

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.)	

**ATTORNEYS YOUNG AND NOVOTNY'S
SUPPLEMENTAL MOTION AND INCORPORATED BRIEF
FOR RECOVERY OF ATTORNEYS' FEES**

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INTRODUCTION

Attorneys Young and Novotny served as Dr. Tudor's counsel at the trial court and for a substantial part of her ultimately successful appeal and defense against cross-appeal to the U.S. Court of Appeals for the Tenth Circuit.

We respectfully move to supplement our first motion for attorneys' fees and costs (ECF No. 303). We seek additional compensation for work performed as follows: additional lodestar fees of \$471,505.00, and once again request that the Court apply on top of that a multiplier of 1.5, bringing our additional requested fees total to \$707,257.50.

I. BACKGROUND

First Motion for Attorneys' Fees

We filed our first motion for attorneys' fees on June 20, 2018. *See* ECF No. 303. We were joined in that motion by our then co-counsel Marie Galindo and also requested fees and untaxed costs on behalf of the now dissolved Lewis, Feinberg, Lee, and Jackson (LFLJ) firm.¹ In support of our requests, we appended three exhibits that detailed relevant work on this case, pertinent information regarding the attorneys' respective background and expertise,

¹ The Lewis, Feinberg, Lee, and Jackson (LFLJ) firm ended its representation of Tudor in 2015, thus there are no further LFLJ hours to supplement at this time. While we were joined in our first motion by our co-counsel and colleague Marie E. Galindo, she does not join the present motion. Via email in April 2021, Ms. Galindo advised us that in the event she seeks additional fees beyond those requested in our first motion (ECF No. 303), she will file her own supplemental motion.

work performed, as well as itemizations of time billed and untaxed expenses incurred. *See* ECF Nos. 303-1 (Young Dec.), 303-2 (Novotny Dec.), and 303-3 (Galindo Dec.).

Our first motion sought compensation only for attorneys' fees and untaxed costs incurred at the trial court level up through June 20, 2018. In sum, it sought lodestar attorneys' fees of \$723,913.50, and asked that a 1.5 multiplier be applied, bringing total fees sought to \$1,085,870.25, and untaxed costs of \$21,453.00 (ECF No. 303 at 1).

Additional Work and Costs Unaccounted for in First Motion

After our first motion was filed, we continued to perform significant legal work for Dr. Tudor at the trial court level, when our joint request to withdraw as counsel for Tudor was granted by this Court. *See* Order, ECF No. 352 (granting Young and Novotny's request to withdraw as counsel and permitting continued participation in attorneys' fees proceedings). To remedy this, the present motion seeks trial-court related attorneys' fees for services rendered after June 20, 2018.

Because Dr. Tudor's appeal before the Tenth Circuit was still live at time our first motion was made, that motion did not seek compensation for appeals-related attorneys' fees incurred up to that date. To remedy this, the present motion seeks appeals-related attorneys' fees to Tudor's appeal.

Other Outstanding Motions for Attorneys' Fees

Dr. Tudor has had several lawyers, firms, and nonprofit organizations serve as her counsel throughout this litigation and interrelated appeals. As of this filing, we are aware of petitions filed by others seeking compensation for work performed, including two other petitions seeking compensation for work they claim was performed by Ezra Young and which they represent entitlement to payment. *See, e.g.*, ECF No. 301 (June 20, 2018 petition of Jillian Weiss); ECF No. 306 (June 21, 2018 petition of the Transgender Legal Defense and Education Fund, Inc.). The propriety and timeliness of those other motions is, ultimately, for this Court to discern. However, Mr. Young clarifies that he played no part in preparing or reviewing those other petitions or exhibits in support. *See* Exhibit 1 ¶ 22(b) and 23(b) (Young Dec.).

Jurisdiction Over Attorneys' Fees

This Court has jurisdiction over our request for both our trial- and appeals-related attorneys' fees. In its September 13, 2021 order, the Tenth Circuit held that Title VII gives the appellate court the discretion to grant a prevailing party's application for attorneys' fees. ECF No. 357 at 55 (citing 42 U.S.C. § 2000e-5(k); *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 417 (1978)). The Tenth Circuit went on to hold that "Dr. Tudor is the prevailing party below and on both appeals." ECF No. 357 at 55. Consequently, in exercise of its authority to grant attorneys' fees, the Tenth Circuit remanded the matter

to the Western District of Oklahoma “to calculate and award Dr. Tudor’s attorneys’ fees at both the district and appellate levels.” *Id.*

II. CLARIFICATION ON HOURLY RATES

In our first motion, Attorneys Young and Novotny sought hourly rates of \$550 and \$300 respectfully. Those rates were supported by declarations detailing our respective backgrounds, expertise, billing levels to date, and exercise of billing judgment. *See*, ECF No. 303-1 ¶¶ 25–31 (Young Dec.); ECF No. 303-2 ¶¶ 24–29 (Novotny Dec.).

We respectfully ask that this Court use those same hourly rates for attorneys’ fees sought under this supplemental motion. As we did previously, our requested rates take into account our professional stature, special training and expertise in the field, business we sacrificed in order to continue to prosecute Tudor’s case, and exercise of our billing judgment. We share additional, new information with the Court that further substantiates the propriety of our requested rates. *See* Exhibit 1 ¶¶ 2–23 (Young Dec.); Exhibit 2 ¶¶ 2–18 (Novotny Dec.).

As to Mr. Young’s rate, he supplements existing briefing to make the following clarification: In their separate 2018 motions seeking attorneys’ fees, both Weiss and TLDEF represented to this Court that Young billed at rates significantly different than the \$550 rate he claimed in our first motion. *See, e.g.*, ECF No. 301 at 4 (Weiss motion, claiming Young billed at a rate of \$250);

ECF No. 306 at 3 (TLDEF motion, claiming Young billed at a rate of \$350); ECF No. 306-9 ¶ 15 (Levinsohn Dec. in support of TLDEF motion, claiming Young billed at a rate of \$350). Those representations about Mr. Young’s billing rate are inaccurate. *See* Exhibit 1 ¶¶ 21–23 (Young Dec.).

Because Mr. Young played no part in preparing the Weiss or TLDEF petitions (see Exhibit 1 ¶¶ 22(b) and 23(b)), we respectfully ask that this Court make its determination about the propriety of Mr. Young’s hourly rate sought under our first motion and this supplemental motion in light of the arguments and evidence we have supplied. There is some support for doing this. The Tenth Circuit recognizes that representations concerning the value of legal services claimed by other attorneys is “not an immutable yardstick of reasonableness and may be disregarded or discounted as a comparative factor if found to be unreasonable in its own right.” *Robinson v. City of Edmond*, 160 F.3d 1275, 1284 (10th Cir. 1998) (cleaned up).

III. APPLICATION OF A MULTIPLIER IS WARRANTED

We respectfully ask that the Court apply a multiplier enhancement to our loadstar trial- and appeals-related attorneys’ fees. We believe that a multiplier of 1.5—the same multiplier we requested in our first motion—is appropriate for all work performed at both the trial and appellate level.

We previously drew the Court’s attention to three factors, any one of which supported application of a 1.5 multiplier—Dr. Tudor’s extraordinary

results, Defendants' recalcitrance, and the risk in delay of payment counsel assumed in prosecuting this case. We incorporate by reference the particulars and authorities highlighted in our first motion. *See* ECF No. 303 at 12–16. We supplement those arguments and showings as follows:

Extraordinary results. Dr. Tudor secured an extraordinary outcome at trial and set of remedies in this Court, as modified in part by her successful direct appeal in the Tenth Circuit. In total, Dr. Tudor has won substantial backpay, front pay, as well as the much desired—and exceedingly rare—remedy of reinstatement as a professor with tenure.

Dr. Tudor's success in this Court and on appeal is directly attributable to the masterful lawyering Plaintiff's counsel performed. We carefully built a record through discovery with the Department of Justice strong enough to withstand summary judgment. We presented a strong theory of the case to the jury convincing them, at a time when it was unfathomable to some in our nation, to find that the sex discrimination and retaliation that Tudor endured was wrong and our existing laws protected her. We defended that jury win all the way up to the Tenth Circuit. We also boldly and diligently preserved errors in the ways this Court fashioned remedies so that they may be ultimately corrected on appeal, and properly brought them on appeal and prevailed.

This is the rare and exceptional case where the lodestar fails to adequately compensate counsel. While we believe our hourly rates are fairly

set at \$550 and \$300 an hour for Young and Novotny, respectively, compensation at that rate without a multiplier falls short of the mark for several reasons.

First, the outcome we secured is far and away better than what was predicted possible based on governing law and available evidence in a sex discrimination case brought by a transgender worker. *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 554 (2010) (“superior attorney performance” merits multiplier); *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983) (“in some cases of exceptional success an enhanced award may be justified).

This Court is already well-aware of the difficult path Tudor’s case traveled because she is transgender. That Tudor travelled that difficult path in the pre-*Bostock v. Clayton County* era, 130 S.Ct. 1731 (2020), when there was some legal uncertainty about the extent to which Title VII protects transgender persons, is astounding. It was so improbable to some that virtually every time Tudor successfully navigated a litigation stage where Defendants’ attacked her transgender status, Tudor’s wins garnered media attention, more often than not, national headlines.² These resounding successes were indisputably extraordinary and merit no further exposition.

² See, e.g., Matthew Bultman, *Transgender Prof.’s Hostile Workplace Claim OK’d by Judge*, Law360, July 10, 2015, <https://www.law360.com/articles/677992/transgender-prof-s-hostile-workplace-claim-ok-d-by-judge>; Daniel Wiessner, *Judge Won’t Toss Transgender Professor’s*

Second, our work at the trial and appellate level helped clarify, and at points for the first time explain, the metes and bounds of Title VII's protections and awesome equitable powers that judges rightly wield to remedy workplace discrimination generally and in tenure cases specifically. Application of a multiplier is warranted here as compensation in light of how prosecution of Tudor's case has established significant new law.

Tudor's case also has forever changed how universities, as employers, must scrutinize tenure denials where there is evidence that an illicit factor, rather than merit or poor judgment, infected the decision. This has also, in turn, clarified how courts must deal with tenure denial cases at the merits and remedies stages.

It is now firmly established in this Circuit that it is possible to have a tenure expert, which opens up the possibility that professors can make objective showings at the dispositive motion and merits stages giving rise to an inference that illicit influence was the but for cause of a tenure denial. It

Claim Against Oklahoma University, Reuters Legal, Oct. 27, 2017, <https://www.reuters.com/article/employment-transgender/judge-wont-toss-transgender-professors-claim-against-oklahoma-university-idUSL2N1N3021>; *Transgender Woman Awarded \$1M in Discrimination Lawsuit*, Associated Press, Nov. 21, 2017, <https://apnews.com/article/6abd2487b83a49b5808a84736f0056eb>; Erin Mulvaney, *The US Justice Department Retreated from a Transgender Professor's Case. She Still Won.*, Nat'l Law Journal, Nov. 23, 2017, <https://www.law.com/nationallawjournal/sites/nationallawjournal/2017/11/21/the-u-s-justice-department-retreated-from-a-transgender-professors-case-she-still-won/?slreturn=20171114174426>. See also news coverage cited *infra* note 3.

has also now been clarified that a tenure expert can, rightfully, testify at trial, subject to cross-examination wherein the university bears the burden of demonstrating the expert's methodology is unsound, a radical shift from other courts' decisions that simply presumed no objective methodology for tenure exists and thus no such expert may be presented to the jury.

It is also now firmly established that where a jury finds discrimination was the but for cause of tenure denial, that reinstatement with tenure is the presumptive remedy. Dr. Tudor's decades long crusade to get the job she earned is admirable. And, for much of that time, it was one that many legal experts and lay persons alike thought she sought in vain given the way many courts justified withholding tenure as part of a make whole remedy package. The law of this Circuit now clearly establishes that if tenure is denied because of discrimination—as the jury found in this case—reinstatement with tenure is the presumptive remedy. (The fact such a remedy was granted on appeal was so amazing to lawyers, professors, and the general public that international and national outlets started reporting it within hours of the September 13 order's issuance.³)

³ See, e.g., Daniel Wiessner, *University Must Rehire Transgender Professor, Says 10th Circuit*, Reuters, Sept. 13, 2021, <https://www.reuters.com/legal/transactional/university-must-rehire-transgender-professor-says-10th-circuit-2021-09-13/>; Patrick Dorrian & Erin Mulvaney, *Transgender Professor Who Proved Bias Gets Job Back with Tenure*, BloombergLaw, Sept. 13, 2021, <https://news.bloomberglaw.com/us-law-week/transgender-professor-who-proved-bias-gets-job-back-with-tenure>; Vin Gurrieri, *10th Cir. Orders Okla.*

Defendants' recalcitrance. Independent of the extraordinary results secured, a multiplier is appropriate given Defendants' extraordinary recalcitrance in this Court and on appeal.

Defendants repeatedly filed meritless motions, tried to improperly reargue issues of law already resolved by this Court—most dubiously whether Tudor was protected by Title VII long after this Court resolved that issue on motion to dismiss in 2015 (ECF No. 34 at 5). *See, e.g.*, Order Denying Summary Judgment, ECF No. 219 at 4, 6 (admonishing Defendants for twice rearguing status issue resolved on motion to dismiss). Defendants also viciously insisted

College to Reinstate Trans Professor, Law360, Sept. 13, 2021, <https://www.law360.com/employment-authority/articles/1421346/10th-circ-orders-okla-college-to-reinstate-trans-professor>.

Many other outlets ran stories and commentary on Tudor's success in the proceeding days. *See, e.g.*, Sean Murphy, *Oklahoma School Ordered to Reinstate Transgender Professor*, Associated Press, Sept. 14, 2021, <https://apnews.com/article/courts-oklahoma-oklahoma-city-4c84dc2ef84e849bd4357f0fda30d0f8>; Alyssa Guzman, *Southeastern Oklahoma State University Must Reinstate—With Tenure—A Transgender Professor*, Daily Mail, Sept. 14, 2021, <https://www.dailymail.co.uk/news/article-9990869/Southeastern-Oklahoma-State-University-reinstate-transgender-professor-fired-2011.html>; Molly Sprayregen, *Court Rules College Must Rehire Professor Fired for Being Trans*, Them, Sept. 14, 2021, <https://www.them.us/story/rachel-tudor-trans-professor-fired-college-ruling>; Antonio Planas, *Transgender Professor Ordered Reinstated with Tenure at University in Oklahoma by Federal Court*, NBC News, Sept. 14, 2021, <https://www.nbcnews.com/news/us-news/transgender-professor-ordered-reinstated-tenure-university-oklahoma-federal-court-n1279197>; Colleen Flaherty, *The Case for Reinstatement*, Inside Higher Ed, Sept. 15, 2021, <https://www.insidehighered.com/news/2021/09/15/court-orders-se-oklahoma-state-reinstate-transgender-professor>; Alan Kabat & Devin Wrigley, *3 Lessons From 10th Cir. College Tenure Denial Ruling*, Law360, Sept. 16, 2021, <https://www.law360.com/employment-authority/articles/1421787>.

in these proceedings that litigation tensions—arising in a case Dr. Tudor desperately wished would not be necessary, but which ultimately was because of Defendants’ illicit conduct and refusal to do right by Tudor—were a legitimate reason to deprive Dr. Tudor of true make whole relief.

Defendants went far beyond putting forth an aggressive defense—their motion practice and substantive arguments at virtually every stage of these proceedings were unremittingly recalcitrant, and consequently merit imposition of a multiplier. Indeed, both this Court and the Tenth Circuit repeatedly admonished Defendants in opinions for raising meritless arguments on issues of law, remedies and court deadlines. *See, e.g.*, 10th Cir. Merits Op., ECF No. 357 at 10 (characterizing every single issue raised by Defendants on cross-appeal as being totally devoid of merit); Op. Granting Tudor Mot. to Strike Renewed Mot. for JMOL, ECF No. 337 at 2 (pointing out Defendants failed to timely file motion within deadline set by court; holding that even if considered timely, motion failed on the merits).

Other courts, especially in civil rights cases like this one, have found recalcitrance far less than that called out by this Court and the Tenth Circuit, as reason to impose a multiplier against defendants. *See, e.g., Wells v. Hutchinson*, 499 F.Supp. 174, 211–12 (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 (D.Or. 1983) (applying multiplier of 1.6 in light of Defendants' repeated refusals to compromise, confer, and time "needlessly consumed in petitioning the court for assistance" due to Defendants' tactics).

Risk of delay of payment. Application of a multiplier is also independently warranted here given that counsel assumed considerable risk of delay, if not outright risk of nonpayment.

There are several indicia of risk of delay and nonpayment that courts may use to justify imposition of a multiplier. Tudor's case was riddled with risk of nonpayment at virtually every stage of the litigation.

Given the hostile climate towards transgender persons at the time this case was filed in 2015 and many courts' reluctance to remedy tenure denials with reinstatement with tenure, counsel assumed considerable risk of never recovering payment. This alone supports a multiplier. *See Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 483 U.S. 711, 729 n.11 (1987) (clarifying that risk of nonpayment "should be an objective one based on the likely response of the bar to the case's pre-trial merits rather than the judge's subjective opinion of the merits") (cleaned up).

The delay in payment in this case that is attributable to Defendants' litigation tactics, including but not limited to their repeated filing of totally meritless motions and briefs in this Court and at the Tenth Circuit, also

independently supports imposition of a multiplier. *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 556 (2010) (“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”).

Additionally, the contingency fee arrangement counsel assumed with Tudor in and of itself merits application of a multiplier. The Supreme Court made this point clear in *Missouri v. Jenkins by Agyei*, 491 U.S. 274, 282 (1989), there recognizing that delay and risk of nonpayment attendant to a contingency arrangement merits application of a multiplier. *See also Homeward Bound, Inc. v. Hissom Memorial Center*, 963 F.2d 1352, 1360 (10th Cir. 1992) (construing precedent to establish that multiplier is warranted in “exceptional case” where court can determine that attorney faced a real risk of not prevailing).

IV. SUPPLEMENTAL ATTORNEYS’ FEES AT DISTRICT COURT

We incorporate by reference our arguments and authorities supporting our request for compensation for work performed on Dr. Tudor’s case before this Court set forth in our first motion for attorneys’ fees. *See* ECF No. 303 at 6–10 (explaining basis and pointing to authorities supporting award of attorneys’ fees in this Title VII matter).

Lodestar. After we filed our first motion for attorneys' fees on June 20, 2018, we did considerable additional work for Dr. Tudor before this Court. By firm, our additional fees for work done at the trial court level are broken down as follows:

FIRM	HOURS	FEES
Law Office of Ezra Young	94.7	\$52,085.00
Brittany M. Novotny, Esq.	15.1	\$4,530.00

Total:

Total: \$ 56,615.00

In further support, we proffer detailed, itemized bills of fees. *See* Exhibit 1 at ex. A (Young Firm); Exhibit 2 at ex. A (Brittany M. Novotny, Esq.).

Application of multiplier. For all the reasons explained *supra* Part III, application of a multiplier of 1.5 is warranted. Applying that multiplier to our supplemental request for fees compensating us for work performed at the trial court level, by firm, our supplemental request is broken down as follows:

FIRM	HOURS	FEES
Law Office of Ezra Young	94.7	\$78,127.50
Brittany M. Novotny, Esq.	15.1	\$6,795.00

Total:

Total: \$ 84,922.50

V. ATTORNEYS' FEES AT COURT OF APPEALS

We performed considerable work setting up and prosecuting Dr. Tudor's appeal and defending against Defendants' cross-appeal before the Tenth Circuit from April 2018 through our withdrawal as counsel in June 2020. *See* Order, Doc. No. 10747929 (granting Young and Novotny's withdrawal). By firm, our appeals-related attorneys' fees are broken down as follows:

FIRM	HOURS	FEES
Law Office of Ezra Young	720.4	\$ 390,170.00
Brittany M. Novotny, Esq.	82.4	\$ 24,720.00

Total:

Total: \$ 414,890.00

In further support, we proffer detailed, itemized bills of our appeals-related fees. *See* Exhibit 1 at ex. C (Young Firm); Exhibit 2 at ex. B (Brittany M. Novotny, Esq.).

Application of a multiplier. For all the reasons explained *supra* Part III, application of a multiplier of 1.5 is warranted. Applying that 1.5 multiplier to our appeals-related attorneys' fees, by firm, our request is broken down as follows:

FIRM	HOURS	FEES
Law Office of Ezra Young	720.4	\$585,255.00
Brittany M. Novotny, Esq.	82.4	\$37,080.00

Total:

Total: \$ 622,335.00

CONCLUSION

Based on the foregoing, Attorneys Young and Novotny respectfully supplement our first motion for attorneys' fees seeking: additional lodestar fees of \$471,505.00, and once again request that the Court apply on top of that a multiplier of 1.5, bringing our additional requested fees total to \$707,257.50

Dated: September 27, 2021

/s/ Ezra Young

Ezra Young (NY Bar No. 5283114)

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021, 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 during my service on this case, now relocated to Ithaca, New York. I have personal knowledge of the facts stated in this declaration.

Compensation Sought in this Matter

2. In my original petition for attorneys’ fees filed on June 20, 2018 (ECF No. 303) I sought compensation for 1,054.6 hours of work at an hourly rate of \$550, for a total lodestar request of \$569,740.00. Along with other attorneys on that same motion, I sought application of a 1.5 multiplier, bringing my fees request to a total of \$854,610. I also sought untaxed costs as attorneys’ fees in the amount of \$12,650.64. *See* Young Dec., ECF No. 303-1 ¶ 3.
3. In the instant supplemental motion for attorneys’ fees, I am seeking compensation for the time I spent on this matter between June 21, 2018 through present as well as some of the nontaxable costs that my Firm fronted during that same period. In sum, I am seeking compensation for an additional 815.1 hours of work at an hourly rate of \$550, for a total lodestar request of \$442,255. Along with Ms. Novotny, I’m seeking application of a 1.5 multiplier, bringing my supplemental fees request to a total of \$663,482.5.
4. Itemized time entries showing the supplemental work I performed at the trial court level for which I seek compensation are attached at Exhibit A.

5. Itemized time entries showing the work I performed at the appellate court level for which I seek compensation are attached at Exhibit B.

Education and Training

6. I previously shared my education and training. I maintain those representations are accurate. *See* Young Dec., ECF No. 303-1 ¶¶ 7–9.

Experience

7. I previously shared my experience with the Court. *See* Young Dec., ECF No. 303-1 ¶¶ 10–19.
8. Some additional developments are pertinent to my first motion for attorneys’ fees (ECF No. 303) and the instant supplemental motion:
9. **Expertise on transgender civil rights.** I continue to be recognized as a national expert in the field of transgender rights and jurisprudence. Among other recent developments:
 - a. In 2021, I was awarded a two-year appointment as a visiting professor of law at Cornell Law School in Ithaca, New York where I teach both Constitutional Law and a new course titled Transgender People and the Law.
 - b. In 2020, I published a long-form article titled “What the Supreme Court Could Have Heard in *R.G. & G.R. Harris Funeral Homes v. EEOC* and *Aimee Stephens*” in the *California Law Review Online* in which I accurately predicted that Justice Gorsuch would ultimately join the liberal block of the Court in holding that transgender persons are

protected by Title VII's sex discrimination proscription. This article has been cited in scholarship published and/or forthcoming in the *Buffalo Law Review*, *California Law Review*, *Cornell Law Review*, *Harvard Law Review*, *Minnesota Law Review*, *Ohio State Law Journal Online*, and *Virginia Law Review Online*.

- c. In 2020, I published a short-form article titled "*Bostock* is a Textualist Triumph" in *Jurist*. This article has been cited in scholarship published by the *California Law Review*, *Supreme Court Review*, and in a report published by the Congressional Research Service providing background in support of the nomination of now Justice Amy Coney Barrett.
- d. Between June 2018 and present I have also published other scholarship on transgender persons and rights issues that have appeared in or are forthcoming in books and journals published by *American Psychologist*, the American Psychiatric Association, the New Press, Oxford University Press, *Plastic and Reconstructive Surgery*, and the *University of Chicago Legal Forum*.
- e. I continue to be a highly sought out speaker and lecturer on transgender rights issues. Since filing my first motion for attorneys' fees, I have given lectures and/or spoken panels more than fifty times at events hosted by leading law schools, institutions, and conferences including but not limited to: the American Political Science Association, the American Studies Association, the Association of American Law Schools, Atlanta's

John Marshall Law School, Bloomberg, Boston University School of Law, City University of New York School of Law, Columbia Law School, Fordham Law School, Idaho Law School, Law and Society, the National LGBT Bar Association, the New Jersey Courts, Rutgers Law School, Texas Tech School of Law, University of Chicago Law School, University of Kansas School of Law, University of Michigan School of Social Work, University of Toronto Faculty of Law, University of Virginia Law School, Vassar College, and the World Professional Association for Transgender Health.

Service as Tudor's Counsel

10. I served as Tudor's private counsel from Fall 2014 up through my withdrawal at the trial court level, granted in March 2020, and at the appellate court level, granted in June 2020.
11. I previously apprised this court of work I performed for Tudor. *See* Young Dec., ECF No. 303-1 ¶¶ 20–24. Some additional developments warrant sharing:
12. Throughout the entirety of my representation of Dr. Tudor, I endeavored to ensure she was provided with excellent representation that was also non-duplicative and cost efficient.
13. As to my own hours billed, I endeavored throughout my representation of Tudor to bill only for work absolutely needed to further the prosecution of her case at the trial court and appellate levels. 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' untimely motion for judgment notwithstanding the verdict in Summer 2018 consumed many hours, but was necessary in light of Defendants' unwillingness to concede their motion was untimely.
- b. For example, responding to Defendants' cross appeal at the Tenth Circuit consumed a significant amount of hours between drafting merits briefs, performing necessary legal research in support of the same, and outreach to legal experts on issues raised on cross-appeal.

Hourly Rate Sought

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

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

16. An hourly rate of \$550 also aligns with rates I have been compensated at most recently in privately settlements in less complex employment discrimination matters where I represented transgender works.

17. 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.

18. 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 worked on this matter.

19. 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 working with other current and former counsel for Dr. Tudor on issues related to our attorneys' fees petitions.
- c. I declined to bill for all the work I expended reviewing records and drafting motions and declarations associated with this supplemental motion for attorneys' fees.

20. I personally reviewed and prepared my itemized fees in this matter for work done at the trial level (Exhibit A) and appellate level (Exhibit C) to ensure accuracy, remove duplicative billing, and to otherwise exercise billing judgment in accordance with binding precedents.

Representations About Hourly Rate Made by Others

21. I am aware that the Law Office of Jillian T. Weiss, PC ("Weiss Firm") and the Transgender Legal Defense and Education Fund ("TLDEF") have both filed motions for attorneys' fees seeking compensation for work I performed for

Tudor in this case prior to May 18, 2017. *See* ECF No. 301 (Weiss Firm motion); ECF No. 306 (TLDEF motion).

22. ***Weiss Firm Motion.*** There are some discrepancies in representations made in the Weiss Firm Motion that are pertinent to my separate motions for attorneys' fees.

- a. The Weiss Firm's motion claims I worked 321.5 hours at an hourly rate of \$250 (ECF No. 301 at 4) and appends as an exhibit something labeled "Ezra Young Timesheets—Tudor Case 2/24/15 to 1/31/17" (ECF No. 302-3).
- b. I did not play any role in preparing the Weiss Firm's motion nor did I prepare the exhibit purporting to tabulate my hours at the Weiss Firm.
- c. I have no knowledge as to why the Weiss Firm claims that my time is properly compensated at \$250 per hour. I do not recall ever using such a rate in the Tudor matter or any other case at the Weiss Firm.
- d. To my recollection, upon starting work at TLDEF in Summer 2016, all interests Jillian Weiss and I personally had in the Tudor case which accrued to us at the Weiss Firm were transferred to TLDEF in full.
- e. The previously filed "Notice of Attorney's [sic] Lien of Transgender Legal Defense and Education Fund, Inc." comports with my recollection concerning the transfer of interests to TLDEF. *See* ECF No. 306-4 (lien dated October 19, 2017 and signed by Jillian Weiss in her capacity as

executive director of TLDEF, noting that the lien includes all interests accrued to the Weiss Firm “which have all been assigned to [TLDEF]”).

- f. I recall that upon my departure from TLDEF in May 2017, I asked the TLDEF board and Jillian Weiss, then the executive director of TLDEF, for time to close out my case files and finish up necessary drafts of filings for cases, including Tudor’s, that may in the future require petitions for attorneys’ fees. My request was denied.
- g. I recall that around that same time, Ms. Weiss told me that at some point in the future TLDEF would ask me to confirm my billing records, including records covering the period I worked on the Tudor case at the Weiss Firm. I recall telling Ms. Weiss that I would not be able to close out or confirm my billing records at a later date given the likelihood that with the passage of time I would not recall what I did or didn’t do to the extent that would be required for a petition for attorneys’ fees.

23. ***TLDEF Motion.*** There are some discrepancies in representations made in the TLDEF Motion that are pertinent to my separate motions for attorneys’ fees.

- a. The TLDEF motion seeks compensation for 342.2 hours of my work at an hourly rate of \$350 (ECF No. 306 at 2) and appends as exhibits a printout from TimeBillingX (ECF No. 306-6) and a document that looks materially similar to the one filed by the Weiss Firm (ECF No. 306-7).
- b. I did not play any role in preparing TLDEF’s motion or its supporting exhibits.

- c. As with the Weiss Firm's substantially similar document, I did not prepare the 12-page document TLDEF attached purporting to represent hours billed in the Tudor case (ECF No. 306-7).
- d. I recognize portions of TLDEF's TimeBillingX exhibit (ECF No. 306-6). In April and May 2017, prior to my departure from TLDEF, I used TimeBillingX to record time I worked on cases including Tudor's case. However, I did not review my time records prior to leaving TLDEF or take any steps to exercise billing judgment. Additionally, I never input an hourly rate in any case in TimeBillingX. Among other irregularities, the fact that TLDEF's TimeBilling X exhibit includes a \$350 hourly rate makes me believe that my records were altered after I departed TLDEF.
- e. I do not know why TLDEF's motion claims that my time is properly compensated at \$350 per hour. I do not recall using that rate in the Tudor matter or any other case while at TLDEF.
- f. I have reviewed the declaration written by Donna Levinsohn (ECF No. 303-9 submitted in support of TLDEF's motion. I recall that Ms. Levinsohn worked at TLDEF for a few months after I left, that our time at TLDEF did not overlap, and that Levinsohn never served as an attorney for Tudor.

Necessity of Co-Counsel Novotny's Work

24. I served as Dr. Tudor's *de facto* lead counsel for much of this litigation up through my withdrawal in 2020. Based on my knowledge and role in this case, I support Ms. Novotny's request for additional fees and untaxed costs.

25. Ms. Novotny expended considerable time as local and later co-counsel in this matter. Starting in 2017, Ms. Novotny started to take on more work on this case at the trial level and on appeal at the Tenth Circuit. Ms. Novotny took on even more work in Spring 2019 when our colleague, Marie Galindo, withdrew as counsel.

26. I have personally read and reviewed Ms. Novotny's declaration and her corresponding itemized requests for fees and untaxed costs in our first motion for attorneys' fees (ECF No. 303-2) and in this supplemental motion (Exhibit 2) and attest that these comport with my recollection of her work.

Application of a Multiplier is Justified.

27. I requested that the Court apply a multiplier in the first motion for attorneys' fees as well as the instant supplemental motion. In my judgment application of a multiplier is appropriate. In support of my request, and to supplement points previously made (see Young Dec., ECF No. 303-1 ¶¶ 54–57), I submit the following:

28. **Risks of appeal.** Application of a multiplier is warranted in light of the risks of prosecuting Tudor's appeal and defending against Defendants' cross-appeal.

- a. The appeal and cross-appeal were filed in 2018. At the time, Tudor faced an up-hill battle despite having won her historic jury trial in November 2017.
- b. While Tudor's direct appeal of remedies was merited, her appeal was risky in light of the Tenth Circuit's long silence on the availability of true make-whole relief in employment discrimination cases, particularly tenure-denial cases like this one. Not only was the legal terrain unclear on remedies, but it required specialized expertise to piece together a winning strategy and repeated consultations with leading experts on Title VII and remedies. This went above and beyond what is reasonably expected in a normal employment discrimination appeal.
- c. Tudor's defense of the Defendants' cross-appeal was also merited, but risky in light of the open question, at the time, of whether the U.S. Supreme Court would ultimately affirm that transgender people are protected by Title VII's sex discrimination proscription. Successfully setting up Tudor's defense to the cross-appeal required, once again, specialized expertise to piece together a winning strategy and repeated consultations with leading experts on Title VII and transgender rights. This went above and beyond what is reasonably expected in a normal employment discrimination appeal.

29. **Other attorneys would not take this appeal.** Application of a multiplier is warranted because it appropriately incentivizes attorneys to take on appeals like this one.

- a. At the time Tudor's appeal was filed in 2018, there were no firms or nonprofit organizations that were willing to take her case on despite the historic success of her November 2017 jury trial.
- b. Between 2018 and 2019, I recall that on several occasions Tudor asked me to assist her in finding private law firms to take on her case either on a pro bono or contingency basis. Unfortunately, I was unable to find her any viable options given the large number of attorneys who were conflicted out of the case and belief by many that there were little to no available attorneys' fees left in the case.
- c. It is my understanding that after Ms. Novotny and I notified Tudor that we desired to withdraw as her counsel in August 2019, that Tudor struggled, again, to find new appellate counsel. In fact, in part because Tudor could not find new counsel, Ms. Novotny and I remained on the case for several months thereafter until Tudor retained Jillian Weiss in January 2020 as her counsel for the second time and stayed on as counsel of record until our request to withdraw was granted in June 2020.

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

Executed this 27 day of September, 2021 in Ithaca, New York.

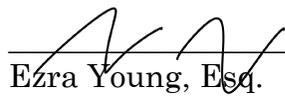

Ezra Young, Esq.

Exhibit A

Law Firm of Ezra Young
 Ezra Young Billing for
Tudor v. Se. Okla. 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 1/2 rate.

#	DATE	DESCRIPTION	HOURS	FEE
1.	6/20/18	Review TLDEF email re fees petition. Response to same.	.3	\$ 165.00
2.	6/21/18	Email to DOJ and follow up call re common interest agreement.	.3	\$ 165.00
3.	6/21/18	Email to client re JW fees petition.	.2	\$ 110.00
4.	6/21/18	Email to TLDEF counsel re fees petition.	.2	\$ 110.00
5.	6/21/18	Call with TLDEF counsel re fees petition. Emails with MG and BN re same memorializing call and discussing response.	.5	\$ 275.00
6.	6/21/18	Follow up email to Bill Lee re filing of fees petition.	.2	\$ 110.00
7.	6/22/18	Email to client, MG, and BN re TLDEF fees filings.	.2	\$ 110.00
8.	6/22/18	Email to DOJ re TLDEF fees petition and common interest agreement.	.2	\$ 110.00
9.	6/22/18	Draft and send email responding to TLDEF motion to amend fees petition. Follow up emails with client re same.	1.2	\$ 660.00
10.	6/22/18	Review TLDEF entry of appearance and motion to amend fees petition.	.8	\$ 440.00
11.	6/22/18	Review correspondence with DOJ to counsel re common interest agreement. Follow up email to JW and TLDEF re same. Follow up emails and texts with BN and MG re same.	.6	\$ 330.00
12.	6/22/18	Email with MG re updating contact info for client.	.1	\$ 55.00
13.	6/26/18	Emails with BN and MG to discuss fees petition and post-judgment filings.	.2	\$ 110.00

14.	6/26/18	Review letter from TLDEF counsel re fees petition. Follow up emails and texts with MG and BN.	.5	\$ 275.00
15.	6/26/18	Email to DOJ re letter from TLDEF counsel.	.1	\$ 55.00
16.	6/28/18	Emails and texts with MG and BN re DOJ letter re common interest privilege.	.2	\$ 110.00
17.	6/29/18	Emails with TLDEF counsel re in person meet and confer.	.5	\$ 275.00
18.	6/29/18	Emails with client re mitigation efforts.	.2	\$ 110.00
19.	6/30/18	Emails with TLDEF counsel re request for in person meet and confer re fees petition.	.5	\$ 275.00
20.	7/2/18	Emails with TLDEF counsel re fees petition.	.2	\$ 110.00
21.	7/2/18	Email to Dixie Coffey following up on request to explore settlement options.	.1	\$ 55.00
22.	7/3/18	Call with client to discuss fees petition.	.2	\$ 110.00
23.	7/3/18	Review OAG motion for extension of page limit on JNOV/New Trial motion.	.2	\$ 110.00
24.	7/3/18	Legal research in support of Tudor opposition to forthcoming OAG JNOV/New Trial motion.	.8	\$ 440.00
25.	7/3/18	Respond to OAG email re position on seeking leave to file oversived brief JNOV/New Trial. Texts with BN and MG re same.	.2	\$ 110.00
26.	7/3/18	Legal research on fee splitting in NY with non-profit law firm. Email to MG and BN re same.	.6	\$ 330.00
27.	7/3/18	Emails with BN and M re upcoming deadlines in post-trial briefing.	.2	\$ 110.00
28.	7/3/18	Follow up emails to TLDEF re fees petition and posing additional questions.	.7	\$ 385.00
29.	7/4/18	Review filed Tudor tax offset and interest motion.	.2	\$ 110.00
30.	7/5/18	Emails with client to set up call on 7/6/18 to discuss OAG motions opposing costs and JNOV/New Trial motion.	.3	\$ 165.00
31.	7/5/18	Review OAG motion for JNOV/New Trial. Emails with MG re same.	.8	\$ 440.00
32.	7/5/18	Review OAG motion opposing Tudor costs.	.2	\$ 110.00
33.	7/5/18	Email client re extension of time order granted to OAG re fees petitions.	.1	\$ 55.00
34.	7/5/18	Draft proposed order re tax offset and post-judgment interest.	.1	\$ 55.00
35.	7/5/18	Draft amended motion for pre and post judgment interest and tax offset.	1.8	\$ 990.00
36.	7/5/18	Emails and texts with BN and MG re amendment to motion for pre and post judgment interest.	.3	\$ 165.00
37.	7/5/18	Email to MG and BN re Tudor motion for interest and tax offset.	.2	\$ 110.00
38.	7/6/18	Call with client to go over OAG motion opposing costs, OAG motion for JNOV/New trial.	1.6	\$ 880.00
39.	7/11/18	Legal research re motion to strike OAG Rule 50b/59 motion. Standard for untimeliness broadly and district court discretion to set	2.2	\$ 1,210.00

		scheduling. Review past Cauthron opinions re same.		
40.	7/12/18	Review BN emails to counsel re Tudor position on motion for scheduling relief and time to respond to fees petitions.	.2	\$ 110.00
41.	7/12/18	Review BN's draft motion for scheduling relief on time to respond to attorneys fees/ costs. Email requested edits to BN cc MG.	.4	\$ 220.00
42.	7/12/18	Review and revise Tudor motion to strike OAG Rule 50b/59 motion.	2.4	\$ 1,320.00
43.	7/15/18	Emails with MG re edits to Tudor draft motion to strike OAG Rule 50b/59 motion extension.	.3	\$ 165.00
44.	7/17/18	Review and revise Tudor motion to strike OAG Rule 50b/59. Legal research re same.	2.6	\$ 1,430.00
45.	7/18/18	Review and revise motion to strike OAG Rule 50b/59 motion. Supplemental research re same.	2.6	\$ 1,430.00
46.	7/18/18	Review and revise motion to strike OAG Rule 50b/59 motion.	1.8	\$ 990.00
47.	7/19/18	Emails with MG and BN re 8/16/18 costs hearing in district court.	.3	\$ 165.00
48.	7/19/18	Draft notice to District Court re Tudor filing of motion to lift abatement in 10th Cir and order requiring OAG to respond to the same. File.	.4	\$ 220.00
49.	7/20/18	Review OAG opposition to Tudor motion for prejudgment interest and tax offset.	.2	\$ 110.00
50.	7/20/18	Email to BN and MG re OAG objections to Tudor motion for prejudgment interest and tax offset.	.2	\$ 110.00
51.	7/20/18	Emails with client re mitigation efforts and documentation of the same.	.2	\$ 110.00
52.	7/20/18	Emails with BN and MG re upcoming costs hearing.	.3	\$ 165.00
53.	7/22/18	Draft motion seeking extension of time for Tudor to respond to OAG Rule 50b/59 motion. Legal research for same.	3	\$ 1,650.00
54.	7/23/18	Review and revise motion seeking extension of time for Tudor to respond to OAG Rule 50b/59 motion.	.3	\$ 165.00
55.	7/23/18	Email draft of Tudor motion for extension of time to respond to OAG Rule 50b/59 to MG and BN for feedback.	.2	\$ 110.00
56.	7/23/18	Email to OAG seeking position on Tudor's motion for extension of time to respond to OAG Rule 50b/59.	.2	\$ 110.00
57.	7/25/18	Emails with MG and BN re Tudor draft opposition to OAG Rule 50b/59 motion. Review BN edits to draft.	.6	\$ 330.00
58.	7/25/18	Begin draft of Tudor merits opposition to OAG motion for Rule 50b/59. Legal research re same.	6.7	\$ 3,685.00
59.	7/25/18	Calls with Clerk Willia Harman re scheduling relief and rulings needed on pending motions re OAG Rule 59/50b motion and Tudor's motion to	.4	\$ 220.00

		strike and extension to respond on the merits to the same. Update texts with MG and BN re same.		
60.	7/26/18	Emails with MG re Tudor opposition to OAG Rule 50b/59 motion and review of MG edits of same.	.5	\$ 275.00
61.	7/26/18	Review and revise Tudor opposition to OAG Rule 50b/59 motion. Legal research re same.	12	\$ 6,600.00
62.	7/27/18	Email to client re status of proceedings in district court.	.3	\$ 165.00
63.	7/27/18	Email to Bob Parker with updates on case status, updates on OAG Rule 50/59 motion, and request for information.	.3	\$ 165.00
64.	7/27/18	Follow up email with client re next steps in motion practice in district court.	.2	\$ 110.00
65.	8/1/18	Emails with BN and MG re Tudor reply to OAG opposition to motion seeking extension of time to respond on the merits of OAG Rule 50/59 motion.	.4	\$ 220.00
66.	8/1/18	Review and revise Tudor reply to OAG opposition to motion seeking extension of time to respond on the merits of OAG Rule 50/59 motion.	1.2	\$ 660.00
67.	8/2/18	Email to client discussing OAG Rule 50b/59 reply in conjunction with OAG opposition to Tudor motion to vacate abatement order in 10th Cir. Strategy discussion.	.5	\$ 275.00
68.	8/2/18	Review OAG reply to Tudor opposition to OAG Rule 50b/59.	.3	\$ 165.00
69.	8/6/18	Review OAG subpoenas of JW and TLDEF re fees and costs.	.3	\$ 165.00
70.	8/6/18	Email to client re OAG subpoenas of JW and TLDEF. Follow up emails re case status and impact.	.5	\$ 275.00
71.	8/7/18	Legal research in support of upcoming costs hearing. Review standing orders re same, clerk notices, and local rules.	.2	\$ 110.00
72.	8/7/18	Email to BN (cc MG) re costs hearing.	.3	\$ 165.00
73.	8/8/18	Legal research in support of Tudor motion to strike OAG Rule 50b/59 motion as untimely: validity of oral orders, power of district court to modify default deadlines set by FRCP.	.7	\$ 385.00
74.	8/8/18	Review order granting Tudor extension of time to file response to OAG Rule 50b/59 motion.	.2	\$ 110.00
75.	8/8/18	Review OAG response to Tudor motion to strike OAG Rule 50b/59 motion.	.6	\$ 330.00
76.	8/9/18	Emails with client re strategy on response to opposition to Tudor motion to strike OAG Rule 50b/59 motion. Additional emails re factual issues related to AAUP involvement.	.8	\$ 440.00
77.	8/13/18	Review OAG request for production to Tudor related to outstanding motion for attorneys	.3	\$ 165.00

		fees. Email to Dixie Coffey confirming receipt of same.		
78.	8/13/18	Review and revise Tudor reply to Motion to strike OAG Rule 50b/59 motion.	7.3	\$ 4,015.00
79.	8/14/18	Emails with BN and MG re draft of Tudor reply to Motion to strike OAG Rule 50b/59. Substantive discussion of necessary revisions and overarching strategy.	.7	\$ 385.00
80.	8/15/18	Emails with client re DOJ intent to file motion for protective order re OAG discovery requests related to outstanding motions for attorneys fees.	.2	\$ 110.00
81.	8/15/18	Emails with OAG and DOJ re DOJ intent to file motion for protective order.	.3	\$ 165.00
82.	8/15/18	Emails with client re Tudor reply to Motion to strike OAG Rule 50b/59 motion.	.2	\$ 110.00
83.	8/15/18	Emails to MG and BN re OAG request for production re costs and fees applications.	.2	\$ 110.00
84.	8/15/18	Legal research in support of Tudor objections to OAG requests for production re costs and fees applications.	1.8	\$ 990.00
85.	8/15/18	Memo to file and prep for costs hearing on 8/16/18.	1.6	\$ 880.00
86.	8/15/18	Review and revise Tudor reply to Motion to strike OAG Rule 50b/59 motion.	1.1	\$ 605.00
87.	8/16/18	Prepare speaking notes from costs hearing. Review pertinent filings for costs hearing. Additional supportive legal research re same.	1.7	\$ 935.00
88.	8/16/18	Telephonic costs hearing.	.6	\$ 330.00
89.	8/16/18	Emails with client notifying of result of costs hearing and next steps.	.2	\$ 110.00
90.	8/16/18	Review emails from DOJ re motion for protective order. Respond to DOJ privately conveying no objection. Emails with BN and MG re same.	.4	\$ 220.00
91.	8/16/18	Email to MG and BN re costs hearing and next steps.	.2	\$ 110.00
92.	8/17/18	Review emails between DOJ and OAG re DOJ motion for protective order regarding common interest materials.	.3	\$ 165.00
93.	8/17/18	Review DOJ motion for protective order. Email filing to client and relay analysis of the DOJ motion.	.5	\$ 275.00
94.	8/20/18	Review client email re mitigation efforts.	.1	\$ 55.00
95.	8/20/18	Call with client. Discuss status updates on motion status, client's mitigation efforts, and discussion of sources of support.	.7	\$ 385.00
96.	8/21/18	Email to client re follow up on mitigation efforts.	.2	\$ 110.00
97.	8/22/18	Draft supplemental costs brief.	2.1	\$ 1,155.00
98.	8/23/18	Email client re filing of supplemental costs brief.	.1	\$ 55.00

99.	8/23/18	Review and revise supplemental costs brief. File.	.7	\$ 385.00
100.	8/26/18	Emails with client re mitigation efforts.	.5	\$ 275.00
101.	8/27/18	Emails with client re mitigation efforts.	.2	\$ 110.00
102.	8/27/18	Review email from Clerk re granting OAG permission to file supplemental brief opposing costs. Forward same to MG and BN.	.2	\$ 110.00
103.	8/30/18	Review and respond to client email re status of pending motions in district court and request for clarification on procedural posture of case.	.2	\$ 110.00
104.	9/17/18	Read and respond to OAG email re requests for production. Legal research on viability of post-trial discovery requests in support of response.	.3	\$ 165.00
105.	9/18/18	Review order on Tudor motion to strike OAG Rule 50/59 and OAG merits motion. Call with client re same. Texts with MG and BN re same.	.4	\$ 220.00
106.	9/18/18	Draft response to OAG email re post-trial discovery dispute. Legal reserch in support of same.	.7	\$ 385.00
107.	9/21/18	Texts with MG and BN re potential negotiation terms with OAG re discovery requests related to attorneys fees.	.3	\$ 165.00
108.	9/21/18	Emails with Dixie Coffey re attorneys fees petition discovery requests and request for position on extension of time.	.2	\$ 110.00
109.	9/25/18	Review order staying briefing on attorneys fees.	.2	\$ 110.00
110.	9/25/18	Review order regarding Tudor post-judgment motions.	.2	\$ 110.00
111.	9/26/18	Emails with BN and MG re proposing potential compromise offer to OAG on outstanding post-trial discovery requests re attorneys fees.	.8	\$ 440.00
112.	10/2/18	Review client documents evidencing mitigation efforts. Email with feedback to client re same.	.3	\$ 165.00
113.	10/2/18	Emails with Dixie Coffey follow up on rescheduling time to speak about attorneys fees and costs and possible settlement.	.2	\$ 110.00
114.	10/2/18	Email to DOJ notifying of delay in negotiating exchange of documents with OAG in post-trial document requests re fees and costs.	.2	\$ 110.00
115.	10/10/18	Review notice of appearance of Zach West.	.1	\$ 55.00
116.	10/10/18	Review minute orders.	.2	\$ 110.00
117.	2/20/19	Emails with client re mitigation efforts.	.1	\$ 55.00
118.	2/26/19	Review and respond to email from Dan Althoff re mitigation opportunity for client and questions about appeal status.	.2	\$ 110.00
119.	2/27/19	Review and respond to follow up email from Dan Althoff re mitigation opportunity for client.	.2	\$ 110.00
120.	2/27/19	Emails with client re mitigation efforts.	.2	\$ 110.00
121.	3/1/19	Emails with client re mitigation efforts.	.2	\$ 110.00
122.	3/1/19	Emails with Bob Parker re mitigation opportunity for client	.1	\$ 55.00
123.	3/15/19	Email with client re mitigation efforts.	.1	\$ 55.00

124.	3/17/19	Review client email re mitigation efforts.	.1	\$ 55.00
125.	3/19/19	Email with client re mitigation efforts.	.3	\$ 165.00
126.	3/21/19	Emails with client re mitigation efforts.	.5	\$ 275.00
127.	3/27/19	Review and respond to email from Dan Althoff re Sean Burrage status at SEOSU.	.2	\$ 110.00
128.	4/2/19	Review and respond to Mindy House emails re Sean Burrage status at SEOSU.	.1	\$ 55.00
129.	4/2/19	Review and respond to Mindy House emails re Sean Burrage status at SEOSU.	.3	\$ 165.00
130.	4/2/19	Emails with client re Mindy House re Sean Burrage status at SEOSU.	.2	\$ 110.00
131.	5/29/19	Email to Charles Watts (TLDEF lawyer) notifying of TLDEF fees records problem.	.1	\$ 55.00
132.	5/30/19	Follow up email to Charles Watts (TLDEF lawyer) notifying of TLDEF fees records problem.	.1	\$ 55.00
133.	5/31/19	Follow up email to Charles Watts (TLDEF lawyer) notifying of TLDEF fees records problem.	.1	\$ 55.00
134.	6/7/19	Follow up email to Charles Watts (TLDEF lawyer) notifying of TLDEF fees records problem.	.1	\$ 55.00
135.	6/7/19	Call with Charles Watts (TLDEF lawyer) discussing TLDEF fees records problem.	.1	\$ 55.00
136.	6/10/19	Follow up email to Charles Watts (TLDEF lawyer) re TLDEF fees records problem.	.1	\$ 55.00
137.	6/13/19	Emails with client re mitigation efforts.	.2	\$ 110.00
138.	7/22/19	Emails with client (cc BN) re mitigation efforts.	.2	\$ 110.00
139.	7/23/19	Emails to client (cc BN) re mitigation efforts.	.1	\$ 55.00
140.	7/24/19	Emails with client (cc BN) re mitigation efforts.	.3	\$ 165.00
141.	8/1/19	Emails with BN re non-responsiveness of client to emails and texts.	.2	\$ 110.00
142.	1/16/20	Emails with BN to discuss filing of joint motion to withdraw and content of same.	.4	\$ 220.00
143.	1/16/20	Email counsel for all parties notifying of intent to withdraw.	.6	\$ 330.00
144.	1/16/20	Draft joint motion for BN and EY to withdraw. Legal research to support same.	1.6	\$ 880.00
145.	1/16/20	Draft proposed order for motion for BN and EY to withdraw.	.1	\$ 55.00
146.	1/16/20	File joint BN and EY motion to withdraw. Email proposed order to clerk.	.2	\$ 110.00
147.	2/10/20	Review order granting BN and EY motion to withdraw.	.1	\$ 55.00

Total Hours: 94.7
Billing Rate: \$ 550 (1/2 rate for travel hours)
Total Fees w/o multiplier: \$ 52,085.00
Total Fees w/ 1.5 multiplier: \$ 78,127.50

Exhibit B

Law Firm of Ezra Young
Ezra Young Billing for
Tudor v. Se. Okla. Univ. et al., 18-6102 and 18-6165 (10th Cir.)

ABBREVIATIONS:

ACLU:	American Civil Liberties Union
BN:	Brittany Novotny
DOJ:	U.S. Department of Justice
JW:	Jillian Weiss
FFAA:	Freedom for All Americans
LL:	Lambda Legal
MG:	Marie Galindo
NCTE:	National Center for Transgender Equality
NWLC:	National Women's Law Center
OAG:	Oklahoma Attorney General's Office/ Defendants
O&G:	Outten & Golden, LLP
RUSO:	Regional University System of Oklahoma
SE:	Southeastern Oklahoma State University
TLDEF:	Transgender Legal Defense and Education Fund, Inc.
*	Travel time, billed at 1/2 rate.

#	DATE	DESCRIPTION	HOURS	FEE
1.	4/14/18	Emails with client to discuss next steps re appeal.	.3	\$ 165.00
2.	4/15/18	Emails with David Lopez to set time to meet and discuss appeals strategy on 4/18/18.	.1	\$ 55.00
3.	4/16/18	Follow up email to client re next steps in prep for appeal.	.2	\$ 110.00
4.	4/16/18	Email to MG and BN setting up time for team meeting re Tudor 10th Cir appeal and follow up on task division re appeal.	.3	\$ 165.00
5.	4/17/18	Email to MG and BN re team meeting on 4/25/18 re appeal strategy for Tudor.	.1	\$ 55.00
6.	4/18/18	Call with David Lopez to discuss appeal strategy.	.6	\$ 330.00
7.	4/19/18	Email to client reminding her of meeting on 4/20/18, discussing appeal prep efforts, amici prospects, and call with David Lopez.	.3	\$ 165.00
8.	4/20/18	Call with client to discuss appeal next steps and get approval on appeal strategy.	2.2	\$ 1,210.00
9.	4/23/18	Begin draft memo to file re appeal.	.9	\$ 495.00
10.	4/24/18	Review and revise memo to file re coordination of issues on appeal.	.3	\$ 165.00
11.	4/24/18	Email to Mindy House re update on appeal.	.1	\$ 55.00
12.	4/25/18	Call with client to answer questions she has about appellate process, next steps in appeals case, and likelihood of SCOTUS cert, and media.	.9	\$ 495.00

13.	4/25/18	Review and revise memo to file re appeal strategy.	3.2	\$ 1,760.00
14.	4/25/18	Emails with BN and MG re scheduling meeting to discuss appeal strategy.	.2	\$ 110.00
15.	4/25/18	Email with MG (cc BN) re scheduling for team meeting re appeal.	.1	\$ 55.00
16.	4/26/18	Prep notes for team meeting on 4/26/18 re appeal strategy and work division.	.3	\$ 165.00
17.	4/26/18	Appeals strategy team meeting phone call with BN and MG.	2.1	\$ 1,155.00
18.	4/26/18	Draft summary of team meeting call and task division decisions, send to BN and MG via email.	.4	\$ 220.00
19.	4/27/18	Email client with summary notes from 4/26/18 team meeting re appeal strategy.	.1	\$ 55.00
20.	6/6/18	Emails with MG and BN re content of notice of appeal and strategy.	.5	\$ 275.00
21.	6/6/18	Draft and file notice of appeal in the 10th Cir.	.8	\$ 440.00
22.	6/6/18	In person meeting with client to discuss next steps post filing of notice of appeal in the 10th Cir.	.6	\$ 330.00
23.	6/11/18	Legal research and draft questions presented for 10th Cir docketing statement.	3.8	\$ 2,090.00
24.	6/11/18	Email to MG and BN re docketing statement.	.1	\$ 55.00
25.	6/12/18	Email to court reporter Sherri Grubbs re transcripts for 10th Circuit.	.1	\$ 55.00
26.	6/13/18	Texts with MG and BN re upcoming deadlines for 10th Cir and reschedule team meeting re 10th Cir filings.	.3	\$ 165.00
27.	6/14/18	Email memo re upcoming 10th Cir deadlines to MG and BN.	.1	\$ 55.00
28.	6/14/18	Review and revise memo to file re 10th Cir rules and upcoming deadlines.	.8	\$ 440.00
29.	6/18/18	Draft transcript filing statement for 10th Cir. File with district court and 10th Cir.	.5	\$ 275.00
30.	6/18/18	Return email to court reporter Sherri Grubbs re transcripts for 10th Cir appeal.	.1	\$ 55.00
31.	6/19/18	Review BN's application for admission to 10th Cir and sign.	.1	\$ 55.00
32.	6/19/18	Email to client notifying of due date of opening brief to 10th Cir.	.2	\$ 110.00
33.	6/21/18	Emails with MG re filing of MG appearance in 10th Cir.	.2	\$ 110.00
34.	6/21/18	Email to client notifying of filing of docketing statement with 10th Cir.	.1	\$ 55.00
35.	7/2/18	Legal research re standards of review and related issues in support of opening 10th Cir brief. Add to file.	.6	\$ 330.00
36.	7/3/18	Call with client to discuss appeal process and status of tasks and client trip to NYC to meet in person to discuss appeal next steps.	.8	\$ 440.00

37.	7/5/18	Email to Cockle Printing to set up time to confer re contract for printing of 10th Cir briefs.	.2	\$ 110.00
38.	7/5/18	Review terms of contract with Cockle printing for 10th Cir briefs. Follow up with MG re same.	.2	\$ 110.00
39.	7/5/18	Begin draft of Tudor 10th Cir opening brief.	.8	\$ 440.00
40.	7/6/18	Texts with Sharon Bishop-Baldwin to discuss Oklahomans for Equality as amici. Set up meeting for 7/6/18.	.1	\$ 55.00
41.	7/6/18	Review and revise Tudor opening brief.	.8	\$ 440.00
42.	7/6/18	Call with Cockle re logistics for brief printing.	.1	\$ 55.00
43.	7/6/18	Follow up email to Cockle re timing of brief and confirming due dates.	.1	\$ 55.00
44.	7/6/18	Emails to Chai Feldblum re request for EEOC amicus brief in support of Tudor at 10th Cir.	.2	\$ 110.00
45.	7/6/18	Emails with Sunu Chandy at NWLC re request for amici support in 10th Cir.	.3	\$ 165.00
46.	7/7/18	Emails with EEOC reps re potential supportive brief for Tudor at 10th Cir.	.3	\$ 165.00
47.	7/8/18	Call with David Lopez re 10th Cir appeal strategy and amicus needs.	.5	\$ 275.00
48.	7/9/18	Review and revise Tudor 10th Cir brief.	2.3	\$ 1,265.00
49.	7/9/18	Call with Mike Redman re amicus briefs for Tudor 10th Cir.	.4	\$ 220.00
50.	7/10/18	Email to client re conferral on mediation conference at 10th Cir on 7/17/18.	.2	\$ 110.00
51.	7/11/18	Follow up emails with Sunu Chandy re potential NWLC amicus brief for 10th Cir.	.7	\$ 385.00
52.	7/11/18	Review email from 10th Cir mediation office. Confer with MG re same via email. Fill out mediation notice form and file via email with 10th Cir mediation office.	.3	\$ 165.00
53.	7/11/18	Call with MG to discuss work division, client updates, and discuss plans for in person work drafting 10th Cir opening brief on 7/12/18 and 7/13/18. Follow up re same via text.	.3	\$ 165.00
54.	7/11/18	Summary update email to BN and MG re next steps in 10th Cir appeal and work split check-in; update on 10th Cir amicus efforts; update on draft 10th Cir opening brief.	.6	\$ 330.00
55.	7/12/18	Call with Greg Nevins re potential Lambda Legal amicus brief.	.4	\$ 220.00
56.	7/12/18	Emails with Sunu Chandy re NWLC amicus brief.	.6	\$ 330.00
57.	7/13/18	In person meeting with client re mediation strategy and 10th Cir appeals strategy.	2.8	\$ 1,540.00
58.	7/13/18	Follow up emails with Greg Nevins re potential amicus brief.	.3	\$ 165.00
59.	7/13/18	In person meeting with client and MG re 10th Cir appeal strategy, review of draft opening brief, and mediation strategy.	7	\$ 3,850.00

60.	7/14/18	In person meeting with client re mediation strategy and 10th Cir appeals strategy.	3.7	\$ 2,035.00
61.	7/15/18	In person meeting with client re mediation strategy and appeal briefing strategy. Update on amicus briefs.	1.1	\$ 605.00
62.	7/16/18	Review and revise opening brief.	2.6	\$ 1,430.00
63.	7/16/18	Review emails with 10th Cir mediation office rescheduling mediation. Follow up email with mediation office re EY use of cell phone.	.3	\$ 165.00
64.	7/17/18	Emails with Sunu Chandy re NWLC amicus angle/strategy. Review summary email re brief substance and background research.	.3	\$ 165.00
65.	7/17/18	Review and revise 10th Cir opening brief.	2.6	\$ 1,430.00
66.	7/18/18	Emails with BN and MG re scheduling abatement order entered by 10th Cir and strategy re same.	.2	\$ 110.00
67.	7/18/18	Emails with MG re 10th Cir mediation strategy.	.3	\$ 165.00
68.	7/18/18	Call with David Lopez re strategy in Tudor appeal.	.5	\$ 275.00
69.	7/18/18	Call with BN re strategy on motion to lift abatement in 10th Cir.	.3	\$ 165.00
70.	7/18/18	Call with MG and client re 10th Cir mediation and next steps.	.3	\$ 165.00
71.	7/18/18	Call with MG to prep for 10th Cir mediation.	.4	\$ 220.00
72.	7/18/18	10th Cir mediation.	1.2	\$ 660.00
73.	7/18/18	Outline and begin draft of motion for scheduling relief re motion to lift abatement.	1.6	\$ 880.00
74.	7/18/18	Emails with Sunu Chandy re fact questions from NWLC re trial and evidence.	.3	\$ 165.00
75.	7/19/18	Emails with OAG re position on Tudor motion to lift abatement order.	.3	\$ 165.00
76.	7/19/18	Review 10th Cir order requesting OAG to respond to Tudor motion to lift abatement order.	.1	\$ 55.00
77.	7/19/18	Emails with client re filing of Tudor motion to lift abatement in 10th Cir and notice filed advising DC of the same.	.3	\$ 165.00
78.	7/19/18	Emails with Sunu Chandy re NWLC amicus brief in 10th Cir and scheduling.	.6	\$ 330.00
79.	7/19/18	Emails with Greg Nevins and Dru Levasseur re Lambda amicus brief in 10th Cir and scheduling updates.	.7	\$ 385.00
80.	7/19/18	Legal research in support of motion to lift abatement re FRAP 4(a)(4)(B)'s applicability where underlying precursor motion is untimely.	1.7	\$ 935.00
81.	7/19/18	Review and revise scheduling relief motion.	5.6	\$ 3,080.00
82.	7/20/18	Texts with MG re strategy on Tudor 10th Cir appendix. Schedule call re same for 7/23/18.	.2	\$ 110.00
83.	7/20/18	Begin draft of Tudor appendix.	.8	\$ 440.00

84.	7/20/18	Review and revise draft opening brief. Legal research for same.	3.4	\$ 1,870.00
85.	7/22/18	Review and revise draft opening brief. Legal research for same.	3.7	\$ 2,035.00
86.	7/22/18	Emails with BN and MG re strategy for Tudor 10th Cir appendix materials and substantive discussion re same.	.3	\$ 165.00
87.	7/22/18	Review and revise draft opening brief. Legal research for same.	2.7	\$ 1,485.00
88.	7/22/18	Review and revise draft opening brief. Legal research for same.	1.2	\$ 660.00
89.	7/23/18	Follow up emails with client re draft 10th Cir opening brief.	.2	\$ 110.00
90.	7/23/18	Call with client re strategy on 10th Cir opening brief and discussion of substantive arguments raised in same.	1.2	\$ 660.00
91.	7/23/18	Emails with client re shared draft copy of 10th Cir opening brief and her requests for corrections and changes. Discuss strategy of substantive arguments.	.3	\$ 165.00
92.	7/23/18	Review and revise draft opening brief. Legal research for same.	6.3	\$ 3,465.00
93.	7/24/18	Review and revise opening brief. Legal research for same.	3.3	\$ 1,815.00
94.	7/24/18	Review and revise opening brief. Legal research for same.	1.8	\$ 990.00
95.	7/25/18	Emails with Sunu Chandy re fact questions on DOJ settlement and Tudor's hostile work environment claim.	.2	\$ 110.00
96.	7/25/18	Emails with Sunu Chandy re status of scheduling 10th Cir appeal and answering additional fact questions for NWLC brief.	.2	\$ 110.00
97.	7/25/18	Call with client to give update on motion sequencing in 10th Cir.	.3	\$ 165.00
98.	7/25/18	Return email to Cockle Printing re timing to print 10th Cir merits brief and appendix.	.1	\$ 55.00
99.	7/26/18	Emails with Sunu Chandy re exhibits and trial materials, estimates on brief scheduling for 10th Cir, and answering substantive questions re trial and evidence.	.3	\$ 165.00
100.	7/27/18	Call with client re Outten & Golden as potential amici or co-counsel on appeal.	.2	\$ 110.00
101.	7/27/18	Review and revise opening brief.	.7	\$ 385.00
102.	7/27/18	Respond to email from Oklahomans for Equality counsel re timing of potential amicus brief for 10th Cir.	.2	\$ 110.00
103.	7/27/18	Review email and Suni Chandy comments on Tudor draft opening brief. Outreach to Bob Parker to gather info requested by amici re expertise.	.6	\$ 330.00
104.	7/28/18	Emails with Sunu Chandy re fact questions—Randy Prus.	.5	\$ 275.00

105.	7/28/18	Emails with Sunu Chandy re fact questions—insurance policy.	.2	\$ 110.00
106.	7/28/18	Review and revise opening brief in light of amici and client feedback.	4.2	\$ 2,310.00
107.	7/23/18	Review and revise opening brief.	.7	\$ 385.00
108.	7/30/18	Legal research re attorneys fees in the 10th Cir. Standard for how to claim and check against potential circuit split on issue that arose in 2d Cir.	.8	\$ 440.00
109.	7/30/18	Emails with Sunu Chandy re draft NWLC amici brief and cites necessary to support tenure discrimination.	.8	\$ 440.00
110.	7/30/18	Review and revise opening brief.	.7	\$ 385.00
111.	7/30/18	Call with Rachel Bien (Outten & Golden) and David Lopez re feedback on draft opening brief.	.7	\$ 385.00
112.	7/30/18	Review draft NWLC brief. Send comments to Sunu Chandy via email.	.2	\$ 110.00
113.	7/31/18	Emails with BN and MG re latest draft of opening brief and coordinating group edits.	.3	\$ 165.00
114.	7/31/18	Emails with Greg Nevins re scheduling of amicus briefs in 10th Cir.	.2	\$ 110.00
115.	7/31/18	Review Sunu Chandy email re revisions to NWLC amicus brief.	.3	\$ 165.00
116.	7/31/18	Research: legal and social science research on transgender and Native American discrimination in hiring and discrimination in the academic job market.	2.4	\$ 1,320.00
117.	7/31/18	Emails with Sunu Chandy re transgender and Native American discrimination in hiring re same for NWLC amicus brief.	.3	\$ 165.00
118.	7/31/18	Review and revise opening brief. Legal research re same.	5.4	\$ 2,970.00
119.	8/1/18	Review and revise opening brief.	2.4	\$ 1,320.00
120.	8/1/18	Emails with Greg Nevins re status of Tudor appeal and strategy for amicus brief.	.3	\$ 165.00
121.	8/1/18	Review and revise opening brief.	2.4	\$ 1,320.00
122.	8/2/18	Review OAG response in opposition to Tudor motion to lift abatement order.	.3	\$ 165.00
123.	8/2/18	Emails with Sunu Chandy re latest draft of opening brief.	.2	\$ 110.00
124.	8/2/18	Emails with BN and MH re latest draft of opening brief.	.2	\$ 110.00
125.	8/2/18	Emails with client re latest draft of opening brief.	.2	\$ 110.00
126.	8/3/18	Review email from Bob Parker answering questions posed re expert testimony issues potentially raised on appeal by OAG. Review Parker suggested edits to opening brief.	.8	\$ 440.00
127.	8/3/18	Answer client email questions re amicus strategy in 10th Cir.	.2	\$ 110.00

128.	8/4/18	Emails with Greg Nevins LL re district court motions re Rule 50b/59 and appellate strategy.	.2	\$ 110.00
129.	8/5/18	Review feedback from Chinyere Ezie re opening brief.	.8	\$ 440.00
130.	8/6/18	Review additional feedback from Sunu Chandy re opening brief.	.5	\$ 275.00
131.	8/6/18	Emails with Sunu Chandy re opening brief.	.3	\$ 165.00
132.	8/6/18	Review and revise opening brief.	3.6	\$ 1,980.00
133.	8/7/18	Review 10th Cir order denying Tudor motion to lift abatement.	.3	\$ 165.00
134.	8/7/18	Emails with Bob Parker re potential AAUP help with amicus brief and related fact issues.	.2	\$ 110.00
135.	8/7/18	Emails with Sunu Chandy answering fact questions for amicus brief.	.2	\$ 110.00
136.	8/7/18	Emails with Sunu Chandy re revisions to NWLC amicus brief.	.3	\$ 165.00
137.	8/7/18	Emails with BN and MG re amicus brief status updates.	.3	\$ 165.00
138.	8/7/18	Emails with client re amicus brief status updates.	.2	\$ 110.00
139.	8/7/18	Emails with Sunu Chandy re new deadlines for filing amicus briefs.	.2	\$ 110.00
140.	8/7/18	Emails with Rachel Bien re Tudor opening brief and overarching appellate strategy.	.3	\$ 165.00
141.	8/7/18	Emails with Cockle Printing re changes to timing to print and file merits briefs in 10th Cir.	.2	\$ 110.00
142.	8/7/18	Review and revise opening brief.	1.9	\$ 1,045.00
143.	8/8/18	Follow up emails with amicus brief writers re OAG opposition to Tudor motion to strike and order granting extension re briefing in OAG Rule 50b/59 motion. Strategy discussion for appeal in light of district court developments.	.6	\$ 330.00
144.	8/9/18	Review Sunu Chandy email re timing of briefing on appeal.	.1	\$ 55.00
145.	8/16/18	Review and revise opening brief.	2.2	\$ 1,210.00
146.	8/20/18	Review client email re substantive arguments raised on appeal in opening brief re reinstatement and tenure.	.2	\$ 110.00
147.	8/20/18	Review and revise opening brief in light of client requests.	1.3	\$ 715.00
148.	8/21/18	Review and revise opening brief in light of client requests.	.4	\$ 220.00
149.	8/21/18	Call with Sunu Chandy re NWLC amicus brief status.	.2	\$ 110.00
150.	8/23/18	Review and revise opening brief. Legal research in support of challenge to remittitur and make whole relief.	2.8	\$ 1,540.00
151.	8/23/18	Review and revise opening brief. Legal research in support of challenge of remittitur.	2.8	\$ 1,540.00

152.	8/24/18	Review Oklahoma signed amicus brief in support of grant of certiorari in <i>Harris Funeral Homes</i> at SCOTUS.	.1	\$ 55.00
153.	8/24/18	Review and revise opening brief.	3.9	\$ 2,145.00
154.	8/26/18	Review and revise opening brief. Legal research re what it takes for make whole relief to be sufficient.	3.2	\$ 1,760.00
155.	8/28/18	Review and revise opening brief.	2.6	\$ 1,430.00
156.	8/29/18	Review and revise opening brief.	.9	\$ 495.00
157.	8/30/18	Email to MG and BN re appellate strategy and related pending motions in district court.	.1	\$ 55.00
158.	8/30/18	Call with MG and BN re appellate strategy and related pending motins in district court.	1	\$ 550.00
159.	8/30/18	Emails with Sunu Chandy re latest draft of NWLC brief and filing timing.	.2	\$ 110.00
160.	9/4/18	Emails with BN and MG re draft status report due at 10th Cir.	.2	\$ 110.00
161.	9/4/18	Draft status report to 10th Cir re proceedings in district court.	.7	\$ 385.00
162.	9/4/18	Review and revise status report to 10th Cir re proceedings in district court.	.5	\$ 275.00
163.	9/6/18	Emails with client re factual questions regarding Chickasaw heritage sources needed to include in opening brief.	.3	\$ 165.00
164.	9/6/18	Review order from 10th Cir continuing scheduling abatement.	.2	\$ 110.00
165.	9/6/18	Email to client re 10th Cir order continuing scheduling abatement and strategy re same.	.3	\$ 165.00
166.	9/6/18	Emails with BN and MG re strategy re continued scheduling abatement in 10th Cir.	.3	\$ 165.00
167.	9/7/18	Background research on 10th Cir judges.	.9	\$ 495.00
168.	9/14/18	Email with client re Chickasaw heritage sources for merits briefing. Discussion of same.	.5	\$ 275.00
169.	9/14/18	Email to Brandon Postoak re Choctaw cultural expert re Chickasaw gender transitions.	.2	\$ 110.00
170.	9/14/18	Review latest draft of NWLC amicus brief.	.5	\$ 275.00
171.	9/14/18	Review and revise opening brief. Legal research re tenure as a remedy.	.9	\$ 495.00
172.	9/18/18	Email to amicus writers re district court order on Tudor motion to strike OAG Rule 50/59 motion and merits motion.	.2	\$ 110.00
173.	9/18/19	Review and revise opening brief in light of district court order on Tudor motion to strike OAG Rule 50/59 motion and merits motion.	2.1	\$ 1,155.00
174.	9/19/18	Review and revise opening brief.	1.3	\$ 715.00
175.	9/19/18	Draft notice to 10th Cir re district court's disposition of OAG Rule 50/59 motion. File.	.3	\$ 165.00
176.	9/25/18	Emails with Sunu Chandy re next steps in amicus briefs, anticipated timing, and answering fact questions re record on appeal.	.4	\$ 220.00
177.	9/25/18	Emails with amicus writers re district court disposition of post-judgment motions.	.3	\$ 165.00

178.	9/25/18	Emails with client re setting up telephone meetings to discuss appeals strategy.	.4	\$ 220.00
179.	9/26/18	Review 10th Cir order re lifting abatement and new deadlines for merits briefing. Notify client, MG, and BN re same via email.	.3	\$ 165.00
180.	9/26/18	Draft notice to 10th Cir re DC disposition of OAG Rule 50/59 motion. File.	.4	\$ 220.00
181.	9/28/19	Review OAG notice of appeal. Notify client via email.	.2	\$ 110.00
182.	9/28/18	Emails with Bob Parker notifying of disposition of OAG Rule 50/59 motion and seeking advice on tenure issues on appeal re fact qs.	.8	\$ 440.00
183.	10/1/18	Emails with Sunu Chandy re next steps in appeal and NWLC feedback on OAG notice of appeal.	.3	\$ 165.00
184.	10/2/18	Emails with client notifying of changed appellate briefing schedule.	.1	\$ 55.00
185.	10/2/18	Emails with Cockle Printing re changed schedule of printing/filing at 10th Cir.	.2	\$ 110.00
186.	10/2/18	Draft EY notice of appearance for OAG cross-appeal.	.3	\$ 165.00
187.	10/2/18	Emails with BN and MG to coordinate team meeting to discuss cross-appeal strategy on 10/5/18.	.2	\$ 110.00
188.	10/2/18	Review 10th Cir order changing briefing deadline and new deadlines for appearance and docketing statements in cross appeal.	.2	\$ 110.00
189.	10/2/18	Email to client explaining change in appellate briefing schedule.	.1	\$ 55.00
190.	10/2/18	Email to Cockle Printing re change in appellate briefing schedule.	.1	\$ 55.00
191.	10/2/18	Email to amicus brief writers advising of new appellate briefing deadlines.	.2	\$ 110.00
192.	10/2/18	Review and revise Tudor opening brief in light of cross appeal.	2.1	\$ 1,155.00
193.	10/3/18	Review and revise Tudor opening brief in light of cross appeal.	2	\$ 1,100.00
194.	10/3/18	Email to Greg Nevins re timing to file LL amicus brief.	.1	\$ 55.00
195.	10/3/18	Review email from MG re scheduling team meeting.	.1	\$ 55.00
196.	10/4/18	Emails with Greg Nevins re strategy call about seeking amicus support from American Psychological Association.	.2	\$ 110.00
197.	10/5/18	Emails with BN and MG re coordinating team meeting.	.2	\$ 110.00
198.	10/5/18	Call with BN and MG re next steps in Tudor appeal.	1	\$ 550.00
199.	10/5/18	Emails with DOJ re timing of tentative production of post-trial discovery to DOJ and OAG.	.2	\$ 110.00

200.	10/6/18	Legal research on SCOTUS nominee Brett Kavanaugh's Title VII jurisprudence.	.5	\$ 275.00
201.	10/6/18	Emails with Greg Nevins re SCOTUS nominee Brett Kavanaugh's Title VII jurisprudence.	.2	\$ 110.00
202.	10/6/18	Email to Sunu Chandy with new draft of opening brief and request for feedback.	.2	\$ 110.00
203.	10/6/18	Emails with client responding to questions about impact on her appeal of Kavanaugh nomination, socio-economic class of 10th Cir judges, and new client requests re outreach to Oklahoma Indian Legal Services, Chickasaw Nation, University of Oklahoma (both OU and OU Law).	.6	\$ 330.00
204.	10/10/18	Emails with client re mitigation efforts and advice re continued obligation to search for employment.	.5	\$ 275.00
205.	10/10/18	Emails with Sunu Chandy re coordinating NWLC feedback on Tudor opening brief and passing latest draft off.	.3	\$ 165.00
206.	10/10/18	Review OAG docketing statement for cross-appeal.	.3	\$ 165.00
207.	10/10/18	Emails with Greg Nevins re OAG docketing statement for cross-appeal.	.3	\$ 165.00
208.	10/10/18	Email to client re OAG docketing statement for cross-appeal.	.3	\$ 165.00
209.	10/10/18	Review order setting cross-appeal schedule.	.1	\$ 55.00
210.	10/11/18	Emails with Cockle Printing and MG re scheduling printing of merits briefs and appendices.	.3	\$ 165.00
211.	10/11/18	Review and revise opening brief in light of cross appeal.	5.4	\$ 2,970.00
212.	10/12/18	Review and revise opening brief in light of cross appeal.	1.5	\$ 825.00
213.	10/16/18	Review BN notice of appearance.	.1	\$ 55.00
214.	10/17/18	Review MG notice of appearance.	.1	\$ 55.00
215.	10/18/18	Emails with MG re coordinating contents of appendices and deadline to get to Cockle Printing.	.5	\$ 275.00
216.	10/18/18	Emails with BN and MG re clarification on phrasing of remittitur error on appeal.	.5	\$ 275.00
217.	10/19/18	Review BN response to email re clarification on phrasing of remittitur error on appeal.	.1	\$ 55.00
218.	10/23/18	Email from MG to EY and BN re media inquiry made re Tudor's appeal by CBS producer. Team discussion re ethics rules on publicity and potential next steps re client and strategy.	.8	\$ 440.00
219.	10/24/18	Review DOJ brief opposing grant of certiorari in Harris Funeral Homes case.	.5	\$ 275.00
220.	10/24/18	Send copy of DOJ brief opposing grant of certiorari in Harris Funeral Homes case with flag on concern re strategy.	.1	\$ 55.00

221.	10/29/18	Emails with BN and MG to set time for team meeting on 11/1/18.	.2	\$ 110.00
222.	10/30/18	Emails with Greg Nevins re brief filing schedule in 10th Cir and follow up on forcast on SCOTUS action on Harris Funeral Home and impacts on Tudor appeal.	.5	\$ 275.00
223.	10/30/18	Emails with BN and MG re formatting and content of opening brief and appendices.	.3	\$ 165.00
224.	11/1/18	Respond to client emails re request for latest draft of opening brief and questions re same.	.3	\$ 165.00
225.	11/1/18	Email to BN and MG with copy of draft of opening brief and suggested agenda for team meeting.	.3	\$ 165.00
226.	11/2/18	Email to client (cc MG and BN) re media strategy in appeal and next steps.	.3	\$ 165.00
227.	11/4/18	Emails with client re word choice describing her "sex" and explaining her gender identity in the merits brief.	.5	\$ 275.00
228.	11/6/18	Email to client re new draft of opening brief and soliciting client feedback on references to Chickasaw Nation, her relationship to SEOSU, description of her sex, and "Statement of the Case."	.3	\$ 165.00
229.	11/6/18	Email to BN and MG with new draft of opening brief and coordinating appendices.	.6	\$ 330.00
230.	11/7/18	Review and follow up on client emails re client feedback on references to Chickasaw Nation, her relationship to SEOSU, description of her sex, and "Statement of the Case."	.3	\$ 165.00
231.	11/7/18	Review and revise opening brief in light of client feedback.	1.2	\$ 660.00
232.	11/7/18	Emails with Greg Nevins OAG re party positions on LL request to participate as amicus.	.2	\$ 110.00
233.	11/8/18	Emails with Greg Nevins OAG re party positions on LL request to participate as amicus.	.1	\$ 55.00
234.	11/8/18	Emails with MG and BN re opening brief. Review BN suggested edits.	.9	\$ 495.00
235.	11/8/18	Review and revise opening brief in light of BN feedback.	1.2	\$ 660.00
236.	11/8/18	Emails with Mari Hulbutta re appropriate treaty citations and SCOTUS cases to establish historic boundaries of Chickasaw Nation for opening brief.	.4	\$ 220.00
237.	11/9/18	Emails with Greg Nevins OAG re party positions on LL request to participate as amicus.	.1	\$ 55.00
238.	11/9/18	Emails with client re client requests for changes to opening brief re descriptions used to discuss tenure's significance and other assorted fact and opinion edits throughout opening brief.	.7	\$ 385.00

239.	11/9/18	Review and revise opening brief in light of client requested edits.	.5	\$ 275.00
240.	11/9/18	Review LL motion seeking extension of time to file amicus brief.	.2	\$ 110.00
241.	11/9/18	Email to client re LL motion seeking extension of time to file amicus brief. Respond to client questions seeking clarification on time breakdown between LL and Tudor.	.3	\$ 165.00
242.	11/10/18	Emails with BN (cc MG) re BN suggested edits to opening brief.	.3	\$ 165.00
243.	11/11/18	Email to BN (cc MG) re help needed to compile trial exhibits for appendices.	.3	\$ 165.00
244.	11/11/18	Review and respond to MG email (cc BN) re materials needed for inclusion in appendix and feedback on substance of opening brief.	.3	\$ 165.00
245.	11/12/18	Emails with Sara Rice (cc MG and BN) re trial transcripts in appendices. Discussion of local rules on inclusion of whole transcript on appeal rather than excerpts.	.5	\$ 275.00
246.	11/12/18	Follow up emails with Sara Rice (cc MG) re reidentifying trial exhibits for inclusion in appendices.	.3	\$ 165.00
247.	11/12/18	Emails with Greg Nevins re feedback on draft opening brief.	.1	\$ 55.00
248.	11/12/18	Emails with Sunu Chandy coordinating feedback on current version of opening brief.	.4	\$ 220.00
249.	11/13/18	Email with MG (cc BN) re confirming on schedule to file appendix.	.1	\$ 55.00
250.	11/13/18	Review Greg Nevins notice of appearance.	.1	\$ 55.00
251.	11/13/18	Review order granting LL motion to extend time to file amicus brief.	.1	\$ 55.00
252.	11/13/18	Follow up emails with MG re coordinating contents of appendix.	.4	\$ 220.00
253.	11/13/18	Emails with MG re coordinating with OAG on appendix contents.	.2	\$ 110.00
254.	11/13/18	Review MG emails with Zach West re coordinating appendix contents.	.2	\$ 110.00
255.	11/13/18	Emails with MG and BN re coordinating team edits to opening brief.	.4	\$ 220.00
256.	11/13/18	Review BN edits to opening brief.	.3	\$ 165.00
257.	11/13/18	Review and revise opening brief including incorporation of BN.	1.6	\$ 880.00
258.	11/13/18	Respond to Sara Rice email (cc MG and BN) re color printing of portions of appendices.	.1	\$ 55.00
259.	11/14/18	Emails with Greg Nevins re feedback on draft opening brief.	.3	\$ 165.00
260.	11/14/18	Coordinating final edits to appendices—exchange emails with MG and edits to files on shared file platform.	.9	\$ 495.00
261.	11/15/18	Emails with Sunu Chandy and Eric Lai seeking feedback on near final version of opening brief. Review feedback from NWLC.	1.5	\$ 825.00

262.	11/15/18	Review and revise opening brief in light of feedback from NWLC.	2.2	\$ 1,210.00
263.	11/15/18	Emails with client re near final version of opening brief and soliciting final round of client feedback re same. Review feedback from client.	1.8	\$ 990.00
264.	11/16/18	Review and revise opening brief in light of feedback from client.	1.2	\$ 660.00
265.	11/16/18	Review and revise opening brief—final line edits and cite edits, correct TOA and TOC, correct certificates.	3.8	\$ 2,090.00
266.	11/16/18	Send final copy of opening brief to Cockle Printing.	.1	\$ 55.00
267.	11/16/18	Email client final copy of opening brief.	.1	\$ 55.00
268.	11/16/18	Email Greg Nevins final copy of opening brief.	.1	\$ 55.00
269.	11/16/19	Email Greg Nevins final copy of Tudor appendices.	.1	\$ 55.00
270.	11/16/18	Review and respond to NWLC emails re final copy of Tudor brief and information needed for NWLC amicus.	.3	\$ 165.00
271.	11/16/18	Email to David Lopez and Rachel Bien with copy of opening brief.	.1	\$ 55.00
272.	11/19/18	File opening brief.	.2	\$ 110.00
273.	11/19/18	Review docket entry re filing of Tudor appendix. Confirm all volumes of appendix filed.	.5	\$ 275.00
274.	11/19/18	Emails with Sara Rice (cc MG and BN) confirming filing of Tudor appendix all volumes.	.2	\$ 110.00
275.	11/19/18	Emails with Sunu Chandy re amicus brief and coordination on NWLC press on same.	.4	\$ 220.00
276.	11/19/18	Emails with MG and BN re MG concern about Tudor compliance with appendix local rules.	.5	\$ 275.00
277.	11/19/18	Emails with client to obtain client quote of appreciation re NWLC amicus signatories.	.3	\$ 165.00
278.	11/20/18	Email with Sunu Chandy to amend client quote to include amici firm name.	.1	\$ 55.00
279.	11/20/18	Review notice of appearance of NWLC amici counsel Erica Lai.	.1	\$ 55.00
280.	11/20/18	Review court minute order setting due date for OAG brief.	.1	\$ 55.00
281.	11/20/18	Emails with Sara Rice and MG re 10th Cir Clerk request for errata sheet for appendices.	.2	\$ 110.00
282.	11/20/18	Review MG filing of errata sheet.	.1	\$ 55.00
283.	11/21/18	Emails with Sunu Chandy re approval on NWLC blog re amicus brief.	.4	\$ 220.00
284.	11/26/18	Emails with Sunu Chandy re status of NWLC blog re amicus brief.	.1	\$ 55.00
285.	11/26/18	Emails with client re NWLC blog and brief filing.	.3	\$ 165.00
286.	11/27/18	Emails with Sunu Chandy and Erica Lai re offers to assist with moots.	.1	\$ 55.00

287.	11/27/18	Email to OAG re Tudor position on OAG seeking extension of time on merits briefing.	.1	\$ 55.00
288.	11/27/18	Email with MG and BN re SCOTUS watch and potential impact on Tudor appeal.	.2	\$ 110.00
289.	11/27/18	Email with client re Tudor position on OAG seeking extension of time on merits briefing and SCOTUS watch and potential impact on Tudor appeal. Follow up responses to client emails raising concerns about OAG motivations for extension of time.	.4	\$ 220.00
290.	11/27/18	Email to John Knight (ACLU) with Tudor opening brief and NWLC amicus brief. Follow up re request for help on next brief.	.2	\$ 110.00
291.	11/28/19	Follow up emails with OAG re Tudor position on OAG seeking extension of time on merits briefing.	.2	\$ 110.00
292.	11/28/19	Review NWLC amicus brief as filed.	.2	\$ 110.00
293.	11/28/19	Review minute entry directing NWLC attorneys to file notices of appearance.	.1	\$ 55.00
294.	11/29/19	Review OAG motion seeking extension of time to file merits brief.	.2	\$ 110.00
295.	12/3/19	Email to client coordinating travel and pick up time for in person meetings.	.1	\$ 55.00
296.	12/6/18	In person meeting with client to discuss next steps in case.	2	\$ 1,100.00
297.	12/7/19	In person meeting with client to discuss next steps in case.	2.5	\$ 1,375.00
298.	12/10/19	Review NWLC attorneys' notices of appearance as filed.	.2	\$ 110.00
299.	12/12/19	Emails with Sunu Chandy re OAG extension of time and LL extension of time.	.1	\$ 55.00
300.	12/16/18	Emails with client seeking advice re AAUP Conf at SEOSU.	.3	\$ 165.00
301.	12/17/19	Emails with client seeking advice re AAUP Cong at SEOSU.	.6	\$ 330.00
302.	12/18/18	Draft letter to American Psychological Association seeking amicus brief and updating on status of case.	2.8	\$ 1,540.00
303.	12/18/19	Email to American Psychological Association seeking amicus brief and updating on status of the case. Follow up emails to answer qs re timing and content.	.2	\$ 110.00
304.	12/19/19	Email to client with status update on outreach to American Psychological Association.	.2	\$ 110.00
305.	12/21/19	Follow up with client via email re status of outreach to American Psychological Association.	.2	\$ 110.00
306.	12/31/18	Call with Zach West re OAG request for oversized briefs.	.2	\$ 110.00
307.	12/31/18	Emails with Zach West to review styled joint motion for oversized briefs (cc MG and BN).	.3	\$ 165.00

308.	12/31/18	Review of OAG motion for request for oversized briefs.	.2	\$ 110.00
309.	1/2/19	Review of 10th Cir order granting joint motion for oversized briefs.	.2	\$ 110.00
310.	1/2/19	Email to client re status updates on appeal and upcoming deadlines.	.1	\$ 55.00
311.	1/10/19	Review of OAG opening brief on cross appeal as filed.	1.5	\$ 825.00
312.	1/10/19	Review of OAG supplemental appendix as filed.	.7	\$ 385.00
313.	1/10/19	Emails with MG and BN to set up team meeting.	.3	\$ 165.00
314.	1/10/19	Email to client passing on copies of OAG opening brief and supplemental appendix.	.1	\$ 55.00
315.	1/11/19	Email to John Knight (ACLU) passing on copy of OAG opening brief.	.1	\$ 55.00
316.	1/11/19	Review and respond to client emails re OAG opening brief.	.2	\$ 110.00
317.	1/11/19	Review notice of deficient appendix re OAG supplemental appendix.	.1	\$ 55.00
318.	1/11/19	Review OAG errata sheet re supplemental appendix.	.1	\$ 55.00
319.	1/14/19	Review minute order setting date for Tudor third brief.	.1	\$ 55.00
320.	1/14/19	Call with BN and MG to discuss strategy re Tudor reply/response brief, workflow, and edits to draft outline.	.7	\$ 385.00
321.	1/14/19	Begin outline of Tudor reply/response brief.	1.2	\$ 660.00
322.	1/15/19	Review and respond to client email re grievances with OAG opening brief.	.4	\$ 220.00
323.	1/15/19	Review and respond to client email re status of reply/response brief outline and brief draft.	.4	\$ 220.00
324.	1/15/19	Review and revise outline of reply/response brief. Legal research on Parker testimony issues re gatekeeping and relevancy.	4.6	\$ 2,530.00
325.	1/16/19	Review and revise outline of reply/response brief.	5.2	\$ 2,860.00
326.	1/17/19	Review and revise outline of reply/response brief. Additional legal research on Title VII status coverage of sex.	1.5	\$ 825.00
327.	1/17/19	Email to client notifying that no amicus briefs filed in support of OAG at 10th Cir. Follow up emails with client re client's issues taken with OAG opening brief.	.6	\$ 330.00
328.	1/18/19	Review and revise outline of reply/response brief. Additional legal research on Title VII status coverage of sex.	2.2	\$ 1,210.00
329.	1/19/19	Emails with Greg Nevins re 10th Cir precedents in trans Title VII cases.	.3	\$ 165.00
330.	1/21/19	Review and revise outline of reply/response brief.	2.8	\$ 1,540.00
331.	1/21/19	Begin draft of reply/response brief.	3.1	\$ 1,705.00

332.	1/21/19	Email to MG and BN with copy of draft outline of reply/response brief and partial first draft of reply/response brief. Seek feedback and answers to questions re same.	.2	\$ 110.00
333.	1/21/19	Email client copy of draft outline of reply/response brief and request feedback and answers to questions.	.2	\$ 110.00
334.	1/22/19	Review and revise reply/response brief.	3.4	\$ 1,870.00
335.	1/23/19	Review and revise reply/response brief.	5.1	\$ 2,805.00
336.	1/24/19	Call with client to discuss reply/response brief.	1.6	\$ 880.00
337.	1/24/19	Email to Cockle Printing re scheduling for printing and filing reply/response brief.	.1	\$ 55.00
338.	1/24/19	Review and revise reply/response brief.	.1	\$ 55.00
339.	1/24/19	Email client draft of reply/response brief.	.1	\$ 55.00
340.	1/24/19	Call with client to discuss client feedback on draft reply/response brief.	.5	\$ 275.00
341.	1/25/19	Follow up emails with client re client feedback on reply/response brief draft.	.2	\$ 110.00
342.	1/28/19	Review and revise reply/response brief.	3.7	\$ 2,035.00
343.	1/28/19	Review email from NWLC re feedback on draft of reply/response brief.	.4	\$ 220.00
344.	1/28/19	Review and respond to client emails seeking additional citations/ integration of Chickasaw citizens into merits briefing.	.2	\$ 110.00
345.	1/29/19	Review and revise reply/response brief.	6.2	\$ 3,410.00
346.	1/30/19	Emails with client re status updates on drafting process of reply/response brief and support re moots for the oral argument.	.4	\$ 220.00
347.	1/30/19	Email to client to move time for client call.	.1	\$ 55.00
348.	1/30/19	Review and revise reply/response brief.	4.7	\$ 2,585.00
349.	1/31/19	Review and revise reply/response brief.	8.3	\$ 4,565.00
350.	2/1/19	Call with client re latest draft of reply/response brief.	.9	\$ 495.00
351.	2/1/19	Email to BN and MG re latest draft of reply/response brief. Seeking feedback from BN on 7th Amend arguments. Seeking feedback from MG on Daubert issues.	.4	\$ 220.00
352.	2/1/19	Review and revise reply/response brief in light of client feedback.	7.9	\$ 4,345.00
353.	2/2/19	Review and respond to MG reply re seeking feedback on reply/response brief.	.1	\$ 55.00
354.	2/3/19	Review and revise reply/response brief.	2.9	\$ 1,595.00
355.	2/3/19	Emails with Katie Eyer and Carlos Ball seeking feedback on reply/response brief.	.3	\$ 165.00
356.	2/4/19	Review and revise reply/response brief.	9.8	\$ 5,390.00
357.	2/4/19	Review and respond to email with substantive feedback on reply/response brief from Carlos Ball.	.6	\$ 330.00
358.	2/4/19	Email latest draft of reply/response brief to MG and BN.	.1	\$ 55.00

359.	2/4/19	Review and respond to emails from John Knight re feedback on draft reply/response brief.	.1	\$ 55.00
360.	2/4/19	Respond to client email requesting latest draft of reply/response brief. Follow up and review client feedback on draft.	.4	\$ 220.00
361.	2/4/19	Email Sunu Chandy latest draft of reply/response brief. Solicit additional feedback.	.2	\$ 110.00
362.	2/5/19	Review and respond to Katie Eyer email providing substantive feedback on reply/response brief.	1.1	\$ 605.00
363.	2/5/19	Review and respond to email from Sunu Chandy re feedback on reply/response brief. Review marked up draft.	.6	\$ 330.00
364.	2/6/19	Review emails from Katie Eyer re questions posed to NELA for Tudor reply/response brief.	1.2	\$ 660.00
365.	2/6/19	Emails with Katie Eyer re substantive arguments to raise in reply/response brief.	1.6	\$ 880.00
366.	2/5/19	Review and revise reply/response brief.	11.6	\$ 6,380.00
367.	2/6/19	Review and revise reply/response brief.	1.8	\$ 990.00
368.	2/7/19	Emails with Greg Nevins re characterizing circuit spread on trans sex discrimination coverage.	.7	\$ 385.00
369.	2/7/19	Review and revise reply/response brief. Integrating in feedback from MG and client.	14	\$ 7,700.00
370.	2/7/19	Emails with client re current draft of reply/response brief.	.7	\$ 385.00
371.	2/7/19	Review long substantive email from MG providing feedback on Daubert section of reply/response brief.	.4	\$ 220.00
372.	2/7/19	Emails with Cockle Printing re extension of time to get brief to printer.	.3	\$ 165.00
373.	2/8/19	Emails with Greg Nevins—continued discussion of circuit spread of trans sex discrimination coverage for the reply/response brief.	.7	\$ 385.00
374.	2/8/19	Review and respond to client emails and feedback re draft of reply/response brief.	.5	\$ 275.00
375.	2/8/19	Review and revise reply/ response brief.	13.2	\$ 7,260.00
376.	2/9/19	Review and revise reply/response brief.	12.2	\$ 6,710.00
377.	2/10/19	Review and revise reply/response brief.	14	\$ 7,700.00
378.	2/11/19	Review and revise reply response brief including final edits—TOA, TOC, citation checks.	12	\$ 6,600.00
379.	2/11/19	File reply/response brief.	.1	\$ 55.00
380.	2/11/19	Review and respond to client emails requesting status update on filing of reply/response brief.	.2	\$ 110.00
381.	2/11/19	Review and revise reply/response brief.	14	\$ 7,700.00

382.	2/12/19	Email Kimberlé Crenshaw copies of Tudor merits briefing to date and seek feedback on next steps.	.3	\$ 165.00
383.	2/12/19	Call with Cockle Printing to discuss printing costs of merits briefs.	.1	\$ 55.00
384.	2/12/19	Follow up emails with Cockle Printing to confirm costs of merit briefs.	.1	\$ 55.00
385.	2/12/19	Email Bob Parker copy of reply/response brief as filed.	.1	\$ 55.00
386.	2/12/19	Email Katie Eyer copy of reply/response brief as filed and follow up re same.	.2	\$ 110.00
387.	2/12/19	Email John Knight copy of reply/response brief as filed. Follow up re qs posed.	.2	\$ 110.00
388.	2/13/19	Review minute order setting deadline for OAG third brief.	.1	\$ 55.00
389.	2/13/19	Emails with Greg Nevins answering questions re jury verdict form.	.2	\$ 110.00
390.	2/13/19	Emails with Greg Nevins answering questions re discrepancy between OAG issues raised in dispositive briefing at trial court and issues raised on appeal.	.3	\$ 165.00
391.	2/13/19	Review Greg Nevins email to OAG re language on consent to filing of LL amicus brief.	.1	\$ 55.00
392.	2/14/19	Emails with Greg Nevins answering questions re Collin College and remedies.	.2	\$ 110.00
393.	2/14/19	Emails with Greg Nevins answering questions re McMillan and religion.	.2	\$ 110.00
394.	2/14/19	Review OAG response to Greg Nevins email re language on consent to filing of LL amicus brief.	.1	\$ 55.00
395.	2/14/19	Emails with Greg Nevins answering questions re trial court construction of Title VII and Etsitty.	.2	\$ 110.00
396.	2/15/19	Review and respond to client emails seeking advice on outreach from current SEOSU student in light of pending appeal.	.2	\$ 110.00
397.	2/15/19	Emails with Greg Nevins and other LL attorneys re LL draft amicus brief.	.3	\$ 165.00
398.	2/15/19	Review LL draft amicus brief.	.4	\$ 220.00
399.	2/19/19	Review and respond to client emails seeking advice on outreach from current SEOSU student in light of pending appeal.	.1	\$ 55.00
400.	2/20/19	Emails with John Knight updating on status and providing all copies of briefing up to this point.	.2	\$ 110.00
401.	2/20/19	Review order granting LL motion to file amicus brief.	.1	\$ 55.00
402.	2/20/19	Emails with Greg Nevins re substantive arguments raised in draft LL amicus brief.	.2	\$ 110.00
403.	2/20/19	Call with client to give advice on outreach from current SEOSU student in light of pending appeal.	.2	\$ 110.00

404.	2/20/19	Emails with Zach West re OAG proposal to supplement appendix.	.2	\$ 110.00
405.	2/20/19	Emails with amici counsel and Katie Eyer (cc BN and MG) re advice on position on OAG proposal to supplement appendix.	.2	\$ 110.00
406.	2/21/19	Emails with Zach West re OAG proposal to supplement appendix.	.2	\$ 110.00
407.	2/21/19	Review final LL amicus brief as filed.	.2	\$ 110.00
408.	2/22/19	Follow up emails with Zach West seeking concession re OAG proposal to supplement appendix.	.1	\$ 55.00
409.	2/22/19	Follow up email with amici counsel and Katie Eyer (cc BN and MG) re seeking concession re OAG proposal to supplement appendix.	.1	\$ 55.00
410.	2/22/19	Review OAG motion seeking leave to file supplemental appendix.	.1	\$ 55.00
411.	2/22/19	Review order granting OAG motion for leave to file supplemental appendix.	.1	\$ 55.00
412.	2/22/19	Review Sunu Chandy email re order granting OAG motion for leave to file supplemental appendix.	.1	\$ 55.00
413.	2/22/19	Review client email seeking advice on outreach from current SEOSU student in light of pending appeal.	.1	\$ 55.00
414.	2/22/19	Draft motion for leave to file surreply.	3.8	\$ 2,090.00
415.	2/25/19	Emails with Julie Chovanes seeking feedback on merits briefing re potential need for surreply.	.2	\$ 110.00
416.	2/25/19	Review email from Katie Eyer re concession re OAG proposal to supplement appendix.	.1	\$ 55.00
417.	2/25/19	Emails with Zach West re supplemental appendix.	.1	\$ 55.00
418.	2/25/19	Emails with Shannon Stevenson re oral argument and 10th Cir procedure with conflict check.	.5	\$ 275.00
419.	2/27/19	Emails with MG and BN re recent trans rights opinion by 10th Cir.	.3	\$ 165.00
420.	2/27/19	Emails with Zach West re supplemental appendix.	.3	\$ 165.00
421.	2/28/19	Follow up emails with MG and BN re recent trans rights opinion by 10th Cir.	.1	\$ 55.00
422.	2/28/19	Emails with Zach West re supplemental appendix.	.2	\$ 110.00
423.	3/1/19	Emails with Zach West re supplemental appendix.	.3	\$ 165.00
424.	3/1/19	Follow up emails with MG and BN re recent trans rights opinion by 10th Cir.	.2	\$ 110.00
425.	3/1/19	Call with Julie Chovanes—points to potentially raise in surreply.	.7	\$ 385.00
426.	3/3/19	Emails with Shannon Stevenson—following up on 2/25/19 emails.	.2	\$ 110.00

427.	3/4/19	Call with Zach West re OAG appendix to be filed under seal.	.2	\$ 110.00
428.	3/4/19	Review OAG motion for supplemental appendix filed under seal.	.1	\$ 55.00
429.	3/4/19	Review OAG Third Brief as filed.	1.5	\$ 825.00
430.	3/4/19	Email OAG Third Brief to client.	.1	\$ 55.00
431.	3/4/19	Review OAG supplemental appendix as filed.	.2	\$ 110.00
432.	3/4/19	Emails with Greg Nevins discussing substance of OAG arguments in Third Brief.	.3	\$ 165.00
433.	3/5/19	Review order granting in part, denying in part OAG motion to file supplemental appendix.	.1	\$ 55.00
434.	3/5/19	Emails with Bob Parker relaying OAG Third Brief and seeking feedback on challenges to his expert testimony.	.2	\$ 110.00
435.	3/5/19	Emails with Greg Nevins discussing order granting in part, denying in part OAG motion to file supplemental appendix.	.2	\$ 110.00
436.	3/6/19	Emails with Bob Parker relaying OAG Third Brief and seeking feedback on challenges to his expert testimony.	.6	\$ 330.00
437.	3/6/19	Call with Bob parker discussing OAG Third Brief and seeking feedback on challenges to his expert testimony.	.5	\$ 275.00
438.	3/6/19	Emails with Julie Chovanes to set up call to discuss Title VII coverage.	.2	\$ 110.00
439.	3/6/19	Call with Julie Chovanes to discuss Title VII coverage.	.3	\$ 165.00
440.	3/6/19	Review and revise motion for leave to file surreply.	.6	\$ 330.00
441.	3/6/19	Call with client to discuss strategy on filing surreply and update on 10th Cir's order re OAG appendix.	.3	\$ 165.00
442.	3/6/19	Call with BN and MG re strategy on Tudor motion for leave to file surreply, and substance of surreply.	1.2	\$ 660.00
443.	3/6/19	Call with Bob Parker (tenure expert) re Tudor arguments in surreply.	.9	\$ 495.00
444.	3/6/19	Call with Julie Chovanes re strategy on Tudor surreply pertaining to Daubert challenge and Etsitty arguments.	.9	\$ 495.00
445.	3/6/19	Begin outline of surreply merits brief.	1.8	\$ 990.00
446.	3/8/19	Emails with client re substance of surreply brief.	.2	\$ 110.00
447.	3/8/19	Email MG and BN copy of surreply merits brief for feedback.	.1	\$ 55.00
448.	3/8/19	Email client copy of surreply merits brief for review.	.1	\$ 55.00
449.	3/8/19	Call with Zach West re OAG's new appendices to be filed under seal.	.1	\$ 55.00
450.	3/8/19	Review and revise Tudor motion to file surreply.	2.4	\$ 1,320.00

451.	3/10/19	Review and respond to client email re draft of surreply brief.	.1	\$ 55.00
452.	3/11/19	Review and revise Tudor merits surreply brief.	2.7	\$ 1,485.00
453.	3/11/19	Review OAG supplemental appendix as filed.	.1	\$ 55.00
454.	3/11/19	Emails with MG and BN re draft of surreply brief and discussion of OAG objections to filing.	.5	\$ 275.00
455.	3/11/19	Emails with Greg Nevins re draft of surreply brief.	.2	\$ 110.00
456.	3/12/19	Emails with Greg Nevins re draft of surreply brief.	.2	\$ 110.00
457.	3/12/19	Emails with BN and MG re suggested edits to Tudor motion for leave to file surreply and surreply merits brief.	.7	\$ 385.00
458.	3/12/19	Review and revise Tudor surreply motion and merits surreply brief in light of BN and MG feedback.	9	\$ 4,950.00
459.	3/12/19	Review and respond to client emails re status of surreply brief.	.2	\$ 110.00
460.	3/13/19	Emails with Zach West re OAG position on Tudor motion for leave to file surreply.	.3	\$ 165.00
461.	3/13/19	File Tudor motion for leave to file surreply with accompanying copy of merits surreply brief.	.1	\$ 55.00
462.	3/13/19	Email client copy of motion for leave to file surreply with accompanying copy of merits surreply brief.	.1	\$ 55.00
463.	3/14/19	Review order directing OAG to file response to opposed Tudor motion seeking leave to file surreply brief.	.1	\$ 55.00
464.	3/15/19	Follow up with Shannon Stevenson—follow up on 2/25/19 emails.	.1	\$ 55.00
465.	3/15/19	Follow up emails with Bob Parker re filing of Tudor surreply and strategic discussion of same.	.2	\$ 110.00
466.	3/19/19	Follow up emails with Shannon Stevenson—follow up on 2/25/19 emails.	.2	\$ 110.00
467.	3/21/19	Emails with Greg Nevins re timing of 10th Cir oral argument and calendar settings.	.2	\$ 110.00
468.	3/22/19	Follow up email with Shannon Stevenson—follow up on 2/25/19 emails.	.2	\$ 110.00
469.	3/22/19	Emails with Greg Nevins re 10th Cir oral argument.	.3	\$ 165.00
470.	3/22/19	Texts with BN and MG re discuss OAG opposition to Tudor's motion seeking leave to file surreply. Set up team meeting to discuss oral argument.	.3	\$ 165.00
471.	3/22/19	Review order referring Tudor surreply motion to merits panel.	.1	\$ 55.00
472.	3/22/19	Review order setting oral argument.	.1	\$ 55.00
473.	3/22/19	Review OAG opposition to Tudor motion seeking leave to file surreply.	.5	\$ 275.00

474.	3/22/19	Call with client re oral argument schedule and next steps.	.5	\$ 275.00
475.	3/23/19	Email to David Lopez re scheduling moots for upcoming oral argument.	.3	\$ 165.00
476.	3/23/19	Email to Greg Nevins re panel selection at 10th Cir.	.1	\$ 55.00
477.	3/23/19	Follow up email with Shannon Stevenson—follow up on 2/25/19 emails.	.2	\$ 110.00
478.	3/23/19	Call with Shannon Stevenson re oral argument strategy. Follow up email to Shannon re same.	.6	\$ 330.00
479.	3/25/19	Call with client re oral argument strategy and booking travel for Denver oral argument.	.7	\$ 385.00
480.	3/25/19	Strategy call with BN and MG re oral argument strategy, task delegation for argument prep, and next steps.	1	\$ 550.00
481.	3/25/19	Follow up emails with BN and MG re oral argument strategy, task delegation for argument prep, and next steps.	.5	\$ 275.00
482.	3/26/19	Follow up emails with Bob Parker re oral argument preparation and expert testimony below.	.2	\$ 110.00
483.	3/26/19	Begin putting together podium binder. Statute and constitution components.	.7	\$ 385.00
484.	3/26/19	Emails with Sunu Chandy and Erica Lai re 5th Cir case on reinstatement. Discussion of potential FRAP 28j letter.	.3	\$ 165.00
485.	3/26/19	Begin review and mark up of merits briefs for oral argument.	2.8	\$ 1,540.00
486.	3/26/19	Make additions to podium binder: affirmative points outline.	.5	\$ 275.00
487.	3/27/19	Call with Greg Nevins re LL motion for leave to participate in oral argument.	.2	\$ 110.00
488.	3/27/19	Continue to review and mark up merits briefs for oral argument.	.9	\$ 495.00
489.	3/27/19	Begin drafting case capsule summaries for oral argument.	.5	\$ 275.00
490.	3/27/19	Email to Kimberlé Crenshaw to set up call in April 2019 re oral argument prep.	.2	\$ 110.00
491.	3/27/19	Draft background primer on Tudor case to distribute to moot participants.	.7	\$ 385.00
492.	3/27/19	Email to MG and BN re updates on oral argument preparations.	.6	\$ 330.00
493.	3/27/19	Emails with Greg Nevins re LL motion for leave to participate in oral argument.	.3	\$ 165.00
494.	3/27/19	Emails with David Lopez and Rutgers Law faculty re corodianting moots for oral arguments.	.1	\$ 55.00
495.	3/27/19	Call with Greg Nevins re proposed LL motion to participate in oral argument and upcoming moots.	.2	\$ 110.00

496.	3/27/19	Email with MG (cc BN) re potential moot support from U Colo professor.	.1	\$ 55.00
497.	3/27/19	Emails with Greg Nevins re potential for FRAP 28j letter.	.2	\$ 110.00
498.	3/28/19	Email to MG and BN re proposed FRAP 28j letter.	.3	\$ 165.00
499.	3/28/19	Emails with MG and BN re calendar acknowledgment letters.	.2	\$ 110.00
500.	3/28/19	Fill out and file calendar acknowledgement letter.	.2	\$ 110.00
501.	3/28/19	Email to MG and BN relaying conversation with Greg Nevins re LL motion for leave to participate in oral argument.	.1	\$ 55.00
502.	3/28/19	Continue to mark up merits briefs for oral argument.	3.7	\$ 2,035.00
503.	3/28/19	Begin draft of FRAP 28j letter.	1.4	\$ 770.00
504.	3/28/19	Emails with NWLC re draft FRAP 28j letter.	.2	\$ 110.00
505.	3/28/19	Emails with BN and MG re draft FRAP 28j letter.	.2	\$ 110.00
506.	3/28/19	Emails with MG and BN re filing of calendar acknowledgement forms.	.1	\$ 55.00
507.	3/28/19	Email to Greg Nevins passing on draft of potential FRAP 28j letter.	.1	\$ 55.00
508.	3/28/19	Emails with BN (cc MG) re media strategy on appeal.	.3	\$ 165.00
509.	3/29/19	Review and respond to MG email (cc BN) re MG edits forthcoming on FRAP 28j letter.	.1	\$ 55.00
510.	3/29/19	Review and revise FRAP 28j letter.	.3	\$ 165.00
511.	3/29/19	Email revised FRAP 28j letter to MG and BN for feedback.	.1	\$ 55.00
512.	3/29/19	Begin review and mark up of all cases cited in briefs—prep for oral argument.	1.2	\$ 660.00
513.	3/29/19	Emails with Sunu Chandy and Erica Lai re suggested edits to draft FRAP 28j letter.	.3	\$ 165.00
514.	3/29/19	Review and revise FRAP 28j letter.	.3	\$ 165.00
515.	3/29/19	Emails with Greg Nevins re draft email to OAG re position on LL motion for leave to participate in oral argument.	.2	\$ 110.00
516.	3/29/19	Review Greg Nevins emails with OAG seeking position re LL motion for leave to participate in oral argument,	.2	\$ 110.00
517.	3/29/19	Email to client re draft FRAP 28j letter.	.1	\$ 55.00
518.	3/31/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	2.6	\$ 1,430.00
519.	4/1/19	Review and respond to client email re draft FRAP 28j letter, additional emails re next steps in oral arg prep.	.2	\$ 110.00
520.	4/1/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	4.8	\$ 2,640.00
521.	4/2/19	Emails with contacts at Rutgers Law coordinating moot.	.3	\$ 165.00

522.	4/2/19	Emails with Sunu Chandy and Erica Lai re Sean Burrage.	.2	\$ 110.00
523.	4/3/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	6.5	\$ 3,575.00
524.	4/3/19	Call with BN re concerns about client status.	.8	\$ 440.00
525.	4/3/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	4.7	\$ 2,585.00
526.	4/4/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	7	\$ 3,850.00
527.	4/4/19	Emails with Greg Nevins re LL filing of motion for leave to participate in oral argument.	.2	\$ 110.00
528.	4/4/19	Review LL motion for leave to participate in oral argument as filed.	.2	\$ 110.00
529.	4/4/19	Email client copy of LL motion for leave to participate in oral argument as filed.	.1	\$ 55.00
530.	4/4/19	Email to John Knight updating on oral argument calendaring and upcoming moots.	.1	\$ 55.00
531.	4/5/19	Emails following up with John Knight re oral argument calendaring and upcoming moots.	.1	\$ 55.00
532.	4/5/19	Email with client re logistics for oral argument.	.1	\$ 55.00
533.	4/5/19	Review BN email to TLDEF and JW re client directions on upcoming oral argument and request on communications and comments.	.1	\$ 55.00
534.	4/5/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	14	\$ 7,700.00
535.	4/5/19	Call with client to discuss logistics for oral argument, answer questions re pending 10th Cir motions (Tudor surreply and LL oral arg motion).	.9	\$ 495.00
536.	4/5/19	Emails with Sunu Chandy re LL motion for leave to participate in oral argument.	.2	\$ 110.00
537.	4/6/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	4.1	\$ 2,255.00
538.	4/8/19	Prep for call with Julie Chovanes to discuss Daubert oral argument issues and potential questions at oral argument.	1.3	\$ 715.00
539.	4/9/19	Review and mark up NWLC amicus brief for oral argument. Add potential oral argument questions re same to file.	.6	\$ 330.00
540.	4/9/19	Review and mark up OAG opening brief for oral argument.	.6	\$ 330.00
541.	4/9/19	Continue review and mark up of all cases cited in briefs—prep for oral argument.	2.3	\$ 1,265.00
542.	4/9/19	Review summary judgment merits briefing in district court—prep for oral argument.	.5	\$ 275.00
543.	4/9/19	Emails with client re prep for oral argument.	.2	\$ 110.00
544.	4/9/19	Emails with Shannon Minter seeking advice re oral argument.	.3	\$ 165.00
545.	4/10/19	Emails with John Knight and Ria Mar coordinating call to discuss upcoming oral argument.	.2	\$ 110.00

546.	4/10/19	Emails with John Knight and Ria Mar coordinating call to discuss upcoming oral argument.	.1	\$ 55.00
547.	4/10/19	Review and respond to Mindy House emails providing feedback on OAG briefs as filed.	.3	\$ 165.00
548.	4/10/19	Emails with David Lopez and Rutgers moot participants re upcoming moot.	.2	\$ 110.00
549.	4/11/19	Review order re LL participation in oral argument.	.1	\$ 55.00
550.	4/11/19	Emails with Greg Nevins re order re LL participation in oral argument.	.2	\$ 110.00
551.	4/11/19	Call with client to notify re court order re LL participation in oral argument.	.1	\$ 55.00
552.	4/11/19	Review and mark up copies of all orders on appeal and cross appeal—prep for oral argument.	.7	\$ 385.00
553.	4/11/19	Email to client notifying of order re LL participation in oral argument.	.1	\$ 55.00
554.	4/11/19	Emails with BN and MG re scheduling team meeting.	.2	\$ 110.00
555.	4/12/19	Emails with David Lopez re logistics for upcoming moot at Rutgers Law.	.1	\$ 55.00
556.	4/12/19	Review and respond to client email re order re LL participation in oral argument.	.1	\$ 55.00
557.	4/12/19	Email to Shannon Stevenson—advising of LL participation at oral argument and upcoming moots.	.1	\$ 55.00
558.	4/12/19	Emails with John Knight and Ria Mar coordinating call to discuss upcoming oral argument.	.1	\$ 55.00
559.	4/12/19	Call with John Knight and Ria Mar of the ACLU re oral argument strategy in Tudor re Etsitty and Title VII sex status coverage issue.	.9	\$ 495.00
560.	4/12/19	Email to John Knight and Ria Mar following up on call.	.1	\$ 55.00
561.	4/13/19	Emails with David Lopez re logistics for upcoming moot at Rutgers Law.	.2	\$ 110.00
562.	4/13/19	Review and mark up copies of trial transcripts—prep for oral argument.	.9	\$ 495.00
563.	4/13/19	Review and mark up copies of trial transcripts—prep for oral argument.	1.1	\$ 605.00
564.	4/13/19	Review and mark up copies of trial transcripts—prep for oral argument.	.6	\$ 330.00
565.	4/14/19	Email to Ria Mar (ACLU)—invitation to participate in Rutgers moot.	.2	\$ 110.00
566.	4/15/19	Emails with Ria Mar re feedback on OAG merits briefs on appeal.	.2	\$ 110.00
567.	4/15/19	Emails with MG and BN rescheduling team meeting.	.2	\$ 110.00
568.	4/15/19	Email to David Lopez re logistics for upcoming moot at Rutgers Law.	.1	\$ 55.00

569.	4/15/19	Review and revise affirmative points outline—prep for oral argument.	5.2	\$ 2,860.00
570.	4/15/19	Call with client re update on progress prepping for oral argument.	.3	\$ 165.00
571.	4/16/19	Team call with MG and BN to discuss oral argument strategy.	1.1	\$ 605.00
572.	4/16/19	Emails with BN and MG soliciting feedback on draft opening salvo and affirmative points.	.1	\$ 55.00
573.	4/16/19	Review and revise affirmative points outline—prep for oral argument.	1	\$ 550.00
574.	4/16/19	Email to John Knight and Ria Mar passing on copy of draft affirmative points.	.1	\$ 55.00
575.	4/17/19	Review and revise case capsule summaries—prep for oral argument.	1.8	\$ 990.00
576.	4/17/19	Emails with Jon Davidson re oral argument and coordinating participation in upcoming moots.	.3	\$ 165.00
577.	4/18/19	Email from BN providing suggested revisions to opening salvo and affirmative points.	.2	\$ 110.00
578.	4/18/19	Review and revise case capsule summaries—prep for oral argument.	3.4	\$ 1,870.00
579.	4/18/19	Email with Greg Nevins re CNN interest in story on client's appeal.	.1	\$ 55.00
580.	4/18/19	Review LL calendar acknowledgement as filed.	.1	\$ 55.00
581.	4/19/19	Emails with Jon Davidson re coordinating participation in upcoming moots.	.1	\$ 55.00
582.	4/19/19	Call with client to discuss upcoming moots and media strategy.	.7	\$ 385.00
583.	4/19/19	Review and revise case capsule summaries—prep for oral argument.	2.7	\$ 1,485.00
584.	4/19/19	Email to David Lopez re logistics for upcoming moot at Rutgers Law.	.1	\$ 55.00
585.	4/19/19	Emails with Ria Mar coordinating logistics for Rutgers Law moot.	.3	\$ 165.00
586.	4/19/19	Emails with client re client preferences for transportation for oral argument.	.4	\$ 220.00
587.	4/19/19	Emails with BN (cc MG) re next steps on CNN media spot offer.	.3	\$ 165.00
588.	4/19/19	Email with Greg Nevins re upcoming moots and coordinating practice together.	.1	\$ 55.00
589.	4/19/19	Emails with BN and MG re logistics for upcoming moot at Rutgers Law.	.2	\$ 110.00
590.	4/20/19	Email with Greg Nevins re upcoming moots and coordinating practice together.	.3	\$ 165.00
591.	4/20/19	Review and respond to BN (cc MG) re next steps on CNN media spot offer.	.1	\$ 55.00
592.	4/22/19	Emails with client re SCOTUS grant of certiorari in Harris Funeral Homes.	.7	\$ 385.00
593.	4/22/19	Emails with David Lopez re logistics for upcoming moot at Rutgers Law.	.2	\$ 110.00

594.	4/22/19	Email to Greg Nevins re SCOTUS cert grant in Harris Funeral Homes and potential impact on client appeal.	.2	\$ 110.00
595.	4/22/19	Emails with John Knight re not participating virtually in Rutgers moot.	.1	\$ 55.00
596.	4/22/19	Emails with Jon Davidson re tech difficulties accessing Rutgers moot.	.1	\$ 55.00
597.	4/22/19	Review order placing case in abatement.	.1	\$ 55.00
598.	4/22/19	Emails with Erica Lai and Sunu Chandy re order placing case in abatement.	.3	\$ 165.00
599.	4/22/19	Travel to Rutgers Law for moot.	1*	\$ 275.00
600.	4/22/19	Moot at Rutgers Law. Follow up meeting with David Lopez re Harris Funeral Homes.	2	\$ 1,100.00
601.	4/22/19	Travel back from Rutgers Law.	1*	\$ 275.00
602.	4/22/19	Call with BN and MG re SCOTUS grant of certiorari in Harris Funeral Homes and abatement.	.5	\$ 275.00
603.	4/22/19	Call with client re SCOTUS grant of certiorari in Harris Funeral Homes and abatement.	.3	\$ 165.00
604.	4/23/19	Emails with Katie Eyer re feedback on Rutgers moot.	.5	\$ 275.00
605.	4/23/19	Emails with Greg Nevins re abatement and SCOTUS grant of certiorari in Harris Funeral Homes.	.4	\$ 220.00
606.	4/23/19	Review and respond to client emails re abatement and related concerns.	.7	\$ 385.00
607.	4/23/19	Review and respond to email from Louis Raveson re feedback on Rutgers moot.	.2	\$ 110.00
608.	4/23/19	Call with client re abatement order and response strategy.	.4	\$ 220.00
609.	4/23/19	Emails with client re abatement order and response strategy.	1.2	\$ 660.00
610.	4/23/19	Review and revise Tudor motion to lift abatement.	6.5	\$ 3,575.00
611.	4/23/19	Review BN email to CNN reporter re coverage of client's appeal.	.2	\$ 110.00
612.	4/24/19	Review and respond to client emails re abatement and related concerns.	.4	\$ 220.00
613.	4/24/19	Emails with Shannon Stevenson re strategy and procedural issues in light of abatement.	.4	\$ 220.00
614.	4/24/19	Emails with Katie Eyer re substantive questions re Title VII doctrine for motion to vacate abatement.	.7	\$ 385.00
615.	4/24/19	Call with client re abatement order and related concerns.	.5	\$ 275.00
616.	4/24/19	Review and revise motion to lift abatement.	6.8	\$ 3,740.00
617.	4/24/19	Call with Kimberlé Crenshaw re strategy in light of abatement and SCOTUS cert of Harris Funeral Homes.	.4	\$ 220.00
618.	4/24/19	Email BN and MG draft motion to lift abatement with request for feedback.	.1	\$ 55.00

619.	4/25/19	Follow up emails with BN and MG seeking feedback on draft motion to lift abatement. Review and respond to BN feedback.	.1	\$ 55.00
620.	4/25/19	Emails with Sara Rice re MG availability for team meeting (cc BN).	.3	\$ 165.00
621.	4/25/19	Review and revise motion to lift abatement.	3.3	\$ 1,815.00
622.	4/25/19	Review and revise motion to lift abatement.	2.6	\$ 1,430.00
623.	4/26/19	Emails with Sara Rice re MG availability for team meeting (cc BN).	.2	\$ 110.00
624.	4/26/19	Email Greg Nevins draft motion to lift abatement with request for feedback.	.1	\$ 55.00
625.	4/26/19	Emails with MG and BN to coordinate team call re strategy to lift abatement.	.2	\$ 110.00
626.	4/26/19	Review and revise motion to lift abatement in light of conversation with BN.	7	\$ 3,850.00
627.	4/26/19	Call with BN to discuss strategy re motion to lift abatement.	.9	\$ 495.00
628.	4/26/19	Emails with client re draft motion to lift abatement.	.3	\$ 165.00
629.	4/26/19	Call with client to discuss client requested edits on motion to lift abatement.	.3	\$ 165.00
630.	4/26/19	Emails with Julie Chovanes re feedback on draft motion to lift abatement.	.2	\$ 110.00
631.	4/26/19	Review and respond to client question re questions SCOTUS granted certiorari in Harris Funeral Homes.	.2	\$ 110.00
632.	4/27/19	Review and revise draft motion to lift abatement. Legal research in support of same.	3.6	\$ 1,980.00
633.	4/28/19	Review and respond to client questions re ongoing revisions to draft motion to lift abatement.	.3	\$ 165.00
634.	4/29/19	Emails with Katie Eyer, Greg Nevins, and BN and MG re strategy to lift abatement.	.6	\$ 330.00
635.	4/29/19	Emails with BN and MG re motion to lift abatement.	.3	\$ 165.00
636.	4/29/19	Review and revise motion to lift abatement in light of exchanges with Katie Eyer, Greg Nevins, BN and MG.	4.1	\$ 2,255.00
637.	4/29/19	Call with client to discuss next steps re strategy to lift abatement.	.3	\$ 165.00
638.	4/29/19	Review and respond to client email re client goals for appeal.	.2	\$ 110.00
639.	4/29/19	Review and respond to Zach West email re next steps in appeal.	.2	\$ 110.00
640.	4/29/19	Emails with Jon Davidson re substantive feedback and strategy on motion to lift abatement.	.6	\$ 330.00
641.	4/30/19	Review and revise motion to lift abatement.	4.3	\$ 2,365.00
642.	4/30/19	Call with Zach West to discuss OAG position on Tudor motion to lift abatement.	.4	\$ 220.00
643.	4/30/19	Call with client to provide status update on motion to lift abatement.	.1	\$ 55.00

644.	4/30/19	Emails with client re client feedback on draft of motion to lift abatement.	.2	\$ 110.00
645.	4/30/19	Emails with MG and BN re draft motion to lift abatement.	.6	\$ 330.00
646.	5/1/19	Review and revise motion to lift abatement.	3	\$ 1,650.00
647.	5/1/19	Emails with Jon Davidson and Greg Nevins re substantive feedback and strategy on motion to lift abatement.	.6	\$ 330.00
648.	5/1/19	Emails Julie Chovanes draft motion to lift abatement seeking additional feedback.	.2	\$ 110.00
649.	5/1/19	Emails with Zach West re Tudor draft motion to lift abatement and seeking OAG position on same.	.3	\$ 165.00
650.	5/1/19	File Tudor motion to lift abatement.	.1	\$ 55.00
651.	5/2/19	Follow up email with Zach West re Tudor draft motion to lift abatement and seeking OAG position on same.	.1	\$ 55.00
652.	5/2/19	Email to Shannon Minter and Jennifer Levi passing copies of Tudor motion to lift abatement and seeking advice on next steps.	.2	\$ 110.00
653.	5/2/19	Review minute order directing OAG to respond to Tudor motion to lift abatement.	.1	\$ 55.00
654.	5/2/19	Emails with Erica Lai and Sunu Chandy re Tudor motion to lift abatement.	.1	\$ 55.00
655.	5/3/19	Emails with Shannon Minter and Jennifer Levi passing copies of Tudor motion to lift abatement and seeking advice on next steps.	.2	\$ 110.00
656.	5/3/19	Fly to Texas for in person meetings with client.	5*	\$ 1,375.00
657.	5/3/19	In person meeting with client to discuss next steps in case.	3.5	\$ 1,925.00
658.	5/4/19	In person meeting with client to discuss next steps in case.	5	\$ 2,750.00
659.	5/4/19	Emails with Bob Parker re oral argument cancelled.	.1	\$ 55.00
660.	5/5/19	In person meeting with client to discuss next steps in case.	5	\$ 2,750.00
661.	5/6/19	Fly back to NY after in person meetings with client.	5*	\$ 1,375.00
662.	5/7/19	Emails with MG and BN re scheduling team meeting.	.1	\$ 55.00
663.	5/8/19	Emails with MG and BN re scheduling team meeting.	.3	\$ 165.00
664.	5/8/19	Emails with MG and BN re legal commentary on impact of certiorari grant in Harris Funeral Homes.	.2	\$ 110.00
665.	5/8/19	MG email to client (cc EY and BN) notifying of decision to withdraw. Follow up emails re same with MG.	.6	\$ 330.00
666.	5/8/19	Call to client notifying her of MG email re withdrawal.	.2	\$ 110.00
667.	5/8/19	Call with client to discuss MG decision to withdraw.	.3	\$ 165.00

668.	5/9/19	Emails with client to discuss MG decision to withdraw and client greivances re same.	1.6	\$ 880.00
669.	5/9/19	Follow up emails with MG re decision to withdraw and coordinating withdrawal motion.	.7	\$ 385.00
670.	5/9/19	Review of MG motion to withdraw as filed.	.2	\$ 110.00
671.	5/9/19	Call with BN to discuss MG withdrawal and next steps.	1	\$ 550.00
672.	5/10/19	Follow up emails with BN re next steps in case after MG withdrawal.	.5	\$ 275.00
673.	5/10/19	Review of order granting MG withdrawal.	.1	\$ 55.00
674.	5/13/19	Follow up emails with BN to discuss next steps in light of MG withdrawal.	.3	\$ 165.00
675.	5/13/19	Review OAG response to Tudor motion to lift abatement.	.2	\$ 110.00
676.	5/15/19	Review order denying Tudor motion to lift abatement.	.1	\$ 55.00
677.	5/15/19	Emails with Sunu Chandy re order denying Tudor motion to lift abatement.	.1	\$ 55.00
678.	5/15/19	Emails with Shannon Minter and Jennifer Levi re potential of SCOTUS petition and research re same.	.4	\$ 220.00
679.	5/16/19	Emails with Shannon Stevenson notifying of denial of Tudor motion to lift abatement.	.1	\$ 55.00
680.	5/16/19	Emails with BN re potential of SCOTUS petition and research re same.	.3	\$ 165.00
681.	5/16/19	Emails with Shannon Minter and Jennifer Levi re potential of SCOTUS petition and strategy considerations of same.	.7	\$ 385.00
682.	5/16/19	Email to client advising of potential next strategic steps in appeal including SCOTUS petition.	.2	\$ 110.00
683.	5/17/19	Follow up emails with Shannon Minter and Jennifer Levi re additional advice on viability of SCOTUS petition.	.3	\$ 165.00
684.	5/17/19	Follow up from client re email advising of potential next strategic steps in appeal including SCOTUS petition.	.1	\$ 55.00
685.	5/17/19	Emails with Katie Eyer re advice on viability of SCOTUS petition.	.3	\$ 165.00
686.	5/17/19	Follow up emails with Shannon Minter and Jennifer Levi re additional advice on viability of SCOTUS petition.	.2	\$ 110.00
687.	5/20/19	Email to Rea Carey (Nat'l LGBTQ Task Force) seeking support if Tudor pursues SCOTUS petition.	.2	\$ 110.00
688.	5/20/19	In person meeting with Mara Kiesling and Harper Jean Tobin (NCTE) re seeking support if Tudor pursues SCOTUS petition.	.3	\$ 165.00
689.	5/21/19	Emails with client and BN coordinating time for team call.	.2	\$ 110.00
690.	5/21/19	Memo to file re potential SCOTUS strategy.	.8	\$ 440.00

691.	5/22/19	Legal research: potential viability of seeking certiorari before judgment.	5.5	\$ 3,025.00
692.	5/22/19	Email to Barbara Arnwine seeking feedback and support re potential SCOTUS petition.	.9	\$ 495.00
693.	5/22/19	Emails with client and BN re client strategy request involving Chickasaw Nation.	.3	\$ 165.00
694.	5/23/19	Emails with client and BN re client strategy request involving Chickasaw Nation.	.1	\$ 55.00
695.	5/28/19	Emails with client to coordinate trip to Texas and Oklahoma with client to discuss next steps in case.	.5	\$ 275.00
696.	5/29/19	Call with client to discuss upcoming in person meeting and client's preferred strategy re outreach to Chickasaw Nation for support.	1.2	\$ 660.00
697.	5/30/19	Emails with client and BN to discuss next steps in case.	.1	\$ 55.00
698.	5/30/19	Emails with client to coordinate team call with client.	.1	\$ 55.00
699.	5/31/19	Emails with client and BN to coordinate team call with client.	.1	\$ 55.00
700.	5/31/19	Call with client and BN to discuss next steps in case.	1.1	\$ 605.00
701.	5/31/19	Email from client re strategy.	.1	\$ 55.00
702.	6/1/19	Review and respond to client emails re strategy.	.4	\$ 220.00
703.	6/4/19	Fly to Texas to meet with client.	5*	\$ 1,375.00
704.	6/4/19	In person meeting with client to discuss next steps in case and client concerns re strategy.	1.5	\$ 825.00
705.	6/5/19	In person meeting with client to discuss next steps in case and client concerns re strategy and attorney concerns re relationship.	1	\$ 550.00
706.	6/6/19	Informal meeting with Sam Fulkerson re potential support in Tudor case.	1	\$ 550.00
707.	6/6/19	In person meeting with client to discuss next steps in case and client concerns re strategy and attorney concerns re relationship.	1.5	\$ 825.00
708.	6/7/19	Fly back to NY after client meetings.	5*	\$ 1,375.00
709.	6/7/19	Emails with BN re updates on problems with client and impact on case strategy.	1.2	\$ 660.00
710.	6/7/19	Emails with Kasey Suffrendi seeking potential support from FFAA re SCOTUS.	.3	\$ 165.00
711.	6/7/19	Email to Meg Cotter-Lynch re appeal status update and client support.	.2	\$ 110.00
712.	6/8/19	Emails with Kasey Suffrendi and Jon Davidson seeking potential support from FFAA re SCOTUS.	.1	\$ 55.00
713.	6/10/19	Call with BN to discuss problems with client and impact on case strategy.	1	\$ 550.00
714.	6/10/19	Email to DOJ re pending motion for protective order.	.1	\$ 55.00
715.	6/12/19	Emails with Meg Cotter-Lynch re appeal status update and client support.	.2	\$ 110.00

716.	6/12/19	Email with Meg Cotter-Lynch re appeal status update and client support.	.1	\$ 55.00
717.	6/13/19	Emails with client re media strategy.	.3	\$ 165.00
718.	6/14/19	Emails with client re media strategy.	.4	\$ 220.00
719.	6/14/19	Call with client re media strategy.	.2	\$ 110.00
720.	6/14/19	Texts with BN re media strategy and client relationship problems.	.2	\$ 110.00
721.	6/14/19	Call with BN re media strategy and client relationship problems.	.4	\$ 220.00
722.	6/17/19	Emails with BN re client relationship problems.	1.2	\$ 660.00
723.	6/18/19	Email with BN coordinating time for team call.	.1	\$ 55.00
724.	6/19/19	Call with BN to discuss strategy next steps and client relationship problems.	1.2	\$ 660.00
725.	6/19/19	Emails with BN re media.	.1	\$ 55.00
726.	6/24/19	Email with BN to coordinate team call.	.1	\$ 55.00
727.	6/25/19	Follow up emails with BN to coordinate team call.	.1	\$ 55.00
728.	6/26/19	Call with BN to discuss case next steps and client relationship problems.	.7	\$ 385.00
729.	7/12/19	Emails with BN re case next steps and client relationship problems.	.4	\$ 220.00
730.	7/15/19	Call with BN to discuss case next steps and client relationship problems.	.8	\$ 440.00
731.	7/15/19	Follow up emails with BN re case next steps.	.1	\$ 55.00
732.	7/18/19	Emails with BN re replacement counsel.	.1	\$ 55.00
733.	7/15/19	Call with BN to discuss case status and next steps in light of client problems.	1.3	\$ 715.00
734.	7/20/19	Emails with BN re client emails and relationship problems.	.5	\$ 275.00
735.	7/22/19	Emails with BN coordinating agenda for call with client.	.1	\$ 55.00
736.	7/22/19	Review BN email with client and EY re agenda for call.	.1	\$ 55.00
737.	7/22/19	Call with BN and client to discuss strategy decisions going forward and settlement potential.	1.8	\$ 990.00
738.	7/22/19	Review and respond to BN email with notes from call with client.	.2	\$ 110.00
739.	8/2/19	Email to client checking status and plan to set up call.	.1	\$ 55.00
740.	8/5/19	Emails with BN and client re team call coordination.	.1	\$ 55.00
741.	8/5/19	Call with BN re strategy for call with client.	.4	\$ 220.00
742.	8/5/19	Call with BN and client re relationship problems and case next steps.	5	\$ 2,750.00
743.	8/5/19	Call with client re relationship problems and case next steps.	4.1	\$ 2,255.00
744.	8/6/19	Emails with BN coordinating email notice to client notifying of desire to withdraw.	.3	\$ 165.00

745.	8/6/19	Email to client notifying of BN and EY intent desire to withdraw and coordinating next steps re same.	.5	\$ 275.00
746.	8/20/19	Follow up email to client reiterating BN and EY intent to withdraw and coordinating next steps re same.	.2	\$ 110.00
747.	8/23/19	Coordinating client contact with BN.	.1	\$ 55.00
748.	8/26/19	Coordinating client contact with BN.	.1	\$ 55.00
749.	9/4/19	Coordinating client contact with BN.	.3	\$ 165.00
750.	9/6/19	Draft joint letter with BN to client re intent to withdraw and coordinating next steps re same.	.5	\$ 275.00
751.	9/6/19	Email and FedEx joint letter to client re intent to withdraw and coordinating next steps re same.	.1	\$ 55.00
752.	9/13/19	Review and respond to client email re intent to withdraw and coordinating same.	.2	\$ 110.00
753.	9/20/19	Follow up emails with BN re communications with client re withdrawal and next steps.	.3	\$ 165.00
754.	10/8/19	Emails with BN re client email re third party communications.	.3	\$ 165.00
755.	10/8/19	Review and respond to client email re third party communications.	.5	\$ 275.00
756.	10/8/19	Call with BN re client email re third party communications.	.2	\$ 110.00
757.	10/8/19	Review SCOTUS oral argument transcripts in Harris Funeral Homes and Bostock/Zarda to ascertain pertinent updates re 10th Cir status report.	1.2	\$ 660.00
758.	10/9/19	Emails with BN outlining strategy for forthcoming status report to 10th Cir.	.6	\$ 330.00
759.	10/10/19	Draft joint BN and EY motion to withdraw against client consent and alternative filings supporting withdrawal with client consent. Legal research supporting same.	3.5	\$ 1,925.00
760.	10/14/19	Review client email sent to third-party and forwarded to me by same. Follow up with BN re same.	.4	\$ 220.00
761.	10/14/19	Review client email sent to BN. Follow up emails with BN re same.	.6	\$ 330.00
762.	10/15/19	Review BN draft email to client responding to client 10/14/19 email.	.2	\$ 110.00
763.	10/15/19	Review and revise draft withdrawal motions—both with and without client consent.	.4	\$ 220.00
764.	10/15/19	Email draft withdrawal motions to BN for feedback and review. Emails discussing same.	.4	\$ 220.00
765.	10/15/19	Draft motion to seal to accompany for cause motion to withdraw without client consent. Legal research supporting same.	.6	\$ 330.00
766.	10/15/19	Email BN draft motion to seal to accompany for cause motion to withdraw without client consent.	.1	\$ 55.00

767.	10/15/19	Review and revise draft motions for withdrawal with and without client consent in light of BN comments.	.2	\$ 110.00
768.	10/16/19	Review and revise draft motions for withdrawal with and without client consent.	.5	\$ 275.00
769.	10/16/19	Email BN revised draft motions for withdrawal with and without client consent.	.1	\$ 55.00
770.	10/16/19	Review BN email to client responding to client 10/14/19 email and passing on draft copies of withdrawal motions with and without client consent.	.1	\$ 55.00
771.	10/16/19	Draft status report to 10th Cir.	.4	\$ 220.00
772.	10/16/19	Email BN copy of draft status report to 10th Cir. Follow up emails re same.	.1	\$ 55.00
773.	10/18/19	Follow up emails with BN re non-response from client re 10/16/19 email.	.2	\$ 110.00
774.	10/18/19	Review BN email to client following up on 10/16/19 email to client.	.1	\$ 55.00
775.	10/21/19	Review and revise status report.	.1	\$ 55.00
776.	10/21/19	File status report.	.1	\$ 55.00
777.	10/21/19	Email copy of status report to client.	.1	\$ 55.00
778.	10/21/19	Emails with Sunu Chandy re status report as filed.	.1	\$ 55.00
779.	10/25/20	Emails with BN re outreach from Mike Redman re representation of Tudor.	.5	\$ 275.00
780.	1/3/20	Review minute order directing Tudor to file status report by 2/3/20.	.1	\$ 55.00
781.	1/3/20	Emails with BN re order directing Tudor to file status report by 2/3/19 and collaborate on draft email to client re same.	.4	\$ 220.00
782.	1/3/20	Email to client advising of minute order directing Tudor to file status report by 2/3/19.	.1	\$ 55.00
783.	1/13/20	Review client letter notifying of new representation.	.2	\$ 110.00
784.	1/13/20	Call with BN to discuss client letter notifying of new representation and next steps re same.	.3	\$ 165.00
785.	1/13/20	Emails with BN and JW re new representation and next steps.	.4	\$ 220.00
786.	1/15/20	Review JW notice of appearance and motion to substitute counsel.	.3	\$ 165.00
787.	1/15/20	Emails with BN re JW motion to substitute counsel.	.3	\$ 165.00
788.	1/15/20	Call with BN re JW motion to substitute counsel.	.2	\$ 110.00
789.	1/15/20	Draft and exchange edits with BN re response to JW motion to substitute.	.5	\$ 275.00
790.	1/15/20	File EY and BN response to JW motion to substitute.	.1	\$ 55.00
791.	1/16/20	Review JW "Reply" to EY and BN response to JW motion to substitute.	.1	\$ 55.00
792.	3/30/20	Emails with BN re missed deadline for status report.	.2	\$ 110.00

793.	3/30/20	Email (cc BN) notifying JW of missed deadline for status report.	.1	\$ 55.00
794.	3/30/20	Review status report filed by JW.	.1	\$ 55.00
795.	6/15/20	Review status report filed by JW.	.1	\$ 55.00
796.	6/16/20	Review order lifting abatement and granting Tudor motion for substitution of counsel.	.1	\$ 55.00

Total Hours: 720.4
Billing Rate: \$550 (1/2 rate for travel hours)
Total Fees w/o multiplier: \$ 390,170.00
Total Fees w/ 1.5 multiplier: \$ 585,255.00

Exhibit 2

DECLARATION OF BRITTANY NOVOTNY, ESQ.

I, Brittany Novotny, declare as follows:

1. I am the sole proprietor of 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

1. In my original petition for attorneys' fees filed on June 20, 2018 (ECF No. 303) I sought compensation for 129.7 hours of work at an hourly rate of \$300, for a total lodestar request of \$38,910. Along with other attorneys on that same motion, I sought application of a 1.5 multiplier, bringing my fees request to a total of \$58,365.
2. In the instant supplemental motion for attorneys' fees, I am seeking compensation for the time I spent on this matter between June 21, 2018 through present. In sum, I am seeking compensation for an additional 97.5 hours of work at an hourly rate of \$300, for a total lodestar request of \$29,250.00. Along with Mr. Young, I'm seeking application of a 1.5 multiplier, bringing my fees request to a total of \$43,875.00.
3. Itemized time entries showing the supplemental work I performed at the trial court level for which I seek compensation are attached at Exhibit A.

4. Itemized time entries showing the work I performed at the appellate court level for which I seek compensation are attached at Exhibit B.

Education and Training

5. I previously shared my education and training. I maintain those representations are accurate. *See* Novotny Dec., ECF No. 303-2 ¶¶ 4–8.

Experience

6. I previously shared my experience with the Court. *See* Novotny Dec., ECF No. 303-2 ¶¶ 9–14.

Service as Tudor’s Counsel

7. I served as Tudor’s private counsel from early 2015 up through my withdrawal at the trial court level, granted in March 2020, and at the appellate court level, granted in June 2020.
8. I previously apprised this court of work I performed for Tudor. *See* Novotny Dec., ECF No. 303-2 ¶¶ 15–29.
9. Throughout the entirety of my representation of Dr. Tudor, I endeavored to ensure she was provided with excellent representation that was also non-duplicative and cost efficient.
10. As to my own hours billed, I endeavored throughout my representation of Tudor to bill only for work absolutely needed to further the prosecution of her case at the trial court and appellate levels. 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' untimely motion for judgment notwithstanding the verdict in Summer 2018 consumed many hours, but was necessary in light of Defendants' unwillingness to concede their motion was untimely.
- b. For example, responding to the Tenth Circuit's decision to place the Tudor case in abatement while the Supreme Court of the United States took up cases concerning employment discrimination regarding transgender individuals consumed a significant amount of hours between drafting merits briefs and performing necessary legal research in support of the same, in order to seek timely justice for Dr. Tudor.

Hourly Rate Sought

11. In this matter, I am seeking an hourly rate of \$300.
12. An hourly rate of \$300 is reasonable given my educational background, previous trial experience, unique perspective on acceptance of transgender individuals in Oklahoma, non-duplicative work, and contributions to the trial and appellate phases of this case, all of which brought about an excellent result for Dr. Tudor.
13. An hourly rate of \$300 also aligns with rates I have been compensated at most recently in private settlements in less complex employment discrimination matters where I represented transgender workers.
14. An hourly rate of \$300 is conservative given the comparable rates for work in federal litigation performed by lawyers with my equivalent education,

experience, and expertise in the Oklahoma City metropolitan area, where my offices are currently located.

15. It is my regular practice to keep contemporaneous records of hours billed in all employment contingency matters I handle and I followed that practice throughout the time I worked on this matter.

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

a. I declined to bill for many of the considerable hours I expended working with other current and former counsel for Dr. Tudor on issues related to our attorneys' fees petitions.

b. I declined to bill for all the work I expended reviewing records and drafting motions and declarations associated with this supplemental motion for attorneys' fees.

c. I declined to bill for any travel I incurred related to Dr. Tudor's case.

17. I personally reviewed and prepared my itemized fees in this matter for work done at the trial level (Exhibit A) and appellate level (Exhibit B) to ensure accuracy, remove duplicative billing, and to otherwise exercise billing judgment in accordance with binding precedents.

Application of a Multiplier is Justified.

18. I requested that the Court apply a multiplier in the first motion for attorneys' fees as well as the instant supplemental motion. In my judgment application of a multiplier is appropriate. In support of my request, and to supplement

points previously made (see Novotny Dec., ECF No. 303-2 ¶¶ 30–32), I submit the following:

19. Risks of appeal. Application of a multiplier is warranted in light of the risks of prosecuting Tudor’s appeal and defending against Defendants’ cross-appeal.

- a. The appeal and cross-appeal were filed in 2018. At the time, Tudor faced an up-hill battle despite having won her historic jury trial in November 2017.
- b. While Tudor’s direct appeal of remedies was merited, her appeal was risky in light of the Tenth Circuit’s long silence on the availability of true make-whole relief in employment discrimination cases, particularly tenure-denial cases like this one. Not only was the legal terrain unclear on remedies, but it required specialized expertise to piece together a winning strategy and repeated consultations with leading experts on Title VII and remedies. This went above and beyond what is reasonably expected in a normal employment discrimination appeal.
- c. Tudor’s defense of the Defendants’ cross-appeal was also merited, but risky in light of the open question, at the time, of whether the U.S. Supreme Court would ultimately affirm that transgender people are protected by Title VII’s sex discrimination proscription. Successfully setting up Tudor’s defense to the cross-appeal required, once again, specialized expertise to piece together a winning strategy and repeated consultations with leading experts on Title VII and transgender rights.

This went above and beyond what is reasonably expected in a normal employment discrimination appeal.

20. Other attorneys would not take this appeal. Application of a multiplier is warranted because it appropriately incentivizes attorneys to take on appeals like this one.

- a. At the time Tudor's appeal was filed in 2018, there were no firms or nonprofit organizations that were willing to take her case on despite the historic success of her November 2017 jury trial.
- b. Between 2018 and 2019, I recall that on several occasions Tudor asked me to assist her in finding private law firms to take on her case either on a pro bono or contingency basis. Unfortunately, I was unable to find her any viable options given the large number of attorneys who were conflicted out of the case and belief by many that there were little to no available attorneys' fees left in the case.

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- c. It is my understanding that after Mr. Young and I notified Tudor that we desired to withdraw as her counsel in August 2019, that Tudor struggled, again, to find new appellate counsel. In fact, in part because Tudor could not find new counsel, Mr. Young and I remained on the case for several months thereafter until Tudor retained Jillian Weiss in January 2020 as her counsel for the second time.

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

Executed this 27th day of September, 2021 in Granite Ledge Township, Minnesota.



Brittany M. Novotny Esq.

Exhibit A

Brittany M. Novotny, Esq.
Billing for
Tudor v. Se. Okla. 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.
* Travel time, billed at 1/2 rate.

#	DATE	DESCRIPTION	HOURS	FEE
1.	6/21/18	Emails with MG and EY re TLDEF counsel contact re fees petition and discussing response to same.	.2	\$ 60.00
2.	6/22/18	Review EY email to client re TLDEF fees filings.	.1	\$ 30.00
3.	6/22/18	Follow up emails and texts with EY and MG re DOJ correspondence to counsel re DOJ common interest agreement.	.4	\$ 120.00
4.	6/26/18	Emails with BN and EY to discuss fees petition and post-judgment filings.	.2	\$ 60.00
5.	6/26/18	Review letter from TLDEF counsel re fees petition. Follow up emails and texts with MG and EY.	.5	\$ 150.00
6.	6/28/18	Emails and texts with MG and EY re DOJ letter re common interest privilege.	.2	\$ 60.00
7.	7/3/18	Review OAG motion for extension of page limit on JNOV/New Trial motion.	.2	\$ 60.00
8.	7/3/18	Texts with EY and MG re OAG email re position on seeking leave to file oversived brief JNOV/New Trial.	.2	\$ 60.00
9.	7/3/18	Review EY email re legal research on fee splitting in NY with non-profit law firm.	.2	\$ 60.00
10.	7/3/18	Emails with EY and MG re upcoming deadlines in post-trial briefing.	.2	\$ 60.00
11.	7/3/18	Draft Tudor tax offset and interest motion.	.8	\$ 240.00
12.	7/5/18	Review OAG motion for JNOV/New Trial. Emails with MG re same.	.8	\$ 240.00
13.	7/5/18	Review OAG motion opposing Tudor costs.	.2	\$ 60.00

14.	7/5/18	Emails and texts with EY and MG re amendment to motion for pre and post judgment interest.	.3	\$ 90.00
15.	7/5/18	Emails with EY and MG re Tudor motion for interest and tax offset.	.2	\$ 60.00
16.	7/12/18	Emails to counsel re Tudor position on motion for scheduling relief and time to respond to fees petitions.	.3	\$ 90.00
17.	7/12/18	Review EY email re feedback on draft motion for scheduling relief on time to respond to attorneys fees/costs.	.2	\$ 60.00
18.	7/19/18	Emails with MG and EY re 8/16/18 costs hearing in district court.	.3	\$ 90.00
19.	7/19/18	Review notice to District Court re Tudor filing of motion to lift abatement in 10th Cir and order requiring OAG to respond to the same.	.2	\$ 60.00
20.	7/20/18	Review OAG opposition to Tudor motion for prejudgment interest and tax offset.	.2	\$ 60.00
21.	7/20/18	Email with EY and MG re OAG objections to Tudor motion for prejudgment interest and tax offset.	.2	\$ 60.00
22.	7/20/18	Emails with EY and MG re upcoming costs hearing.	.3	\$ 90.00
23.	7/23/18	Emails with EY and MG re draft of Tudor motion for extension of time to respond to OAG Rule 50b/59.	.2	\$ 60.00
24.	7/25/18	Emails with MG and EY re Tudor draft opposition to OAG Rule 50b/59 motion.	.6	\$ 180.00
25.	8/1/18	Emails with EY and MG re Tudor reply to OAG opposition to motion seeking extension of time to respond on the merits of OAG Rule 50/59 motion.	.4	\$ 120.00
26.	8/2/18	Review OAG reply to Tudor opposition to OAG Rule 50b/59.	.3	\$ 90.00
27.	8/6/18	Review OAG subpoenas of JW and TLDEF re fees and costs.	.3	\$ 90.00
28.	8/7/18	Email with EY (cc MG) re costs hearing.	.3	\$ 90.00
29.	8/8/18	Review order granting Tudor extension of time to file response to OAG Rule 50b/59 motion.	.2	\$ 60.00
30.	8/8/18	Review OAG response to Tudor motion to strike OAG Rule 50b/59 motion.	.6	\$ 180.00
31.	8/14/18	Emails with EY and MG re draft of Tudor reply to Motion to strike OAG Rule 50b/59. Substantive discussion of necessary revisions and overarching strategy.	.7	\$ 210.00
32.	8/15/18	Emails to MG and BN re OAG request for production re costs and fees applications.	.2	\$ 60.00
33.	8/16/18	Emails with BN and MG re emails from DOJ re motion for protective order.	.2	\$ 60.00
34.	8/16/18	Email with EY and MG re costs hearing and next steps.	.2	\$ 60.00

35.	8/27/18	Review EY forward of email from Clerk re granting OAG permission to file supplemental brief opposing costs.	.1	\$ 30.00
36.	9/18/18	Review order on Tudor motion to strike OAG Rule 50/59 and OAG merits motion. Call with client re same. Texts with MG and EY re same.	.4	\$ 120.00
37.	9/21/18	Texts with MG and EY re potential negotiation terms with OAG re discovery requests related to attorneys fees.	.3	\$ 90.00
38.	9/26/18	Emails with EY and MG re proposing potential compromise offer to OAG on outstanding post-trial discovery requests re attorneys fees.	.8	\$ 240.00
39.	10/10/18	Review notice of appearance of Zach West.	.1	\$ 30.00
40.	10/10/18	Review minute orders.	.2	\$ 60.00
41.	7/22/19	Review EY emails with client re mitigation efforts.	.2	\$ 60.00
42.	7/23/19	Review EY emails to client re mitigation efforts.	.1	\$ 30.00
43.	7/24/19	Review EY emails with client re mitigation efforts.	.3	\$ 90.00
44.	8/1/19	Emails with EY re non-responsiveness of client to emails and texts.	.2	\$ 60.00
45.	1/16/20	Emails with EY to discuss filing of joint motion to withdraw and content of same.	.4	\$ 120.00
46.	1/16/20	Review EY emails to counsel for all parties notifying of intent to withdraw.	.6	\$ 180.00
47.	1/16/20	Review draft joint motion for BN and EY to withdraw. Send feedback to EY re same.	.4	\$ 120.00
48.	1/16/20	Review draft proposed order for motion for BN and EY to withdraw.	.1	\$ 30.00
49.	1/16/20	Review as filed joint BN and EY motion to withdraw and proposed order to clerk.	.2	\$ 60.00
50.	2/10/20	Review order granting BN and EY motion to withdraw.	.1	\$ 30.00

Total Hours: 15.1
Billing Rate: \$ 300/hr (no travel charged)
Total Fees w/o multiplier: \$ 4,530.00
Total Fees w/ 1.5 multiplier: \$ 6,795.00

Exhibit B

Brittany M. Novotny, Esq.
 Billing for
Tudor v. Se. Okla. Univ. et al., 18-6102 and 18-6165 (10th Cir.)

ABBREVIATIONS:

ACLU: American Civil Liberties Union
 EY: Ezra Young
 DOJ: U.S. Department of Justice
 JW: Jillian Weiss
 FFAA: Freedom for All Americans
 LL: Lambda Legal
 MG: Marie Galindo
 NCTE: National Center for Transgender Equality
 NWLC: National Women's Law Center
 OAG: Oklahoma Attorney General's Office/ Defendants
 O&G: Outten & Golden, LLP
 RUSO: Regional University System of Oklahoma
 SE: Southeastern Oklahoma State University
 TLDEF: Transgender Legal Defense and Education Fund, Inc.
 * Travel time, billed at 1/2 rate.

#	DATE	DESCRIPTION	HOURS	FEE
1.	4/16/18	Emails with MG and EY setting up time for team meeting re Tudor 10th Cir appeal and follow up on task division re appeal.	.3	\$ 90.00
2.	4/17/18	Emails with MG and EY re team meeting on 4/25/18 re appeal strategy for Tudor.	.1	\$ 30.00
3.	4/25/18	Emails with EY and MG re scheduling meeting to discuss appeal strategy.	.2	\$ 60.00
4.	4/25/18	Review EY email with MG re scheduling for team meeting re appeal.	.1	\$ 30.00
5.	4/26/18	Appeals strategy team meeting phone call with EY and MG.	2.1	\$ 630.00
6.	4/26/18	Review EY draft summary of team meeting call and task division decisions.	.2	\$ 60.00
7.	6/6/18	Emails with MG and EY re content of notice of appeal and strategy.	.5	\$ 150.00
8.	6/6/18	Review Tudor notice of appeal in the 10th Cir.	.1	\$ 30.00
9.	6/11/18	Emails with EY and MG re docketing statement.	.1	\$ 30.00
10.	6/13/18	Texts with MG and EY re upcoming deadlines for 10th Cir and reschedule team meeting re 10th Cir filings.	.3	\$ 90.00
11.	6/14/18	Review EY memo re upcoming 10th Cir deadlines.	.3	\$ 90.00
12.	6/19/18	Draft application for admission to 10th Cir and sign.	.1	\$ 30.00
13.	7/11/18	Review EY summary update email to re next steps in 10th Cir appeal and work split check-	.3	\$ 90.00

		in; update on 10th Cir amicus efforts; update on draft 10th Cir opening brief.		
14.	7/18/18	Emails with EY and MG re scheduling abatement order entered by 10th Cir and strategy re same.	.2	\$ 60.00
15.	7/18/18	Call with EY re strategy on motion to lift abatement in 10th Cir.	.3	\$ 90.00
16.	7/22/18	Emails with EY and MG re strategy for Tudor 10th Cir appendix materials and substantive discussion re same.	.3	\$ 90.00
17.	7/31/18	Emails with EY and MG re latest draft of opening brief and coordinating group edits.	.3	\$ 90.00
18.	8/2/18	Emails with EY and MG re latest draft of opening brief.	.2	\$ 60.00
19.	8/7/18	Emails with EY and MG re amicus brief status updates.	.3	\$ 90.00
20.	8/30/18	Emails with MG and EY re appellate strategy and related pending motions in district court.	.1	\$ 30.00
21.	8/30/18	Call with MG and EY re appellate strategy and related pending motions in district court.	1	\$ 300.00
22.	9/4/18	Emails with EY and MG re draft status report due at 10th Cir.	.2	\$ 60.00
23.	9/6/18	Review order from 10th Cir continuing scheduling abatement.	.2	\$ 60.00
24.	9/6/18	Emails with EY and MG re strategy re continued scheduling abatement in 10th Cir.	.3	\$ 90.00
25.	9/19/18	Review notice to 10th Cir re district court's disposition of OAG Rule 50/59 motion.	.1	\$ 30.00
26.	9/26/18	Review 10th Cir order re lifting abatement and new deadlines for merits briefing. Emails with EY and MG re same.	.2	\$ 60.00
27.	10/2/18	Emails with EY and MG to coordinate team meeting to discuss cross-appeal strategy on 10/5/18.	.2	\$ 60.00
28.	10/2/18	Review 10th Cir order changing briefing deadline and new deadlines for appearance and docketing statements in cross appeal.	.2	\$ 60.00
29.	10/3/18	Review email from MG re scheduling team meeting.	.1	\$ 30.00
30.	10/5/18	Emails with EY and MG re coordinating team meeting.	.2	\$ 60.00
31.	10/5/18	Call with EY and MG re next steps in Tudor appeal.	1	\$ 300.00
32.	10/10/18	Review OAG docketing statement for cross-appeal.	.3	\$ 90.00
33.	10/10/18	Review order setting cross-appeal schedule.	.1	\$ 30.00
34.	10/16/18	File notice of appearance.	.1	\$ 30.00
35.	10/17/18	Review MG notice of appearance.	.1	\$ 30.00
36.	10/18/18	Emails with EY and MG re clarification on phrasing of remittitur error on appeal.	.5	\$ 150.00
37.	10/19/18	Email to EY re clarification on phrasing of remittitur error on appeal.	.2	\$ 60.00

38.	10/23/18	Email from MG re media inquiry made re Tudor's appeal by CBS producer. Team discussion re ethics rules on publicity and potential next steps re client and strategy.	.8	\$ 240.00
39.	10/29/18	Emails with EY and MG to set time for team meeting on 11/1/18.	.2	\$ 60.00
40.	10/30/18	Emails with EY and MG re formatting and content of opening brief and appendices.	.3	\$ 90.00
41.	11/1/18	Emails with EY and MG with copy of draft of opening brief and suggested agenda for team meeting.	.3	\$ 90.00
42.	11/2/18	Review EY email to client re media strategy in appeal and next steps.	.2	\$ 60.00
43.	11/6/18	Review EY email with new draft of opening brief and coordinating appendices.	.6	\$ 180.00
44.	11/8/18	Emails with MG and EY re opening brief including my substantive edits to same.	.9	\$ 270.00
45.	11/9/18	Review LL motion seeking extension of time to file amicus brief.	.2	\$ 60.00
46.	11/10/18	Emails with EY (cc MG) re suggested edits to opening brief.	.3	\$ 90.00
47.	11/11/18	Emails with EY (cc MG) re help needed to compile trial exhibits for appendices.	.3	\$ 90.00
48.	11/11/18	Review MG and EY emails re materials needed for inclusion in appendix and feedback on substance of opening brief.	.3	\$ 90.00
49.	11/12/18	Review EY emails with Sara Rice (cc MG) re trial transcripts in appendices. Discussion of local rules on inclusion of whole transcript on appeal rather than excerpts.	.3	\$ 90.00
50.	11/13/18	Review EY emails with MG re confirming on schedule to file appendix.	.1	\$ 30.00
51.	11/13/18	Review Greg Nevins notice of appearance.	.1	\$ 30.00
52.	11/13/18	Review order granting LL motion to extend time to file amicus brief.	.1	\$ 30.00
53.	11/13/18	Emails with MG and EY re coordinating team edits to opening brief.	.4	\$ 120.00
54.	11/13/18	Review and revise opening brief.	1.8	\$ 540.00
55.	11/13/18	Review EY email to Sara Rice email re color printing of portions of appendices.	.1	\$ 30.00
56.	11/19/18	Review opening brief as filed.	.8	\$ 240.00
57.	11/19/18	Review EY emails with Sara Rice confirming filing of Tudor appendix all volumes.	.2	\$ 60.00
58.	11/19/18	Emails with MG and EY re MG concern about Tudor compliance with appendix local rules.	.4	\$ 120.00
59.	11/20/18	Review court minute order setting due date for OAG brief.	.1	\$ 30.00
60.	11/20/18	Review MG filing of errata sheet.	.1	\$ 30.00
61.	11/27/18	Emails with MG and EY re SCOTUS watch and potential impact on Tudor appeal.	.2	\$ 60.00
62.	11/28/19	Review NWLC amicus brief as filed.	.2	\$ 60.00

63.	11/28/19	Review minute entry directing NWLC attorneys to file notices of appearance.	.1	\$ 30.00
64.	11/29/19	Review OAG motion seeking extension of time to file merits brief.	.2	\$ 60.00
65.	12/10/19	Review NWLC attorneys' notices of appearance as filed.	.2	\$ 60.00
66.	12/31/18	Review EY emails with Zach West to review styled joint motion for oversized briefs.	.2	\$ 60.00
67.	12/31/18	Review of OAG motion for request for oversized briefs.	.2	\$ 60.00
68.	1/2/19	Review of 10th Cir order granting joint motion for oversized briefs.	.2	\$ 60.00
69.	1/10/19	Review of OAG opening brief on cross appeal as filed.	1.2	\$ 360.00
70.	1/10/19	Review of OAG supplemental appendix as filed.	.8	\$ 240.00
71.	1/10/19	Emails with MG and EY to set up team meeting.	.3	\$ 90.00
72.	1/11/19	Review notice of deficient appendix re OAG supplemental appendix.	.1	\$ 30.00
73.	1/11/19	Review OAG errata sheet re supplemental appendix.	.1	\$ 30.00
74.	1/14/19	Review minute order setting date for Tudor third brief.	.1	\$ 30.00
75.	1/14/19	Call with EY and MG to discuss strategy re Tudor reply/response brief, workflow, and edits to draft outline.	.7	\$ 210.00
76.	1/21/19	Emails with MG and EY re draft outline of reply/response brief and partial first draft of reply/response brief.	.2	\$ 60.00
77.	2/1/19	Emails with EY and MG re latest draft of reply/response brief.	.2	\$ 60.00
78.	2/2/19	Review MG reply re seeking feedback on reply/response brief.	.1	\$ 30.00
79.	2/4/19	Review EY email with latest draft of reply/response brief.	.1	\$ 30.00
80.	2/7/19	Review long substantive email from MG providing feedback on Daubert section of reply/response brief.	.3	\$ 90.00
81.	2/11/19	Review reply/response brief as filed.	.8	\$ 240.00
82.	2/20/19	Review EY emails with amici counsel and Katie Eyer re advice on position on OAG proposal to supplement appendix.	.2	\$ 60.00
83.	2/21/19	Review final LL amicus brief as filed.	.2	\$ 60.00
84.	2/22/19	Review follow up EY email with amici counsel and Katie Eyer re seeking concession re OAG proposal to supplement appendix.	.1	\$ 30.00
85.	2/22/19	Review OAG motion seeking leave to file supplemental appendix.	.1	\$ 30.00
86.	2/22/19	Review order granting OAG motion for leave to file supplemental appendix.	.1	\$ 30.00
87.	2/27/19	Emails with EY and MG re recent trans rights opinion by 10th Cir.	.3	\$ 90.00

88.	2/28/19	Follow up emails with EY and MG re recent trans rights opinion by 10th Cir.	.1	\$ 30.00
89.	3/1/19	Follow up emails with EY and MG re recent trans rights opinion by 10th Cir.	.2	\$ 60.00
90.	3/4/19	Review OAG Third Brief as filed.	1.2	\$ 360.00
91.	3/4/19	Review OAG supplemental appendix as filed.	.1	\$ 30.00
92.	3/5/19	Review order granting in part, denying in part OAG motion to file supplemental appendix.	.1	\$ 30.00
93.	3/6/19	Call with EY and MG re strategy on Tudor motion for leave to file surreply, and substance of surreply.	1.2	\$ 360.00
94.	3/8/19	Review EY email with copy of surreply merits brief for feedback.	.1	\$ 30.00
95.	3/11/19	Emails with EY and MG re draft of surreply brief and discussion of OAG objections to filing.	.5	\$ 150.00
96.	3/12/19	Emails with EY and MG re suggested edits to Tudor motion for leave to file surreply and surreply merits brief.	.7	\$ 210.00
97.	3/13/19	Review Tudor motion for leave to file surreply with accompanying copy of merits surreply brief.	.2	\$ 60.00
98.	3/14/19	Review order directing OAG to file response to opposed Tudor motion seeking leave to file surreply brief.	.1	\$ 30.00
99.	3/22/19	Texts with EY and MG re discuss OAG opposition to Tudor's motion seeking leave to file surreply. Set up team meeting to discuss oral argument.	.3	\$ 90.00
100.	3/22/19	Review order referring Tudor surreply motion to merits panel.	.1	\$ 30.00
101.	3/22/19	Review order setting oral argument.	.1	\$ 30.00
102.	3/22/19	Review OAG opposition to Tudor motion seeking leave to file surreply.	.5	\$ 150.00
103.	3/25/19	Strategy call with EY and MG re oral argument strategy, task delegation for argument prep, and next steps.	1	\$ 300.00
104.	3/25/19	Follow up emails with EY and MG re oral argument strategy, task delegation for argument prep, and next steps.	.5	\$ 150.00
105.	3/27/19	Emails with EY and MG BN re updates on oral argument preparations.	.6	\$ 180.00
106.	3/27/19	Review EY email with MG re potential moot support from U Colo professor.	.1	\$ 30.00
107.	3/28/19	Emails with EY and MG re proposed FRAP 28j letter.	.3	\$ 90.00
108.	3/28/19	Emails with EY and MG re calendar acknowledgment letters.	.2	\$ 60.00
109.	3/28/19	Review EY email relaying conversation with Greg Nevins re LL motion for leave to participate in oral argument.	.1	\$ 30.00
110.	3/28/19	Emails with EY and MG re draft FRAP 28j letter.	.2	\$ 60.00

111.	3/28/19	Emails with MG and EY re filing of calendar acknowledgement forms.	.1	\$ 30.00
112.	3/28/19	Emails with EY (cc MG) re media strategy on appeal.	.3	\$ 90.00
113.	3/29/19	Review EY and MG email re MG edits forthcoming on FRAP 28j letter.	.1	\$ 30.00
114.	3/29/19	Review EY email re revised FRAP 28j letter.	.1	\$ 30.00
115.	4/3/19	Call with EY re concerns about client status.	.8	\$ 240.00
116.	4/4/19	Review LL motion for leave to participate in oral argument as filed.	.2	\$ 60.00
117.	4/5/19	Email to TLDEF and JW re client directions on upcoming oral argument and request on communications and comments.	.4	\$ 120.00
118.	4/11/19	Review order re LL participation in oral argument.	.1	\$ 30.00
119.	4/11/19	Emails with EY and MG re scheduling team meeting.	.2	\$ 60.00
120.	4/15/19	Emails with MG and EY rescheduling team meeting.	.2	\$ 60.00
121.	4/16/19	Team call with EY and MG to discuss oral argument strategy.	1.1	\$ 330.00
122.	4/16/19	Emails with EY and MG re feedback on draft opening salvo and affirmative points.	.1	\$ 30.00
123.	4/19/19	Emails with EY (cc MG) re next steps on CNN media spot offer.	.3	\$ 90.00
124.	4/19/19	Emails with EY and MG re logistics for upcoming moot at Rutgers Law.	.2	\$ 60.00
125.	4/20/19	Review and respond to EY (cc MG) re next steps on CNN media spot offer.	.3	\$ 90.00
126.	4/22/19	Review order placing case in abatement.	.1	\$ 30.00
127.	4/22/19	Remotely participate in moot at Rutgers Law.	1.5	\$ 450.00
128.	4/22/19	Call with EY and MG re SCOTUS grant of certiorari in Harris Funeral Homes and abatement.	.5	\$ 150.00
129.	4/23/19	Email to CNN reporter re coverage of client's appeal.	.5	\$ 150.00
130.	4/24/19	Email with EY and MG draft motion to lift abatement with request for feedback.	.1	\$ 30.00
131.	4/25/19	Follow up emails with EY and MG seeking feedback on draft motion to lift abatement.	.5	\$ 150.00
132.	4/25/19	Emails with Sara Rice re MG availability for team meeting.	.3	\$ 90.00
133.	4/26/19	Emails with Sara Rice re MG availability for team meeting.	.2	\$ 60.00
134.	4/26/19	Emails with MG and EY to coordinate team call re strategy to lift abatement.	.2	\$ 60.00
135.	4/26/19	Call with EY to discuss strategy re motion to lift abatement.	.9	\$ 270.00
136.	4/29/19	Emails with Katie Eyer, Greg Nevins, and BN and MG re strategy to lift abatement.	.6	\$ 180.00
137.	4/29/19	Emails with BN and MG re motion to lift abatement.	.3	\$ 90.00

138.	4/30/19	Emails with MG and EY re draft motion to lift abatement.	.6	\$ 180.00
139.	5/1/19	Review Tudor motion to lift abatement as filed.	.4	\$ 120.00
140.	5/2/19	Review minute order directing OAG to respond to Tudor motion to lift abatement.	.1	\$ 30.00
141.	5/7/19	Emails with MG and EY re scheduling team meeting.	.1	\$ 30.00
142.	5/8/19	Emails with MG and EY re scheduling team meeting.	.3	\$ 90.00
143.	5/8/19	Emails with MG and EY re legal commentary on impact of certiorari grant in Harris Funeral Homes.	.2	\$ 60.00
144.	5/8/19	MG email to client (cc EY and BN) notifying of decision to withdraw. Follow up emails re same with MG.	.6	\$ 180.00
145.	5/9/19	Review follow up emails with MG re decision to withdraw and coordinating withdrawal motion.	.7	\$ 210.00
146.	5/9/19	Review of MG motion to withdraw as filed.	.2	\$ 60.00
147.	5/9/19	Call with EY to discuss MG withdrawal and next steps.	1	\$ 300.00
148.	5/10/19	Follow up emails with EY re next steps in case after MG withdrawal.	.5	\$ 150.00
149.	5/10/19	Review of order granting MG withdrawal.	.1	\$ 30.00
150.	5/13/19	Follow up emails with EY to discuss next steps in light of MG withdrawal.	.3	\$ 90.00
151.	5/13/19	Review OAG response to Tudor motion to lift abatement.	.2	\$ 60.00
152.	5/15/19	Review order denying Tudor motion to lift abatement.	.1	\$ 30.00
153.	5/16/19	Emails with EY re potential of SCOTUS petition and research re same.	.3	\$ 90.00
154.	5/21/19	Emails with client and EY coordinating time for team call.	.2	\$ 60.00
155.	5/22/19	Emails with client and EY re client strategy request involving Chickasaw Nation.	.3	\$ 90.00
156.	5/23/19	Emails with client and EY re client strategy request involving Chickasaw Nation.	.2	\$ 60.00
157.	5/30/19	Emails with client and EY to discuss next steps in case.	.1	\$ 30.00
158.	5/31/19	Emails with client and EY to coordinate team call with client.	.1	\$ 30.00
159.	5/31/19	Call with client and EY to discuss next steps in case.	1.1	\$ 330.00
160.	6/7/19	Emails with EY re updates on problems with client and impact on case strategy.	.7	\$ 210.00
161.	6/10/19	Call with EY to discuss problems with client and impact on case strategy.	1	\$ 300.00
162.	6/14/19	Texts with EY re media strategy and client relationship problems.	.2	\$ 60.00
163.	6/14/19	Call with EY re media strategy and client relationship problems.	.4	\$ 120.00
164.	6/17/19	Emails with EY re client relationship problems.	1.2	\$ 360.00

165.	6/18/19	Email with EY coordinating time for team call.	.1	\$ 30.00
166.	6/19/19	Call with EY to discuss strategy next steps and client relationship problems.	1.2	\$ 360.00
167.	6/19/19	Emails with EY re media.	.1	\$ 30.00
168.	6/24/19	Email with EY to coordinate team call.	.1	\$ 30.00
169.	6/25/19	Follow up emails with EY to coordinate team call.	.1	\$ 30.00
170.	6/26/19	Call with EY to discuss case next steps and client relationship problems.	.7	\$ 210.00
171.	7/12/19	Emails with EY re case next steps and client relationship problems.	.4	\$ 120.00
172.	7/15/19	Call with EY to discuss case next steps and client relationship problems.	.8	\$ 240.00
173.	7/15/19	Follow up emails with EY re case next steps.	.1	\$ 30.00
174.	7/18/19	Emails with EY re replacement counsel.	.1	\$ 30.00
175.	7/15/19	Call with EY to discuss case status and next steps in light of client problems.	1.3	\$ 390.00
176.	7/20/19	Emails with EY re client emails and relationship problems.	.5	\$ 150.00
177.	7/22/19	Emails with EY coordinating agenda for call with client.	.1	\$ 30.00
178.	7/22/19	Email with client and EY re agenda for call.	.1	\$ 30.00
179.	7/22/19	Call with EY and client to discuss strategy decisions going forward and settlement potential.	1.8	\$ 540.00
180.	7/22/19	Email to client and EY with notes from call with client.	.4	\$ 120.00
181.	8/5/19	Emails with EY and client re team call coordination.	.1	\$ 30.00
182.	8/5/19	Call with EY re strategy for call with client.	.4	\$ 120.00
183.	8/5/19	Call with EY and client re relationship problems and case next steps.	5	\$ 1,500.00
184.	8/6/19	Emails with EY coordinating email notice to client notifying of desire to withdraw.	.3	\$ 90.00
185.	8/6/19	Review EY email to client notifying of BN and EY intent desire to withdraw and coordinating next steps re same.	.2	\$ 60.00
186.	8/20/19	Review EY follow up email to client reiterating BN and EY intent to withdraw and coordinating next steps re same.	.2	\$ 60.00
187.	8/23/19	Coordinating client contact with EY.	.1	\$ 30.00
188.	8/26/19	Coordinating client contact with EY.	.1	\$ 30.00
189.	9/4/19	Coordinating client contact with EY.	.3	\$ 90.00
190.	9/6/19	Draft joint letter with EY to client re intent to withdraw and coordinating next steps re same.	.5	\$ 150.00
191.	9/6/19	Review EY email to client re intent to withdraw and coordinating next steps re same.	.1	\$ 30.00
192.	9/13/19	Review and respond to client email re intent to withdraw and coordinating same.	.2	\$ 60.00
193.	9/20/19	Follow up emails with EY re communications with client re withdrawal and next steps.	.3	\$ 90.00

194.	10/8/19	Emails with EY re client email re third party communications.	.3	\$ 90.00
195.	10/8/19	Review and respond to client email re third party communications.	.2	\$ 60.00
196.	10/8/19	Call with EY re client email re third party communications.	.2	\$ 60.00
197.	10/9/19	Emails with EY outlining strategy for forthcoming status report to 10th Cir.	.6	\$ 180.00
198.	10/14/19	Review client email sent to third-party and forwarded to me by same. Follow up with EY re same.	.4	\$ 120.00
199.	10/14/19	Review client email. Follow up emails with EY re same.	.7	\$ 210.00
200.	10/15/19	Email to client (cc EY) responding to client 10/14/19 email.	.2	\$ 60.00
201.	10/15/19	Email from EY with draft withdrawal motions and seeking feedback and review. Emails discussing same.	.6	\$ 180.00
202.	10/15/19	Email from EY with draft motion to seal to accompany for cause motion to withdraw without client consent. Feedback on the same.	.5	\$ 150.00
203.	10/16/19	Email from EY with revised draft motions for withdrawal with and without client consent.	.1	\$ 30.00
204.	10/16/19	Email to client (cc EY) responding to client 10/14/19 email and passing on draft copies of withdrawal motions with and without client consent.	.5	\$ 150.00
205.	10/16/19	Email with EY re copy of draft status report to 10th Cir. Follow up emails re same.	.1	\$ 30.00
206.	10/18/19	Follow up emails with EY re non-response from client re 10/16/19 email.	.2	\$ 60.00
207.	10/18/19	Rmail to client (cc EY) following up on 10/16/19 email to client.	.1	\$ 30.00
208.	10/21/19	Review status report as filed.	.1	\$ 30.00
209.	10/21/19	Review EY email to client with copy of status report.	.1	\$ 30.00
210.	10/25/20	Emails with EY re outreach from Mike Redman re representation of Tudor.	.5	\$ 150.00
211.	1/3/20	Review minute order directing Tudor to file status report by 2/3/20.	.1	\$ 30.00
212.	1/3/20	Emails with EY re order directing Tudor to file status report by 2/3/19 and collaborate on draft email to client re same.	.4	\$ 120.00
213.	1/3/20	Review EY rmail to client advising of minute order directing Tudor to file status report by 2/3/19.	.1	\$ 30.00
214.	1/13/20	Review client letter notifying of new representation.	.2	\$ 60.00
215.	1/13/20	Call with EY to discuss client letter notifying of new representation and next steps re same.	.3	\$ 90.00
216.	1/13/20	Emails with EY and JW re new representation and next steps.	.4	\$ 120.00

217.	1/15/20	Review JW notice of appearance and motion to substitute counsel.	.3	\$ 90.00
218.	1/15/20	Emails with EY re JW motion to substitute counsel.	.3	\$ 90.00
219.	1/15/20	Call with EY re JW motion to substitute counsel.	.2	\$ 60.00
220.	1/15/20	Draft and exchange edits with EY re response to JW motion to substitute.	.5	\$ 150.00
221.	1/15/20	Review EY and BN response to JW motion to substitute as filed.	.1	\$ 30.00
222.	1/16/20	Review JW "Reply" to EY and BN response to JW motion to substitute.	.1	\$ 30.00
223.	3/30/20	Emails with EY re missed deadline for status report.	.2	\$ 60.00
224.	3/30/20	Review EY email notifying JW of missed deadline for status report.	.1	\$ 30.00
225.	3/30/20	Review status report filed by JW.	.1	\$ 30.00
226.	6/15/20	Review status report filed by JW.	.1	\$ 30.00
227.	6/16/20	Review order lifting abatement and granting Tudor motion for substitution of counsel.	.1	\$ 30.00

Total Hours: 82.4
Billing Rate: \$ 300 (no travel charged)
Total Fees w/o multiplier: \$ 24,720.00
Total Fees w/ 1.5 multiplier: \$ 37,080.00