim in ND Texas. Email with Richard (potential local). Work on draft complaint in intervention. .1 Meeting with Steph to explain intervention needs.
9/6/16	0.1	continued work on complaint in intervention. 6.40am to 6.50am
9/6/16	.1	Email to client explaining order.
9/6/16	.1	Clarification email to Valerie on ESI.
9/6/16	.1	Email to Rachel —re settlement position.
9/6/16	.1	FU email with Marie Galindo. Set time to talk tomorrow morning re: local counsel.
9/6/16	.2	Continued work on complaint in intervention. 8.32am to 8.45am
9/6/16	.2	Review and revise complaint in intervention. Legal research.
9/6/16	0.3	Review of Cauthron order. Housekeeping tasks for Tudor litigation (gather dep files for DOJ to share, identify first test ESI label for emails, request transcripts for Scofous and McM deps). 12.06pm to 12.24pm.

Date	Hours	Service
9/6/16	0.3	Call with DOJ re: intervention motion and next steps in Tudor OKLA litigation. 4.20pm to 4.40pm
9/6/16	0.5	Prep for call with DOJ. Call with DOJ. Discussion with Jill re: DOJ call. Email draft complaint in intervention to DOJ. 11.26am to 12.05pm
9/6/16	.5	Outreach (phone call, brief convo, plan to speak later today) to Jim Rolfe. Research on Jim Rolfe. <u>214-202-0088</u>
9/6/16	.5	Call to client. 5.40pm to 6.14pm
9/6/16	.5	Review and revise complaint in intervention. Email to Jill. 6.15pm to 6.45pm
9/6/16	1.1	Review Ogden deposition transcript.
9/6/16	1.2	Prepare pro hac vice application for ND Texas. Review and revise motion to intervene. Legal research on collateral estoppel issue. Call with Jim Rolfe, email to Jim Rolfe. FU emails with other potential local counsel 3.03pm to 4.15pm
9/6/16	2.0	Continued work on drafting complaint in intervention. 9.20am to 11.25am
9/7/16	.1	Email to Howard Zelbo to inform him that we have secured local counsel.
9/7/16	.1	Email to client notifying her of local counsel.
9/7/16	0.4	Meeting with Cindi Crieger. 11.34am to 12pm
9/7/16	.5	Meeting with Steph re: new tasks for Tudor intervention in ND Tex.
9/7/16	0.6	Prep for call with Marie Galindo. Call with Marie Galindo. FU email to Marie. Draft local counsel agreement. 10.20am to 11.01am
9/7/16	.6	Review and revise filings for ND Texas.

Date	Hours	Service
9/11/16	2.3	Review and revise filings for ND Texas. Legal research on permissive intervention in 5th cir/ ND Texas. 2.40pm to 4pm
9/12/16	.1	Email to Ben Berwick re: permissive intervention in ND Texas.
9/12/16	.1	Email to Austin Nimrocks requesting follow up on conferral.
9/12/16	.1	Return email to local counsel on next steps.
9/12/16	.1	Email to Austin Nimocks (again) advising of attempts to get in touch.
9/12/16	0.1	Review of press release info. 11.48am to 11.57pm
9/12/16	.1	Media follow up with Cindi Creiger.
9/12/16	.2	Conferral call with Ben Berwick.
9/12/16	.2	Call to client to advise of conferral call this morning; outline request for signature and review of filings for ND Tex.
9/12/16	.2	Conferral call with Austin Nimrocks, send Austin copies of drafts for review.
9/12/16	.3	Check ND Tex filings for compliance with local rules.
9/12/16	0.3	Input edits to ND Tex filings (Austin's statement on opposition). 2.13pm to 2.30pm
9/12/16	.9	Emails with local counsel re: edits to ND Tex filings. Edits to ND Tex filings. Emails with Ben Berwick re showing DOJ proposed filings for ND Tex.
9/12/16	1.8	Draft Notice of Related Case for WD Okla. File in ND Tex. 2.31pm to 4.15pm
9/12/16	2.7	Review and revise ND Tex filings. Review filings with Jill. Sent drafts to local counsel, Rachel, and Allan and Oklahoma DOJ team. 6.45am to 9.30am
9/13/16	.1	Review order from ND Tex re briefing in the Texas matter.
9/13/16	0.2	Notice to WD Okla of Filings in ND Tex. 3.06pm to 3.20pm

Date	Hours	Service
9/13/16	1.2	Look into local rule on judge's copies of documents. Create binder with ECF Doc 67 and attachments, write cover letter, hand off to Tabytha for mailing. 1.45pm to 2.56pm
9/14/16	.2	Review press release updates from Cindi.
9/14/16	.2	Review Ds' motion for extension of time to file answer to Ps' complaint.
9/14/16	.5	Review DOJ filing in ND Tex, mark for follow up with client.
9/15/16	.1	Email to client re DOJ filing in Tex.
9/19/16	.1	Return email to AT re: discussing settlement.
9/19/16	0.1	Respond to client email. 3.57pm to 4.04pm
9/19/16	.4	Call with DOJ re settlement position for Tudor.
9/20/16	0.5	Call with client. 12.31pm to 1.06pm
9/20/16	.1	Listen to VM from AT. Return email, advise will get back to him later this week on emails.
9/20/16	.3	Review P filings in district court. Send on to Rachel for review.
9/20/16	.3	Return email to client re: what to tell DOJ.
9/23/16	.2	Review DOJ filing in ND Tex; send filing to client.
9/27/16	.1	Email to Dixie Coffey to request time to confer on settlement.
9/27/16	.3	Emails with Dixie Coffey to set up call to discuss settlement terms. Emails with local counsel in ND Texas to discuss meeting up and hearing on Friday.
9/27/16	.9	Email notice to client. Call with client to discuss hearing. Email to local counsel to coordinate hearing attendance on Friday.
9/28/16	.3	Email to DOJ re: next steps in settlement discussions, Texas hearing, and contact for Friday.
10/2/16	.1	Email dep transcripts to client.
10/3/16	.1	Email to local counsel re: next steps and passing on brief from Saks.
10/3/16	.1	Respond to email from JW re next steps re DOJ response to Tudor motion to intervene.

Date	Hours	Service
10/3/16	.3	Return email to JW re: TX v. US intervention.
10/3/16	0.6	Call with Ben Berwick. Email to Jill. 10.57am to 11.35am
10/3/16	1.2	Review DOJ response to intervention motion. Legal research on cases cited in support of D's opposition motion. Email to JW. Email to client. 5.25pm to 6.40pm
10/4/16	.3	DOJ email re: settlement talk with OAG.
10/6/16	0.5	Prep for DOJ meeting. DOJ meeting. Advise JW as to substance of meeting. 10.58am to 11.28am
10/12/16	0.1	Outline motion responses. 10.40am to
10/12/16	0.3	Mark up briefs in prep to outline responses. 11.24am to 11.40am
10/12/16	.6	Call with client.
10/13/16	3.8	Outline responses to opposition to motion to intervene; legal research. 8.20am to 12.10pm
10/13/16	4.8	Continue to outline responses; legal research. 1pm to 3pm 3.23pm to 6.13pm
10/14/16	1.1	continue to outline responses; legal research. 8.42am to 9.47am
10/17/16	14.4	Draft response to opposition motion for Defendants. Legal research. Correspondence with local counsel. Edits to motions. File motions. 5.45am to 10.31am 10.40am to 11.30pm 12pm to 6.30pm 7.10pm to 9.30pm

Date	Hours	Service
10/18/16	.1	Return email to AT.
10/18/16	.2	Call with DOJ-CR re: settlement in Tudor.
10/18/16	.3	Email to DOJ-CR to follow up on invitation from OAG to submit settlement offer. Call with client.
10/19/16	.1	Return email to local for NDTex.
10/19/16	3.6	Review order from NDTex. Email to client. Email to DOJ. Email to JW. Email to MG. Email to client. Draw up notes for discussion later today.
10/19/16	4.2	Legal research on potential motion in ND Tex.; Emails with local counsel, call with local counsel; Call with DOJ-CR re "clarification motion."; Conversation with JW. FU emails with local counsel; Call with client.
10/20/16	.1	Email to DOJ-CR re: settlement.
10/20/16	0.7	Legal research. Begin outline of motion. 11.14am to 12pm
10/20/16	0.9	Continued legal research on due process intervention issue. 8.33am to 9am 9.30am to 10am
10/20/16	1.3	Review notice of appeal filed by ND Tex Ds. Correspondence with local counsel and JW. Correspondence with client. Legal research.
10/20/16	4.6	Begin draft of motion for ND Tex.; Corr. with local counsel; Corr. with DOJ-CR. Corr with DOJ-Civ.; Corr with Chase Strangio (ACLU) re: strategy. Corr with OAG—re settlement offer. Corr with client. 12.25pm to 5.10pm
10/23/16	.3	Call with Paul Smith re: next steps in Tudor appeal.
10/24/16	3.5	Email with DOJ, call with DOJ, meeting with JW. Review Texas filing in ND Tex case (email to all).
10/25/16	0.6	Begin draft filing for ND Texas. 9.50am to 10.30am
10/25/16	2.4	Review (again) Texas filing in ND Tex case, call with client, call with AT at DOJ, meeting with JW.
10/25/16	2.5	Draft response. 1.43pm to 4.19pm
10/25/16	2.6	Emails with DOJ re DOJ motion to WD Okla asking to lift stay. Review of draft DOJ motion. Review of Motion. Send on DOJ filings to local counsel in ND Tex and client. Discussion with JW.

Date	Hours	Service
10/26/16	.1	Email to Jill re accounting of litigation expenses and JW hours for possible settlement talks.
10/26/16	2.9	Legal research and draft Tudor filing for ND Texas.
10/27/16	.1	Return email to AT.
10/27/16	.2	Call with DOJ-CR. Send email with draft notice to DOJ-CR.
10/27/16	1.6	Final edits to request for ruling motion. Call with AT at DOJ-CR. Call with Client. File motion requesting ruling with ND Texas.
10/28/16	.3	Email to Cindi re possible media strategy for Tudor case.
10/31/16	.3	Research on cert question re: 5th Cir DOJ appeal.
11/3/16	.1	Email to client re NOA.
11/3/16	.2	Email to Ben Berwick and Marie Galindo re: notice of protective appeal.
11/3/16	.3	Emails with client, DOJ-CR re: Dixie's no settlement offer position.
11/3/16	.4	Review filing from ND Tex Obamacare denial of intervention decision.
11/3/16	.5	Discuss Quinn coming in as co-counsel for 5th cir appeal with Justine Young; send relevant docs to JY.
11/3/16	1.5	Finalize draft of NOA. File on ECF. Emails with local counsel.
11/20/16	.4	Review order from ND Tex re denial of stay.
11/21/16	.1	Email client notifying of denial of stay and attaching order.
11/23/16	.1	Reschedule meeting with Marie Galindo re: Tudor appeal.
11/23/16	.2	Email to Chase Strangio re amici. Return email to Chase.
11/23/16	.2	Emails with Dru Levasseur about amici support in Tudor 5th Cir appeal.
11/23/16	.5	Begin work on brainstorming outline.
11/23/16	.6	Review stay filed by US in 5th Cir. Pass on to client.
11/25/16	.2	Email to Dru Levasseur requesting amici support in Tudor appeal.
11/25/16	.9	Prep for meeting with Shearman associates. Meeting with Shearman associates re: legal research help.
11/25/16	2.6	Brainstorm issues needing research for 5th circuit brief.

Date	Hours	Service
11/28/16	.2	Billables for Tudor discussion with JW.
11/28/16	.3	Review of billables. Action plan for calculating out expenses.
11/29/16	.1	Email to OAG.
11/29/16	.5	Call with client.
11/29/16	.5	Call with DOJ. FU call with client.
11/29/16	2.8	Legal research, continue outline of 5th circuit brief.
11/29/16	2.9	Continue to outline brief. Review of 5th circuit opinion in TX v. US.
11/30/16	.1	Return email to OAG.
11/30/16	.2	Review certificate good standing for 5th cir admission.
11/30/16	.8	Prepare certificate good standing request forms. Prepare 5th cir appearance form. Emails with MG.
12/5/16	0.1	Work on outline for 5th cir brief. 3.13pm to
12/5/16	2.8	Research for 5th circuit brief.
12/6/16	.7	Call with Cindi Creager and JW re: media training for RT. FU discussion with JW re: organizing trip for Rachel Tudor.
12/6/16	2.6	Research and outlining for 5th Circuit brief.
12/6/16	6.3	Continue to research and outline 5th Circuit appeal. 10.14am to 11.30am 12pm to 5.10pm
12/8/16	.9	Calculation of current damages. Call with client to confirm. Email and call with AT at DOJ-CR to relay info.
12/8/16	4.5	Work on brief outline; legal research.
12/12/16	.2	Review Steph research memo, respond via email.
12/12/16	.2	Confirmed admission status in 5th Circuit. Filed appearance form via ECF.
12/12/16	.4	Review US response to stay filing.
12/12/16	.9	Return email to MG. Emails with client and DOJ-CR
12/13/16	.4	Review outline comments from CE; return email.
12/13/16	1	Call with DOJ_CR. Call with client.
12/14/16	.2	FU emails with client. Call with DOJ-CR (AT on calculation damages).
12/16/16	.3	Return email to Cindi re: press releases in the works.

Date	Hours	Service
12/20/16	0.1	Draft brief. 9am to
12/26/16	4.2	Legal research and brief draft. 11.15am to 12.10pm 12.50pm to 4.15pm
12/27/16	9.9	Work on draft of brief. Legal research. 8.40am to 9.36am 9.50am to 11.20am 12pm to 7.25pm
12/28/16	11.5	Draft brief and legal research. 8.30am to 11.40am 12.20pm to 7.45pm
12/29/16	11.3	Draft brief and legal research. 9.05am to 12.20 1.pm to 9.pm
12/31/16	8.2	Brief.
1/1/17	1.6	Brief. 10.30am to 12.10pm 1.10pm to
1/7/17	.3	Emails with client; review of US filings.
1/7/17	.4	Review of draft Oklahoma Equality brief, correspondence with MW.
1/9/17	.2	Return email to MG re: Tudor appellate brief (assorted issues) and check.
1/9/17	.5	FU research on Oklahoma Equality issues, email to MW.
1/9/17	.9	Revisions to record excerpts, refile on ECF.
1/11/17	.1	Email to paralegal about word limit and timing of response.
1/11/17	.2	Review letters from court to US on caption deficiency.

Date	Hours	Service
1/23/17	.2	Respond to OAG settlement email; pass on to DOJ. Read DOJ response.
1/24/17	.6	Prep for media training for Tudor.
1/28/17	.2	In person meeting with client re: next steps in 5th Cir. appeal.
1/30/17	1.2	Legal research. Emails with JW; Edits to motion opposing opposition/ filing opposition.
1/30/17	5.5	Prep for oral argument. Correspondence re: motion to dismiss Tudor appeal. Legal research.
1/31/17	1.5	Legal research on motion to dismiss appeal. 9.30am to 10.59am
TOTAL	229.3	

	A	B	C
1	Tudor Expenses	TLDEF	09-01-16 to 5-2-17
2	Date	Amount	
3	9/6/16	796.9	Dodson Court Reporting & Video
4	9/29/16	\$23.91	Stripes - gasoline
5	9/30/16	\$13.76	Meal - Chik-fil-A
6	9/30/16	\$131.20	Hampton Inn - Marie Galindo
7	9/30/16	\$181.39	EAN Holdings - Car rental
8	1/13/17	\$612.24	Cockle Legal Briefs
9	9/12/16	\$82.95	9/12/2016 (Paygovamin; Paygovamin; Starbucks)
10	9/13/16	\$40.04	9/13/2016 (office supplies)
11	10/14/16	\$1,052.83	9/29/16-9/30/16 (travel expenses for Sep 29-30 trip)
12	3/15/17	\$493.29	1/24/17-1/28/17 (Tudor travel)
13	3/15/17	\$79.66	2/15/2017 (transportation/meals)
14	5/2/17	\$525.41	4/19/17-4/21/17 (transportation/meals)
15	Total	\$3,236.68	

DECLARATION OF DONNA LEVINSOHN, ESQ.

I, Donna Levinsohn, declare as follows:

1. I am Senior Staff Attorney with Transgender Legal Defense & Education Fund, Inc. (“TLDEF”), the former attorneys of record for Plaintiff Rachel Tudor (“Plaintiff” or “Dr. Tudor”) in this action. I am fully familiar with the facts stated herein, based upon my own personal knowledge and upon review of TLDEF’s business records and other documents.

2. I submit this Declaration in support of TLDEF’s Application To Join In Plaintiff’s Fee Request, in order to allow TLDEF to assert its claim for attorney’s fees and expenses, including, if appropriate, a motion to enforce TLDEF’s statutory charging lien against the proceeds of the Judgment herein, pursuant to 5 Okla. Stat. Ann. §§ 6, 7.

3. TLDEF is a non-profit law firm located in New York City that represents and advocates for the transgender community. It is committed to ending discrimination against transgender people, and to achieving equality for transgender people through education and through impact litigation, such as this case. To that end, it undertook Plaintiff’s representation in this important civil rights case in August 2016, pursuant to a Retainer Agreement with Plaintiff dated August 31, 2016 (“Retainer Agreement”), which gives rise to TLDEF’s right to recover attorney’s fees and expenses. (A copy of the Retainer Agreement is annexed as Exhibit No. 1)

4. During the period of TLDEF’s representation, Plaintiff’s present counsel, Ezra Young, Esq., served as TLDEF’s Director of Impact Litigation, representing Dr. Tudor in this case.

5. Mr. Young left TLDEF in May 2017, taking this case with him.

6. TLDEF's rights to recover its attorney's fees and expenses for the legal services it performed for Plaintiff during the representation are fully set forth in Paragraph 23 of the Retainer Agreement. In addition, Paragraph 26 of the Retainer Agreement expressly provides, at page 8, that, although Plaintiff had the right to discharge TLDEF at any time, if a monetary recovery were made after any such discharge, Plaintiff "must notify TLDEF within 14 days of any settlement or judgment, **and . . . must include TLDEF's services in any fee application to applicable tribunals or courts**" (emphasis added). The Retainer Agreement also provides in Paragraph 27 that "[a]ny future agreements modifying the terms of this retainer must be in writing and signed by the party to be charged."

7. TLDEF acted to protect its interest, and its right to attorney's fees herein, by serving a Notice of Attorney's Lien, dated October 19, 2017, upon Defendants pursuant to 5 Okla. Stat. Ann. §§ 6, 7. (A copy of this Notice, together with its cover letter and proof of service, is annexed hereto as Exhibit No. 2.)

8. After this matter was transferred from TLDEF to Mr. Young, TLDEF relied on the provisions of the Retainer Agreement and its statutory charging lien to protect its rights, as well as upon the statement by Mr. Young, in an email dated November 20, 2017 to TLDEF's outside counsel Nicole Hyland, Esq., that, with respect to any applications for attorney's fees "Once we get more clear instructions from the Court as to deadlines I'll pass them on." Accordingly, although the Judgment herein was entered on June 6,

2018 (ECF 293), TLDEF did not learn of its entry until the afternoon of June 18, 2018; Mr. Young never informed TLDEF of the entry of Judgment.¹

9. Upon learning of the Judgment, TLDEF immediately began searching for counsel who could represent it in this District.

10. On June 20, 2018, TLDEF, by its interim Executive Director Dolph Goldenburg, sent Mr. Young a demand that Plaintiff comply with her obligations under Paragraph 26 of the Retainer Agreement by including TLDEF's services in any motion for an award of statutory attorney's fees. The demand, a copy of which is annexed hereto as Exhibit No. 3, without its exhibits, explained that TLDEF had recently learned of the entry of Judgment, and stated, among other things, that "[s]ince we were not notified that the Judgment had been entered nor of the applicable deadlines, we expect that you will include TLDEF's services, and its attorneys' fees and expenses incurred, in any fee application you make on Dr. Tudor's behalf (either today or at any later date), as required by the terms of the Retainer Agreement," in the amounts stated in TLDEF's demand and documented in the exhibits thereto.

¹ Although Mr. Young, in his Declaration in support of Plaintiff's fee motion (see ECF 303-1 at n. 1), cites various emails with TLDEF's counsel in November 2017 and April 2018 in which he informed TLDEF that he would not include its services in any fee application he made for plaintiff, TLDEF never agreed (or intended to agree) to modify Paragraph 26 of the Retainer Agreement, or to release Plaintiff from her obligations therein to notify TLDEF of any judgment, and include TLDEF's services in any fee application. Furthermore, the attorney's fees which Plaintiff now seeks are limited to fees arising from the services rendered to Plaintiff by Mr. Young himself during his employment at TLDEF, and, therefore, are not only far lower than those discussed in the emails referenced by Mr. Young, but far simpler, and their inclusion in Plaintiff's fee application would place a far lower burden on Plaintiff and her counsel.

11. Later the same day, Mr. Young declined TLDEF's demand, stating that because of TLDEF's supposedly late outreach, among other reasons, he was "not in a position to assist TLDEF in its efforts to seek fees and costs in this matter."

12. Today, TLDEF retained Charles J. Watts, Esq., an attorney admitted in this District, to represent it in this Court. I am informed by Mr. Watts that he telephoned Mr. Young this afternoon to request that he agree to amend the motion for attorney's fees which he has now filed on Plaintiff's behalf (ECF 303) to include TLDEF's legal services pursuant to the Retainer Agreement -- pointing out, among other things, that TLDEF's fee request is now strictly limited to fees arising from the time that Mr. Young himself billed on the matter during his employment at TLDEF, thereby removing from Mr. Young the burden of analyzing and/or attesting to anyone else's services.

13. Mr. Young responded that his client, i.e., Plaintiff herself, would not agree.

14. In order to satisfy the Court that TLDEF's fee request is not frivolous, and that appropriate documentation of its entitlement to recover attorney's fees and expenses exists, TLDEF summarizes that documentation below.

15. Thus, as its reasonable attorney's fee herein, TLDEF seeks the sum of \$119,770. That sum represents 342.2 hours of attorney time expended on this case by Ezra Young, Esq., TLDEF's then-Director of Impact Litigation, from August 31, 2016 (the date of the retainer and of TLDEF's appearance in the matter, see ECF 118-119) through May 16, 2017 (the day before his departure from TLDEF), billed at the reasonable rate of \$350 per hour, which TLDEF applied internally to his time as of the date of his departure.

16. Mr. Young's hours, and the underlying time entries he made (contemporaneously and in the ordinary course of his practice) to record those hours, are all set forth on Exhibits Nos. 4 and 5 annexed hereto.

17. Exhibit No. 4 sets forth all of Mr. Young's time entries for this matter from August 31, 2016, through January 31, 2017, totaling 229.3 hours, all of which I personally extracted verbatim from the Evernote application in which Mr. Young contemporaneously recorded his time throughout that period. Each entry describes in detail the specific task on which his time was spent. At the reasonable hourly rate of \$350 per hour, which TLDEF applied to Mr. Young's time in order to calculate the attorney's fees it seeks, those hours amounted to \$80,255 in fees.

18. Exhibit No. 5 sets forth all of Mr. Young's time entries for this matter from April 5, 2017,² through May 16, 2017, totaling 112.9 hours, as he recorded them contemporaneously in TLDEF's computerized TimeBilling X billing system, which TLDEF adopted on or about April 1, 2017. I personally generated Exhibit No. 5 from the TimeBilling X system. At the reasonable hourly rate of \$350 per hour, which TLDEF applied to Mr. Young's time in order to calculate the attorney's fees it seeks, those hours amounted to \$39,515.

19. In total, based on the entries in Exhibits Nos. 4 and 5, TLDEF seeks an attorney's fee of \$119,770 for the work it did on this matter.

² TLDEF is not seeking recovery of any fees for the period from February 1, 2017 through April 4, 2017.

20. TLDEF's attorneys and other staff members are, and have been at all relevant times, required to record their time records contemporaneously in matters in which TLDEF's time may be eligible for a fee award. They are (and have been) required to record their time in tenths of an hour (i.e., in segments of no less than six minutes), describing the specific tasks on which their time was spent. For matters in which time was spent on more than one task in a particular matter during any single day, they have been instructed to avoid "block billing," and to specify the amount of time spent on each such task in the course of that day. Upon information and belief – and as Mr. Young can certainly attest on personal knowledge – he followed that policy in entering his time on this matter, both in using the Evernote application, and, later, in using TLDEF's computerized TimeBilling X system.

21. In his Declaration in support of Plaintiff's Motion for an Award of Attorneys' Fees (ECF 303-1), Mr. Young describes in detail the nature of this action, the novel, important, and complex issues of transgender rights involved, and the history of this action. TLDEF adopts that description, and incorporates it herein by reference. (The details as to the nature of the specific work he did while at TLDEF are set forth in Exhibits Nos. 4 and 5, referenced above.)

22. TLDEF also adopts, and incorporates herein by reference, Mr. Young's detailed description of his educational and legal background and experience (particularly with respect to his experience protecting and furthering the rights of transgender people), a description that amply justifies the reasonability of the \$350 hourly rate that TLDEF seeks to recover for the services that Mr. Young rendered to Plaintiff during the period of

his employment at TLDEF. We also adopt and incorporate herein by reference the discussion of the applicable legal principles governing awards of statutory attorneys' fees set forth in Plaintiff's "Motion and Incorporated Brief" (ECF 303).

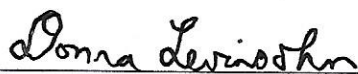
23. We wish to emphasize that TLDEF seeks fees only for the time billed by Mr. Young while he was employed by TLDEF. In order to avoid the possibility of duplicative charges, and to avoid any possible dispute about the nature, extent, or reasonable value of the services billed on this matter during the relevant period by TLDEF's former Executive Director, Jillian Weiss, we are not seeking recovery of any fees for Ms. Weiss' time during that period.

24. In addition, TLDEF does not seek recovery of any attorney's fees (whether arising from Mr. Young's or Ms. Weiss' time billed on the matter) that were incurred between the dates Mr. Young and Ms. Weiss began working at TLDEF in July 2016, and the August 31, 2016 date of the Retainer Agreement.

25. As expenses, TLDEF seeks recovery of the sum of \$3,236.68 in expenditures that it actually incurred on this matter during the period from August 31, 2016, through May 2, 2017, as summarized on the Excel spreadsheet annexed hereto as Exhibit No. 6.

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

Executed this 21st day of June, 2018 in New York, New York.



Donna Levinsohn

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:15-CV-00324-C
)	
SOUTHEASTERN OKLAHOMA)	
STATE UNIVERSITY,)	
)	
and)	
)	
THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA,)	
)	
)	
Defendants.)	

**PLAINTIFF DR. RACHEL TUDOR’S MOTION AND
INCORPORATED BRIEF FOR PREJUDGMENT INTEREST,
POST-JUDGMENT INTEREST, AND TAX PENALTY OFFSET**

On June 6, 2018, this Court awarded Plaintiff damages in the amount of \$420,081.54. Pursuant to Fed. R. Civ. P. 59(e), Dr. Tudor respectfully moves this Court to conform its judgment to include prejudgment interest, post-judgment interest, and a tax penalty offset.

Background

The jury awarded Dr. Tudor damages totaling \$1,165,000, compensating her for injuries due to Defendants’ discrimination in the 2009-10 and 2010-11 tenure process and retaliation in the 2010-11 tenure process. After post-trial motions related to the damages, this Court entered judgment for Dr. Tudor with an award of damages of \$60,040.77 in back pay, \$60,040.77 in front pay, and \$300,000 in general damages¹.

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¹ Dr. Tudor is appealing this Court’s ruling on remittitur and front pay, and will not be making those arguments here.

I. PREJUDGMENT INTEREST

Prejudgment interest is an element of complete compensation to a prevailing plaintiff. In Title VII actions, “prejudgment interest is an element of complete compensation in back pay awards.” Reed v. Mineta, 438 F.3d 1063, 1066 (10th Cir. 2006) (internal quotation marks omitted) (quoting Loeffler v. Frank, 486 U.S. 549, 558, 108 S.Ct. 1965, 100 L.Ed.2d 549 (1988)). The Court noted in Reed that “district courts ‘should calculate interest on back pay and past damages based on the date of the adverse employment action.’” (quoting Thomas v. Texas Dep't of Crim. Justice, 297 F.3d 361, 372 (5th Cir.2002)). Since those monetary injuries are incrementally sustained with each pay period that Plaintiff went unpaid after her termination, the interest is to be calculated accordingly. See Reed at 1067. “Prejudgment interest, as the term suggests, accrues for the period *before* entry of judgment. Interest after entry of judgment is addressed through postjudgment interest, which accrues on the amount of a damage award, including prejudgment interest, from the date judgment was entered to the date of payment.” *Id.* “Courts commonly look to state statutory prejudgment interest provisions as guidelines for a reasonable rate.” Weber v. GE Group Life Ins. Co., 541 F.3d 1002, 1016 (10th Cir. 2008) (citing Allison v. Bank One, 289 F.3d 1223, 1244 (10th Cir. 2002)).

Here, Dr. Tudor was terminated May 31, 2011. Judgment was entered in Plaintiff’s favor on June 6, 2018. Therefore, Dr. Tudor requests prejudgment interest be added to her back pay award for the period between May 31, 2011 and June 6, 2018. Per this Court’s Memorandum Opinion and Order, Dr. Tudor was awarded back pay for 14 months in the amount of \$60,040.77. The prejudgment interest rate set by the State of Oklahoma set in accordance with 12 O.S. 2013 Supp. §727.1(I) for 2018 is 0.92%. The attached chart shows the calculation of the

prejudgment interest here. (See Exhibit 1). Accordingly, Dr. Tudor requests the judgment be conformed to include the prejudgment interest in the amount of \$3,567.42.

II. POST-JUDGMENT INTEREST

Post-judgment interest should be awarded to plaintiff pursuant to 28 U.S.C. §1961, which states that “[i]nterest shall be allowed on any money judgment in a civil case recovered in a district court.” Additionally, “interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.” See 28 U.S.C. §1961. Said rate was 2.28% on June 1, 2018, the calendar week preceding the entry of judgment.

“Interest after entry of judgment is addressed through post-judgment interest, which accrues on the amount of a damage award, including prejudgment interest, from the date judgment was entered to the date of payment.” See Reed at 1067. Here, the total award for which post-judgment interest is to be calculated, includes the entire \$420,081.54 awarded in the judgment entered on June 6, 2018 plus the prejudgment interest discussed above in the amount of \$3,567.42 for a total judgment of \$423,648.96. Accordingly, Plaintiff requests post-judgment interest of \$740.98 be added to the award and the judgment conformed to reflect the same.²

III. TAX PENALTY OFFSET

As discussed previously, this Court has broad discretion in ensuring the Plaintiff is made whole, and another way the Court can ensure that is to award a tax penalty offset, “which compensates victims for additional tax liabilities they would incur as a result of a lump-sum payment.” See EEOC v. Beverage Distributors Co., LLC, 780 F.3d 1018, 1023, (10th Cir. 2015).

² $\$423,648.96 \times (.0228/365) \times 28 = \740.98

Here, the taxes on the damages awarded for back pay and general damages, as well as any damages awarded by the court for front pay, will be paid during one tax year, which will cause Dr. Tudor to be in a higher tax bracket for the year in which she receives the award, and thereby penalized by paying a higher tax rate. Accordingly, Dr. Tudor respectfully request the Court award an additional amount to offset the penalties Dr. Tudor will have to pay in federal and state income taxes.

Here, Dr. Tudor will be paying taxes on back pay, front pay, and prejudgment interest totaling \$123,648.96 in a single year, rather than over the 28 months for which the pay was awarded. Were Dr. Tudor to have earned the same naturally, but for the unlawful termination, her tax liability would be on \$52,992.41 annual salary, rather than on the larger lump sum. Pursuant to IRS Notice 1036 issued in January 2018, Dr. Tudor's tax burden for earning \$52,992.41 would be \$6,783.83.³ (See Exhibit 2 – Annual Tax Table). Dr. Tudor's tax burden for earning \$123,648.96 in 2018 would be \$23,077.25.⁴ (Id.). This leaves Dr. Tudor facing an additional tax burden of \$16,293.42. Accordingly, Dr. Tudor requests a tax offset of \$16,293.42 be added to the award and judgment conformed to reflect the same.

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³ Annual tax of \$4,453.50 plus 22% of \$10,592.41 calculated from \$52,992.41 - \$42,400.

⁴ Annual tax of \$14,089.50 plus 24% of \$37,448.96 calculated from \$123,648.96 - \$86,200.

Conclusion

Dr. Tudor requests this court award prejudgment interest in the amount of \$3,567.42, post-judgment interest in the amount of \$740.98, and a tax penalty offset in the amount of \$16,293.42 and the judgment conformed to include the same for a total award of \$440,683.36.

Dated: July 3, 2018

/s/ Brittany M. Novotny
Brittany M. Novotny (Okla. Bar No. 20796)
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bnovotny@nationlit.com

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2018, I electronically filed a copy of the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve all counsel of record.

\s\Brittany M. Novotny
Brittany M. Novotny (OBA 20796)

EXHIBIT 1 – PREJUDGMENT INTEREST CALCULATION

Back Pay Award: \$60,040.77

Pay per month: \$4,288.63

Month	Pay	Int. Rate	Term (Mos)	PreJudg Int. Due
Jun-11	\$4,288.63	0.92%	84	\$276.19
Jul-11	\$4,288.63	0.92%	83	\$272.90
Aug-11	\$4,288.63	0.92%	82	\$269.61
Sep-11	\$4,288.63	0.92%	81	\$266.32
Oct-11	\$4,288.63	0.92%	80	\$263.04
Nov-11	\$4,288.63	0.92%	79	\$259.75
Dec-11	\$4,288.63	0.92%	78	\$256.46
Jan-12	\$4,288.63	0.92%	77	\$253.17
Feb-12	\$4,288.63	0.92%	76	\$249.88
Mar-12	\$4,288.62	0.92%	75	\$246.60
Apr-12	\$4,288.62	0.92%	74	\$243.31
May-12	\$4,288.62	0.92%	73	\$240.02
Jun-12	\$4,288.62	0.92%	72	\$236.73
Jul-12	\$4,288.62	0.92%	71	\$233.44
TOTAL	\$60,040.77			\$3,567.42

Prejudgment Interest: \$3,567.42

EXHIBIT 1 – PREJUDGMENT INTEREST CALCULATION



Notice 1036

(Rev. January 2018)

Early Release Copies of the 2018 Percentage Method Tables for Income Tax Withholding

Future Developments

For the latest information about developments related to Notice 1036, such as legislation enacted after it was published, go to IRS.gov/Notice1036.

2018 Withholding Tables

This notice includes the 2018 Percentage Method Tables for Income Tax Withholding. Employers should implement the 2018 withholding tables as soon as possible, but not later than February 15, 2018. Continue to use the 2017 withholding tables until you implement the 2018 withholding tables.

Percentage Method Tables for Income Tax Withholding

Attached are early release copies of the Percentage Method Tables for Income Tax Withholding that will appear in Pub. 15, Employer's Tax Guide (For use in 2018). Pub. 15 will be posted on IRS.gov in January 2018.

The wage amounts shown in the Percentage Method Tables for Income Tax Withholding are net wages after the deduction for total withholding allowances. The withholding allowance amounts by payroll period have changed. For 2018, they are:

<u>Payroll Period</u>	<u>One Withholding Allowance</u>
Weekly	\$ 79.80
Biweekly	159.60
Semimonthly	172.90
Monthly	345.80
Quarterly	1,037.50
Semiannually	2,075.00
Annually	4,150.00
Daily or Miscellaneous (each day of the payroll period)	16.00

When employers use the Percentage Method Tables for Income Tax Withholding, the tax for the pay period may be rounded to the nearest dollar. If rounding is used, it must be used consistently. Withheld tax amounts should be rounded to the nearest dollar by dropping amounts under 50 cents and increasing amounts from 50 to 99

cents to the next higher dollar. For example, \$2.30 becomes \$2 and \$2.50 becomes \$3.

Withholding Adjustment for Nonresident Aliens

For 2018, apply the procedure discussed below to figure the amount of income tax to withhold from the wages of nonresident alien employees performing services within the United States.

Note. Nonresident alien students from India and business apprentices from India aren't subject to this procedure.

Instructions. To figure how much income tax to withhold from the wages paid to a nonresident alien employee performing services in the United States, use the following steps.

Step 1. Add to the wages paid to the nonresident alien employee for the payroll period the amount shown in the chart below for the applicable payroll period.

Amount to Add to Nonresident Alien Employee's Wages for Calculating Income Tax Withholding Only

<u>Payroll Period</u>	<u>Add Additional</u>
Weekly	\$ 151.00
Biweekly	301.90
Semimonthly	327.10
Monthly	654.20
Quarterly	1,962.50
Semiannually	3,925.00
Annually	7,850.00
Daily or Miscellaneous (each day of the payroll period)	30.20

Step 2. Use the amount figured in *Step 1* and the number of withholding allowances claimed (generally limited to one allowance) to figure income tax withholding. Determine the value of withholding allowances by multiplying the number of withholding allowances claimed by the appropriate amount in the table shown earlier. Reduce the amount figured in *Step 1* by the value of withholding allowances and use that reduced amount to determine the wages subject to income tax withholding. Figure the income tax withholding using the Percentage Method Tables for Income Tax Withholding provided on pages 3 and 4. Alternatively, you can figure the income tax withholding using the Wage Bracket Method Tables for Income Tax Withholding included in Pub. 15 (For use in 2018).

Social Security and Medicare Tax for 2018

For social security, the tax rate is 6.2% each for the employee and employer, unchanged from 2017. The social security wage base limit is \$128,400. The Medicare tax rate is 1.45% each for the employee and employer, unchanged from 2017. There is no wage base limit for Medicare tax.

Additional Medicare Tax Withholding

In addition to withholding Medicare tax at 1.45%, you must withhold a 0.9% Additional Medicare Tax from wages you pay to an employee in excess of \$200,000 in a calendar year. You're required to begin withholding Additional Medicare Tax in the pay period in which you pay wages in excess of \$200,000 to an employee and continue to withhold it each pay period until the end of the calendar year. Additional Medicare Tax is only imposed on the employee. There is no employer share of Additional Medicare Tax. All wages that are subject to Medicare tax are subject to Additional Medicare Tax withholding if paid in excess of the \$200,000 withholding threshold. For more information on what wages are subject to Medicare tax, see the chart, *Special Rules for Various Types of Services and Payments*, in section 15 of Pub. 15. For more information on Additional Medicare Tax, go to IRS.gov/AdMT.

Withholding on Supplemental Wages

See section 7 of Pub. 15 for the definition of supplemental wages.

Withholding on supplemental wages when an employee receives \$1 million or less of supplemental wages during the calendar year. If the supplemental wages paid to the employee during the calendar year are less than or equal to \$1 million, the following rules apply in determining the amount of income tax to be withheld.

Supplemental wages combined with regular wages. If you pay supplemental wages with regular wages but don't specify the amount of each, withhold federal income tax as if the total were a single payment for a regular payroll period.

Supplemental wages identified separately from regular wages. If you pay supplemental wages separately (or combine them in a single payment and specify the amount of each), the federal income tax withholding method depends partly on whether you withhold income tax from your employee's regular wages.

1. If you withheld income tax from an employee's regular wages in the current or immediately preceding

calendar year, you can use one of the following methods for the supplemental wages.

a. Withhold a flat 22% (no other percentage allowed).

b. If the supplemental wages are paid concurrently with regular wages, add the supplemental wages to the concurrently paid regular wages. If there are no concurrently paid regular wages, add the supplemental wages to alternatively, either the regular wages paid or to be paid for the current payroll period or the regular wages paid for the preceding payroll period. Figure the income tax withholding as if the total of the regular wages and supplemental wages is a single payment. Subtract the tax already withheld or to be withheld from the regular wages. Withhold the remaining tax from the supplemental wages. If there were other payments of supplemental wages paid during the payroll period made before the current payment of supplemental wages, aggregate all the payments of supplemental wages paid during the payroll period with the regular wages paid during the payroll period, calculate the tax on the total, subtract the tax already withheld from the regular wages and the previous supplemental wage payments, and withhold the remaining tax.

2. If you didn't withhold income tax from the employee's regular wages in the current or immediately preceding calendar year, use method 1-b. This would occur, for example, when the value of the employee's withholding allowances claimed on Form W-4 is more than the wages.

Withholding on supplemental wages when an employee receives more than \$1 million of supplemental wages during the calendar year. If a supplemental wage payment, together with other supplemental wage payments made to the employee during the calendar year, exceeds \$1 million, the excess is subject to withholding at 37% (or the highest rate of income tax for the year). Withhold using the 37% rate without regard to the employee's Form W-4.

Regardless of the method you use to withhold income tax on supplemental wages, they are subject to social security, Medicare, and FUTA taxes. Examples of withholding on supplemental wage payments are included in section 7 of Pub. 15.

Backup Withholding Rate

You generally must withhold 24% of certain taxable payments if the payee fails to furnish you with his or her correct taxpayer identification number (TIN). This withholding is referred to as "backup withholding."

For more information on backup withholding, including the types of payments subject to backup withholding, see *Nonpayroll Income Tax Withholding* in Pub. 15.

Percentage Method Tables for Income Tax Withholding

(For Wages Paid in 2018)

TABLE 1—WEEKLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$71		\$0		Not over \$222		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$71	—\$254 . .	\$0.00 plus 10%	—\$71	\$222	—\$588 . .	\$0.00 plus 10%	—\$222
\$254	—\$815 . .	\$18.30 plus 12%	—\$254	\$588	—\$1,711 . .	\$36.60 plus 12%	—\$588
\$815	—\$1,658 . .	\$85.62 plus 22%	—\$815	\$1,711	—\$3,395 . .	\$171.36 plus 22%	—\$1,711
\$1,658	—\$3,100 . .	\$271.08 plus 24%	—\$1,658	\$3,395	—\$6,280 . .	\$541.84 plus 24%	—\$3,395
\$3,100	—\$3,917 . .	\$617.16 plus 32%	—\$3,100	\$6,280	—\$7,914 . .	\$1,234.24 plus 32%	—\$6,280
\$3,917	—\$9,687 . .	\$878.60 plus 35%	—\$3,917	\$7,914	—\$11,761 . .	\$1,757.12 plus 35%	—\$7,914
\$9,687		\$2,898.10 plus 37%	—\$9,687	\$11,761		\$3,103.57 plus 37%	—\$11,761

TABLE 2—BIWEEKLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$142		\$0		Not over \$444		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$142	—\$509 . .	\$0.00 plus 10%	—\$142	\$444	—\$1,177 . .	\$0.00 plus 10%	—\$444
\$509	—\$1,631 . .	\$36.70 plus 12%	—\$509	\$1,177	—\$3,421 . .	\$73.30 plus 12%	—\$1,177
\$1,631	—\$3,315 . .	\$171.34 plus 22%	—\$1,631	\$3,421	—\$6,790 . .	\$342.58 plus 22%	—\$3,421
\$3,315	—\$6,200 . .	\$541.82 plus 24%	—\$3,315	\$6,790	—\$12,560 . .	\$1,083.76 plus 24%	—\$6,790
\$6,200	—\$7,835 . .	\$1,234.22 plus 32%	—\$6,200	\$12,560	—\$15,829 . .	\$2,468.56 plus 32%	—\$12,560
\$7,835	—\$19,373 . .	\$1,757.42 plus 35%	—\$7,835	\$15,829	—\$23,521 . .	\$3,514.64 plus 35%	—\$15,829
\$19,373		\$5,795.72 plus 37%	—\$19,373	\$23,521		\$6,206.84 plus 37%	—\$23,521

TABLE 3—SEMIMONTHLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$154		\$0		Not over \$481		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$154	—\$551 . .	\$0.00 plus 10%	—\$154	\$481	—\$1,275 . .	\$0.00 plus 10%	—\$481
\$551	—\$1,767 . .	\$39.70 plus 12%	—\$551	\$1,275	—\$3,706 . .	\$79.40 plus 12%	—\$1,275
\$1,767	—\$3,592 . .	\$185.62 plus 22%	—\$1,767	\$3,706	—\$7,356 . .	\$371.12 plus 22%	—\$3,706
\$3,592	—\$6,717 . .	\$587.12 plus 24%	—\$3,592	\$7,356	—\$13,606 . .	\$1,174.12 plus 24%	—\$7,356
\$6,717	—\$8,488 . .	\$1,337.12 plus 32%	—\$6,717	\$13,606	—\$17,148 . .	\$2,674.12 plus 32%	—\$13,606
\$8,488	—\$20,988 . .	\$1,903.84 plus 35%	—\$8,488	\$17,148	—\$25,481 . .	\$3,807.56 plus 35%	—\$17,148
\$20,988		\$6,278.84 plus 37%	—\$20,988	\$25,481		\$6,724.11 plus 37%	—\$25,481

TABLE 4—MONTHLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$308		\$0		Not over \$963		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$308	—\$1,102 . .	\$0.00 plus 10%	—\$308	\$963	—\$2,550 . .	\$0.00 plus 10%	—\$963
\$1,102	—\$3,533 . .	\$79.40 plus 12%	—\$1,102	\$2,550	—\$7,413 . .	\$158.70 plus 12%	—\$2,550
\$3,533	—\$7,183 . .	\$371.12 plus 22%	—\$3,533	\$7,413	—\$14,713 . .	\$742.26 plus 22%	—\$7,413
\$7,183	—\$13,433 . .	\$1,174.12 plus 24%	—\$7,183	\$14,713	—\$27,213 . .	\$2,348.26 plus 24%	—\$14,713
\$13,433	—\$16,975 . .	\$2,674.12 plus 32%	—\$13,433	\$27,213	—\$34,296 . .	\$5,348.26 plus 32%	—\$27,213
\$16,975	—\$41,975 . .	\$3,807.56 plus 35%	—\$16,975	\$34,296	—\$50,963 . .	\$7,614.82 plus 35%	—\$34,296
\$41,975		\$12,557.56 plus 37%	—\$41,975	\$50,963		\$13,448.27 plus 37%	—\$50,963

Percentage Method Tables for Income Tax Withholding (continued)

(For Wages Paid in 2018)

TABLE 5—QUARTERLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$925		\$0		Not over \$2,888		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$925	—\$3,306 . .	\$0.00 plus 10%	—\$925	\$2,888	—\$7,650 . .	\$0.00 plus 10%	—\$2,888
\$3,306	—\$10,600 . .	\$238.10 plus 12%	—\$3,306	\$7,650	—\$22,238 . .	\$476.20 plus 12%	—\$7,650
\$10,600	—\$21,550 . .	\$1,113.38 plus 22%	—\$10,600	\$22,238	—\$44,138 . .	\$2,226.76 plus 22%	—\$22,238
\$21,550	—\$40,300 . .	\$3,522.38 plus 24%	—\$21,550	\$44,138	—\$81,638 . .	\$7,044.76 plus 24%	—\$44,138
\$40,300	—\$50,925 . .	\$8,022.38 plus 32%	—\$40,300	\$81,638	—\$102,888 . .	\$16,044.76 plus 32%	—\$81,638
\$50,925	—\$125,925 . .	\$11,422.38 plus 35%	—\$50,925	\$102,888	—\$152,888 . .	\$22,844.76 plus 35%	—\$102,888
\$125,925		\$37,672.38 plus 37%	—\$125,925	\$152,888		\$40,344.76 plus 37%	—\$152,888

TABLE 6—SEMIANNUAL Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$1,850		\$0		Not over \$5,775		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$1,850	—\$6,613 . .	\$0.00 plus 10%	—\$1,850	\$5,775	—\$15,300 . .	\$0.00 plus 10%	—\$5,775
\$6,613	—\$21,200 . .	\$476.30 plus 12%	—\$6,613	\$15,300	—\$44,475 . .	\$952.50 plus 12%	—\$15,300
\$21,200	—\$43,100 . .	\$2,226.74 plus 22%	—\$21,200	\$44,475	—\$88,275 . .	\$4,453.50 plus 22%	—\$44,475
\$43,100	—\$80,600 . .	\$7,044.74 plus 24%	—\$43,100	\$88,275	—\$163,275 . .	\$14,089.50 plus 24%	—\$88,275
\$80,600	—\$101,850 . .	\$16,044.74 plus 32%	—\$80,600	\$163,275	—\$205,775 . .	\$32,089.50 plus 32%	—\$163,275
\$101,850	—\$251,850 . .	\$22,844.74 plus 35%	—\$101,850	\$205,775	—\$305,775 . .	\$45,689.50 plus 35%	—\$205,775
\$251,850		\$75,344.74 plus 37%	—\$251,850	\$305,775		\$80,689.50 plus 37%	—\$305,775

TABLE 7—ANNUAL Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$3,700		\$0		Not over \$11,550		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$3,700	—\$13,225 . .	\$0.00 plus 10%	—\$3,700	\$11,550	—\$30,600 . .	\$0.00 plus 10%	—\$11,550
\$13,225	—\$42,400 . .	\$952.50 plus 12%	—\$13,225	\$30,600	—\$88,950 . .	\$1,905.00 plus 12%	—\$30,600
\$42,400	—\$86,200 . .	\$4,453.50 plus 22%	—\$42,400	\$88,950	—\$176,550 . .	\$8,907.00 plus 22%	—\$88,950
\$86,200	—\$161,200 . .	\$14,089.50 plus 24%	—\$86,200	\$176,550	—\$326,550 . .	\$28,179.00 plus 24%	—\$176,550
\$161,200	—\$203,700 . .	\$32,089.50 plus 32%	—\$161,200	\$326,550	—\$411,550 . .	\$64,179.00 plus 32%	—\$326,550
\$203,700	—\$503,700 . .	\$45,689.50 plus 35%	—\$203,700	\$411,550	—\$611,550 . .	\$91,379.00 plus 35%	—\$411,550
\$503,700		\$150,689.50 plus 37%	—\$503,700	\$611,550		\$161,379.00 plus 37%	—\$611,550

TABLE 8—DAILY or MISCELLANEOUS Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) divided by the number of days in the payroll period is:		The amount of income tax to withhold per day is:		If the amount of wages (after subtracting withholding allowances) divided by the number of days in the payroll period is:		The amount of income tax to withhold per day is:	
Not over \$14.20		\$0		Not over \$44.40		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$14.20	—\$50.90 . .	\$0.00 plus 10%	—\$14.20	\$44.40	—\$117.70 . .	\$0.00 plus 10%	—\$44.40
\$50.90	—\$163.10 . .	\$3.67 plus 12%	—\$50.90	\$117.70	—\$342.10 . .	\$7.33 plus 12%	—\$117.70
\$163.10	—\$331.50 . .	\$17.13 plus 22%	—\$163.10	\$342.10	—\$679.00 . .	\$34.26 plus 22%	—\$342.10
\$331.50	—\$620.00 . .	\$54.18 plus 24%	—\$331.50	\$679.00	—\$1,256.00 . .	\$108.38 plus 24%	—\$679.00
\$620.00	—\$783.50 . .	\$123.42 plus 32%	—\$620.00	\$1,256.00	—\$1,582.90 . .	\$246.86 plus 32%	—\$1,256.00
\$783.50	—\$1,937.30 . .	\$175.74 plus 35%	—\$783.50	\$1,582.90	—\$2,352.10 . .	\$351.47 plus 35%	—\$1,582.90
\$1,937.30		\$579.57 plus 37%	—\$1,937.30	\$2,352.10		\$620.69 plus 37%	—\$2,352.10

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:15-CV-00324-C
)	
SOUTHEASTERN OKLAHOMA)	
STATE UNIVERSITY,)	
)	
and)	
)	
THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA,)	
)	
)	
Defendants.)	

**PLAINTIFF DR. RACHEL TUDOR'S AMENDED MOTION FOR
POST-JUDGMENT INTEREST AND TAX OFFSET**

On June 6, 2018, this Court awarded Plaintiff damages in the amount of \$420,081.54. Pursuant to Fed. R. Civ. P. 59(e), Dr. Tudor respectfully moves this Court to, at an appropriate time, conform its judgment to include post-judgment interest and a tax offset upon resolution of Tudor's pending appeal to the U.S. Court of Appeals for the Tenth Circuit.¹

¹ An earlier version of this motion was filed on July 3, 2018 in error (see ECF No. 311). Tudor respectfully requests that the earlier motion be struck as moot, and this amended motion be ruled upon.

BACKGROUND

The jury awarded Dr. Tudor damages totaling \$1,165,000 (ECF No. 262), compensating her for injuries due to Defendants' discrimination in the 2009–10 and 2010–11 tenure process and retaliation in the 2010–11 tenure process. After post-trial motions related to the damages, this Court remitted the jury's award from \$1,165,000 to \$360,040.77—labeling \$300,000 as compensatory damages and labeling \$60,040.77 as backpay (ECF No. 292 at 5). In addition to the remitted jury's award, the Court awarded Tudor front pay in the amount of \$60,040.77, entering final judgment in the amount of \$420,081.45 on June 6, 2018 (ECF No. 293).

Dr. Tudor filed a timely Notice of Appeal to the United States Court of Appeals for the Tenth Circuit on June 6, 2018, seeking review of this Court's orders, including those remitting the jury's award and granting limited front pay and denying reinstatement (ECF No. 294). Dr. Tudor anticipates that if she prevails on any of the issues before the Tenth Circuit, that the damages awarded in this matter will necessarily be modified.

In an excess of caution, because Fed. R. Civ. P. 59(e) mandates that any motion to alter or amend a judgment be filed within 28 days of the entry of judgment Tudor files the present motion seeking post-judgment interest and tax offset. Given that Dr. Tudor's appeal strips this Court of the power to review the earlier orders, Tudor files the instant motion to preserve her right

to properly seek post-judgment interest and tax offset upon the resolution of her appeal by the Tenth Circuit. At the appropriate time, Tudor will move this Court to conform the final judgment in this matter—as modified, if at all, by the Tenth Circuit—to reflect appropriate post-judgment interest and tax offset amounts according to the formulas set forth below.

I. POST-JUDGMENT INTEREST

Post-judgment interest should be awarded to Tudor pursuant to 28 U.S.C. §1961, which states that “[i]nterest shall be allowed on any money judgment in a civil case recovered in a district court.” Additionally, “interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.” *See* 28 U.S.C. §1961. Said rate was 2.28% on June 1, 2018, the calendar week preceding the entry of judgment.

“Interest after entry of judgment is addressed through post-judgment interest, which accrues on the amount of a damage award, including prejudgment interest, from the date judgment was entered to the date of payment.” *See Reed v. Mineta*, 438 F.3d 1063, 1067 (10th Cir. 2006). Thus, the Court should award post-judgment interest using this formula: total damages x (interest rate/ 365 days) x days since judgment was entered.

II. TAX PENALTY OFFSET

As discussed previously, this Court has broad discretion in ensuring Dr. Tudor is made whole, and another way the Court can ensure that is to award a tax penalty offset, “which compensates victims for additional tax liabilities they would incur as a result of a lump-sum payment.” *See EEOC v. Beverage Distributors Co., LLC*, 780 F.3d 1018, 1023 (10th Cir. 2015).

Here, the taxes on the damages awarded, will be paid during one tax year, which will cause Dr. Tudor to be in a higher tax bracket for the year in which she receives the award, and thereby penalized by paying a higher tax rate. Accordingly, Dr. Tudor respectfully requests the Court award an additional amount to offset the penalties Dr. Tudor will have to pay in federal and state income taxes.

Upon payment of the judgment, Tudor will pay taxes on any damages labeled as back pay, front pay, and post-judgment interest in a single tax year rather than over multiple tax years, as would be her situation but for Defendants’ illicit conduct. Upon the Tenth Circuit’s resolution of Tudor’s appeals of this Court’s prior orders pertaining to damages, the Court should apply the following formula to ascertain the appropriate tax offset in this matter: total amount Tudor would owe on taxable portions of the final award less the amount Tudor would have owed in income taxes based on projected earnings at Southeastern if she had not been terminated in that same

taxable year. If Tudor's appeal is resolved by the Tenth Circuit in calendar year 2018, then the federal rates in IRS Notice 1036 should be used (*see* Exhibit 1).²

CONCLUSION

For all of the foregoing reasons, Dr. Tudor respectfully requests the Court, at an appropriate time, award post-judgment interest be entered at a rate of 2.28%, accruing on the judgment amount awarded from the date of entry of judgment. Additionally, Tudor requests that the Court award a tax penalty offset in an appropriate amount once Tudor's appeal to the Tenth Circuit is finally resolved. At an appropriate time, Tudor will move this Court to conform the final judgment in this matter (ECF No. 293) to include the appropriate amounts of post-judgment interest and tax offset.

Dated: July 5, 2018

/s/ Ezra Young
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² The undersigned represents that Dr. Tudor is currently a resident of the State of Texas, which does not tax income.

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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2018, I electronically filed a copy of the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve all counsel of record.

/s/ Ezra Young
Ezra Young (NY Bar No. 5283114)



Notice 1036

(Rev. January 2018)

Early Release Copies of the 2018 Percentage Method Tables for Income Tax Withholding

Future Developments

For the latest information about developments related to Notice 1036, such as legislation enacted after it was published, go to IRS.gov/Notice1036.

2018 Withholding Tables

This notice includes the 2018 Percentage Method Tables for Income Tax Withholding. Employers should implement the 2018 withholding tables as soon as possible, but not later than February 15, 2018. Continue to use the 2017 withholding tables until you implement the 2018 withholding tables.

Percentage Method Tables for Income Tax Withholding

Attached are early release copies of the Percentage Method Tables for Income Tax Withholding that will appear in Pub. 15, Employer's Tax Guide (For use in 2018). Pub. 15 will be posted on IRS.gov in January 2018.

The wage amounts shown in the Percentage Method Tables for Income Tax Withholding are net wages after the deduction for total withholding allowances. The withholding allowance amounts by payroll period have changed. For 2018, they are:

<u>Payroll Period</u>	<u>One Withholding Allowance</u>
Weekly	\$ 79.80
Biweekly	159.60
Semimonthly	172.90
Monthly	345.80
Quarterly	1,037.50
Semiannually	2,075.00
Annually	4,150.00
Daily or Miscellaneous (each day of the payroll period)	16.00

When employers use the Percentage Method Tables for Income Tax Withholding, the tax for the pay period may be rounded to the nearest dollar. If rounding is used, it must be used consistently. Withheld tax amounts should be rounded to the nearest dollar by dropping amounts under 50 cents and increasing amounts from 50 to 99

cents to the next higher dollar. For example, \$2.30 becomes \$2 and \$2.50 becomes \$3.

Withholding Adjustment for Nonresident Aliens

For 2018, apply the procedure discussed below to figure the amount of income tax to withhold from the wages of nonresident alien employees performing services within the United States.

Note. Nonresident alien students from India and business apprentices from India aren't subject to this procedure.

Instructions. To figure how much income tax to withhold from the wages paid to a nonresident alien employee performing services in the United States, use the following steps.

Step 1. Add to the wages paid to the nonresident alien employee for the payroll period the amount shown in the chart below for the applicable payroll period.

Amount to Add to Nonresident Alien Employee's Wages for Calculating Income Tax Withholding Only

<u>Payroll Period</u>	<u>Add Additional</u>
Weekly	\$ 151.00
Biweekly	301.90
Semimonthly	327.10
Monthly	654.20
Quarterly	1,962.50
Semiannually	3,925.00
Annually	7,850.00
Daily or Miscellaneous (each day of the payroll period)	30.20

Step 2. Use the amount figured in *Step 1* and the number of withholding allowances claimed (generally limited to one allowance) to figure income tax withholding. Determine the value of withholding allowances by multiplying the number of withholding allowances claimed by the appropriate amount in the table shown earlier. Reduce the amount figured in *Step 1* by the value of withholding allowances and use that reduced amount to determine the wages subject to income tax withholding. Figure the income tax withholding using the Percentage Method Tables for Income Tax Withholding provided on pages 3 and 4. Alternatively, you can figure the income tax withholding using the Wage Bracket Method Tables for Income Tax Withholding included in Pub. 15 (For use in 2018).

Social Security and Medicare Tax for 2018

For social security, the tax rate is 6.2% each for the employee and employer, unchanged from 2017. The social security wage base limit is \$128,400. The Medicare tax rate is 1.45% each for the employee and employer, unchanged from 2017. There is no wage base limit for Medicare tax.

Additional Medicare Tax Withholding

In addition to withholding Medicare tax at 1.45%, you must withhold a 0.9% Additional Medicare Tax from wages you pay to an employee in excess of \$200,000 in a calendar year. You're required to begin withholding Additional Medicare Tax in the pay period in which you pay wages in excess of \$200,000 to an employee and continue to withhold it each pay period until the end of the calendar year. Additional Medicare Tax is only imposed on the employee. There is no employer share of Additional Medicare Tax. All wages that are subject to Medicare tax are subject to Additional Medicare Tax withholding if paid in excess of the \$200,000 withholding threshold. For more information on what wages are subject to Medicare tax, see the chart, *Special Rules for Various Types of Services and Payments*, in section 15 of Pub. 15. For more information on Additional Medicare Tax, go to [IRS.gov/AdMT](https://www.irs.gov/AdMT).

Withholding on Supplemental Wages

See section 7 of Pub. 15 for the definition of supplemental wages.

Withholding on supplemental wages when an employee receives \$1 million or less of supplemental wages during the calendar year. If the supplemental wages paid to the employee during the calendar year are less than or equal to \$1 million, the following rules apply in determining the amount of income tax to be withheld.

Supplemental wages combined with regular wages. If you pay supplemental wages with regular wages but don't specify the amount of each, withhold federal income tax as if the total were a single payment for a regular payroll period.

Supplemental wages identified separately from regular wages. If you pay supplemental wages separately (or combine them in a single payment and specify the amount of each), the federal income tax withholding method depends partly on whether you withhold income tax from your employee's regular wages.

1. If you withheld income tax from an employee's regular wages in the current or immediately preceding

calendar year, you can use one of the following methods for the supplemental wages.

a. Withhold a flat 22% (no other percentage allowed).

b. If the supplemental wages are paid concurrently with regular wages, add the supplemental wages to the concurrently paid regular wages. If there are no concurrently paid regular wages, add the supplemental wages to alternatively, either the regular wages paid or to be paid for the current payroll period or the regular wages paid for the preceding payroll period. Figure the income tax withholding as if the total of the regular wages and supplemental wages is a single payment. Subtract the tax already withheld or to be withheld from the regular wages. Withhold the remaining tax from the supplemental wages. If there were other payments of supplemental wages paid during the payroll period made before the current payment of supplemental wages, aggregate all the payments of supplemental wages paid during the payroll period with the regular wages paid during the payroll period, calculate the tax on the total, subtract the tax already withheld from the regular wages and the previous supplemental wage payments, and withhold the remaining tax.

2. If you didn't withhold income tax from the employee's regular wages in the current or immediately preceding calendar year, use method 1-b. This would occur, for example, when the value of the employee's withholding allowances claimed on Form W-4 is more than the wages.

Withholding on supplemental wages when an employee receives more than \$1 million of supplemental wages during the calendar year. If a supplemental wage payment, together with other supplemental wage payments made to the employee during the calendar year, exceeds \$1 million, the excess is subject to withholding at 37% (or the highest rate of income tax for the year). Withhold using the 37% rate without regard to the employee's Form W-4.

Regardless of the method you use to withhold income tax on supplemental wages, they are subject to social security, Medicare, and FUTA taxes. Examples of withholding on supplemental wage payments are included in section 7 of Pub. 15.

Backup Withholding Rate

You generally must withhold 24% of certain taxable payments if the payee fails to furnish you with his or her correct taxpayer identification number (TIN). This withholding is referred to as "backup withholding."

For more information on backup withholding, including the types of payments subject to backup withholding, see *Nonpayroll Income Tax Withholding* in Pub. 15.

Percentage Method Tables for Income Tax Withholding

(For Wages Paid in 2018)

TABLE 1—WEEKLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$71		\$0		Not over \$222		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$71	—\$254 . .	\$0.00 plus 10%	—\$71	\$222	—\$588 . .	\$0.00 plus 10%	—\$222
\$254	—\$815 . .	\$18.30 plus 12%	—\$254	\$588	—\$1,711 . .	\$36.60 plus 12%	—\$588
\$815	—\$1,658 . .	\$85.62 plus 22%	—\$815	\$1,711	—\$3,395 . .	\$171.36 plus 22%	—\$1,711
\$1,658	—\$3,100 . .	\$271.08 plus 24%	—\$1,658	\$3,395	—\$6,280 . .	\$541.84 plus 24%	—\$3,395
\$3,100	—\$3,917 . .	\$617.16 plus 32%	—\$3,100	\$6,280	—\$7,914 . .	\$1,234.24 plus 32%	—\$6,280
\$3,917	—\$9,687 . .	\$878.60 plus 35%	—\$3,917	\$7,914	—\$11,761 . .	\$1,757.12 plus 35%	—\$7,914
\$9,687		\$2,898.10 plus 37%	—\$9,687	\$11,761		\$3,103.57 plus 37%	—\$11,761

TABLE 2—BIWEEKLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$142		\$0		Not over \$444		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$142	—\$509 . .	\$0.00 plus 10%	—\$142	\$444	—\$1,177 . .	\$0.00 plus 10%	—\$444
\$509	—\$1,631 . .	\$36.70 plus 12%	—\$509	\$1,177	—\$3,421 . .	\$73.30 plus 12%	—\$1,177
\$1,631	—\$3,315 . .	\$171.34 plus 22%	—\$1,631	\$3,421	—\$6,790 . .	\$342.58 plus 22%	—\$3,421
\$3,315	—\$6,200 . .	\$541.82 plus 24%	—\$3,315	\$6,790	—\$12,560 . .	\$1,083.76 plus 24%	—\$6,790
\$6,200	—\$7,835 . .	\$1,234.22 plus 32%	—\$6,200	\$12,560	—\$15,829 . .	\$2,468.56 plus 32%	—\$12,560
\$7,835	—\$19,373 . .	\$1,757.42 plus 35%	—\$7,835	\$15,829	—\$23,521 . .	\$3,514.64 plus 35%	—\$15,829
\$19,373		\$5,795.72 plus 37%	—\$19,373	\$23,521		\$6,206.84 plus 37%	—\$23,521

TABLE 3—SEMIMONTHLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$154		\$0		Not over \$481		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$154	—\$551 . .	\$0.00 plus 10%	—\$154	\$481	—\$1,275 . .	\$0.00 plus 10%	—\$481
\$551	—\$1,767 . .	\$39.70 plus 12%	—\$551	\$1,275	—\$3,706 . .	\$79.40 plus 12%	—\$1,275
\$1,767	—\$3,592 . .	\$185.62 plus 22%	—\$1,767	\$3,706	—\$7,356 . .	\$371.12 plus 22%	—\$3,706
\$3,592	—\$6,717 . .	\$587.12 plus 24%	—\$3,592	\$7,356	—\$13,606 . .	\$1,174.12 plus 24%	—\$7,356
\$6,717	—\$8,488 . .	\$1,337.12 plus 32%	—\$6,717	\$13,606	—\$17,148 . .	\$2,674.12 plus 32%	—\$13,606
\$8,488	—\$20,988 . .	\$1,903.84 plus 35%	—\$8,488	\$17,148	—\$25,481 . .	\$3,807.56 plus 35%	—\$17,148
\$20,988		\$6,278.84 plus 37%	—\$20,988	\$25,481		\$6,724.11 plus 37%	—\$25,481

TABLE 4—MONTHLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$308		\$0		Not over \$963		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$308	—\$1,102 . .	\$0.00 plus 10%	—\$308	\$963	—\$2,550 . .	\$0.00 plus 10%	—\$963
\$1,102	—\$3,533 . .	\$79.40 plus 12%	—\$1,102	\$2,550	—\$7,413 . .	\$158.70 plus 12%	—\$2,550
\$3,533	—\$7,183 . .	\$371.12 plus 22%	—\$3,533	\$7,413	—\$14,713 . .	\$742.26 plus 22%	—\$7,413
\$7,183	—\$13,433 . .	\$1,174.12 plus 24%	—\$7,183	\$14,713	—\$27,213 . .	\$2,348.26 plus 24%	—\$14,713
\$13,433	—\$16,975 . .	\$2,674.12 plus 32%	—\$13,433	\$27,213	—\$34,296 . .	\$5,348.26 plus 32%	—\$27,213
\$16,975	—\$41,975 . .	\$3,807.56 plus 35%	—\$16,975	\$34,296	—\$50,963 . .	\$7,614.82 plus 35%	—\$34,296
\$41,975		\$12,557.56 plus 37%	—\$41,975	\$50,963		\$13,448.27 plus 37%	—\$50,963

Percentage Method Tables for Income Tax Withholding (continued)

(For Wages Paid in 2018)

TABLE 5—QUARTERLY Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$925		\$0		Not over \$2,888		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$925	—\$3,306 . .	\$0.00 plus 10%	—\$925	\$2,888	—\$7,650 . .	\$0.00 plus 10%	—\$2,888
\$3,306	—\$10,600 . .	\$238.10 plus 12%	—\$3,306	\$7,650	—\$22,238 . .	\$476.20 plus 12%	—\$7,650
\$10,600	—\$21,550 . .	\$1,113.38 plus 22%	—\$10,600	\$22,238	—\$44,138 . .	\$2,226.76 plus 22%	—\$22,238
\$21,550	—\$40,300 . .	\$3,522.38 plus 24%	—\$21,550	\$44,138	—\$81,638 . .	\$7,044.76 plus 24%	—\$44,138
\$40,300	—\$50,925 . .	\$8,022.38 plus 32%	—\$40,300	\$81,638	—\$102,888 . .	\$16,044.76 plus 32%	—\$81,638
\$50,925	—\$125,925 . .	\$11,422.38 plus 35%	—\$50,925	\$102,888	—\$152,888 . .	\$22,844.76 plus 35%	—\$102,888
\$125,925		\$37,672.38 plus 37%	—\$125,925	\$152,888		\$40,344.76 plus 37%	—\$152,888

TABLE 6—SEMIANNUAL Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$1,850		\$0		Not over \$5,775		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$1,850	—\$6,613 . .	\$0.00 plus 10%	—\$1,850	\$5,775	—\$15,300 . .	\$0.00 plus 10%	—\$5,775
\$6,613	—\$21,200 . .	\$476.30 plus 12%	—\$6,613	\$15,300	—\$44,475 . .	\$952.50 plus 12%	—\$15,300
\$21,200	—\$43,100 . .	\$2,226.74 plus 22%	—\$21,200	\$44,475	—\$88,275 . .	\$4,453.50 plus 22%	—\$44,475
\$43,100	—\$80,600 . .	\$7,044.74 plus 24%	—\$43,100	\$88,275	—\$163,275 . .	\$14,089.50 plus 24%	—\$88,275
\$80,600	—\$101,850 . .	\$16,044.74 plus 32%	—\$80,600	\$163,275	—\$205,775 . .	\$32,089.50 plus 32%	—\$163,275
\$101,850	—\$251,850 . .	\$22,844.74 plus 35%	—\$101,850	\$205,775	—\$305,775 . .	\$45,689.50 plus 35%	—\$205,775
\$251,850		\$75,344.74 plus 37%	—\$251,850	\$305,775		\$80,689.50 plus 37%	—\$305,775

TABLE 7—ANNUAL Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$3,700		\$0		Not over \$11,550		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$3,700	—\$13,225 . .	\$0.00 plus 10%	—\$3,700	\$11,550	—\$30,600 . .	\$0.00 plus 10%	—\$11,550
\$13,225	—\$42,400 . .	\$952.50 plus 12%	—\$13,225	\$30,600	—\$88,950 . .	\$1,905.00 plus 12%	—\$30,600
\$42,400	—\$86,200 . .	\$4,453.50 plus 22%	—\$42,400	\$88,950	—\$176,550 . .	\$8,907.00 plus 22%	—\$88,950
\$86,200	—\$161,200 . .	\$14,089.50 plus 24%	—\$86,200	\$176,550	—\$326,550 . .	\$28,179.00 plus 24%	—\$176,550
\$161,200	—\$203,700 . .	\$32,089.50 plus 32%	—\$161,200	\$326,550	—\$411,550 . .	\$64,179.00 plus 32%	—\$326,550
\$203,700	—\$503,700 . .	\$45,689.50 plus 35%	—\$203,700	\$411,550	—\$611,550 . .	\$91,379.00 plus 35%	—\$411,550
\$503,700		\$150,689.50 plus 37%	—\$503,700	\$611,550		\$161,379.00 plus 37%	—\$611,550

TABLE 8—DAILY or MISCELLANEOUS Payroll Period

(a) SINGLE person (including head of household)—				(b) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) divided by the number of days in the payroll period is:		The amount of income tax to withhold per day is:		If the amount of wages (after subtracting withholding allowances) divided by the number of days in the payroll period is:		The amount of income tax to withhold per day is:	
Not over \$14.20		\$0		Not over \$44.40		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$14.20	—\$50.90 . .	\$0.00 plus 10%	—\$14.20	\$44.40	—\$117.70 . .	\$0.00 plus 10%	—\$44.40
\$50.90	—\$163.10 . .	\$3.67 plus 12%	—\$50.90	\$117.70	—\$342.10 . .	\$7.33 plus 12%	—\$117.70
\$163.10	—\$331.50 . .	\$17.13 plus 22%	—\$163.10	\$342.10	—\$679.00 . .	\$34.26 plus 22%	—\$342.10
\$331.50	—\$620.00 . .	\$54.18 plus 24%	—\$331.50	\$679.00	—\$1,256.00 . .	\$108.38 plus 24%	—\$679.00
\$620.00	—\$783.50 . .	\$123.42 plus 32%	—\$620.00	\$1,256.00	—\$1,582.90 . .	\$246.86 plus 32%	—\$1,256.00
\$783.50	—\$1,937.30 . .	\$175.74 plus 35%	—\$783.50	\$1,582.90	—\$2,352.10 . .	\$351.47 plus 35%	—\$1,582.90
\$1,937.30		\$579.57 plus 37%	—\$1,937.30	\$2,352.10		\$620.69 plus 37%	—\$2,352.10