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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION,
ET AL.

Defendants.

Case No.: 1:17-cv-00151-BLW

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR ATTORNEYS' FEES AND
COSTS**

COMES NOW the Plaintiff, by and through her attorneys, and respectfully moves this Court, pursuant to Rule 54 of the Federal Rules of Civil Procedure and District of Idaho Local Civil Rules 54.1 and 54.2 to order Defendants to pay attorneys' fees and costs to the Plaintiff in the above-entitled action. This Motion is made under the authority of 42 U.S.C. § 1988.

This Motion is based upon the record herein, and the memorandum and declarations filed in support.

Respectfully Submitted this 21st day of October, 2021.

FERGUSON DURHAM
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**PLAINTIFF'S MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF
MOTION FOR REASONABLE
ATTORNEYS' FEES AND EXPENSES
THROUGH SEPTEMBER 30, 2021**

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INTRODUCTION

As a result of this lawsuit, Plaintiff Adree Edmo became the first incarcerated person in the country to receive court-ordered surgery to treat the serious medical condition of gender dysphoria. She secured a permanent injunction requiring Defendants to provide this medically necessary treatment after more than a year of intensely contested litigation, followed by two more years of appellate litigation before the Ninth Circuit and the U.S. Supreme Court, as well as work required to enforce the remedy. Ms. Edmo's counsel represented her without charging fees of any sort, assuming the very high risk that they might never be compensated for their time. The demands on the attorneys' time over the litigation proved to be immense, as the case proceeded on an expedited injunction track and resulted in thousands of pages of legal filings in a relatively short period of time. Pursuant to District of Idaho Local Civil Rules 54.1 and 54.2, and 42 U.S.C. § 1988, Plaintiff now moves this Court for an award of attorneys' fees and expenses of \$2,821,724.73 through September 30, 2021. This amount represents Plaintiff's counsel's lodestar of \$1,364,923, after billing judgment reductions, in addition to a 2.0 multiplier due to the *Kerr* factors not subsumed in the lodestar. At an appropriate time, Plaintiff's counsel will update their fees and any expenses incurred after September 30, 2021.

RELEVANT FACTS AND PROCEDURAL HISTORY

Ms. Edmo filed this case pro se, and the Court then granted Ms. Edmo's motion to appoint counsel. Upon request of the Court, Plaintiff's counsel began representing Ms. Edmo in 2017. All counsel, at every stage of the case, agreed to represent Ms. Edmo on a contingency basis, meaning that they might never be compensated for either their legal work or expenses. Rifkin Decl. ¶ 18; Whelan Decl. ¶ 22; Ferguson Decl. ¶ 20; Stormer Decl. ¶ 35; Rao Decl. ¶ 8. Because of the urgency of Ms. Edmo's medical needs, counsel immediately filed an amended complaint, opposed Defendants' motion for partial summary judgment, and began preparing a motion for preliminary

injunction, which was filed on June 1, 2018. Rifkin Decl. ¶ 21. That motion was based on Ms. Edmo's Eighth Amendment claim, Equal Protection claim (based on sex), and Affordable Care Act claim (based on sex). *Id.* An intense period of discovery followed, during which the parties conducted thirteen depositions of fact and expert witnesses, worked with experts to prepare reports, and exchanged written discovery. *Id.* ¶ 22. The evidentiary hearing spanned three court days, with seven live witnesses, and the admission of nearly forty exhibits. *Id.* ¶ 23. Counsel for both sides filed post-trial briefs, proposed findings of fact and conclusions of law, and supplemental testimony. *Id.*

Based on this evidence, in December 2018, this Court held that Defendants were violating Ms. Edmo's Eighth Amendment right to necessary medical treatment, and granted not just a preliminary injunction, but a permanent injunction ordering Defendants to provide Ms. Edmo gender confirmation surgery. The Court found that Ms. Edmo presented "extensive evidence that, despite years of hormone therapy, she continues to experience gender dysphoria so significant that she cuts herself to relieve emotional pain. With full awareness of Ms. Edmo's circumstances, [Defendants] refuse to provide Ms. Edmo with gender confirmation surgery...[and] have ignored generally accepted medical standards for the treatment of gender dysphoria." *Id.* ¶ 24 (citing Dkt. 149).

Because the Court granted Ms. Edmo the requested injunctive relief related to her Eighth Amendment Claim, the Court found she could not show likelihood of other irreparable injury on the two other claims upon which Ms. Edmo sought injunctive relief, the Fourteenth Amendment and Affordable Care Act claims. Dkt. 149 at 44. The Court also determined that "a more developed record on Defendants' treatment of transgender inmates is necessary before making a broader ruling based upon the Fourteenth Amendment or Affordable Care Act."

Following that ruling, Defendants filed the first of three appeals to the Ninth Circuit, as well as the first of many stay motions. Rifkin Decl. ¶¶ 26-27. This Court denied Defendants' initial motion for a stay on March 4, 2019, highlighting its prior finding that "the risks of not providing gender confirmation surgery to Ms. Edmo include surgical self-treatment, emotional decompensation, and risk of suicide given her high degree of suicide ideation." Dkt. 175 at 1. Because Ms. Edmo's "medical needs are urgent," this Court urged Defendants "to act accordingly" to protect her Constitutional rights. *Id.* at 3.

The Ninth Circuit ordered expedited briefing and argument of the appeal, including briefing on Defendants' further motions to stay. Rifkin Decl. ¶ 27. Meanwhile, Defendants took the position in the District Court that they did not have to provide pre-surgical appointments to Ms. Edmo that were necessary prerequisites to surgery. *Id.* ¶ 28. Accordingly, Plaintiff's counsel filed an emergency motion in the Ninth Circuit to specifically exempt those appointments from the stay, which the Ninth Circuit granted. Plaintiff's counsel filed Ms. Edmo's appellate brief on April 4, 2019, coordinated five amicus briefs in support of the District Court's injunction, and argued the appeal on May 16, 2019. *Id.*

On August 23, 2019, the Ninth Circuit issued its ruling upholding this Court's fact-specific determination that Defendants violated the Eighth Amendment by denying Ms. Edmo surgery and affirmed the injunction due to Ms. Edmo's "severe, ongoing psychological distress and high risk of self-castration and suicide she faces absent surgery." *Id.* ¶ 31; *Edmo v. Corizon*, 935 F.3d 757, 797 (9th Cir. 2019). Despite both this Court's and the Ninth Circuit's findings regarding Ms. Edmo's ongoing and desperate need for care, Defendants made litigation decisions in the subsequent months that further delayed Ms. Edmo's medical care and significantly increased the attorney fees in this case. For example, Defendants elected to seek rehearing *en banc*, belatedly contested the scope of this Court's orders about pre-surgical care and surgery (resulting in

additional briefing and an in-person hearing), filed multiple appeals of the District Court’s orders (one of which Plaintiff successfully moved to dismiss), and filed additional stay motions (including on an “emergency” basis that the Ninth Circuit ruled improper). Rifkin Decl. ¶¶ 32-33, 43.¹ When the Ninth Circuit denied rehearing *en banc*, Defendants initiated yet another round of stay motions, first in the Ninth Circuit, and then in the U.S. Supreme Court, both of which were denied after Plaintiff filed oppositions. *Id.* ¶ 35.

In July 2020, nineteen months after this Court ordered Defendants to provide Ms. Edmo surgery—and after another round of motions necessitated by Defendants’ failure to take necessary COVID-19 precautions to ensure surgery could move forward—Ms. Edmo finally received the treatment ordered. *Id.* ¶¶ 36-37. Plaintiff’s legal fight did not end there, however, as litigation continued before the U.S. Supreme Court. Because this case involved the first transgender incarcerated person in the country to receive court-ordered surgery—a precedent that, while unique to the facts of Ms. Edmo’s case, was significant in the fields of constitutional rights and prisoner litigation—it was essential to protect the lower court rulings. *Id.* ¶ 38. That was especially true because Defendants sought *certiorari* review based on extreme legal arguments that, if granted, could have upended Eighth Amendment legal precedents as they relate to incarcerated people and their medical needs. *Id.* Because of the importance of these issues not only for Ms. Edmo, but for all prisoners, Ms. Edmo retained Supreme Court counsel for this phase of the litigation. *Id.* ¶ 39. Between May and August 2020, Plaintiff’s counsel successfully opposed Defendants’ application for a stay, and filed oppositions to both Defendants’ petition for *certiorari* and their subsequent

¹ IDOC Defendants also filed a motion in Idaho state court in July 2018, without any notice to Plaintiff’s counsel, that improperly disclosed Ms. Edmo’s confidential criminal and medical information. Rifkin Decl. ¶ 43. To protect Ms. Edmo’s rights, Plaintiff moved to strike a declaration containing confidential information about Ms. Edmo and for a Protective Order. Dkt. 81.

suggestion of mootness. *Id.* ¶ 41. On October 13, 2020, the Supreme Court denied *certiorari* and rejected the mootness argument. *Id.*

With surgery completed and having prevailed on appeal, Ms. Edmo voluntarily dismissed her remaining claims other than her outstanding Eighth Amendment claim for non-injunctive damages relief. *Id.* ¶ 42. The parties then participated in judicially-supervised settlement negotiations, which resolved Ms. Edmo's claim for damages, leaving attorneys' fees and expenses as the only remaining issue for litigation. *Id.*

FACTS RELATED TO PLAINTIFF'S REQUEST FOR A MULTIPLIER

Additional facts related to this case support a fees multiplier. Ms. Edmo originally filed her case pro se and sought appointment of counsel. Utilizing the standard that counsel should be appointed only in "exceptional circumstances," the Magistrate Judge directed court staff to begin a search for pro bono counsel. Ferguson Decl. ¶¶ 17-18; Dkt. 12. Court staff contacted Plaintiff's local counsel, who agreed to represent Ms. Edmo only after securing the assistance of outside counsel with expertise in both constitutional prisoners' rights cases and issues related to transgender people specifically. Ferguson Decl. ¶ 19. There are very few attorneys in Idaho who litigate even straightforward prisoner civil rights cases; the ACLU of Idaho has only a single attorney who does so, and the Legal Aid office is prohibited from representing prisoners. Belodoff Decl. ¶¶ 7, 14; Ferguson Decl. ¶ 18. There are many reasons that few attorneys will litigate these cases, including the Prison Litigation Reform Act (PLRA) cap on hourly rates far below the market, the cap on damages, court deference to the decisions of prison administrators, and the incredible expense of litigating against taxpayer funded prison systems. Belodoff Decl. ¶ 18; Ferguson Decl. ¶ 18. Because Ms. Edmo's case also related to medical care, her attorneys had to pay for experts, an expense not recoverable under 42 U.S.C. § 1988. Whelan Decl. ¶ 28; Belodoff Decl. ¶ 18.

Securing competent counsel to represent Ms. Edmo was especially important given the unpopularity of her case, Belodoff Decl. ¶ 22, and the legal landscape in Idaho. Idaho has no state laws that expressly protect transgender people from discrimination and was the first state to try to ban transgender children from playing sports. Ferguson Decl. ¶ 30. Until 2018, Idaho banned transgender people from correcting their birth certificates. *Id.* After this Court struck down that policy as unconstitutional, *F.V. v. Barron*, 286 F. Supp. 3d 1131 (D. Idaho 2018), state lawmakers passed HB 509 to circumvent the Court’s order and again ban transgender people from correcting their birth certificates. *Id.* The Governor of Idaho repeatedly politicized Ms. Edmo’s serious medical issues and issued press releases implying a connection between a person’s commitment offense and a prison’s duty to provide medical care. *Id.* Plaintiff’s counsel experienced animosity due to their representation of Ms. Edmo numerous times, including during interviews with the media, social gatherings, and even a dental visit. *Id.* ¶ 32. They also received harassing emails and voicemails from self-identified Idaho “taxpayers” who, among other things, referred to them as a “sick, f...g pervert,” and claimed they should be “locked away in a psych ward” for representing Ms. Edmo. *Id.* ¶ 33.

ARGUMENT

I. Plaintiff is the Prevailing Party

In an action pursuant to 42 U.S.C. §1983, “the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs . . .” 42 U.S.C. § 1988(b). A prevailing party is one who has “succeeded on any significant issue in litigation which achieve[d] some of the benefit the parties sought in bringing suit.” *Tex. State Teachers Ass’n v. Garland Ind. Sch. Dist.*, 489 U.S. 782, 791-92 (1989) (internal quotations omitted); *see also Farrar v. Hobby*, 506 U.S. 103, 111 (1992) (“[T]o qualify as a prevailing party, a civil rights plaintiff must obtain at least some relief on the merits of his claim.”).

Plaintiff is the “prevailing party” under § 1988(b) and is entitled to an award of reasonable attorneys’ fees and expenses. She succeeded on her claim that Defendants violated the Eighth Amendment by denying her necessary medical treatment, resulting in serious harm and ongoing substantial risk of serious harm. Through her lawsuit, Plaintiff obtained a court order for the permanent injunctive relief sought—gender confirmation surgery. This order was affirmed on appeal and Plaintiff received surgery through enforcement of the court order. *See Buckhannon Board & Care Home, Inc. v. West Virginia Dept. of Health and Human Resources* 532 U.S. 598, 604 (2001) (prevailing party is one who secures an “enforceable judgment[] on the merits.”). As such, a fee award is necessary to compensate Plaintiff for the cost of vindicating her civil rights and to hold Defendants accountable for violating federal law. *Fox v. Vice*, 563 U.S. 826, 833 (2011).

II. Plaintiff Is Entitled to Recover Her Requested Fees and Expenses, and a 2.0 Multiplier is Warranted

Calculating a fee award is a two-step process. First, the court calculates the “lodestar” amount, which is the “number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Hensley*, 461 U.S. at 433; *Fischer v. SJF-P.D. Inc.*, 214 F.3d 1115, 1119 (9th Cir. 2000). The lodestar method of calculating fees is strongly presumed to be reasonable. *Oviatt v. Pearce*, 954 F.2d 1470, 1482 (9th Cir. 1992); *Morales v. City of San Rafael*, 96 F.3d 359, 363 n.8 (9th Cir. 1996). Second, the court has the discretion to adjust the lodestar amount based on the factors set forth in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67 (9th Cir. 1975) (the “Kerr factors”)² that have not already been subsumed in the lodestar calculation. *Fischer v. SJF-P.D.*

² The *Kerr* factors include: (1) the time and labor required of the attorneys, (2) the novelty and difficulty of the questions involved, (3) the skill requisite to perform the legal service properly, (4) the preclusion of other work by the attorney due to acceptance of the case, (5) the customary fee for similar cases, (6) whether the fee is fixed or contingent, (7) time limitations imposed by the client or the circumstances, (8) the amount of money, or the value of the rights involved, and

Inc., 214 F.3d 1115, 1119 (9th Cir. 2000); *Mendez v. County of San Bernardino*, 540 F.3d 1109, 1126 (9th Cir. 2008); *Balla v. Idaho State Bd. of Corr.*, No. CV-81-1165-S-BLW, 2016 WL 6762651, at *10 (D. Idaho Feb. 1, 2016).

In most civil rights cases, reasonable hourly rates are those that are “in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.” *Camacho v. Bridgeport Financial, Inc.*, 523 F.3d 973, 980 (9th Cir. 2008). In civil rights cases on behalf of incarcerated people, however, the hourly rate is predetermined by the Prison Litigation Reform Act (PLRA), which establishes the baseline PLRA rate as 150 percent of the rate the “Judicial Conference authorized and requested from Congress” in the “Congressional Budget Summary and the Report of the Proceedings of the Judicial Conference of the United States[.]” *Parsons v. Ryan*, 949 F.3d 443, 464-65 (9th Cir. 2020), *cert. denied sub nom. Shinn v. Jensen*, 141 S. Ct. 1054 (2021). The current rate authorized by the Judicial Conference for the payment of court-appointed counsel is \$155 per hour for FY 2021,³ and accordingly, 150 percent of that rate is \$232.50 per hour.⁴ *Cf. Gates v. Deukmejian*, 987 F.2d 1392, 1406-07 (9th Cir. 1993) (holding that use of current rather than historic rates are appropriate to make up for delay in payment).

the results obtained, (9) the experience, reputation and ability of counsel, (10) the “undesirability” of the case, (11) the nature and length of the professional relationship with the client, and (12) awards in similar cases. *Kerr*, 526 F.2d at 70.

³ Admin. Office of the U.S. Courts, The Judiciary Fiscal Year 2021 Congressional Budget Summary 39 (Feb. 2020),

https://www.uscourts.gov/sites/default/files/fy_2021_congressional_budget_summary_0.pdf (last visited July 20, 2021). Plaintiff requests the Court take judicial notice of this government document. Fed. R. Evid. 201(c)(2).

⁴ Like attorney fees under the PLRA, the hourly rate for paralegals is also capped by the PLRA at 150% of the hourly rate determined by the Judicial Conference. *See Perez v. Cate*, 632 F.3d 553, 556-58 (9th Cir. 2011) (paralegal fees awarded to prevailing plaintiffs in prison civil rights litigation are subject to same hourly cap under the PLRA as attorney fees where award is below paralegal market rate in relevant area); *Parsons*, 949 F.3d at 466 (“[P]aralegals are entitled to the PLRA’s maximum hourly rate if the paralegal market rate exceeds that cap.”).

As set forth below, applying this two-step process in this case demonstrates the number of hours Plaintiff’s counsel spent is reasonable, and the *Kerr* factors strongly support a 2.0 multiplier to the lodestar.

A. Plaintiff’s Hours and Expenses Are Reasonable

The most critical factor in determining the reasonableness of a fee award is “the degree of success obtained.” *See, e.g., Farrar v. Hobby*, 506 U.S. 103, 114 (1992) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983)). The moving party bears the burden of establishing the reasonableness of the hours claimed, and the party must carry that burden by submitting adequate documentation of those hours. *See Hensley*, 461 U.S. at 437. The Court should not grant a fee award for “hours that are excessive, redundant, or otherwise unnecessary.” *Id.* at 433–34.

Here, Ms. Edmo achieved superlative results—obtaining an injunction resulting in life-saving surgery and defending that relief through numerous appeals, a petition for rehearing *en banc*, and an application for stay and petition for *certiorari* to the U.S. Supreme Court. *Sorenson v. Mink*, 239 F.3d 1140, 1147 (9th Cir. 2001) (excellent results occur when a plaintiff fulfills the goal of the litigation or “accomplishes its mission”). As a result of this case, Ms. Edmo was the first transgender incarcerated person in the country to receive gender confirmation surgery pursuant to court order. The Ninth Circuit decision upholding this Court’s ruling in her favor has already been cited more than 200 times by other courts and law review articles. Rifkin Decl. ¶ 44.

Plaintiff’s counsel’s lodestar in this case is reasonable, and fully supported by detailed timesheets documenting the hours and the tasks that were completed.⁵ Rifkin Decl. ¶ 46 and Ex. B; Whelan Decl. ¶ 28 and Ex. B; Ferguson Decl. ¶ 35 and Ex. B; Stormer Decl. ¶ 24 and Ex. C; Hartnett Decl. ¶ 15 and Ex. 1; Rao Decl. ¶ 12 and Ex. C; Belodoff Decl. ¶ 19. As the Court is

⁵ For ease of reference, a summary of the claimed fees and expenses, divided among the law offices, is attached as **Appendix A**.

aware, the case involved thousands of pages of legal filings, discovery, an evidentiary hearing, and appellate work on complex constitutional issues of first impression on an expedited basis. Plaintiff's attorneys conscientiously avoided duplication of effort, and time constraints required counsel to divide and delegate tasks. As the timesheets and results of this case demonstrate, Plaintiff's counsel's work was reasonable and necessary to obtain the injunction and defend it on appeal. Moreover, Plaintiff's counsel have already exercised appropriate billing judgment reductions, including by excluding various timekeepers, and engaging in the same reductions of bills that the firms would do for fee-paying clients. Rifkin Decl. ¶ 48; Whelan Decl. ¶ 29; Stormer Decl. ¶ 37; Hartnett Decl. ¶ 21; Rao Decl. ¶ 13. The hours claimed are not excessive, redundant, or otherwise unnecessary and, in light of the billing judgment reductions already made, are entitled to deference by the Court. *See, e.g., Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008) ("By and large, the court should defer to the winning lawyer's professional judgment as to how much time he was required to spend on the case; after all, he won, and might not have, had he been more of a slacker.").

Plaintiff's time records also include time spent preparing this motion for attorneys' fees, which is compensable. *Clark v. City of Los Angeles*, 803 F.2d 987, 992 (9th Cir. 1986) (citations omitted); *see also Guerrero v. Cummings*, 70 F.3d 1111, 1113 (9th Cir. 1995) (same). Plaintiff is also entitled to reimbursement of expenses that would normally be billed to fee-paying clients. 42 U.S.C. § 1988 (b); *Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994). Plaintiff's attorneys have incurred a total of \$72,662.79 in expenses related to the case,⁶ as supported by the accompanying

⁶ These expenses are in addition to the statutory costs outlined in Plaintiff's final Bill of Costs. Dkt. 312. That final Bill of Costs does not include \$292.90 of statutory costs awarded by the Ninth Circuit on February 19, 2020, Dkt. 109, but which remains unpaid, or the \$129.70 of costs filed previously with this Court, which is similarly unpaid. Dkt. 261.

attorney declarations. See Appendix A; Rifkin Decl. ¶ 49 and Ex. C; Stormer Decl. ¶ 45 and Ex. C; Whelan Decl. ¶ 32 and Ex. C; Hartnett Decl. ¶ 18 and Ex. 1.

B. Plaintiff is Entitled to a Fully Compensatory Fee

Plaintiff anticipates that Defendants may seek to reduce her fees because the Court did not grant relief on each of her original claims. Decades of Supreme Court and Ninth Circuit precedent establish that any such reduction would be improper. In *Hensley*, the Supreme Court considered whether the district court could grant attorneys’ fees for time expended on claims on which plaintiffs did not prevail. The Court held that even though a plaintiff was not entitled to an award of fees for time spent on unsuccessful claims that were unrelated to successful claims, “[w]here a lawsuit consists of related claims, a plaintiff who has won substantial relief should not have his attorney’s fee reduced simply because the district court did not adopt each contention raised.” 461 U.S. at 440. Thus, a court’s duty in a complex case is not to parse out and determine fees on a claim-by-claim basis, since “[m]uch of counsel’s time will be devoted generally to the litigation as a whole, making it difficult to divide the hours expended on a claim-by-claim basis.” *Id.* at 435. Rather, where the plaintiff presents different claims for relief that “involve a common core of facts” or are based on “related legal theories,” the district court “should focus on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation.” *Id.*; see also *Padgett v. Loventhal*, 706 F.3d 1205, 1209 (9th Cir. 2013) (“Often, attorney work will bear on multiple claims, only some of which are successful. Fees for work which relates only to unsuccessful claims should not be awarded. But where attorney work proves beneficial to a successful claim, district courts should generally award these fees in full, even if the work is also useful to an unsuccessful claim.”) (citing *Hensley*, 461 U.S. at 436)).

Ms. Edmo’s claims are related because they all involved a common core of facts and were simply alternative legal theories of liability to seek redress for the conditions of confinement to

which Defendants subjected Ms. Edmo related to her gender dysphoria, including Defendants' failure to provide her with medically necessary care. As such, her claims were legally and factually intertwined and her attorneys' work was "devoted generally to the litigation as a whole." *Hensley*, 461 U.S. at 435. Moreover, the primary relief Ms. Edmo sought when she moved for injunctive relief on three of her claims was gender confirmation surgery and she successfully obtained that relief.

C. The Kerr Factors Support a 2.0 Multiplier

The PLRA "authorizes multipliers to the base hourly rate above the cap set by 42 U.S.C. § 1997e(d)(1)." *Parsons v. Ryan*, 949 F.3d 443, 466 (9th Cir. 2020), *cert. denied sub nom. Shinn v. Jensen*, 141 S. Ct. 1054 (2021); *see Kelly v. Wengler*, 822 F.3d 1085, 1093, 1102-06 (affirming 2.0 and 1.3 multiplier in prisoner civil rights case where attorneys demonstrated superior performance and the need to attract competent counsel). A fee applicant bears the burden of proving that a fee enhancement is necessary and must produce "specific evidence" supporting the award. *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 553 (2010).

Any enhancement to the lodestar must be determined based on an evaluation of the *Kerr* factors "that are not already subsumed in the initial lodestar calculation." *Parsons*, 949 F.3d at 467 (quoting *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1119 & n.4 (9th Cir. 2000)). *Kerr* factors one through four and six⁷ are considered subsumed in the lodestar calculation. *Morales v. City of San Rafael*, 96 F.3d 359, 364 n.9 (9th Cir. 1996), *opinion amended on denial of reh'g*, 108 F.3d 981 (9th Cir. 1997). The *Kerr* factors relevant to determining whether to enhance the lodestar figure therefore include:

(5) the customary fee, . . . (7) time limitations imposed by the client or the circumstances, (8) the amount involved and the results obtained, (9) the

⁷ Including the time and labor required, novelty and difficulty of issues, requisite skill necessary, preclusion of other work, and whether the fee is fixed or contingent. *Kerr*, 526 F.2d at 70.

experience, reputation, and ability of the attorneys, (10) the “undesirability” of the case, (11) the nature and length of the professional relationship with the client, and (12) awards in similar cases.

Id.; *Bown v. Reinke*, No. 1:12-CV-262-BLW, 2016 WL 2930904, at *2 (D. Idaho May 19, 2016); *Balla*, 2016 WL 6762651, at *10. These factors, taken together, support a multiplier of 2.0 due to Plaintiff’s counsel’s superior performance and extraordinary results, as well as the need to attract competent counsel for important but unpopular civil rights cases on behalf of marginalized and vulnerable people.

1. The Customary Fee in Similar Litigation

The fifth *Kerr* factor considers the customary fee in similar litigation. Reasonable hourly rates for civil rights cases are usually determined by the local forum where the case is litigated, but non-local rates can be awarded if local counsel are unavailable “either because they are unwilling or unable to perform because they lack the degree of experience, expertise, or specialization required to properly handle the case.” *Gates*, 987 F.2d at 1405. This *Kerr* factor supports a multiplier regardless of whether the Court applies local or non-local rates.

First, a lodestar based on the PLRA rate cap of \$232.50 per hour would compensate Plaintiff’s counsel for only a fraction of their work using even local Idaho rates. Ferguson Decl. ¶ 36. Using Ms. Ferguson and Mr. Durham as examples, the PLRA rate would compensate them for only 49 percent and 58 percent of their work, respectively.⁸ This, by definition, is not a reasonable fee. *See, e.g., Kelly*, 822 F.3d at 1104 (“When the lodestar figure based on the PLRA rate is insufficient to induce competent attorneys to accept appointment in meritorious civil rights cases, it is by definition not a reasonable fee.”) (citing *Perdue*, 559 U.S. at 552); *see also Bown v. Reinke*, 2016 WL 2930904, at *2 (“The PLRA rates are far below market rates in this region for this type

⁸ The PLRA rate divided by Ms. Ferguson’s \$475 and Mr. Durham’s \$400 per hour rates.

of work based on the Court’s long experience in evaluating fee petitions.”); *Ginest v. Bd. of Cty. Comm’rs of Carbon County*, 423 F. Supp. 2d 1237, 1241 (D. Wyo. 2006) (finding “the PLRA fees are exceptionally low and an enhancement is permissible to make the fee more fair”).

This gulf in compensation between the PLRA cap and a customary rate becomes even more extreme when considering outside counsel rates, which would be warranted in the absence of the PLRA. Local counsel agreed to represent Ms. Edmo at the Court’s request and only *after* securing the assistance of outside counsel who specialize in both prison constitutional issues and transgender medical issues in particular. Ferguson Decl. ¶ 18-19; Rifkin Decl. ¶ 17. Without that assistance, local counsel would not have been able to represent Ms. Edmo, Ferguson Decl. ¶¶ 19, 31, and it is highly unlikely that any other attorney in Idaho would have taken the case. *Id.* ¶ 18; Belodoff Decl. ¶¶ 14, 18. Accordingly, this is precisely the type of civil rights case where outside hourly rates would otherwise apply, *Gates*, 987 F.2d at 1405, further supporting a multiplier. Those rates, which range from \$400 to \$1,200 for the attorneys who litigated the case before the District Court and the Ninth Circuit, are hundreds of dollars per hour more than the PLRA rate. Rifkin Decl. ¶ 46; Whelan Decl. ¶ 30; Stormer Decl. ¶ 21. At the Supreme Court stage, it was reasonable for Ms. Edmo to retain attorneys who specialize in litigation before that Court. Belodoff Decl. ¶ 20; Rifkin Decl. ¶ 39. When the City of Boise filed a petition for *certiorari*, for instance, it paid \$75,000 to Supreme Court counsel just to file the petition for *certiorari* and would have paid another \$225,000 had the case been accepted. Belodoff Decl. ¶ 20. The City of Boise’s contract also specifically contemplated paying a multiplier similar to the one sought by Plaintiff here. *Id.* ¶ 21. This prong strongly supports a 2.0 multiplier.

2. Time Limitations Imposed by the Client or Circumstances

Kerr factor seven considers unusual time limitations imposed by the client or the circumstances. *Kerr*, 526 F.2d at 70; *Kelly*, 822 F.3d at 1103 (affirming enhancement of the

lodestar in part because “Plaintiffs’ counsel labored ‘under extreme time pressure and with very limited resources’”). Here, counsel prioritized the ongoing and extensive work required by the circumstances of this case, including Plaintiff’s urgent need for lifesaving medical care and Defendants’ resistance to providing that care at every step. Whereas Ninth Circuit appeals can typically take years to complete, that process was condensed to only five months for the main appeal in this case—after Defendants filed their first notice of appeal in January 2019, Defendants and Plaintiff filed their appellate briefs in March and April of 2019 and oral argument was held in May 2019. Rifkin Decl. ¶ 28. Litigation also included multiple motions that were heard on an urgent or emergency basis, including stay motions and motions for exemptions from the stay so that Ms. Edmo could receive presurgical care. *Id.* ¶¶ 26-28, 31-33. Indeed, Plaintiff’s counsel was frequently litigating issues in both the appellate and district court at the same time, including a last-minute *ex parte* motion to ensure that Defendants took reasonable measures, given the COVID pandemic, to comply with the injunction. *Id.* ¶ 34; Ferguson Decl. ¶ 26.

3. Exceptional Results Due to Superior Performance of Counsel

The eighth *Kerr* factor requires courts to consider the results obtained by the lawsuit. *Kerr*, 526 F.2d at 70. As set forth above, Plaintiff’s counsel obtained exceptional results for Ms. Edmo, securing the first court-ordered gender confirmation surgery in the nation for an incarcerated person and successfully defending this Court’s orders on appeal, including in the Ninth Circuit and the Supreme Court. Rifkin Decl. ¶ 45. And while the rulings were specific to Ms. Edmo, the Ninth Circuit decision has already been cited more than 200 times, including 85 case citations. *Id.* Indeed, Defendants themselves have recognized the vital importance of this case, noting in their petition for *certiorari* that this case “raises questions of vital importance to prison systems, medical and mental health providers, administrators, governments, and inmates nationwide,” will “affect prison medical claims in all contexts,” and that “[e]ven if the import of this case were limited to the

treatment of gender dysphoria in prison (and it is not), the issue of constitutionally appropriate treatment for gender dysphoric inmates is arising with increasing frequency across the country.” *Idaho Dep’t of Corr. v. Edmo*, Nos. 19-35017, 19-35019, Pet. for Cert. 33, 35, 36 (May 6, 2020).

4. The Experience, Reputation, and Ability of the Attorneys

In non-PLRA cases, where an attorney’s skill and experience is typically reflected in their hourly rate, the use of the ninth *Kerr* factor—the experience, reputation and ability of the attorneys—has been limited. *Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 565 (1986) (holding that an attorney’s skill and experience is typically already reflected in their hourly rate). This factor is essential here, however, where the PLRA rate is far below typical rates even in the Boise market. Counsel in this matter have litigated numerous civil rights and prisoner rights cases around the country, including before the U.S. Supreme Court, and Plaintiff’s local counsel are skilled civil rights litigators in Idaho. Rifkin Decl. ¶¶ 3-16, Whelan Decl. ¶¶ 4-19; Ferguson Decl. ¶¶ 4-16; Stormer Decl. ¶ 2-15. Plaintiff also secured preeminent Supreme Court counsel for that stage of the litigation, including an attorney now serving as the acting Solicitor General and who has been nominated to hold that position permanently. Hartnett Decl. ¶¶ 1-8, 17, Rao Decl. ¶¶ 2-9. This factor thus heavily weighs in favor of a multiplier in order to compensate counsel for the skill and expertise they brought to the litigation.

5. The Undesirability of the Case

The tenth *Kerr* factor considers the “undesirability” of the case. *Kerr*, 526 F.2d at 70; see *Planned Parenthood of Cent. & N. Ariz. v. State of Ariz.*, 789 F.2d 1348, 1354 (9th Cir. 1986) (“We recognize that the ‘undesirable’ nature of a case is an appropriate factor in determining attorneys’ fees.”); *Gomez v. Gates*, 804 F. Supp. 69, 76 (C.D. Cal. 1992) (awarding 1.75 multiplier in excessive force case given the “undesirable nature of this case”). Litigation on behalf of incarcerated persons is generally considered “undesirable” even by the civil rights bar, in part

because such cases are complex, fact-intensive, expensive to litigate, and the PLRA restricts the hourly rate for attorneys' fees far below the market. Ferguson Decl. ¶ 18; Belodoff Decl. ¶¶ 14, 18. These considerations applied especially in Ms. Edmo's case, where local counsel were the only Idaho attorneys who would accept Ms. Edmo's case and would not have done so without assistance from outside counsel who were experienced in both prison conditions cases and transgender healthcare issues. Ferguson Decl. ¶¶ 19, 31. Ms. Edmo's case was extremely unpopular in Idaho, which generally lacks any explicit nondiscrimination protections for transgender people and, during the pendency of Ms. Edmo's case, banned transgender people from correcting their birth certificates, first by policy and later by legislation, and became the first state in the nation to attempt to ban transgender children from playing sports. *Id.* ¶ 30. The Governor of Idaho, who was not a party to the lawsuit, repeatedly made public statements against Ms. Edmo's lawsuit, politicizing her serious medical needs and misrepresenting issues surrounding her case. *Id.* ¶29. Media coverage of the case frequently referenced its unpopularity, Ms. Edmo's attorneys received multiple harassing emails and voicemails during her case, and Ms. Edmo's local counsel experienced negative backlash during their daily lives. *Id.* ¶¶ 32-33.⁹

6. The Nature and Length of the Client Relationship

The eleventh *Kerr* factor regards the professional relationship between counsel and plaintiff. *Kerr*, 526 F.2d at 70. Plaintiff's counsel began their relationship with Ms. Edmo prior to entering appearances in this case in June and August of 2017. They maintained close contact with Ms. Edmo throughout the case, both in-person and over the phone. This included work on Ms.

⁹ Although media work is compensable in this case, Plaintiff's counsel has excluded most of their work responding to media requests apart from work necessary to protect Ms. Edmo's confidential information and respond to the State's public statements politicizing and misrepresenting her case. *Davis v. City & Cty. Of San Francisco*, 976 F.2d 1536, 1545 (9th Cir. 1992), *opinion vacated in part on denial of reh'g*, 984 F.2d 345 (9th Cir. 1993) (media time compensable where "directly and intimately related to the successful representation of a client.").

Edmo's declarations, multiple witness preparation sessions for Ms. Edmo's deposition and hearing testimony, preparation sessions for the mediation, and phone calls and other communications to inform Ms. Edmo about the status of her case. Counsel also ensured that Ms. Edmo had all filings in the case via legal mail, Rifkin Decl. ¶ 47, and provided Ms. Edmo with appropriate, non-prison clothing for her court appearances. Ferguson Decl. ¶ 34. This relationship was especially important in this case, where Ms. Edmo had severely limited access to public information about her case, could not access the court docket or internet, and had no other support network.

7. Awards in Similar Cases

The final *Kerr* factor instructs courts to consider awards in similar cases. *Kerr*, 526 F.2d at 70. "The reasonableness of a fee may also be considered in the light of awards made in similar litigation within and without the court's circuit." *Johnson*, 488 F.2d at 719; see *Moore v. James H. Matthews & Co.*, 682 F.2d 830, 838 (9th Cir. 1982). Courts have awarded multipliers in cases that raise Eighth Amendment challenges by incarcerated persons. See, e.g., *Bown*, 2016 WL 2930904, at *3 (awarding multiplier in case involving delayed medical care to prisoner); *Kelly*, 822 F.3d at 1104; *Rodriguez v. Cty. Of Los Angeles*, 96 F. Supp. 3d 1012, 1025-26 (C.D. Cal. 2014), *aff'd*, 891 F.3d 776 (9th Cir. 2018) (awarding 2.0 multiplier in excessive force case where "Counsel faced substantial obstacles to success including representing Plaintiffs that were routinely described as the 'worst of the worst' prisoners who were challenging the actions of highly ranked Sheriff's office officials and supervisors").

Taken together, the *Kerr* factors support both the reasonableness of the fees requested and the addition of a 2.0 enhancement. In *Kelly*, the Ninth Circuit held that in both PLRA and non-PLRA cases, "the district court may enhance the lodestar when plaintiffs' counsel's 'superior performance and commitment of resources' is 'rare' and 'exceptional' as compared to run-of-the-mill representation in such cases." 822 F.3d at 1103 (citing *Perdue*, 559 U.S. at 553-54) (internal

citations omitted)); *see also Balla*, 2016 WL 6762651, at *12 (awarding multipliers of 1.97, 1.39, and 1.26). Moreover, “[i]mproving the quality of prisoner suits requires that plaintiffs with meritorious civil rights cases be able to secure competent counsel.” *See Kelly*, 822 F.3d at 1104.

Here, nothing about this case was run-of-the-mill. Ms. Edmo had no counsel when she filed the case. No Idaho attorneys were willing to take Ms. Edmo’s case on their own. Local counsel did so at the request of the Court and only because they had the assistance of outside attorneys with extensive experience litigating prison and transgender civil rights cases. Throughout the litigation, Ms. Edmo and her counsel faced a flurry of motions and appeals, all the way to the U.S. Supreme Court, all while contending with the Governor’s politicization of Ms. Edmo’s case and intense public backlash. Ferguson Decl. ¶¶ 19, 29, 31; *see also* Belodoff Decl. at ¶ 22 (enhancement is justified due to low PLRA rate, Defendants’ aggressive litigation tactics, the unpopularity of the case, and the excellent results achieved.). A fee award at the PLRA rate would have the perverse result of discouraging skilled counsel from taking difficult and unpopular civil rights cases such as Ms. Edmo’s. A 2.0 multiplier is necessary and warranted to avoid this result.

CONCLUSION

For the reasons above, Plaintiff requests that the Court award \$2,821,724.73 in reasonable attorneys’ fees and expenses incurred through September 30, 2021.

Respectfully Submitted this 21st day of October, 2021.

FERGUSON DURHAM
HADSELL STORMER RENICK & DAI LLP
NATIONAL CENTER FOR LESBIAN RIGHTS
RIFKIN LAW OFFICE

By: /s/ Amy Whelan
Amy Whelan
Attorneys for Plaintiff

APPENDIX**Summary of Claimed Fees and Expenses****Total Fees By Firm**

FIRM/ORG.	HOURS	LODESTAR	LODESTAR PLUS 2.0 MULTIPLIER
National Center for Lesbian Rights (PLRA)	1253.80 hrs	\$ 291,508.50	\$ 583,017.00
NCLR Law Student - \$220/hr	39.10 hrs	\$ 8,602.00	\$ 17,204.00
NCLR Paralegal Assistant - \$175/hr	46.50 hrs	\$ 8,137.50	\$ 16,275.00
Cooley LLP (PLRA)	370.30 hrs	\$ 86,094.75	\$ 172,189.50
MacArthur Justice Center/Jenner (PLRA)	47.00 hrs	\$ 10,927.50	\$ 21,855.00
Ferguson Durham, PLLC (PLRA)	313.60 hrs	\$ 72,912.00	\$ 145,824.00
Hadsell Stormer Renick & Dai (PLRA)	1304.60 hrs	\$ 303,319.50	\$ 606,639.00
HS&R Law Clerk - \$175	20.20 hrs	\$ 3,535.00	\$ 7,070.00
HS&R Law Clerk - \$210	68.30 hrs	\$ 14,684.50	\$ 29,369.00
HS&R Law Student - \$220	63.70 hrs	\$ 14,014.00	\$ 28,028.00
Rifkin Law Office (PLRA)	2370.70 hrs	\$ 551,187.75	\$ 1,102,375.50
Totals	5897.80 hrs	\$ 1,364,923.00	\$ 2,729,846.00

Total Expenses By Firm

FIRM/ORG.	EXPENSES
National Center for Lesbian Rights	\$ 14,351.74
Cooley LLP	\$ 1,327.40
MacArthur Justice Center/Jenner	\$ -
Ferguson Durham, PLLC	\$ 272.42
Hadsell Stormer & Renick, LLP	\$ 55,585.39
Hadsell Stormer Renick & Dai - Prior Bills of Costs	\$ 19,215.94
Rifkin Law Office	\$ 1,125.84
Total	\$ 91,878.73

Grand Total

Grand Total	\$ 2,821,724.73

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION,
ET AL.

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF LORI RIFKIN IN
SUPPORT OF PLAINTIFF'S MOTION FOR
REASONABLE ATTORNEYS' FEES AND
EXPENSES THROUGH SEPTEMBER 30,
2021**

I, Lori Rifkin, hereby declare and state:

1. I am an attorney admitted to practice law in California and admitted pro hac vice to this Court. I am counsel of record for Plaintiff and acted as lead counsel on her case. I have personal knowledge of the matters set forth herein, and if called as a witness I could competently so testify.

2. This Declaration is filed concurrently with Plaintiff's Motion for Reasonable Attorneys' Fees and Expenses and Memorandum in support of same.

MOST RELEVANT GENERAL BACKGROUND

3. I am an active member of the State Bar of California, an inactive member of the State Bars of New York and Connecticut, and am admitted to the Eastern, Northern, and Central Federal District Courts in California; the Ninth Circuit Court of Appeals, and the US Supreme Court. I have litigated in federal courts across the country through either pro hac vice admission or on behalf of the United States.

4. I received my undergraduate degree *magna cum laude* from Harvard College and am a 2004 graduate of New York University School of Law. Since graduation from law school, I have practiced civil rights litigation as a staff attorney at the American Civil Liberties Unions of Connecticut and Southern California, an associate at the public interest law firm of Rosen, Bien, Galvan & Grunfeld, an attorney at the Legal Aid Society-Employment Law Center, and as a senior trial attorney in the Special Litigation Section of the Civil Rights Division of the United States Department of Justice ("U.S. DOJ"). In late 2013, I founded my own civil rights practice based in Oakland, California, Rifkin Law Office, to focus on complex civil rights matters. In August 2016, I merged my solo practice and became a partner at Hadsell Stormer & Renick LLP, opening a Bay Area office of the firm and working out of both the Bay Area and Los Angeles offices. In 2019, I ended my partnership at Hadsell Stormer & Renick LLP to focus on my practice based out of the Bay Area. Both firms continued to litigate Ms. Edmo's case as co-counsel in this matter.

5. I have extensive experience litigating unconstitutional prison and jail conditions

cases, including, among others, *Coleman v. Brown*, E.D. Cal. Case No. 2:90-cv-520-KJM-DAD. The *Coleman* case is a longstanding prison class action suit against the California Department of Corrections (“CDCR”) for constitutionally deficient mental health care that has been litigated at the federal district, appellate and Supreme Court levels. As a senior trial attorney in the U.S. DOJ, I also led investigative and litigation teams enforcing the Civil Rights of Institutionalized Persons Act in jails and prisons on behalf of the United States, including with respect to provision of necessary and adequate medical and mental health treatment.

6. I have been lead counsel in numerous prison and jail cases on behalf people who were denied adequate care while incarcerated, and on behalf of the families of incarcerated persons who died because of failures to provide health treatment. In 2019, I procured a settlement of approximately \$1.5 million for the family of Erika Rocha, a woman housed in the California Department of Corrections who died by suicide the night before her scheduled parole hearing. *Rocha v. Kernan, et al.*, C.D. Cal. Case No. EDCV 17-869-GW, filed May 4, 2017. Ms. Rocha had a well-documented history of mental illness and suicide attempts, but the prison failed to provide her appropriate mental health treatment and take other measures to ensure her safety. This has been reported to be the highest settlement paid on a death or injury case of an incarcerated person by the California Department of Corrections.

7. Also in 2019, I secured a \$1.6 million jury verdict for the family of Mark Pajas, who died in the Monterey County Jail while he was a pretrial detainee as a result of the Jail’s failure to provide adequate care. *Pajas v. County of Monterey, et al.*, N.D. Cal. Case No. 16-CV-945-BLF, filed February 25, 2016. The jury ruled that the county violated Mr. Pajas’ Fourteenth Amendment rights by failing to provide him with necessary care and violated his loved ones’ constitutional rights to a relationship with him. Following the jury verdict, the parties agreed to a settlement of \$2.85 million, inclusive of attorneys’ fees.

8. In 2018, I successfully obtained a partial summary judgment ruling finding liability against the County of Monterey for the death of Sandra Vela, who died by suicide in the Monterey County Jail while incarcerated as a pretrial detainee. *Estate of Vela v. County of*

Monterey, 2018 WL 4076317 (N.D. Cal. Aug. 18, 2018). The court held that the County, by policy and custom, subjected inmates with a history of suicidality to a substantial risk of serious harm, and was deliberately indifferent to that risk in violation of the Fourteenth Amendment. *Id.* at *7. Following this ruling, I procured a \$2.85 million settlement with the County of Monterey and its private health care provider, California Forensic Medical Group, on behalf of Ms. Vela's family.

9. In 2017, my team secured an approximately \$5 million settlement against the County of Sacramento and its jail medical provider, UC Davis, on behalf of James Joshua Mayfield, a young man who was rendered quadriplegic after attempting suicide in the Sacramento County Jail where he had been denied adequate health treatment and subjected to a brutal use of force by custody officers. *Mayfield v. Orozco, et al.*, E.D. Cal. Case No. 2:13-cv-2499-JAM-AC, filed Dec. 13, 2013. The case against the County settled after jury selection and opening statements in federal court, and following my team's successful litigation of a *Batson* motion in which the court ruled that the County had impermissibly used race as a jury selection factor. *Id.* at ECF No. 381 (May 2, 2017).

10. Also in 2017, after presenting Plaintiff's case in a federal court jury trial, I secured a mid-trial \$950,000 settlement from the California Department of Corrections and Rehabilitation on behalf of my client, Jermain Padilla. *Padilla v. Beard, et al.*, E.D. Cal. Case No. 2:14-cv-1118-KJM-CKD, filed May 6, 2014. CDCR failed to provide Mr. Padilla necessary treatment while he was in mental health crisis, and then subjected him to a violent and prolonged cell extraction followed by strapping him down naked in five-point restraints for 72 continuous hours and without washing the oleoresin capsicum (OC) spray from his body.

11. In addition to the cases described above, I have successfully led litigation securing seven-figure settlements on behalf of clients in multiple other jail and prison cases. *See, e.g., Hiscock v. County of Yuba, et al.*, E.D. Cal. Case No. 2:17-cv-013820JAM-GGH, filed December 28, 2017; *Claypole v. County of San Mateo, et al.*, N.D. Cal. Case No. CV 14 14-02730 BLF, filed June 12, 2014.

12. I also have particular experience litigating discrimination cases on behalf of LGBTQ people and their families. For example, in August 2017, I filed a federal lawsuit against a company operating in California and its national healthcare insurance administrator after they canceled the spousal healthcare coverage for a company employee because both spouses were women. Four months after we filed the lawsuit, the company publicly announced that it had rescinded its discriminatory policy, and I was able to secure a settlement for the couple. I have successfully resolved numerous cases on behalf of students and employees discriminated against based on sexual orientation and/or gender identity, and I have also been co-counsel on cases across the country fighting for relationship equality on behalf of the LGBTQ community. During my time in government service, I served on the DOJ Civil Rights Division's Lesbian, Gay, Bisexual, Transgender & Intersex (LGBTI) Workgroup, advising the DOJ on LGBTI issues.

13. Currently, I am co-counsel with the Southern Poverty Law Center, Florida Justice Institute, Inc., and Florida Legal Services in *Harvard, et al., v. Inch, et al.*, N.D. Fl. Case No. 4:19-cv-00212-MW-MAF, a putative class action challenging the constitutionality of the Florida Department of Corrections' solitary confinement policies and practices. I was engaged as co-counsel particularly to provide guidance to plaintiffs' counsel team regarding class certification strategy and litigating on behalf of incarcerated people with psychiatric and physical disabilities.

14. In addition to representing clients directly in federal civil rights litigation, I am often consulted by other attorneys and asked to provide training to attorneys and law students on civil rights litigation, trial practice, and prisoners' rights cases, which has included trainings for the Federal Court for the Eastern District of California and UC Hastings School of Law Civil Rights Clinic. I am also consulted as a leading attorney on prisoners' rights matters by public interest organizations such as Human Rights Watch. *See, e.g., Callous and Cruel: Use of Force Against Inmates with Mental Disabilities in US Jails and Prisons*, Human Rights Watch Report, 2014. I also authored a peer reviewed article regarding jail and prison litigation published in the UCLA Criminal Justice Law Review. "Barbarous and Ineffective: A Blueprint for Challenging Criminalization of People with Mental Illnesses and Psychiatric Disabilities," UCLA Criminal

Justice Law Review, Vol. 1 Issue 1, 2017.

15. In 2010, I was named as a Public Justice Trial Lawyer of the Year. In 2012, I was named one of the best LGBT lawyers under 40 by the National LGBT Bar Association. I have been named to the Northern California Super Lawyers List every year since 2016, and the Northern California Super Lawyers Rising Star List in 2014 and 2015. I was also named to the National Trial Lawyers Top 40 Under 40 List in 2017, and subsequently to the National Trial Lawyers Top 100 List.

16. A more complete recitation of my experience and background is included in my Resume, a copy of which is attached hereto as **Exhibit A**.

**SUMMARY OF THE LITIGATION AND THE
EXCELLENT RESULTS OBTAINED**

17. I filed my notice of appearance in this case, along with Amy Whelan at NCLR, in August of 2017. Ms. Whelan and I formerly worked together at Rosen, Bien, Galvan & Grunfeld, focusing on prisoner conditions litigation. Our local counsel, Deborah Ferguson and Craig Durham, had previously worked with Ms. Whelan on other civil rights cases in Idaho, and are very highly qualified civil rights attorneys. Because they needed outside support to litigate a complex case involving both prisoner conditions and medical issues related to transgender people, however, they asked us to co-counsel Ms. Edmo's case with them. It is my understanding that Ms. Ferguson and Mr. Durham would not have accepted this case without the assistance of outside counsel.

18. We all agreed to represent Ms. Edmo on a contingency basis, meaning that we knew we may never be compensated for our legal work if Ms. Edmo lost her case. Ms. Edmo did not have the resources to pay counsel and could not financially afford paying the attorney fees and expenses necessary to proceed with this action to protect her rights in the custody of the Idaho Department of Correction (IDOC). Ms. Edmo also has not paid any costs or expenses related to the lawsuit.

19. I served as lead counsel in this litigation, which was extremely hard-fought and

intense. Although our entire legal team was actively involved in overall strategy, we litigated the case efficiently and without unnecessary duplication. Plaintiff's counsel conducted much of our business during telephone conferences and through email, which served as a cost-effective means to divide tasks between the attorneys and staff while largely eliminating the need for expensive travel, except in the case of in-person hearings and depositions.

20. As a general matter and for most stages of the case, I took the lead on drafting key briefs and documents, which were then reviewed and edited by co-counsel. Because of NCLR's long experience litigating cases on behalf of transgender people, Ms. Whelan also took the lead on several briefs and reviewed and edited the others. Ms. Whelan and I also split responsibility for the medical experts. I supervised Ms. Shanhabag, who did the primary drafting of written discovery and document management, including for trial. Ms. Ferguson and Mr. Durham took the lead on ensuring compliance with local rules and practice and as the primary contact with Ms. Edmo, including prison visits to gather essential information. I was lead counsel at trial in the District Court and presented the oral arguments, including at the 9th Circuit, with assistance and preparation by my co-counsel. To ensure consistency and reduce duplicative review of discovery, I took the lead on most of the depositions in the case. Due to the complexity of the issues involved and the need for medical experts, however, and as reflected in the billing records, other staff assisted with document review, discovery requests, and deposition work.

21. Because of the urgency of Ms. Edmo's medical needs, the litigation was intense and fast-paced. After entering appearances for Ms. Edmo in mid-to-late 2017, our team quickly prepared an amended complaint and then fought off Defendants' motion for partial summary judgment. As Ms. Edmo's suffering continued, we also began preparing our motion for a preliminary injunction seeking immediate access to medical care, including surgery, access to gender-appropriate items, and other relief. Dkt. 62. Although Ms. Edmo alleged six claims in her complaint,¹ that motion, which we filed on June 1, 2018, was based only on the Eighth

¹ See Dkt. 172 (Eighth Amendment, Equal Protection based on sex, Equal Protection based on diagnosis, Discrimination in violation of Americans with Disabilities Act/Rehabilitation Act,

Amendment claim, her Equal Protection claim (based on sex) and the Affordable Care Act claim (based on sex).

22. After filing the motion for an injunction on June 1, 2018, this Court held a status conference with the parties and scheduled an evidentiary hearing to occur in mid-October. An intense period of discovery followed, during which the parties exchanged written discovery, prepared expert reports, and conducted 13 depositions of percipient and expert witnesses. Because Plaintiff had the burden of proof, we noticed 10 of the 13 depositions, based on Defendants' witness disclosures, and defended the other 3. Defendants produced nearly 12,000 pages of documents that we had to review and assess related to Ms. Edmo's legal claims. The briefing on the motion for an injunction, including expert reports, was completed in late September of 2018. Defendants' opposition included 9 declarations, 2 expert reports, and hundreds of pages of exhibits. Dkts. 101 through 101-17.

23. The evidentiary hearing spanned three full court days from October 10-12, 2018. The court admitted nearly 40 exhibits during the proceeding and the parties questioned and cross-examined 7 witnesses, including Ms. Edmo. At the end of October 2018, the parties also submitted post-trial briefs, proposed findings of fact and conclusions of law, supplemental testimony, and thousands of pages of documentary evidence.

24. In December 2018, this Court issued a comprehensive, 45-page order making extensive factual findings and concluding that Defendants had been deliberately indifferent to Ms. Edmo's serious medical needs by denying her adequate treatment for her gender dysphoria, including surgery. Dkt. 149. It found that Ms. Edmo presented "extensive evidence that, despite years of hormone therapy, she continues to experience gender dysphoria so significant that she cuts herself to relieve emotional pain. She also continues to experience thoughts of self-castration and is at serious risk of acting on that impulse. With full awareness of Ms. Edmo's circumstances, IDOC and its medical provider Corizon refuse to provide Ms. Edmo with gender

Discrimination in Violation of Affordable Care Act, and Negligence).

confirmation surgery...[and] have ignored generally accepted medical standards for the treatment of gender dysphoria.” *Id.* at 4. The court specifically found “credible the testimony of [Ms. Edmo’s] experts . . . who have extensive personal experience treating individuals with gender dysphoria both before and after receiving gender confirmation surgery,” and who determined Ms. Edmo requires surgery. *Id.* at 36. In contrast, the court rejected the contrary opinions of Defendants’ experts because they had “very little experience treating patients with gender dysphoria,” no “direct experience with patients receiving gender confirmation surgery or assessing patients for the medical necessity of gender confirmation surgery,” and misrepresented the WPATH standards of care. *Id.* at 36-37.

25. With respect to the two other claims upon which Ms. Edmo sought injunctive relief, the 14th Amendment and Affordable Care Act claims, the Court determined she had not met the “burden for a preliminary injunction...at this time.” In particular, the Court ruled that Ms. Edmo could not show the likelihood of irreparable injury on those claims given “the Court’s ruling on her Eighth Amendment claim.” *Id.* at 44. In other words, because Ms. Edmo was granted injunctive relief related to her Eighth Amendment claim, including surgery, she would not be subject to additional, irreparable harm. The Court also ruled that the balance of equities tipped in Defendants’ favor for those claims “because a more developed record on Defendants’ treatment of transgender inmates is necessary before making a broader ruling based upon the Fourteenth Amendment or Affordable Care Act.” *Id.*

26. Defendants filed their first (of three) notices of appeal on January 9, 2019, Dkt. 155, and also moved to stay the District Court’s order pending appeal. Dkt. 156. We filed a brief opposing the stay. Dkt. 168. On March 4, 2019, this Court denied the stay, highlighting its prior finding that “the risk of not providing gender confirmation surgery to Ms. Edmo include surgical self-treatment, emotional decompensation, and risk of suicide given her high degree of suicide ideation.” *Id.* at 1. Because Ms. Edmo’s “medical needs are urgent,” this Court urged Defendants “to act accordingly” to protect her Constitutional rights. *Id.* at 3.

27. On January 10, 2019, the Ninth Circuit expedited the briefing schedule for this

case, ordering Defendants to file their appellate brief no later than February 6, 2019. Defendants filed their brief on March 6, 2019, after obtaining an extension. Two days later, they filed an “urgent” motion to stay this Court’s injunction pending appeal, which required us to file an opposition only 7 days later. Although the Ninth Circuit granted the stay on March 20, it also granted our request to expedite the appeal.

28. Meanwhile, Defendants took the position in the underlying district court litigation that they did not have to provide even pre-surgical appointments to Ms. Edmo that were necessary prerequisites to surgery, the absence of which would further delay her care and endanger her health. Accordingly, we were forced to file an emergency motion with the 9th Circuit on March 22, 2019, to exempt Ms. Edmo’s presurgical appointment with the surgeon. The 9th Circuit granted that exemption from the stay. We filed Ms. Edmo’s appellate brief soon thereafter, on April 4, 2019, and also coordinated five amicus briefs to assist the Court’s appellate review. I then argued the appeal before the Ninth Circuit on May 16, 2019.

29. Meanwhile, this Court began holding the first of what would become more than 10 status conferences intended to ensure that Defendants would be on track to comply with the injunction if and when it was affirmed on appeal.

30. After this Court issued its May 31, 2019, Order renewing the injunction in accordance with limited remand by the Ninth Circuit, Defendants filed a second notice of appeal on June 28, 2019. Dkt. 203.

31. On August 23, 2019, the Ninth Circuit issued its ruling upholding this Court’s fact-specific determination that Defendants violated the Eighth Amendment by denying Ms. Edmo surgery and determining that an injunction is necessary due to the irreparable harm of Ms. Edmo’s “severe, ongoing psychological distress and high risk of self-castration and suicide she faces absent surgery.” *Edmo v. Corizon*, 935 F.3d 757, 797 (9th Cir. 2019).

32. Despite Ms. Edmo’s ongoing and desperate need for care, as determined now by two federal courts, Defendants made litigation decisions in the next several months that significantly increased the attorney fees in this case. On September 6, 2019, for instance, they

filed a motion for rehearing *en banc* of the Ninth Circuit Decision. Dkt. 99. On September 9, 2019, the Ninth Circuit ordered us to respond within 21 days (Dkt. 100), which we did on September 30, 2019. Dkt. 102. Also on September 30, Defendants filed yet another joint motion to stay the underlying litigation after the parties' negotiations over that issue failed. While Plaintiff and Defendants both agreed that Defendants would preserve all evidence and produce Plaintiff's medical and correctional records on an ongoing basis, Defendants filed that motion to stay because they would not agree to make five key witnesses available for depositions as the appeals were pending. At that point, memories were fading and the litigation had been ongoing for more than two years. The district court eventually denied that stay motion as moot, but Plaintiff was still required to oppose it.

33. Also during this intense period of litigation at the end of 2019, and while the motion for rehearing *en banc* was pending, Defendants again took the position that they were under no obligation to provide pre-surgical care to Ms. Edmo, forcing us to file another motion with the Ninth Circuit to partially lift the stay regarding those appointments. The Ninth Circuit granted that motion on October 10, 2019, Dkt. 220. When this Court subsequently issued an Order on October 24, 2019, requiring Defendants to comply with the presurgical requirements of Defendants' own, chosen surgeon, Defendants filed yet another "expedited" stay motion as well as a third notice of appeal in the case of that District Court order. Dkts. 227, 228. As a result of these actions, we were forced to prepare an opposition to the stay motion within five days, which we filed on November 5. This Court denied the stay a few days later (Dkt. 244), prompting Defendants to seek an "emergency" stay from the Ninth Circuit on November 13. We were given four days to oppose, which we did on November 18 by filing a motion to dismiss the appeal for lack of jurisdiction since this Court's order did not modify the underlying injunction and thus was not subject to interlocutory review. One day later, on November 19, the Ninth Circuit dismissed Defendants' third appeal in the case.

34. Meanwhile, because of Defendants' new litigation position that they did not understand what surgery this Court ordered, and their contention that the required surgical

procedure was unclear, this Court ordered an expedited hearing to consider Defendants' new arguments that two rarely performed surgical techniques were suitable options for Ms. Edmo rather than the most common and typically performed surgical technique. This forced our team to obtain additional declarations from two medical experts and Ms. Edmo, file a pre-hearing brief, and to travel to Idaho for an in-person hearing related to this issue, at the same time we were opposing Defendants' latest "emergency" motion for a stay and third appeal to the Ninth Circuit. The briefing leading up to that hearing occurred in mid-November, 2019, and the hearing was held on November 21, 2019. As a result of that hearing, this Court reinstated its presurgical order and required Defendants to provide the first hair removal procedure no later than November 26, 2019. As a result, Ms. Edmo finally began receiving the necessary pre-surgical care required by Defendants' surgeon.

35. On February 10, 2020, the Ninth Circuit denied rehearing *en banc*. This prompted yet another round of motions by Defendants attempting to stay the injunction pending the filing of a petition for writ of certiorari to the U.S. Supreme Court, first in the Ninth Circuit on February 13, 2020, which the Ninth Circuit denied on February 19, 2020, after receiving our opposition, and then in the U.S. Supreme Court on May 6, 2020. On May 13, the Supreme Court requested that we file a response to Defendants' application for stay no later than May 18, 2020, by 4:00 pm, which we did. The Supreme Court subsequently denied Defendants' application for stay on May 21, 2020.

36. Those denials paved the way for Ms. Edmo to finally receive the surgery this Court deemed urgent nearly a year and a half earlier. When Plaintiff's counsel learned over the next few weeks, however, that COVID-19 infections were on the rise in Ms. Edmo's prison and could thus compromise her ability receive the surgery, we urged Defendants to take reasonable actions to get Ms. Edmo tested and remove her from that prison in time to receive the surgery. When Defendants refused to take these steps, we were forced to file an emergency, *ex parte* motion with this Court requiring that Defendants take these actions. On July 1, 2020, this Court granted that motion, ordered Defendants to immediately test Ms. Edmo for COVID-19 and

arrange for timely transport to a facility that would enable her to receive surgery assuming she tested negative. Dkt. 290.

37. In July 2020, 19 months after this Court ordered surgery, Ms. Edmo finally received surgery.

38. Plaintiff's legal fight did not end there, however, as Defendants filed a petition for writ of certiorari to the U.S. Supreme Court. Because this case involved the first transgender inmate in the country to receive court-ordered surgery—a precedent that, while unique to the facts of Ms. Edmo's case, was significant in the fields of constitutional rights and prisoner litigation—it was essential that we protect the lower court rulings. That was especially true because Defendants sought certiorari review based on extreme legal arguments that, if granted, could upend 8th Amendment legal precedents related to prisoners' medical needs. For instance, Defendants argued that the lower court decisions did not adhere to legal precedents and would result in federal courts becoming too involved in “day-to-day treatment decisions of prison medical and mental health providers.” Pet at 34. They also claimed that “medical treatment provided ... to transgender inmates” should be of special concern to the Court, *id.* at 35-36—an argument that, if adopted, would have allowed prisons to base medical decisions not on the severity or symptoms of a person's medical condition but rather on stigma and bias against transgender people as a whole.

39. Given the importance of these issues not only for Ms. Edmo, but for all transgender prisoners, we brought in Supreme Court specialists to assist with this part of the case. This included Supreme Court specialists at Cooley LLP, who took the lead on opposing the petition of *certiorari* and the suggestion of mootness, as well as specialists at Jenner Block. The qualifications and experience of those attorneys, who were essential to the Supreme Court phase of the litigation, are set forth in the declarations of Kathleen R. Hartnett and Devi Rao, filed concurrently herewith.

40. In my experience and based on my knowledge, it is not uncommon for attorneys to bring in Supreme Court specialists if and when a case reaches that level.

41. The Supreme Court phase of the litigation, like the other phases, was intense. First we prepared and filed the opposition to the application for a stay pending resolution of the petition on May 18, 2020, only 12 days after it was filed. The Court denied that stay on May 21st. Then we immediately turned to opposing the writ of certiorari, which we filed on August 10, 2020. Because Defendants filed a suggestion of mootness the same day as their reply brief, we then turned to responding to that brief only a week and a half later. On October 13, 2020, the Supreme Court denied the petition for *certiorari* and rejected the mootness determination, with only two justices dissenting from that decision on the mootness ground.

42. At that point and with all appeals now exhausted, we turned to the remainder of Ms. Edmo's claims that were not adjudicated by the injunction. Because Ms. Edmo already had obtained surgery, however, and would not receive additional relief for those claims, we voluntarily dismissed all remaining claims other than her claim for damages. The parties then engaged in judicially supervised settlement negotiations with the Honorable Richard C. Tallman, United States Circuit Judge for the Ninth Circuit, on March 9 and 19 of 2021, which led to a stipulated partial settlement.

43. Defendants' counsel for the state and Corizon aggressively litigated this case, requiring Plaintiff's counsel to incur additional fees. For instance, IDOC, without any notice to Plaintiff's counsel, filed a motion in state court on July 11, 2018, that improperly disclosed confidential criminal and medical information about Ms. Edmo. In order to protect Ms. Edmo's statutory rights and her right to privacy, we moved to strike a declaration containing confidential information about Ms. Edmo and for a Protective Order. Dkt. 81. Defendants eventually agreed to the protective order and the court sealed the document. Defendants also misused court rules and procedure. On April 3, 2019, the day before Plaintiff's Ninth Circuit brief was due, for instance, Defendants filed as "urgent" a motion before the Ninth Circuit Court of Appeals. Because that was the "second time within the past 30 days that Defendants [had] filed an 'urgent' motion under Rule 27-3 in which they self-select[ed] a date that does not correlate to any deadlines or calendared dates in the case," Plaintiff's counsel was forced to file an opposition at

the same time we were finalizing our appellate brief. The Ninth Circuit agreed, ruling on April 5, 2019, that Defendants had not met the standard for “urgent” motions and applying the typical briefing schedule to Defendants’ filing. Ninth Circuit Dkt. 37. Defendants also filed repeated appeals in the Ninth Circuit of the same underlying relief, including appealing this Court’s order on remand, despite the appellate court’s direction that such appeal need not be filed. *See* Dkt. 90 at 4 (“This panel retains jurisdiction pending the limited remand. No party need file a new notice of appeal.”). Plaintiff was then obligated to file responses to these appeals, including additional corollary stay and procedural motions filed by Defendants. Ultimately, the Ninth Circuit summarily dismissed one of these appeals and found the other moot.

44. Due to the nature of this case, our arguments required in-depth medical knowledge. We spent a significant amount of time consulting and deposing medical experts and accessing medical records. At the time the case commenced, only a few federal courts across the country had addressed the medical necessity of gender affirmation surgery for incarcerated individuals. This case also presented matters of first impression by the court, requiring significant research and briefing, along with extensive fact and expert discovery in preparation for the hearing.

45. Based on my years of litigation experience, the results obtained in this case are superlative. Plaintiff prevailed on her Eighth Amendment claim and she was able to finally access gender affirming surgery in July of 2020 after the U.S. Supreme Court refused to stay the injunction while the prison sought review from that Court. As of August 2021, the Ninth Circuit decision we obtained in this case—the first federal appellate decision upholding an order for an incarcerated person to be provided gender affirming surgery—has been cited more than 200 times, including 85 case citations.

BILLING RATES, RECORDS, AND REDUCTIONS

46. My 2021 hourly rate is \$750/hour. This is the same rate paid by clients whom I represent and who are paying their own bills, in which full payment is due monthly. This is a reasonable hourly rate for a civil rights attorney of my expertise and experience in the San

Francisco Bay Area. I am familiar with the rates charged by other civil rights lawyers in the San Francisco Bay Area from my own work with Rosen, Bien, Galvan & Grunfeld, my discussions of attorneys' fees and billing practices with other members of the bar who practice in the area of civil rights, and from my review of articles, surveys, and published opinions regarding prevailing attorneys' rates and fees.

47. Attached hereto as **Exhibit B** is a true and accurate transcription of my time. That time reflects my work on the following major categories of work: (1) researching, drafting, and editing the Amended Complaints; (2) extensive discovery in the case, including written discovery, expert work, and depositions; (3) work on Plaintiff's successful motion for a mandatory injunction, including supporting affidavits and evidence; (4) leading Plaintiff's trial team during the evidentiary hearing on Plaintiff's motion for an injunction; (5) work opposing Defendants' many motions to stay the injunction in this Court, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court; (5) research and drafting the successful appellate briefs in the Ninth Circuit Court of Appeals and arguing that appeal; (6) research and drafting the successful opposition to Defendants' application to the U.S. Supreme Court for a stay; (7) work on our successful opposition to Defendants' petition for certiorari to the U.S. Supreme Court; (8) communications with Plaintiff, including providing her with all filings via legal mail, to keep her informed and ensure her ability to access court-ordered treatment throughout every phase of the case; and (9) work to ensure enforcement of this Court's order. All of this work was necessary and reasonable to secure and enforce Plaintiff's victory in this case.

48. As noted above, Plaintiff's counsel performed work efficiently, effectively, with extreme diligence, and without unnecessary duplication. Based on my experience litigating complex civil rights cases, I believe the hours recorded by Plaintiff's counsel are extremely reasonable. I have nevertheless made billing judgment reductions for the purpose of eliminating any possible duplication, overstaffing or overwork. First, as lead counsel, I often did not record phone or other conferences I had with other attorneys and staff. Second, I made discrete deductions of time based upon the same careful review of billing records that a lawyer would do

before sending a bill to a fee-paying client. These deductions appear in the “Billing Judgment Reduction” column on my timesheets.

49. After these deductions, my total claimed lodestar at the PLRA rate is \$551,187.75 through September 30, 2021, which becomes \$1,102,375.50 if the Court awards a multiplier. At the appropriate time, I will submit time records for time in this case since September 30, 2021. Even with the multiplier, this amount is far below what I would receive if I was compensated at my usual hourly rate of \$750 per hour (\$1,778,025).

50. I have also incurred \$1,125.84 in expenses for this matter, which are detailed in **Exhibit C**. As an exercise of billing judgment, I do not seek reimbursement for other costs that are also awardable, such as phone charges and Westlaw charges.

I declare under penalty of perjury under the laws of the United States and the State of Idaho that the foregoing is true and correct. Executed on October 21, 2021, in Oakland, California.



Lori Rifkin
Attorney for Plaintiff

EXHIBIT A

LORI E. RIFKIN

3630 High Street #18917, Oakland, CA 94619

Phone: 510-414-4132 Email: lrifkin@rifkinlawoffice.com Website: www.rifkinlawoffice.com

EXPERIENCE

RIFKIN LAW OFFICE, Oakland, CA

Principal, 2013-present

Founder of civil rights litigation firm. Representative cases include: federal injunction requiring Idaho Dep't of Corrections to provide gender affirming surgery for transgender woman; \$1.5 million jury verdict to family whose father died in jail without adequate medical care; seven-figure settlements of five cases on behalf of families whose loved ones died in jail/prison without adequate health care, lesbian employee whose employer denied her wife health insurance, formerly incarcerated man subjected to denial of mental health treatment & assault in California state prison; successful pre-litigation resolution of sexual harassment cases in schools and camps.

HADSELL STORMER & RENICK LLP, Emeryville/Pasadena, CA

Partner, 2016-2019

Three-year merger of Rifkin Law Office with Pasadena-based civil rights firm Hadsell Stormer & Renick. Partner & lead trial counsel on civil rights litigation; supervised associate attorneys & other staff. Representative work includes: litigation regarding constitutional violations in jails & prisons; discrimination against individuals & families based on sex, gender identity & sexual orientation; police use of force.

CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE, Washington, D.C.

Senior Trial Attorney, Special Litigation Section 2010-2013

Investigated & litigated civil rights violations by state & local law enforcement, corrections, & juvenile justice agencies; investigated & litigated violations of Freedom of Access to Clinic Entrances Act. Civil Rights Division LGBT working group; DOJ-wide working group on gender-biased policing.

LEGAL AID SOCIETY-EMPLOYMENT LAW CENTER, San Francisco, CA

Attorney, 2009-2010

One-year litigation position. Developed & litigated state & federal actions addressing employment discrimination against low-income workers based on sex & pregnancy; gender identity; sexual orientation; race & national origin.

AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA, Los Angeles, CA

Staff Attorney, 2008-2009

Litigation & advocacy with focus on LGBT & women's rights. Litigation work included: action against school district regarding discrimination & harassment; action against state agency to protect informational privacy regarding HIV status; action against city regarding criminalization of chronically homeless individuals. Policy & public advocacy work included: Proposition 8 (CA same-sex marriage), discrimination in public accommodations, treatment of LGBT individuals in prison, student free speech rights, & sexual health education.

ROSEN BIEN GALVAN & GRUNFELD LLP, San Francisco, CA

Associate Attorney, 2006-2008

Represented plaintiffs in civil rights cases including federal class actions on behalf of state prisoners with mental illness & state parolees. Litigated statewide prisoner release order before federal three-judge panel affirmed by the U.S. Supreme Court. Wrote briefs successfully moving for referral of prisoner release order to three-judge panel. Conducted prison monitoring tours & prisoner interviews; worked with Special Master & court expert teams; negotiated with State defendants.

AMERICAN CIVIL LIBERTIES UNION OF CONNECTICUT, Hartford, CT

Staff Attorney, 2004-2005

Investigated & litigated broad spectrum of civil rights claims including sex discrimination, marriage equality, prisoners' rights, First Amendment. Drafted legislative testimony, supervised law clerks, performed community outreach and education, oversaw intake process, represented ACLU-CT on statewide coalitions.

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D. Degree, May 2004.

Honors: Eric Dean Bender Prize (commitment to public service-oriented cause outside of Law School commitments, awarded for activism on Solomon Amendment issues)

Dean's Scholarship Recipient, scholarship based upon academic merit

Clinics: Criminal Appellate Defender Clinic (with the NY Office of the Appellate Defender), Fall 2003

Brennan Center Public Policy Advocacy Clinic, Fall-Spring 2002-03

Internships: ACLU LGBT & AIDS Projects, February-August 2002, February-May 2003

ACLU National Legal Department Race & Poverty Docket, September 2002-May 2003

Southern Poverty Law Center, June-August 2003

Activities: OUTLaw, Executive Board; Coalition for Legal Recruiting (faculty diversity); Law Women Workshop Leader, Yale Law School Rebellious Lawyering Conference 2003

HARVARD UNIVERSITY, Cambridge, MA

A.B. Degree *magna cum laude*, Social Studies and Women's Studies, June 2000

Honors: Harvard College Scholarship and Agassiz Certificate of Merit for academic achievement

Selected Activities: Radcliffe Rugby Team (Captain), 1998 National Champion Team

Harvard Women's Leadership Conference

PUBLICATION

Barbarous and Ineffective: A Blueprint for Challenging Criminalization of People with Mental Illnesses and Psychiatric Disabilities, UCLA Criminal Justice Law Review, Vol. 1, Issue 1 (2017)

SELECTED AWARDS

Public Justice Trial Lawyer of the Year Finalist (as part of team litigating California prison overcrowding), 2010

National LGBT Bar Association Best LGBT Lawyers Under 40, 2012

National Trial Lawyers Top 40 Under 40, California Civil Litigation, 2017-2019

Northern California Super Lawyers, 2016-2020

SELECTED ACTIVITIES

Co-founder & Administrator, Feminist Litigators Coalition, 2013 to present

Legal Advisory Panel, California Coalition for Women Prisoners, 2014 to present

Guest Lecturer, UC Davis School of Law Civil Rights Clinic, 2017 to present

Panelist, California Employment Lawyers Association Diversity Leadership Summit: "Using Allyship to Enhance Diversity in the Law," June 2019

Moderator, National Prisoners' Advocates Conference: "Litigating Damages: Qualified Immunity & Trial Strategies," October 2018

Panelist, Federal Bar Association-Los Angeles: "Gender Discrimination and Harassment in the Legal Profession: The Role of the Court in Addressing and Enforcing Civility and Non-Discrimination," February 2018

Panelist, California Employment Lawyers Association Annual Conference: "When Lawyers Become the Target of Discrimination and Bias," October 2017

Panelist, The College of Labor and Employment Lawyers: "Civility and the Elimination of Unprofessional Conduct Towards Women," April 2017

Panelist, Symposium on Prosecutorial Misconduct at Berkeley Law School, February 2017

Panelist, Bay Area National Lawyers Guild Annual Staying True to Your Roots Training: "Sexual Harassment in Progressive Legal Spaces," January 2017

Moderator & Organizer, "Mariposa & the Saint: Experiences of Incarcerated Women" at Ninth Circuit Court of Appeals Corrections Summit, November 2015

BAR ADMISSIONS

U.S. Supreme Court; Ninth Circuit Court of Appeals; Eastern, Northern, Central, and Southern Districts of California; District of Connecticut; California State Bar; New York State Bar; Connecticut State Bar

EXHIBIT B

Edmo v. IDOC**Lori Rifkin Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
5/30/2017	Phone conf w AW re: potential case re: transgender prisoner in Idaho	0.4	0.4	0.00
5/31/2017	Phone conf w AW re: potential case re: transgender prisoner in Idaho & evaluation of case	0.2	0.2	0.00
6/13/2017	Phone conf w AW re: potential case re: transgender prisoner in Idaho	0.2	0.2	0.00
6/19/2017	Phone conf w/ AW re: potential case re: transgender prisoner in Idaho	0.2	0.2	0.00
6/19/2017	Follow-up email re potential case	0.2	0.2	0.00
6/26/2017	Intake emails re: potential Idaho trans case w/ referring counsel	0.2	0.2	0.00
7/25/2017	Lv VM for AW re setting up client mtg	0.1	0.1	0.00
8/1/2017	Review Edmo records & emails w/ co-counsel re: same	1.3	1.3	0.00
8/3/2017	Travel OAK-BOI-prison for mtg w potential client Edmo	6.5	6.5	0.00
8/3/2017	Meeting w Adree Edmo & AW re representation & case	2.7	2.7	0.00
8/3/2017	Travel prison-BOI-OAK for mtg w potentail client Edmo	5.5	5.5	0.00
8/8/2017	Conf w/ co-counsel re: Edmo case & next steps	0.5	0.5	0.00
8/8/2017	Emails w AW re case & next steps	0.2	0.2	0.00
8/10/2017	Conf w co-counsel re: Edmo case & next steps; follow-up w DS re: same	0.7	0.7	0.00
8/10/2017	Follow-up w DS re case & update	0.2	0.2	0.00
08/15/17	Phone conf w/ AW re: am complaint; follow up email to cocounsel re: same	0.30	0.30	0.00
08/29/17	Prep for filing complaint; coordinate pro hac apps	0.20	0.20	0.00
08/29/17	Draft complaint; confs & emails w cocounsel	3.50	3.50	0.00
08/30/17	Phone conference w/ opp counsel & follow up email to cocounsel	0.40	0.40	0.00
08/30/17	Prep for complaint filing (ECF registrations); conf w/ co-counsel; emails exch re: updating complaint	2.50	2.50	0.00
08/31/17	Edit / revise complaint	5.30	5.30	0.00
08/31/17	Edit / revise complaint; emails w co-counsel re: same	0.70	0.70	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/31/17	review co-counsel comments; phone conf w same	0.50	0.50	0.00
08/31/17	edit / revise complaint w/ co counsel comments	2.40	2.40	0.00
09/01/17	edit / revise complaint for filing; email exch w/ co-counsel re: eidts/strategy	0.30	0.30	0.00
09/01/17	review complaint for finalizing; edit	0.20	0.20	0.00
09/08/17	review email from co-counsel	0.10	0.10	0.00
09/12/17	email exch w opp counsel	0.20	0.20	0.00
09/13/17	draft email to co counsel re: telephone conf w opp counsel & stipulation to extend; review emails re: same	0.30	0.30	0.00
09/15/17	draft email to opp counsel re: stipulation to extend time; housing	0.30	0.30	0.00
10/18/17	phone conf w opp counsel; email to cocounsel re: same	0.60	0.60	0.00
10/23/17	email to cocounsel w updated on case	0.30	0.30	0.00
11/02/17	Review defs MSJ/MTD; email w cocounsel re: same	0.30	0.30	0.00
11/07/17	emails w cocounsel re: retainer agmt	0.20	0.20	0.00
11/07/17	Phone conf w cocounsel re: MTD/MSJ	0.20	0.20	0.00
11/07/17	attempt phone conf w/ client; follow up confs w cocounsel, JV	0.60	0.60	0.00
11/08/17	Research re: MSJ/MTD opp; cocounsel emails re: same	0.80	0.80	0.00
11/13/17	emails/confs w/ JV re: registering for attorney-client calls/emails	0.20	0.20	0.00
11/13/17	Prep of opp MSJ/MTD brief; emails w co counsel re: same; review exemplars of fact sections	0.60	0.60	0.00
11/14/17	coordinate with JV for getting access to attorney-client calls	0.20	0.20	0.00
11/15/17	Meeting w/ CM re: MSJ/MTD opp research	0.30	0.30	0.00
11/16/17	emails re: expert exam of client	0.10	0.10	0.00
11/17/17	Conf w/ CM re: MTD opp research	0.30	0.30	0.00
11/18/17	Research msj/mtd opp	2.60	2.60	0.00
11/18/17	Review CM draft exhaustion section	0.30	0.30	0.00
11/18/17	Research for MSJ/MTD opp	2.70	2.70	0.00
11/19/17	Draft opp to MSJ/MTD; phone conf w opp counsel re: same	7.30	7.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/19/17	Draft opp to MTD/MSJ	11.50	11.50	0.00
11/20/17	Draft opposition to msj/mtd & send to cocounsel	2.80	2.80	0.00
11/20/17	Conf w / co counsel re: opp to mtd/msj; review edits re: same; emails re: same	3.40	3.40	0.00
11/20/17	call w client (attempted); confs w/ JV re: attorney-client calls; emails re: same	0.40	0.40	0.00
11/20/17	Draft brief in opp to MSJ/MTD	2.50	2.50	0.00
11/20/17	Research & draft notice of const question	0.80	0.80	0.00
11/20/17	try to have call w client; follow up with JV	0.60	0.60	0.00
11/20/17	Edit / Revise exhaustion/grievance section/ emails w/ CM re: same	0.60	0.60	0.00
11/21/17	Edit opp to mtd/ msj	2.60	2.60	0.00
11/21/17	confs/ w co counsel re: edits to opp; emails re: same; revisions re: same	3.20	3.20	0.00
11/21/17	Edit Opp to MTD/MSJ; send to co-counsel	2.70	2.70	0.00
11/21/17	edit ADA section of brief; confs w/ co-counsel re: same; email review re: same	4.20	4.20	0.00
11/21/17	Edit notice of const question	0.40	0.40	0.00
11/22/17	Prep opp to MSJ/MTD; review emails re: ADA portion of brief; review brief; emails w/ co-counsel re: same; preparation for filing; review tables re: same; phone confs w/ JV re: same; finalize brief & documents for filing	5.20	5.20	0.00
11/22/17	filing Opp to MSJ/MTD	5.60	5.60	0.00
11/27/17	email w/ coccounsel	0.20	0.20	0.00
11/28/17	emails re: expert exam	0.10	0.10	0.00
11/29/17	emails w/ JV re: client communications	0.20	0.20	0.00
11/30/17	correspondence to client	0.20	0.20	0.00
11/30/17	conf w/ client; email to co-counsel re: same	0.50	0.50	0.00
03/07/18	Prep for Dr. Ettner trip to assess client; emails w/ team & Ettner re: same; conf w/ AW re: same	2.00	2.00	0.00
03/07/18	email w/ JV re: setting up attorney-client call	0.20	0.20	0.00
03/12/18	Prep for expert trip	0.30	0.30	0.00
03/12/18	follow up w JV re: client call	0.20	0.20	0.00
03/13/18	emails w/ JV re: attorney-client call; draft emails to client re: same	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/26/18	Prep notice of supp authority, conf w/ JV	1.20	1.20	0.00
03/29/18	Prep for moot court re MTD/partial MSJ	1.40	1.40	0.00
04/04/18	MTD hearing & follow-up w cocounsel	1.40	1.40	0.00
04/04/18	Prep for MTD hearing	2.50	2.50	0.00
04/04/18	conf w/ co counsel; emails re: same	0.50	0.50	0.00
04/04/18	Travel from Boise-Oak	4.50	4.50	0.00
04/23/18	Email w cocounsel re: expert visit/assessment	0.30	0.30	0.00
04/30/18	Email w co-counsel; JV re: client medical files	0.40	0.40	0.00
05/01/18	Email w/ co-counsel re: pl records; email re: experts	0.30	0.30	0.00
05/03/18	Email w co counsel re: expert consult; medical records; phone conf re: same	0.40	0.40	0.00
05/03/18	Research re: other prison system policies re: trans	0.40	0.40	0.00
05/04/18	Email w co counsel re: case strategy	0.20	0.20	0.00
05/08/18	Prep record requests; Preliminary injunction motion prep	1.10	1.10	0.00
05/11/18	Prep releases for client records; Preliminary injunction prep	0.90	0.90	0.00
05/18/18	research other system policies; possibel expert; preparation Preliminary injunction brief	0.90	0.90	0.00
05/19/18	Prep Preliminary injunction motion	7.50	7.50	0.00
05/20/18	Prep Preliminary injunction motion	9.80	9.80	0.00
05/21/18	Prep Preliminary injunction motion	10.40	10.40	0.00
05/23/18	Prep Preliminary injunction motion/Adree decl	4.60	4.60	0.00
05/24/18	Prep Preliminary injunction motion (expert declaration review)	1.30	1.30	0.00
05/24/18	Prep Preliminary injunction motion	3.70	3.70	0.00
05/26/18	Prep Preliminary injunction motion, call w/ SS re same	5.70	5.70	0.00
05/27/18	Prep Preliminary injunction motion	6.30	6.30	0.00
05/28/18	Prep Preliminary injunction motion	2.30	2.30	0.00
05/29/18	Prep Preliminary injunction motion	4.30	4.30	0.00
05/30/18	Prep Preliminary injunction motion, confs w/ co-counsel re same	11.50	11.50	0.00
05/31/18	Prep Preliminary injunction motion, conf w/ SS re: same	5.30	5.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/01/18	Prep Preliminary injunction motion, confs w/ co-counsel re same	12.30	12.30	0.00
06/05/18	Prep Opp motion for ext of time PI	5.20	5.20	0.00
06/05/18	Prep opposition motion EOT and conf with co-counsel re same	6.20	6.20	0.00
06/06/18	Revise opp to motion for extension of time & file	1.20	1.20	0.00
06/06/18	Review SS draft opp to motion to ext; conf w/ SS re: same; conf w JV re: same	3.70	3.70	0.00
06/06/18	Prep opp motion Preliminary injunction ext of time	3.30	3.30	0.00
06/07/18	review MTD order; emails w co-counsel; legal resarch	1.50	1.50	0.00
06/08/18	review Defs' filings; legal research re: declaration by current clinician; cocounsel conf; email to opp counsel	4.20	4.20	0.00
06/10/18	Review SS research re: legal issue & email re: same	0.50	0.50	0.00
06/11/18	Review research re: current mh clinician declaration; emails w SS re: same	0.40	0.40	0.00
06/12/18	status conf re: motion for PI	0.30	0.30	0.00
06/12/18	email w/ co counsel re: evidentiary hearing	0.30	0.30	0.00
06/12/18	email to opp counsel re: medical privacy issues	0.60	0.60	0.00
06/15/18	Prep discovery; jt statement; meeting w client	3.90	3.90	0.00
06/18/18	Prep for meet & confer; record request; review discovery	2.10	2.10	0.00
06/19/18	conf w SS	0.50	0.50	0.00
06/20/18	Prep discovery/PI	0.50	0.50	0.00
06/29/18	Prep initial disclosures; discovery ; meet & confer	1.90	1.90	0.00
07/02/18	Prep discovery plan w co-counsel; opp counsel emails re: deposition dates	1.20	1.20	0.00
07/07/18	Prep expert reports	1.80	1.80	0.00
07/12/18	Prep expert disclosure; motion to strike & prot order	3.80	3.80	0.00
07/13/18	Prep expert disclsoures; discovery; co-counsel conf & deposition prep	2.60	2.60	0.00
07/16/18	Prep meet & confer w opp counsel re: discovery; communication to client; discovery; tm meeting; motion to strike/protective order	4.30	4.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/17/18	team call/confs; legal research	3.40	3.40	0.00
07/20/18	client communications; discovery; expert research; stipulation	5.40	5.40	0.00
07/26/18	Prep motion to strike, confs w/ cocounsel re: same	4.30	4.30	0.00
07/27/18	Prep IME coverage; discovery; experts; confs w/ cocounsel re same	2.70	2.70	0.00
07/30/18	Prep discovery; document production; PSI reports communication w opp counsel/cocounsel	3.40	3.40	0.00
07/31/18	review defs filings;	1.70	1.70	0.00
07/31/18	Prep discovery; IME; legal research	4.50	4.50	0.00
08/01/18	Prep discovery	1.80	1.80	0.00
08/02/18	Prep discovery	0.70	0.70	0.00
08/03/18	conf w team	0.50	0.50	0.00
08/13/18	Prep for Eliason deposition (SS)	3.40	3.40	0.00
08/17/18	Prep discovery	0.40	0.40	0.00
08/20/18	Travel for client deposition preparation OAK-BOI	3.40	3.40	0.00
08/20/18	Prep client for depo	3.80	3.80	0.00
08/21/18	prep client for deposition w SS	6.70	6.70	0.00
08/21/18	Travel BOI-OAK from client depo prep	3.70	3.70	0.00
08/22/18	Prep prot order stip, conf w/ JW, AW re: same	0.70	0.70	0.00
08/23/18	Travel OAK-BOI for AE depo	3.40	3.40	0.00
08/23/18	Prep for AE depo	3.20	3.20	0.00
08/24/18	Client deposition & prep, confs w/ DF, SS, NM re: same	8.50	8.50	0.00
08/24/18	Travel BOI-OAK for AE depo	4.10	4.10	0.00
08/25/18	Prep for 30b6 depo, cocounsel conf re:same	4.60	4.60	0.00
08/26/18	Prep with cocounsel 30b6 depo	2.40	2.40	0.00
08/28/18	Travel OAK-BOI for Alviso depo	3.60	3.60	0.00
08/28/18	Prep for Alviso depo	4.30	4.30	0.00
08/29/18	Prep for alviso deposition; conf w co-counsel; alviso depo	11.40	11.40	0.00
08/29/18	Travel BOI-OAK from alviso depo	3.40	3.40	0.00
08/30/18	Prep for continue meet and confer re: motion to strike; emails	0.70	0.70	0.00
08/30/18	Prep discovery and confs w team re same	2.80	2.80	0.00
08/31/18	Prep discovery responses	1.70	1.70	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/31/18	Prep witness disclosures	0.50	0.50	0.00
08/31/18	Prep discovery	0.60	0.60	0.00
09/03/18	Prep discovery, strategy, review	1.70	1.70	0.00
09/04/18	Prep re: discovery, deposition, conf with AW re same	4.70	4.70	0.00
09/05/18	Prep discovery; co-counsel calls re: strategy	3.40	3.40	0.00
09/06/18	Prep email re: motion to strike mediation/ preparation for mediation/ call w opp counsel	1.30	1.30	0.00
09/06/18	Prep discovery; notices/ meet and confer; conf w AW re: same	1.30	1.30	0.00
09/07/18	Prep for mediation w court re: motion to strike	0.60	0.60	0.00
09/07/18	Prep meet and confer re: witness disclosures; conf w SS re: same	0.40	0.40	0.00
09/07/18	Prep for depo	0.70	0.70	0.00
09/09/18	deposition prep	6.70	6.70	0.00
09/09/18	Travel OAK-BOS for depo	8.00	8.00	0.00
09/09/18	Prep for deposition; conf call w Gorton & NCLR re: Andrade	8.20	8.20	0.00
09/10/18	Deposition of Andrade	8.50	8.50	0.00
09/10/18	Travel BOS-OAK re: depo	11.30	11.30	0.00
09/10/18	deposition prep, conf w AW re: same	2.80	2.80	0.00
09/11/18	Preliminary injunction hearing prep, conf w cocounsel re: same	2.70	2.70	0.00
09/12/18	Telephone conference w client	0.50	0.50	0.00
09/12/18	case preparation; review disclosures, emails, documents	2.10	2.10	0.00
09/12/18	conf w co counsel	0.70	0.70	0.00
09/13/18	Prep jt stipulation; review documents; conf w co-counsel; logistics for hrg	2.40	2.40	0.00
09/13/18	Meeting w JB	0.60	0.60	0.00
09/14/18	Telephone conf w Dr. Gorton & NCLR re: Garvey Rpt	1.80	1.80	0.00
09/14/18	Prep deposition notices for nonretained experts	2.40	2.40	0.00
09/14/18	Prep discovery tasks; stipulation to file declaration under seal	3.20	3.20	0.00
09/14/18	Phone call w client	0.30	0.30	0.00

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09/17/18	Prep for expert depo	6.30	6.30	0.00
09/18/18	Prep for expert depo	9.30	9.30	0.00
09/18/18	Travel OAK-PVD garvey depo	9.20	9.20	0.00
09/19/18	Prep for expert depo, conf w AW re: same	3.50	3.50	0.00
09/19/18	garvey depo	8.00	8.00	0.00
09/19/18	Travel PVD-OAK garvey depo	11.30	11.30	0.00
09/20/18	Prep with cocounsel re: AE visit; case strategy	1.80	1.80	0.00
09/20/18	Prep W SS re: Preliminary injunction reply	1.60	1.60	0.00
09/21/18	Prep stipulation; reply; cocounsel	1.80	1.80	0.00
09/22/18	review deposition transcripts	1.50	1.50	0.00
09/22/18	meeting w AW re: case strategy/expert depositions	1.70	1.70	0.00
09/22/18	review witness disclosures; draft email re: same	0.70	0.70	0.00
09/23/18	hearing prep	2.30	2.30	0.00
09/24/18	team mtg w AW	1.50	1.50	0.00
09/24/18	Prep for Preliminary injunction hearing	4.20	4.20	0.00
09/25/18	Travel OAK-ORD for Ettner depo	7.20	7.20	0.00
09/25/18	Prep Preliminary injunction reply; Ettner depo	3.00	3.00	0.00
09/25/18	Prep Preliminary injunction reply	3.40	3.40	0.00
09/26/18	Prep for Ettner depo	7.40	7.40	0.00
09/26/18	Prep Ettner production	0.80	0.80	0.00
09/26/18	Prep Preliminary injunction Reply, confs w cocounsel re:same	4.70	4.70	0.00
09/27/18	Ettner depo and prep	8.20	8.20	0.00
09/27/18	status conference	0.70	0.70	0.00
09/27/18	conf w Ettner for depo prep	1.00	1.00	0.00
09/27/18	Travel ORD-OAK from Ettner depo	8.00	8.00	0.00
09/27/18	conf w AW	0.30	0.30	0.00
09/27/18	Prep Reply iSO PI	3.80	3.80	0.00
09/28/18	Prep Preliminary injunction Reply + other docs	6.30	6.30	0.00
09/28/18	email to opp counsel	0.20	0.20	0.00
09/29/18	Prep for depositions; Preliminary injunction hearing, conf w DS re: same	4.30	4.30	0.00
09/30/18	Prep for depositions	14.20	14.20	0.00
09/30/18	Travel OAK-BOI depositions	3.20	3.20	0.00
10/01/18	Prep for depositions	2.60	2.60	0.00
10/01/18	Deposition of Clarke and Yordy	8.50	8.50	0.00

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10/01/18	Prep for depositions; Preliminary injunction hearing	3.40	3.40	0.00
10/02/18	Prep for depos	2.80	2.80	0.00
10/02/18	Deposition of Stewart	3.00	3.00	0.00
10/02/18	meet & confer re: pretrial	0.70	0.70	0.00
10/02/18	meeting w co-counsel; preparation Preliminary injunction hearing	2.60	2.60	0.00
10/02/18	Travel BOI-OAK	3.40	3.40	0.00
10/03/18	Prep for Preliminary injunction hearing, confs w cocounsel re: same	8.60	8.60	0.00
10/04/18	Prep for Preliminary injunction hearing, multiple confs w cocounsel re: same	7.30	7.30	0.00
10/05/18	pretrial hearing, confs with SS, NM re: PI prep	7.10	7.10	0.00
10/06/18	Prep for preliminary injunction hearing	6.80	6.80	0.00
10/07/18	Prep for Preliminary injunction hearing, confs with team re: same	10.70	10.70	0.00
10/08/18	Prep for pretrial hearing, confs w cocounsel	15.70	15.70	0.00
10/08/18	Travel OAK-BOI	2.80	2.80	0.00
10/09/18	Prep for Preliminary injunction hearing, confs w team re same	18.70	18.70	0.00
10/10/18	Prep for Preliminary injunction hearing, team confs re same	13.30	13.30	0.00
10/10/18	Trial for PI	6.00	6.00	0.00
10/11/18	Trial for PI	6.50	6.50	0.00
10/11/18	Prep for Preliminary injunction hearing, confs w cocounsel	14.00	14.00	0.00
10/12/18	Trial for PI	7.00	7.00	0.00
10/12/18	Prep for Preliminary injunction hearing	3.70	3.70	0.00
10/12/18	Prep post-trial re: prepare for briefing	1.30	1.30	0.00
10/13/18	Travel BOI-OAK	3.40	3.40	0.00
10/14/18	Prep Preliminary injunction post trial briefing	0.80	0.80	0.00
10/14/18	Prep post-hearing briefing	0.70	0.70	0.00
10/16/18	Prep hrg follow up	0.40	0.40	0.00
10/16/18	Prep post hearing w/ JV, NM, SS; conf w SS	1.20	1.20	0.00
10/17/18	call w AW re findings of fact	0.10	0.10	0.00
10/17/18	call w AW & SS re: HRT	0.50	0.50	0.00
10/18/18	Prep of FOF & COL	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/18/18	Prep for medical issues/consultant	0.40	0.40	0.00
10/19/18	Prep post-hearing briefing	0.50	0.50	0.00
10/22/18	Prep FOF & COL	5.40	5.40	0.00
10/22/18	call w consultant re: liver functions	0.30	0.30	0.00
10/23/18	Prep of FOF & COL	10.40	10.40	0.00
10/24/18	Prep of FOF & COL; impeachment evid; confs w cocounsel	17.30	17.30	0.00
10/25/18	Prep of FOF & COL, post-trial brief, conf w AW re: same	18.50	18.50	0.00
10/26/18	prep post trial brief, FOF & COL and confs team re same	14.00	14.00	0.00
10/29/18	Prep for post-trial briefing issues, confs	1.50	1.50	0.00
10/29/18	co-counsel emails	0.80	0.80	0.00
11/07/18	Prep for post-hearing issues re: deposition transcripts; co-counsel	0.60	0.60	0.00
11/08/18	co-counsel emails	0.30	0.30	0.00
11/09/18	Prep post-hearing briefing	0.40	0.40	0.00
11/09/18	co-counsel emails	0.30	0.30	0.00
11/27/18	client/cocounsel communication; expert	0.40	0.40	0.00
11/28/18	cocounsel email exch re: hormone tx	0.30	0.30	0.00
11/29/18	co counsel email	0.30	0.30	0.00
11/29/18	client/co counsel communication	0.50	0.50	0.00
11/30/18	co-counsel/client emails	0.30	0.30	0.00
12/31/18	Prep settlement reachout	0.60	0.60	0.00
01/02/19	meet & confer w opp counsel; meeting w SS	1.60	1.60	0.00
01/03/19	telephone call w client; follow-up email to team re same	0.70	0.70	0.00
01/04/19	emails w team re client med condition & effect on surgery	0.20	0.20	0.00
01/04/19	draft email to team re notes from meet & confer w opp counsel	0.90	0.90	0.00
01/04/19	review email from opp counsel & fwd to team re same; emails w team re fees & costs	0.30	0.30	0.00
01/06/19	email to SS re legal research	0.10	0.10	0.00
01/07/19	review & respond team emails re media & case strategy, client communications	0.20	0.20	0.00

Edmo v. IDOC**Lori Rifkin Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
01/07/19	review & emails w SS re draft discovery & litigation plans	0.70	0.70	0.00
01/07/19	review & respond team emails re talking points, follow-up to meet & confer info re surgeons	0.50	0.50	0.00
01/08/19	conf w team re costs & fees for settlement proposal	0.20	0.20	0.00
01/08/19	email team re draft discovery & lit plans	0.10	0.10	0.00
01/08/19	emails w AW re surgery referral ltrs	0.10	0.10	0.00
01/09/19	email to team re case strategy, defs' appeal, settlement demand	0.40	0.40	0.00
01/09/19	phone conf w CD re damages/settlement demand D.Idaho	0.30	0.30	0.00
01/09/19	conf w SS re discovery	0.20	0.20	0.00
01/09/19	review Defs' notice of appeal; team emails re same & deadlines	0.30	0.30	0.00
01/09/19	legal research re PLRA fees for settlement demand	0.60	0.60	0.00
01/09/19	review SS draft ltr re surgeons	0.20	0.20	0.00
01/09/19	review Gov press release re appeal; emails w team re same & media/case strategy	0.40	0.40	0.00
01/09/19	email to JV re client email	0.10	0.10	0.00
01/09/19	email exch w team re draft ltr to surgeons & edits to same	0.30	0.30	0.00
01/09/19	phone conf w client re appeal & settlement damnd; follow-up email to team re same	0.70	0.70	0.00
01/09/19	email exch w team re settlement demand	0.30	0.30	0.00
01/09/19	review defs' motion to stay PI	0.60	0.60	0.00
01/10/19	review media coverage of case; email to team re media/case strategy re appeal	0.20	0.20	0.00
01/10/19	draft settlement demand to send to defs	0.30	0.30	0.00
01/10/19	emails to team re response to motion to stay, legal research re same	0.50	0.50	0.00
01/10/19	emails w AW, jV re settlement demand ltr to defs	0.20	0.20	0.00
01/11/19	email SS re mediation questionnaire	0.10	0.10	0.00
01/14/19	email SS re defs response to draft filings	0.10	0.10	0.00
01/14/19	review sS draft mediation q response & conf w SS re same	0.30	0.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
01/14/19	review Defs' edits re jt lit & discovery plans; emails w SS re same	0.40	0.40	0.00
01/15/19	stay opp, confs w SS, AW re stay, appeal	4.30	4.30	0.00
01/15/19	meet & confer w opp counsel & SS re jt litigation & discov plans	0.40	0.40	0.00
01/15/19	conf w SS re prep for meet & confer	0.20	0.20	0.00
01/15/19	email exch w Corizon counsel re jt discov & lit plans; review plans & emails to opp counsel re same	0.30	0.30	0.00
01/15/19	review opp ocounsel email re consolidating appeals	0.10	0.10	0.00
01/16/19	email to team re case strategy, status conf, opp to defs mot to stay	0.30	0.30	0.00
01/16/19	review Defs' filing for transcript; email exch w SS re same	0.30	0.30	0.00
01/18/19	email from opp counsel re Defs mot to conslitate; email SS re same	0.10	0.10	0.00
01/22/19	email opp counsel re proposed stip to consolidate	0.20	0.20	0.00
01/22/19	review defs edits to proposed stip to consolidate & respond to same; follow-up email exch w opp counsel re same	0.30	0.30	0.00
01/22/19	review SS summary of call w client	0.10	0.10	0.00
01/22/19	email exch w team re case strategy	0.20	0.20	0.00
01/23/19	emails w SS re response to 9th Circuit mediator	0.20	0.20	0.00
01/23/19	ltr from opp counsel re settlement demand; fwd same to team	0.20	0.20	0.00
01/24/19	review & edit SS draft opp to mot to stay, mtg w SS	2.30	2.30	0.00
01/26/19	review & edit new draft opp to mot to stay	2.70	2.70	0.00
01/26/19	edits to opp to mot to stay & emails w SS re same	1.40	1.40	0.00
01/29/19	review email & vm from IDOC counsel re extension & email counsel re same	0.20	0.20	0.00
01/29/19	email exch w team re defs req for EOT	0.20	0.20	0.00
01/30/19	am complaint review	0.80	0.80	0.00
01/30/19	reivew & edit revised opp to mot to stay	0.60	0.60	0.00
01/30/19	email exch w team re status conf summary	0.30	0.30	0.00
01/31/19	email exch w team re case strategy	0.30	0.30	0.00
01/31/19	email response opp counsel	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/05/19	review email from JV re client call & respond re same	0.20	0.20	0.00
02/07/19	email w JV re prison visiting question	0.20	0.20	0.00
02/07/19	emails w team re mediation program q's	0.20	0.20	0.00
02/11/19	emails w team re case strategy	0.30	0.30	0.00
02/12/19	call w client	0.50	0.50	0.00
02/13/19	review order from ct; emails w SS re research re page limits & sep briefing	0.30	0.30	0.00
02/14/19	conf w AW re surgeon	0.20	0.20	0.00
02/20/19	conf w SS re discovery	0.20	0.20	0.00
02/20/19	conf w AW re appeal	0.20	0.20	0.00
02/20/19	conf w AW re amicus briefs	0.90	0.90	0.00
02/25/19	conf w AW re surgery issues	0.20	0.20	0.00
02/26/19	emails w colleague re potential amicus	0.20	0.20	0.00
02/27/19	conf w AW re amicus briefs	0.20	0.20	0.00
02/27/19	phone conf w client & follow-up emails w team re same	0.70	0.70	0.00
02/27/19	emails w AW re amicus strategy	0.30	0.30	0.00
02/27/19	phone conf w DS & AW re potential amicus	0.40	0.40	0.00
02/28/19	team emails re discovery production & review	0.30	0.30	0.00
03/01/19	email to SS re discovery requests	0.10	0.10	0.00
03/04/19	emails w AW re amicus strategy	0.20	0.20	0.00
03/05/19	call w SS	0.50	0.50	0.00
03/05/19	conf w AW re status conf	0.30	0.30	0.00
03/05/19	status conf	0.40	0.40	0.00
03/05/19	folllow-up conf w AW re status conf	0.20	0.20	0.00
03/06/19	team emails re surgery referral letters	0.20	0.20	0.00
03/07/19	email exch w AW re surgery referral letters, WPATH	0.20	0.20	0.00
03/11/19	strat conf w SS, DS re: co-counsel	0.70	0.70	0.00
03/11/19	research re Pl answering brief & emails w AW re same	0.60	0.60	0.00
03/11/19	confs w AW re Pl opp to Defs mot to stay & answering brief	0.60	0.60	0.00
03/12/19	conf w AW re opp to Defs stay mot	0.50	0.50	0.00
03/13/19	confs w AW re answering brief	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/13/19	prep opp to Defs mot to stay	6.80	6.80	0.00
03/14/19	conf w AW re amicus brief	0.60	0.60	0.00
03/14/19	prep & edit opp to Defs mot to stay	7.10	7.10	0.00
03/15/19	edit pl opp to mot to stay	3.30	3.30	0.00
03/17/19	conf w team re amicus strategy	1.00	1.00	0.00
03/18/19	email exch w AW re surgery requirements/referrals	0.30	0.30	0.00
03/19/19	confs w AW re status report	0.60	0.60	0.00
03/19/19	review defs reply iso mot to stay	0.20	0.20	0.00
03/19/19	draft status report & emails w AW, team re same	2.60	2.60	0.00
03/19/19	edit & finalize status rpt for filing; emails, conf w JV re same	2.80	2.80	0.00
03/19/19	review defs' status report filing	0.30	0.30	0.00
03/20/19	legal research & prep for answering brief	3.40	3.40	0.00
03/20/19	review 9th Cir stay order & follow up w team re same	0.40	0.40	0.00
03/21/19	conf w AW re appeal strategy	0.20	0.20	0.00
03/21/19	conf w AW re status conf	0.10	0.10	0.00
03/21/19	status conf	1.00	1.00	0.00
03/21/19	conf w AW re mot to modify stay	0.40	0.40	0.00
03/21/19	conf w team re case strategy	0.60	0.60	0.00
03/21/19	conf w DS re mot to modify stay; email to team re same & strategy	1.70	1.70	0.00
03/21/19	review & edit AW draft motion for modification of stay; emails w AW re same	0.70	0.70	0.00
03/22/19	review order re stay modification & follow up w team re same	0.20	0.20	0.00
03/22/19	legal research prep for answering brief	4.60	4.60	0.00
03/23/19	review DF email re client visit	0.20	0.20	0.00
03/23/19	email w AW & SM re amicus briefs	0.30	0.30	0.00
03/23/19	research & prep for answering brief	3.60	3.60	0.00
03/24/19	research & draft pl answer brief	11.60	11.60	0.00
03/25/19	research & draft pl answering brief	17.80	17.80	0.00
03/25/19	conf w DS re mot fo indicative ruling; follow-up email to AW re same	0.50	0.50	0.00
03/25/19	conf w DF, AW re case/media strategy	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/25/19	confs w AW re answering brief; reply re emerg mot re stay	0.30	0.30	0.00
03/26/19	draft answering brief	19.30	19.30	0.00
03/27/19	draft answering brief & send to team	18.50	18.50	0.00
03/27/19	review & edit 62.1 mot for indicative ruling	1.30	1.30	0.00
03/27/19	review Defs' EOR; prep list of pls' EOR for response to appeal & emails w JV re same	1.10	1.10	0.00
03/27/19	review AC memo re trans prison & GD cases update	0.90	0.90	0.00
03/28/19	review & edit AC draft Rule 62.1 motion & memo ISO	4.80	4.80	0.00
03/28/19	call clerk re filing & email to team re same	0.50	0.50	0.00
03/28/19	email SS re discovery & suppl disclosures	0.10	0.10	0.00
03/28/19	review WPATH amicus	0.40	0.40	0.00
03/29/19	review order re indicative motion hrg & follow up w team re same	0.40	0.40	0.00
03/29/19	review legal research re Monell issues for appeal	0.90	0.90	0.00
03/29/19	review app ct order re modification of stay & follow-up w team re same	0.50	0.50	0.00
03/29/19	review excerpts of record for answer & emails re same	0.80	0.80	0.00
03/29/19	emails w AW re amici strategy	1.00	1.00	0.00
03/29/19	review Gibson 5th Cir decision & emails w team, colleagues re same	1.70	1.70	0.00
03/30/19	edit answering brief	15.80	15.80	0.00
03/31/19	edit answering brief & send to team for review	17.50	17.50	0.00
04/01/19	conf w AW re appellate briefing	0.20	0.20	0.00
04/01/19	TC with AW re Stiller appointment	0.10	0.10	0.00
04/01/19	conf w JV re answering brief	0.50	0.50	0.00
04/01/19	emails w AW re amicus strategy	0.70	0.70	0.00
04/01/19	email to opp counsel re presurgical appts	0.20	0.20	0.00
04/01/19	review team edits & revise answering brief	14.30	14.30	0.00
04/02/19	conf with JV	0.80	0.80	0.00
04/02/19	conf w AW re client presurgical appt	0.10	0.10	0.00
04/02/19	emails w opp counsel re presurgical appts	0.10	0.10	0.00
04/02/19	edit answering brief	17.70	17.70	0.00
04/02/19	confs w AW re draft appellate brief	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/03/19	emails w opp counsel re notice of defs filing of urgent motion to vacate	0.20	0.20	0.00
04/03/19	review defs' urgent mot to vacate & emails w team re same; email clerk of ct re objection to urgent mot	2.00	2.00	0.00
04/03/19	conf w AW re appeal response	0.20	0.20	0.00
04/03/19	review & finalize answering brief for filing; reviewing amicus briefs & emails re same	14.20	14.20	0.00
04/04/19	review & edit amicus briefs re 9th Cir appeal; emails w co-counsel & amicus counsel re same	2.60	2.60	0.00
04/04/19	conf w AW re defs motion to vacate	0.20	0.20	0.00
04/04/19	emails w AW, AC & team re Defs' urgent motion to vacate & response; draft & file objection to defs' urgent motion to vacate	5.60	5.60	0.00
04/04/19	review & respond to DF email re LF visit w client	0.20	0.20	0.00
04/04/19	emails w AW & AC re reply re indicative ruling, review briefing & legal research re same	1.40	1.40	0.00
04/04/19	review briefing re mot for indicative ruling repyl & legal research re same	4.70	4.70	0.00
04/05/19	legal research re PLRA findings & Griggs; edit reply iso mot for indicative ruling	10.80	10.80	0.00
04/05/19	review order from 9th Cir re defs "urgent" mot to vacate & follow up w team re same	0.30	0.30	0.00
04/06/19	email AW re PLRA legal research issues; email SS re legal research assignemnts for opp to mot to vacate	2.10	2.10	0.00
04/08/19	PC with AW, DF on NPR's request for podcasts and client contact; discussion of amici coverage	0.90	0.90	0.00
04/08/19	review & edit amicus briefs re 9th Cir appeal; emails w co-counsel & amicus counsel re same	3.80	3.80	0.00
04/09/19	review & edit amicus briefs re 9th Cir appeal; emails w co-counsel & amicus counsel re same	1.20	1.20	0.00
04/09/19	prep for indicative motion hearing & emails w team re same	3.20	3.20	0.00
04/09/19	email w opp counsel re client update re presurgical tx & transfer	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/09/19	review order from ct re indicative ruling & follow-up w team	1.70	1.70	0.00
04/09/19	TC with team re updated Jody Herman amicus brief and what data means for underlying case	0.30	0.30	0.00
04/09/19	conf w AW, DF re status conf & mot for indicative ruling	0.50	0.50	0.00
04/09/19	status conf/hrq re mot for indicative ruling	0.50	0.50	0.00
04/09/19	review order re indicative ruling	0.20	0.20	0.00
04/10/19	amicus briefs re 9th Cir	1.40	1.40	0.00
04/10/19	conf w AW re media inquiries	0.70	0.70	0.00
04/10/19	review SS legal research for opp to vacate & emails w SS re same	0.50	0.50	0.00
04/10/19	conf w SS re legal research for mot to vacate opp	0.40	0.40	0.00
04/10/19	phone call w reporter re client communications	0.50	0.50	0.00
04/10/19	draft opp to mot to vacate & legal research re same	4.70	4.70	0.00
04/11/19	draft opp to mot to vacate/ emails to team re same & legal research re same	6.20	6.20	0.00
04/12/19	call w client	0.50	0.50	0.00
04/12/19	draft opp to motion to vacate	8.60	8.60	0.00
04/12/19	emails re amicus oversize brief	0.20	0.20	0.00
04/14/19	prep pl opp to defs' motion to vacate	5.70	5.70	0.00
04/14/19	review edits & revise draft mot to vacate	6.50	6.50	0.00
04/14/19	conf w AW re opp to motion to vacate	0.30	0.30	0.00
04/14/19	conf w AW re opp to motion to vacate	0.70	0.70	0.00
04/14/19	eamls w AW re finalizing brief	0.20	0.20	0.00
04/15/19	proof & file pl opp to defs motion to vacate; emails w AW re edits to brief	7.80	7.80	0.00
04/15/19	conf w AW re opp to motion to vacate	0.20	0.20	0.00
04/16/19	prep & file acknowledgement of hrg notice	1.40	1.40	0.00
04/16/19	review amiucs filings	2.60	2.60	0.00
04/16/19	email w SS re client communications; emails w team re strategy	1.60	1.60	0.00
04/17/19	emails w opp counsel	0.70	0.70	0.00
04/17/19	emails w team re strategy	1.20	1.20	0.00
04/18/19	review defs reply brief	2.50	2.50	0.00
04/18/19	emails w team re Defs brief	0.30	0.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/18/19	email w opp counsel re brief	0.20	0.20	0.00
04/18/19	conf w AW re presurgical appt/transfer	0.60	0.60	0.00
04/19/19	emails w AW re med tx	0.20	0.20	0.00
04/19/19	emails w team re supp record	0.30	0.30	0.00
04/19/19	review reply brief, emails w team re same	1.20	1.20	0.00
04/19/19	emails w team re strategy	0.70	0.70	0.00
04/20/19	emails w team re strategy	1.30	1.30	0.00
04/22/19	review defs reply iso motion to vacate	1.30	1.30	0.00
04/22/19	team emails re strategy re defs' motion & mot to suppl	1.20	1.20	0.00
04/22/19	mtg w team re case strategy & media	0.40	0.20	-0.20
04/22/19	conf w SS re assignments	0.40	0.40	0.00
04/22/19	emails re media inquiries re appeal	0.90	0.00	-0.90
04/23/19	emails w opp counsel & team re stip to supp	0.40	0.40	0.00
04/24/19	prep/review pl mot to supp record	1.70	1.70	0.00
04/25/19	prep/review pl mot to supp record	1.40	1.40	0.00
04/25/19	conf w AW re case strategy/next steps	1.00	1.00	0.00
04/25/19	conf w AW re moot for oral arg	0.20	0.20	0.00
04/26/19	call with SS re: mtn to supplement	0.30	0.30	0.00
04/30/19	emails re discovery	1.30	1.30	0.00
05/03/19	prep for oral arg; research re same	2.20	2.20	0.00
05/04/19	research & case review for oral arg	6.70	6.70	0.00
05/05/19	research & case review for oral arg	5.40	5.40	0.00
05/06/19	reivew defs rep re suppl record	0.70	0.70	0.00
05/06/19	emails re discovery	0.80	0.80	0.00
05/06/19	prep for 9th Cir argh and meetings re same	4.40	4.40	0.00
05/07/19	review order re mot to suppl record; emails w cocounsel re same	1.30	1.30	0.00
05/07/19	prep for 9th Cir arg	6.70	6.70	0.00
05/08/19	moot for oral arg	2.30	2.30	0.00
05/08/19	prep for arg	3.40	3.40	0.00
05/09/19	emails re discovery	1.40	1.40	0.00
05/09/19	prep for 9th Cir arg	5.40	5.40	0.00
05/09/19	prep for oral arg	1.50	1.50	0.00
05/11/19	prep for 9th Cir arg	7.40	7.40	0.00
05/12/19	prep for 9th Cir arg	4.50	4.50	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/13/19	moot for oral arg	1.40	1.40	0.00
05/13/19	prep for arg	4.50	4.50	0.00
05/14/19	prep for 9th Cir arg	7.80	7.80	0.00
05/15/19	confs w AW re oral argument & ct questions	1.20	1.20	0.00
05/15/19	prep for oral arg; review ct order re oral arg; emails and confs w cocounsel re same; legal research	11.40	11.40	0.00
05/16/19	prep for oral arg	2.30	2.30	0.00
05/16/19	attend ct & oral arg	2.50	2.50	0.00
05/30/19	review 9th cir order remanding q to d ct; emails w co-counsel re same	3.30	3.30	0.00
05/30/19	conf w AW re order for remand	0.40	0.40	0.00
05/31/19	review d ct order re remand/PI & emails/confs w team re same	4.20	4.20	0.00
06/03/19	confs w AW re case updates & media strategy	0.40	0.20	-0.20
06/13/19	meet with SS	1.00	1.00	0.00
06/18/19	conf w/ SS re depos	0.50	0.50	0.00
06/18/19	call with SS	0.50	0.50	0.00
06/18/19	conf w AW re discovery & case strategy	0.70	0.70	0.00
06/20/19	call with SS re Jones deposition	1.50	1.50	0.00
06/20/19	review defs motion to suppl record	1.20	1.20	0.00
06/28/19	research & draft pl opp to suppl record mot & mot to strike	3.60	3.60	0.00
06/29/19	review Gibson cert petition& emails w team re same	3.30	3.30	0.00
06/29/19	draft pl opp to suppl record & mot to strike	7.30	7.30	0.00
06/30/19	draft pl opp to suppl record & mot to strike	8.70	8.70	0.00
07/01/19	send draft email to defs to team for review re Stiller move & surgery	0.50	0.50	0.00
07/01/19	draft pl opp to suppl record & mot to strike	10.10	10.10	0.00
07/01/19	conf w AW re motion to strike/opp to mot to supp	0.30	0.30	0.00
07/02/19	review defs' appeal filing; confs w team re same	2.70	2.70	0.00
07/03/19	email opp counsel re change of addr	0.20	0.00	-0.20
07/03/19	prep & file notice of change of address in d ct & 9th Cir	0.40	0.00	-0.40
07/03/19	email to team re discovery & case strategy	1.60	1.60	0.00
07/04/19	emails w client	0.40	0.40	0.00
07/04/19	emails w team re discovery plan & depos	2.30	2.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/05/19	emails w client; emails w team re client correspondence; review media re case	2.60	1.60	-1.00
07/05/19	email to SS re discovery & depo prep	0.30	0.30	0.00
07/08/19	review discovery plan; emails to team and conf w AW re same	1.20	1.20	0.00
07/08/19	meet & confer w opp counsel re discovery disputes; follow-up email to team re same	1.20	1.20	0.00
07/08/19	conf w AW re discovery & next steps	0.40	0.40	0.00
07/08/19	emails w team re discovery disputes & case strategy	1.90	1.90	0.00
07/08/19	review defs' filings re mediation questionnaires; emails w AW re same	0.80	0.80	0.00
07/08/19	emails w AW re confidential response to mediation questionnaire; draft & send confidential response	1.20	1.20	0.00
07/08/19	emails w AW re case assignments & strategy	0.40	0.40	0.00
07/08/19	conf w SS re discovery & case assignments; follow-up email from SS re same	0.60	0.60	0.00
07/09/19	review defs filing re response to mot to strike/sanctions & email w AW re same	1.10	1.10	0.00
07/09/19	mtg w team re reporter-client contact issues	0.50	0.50	0.00
07/09/19	team emails re surgeon relocation & case strategy	0.40	0.40	0.00
07/09/19	email to defs re surgeon relocation & logistics	0.20	0.20	0.00
07/09/19	emails w JV re attorney line w IDOC	0.20	0.20	0.00
07/09/19	emails w AW re case assignments/coverage	0.80	0.80	0.00
07/09/19	review court order re mot to suppl record & emails w AW re same	0.30	0.30	0.00
07/09/19	emails w team re reporter conact w client & related issues	1.10	1.10	0.00
07/09/19	email opp counsel re discovery disputes & review response re sae	0.60	0.60	0.00
07/09/19	review opp counsel email to clerk re discovery dispute; email exch w team re same	0.50	0.50	0.00
07/10/19	review team emails re reporter use of client emails & info in podcast & email to team re same	0.70	0.70	0.00
07/10/19	conf w team re discovery & next steps	0.60	0.60	0.00
07/11/19	status conf w court clerk re discovery disputes	0.70	0.70	0.00
07/11/19	conf w AW re discovery & next steps	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/11/19	email to team re follow-up to status conf & discovery	0.50	0.50	0.00
07/11/19	review mediation order & follow-up w AW re same	0.20	0.20	0.00
07/11/19	emamil exch w SS re discovery	0.20	0.20	0.00
07/12/19	email to team re case strategy; follow-up calls w team members re same	2.30	2.30	0.00
07/12/19	meet & confer w opp counsel re jt stip to stay	0.30	0.30	0.00
07/12/19	emails w opp counsel re jt stip to stay; email to court clerk re same	0.40	0.40	0.00
07/12/19	emails w team re client docs produced to media; review & edit SS ltr to IDOC re same	0.80	0.80	0.00
07/15/19	emails w opp counsel re draft jt stip to stay	0.10	0.10	0.00
07/15/19	email exch w SS re discvoery RFPs	0.20	0.20	0.00
07/15/19	email opp counsel re jt stip to stay	0.10	0.10	0.00
07/16/19	review & edit defs draft jt stip to stay; email to team re same	1.10	1.10	0.00
07/16/19	review AW draft proposed communiation to npr re use of client info in podcast; emails w team re same; revisions to same	0.70	0.70	0.00
07/17/19	edit & send jt stip to stay back to defs	0.60	0.60	0.00
07/17/19	email SS re discovery RFPs	0.20	0.20	0.00
07/17/19	emails w team re proposed communiation to npr re use of client info in podcast	1.00	1.00	0.00
07/18/19	email to NPR re use of client communication	0.40	0.40	0.00
07/19/19	review order staying discovery	0.30	0.30	0.00
07/26/19	review defs motion for clarification re 2nd appeal	0.40	0.40	0.00
07/26/19	review email from client; follow-up w team re same	0.30	0.30	0.00
07/26/19	review & edit draft press release re app court decision	0.40	0.00	-0.40
07/26/19	review LF draft letter& emails w AW re same	0.70	0.70	0.00
07/31/19	conf w AW re surgery requirements	0.50	0.50	0.00
08/01/19	emails w SS re defs motion for clarification	0.30	0.30	0.00
08/02/19	team emails re case status/updates	0.30	0.30	0.00
08/02/19	review 9th cir order re def mot clarification	0.40	0.40	0.00
08/19/19	email to team re client visit/updates	0.20	0.20	0.00
08/19/19	email exch w team re discovery assignments	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/23/19	review 9th cir decision; confs w team re same	3.90	3.90	0.00
08/23/19	emails w NCLR staff re press release & media inquiries	0.70	0.00	-0.70
08/23/19	review order lifting stay of discovery	0.40	0.40	0.00
08/26/19	team emails re decision, next steps, media	2.40	2.00	-0.40
08/26/19	conf w AW re discovery, next steps, surgery	1.00	1.00	0.00
08/27/19	team emails re updates to amici, decision, media coverage, next steps	2.40	2.00	-0.40
08/27/19	conf w AW re fees & costs	0.10	0.10	0.00
08/27/19	conf w AW re case strategy/next steps	0.70	0.70	0.00
08/28/19	mtgs w team re case sstrategy & next steps	1.50	1.50	0.00
08/28/19	review AW email re Stiller update; team emails re strategy & next steps	0.60	0.60	0.00
08/29/19	email to opp counsel re surgery logistics & meet and confer; follow-up emails re same	0.90	0.90	0.00
08/30/19	emails exch w opp counsel re surgery logisics; follow-up emails w team re same	0.70	0.70	0.00
08/30/19	review gov statement re case; media coverage; emails to team re strategy	2.30	0.00	-2.30
08/30/19	reveiw email from DF re client mtg; team emails re same	0.70	0.70	0.00
08/31/19	review AW email re Gov op-ed; review op-ed; research re same; emails to team re strategy re same	3.40	3.40	0.00
09/01/19	draft op-ed response; email to colleagues re coordinating op-ed response	3.90	3.90	0.00
09/03/19	email to opp counsel re meet & confer	0.20	0.20	0.00
09/03/19	emails w colleagues re op-ed response	0.60	0.60	0.00
09/03/19	conf w AW re case strategy & media coverage	0.20	0.10	-0.10
09/04/19	emails w colleagues re op-ed response	0.30	0.30	0.00
09/04/19	conf w AW & colleague re SCOTUS strategy	0.70	0.70	0.00
09/04/19	conf w AW re SCOTUS strategy	0.20	0.20	0.00
09/05/19	work w E Vail re op-ed	3.80	3.80	0.00
09/05/19	emails w colleagues re op-ed response	1.20	1.20	0.00
09/05/19	team emails re client visit	0.30	0.30	0.00
09/06/19	review Defs pet for rehearing en banc	2.80	2.80	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/09/19	review order to respond to pet for rhrg en banc; begin prep of same	1.70	1.70	0.00
09/10/19	conf w AW re dist ct case & discovery strategy	0.40	0.40	0.00
09/10/19	meet & confer w opp counsel	0.50	0.50	0.00
09/11/19	review order to show cause re appeal	0.30	0.30	0.00
09/12/19	mtg w team re discovery & underlying litigation	0.90	0.90	0.00
09/16/19	scheduling conf	0.30	0.30	0.00
09/16/19	team mtg re follow-up to status conf	0.40	0.40	0.00
09/16/19	research re response to pet for rehrg	7.90	7.90	0.00
09/17/19	call with SS, DS re lifting stay	0.50	0.50	0.00
09/17/19	research & prep for response to pet for rehrg	13.20	13.20	0.00
09/18/19	draft resp to pet for rehearing	11.60	11.60	0.00
09/19/19	emails w team re discovery plan; emails w opp counsel re jt discovery plan	1.20	1.20	0.00
09/19/19	draft resp to pet for rehearing	12.30	12.30	0.00
09/20/19	emails w opp counsel re jt discov plan; prep jt prop updated discov plan	1.70	1.70	0.00
09/23/19	review & revise SS draft mot to partially lift stay	4.90	4.90	0.00
09/24/19	conf w AW re stay motion	0.10	0.10	0.00
09/24/19	conf w AW re rehearing en banc	0.60	0.60	0.00
09/24/19	review & edit SS draft pl mot to partially lift stay	6.70	6.70	0.00
09/25/19	conf w AW re opp to rehrg en banc	0.20	0.20	0.00
09/25/19	conf w AW re motion to partially lift stay	0.20	0.20	0.00
09/25/19	review & edit SS draft pol mot to partially lift stay; email to opp counsel re mot to patially lift stay	9.40	9.40	0.00
09/26/19	edit & draft resp to pet for hearing en banc	9.70	9.70	0.00
09/26/19	review & edit pl mot to partially lift stay	5.20	5.20	0.00
09/26/19	conf w AW re opp to rehrg en banc	0.10	0.10	0.00
09/27/19	revise pl response to pet for rehrg en banc	11.70	11.70	0.00
09/28/19	prep pl response to pet for rehrg en banc	10.40	10.40	0.00
09/29/19	emails w team re opp to rehearing en banc	0.20	0.20	0.00
09/30/19	edit & finalize pl resp to pet for rehearing en banc	12.10	12.10	0.00
09/30/19	conf w AW re opp to defs' stay motion	0.10	0.10	0.00
09/30/19	conf w AW re opp to rehrg en banc	0.50	0.50	0.00
10/01/19	email exch w AW & AC re legal research assignments re opp to stay	0.50	0.50	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/01/19	emails w SS re response to defs mot to stay; emails to AW re same	1.20	1.20	0.00
10/01/19	conf w AW re opp to stay	0.30	0.30	0.00
10/01/19	email to SS re stay opp assignments	0.20	0.20	0.00
10/01/19	review AC legal research re opp to stay; email AW & AC re same	0.80	0.80	0.00
10/02/19	draft email to team re strategy for responding to defs mot to stay	1.90	1.90	0.00
10/02/19	conf w AW re opp to stay	0.80	0.80	0.00
10/02/19	email to AW re opp to stay strategy	0.20	0.20	0.00
10/02/19	email exch w AC & AW re legal research re stay opp; reivew legal research & cases re same	3.40	3.40	0.00
10/03/19	emails w clerk & opp counsel re pl request for EOT to respond re stay	0.40	0.40	0.00
10/03/19	research & draft Pl request for EOT	2.40	2.40	0.00
10/03/19	mtg w team re response to stay request	0.40	0.40	0.00
10/03/19	follow-up email to team re response to def mot to stay	0.20	0.20	0.00
10/03/19	emails w team re client visit & calls	0.50	0.50	0.00
10/03/19	draft & file amended motion for EOT to respond to stay mot	2.10	2.10	0.00
10/04/19	emamils w court clerk re pls request for EOT & deadlines	0.60	0.60	0.00
10/07/19	emails w AW re client correspondence	0.20	0.20	0.00
10/07/19	review defs response to mot to partially lift stay	1.20	1.20	0.00
10/07/19	emails w SS re no client call; emails w team re same & coordinating for CD visit w client	0.80	0.80	0.00
10/07/19	review order vacating mot for EOT	0.60	0.60	0.00
10/08/19	emails w team re reply re partially lift stay	0.60	0.60	0.00
10/08/19	call w CD re prep for client visit	0.50	0.50	0.00
10/09/19	begin prep/research for reply re mot to partially lift stay	1.80	1.80	0.00
10/09/19	emails w AW & AC re legal research assignments for reply re partially lifting of stay	1.40	1.40	0.00
10/10/19	review legal research re reply iso stay; emails w AW & AC re same; review cases & briefs re same	4.70	4.70	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/10/19	review order partially lifting stay & team emails/conf re same	1.70	1.70	0.00
10/10/19	conf w AW re order partially lifting stay & follow-up	0.20	0.20	0.00
10/11/19	prep & file pl request for status conf	3.50	3.50	0.00
10/11/19	team emails re follow-up to 9th Cir grant mot to partially lift stay	0.40	0.40	0.00
10/15/19	prep & meet & confer w opp counsel re defs' mot for stay & pl response	1.20	1.20	0.00
10/16/19	conf w AW re case strategy/status conf	0.30	0.30	0.00
10/16/19	emails re client retainer agmt	0.20	0.00	-0.20
10/16/19	emails w IDOC lit coordinator re attorney-client phone call number designation; email w AW re same	0.70	0.70	0.00
10/16/19	review AW email re presurgical requirements & prep for status conf re same	0.80	0.80	0.00
10/17/19	status conf	1.00	1.00	0.00
10/17/19	confs/emails w team re submission re surgery requirements	3.60	3.60	0.00
10/17/19	emails w team re designating new attorney line for a-c calls w client	0.40	0.00	-0.40
10/18/19	review order re osc	0.50	0.50	0.00
10/18/19	emails w team re defs' position re surgical requirements/surgery	0.80	0.80	0.00
10/18/19	email opp counsel re defs mot to stay	0.20	0.20	0.00
10/18/19	prep resp to defs mot to stay	6.70	6.70	0.00
10/19/19	pl resp to defs mot to stay	10.10	10.10	0.00
10/19/19	emails w opp counsel re defs' mot to stay & pl response	0.30	0.30	0.00
10/20/19	pl response to defs' mot to stay	4.30	4.30	0.00
10/21/19	pl submission re surgery requirements	1.00	1.00	0.00
10/21/19	email exch w AW re presurgery requirements submission & pl response to defs mot to stay	1.30	1.30	0.00
10/21/19	pl resp to defs mot to stay	8.30	8.30	0.00
10/21/19	conf w AW re resp to motion to stay	0.30	0.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/22/19	emails w AW & conf re surgery referral ltrs for client	1.00	1.00	0.00
10/22/19	prep pl submission re surgery requirements; work w AW re same	5.20	5.20	0.00
10/22/19	finalize & file pl submission re presurgical requirements	1.90	1.90	0.00
10/23/19	review email exch w opp counsel & clerk re defs reply re mot to stay	0.20	0.20	0.00
10/24/19	review order re presurgery requirements & follow-up emails w team re same	1.20	1.20	0.00
10/29/19	team emails re client questions & visit	0.60	0.60	0.00
10/29/19	emails exch w AW re deadlines for defs cert petition	0.30	0.30	0.00
10/29/19	emamils w opp counsel re meet & confer	0.20	0.20	0.00
10/30/19	status conf	0.60	0.60	0.00
10/30/19	conf w AW re status conf	0.20	0.20	0.00
10/30/19	emails exch w AW re expert work on case	0.40	0.40	0.00
10/30/19	meet & confer w defs re stay	0.50	0.50	0.00
10/30/19	team emails re timing & procedure of potential app for stay in scotus & cert petition	0.90	0.90	0.00
10/31/19	review defs exp mot to stay & notice of appeal & follow-up w team re same	1.40	1.40	0.00
10/31/19	conf w AW re exp mot to stay	0.20	0.20	0.00
10/31/19	email exch w opp counsel re filing re presurgery appt & team emails re same	0.30	0.30	0.00
10/31/19	emails w AW re legal research re defs new appeal	1.10	1.10	0.00
10/31/19	review defs mot to expedite briefing schedule & follow-up w team re same	2.10	2.10	0.00
11/01/19	review defs' appeal filings #3	1.70	1.70	0.00
11/01/19	review defs' status rpt	0.90	0.90	0.00
11/01/19	emails to team re expedited mot to stay & confs w clerk	0.90	0.90	0.00
11/01/19	review defs' filings in prep for emergency status conf	0.70	0.70	0.00
11/01/19	status conf w court	0.30	0.30	0.00
11/03/19	conf w AW re stay response	0.10	0.10	0.00
11/03/19	prep response to defs' motion to stay	3.70	3.70	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/04/19	review defs' reply iso mot to stay	0.80	0.80	0.00
11/05/19	pl resp to defs exp motion to stay & mot to strike	7.80	7.80	0.00
11/06/19	review defs resp to pl mot to strike	1.10	1.10	0.00
11/06/19	review order from court re presurgery tx	0.90	0.90	0.00
11/06/19	conf w AW re order & next steps/case strategy	0.80	0.80	0.00
11/07/19	review order re Defs' appeal	1.20	1.20	0.00
11/07/19	conf w AW re appeal #3 response	0.70	0.70	0.00
11/09/19	draft pl mot for reconsideration of order	6.90	6.90	0.00
11/09/19	conf w team re court order & mot for reconsid	0.60	0.60	0.00
11/11/19	prep pl motion for reconsid	6.70	6.70	0.00
11/12/19	review Stiller declaration & confs/emails w team re same	1.70	1.70	0.00
11/12/19	conf w AW re motion for reconsid	0.50	0.50	0.00
11/13/19	conf w AW re response to mot to stay & stiller decl	0.10	0.10	0.00
11/14/19	review ct order re mot for reconsideration	1.00	1.00	0.00
11/14/19	team emails re case strategy & assignments	0.50	0.50	0.00
11/14/19	review defs filing of emergency notice & follow up w team re same	1.50	1.50	0.00
11/14/19	confs w AW re response to defs app filings	0.90	0.90	0.00
11/14/19	call w client & AW re case updates	1.00	1.00	0.00
11/15/19	review defs' opening brief re appeal #2	2.30	2.30	0.00
11/15/19	team emails re case strategy & assignments	0.70	0.70	0.00
11/15/19	research & draft opp to stay/mtd appeal	4.90	4.90	0.00
11/16/19	review defs' jt brief re hearing	1.20	1.20	0.00
11/16/19	prep pl opp to defs' appeal & motion to dismiss	13.20	13.20	0.00
11/17/19	TC with AW re MTD appeal/opp to emergency mtn to stay presurgical order	0.20	0.20	0.00
11/17/19	prep pl opp to defs' appeal & motion to dismiss	14.30	14.30	0.00
11/18/19	prep & file pl opp & mot to dismiss	11.40	11.40	0.00
11/18/19	conf w AW re appeal #2	0.20	0.20	0.00
11/18/19	team emails re presurgical hearing & prep	1.00	1.00	0.00
11/18/19	conf w AW re presurgical hrg & expert decs	0.20	0.20	0.00
11/18/19	draft client dec for presurgery hrg & emails re same	1.60	1.60	0.00
11/19/19	review defs' response re pl opp & mot to dismiss	1.10	1.10	0.00
11/19/19	review AC legal research re defs mot & emails w team re same	1.20	1.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/19/19	edit AE decl for presurgical hrg & emails w team re same	1.70	1.70	0.00
11/19/19	prep brief re presurgical hearing	1.00	1.00	0.00
11/19/19	conf w AW re presurgical hearing brief & prep	0.30	0.30	0.00
11/20/19	review order dismissing appeal; email team re same and research re implications for hearing	1.70	1.70	0.00
11/20/19	draft pl brief re hearing	10.60	10.60	0.00
11/20/19	travel OAK-BOI for hearing	6.50	6.50	0.00
11/20/19	confs w AW re presurgical brief & hrg prep	0.70	0.70	0.00
11/21/19	confs w AW, DF re prep for presurgical hearing	0.30	0.30	0.00
11/21/19	prep for presurgical hrg	2.10	2.10	0.00
11/21/19	hearing re surgery requirements	2.70	2.70	0.00
11/21/19	mtg w client re case update & travel to/from BOI re same	3.00	3.00	0.00
11/21/19	travel BOI-OAK from hearing	5.80	5.80	0.00
11/21/19	emails to team re case update & transcript	0.50	0.50	0.00
11/22/19	review defs jt status rpt	1.00	1.00	0.00
11/27/19	review AC memo re interlocutory review & emails w team re same	0.80	0.80	0.00
12/02/19	pl answering brief re appeal #2	7.30	7.30	0.00
12/03/19	team email exch re costs for appeal 3 & calendaring	1.40	1.40	0.00
12/04/19	research & draft pl answering brief to appeal #2	8.40	8.40	0.00
12/04/19	review SS research re justiciability/mootness & email exch w SS re same	1.20	1.20	0.00
12/04/19	team emails re costs for appeal 3	0.30	0.30	0.00
12/05/19	research & draft pl answering brief to appeal #2	10.10	10.10	0.00
12/05/19	conf w AW re appeal 2 response	0.50	0.50	0.00
12/05/19	email w SS re research re justiciability/mootness & review cases	0.60	0.60	0.00
12/05/19	conf w AW re presurgery requirements	0.30	0.30	0.00
12/05/19	review transcript from presurgery hrg & emails w DS re same/sanctions	1.70	1.70	0.00
12/06/19	research & draft pl answer brief	9.30	9.30	0.00
12/06/19	emails w DS & team re strategy re sanctions	0.80	0.80	0.00
12/07/19	research & draft answering brief appeal 2	5.80	5.80	0.00
12/08/19	research & draft answer	3.70	3.70	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
12/09/19	pl answering brief re appeal #2	16.90	16.90	0.00
12/09/19	emails w colleagues re Gibson cert denial & impact on case	0.80	0.80	0.00
12/10/19	pl answering brief re appeal #2	9.40	9.40	0.00
12/10/19	emails w AW re presurgery requirements & case strategy	0.30	0.30	0.00
12/11/19	revise pl answering brief re appeal #2	6.60	6.60	0.00
12/11/19	conf w AW re response to appeal 2	0.60	0.60	0.00
12/12/19	edit, finalize, e-file pl answering brief re appeal #2	11.80	11.80	0.00
12/16/19	review team emails re case updates, stiller office ltr, client	0.40	0.40	0.00
12/17/19	emails w team re paper filings of appeal answer	0.30	0.30	0.00
12/20/19	review order re illinois trans prison case	0.30	0.30	0.00
12/24/19	review emails re Gibson cert denial & effect on case	0.20	0.20	0.00
01/02/20	emails w AW re client presurgery treatments; email exch w Defs re same	0.50	0.50	0.00
01/03/20	review defs' answering brief re appeal #2	2.80	2.80	0.00
01/03/20	review Defs email re presurgery appt	0.10	0.10	0.00
01/06/20	emails w AW re defs reply brief & review re same	0.60	0.60	0.00
01/09/20	email exch w team re signed retainers	0.30	0.00	-0.30
01/13/20	emails w AW re case costs	0.20	0.20	0.00
01/13/20	emails w team re signed retainer agmts	0.30	0.00	-0.30
01/14/20	emails w AW re client call	0.20	0.20	0.00
01/15/20	review AW email re 5th cir decision on trans case	0.20	0.20	0.00
01/15/20	review AW emails re medical records review update; Hep C case & respond re same	0.40	0.40	0.00
01/16/20	team emails re client communications & update	0.50	0.50	0.00
01/27/20	emails w AW re filing AC notice of withdrawal	0.20	0.00	-0.20
01/29/20	emails w team re case strategy	0.30	0.30	0.00
02/03/20	conf w AW re mot to lift stay	0.30	0.30	0.00
02/04/20	email exch re presurgery hair removal tx	0.20	0.20	0.00
02/10/20	review order re denial rehearing en banc and all dissents to same and begin prep of strategy for SCOTUS cert. petition opp	4.90	4.90	0.00
02/10/20	team emails re denial hearing en banc	0.50	0.50	0.00
02/10/20	conf w AW re denial of rehearing en banc	0.60	0.60	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/10/20	team emails re calendaring deadlines & review of rules re same	0.60	0.60	0.00
02/10/20	email exch re client presurgery hair removal tx	0.10	0.10	0.00
02/10/20	email from client; follow-up re same	0.40	0.40	0.00
02/10/20	calls w reporters re 9th Cir decision; email to team re media strategy	0.80	0.00	-0.80
02/11/20	review ct order re motion to stay; follow-up emails w team re same	1.40	1.40	0.00
02/11/20	conf w/ AW re order re stay & case strategy	0.20	0.20	0.00
02/11/20	emails from client & follow-up re same	0.40	0.40	0.00
02/11/20	emails w team re case strategy	0.80	0.80	0.00
02/11/20	call w reporter re 9th Cir decision; emails w team re strategy re same	0.60	0.00	-0.60
02/12/20	call w client re case update	0.50	0.50	0.00
02/12/20	conf w AW re fee motion	0.10	0.10	0.00
02/12/20	call from colleagues re effect of 9th Cir decision & SCOTUS strategy	0.70	0.70	0.00
02/12/20	team emails re media strategy	0.60	0.00	-0.60
02/12/20	review AW draft pldgs re fees	0.20	0.20	0.00
02/12/20	conf w AW re SCOTUS strategy	0.70	0.70	0.00
02/12/20	email to opp counsel re fee tranfser mot	0.20	0.20	0.00
02/13/20	email to opp counsel re mot to transfer fees	0.10	0.10	0.00
02/13/20	legal research re procedure for stay/pet for cert	0.50	0.50	0.00
02/13/20	emails w AW & DS re case strategy & communications w colleagues re SCOTUS strategy	1.90	1.90	0.00
02/13/20	review defs motion to stay pending pet for cert & follow up research & emails re same	1.50	1.50	0.00
02/13/20	review pl mot to transfer atty fees	0.40	0.40	0.00
02/13/20	emails w DF re mandate/stay	0.30	0.30	0.00
02/13/20	emails w AW & AC re legal research for SCOTUS	0.40	0.40	0.00
02/13/20	email to D Shaipiro & AW re case strategy	0.20	0.20	0.00
02/18/20	call w AW & D Shapiro re SCOTUS strategy	0.80	0.80	0.00
02/18/20	begin research & drafting opp to mot to stay	2.70	2.70	0.00
02/18/20	emails to team re case updates & SCOTUS strategy	1.20	1.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/19/20	review order denying mot to stay & follow up w team re next steps	0.90	0.90	0.00
02/19/20	email exch w opp counsel re meet & confer for status conf	0.20	0.20	0.00
02/19/20	email exch w colleagues re stay denial & SCOTUS stay strategy	0.90	0.90	0.00
02/20/20	legal research re stay issues	4.70	4.70	0.00
02/20/20	review order re costs & fees & emails w team re same	0.30	0.30	0.00
02/20/20	emails w AW re prep for meet & confer w defs	0.40	0.40	0.00
02/20/20	meet & confer w Defs re discovery & surgery issues	0.20	0.20	0.00
02/20/20	follow up w AW re meet & confer	0.50	0.50	0.00
02/21/20	research & drafting re anticipated SCOTUS stay opp; emails w team re same	2.70	2.70	0.00
02/21/20	emails w team re status conf prep	0.20	0.20	0.00
02/21/20	hearing	0.50	0.50	0.00
02/21/20	conf w AW re status conf & next steps	0.30	0.30	0.00
02/21/20	email exch w colleagues re SCOTUS stay legal questions & strategy	1.00	1.00	0.00
02/24/20	edt draft proposed jt stip re atty fees	0.30	0.30	0.00
02/24/20	email to opp counsel re proposed jt stip re atty fees	0.20	0.20	0.00
02/25/20	review news re Idaho legislature resolution re case	0.20	0.20	0.00
02/25/20	email exh w opp counsel re meet & confer session	0.20	0.20	0.00
02/25/20	legal resesarch re anticipated SCOTUS stay app	1.80	1.80	0.00
02/26/20	research re anticipated SCOTUS stay app	3.50	3.50	0.00
02/27/20	meet & confer w Defs re stay & surgery issues	0.70	0.70	0.00
02/27/20	follow up w AW re meet & confer w defs	0.40	0.40	0.00
02/28/20	review email from opp counsel re follow up to meet & confer/discovery	0.20	0.20	0.00
02/28/20	review & file jt stip re attorneys fees & costs	0.60	0.60	0.00
03/03/20	emails w AW re case strategy	0.50	0.50	0.00
03/03/20	review def status rpt & mot to stay	1.20	1.20	0.00
03/04/20	conf w AW re presurgery & surgery issues	0.20	0.20	0.00
03/04/20	emails w AW re ACA claim	0.20	0.20	0.00
03/05/20	review order expediting pl response to mot to stay & follow up re same	0.50	0.50	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/06/20	email to colleague re SCOTUS strategy	0.50	0.50	0.00
03/06/20	email from client & follow up w AW re same	0.60	0.60	0.00
03/06/20	email to team re stay opp & client visit	0.20	0.20	0.00
03/08/20	research & draft pl opp to stay mot	6.90	6.90	0.00
03/09/20	prep pl opp re mot to stay	10.80	10.80	0.00
03/10/20	draft pl opp to stay motion & send to team	1.40	1.40	0.00
03/10/20	call w colleague re SCOTUS strategy	0.80	0.80	0.00
03/10/20	review email from client	0.20	0.20	0.00
03/10/20	review team edits to stay opp & emails re same	2.10	2.10	0.00
03/11/20	edit, finalize, file pl opp re mot to stay	6.90	6.90	0.00
03/12/20	conf w AW re client & case strategy	0.90	0.90	0.00
03/12/20	call w client & AW	0.50	0.50	0.00
03/13/20	email w AW re case/media strategy	0.20	0.00	-0.20
03/13/20	email from client & follow-up re same	0.30	0.30	0.00
03/15/20	email to AW re SCOTUS potential cocounsel	0.20	0.20	0.00
03/16/20	team emails re coronavirus & access to prisons, effects on case	0.20	0.20	0.00
03/16/20	emails w AW re SCOTUS strategy	0.20	0.20	0.00
03/19/20	email to AW re client correspondence	0.10	0.10	0.00
03/19/20	call w AW re case issues	0.10	0.10	0.00
03/20/20	email to opp counsel re IDOC provision of client records to media	1.00	1.00	0.00
03/23/20	review coronavirus changes to SCOTUS procedures, emails to team re same	0.50	0.50	0.00
03/23/20	review opp counsel email re client docs	0.10	0.10	0.00
03/25/20	review defs' reply re motion to stay	0.80	0.80	0.00
03/25/20	emails w team re client updates	0.20	0.20	0.00
03/27/20	email from client & follow-up re same	0.30	0.30	0.00
03/27/20	review emails from opp counsel re client docs provided to media	0.30	0.30	0.00
03/30/20	email exch w team re defs last production of client records	0.30	0.30	0.00
03/30/20	email exch w team re client updates	0.50	0.50	0.00
03/30/20	review client docs produced by IDOC: emails w AW re same; draft email to opp counsel re production of client records	2.60	2.60	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/31/20	email from client & follow-up re same	0.40	0.40	0.00
04/01/20	emails w team re client communications	0.20	0.20	0.00
04/02/20	conf w AW re case strategy/next steps	0.30	0.30	0.00
04/02/20	review email from opp counsel re IDOC client record production; follow-up emails w team re same	0.50	0.50	0.00
04/03/20	emails w team re client communications	0.20	0.20	0.00
04/03/20	draft discovery request to IDOC re client records; email IDOC counsel re discovery obligations & failures to produce client records	2.20	2.20	0.00
04/06/20	review defs' status rpt	0.60	0.60	0.00
04/06/20	review research re SCOTUS decisions	1.20	1.20	0.00
04/08/20	review Defs response re discovery request & production of client records re PRA request	0.40	0.40	0.00
04/13/20	email to AW re possible SCOTUS cocounsel	0.10	0.10	0.00
04/13/20	team emails re SCOTUS co-counsel	0.40	0.40	0.00
04/13/20	conf w/ AW re SCOTUS co-counsel	0.10	0.10	0.00
04/15/20	emails & confs w team re SCOTUS co-counsel	0.30	0.30	0.00
04/17/20	review order granting mot to stay	0.60	0.60	0.00
04/20/20	review order granting motion to stay & follow up w	1.00	1.00	0.00
04/21/20	emails w AW & SM re potential SCOTUS cocounsel	0.30	0.30	0.00
04/22/20	conf w AW re potential SCOTUS co-counsel	0.30	0.30	0.00
04/22/20	emails w AW re mtg re potential SCOTUS cocounsel	0.20	0.20	0.00
04/23/20	conf w AW & SM re SCOTUS cocounsel	0.30	0.30	0.00
04/24/20	follow up w AW re potential SCOTUS counsel	0.20	0.20	0.00
04/24/20	email w AW, SM & Jenner folks re potential SCOTUS cocounsel & setting up call	0.50	0.50	0.00
04/27/20	email to Jenner re potential cocounsel call	0.20	0.20	0.00
04/30/20	conf w AW re SCOTUS	0.10	0.10	0.00
04/30/20	conf w Jenner (potential SCOTUS co-counsel) re case & strategy	0.50	0.50	0.00
04/30/20	follow-up email to Jenner & MacArthur re conflicts check & co-counsel	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/01/20	emails w Jenner, MacArthur, SM, AW re SCOTUS co-counsel plan	0.80	0.80	0.00
05/01/20	email to team re SCOTUS strategy & co-counsel update	0.30	0.30	0.00
05/05/20	emails from client & follow-up re same	0.40	0.40	0.00
05/06/20	review Defs filing re stay & petition for cert; follow up research re same	6.50	6.50	0.00
05/06/20	correspondence re media inquiries re Defs filing	0.30	0.00	-0.30
05/06/20	team emails re media strategy re Defs SCOTUS filing	1.20	0.00	-1.20
05/07/20	call SCOTUS clerk office re Defs stay app filing & follow-up call re same	0.20	0.20	0.00
05/07/20	research re stay motion	6.90	6.90	0.00
05/07/20	conf w AW re response to stay app	0.40	0.40	0.00
05/07/20	conf w SCOTUS co-counsel re response to stay app	0.30	0.30	0.00
05/08/20	phone conf w SCOTUS clerk office re stay app & follow-up email to team re same	0.30	0.30	0.00
05/08/20	email to cocounsel w legal resarch q's for stay opp	0.40	0.40	0.00
05/08/20	research re stay motion	5.70	5.70	0.00
05/11/20	review media coverage of Defs' SCOTUS filings, governor statement	1.00	0.50	-0.50
05/11/20	research opp to stay	8.70	8.70	0.00
05/11/20	review email from EP potential SCOTUS co-counsel; follow-up w AW re same	0.50	0.50	0.00
05/12/20	emails w EM re legal research q's for stay opp	0.60	0.60	0.00
05/12/20	research & draft opp to stay	9.30	9.30	0.00
05/12/20	emails w co-counse re client call	0.20	0.20	0.00
05/12/20	review SCOTUS docket announcements	0.10	0.10	0.00
05/12/20	email to EP re potential SCOTUS co-counsel; email exch re same	0.30	0.30	0.00
05/12/20	confs w AW re stay opp, SCOTUS cocousnel	0.70	0.70	0.00
05/13/20	research & draft opp to stay	10.40	10.40	0.00
05/13/20	team emails re potential SCOTUS co-counsel	1.00	1.00	0.00
05/13/20	call w SCOTUS clerk re opp to stay app	0.20	0.20	0.00
05/13/20	email to SCOTUS clerk re contact info lead counsel	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/13/20	emails w team re schedule/plan for opp to stay review	0.40	0.40	0.00
05/13/20	emails w co-counsel re cite-checking plan for brief	0.20	0.20	0.00
05/14/20	email w AW,cocounsel re retainer agmt	0.20	0.00	-0.20
05/14/20	emails w EM re legal research q's for stay opp	0.30	0.30	0.00
05/14/20	emails w AW & SM re media strategy	0.30	0.00	-0.30
05/14/20	research & draft opp to stay	14.10	14.10	0.00
05/14/20	team emails re stay opp procedures	0.40	0.40	0.00
05/14/20	phone conf w EP re SCOTUS co-counsel & case strategy	0.70	0.70	0.00
05/14/20	confs w AW & SM re potential SCOTUS co-counsel; follow-up emails re same	0.90	0.90	0.00
05/15/20	emails w SM & AW re SCOTUS co-counsel; follow-up call w SM re same	0.70	0.70	0.00
05/15/20	review emails w opp counsel re presurgery tx & client	0.30	0.30	0.00
05/15/20	research & draft opp to stay; send to AW for review	12.60	12.60	0.00
05/15/20	review email from client; follow-up w team re same	0.20	0.20	0.00
05/15/20	emails w EM re legal research q's for stay opp	0.30	0.30	0.00
05/15/20	emails w co-counsel re cite-checking plan for brief	0.30	0.30	0.00
05/15/20	emails w SM, AW, EP re SCOTUS co-counsel & stay opp	0.60	0.60	0.00
05/15/20	email to team re SCOTUS stay opp & co-counsel update	0.40	0.40	0.00
05/15/20	email from client & follow-up re same	0.20	0.20	0.00
05/15/20	confs w AW re stay opp	0.40	0.40	0.00
05/16/20	draft/edit opp to stay	12.80	12.80	0.00
05/16/20	emails w SCOTUS co-counsel re case strategy	0.50	0.50	0.00
05/17/20	draft/edit opp to stay	14.90	14.90	0.00
05/17/20	confs w AW re stay opp	0.40	0.40	0.00
05/17/20	emails w team re coordinating cite-checking of stay opp	0.60	0.60	0.00
05/17/20	emails w SCOTUS co-counsel re case strategy	0.40	0.40	0.00
05/17/20	emails w SCOTUS co-counsel re stay opp edits & strategy	0.90	0.90	0.00
05/17/20	conf w AW & SM re stay opp	0.50	0.50	0.00
05/18/20	email SCOTUS clerk re stay opp	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/18/20	confs w AW re stay opp	0.30	0.30	0.00
05/18/20	finalize & file opp to stay	7.50	7.50	0.00
05/18/20	emails w team re client communications	0.30	0.30	0.00
05/19/20	review email from opp counsel re cert petition & emails to team re same	0.30	0.30	0.00
05/19/20	email to SCOTUS co-counsel re cert opp strategy & timing	1.30	1.30	0.00
05/21/20	review order denying stay; emails w team re same	2.40	2.40	0.00
05/21/20	review briefs sent by Def re mot for reinstating stay	0.40	0.40	0.00
05/21/20	team emails re denial of stay, case & media strategy	0.50	0.40	-0.10
05/21/20	responses to media inquiries re stay denial & emails w team re same	0.90	0.00	-0.90
05/21/20	team emails re cert opp strategy & timing	1.50	1.50	0.00
05/22/20	emails w SCOTUS co-counsel re cert opp strategy	0.30	0.30	0.00
05/22/20	respond to media inquiries re stay denial; emails w AW re same	0.60	0.00	-0.60
05/24/20	email AW re case & media strategy	0.20	0.00	-0.20
05/26/20	draft pl request for status conf	1.20	1.20	0.00
05/26/20	emails w AW & SM re stay denial & cert opp strategy	0.30	0.30	0.00
05/26/20	conf w AW re cert opp/strategy	0.50	0.50	0.00
05/26/20	emails to SCOTUS co-counsel re cert opp coordination & follow-up w AW re same	0.70	0.70	0.00
05/26/20	email exch w AW re client surgery status & info	1.20	1.20	0.00
05/27/20	conf w SCOTUS co-counsel re cert opp/strategy	1.10	1.10	0.00
05/27/20	emails w AW re legal research assignments for cert opp	0.40	0.40	0.00
05/28/20	review email from opp counsel re surgery status update & follow up w team re same	0.50	0.50	0.00
05/29/20	review SCOTUS co-counsel & retainer agmts; emails	0.80	0.00	-0.80
05/29/20	email response to opp counsel re surgery status update	0.30	0.30	0.00
05/29/20	draft & send email to co-counsel team re client	1.00	1.00	0.00
05/29/20	emails w SCOTUS team re legal research assignments	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/29/20	emails w SCOTUS co-counsel re request for ext for cert opp; edit & finalize request for EOT; file re same	1.40	1.40	0.00
06/02/20	review SCOTUS docket filing; email w AW re same re EOT	0.20	0.20	0.00
06/02/20	review email from opp counsel re surgery logistics & follow-up w team re same	0.20	0.20	0.00
06/03/20	video status conf	0.60	0.60	0.00
06/03/20	conf w AW re follow-up to status conf	0.10	0.10	0.00
06/03/20	emails w AW re surgery info	0.20	0.20	0.00
06/06/20	emails w AW re co-counsel agmt	0.20	0.00	-0.20
06/08/20	emails w AW re co-counsel agmt & retainer agmts;	0.20	0.00	-0.20
06/08/20	conf w team re media inquiries re case & case strategy	0.70	0.50	-0.20
06/09/20	conf w AW re surgery issues	0.20	0.20	0.00
06/09/20	emails w AW re surgery logistics & draft email to opp counsel re same	0.40	0.40	0.00
06/10/20	emails w AW & team re media inquiries & strategy	0.70	0.50	-0.20
06/10/20	emails w AW re surgery logistics	0.20	0.20	0.00
06/11/20	emails w AW re surgery logistics	0.30	0.30	0.00
06/11/20	emails w team re client updates	0.20	0.20	0.00
06/12/20	call w team re case strategy/cert opp	0.60	0.60	0.00
06/12/20	team emails re cert opp	0.30	0.30	0.00
06/12/20	review emails from client & follow-up w team re same	0.30	0.30	0.00
06/12/20	email to opp counsel re surgery logistics	0.20	0.20	0.00
06/15/20	review emails from client & follow-up w team re same	0.20	0.20	0.00
06/15/20	review emails from defs re surgery logistics & follow up w team re same	0.30	0.30	0.00
06/15/20	emails w AW re legal research assignments for cert	0.40	0.40	0.00
06/16/20	review email from client & follow up w team re same	0.30	0.30	0.00
06/17/20	review email from client & follow up w team re same	0.30	0.30	0.00
06/18/20	emails w AW re correspondence to opp counsel re	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/19/20	review email from client & follow up w team re same	0.20	0.20	0.00
06/19/20	review emails from defs re surgery logistics & follow up w team re same	0.20	0.20	0.00
06/22/20	email to opp counsel re surgery logistics	0.30	0.30	0.00
06/23/20	review email from defs re client surgery & covid issues; follow-up w team re same	1.00	1.00	0.00
06/23/20	conf w AW re surgical issues & strategy	0.50	0.50	0.00
06/24/20	review emails from client	0.30	0.30	0.00
06/24/20	emails w AW re surgery logistics & client	0.90	0.90	0.00
06/25/20	review email from client & follow up w team re same	1.60	1.60	0.00
06/25/20	draft & send email to defs re surgery & covid issues	1.80	1.80	0.00
06/26/20	call w client & AW	0.50	0.50	0.00
06/26/20	confs w AW re surgery & COVID issues	0.30	0.30	0.00
06/26/20	email exch w team re surgery & covid testing issues	2.90	2.90	0.00
06/28/20	review email from client & follow up w team re same	0.30	0.30	0.00
06/29/20	email exch w opp counsel re surgery & covid issues	0.50	0.50	0.00
06/29/20	review emails from client; emails to team re same	0.60	0.60	0.00
06/29/20	team mtg re surgery & COVID issues, strategy	0.30	0.30	0.00
06/29/20	draft & file pl ex parte appl for er relief re surgery	5.80	5.80	0.00
06/29/20	email to court re emergency filing	0.20	0.20	0.00
06/29/20	review defs response re pl emergency filing	1.00	1.00	0.00
06/30/20	review email from client; follow-up w team re same	0.40	0.40	0.00
06/30/20	emails w team re strategy re emergency mot & defs' response	1.30	1.30	0.00
06/30/20	emails w court clerk re hrg	0.20	0.20	0.00
06/30/20	review email from defs re hair removal appt & emergency mot; follow-up w team re same	0.20	0.20	0.00
06/30/20	review ct order re hrg	0.10	0.10	0.00
07/01/20	email client	0.40	0.40	0.00
07/01/20	emails w SS re communications w client & covid testing	1.60	1.60	0.00
07/01/20	status conf	0.50	0.50	0.00
07/01/20	conf w AW re follow-up from status conf	0.20	0.20	0.00
07/01/20	team emails re surgery/testing/client	1.50	1.50	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/01/20	team emails re status conf & order	1.40	1.40	0.00
07/01/20	review ct order re surgery	0.50	0.50	0.00
07/01/20	emails w opp counsel re covid testing, transport for surgery	1.00	1.00	0.00
07/01/20	emails w HSRD re ex parte filing	1.10	1.10	0.00
07/02/20	review email from client; follow-up w team re same	0.20	0.20	0.00
07/02/20	emails w opp counsel re transport for surgery	0.80	0.80	0.00
07/02/20	review def notice of compliance; team emails re same	0.90	0.90	0.00
07/02/20	draft email to team/scotus co-counsel w case update	1.40	1.40	0.00
07/04/20	review email from client re transfer, test, property; team emails re same; email to opp counsel re same	1.90	1.90	0.00
07/05/20	review emails from client	0.20	0.20	0.00
07/05/20	team emails re client transfer/property/surgery	0.80	0.80	0.00
07/06/20	review emails from client	0.10	0.10	0.00
07/06/20	emails w AW re surgery & a-c call w client; email to client	1.70	1.70	0.00
07/06/20	team emails re property, surgery, next steps, call w	2.30	2.30	0.00
07/07/20	review emails from client & follow-up w team re same	0.20	0.20	0.00
07/07/20	emails w team re client updates; call	1.60	1.60	0.00
07/07/20	email w opp counsel re pre-op appt & surgery	0.50	0.50	0.00
07/08/20	review team emails re covid test/surgery/property	0.60	0.60	0.00
07/08/20	client emails; emails to team re same	1.00	1.00	0.00
07/08/20	call w client & AW	0.50	0.50	0.00
07/08/20	emails w team re surgery & case issues	1.50	1.50	0.00
07/08/20	conf w AW re client call, follow-up	0.30	0.30	0.00
07/10/20	email from client; emails to team re surgery	1.60	1.60	0.00
07/10/20	review emails & research re scotus cert opp; emails to team re same	3.40	3.40	0.00
07/13/20	emails w team re mtg	0.50	0.50	0.00
07/14/20	email from client; email to team re same	0.50	0.50	0.00
07/14/20	conf w AW re client call	0.20	0.20	0.00
07/14/20	call w client & AW	0.50	0.50	0.00
07/15/20	emails w AW re case strategy	0.70	0.70	0.00
07/15/20	emails w opp counsel re post-surgery follow-up;team emails re same	1.60	1.60	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/16/20	team emails re SCOTUS retainers	0.30	0.00	-0.30
07/16/20	emails w opp counsel re post-surgery follow-up;team emails re same	1.70	1.70	0.00
07/16/20	conf w SCOTUS co-counsel re BIO	1.10	1.10	0.00
07/20/20	review draft BIO	3.30	3.30	0.00
07/21/20	conf w AW re: opp to cert.	0.20	0.20	0.00
07/21/20	review & edit BIO	13.20	13.20	0.00
07/22/20	emails w opp counsel re post-surgery follow-up;team emails re same	1.00	1.00	0.00
07/22/20	review & edit BIO; emails & confs w AW re same; review emails & confs w SM re same	11.60	11.60	0.00
07/23/20	emails w AW re BIO; prep for call w co-counsel re same	2.50	2.50	0.00
07/23/20	conf w co-counsel re BIO	1.20	1.20	0.00
07/23/20	follow-up emails w cocounsel re BIO	1.20	1.20	0.00
07/24/20	emails re BIO research & draft	1.00	1.00	0.00
07/24/20	emails w co-counsel re BIO & updates to team	1.40	1.40	0.00
07/27/20	review co-counsel email re BIO; BIO draft	1.00	1.00	0.00
07/28/20	review articles re case; team emails re media/press re surgery reporting; emails responding to media inquiry re AE surgery	1.80	0.00	-1.80
07/28/20	conf w AW re BIO	0.80	0.80	0.00
07/28/20	review & edit draft BIO; emails w AW re same; email to co-counsel re same	4.90	4.90	0.00
07/29/20	co-counsel emails re BIO	1.00	1.00	0.00
07/30/20	review emails re post-surgery updates	0.30	0.30	0.00
08/03/20	review osc re appeal	0.50	0.50	0.00
08/03/20	emails to co-counsel re OSC & mootness issues; research re same	2.30	2.30	0.00
08/04/20	email from client; emails w team re same	1.10	1.10	0.00
08/04/20	emails w co-counsel re BIO filing; OSC & mootness	0.70	0.70	0.00
08/04/20	review & edit BIO; email to team re same; review team comments re BIO & emails re same	6.60	6.60	0.00
08/05/20	email to AW re client call	0.20	0.20	0.00
08/05/20	emails w co-counsel re BIO filing	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/05/20	emails w co-counsel re BIO revisions; review BIO re same	3.50	3.50	0.00
08/06/20	emails w AW re client call	0.40	0.40	0.00
08/06/20	review BIO draft & emails w co-counsel re same	1.90	1.90	0.00
08/07/20	team emails re BIO edits	1.30	1.30	0.00
08/07/20	email from client & follow-up re same	0.40	0.40	0.00
08/10/20	email from client & follow-up	0.60	0.60	0.00
08/10/20	email to DS re mootness issues	0.30	0.30	0.00
08/10/20	emails w co-counsel re BIO filing	1.00	1.00	0.00
08/10/20	team emails re coordinating copies to client	0.80	0.80	0.00
08/11/20	review co-counsel emails re SCOTUS filing; emails re same	0.40	0.40	0.00
08/11/20	review media articles re case; call w reporter re inquiry; emails w team re same & case strategy	2.40	0.50	-1.90
08/11/20	review BIO filing	1.30	1.30	0.00
08/13/20	email from client & follow-up re same	0.40	0.40	0.00
08/13/20	respond to media inquiry re case; conf w team re same	0.80	0.00	-0.80
08/14/20	emails w team re media & case strategy	0.50	0.40	-0.10
08/17/20	review defs response re OSC	0.70	0.70	0.00
08/17/20	email from client & follow-up w AW re same	0.70	0.70	0.00
08/17/20	email co-counsel re Defs 9th Cir filing & mootness	1.20	1.20	0.00
08/18/20	email exch w co-counsel re response to Defs OSC filing re mootness	1.50	1.50	0.00
08/19/20	email to 9th Cir re response timeline OSC	0.50	0.50	0.00
08/19/20	review order dismiss appeal as moot & follow up w/ team, SCOTUS counsel re same	2.60	2.60	0.00
08/19/20	call w client & AW; prep/follow-up w AW re same	0.80	0.80	0.00
08/20/20	review court order filing	0.10	0.10	0.00
08/21/20	review case updates; emails w team re same	0.50	0.50	0.00
08/24/20	review Defs filings reply & suggestion of mootness	3.00	3.00	0.00
08/24/20	emails w AW re client post-surgery tx	0.50	0.50	0.00
08/24/20	mtg w co-counsel re Defs filings	0.90	0.90	0.00
08/25/20	email exch w co-counsel re response to suggestion of mootness; review of record & follow-up re same	4.30	4.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/25/20	emails/confs w AW re client med needs & communications w defs	0.80	0.80	0.00
08/25/20	team emails re client & case updates	1.00	1.00	0.00
08/26/20	review SCOTUS docket	0.30	0.30	0.00
08/27/20	email exchs w co-counsel re response re mootness filing	2.40	2.40	0.00
08/28/20	email exch w co-counsel re response to suggestion of mootness	0.50	0.50	0.00
08/28/20	draft email to opp counsel re post-surgery issues	1.50	1.50	0.00
08/30/20	email exch w team re draft email to opp counsel	0.60	0.60	0.00
08/30/20	review & edit draft response to suggestion of mootness & emails w team re same	3.30	3.30	0.00
08/31/20	email exch w opp counsel re post-surgery issues	0.50	0.50	0.00
08/31/20	review & edit new draft suggestion of mootness; emails w team re same	2.70	2.70	0.00
09/01/20	review email from client; follow-up w AW	0.30	0.30	0.00
09/01/20	emails w team re filing info	0.40	0.40	0.00
09/01/20	review team edits for filing & emails re same	1.10	1.10	0.00
09/01/20	review & edit draft resp to suggestion of mootness	2.50	2.50	0.00
09/02/20	team emails re resp to suggestion of mootness	1.20	1.20	0.00
09/03/20	team emails re filings to client	0.20	0.20	0.00
09/03/20	review resp to suggestion of mootness filing	0.70	0.70	0.00
09/03/20	email from client & follow-up re same	0.40	0.40	0.00
09/03/20	conf w AW re resp to suggestion of mootness	0.20	0.20	0.00
09/04/20	emails w/ AW & SB re setting up call w client & logistics	0.60	0.60	0.00
09/11/20	review Defs reply re suggestion of mootness	0.80	0.80	0.00
09/11/20	call w client & AW	0.50	0.50	0.00
09/15/20	emails/conf w AW re media statements/inquiries	0.40	0.00	-0.40
09/15/20	call w client & AW	0.50	0.50	0.00
09/29/20	review SCOTUS docket	0.50	0.50	0.00
10/06/20	call w client & AW	0.50	0.50	0.00
10/06/20	prep w AW for call w client	0.10	0.10	0.00
10/09/20	review SCOTUS docket	0.50	0.50	0.00
10/13/20	review SCOTUS cert denial; follow-up and confs w AW re same	3.50	3.50	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/15/20	conf w AW re case strategy/next steps	0.20	0.20	0.00
10/21/20	call w client & AW	0.50	0.50	0.00
10/21/20	conf w AW re case strategy/next steps	0.50	0.50	0.00
10/28/20	mtg w team re case strategy & next steps	1.00	1.00	0.00
11/04/20	conf w AW re case strategy	0.60	0.60	0.00
11/04/20	call w client & AW	1.00	1.00	0.00
11/13/20	emails w team	0.10	0.10	0.00
11/16/20	emails w client/team	0.30	0.30	0.00
11/16/20	letter to client	1.20	1.20	0.00
11/16/20	letter to client	0.10	0.10	0.00
11/16/20	letter to client	0.20	0.20	0.00
11/16/20	letter to client	0.10	0.10	0.00
11/16/20	letter to client	0.10	0.10	0.00
11/16/20	letter to client	0.90	0.90	0.00
11/17/20	emails w client/team	0.60	0.60	0.00
11/19/20	team emails	1.00	1.00	0.00
11/20/20	emails w client/team	0.20	0.20	0.00
11/20/20	emails w client/team	0.60	0.60	0.00
11/20/20	emails w client/team	0.10	0.10	0.00
11/23/20	emails w AW re resources for client	0.20	0.00	-0.20
11/23/20	follow up re videotaping issue	0.10	0.10	0.00
11/24/20	call w client & AW	0.50	0.50	0.00
11/24/20	conf w AW re case strategy	0.50	0.50	0.00
11/30/20	cocounsel emails	0.30	0.30	0.00
11/30/20	cocounsel emails	0.10	0.10	0.00
12/01/20	motion to lift stay	0.30	0.30	0.00
12/01/20	motion to lift stay	0.10	0.10	0.00
12/01/20	motion to lift stay	0.50	0.50	0.00
12/02/20	motion to lift stay	0.30	0.30	0.00
12/02/20	settlement demand ltr	0.70	0.70	0.00
12/02/20	settlement demand ltr	0.40	0.40	0.00
12/02/20	draft motion to lift stay	1.00	1.00	0.00
12/02/20	research & draft settlement demand ltr	5.60	5.60	0.00
12/03/20	communication w co counsel	0.20	0.20	0.00
12/03/20	communication w co counsel	0.10	0.10	0.00
12/03/20	communication w co counsel	0.50	0.50	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
12/03/20	settlement demand ltr	0.40	0.40	0.00
12/03/20	conf w AW re settlement	0.10	0.10	0.00
12/07/20	client communication	0.10	0.10	0.00
12/09/20	cocounsel emails	0.10	0.10	0.00
12/09/20	client email	0.10	0.10	0.00
12/10/20	cocounsel emails	0.20	0.20	0.00
12/11/20	client email	0.10	0.10	0.00
12/11/20	email w cocounsel re client access to medical tx	0.30	0.30	0.00
12/11/20	email w cocounsel re client access to medical tx	0.10	0.10	0.00
12/11/20	emails w cocounsel re settlement	0.40	0.40	0.00
12/14/20	emails w cocounsel re settlement	0.20	0.20	0.00
12/14/20	response to defs re stay request	0.30	0.30	0.00
12/15/20	prep for edmo status conf	0.60	0.60	0.00
12/15/20	edmo telephone status conf & post-hrg call w opp counsel	0.80	0.80	0.00
12/15/20	cocounsel emails	0.30	0.30	0.00
12/15/20	status conf	0.40	0.40	0.00
12/16/20	review of ct order re status conf	0.20	0.20	0.00
12/16/20	cocounsel emails	0.10	0.10	0.00
12/16/20	cocounsel emails	0.10	0.10	0.00
12/16/20	calendaring	0.10	0.10	0.00
12/16/20	cocounsel emails	0.20	0.20	0.00
12/17/20	emails w client/cocounsel	0.80	0.80	0.00
12/18/20	cocounsel emails	0.20	0.20	0.00
12/21/20	review status conf minutes, email to cocounsel	0.10	0.10	0.00
12/23/20	email w cocounsel/opp counsel	0.10	0.10	0.00
12/29/20	email from opp counsel; email to team	0.20	0.20	0.00
12/29/20	cocounsel emails re settlement	0.20	0.20	0.00
12/29/20	cocounsel emails re settlement	0.20	0.20	0.00
12/30/20	emails w cocounsel re settlement process; email w opp counsel re same	0.40	0.40	0.00
01/04/21	emails w opp counsel re ADR	0.30	0.30	0.00
01/04/21	communication to ADR	0.30	0.30	0.00
01/04/21	email to ADR administrator re settlement conf	0.30	0.30	0.00
01/04/21	email to ADR administrator re settlement conf	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
01/11/21	review ct orders re scheudling; litigation & discovery plan	0.40	0.40	0.00
01/11/21	call w AW re litigation plan/discovery/settlement issues	1.30	1.30	0.00
01/11/21	calls & email re mediator proposal	1.30	1.30	0.00
01/12/21	email to team re litigation plan issues	0.60	0.60	0.00
01/12/21	email to team re litigation plan issues	0.40	0.40	0.00
01/13/21	cocounsel emails re litigation plan & mtg	0.20	0.20	0.00
01/13/21	cocounsel emails re litigation plan & mtg	0.20	0.20	0.00
01/14/21	TC w cocounsel re settlement next steps	1.20	1.20	0.00
01/14/21	emails re mediation	0.20	0.20	0.00
01/14/21	team mtg re litigation plan	1.40	1.40	0.00
01/14/21	emails re mediation	0.20	0.20	0.00
01/19/21	draft litigation & discovery plans; email to cocounsel re same	0.80	0.80	0.00
01/19/21	draft litigation & discovery plans; email to cocounsel re same	0.40	0.40	0.00
01/19/21	meeting with LR re: update on case	0.10	0.10	0.00
01/19/21	draft litigation & discovery plans; email to cocounsel re same	0.10	0.10	0.00
01/20/21	draft stip to dismiss claims; email co counsel	1.20	1.20	0.00
01/20/21	meet & confer w opp counsel re litigation plan	0.40	0.40	0.00
01/20/21	prep for meet & confer call	0.30	0.30	0.00
01/20/21	email to cocounsel re dismissal	0.10	0.10	0.00
01/20/21	revise draft stip/draft litigation plan & send to co-counsel	0.40	0.40	0.00
01/21/21	review client correspondence, reply, email cocounsel re same	0.50	0.50	0.00
01/26/21	review clerk email, draft proposed order re stip to dismiss claims, send to opp counsel	0.50	0.50	0.00
01/26/21	emails w AW, clerk re stip re attorneys' fees	0.40	0.40	0.00
02/01/21	conf w DF re mediation	0.20	0.20	0.00
02/01/21	email Defs re request for fees & costs	0.80	0.80	0.00
02/01/21	draft email to IDOC counsel re settlement phone access for AE, access to legal docs; email team re same	0.70	0.70	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/01/21	prep for status conf; court status conf	0.60	0.60	0.00
02/01/21	listening in on Edmo Status Conference	0.20	0.20	0.00
02/02/21	review court orders; email to defs re legal access/calls	0.30	0.30	0.00
02/03/21	conf w AW re upcoming calls with client and mediation strategy.	0.50	0.50	0.00
02/03/21	prep for mtg w AW re Edmo litigation/settlement to-do & mtg w AW	0.70	0.70	0.00
02/08/21	client emails; respond to opp counsel email	0.20	0.20	0.00
02/09/21	call w opp counsel re provision of attorneys' fees info for settlement conf	0.30	0.30	0.00
02/10/21	call w/ client; call w AW re client call	1.50	1.50	0.00
02/17/21	emails w client; email to cocounsel	0.10	0.10	0.00
02/18/21	client & cocounsel communications	0.30	0.30	0.00
02/22/21	draft settlement conf statement	0.60	0.60	0.00
02/22/21	draft settlement conf statement	0.50	0.50	0.00
02/22/21	draft settlement conf statement	1.30	1.30	0.00
02/22/21	draft settlement conf statement	3.20	3.20	0.00
02/23/21	review team edits to settlement conf statement & revise; emails w team re same	0.60	0.60	0.00
02/24/21	confs w AW re client check in and mediation	0.90	0.90	0.00
02/24/21	call w/ AW to prep for client call; call w/ client; follow-up w AW & email to opp counsel	1.20	1.20	0.00
02/25/21	emails from client; emails w cocounsel re same	0.20	0.20	0.00
02/25/21	email w opp counsel/cocounsel re settlement conf & communications to client	0.30	0.30	0.00
02/26/21	team fees & costs for settlement conf statement; call w AW re same; finalize settlement conf statement for submission; calls w Tallman chambers re settlement conf logistics	2.10	2.10	0.00
02/26/21	cocounsel emails re fees & costs	0.30	0.30	0.00
02/26/21	emails w client/co-counsel	0.10	0.10	0.00
03/01/21	emails w cocounsel re settlement conf, info to client	0.20	0.20	0.00
03/02/21	review mediator email; emails w AW re fees & costs submission	0.80	0.80	0.00
03/02/21	email cocounsel re mediator cost/fees request	0.60	0.60	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/07/21	prep of time into categories of litigation pursuant to Judge Tallman's order for mediation	0.80	0.80	0.00
03/07/21	prep of time into categories of litigation pursuant to Judge Tallman's order for mediation	1.60	1.60	0.00
03/07/21	prep of time into categories of litigation pursuant to Judge Tallman's order for mediation	1.50	1.50	0.00
03/08/21	confs w client and AW re mediation, followup w AW re: same	0.80	0.80	0.00
03/08/21	prepare team fees & costs for settlement conf, finalize spreadsheet, submission for J Tallman	3.60	3.60	0.00
03/08/21	email exch w opp counsel & co counsel re legal mail to client	0.90	0.90	0.00
03/08/21	confs w DS & AW re settlement conf & fees	0.20	0.20	0.00
03/08/21	call w client; prep & follow-up w AW	1.00	1.00	0.00
03/09/21	settlement conf w Judge Tallman	5.90	5.90	0.00
03/09/21	prep for settlement conf	0.40	0.40	0.00
03/10/21	cocounsel emails re settlement conf follow-up and prepare strategy for next steps	0.20	0.20	0.00
03/15/21	call w Dylan Eaton re settlement	0.30	0.30	0.00
03/15/21	tc w DF re settlement	0.20	0.20	0.00
03/16/21	court status conf	0.30	0.30	0.00
03/16/21	emails to cocounsel re settlement conf; draft email to judge re same	0.40	0.40	0.00
03/16/21	call w Steve Kraft re settlement conf	0.20	0.20	0.00
03/16/21	email to client	0.10	0.10	0.00
03/17/21	email to judge re upcoming settlement conference	0.10	0.10	0.00
03/17/21	phone call w AW re stip request from Defs	0.60	0.60	0.00
03/17/21	cocounsel emails re IDOC request for stip	0.50	0.50	0.00
03/19/21	settlement conference	0.10	0.10	0.00
03/19/21	settlement conference	6.70	6.70	0.00
03/22/21	client correspondence, email to cocounsel	0.80	0.80	0.00
03/24/21	email w AW re client surgery	0.10	0.10	0.00
04/01/21	client communication	0.10	0.10	0.00
04/02/21	communications w client	0.30	0.30	0.00
04/05/21	correspondence w client/co-counsel	0.10	0.10	0.00

Edmo v. IDOC**Lori Rifkin Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/06/21	emails w clients, co-counsel re settlement agmt & case questions	0.20	0.20	0.00
04/13/21	review & edit defs proposed settlement agmt; email to team re same	0.50	0.50	0.00
04/14/21	client correspondence; email to team re same	0.10	0.10	0.00
04/14/21	call w AW; call w client	1.00	1.00	0.00
04/15/21	emails w cocounsel re settlement agmt	0.40	0.40	0.00
04/26/21	emails w opp counsel & co-counsel re settlement agmt	0.10	0.10	0.00
04/28/21	correspondence w client	0.10	0.10	0.00
04/30/21	email to opp counsel re settlement agmt edits	0.10	0.10	0.00
05/04/21	communications w client	0.10	0.10	0.00
05/04/21	communications w client, cocounsel	0.20	0.20	0.00
05/05/21	call w Dylan & AW re settlement agmt; follow-up w AW re same	0.80	0.80	0.00
05/11/21	review emails from client; emails to team re same	0.10	0.10	0.00
05/13/21	review OC settlement agmt edits & AW comments	0.30	0.30	0.00
05/13/21	review OC settlement agmt edits & AW comments	0.20	0.20	0.00
05/17/21	edit edmo settlement agmt, send to opp counsel	0.60	0.60	0.00
05/18/21	conf w AW re Edmo settlement/release issues	0.60	0.60	0.00
05/18/21	call w client & AW	0.60	0.60	0.00
05/18/21	review AW email re Edmo pldgs	0.20	0.20	0.00
05/28/21	review most recent draft settlement agreement	0.20	0.20	0.00
06/04/21	reveiw email from client	0.20	0.20	0.00
06/07/21	reveiw email from client	0.20	0.20	0.00
06/10/21	emails w AW re prep for client call	0.30	0.30	0.00
06/10/21	call w client & AW	0.50	0.50	0.00
06/14/21	emails w AW re SCOTUS co-counsel time & costs	0.20	0.20	0.00
06/18/21	review email from client	0.20	0.20	0.00
06/21/21	review & respond to opp counsel & client emails re settlement agmt; follow-up w team re same	0.40	0.40	0.00
06/22/21	correspondence from client & emails to team re settlement K	0.20	0.20	0.00
06/22/21	review email from client	0.20	0.20	0.00
06/23/21	review email from client	0.20	0.20	0.00
06/24/21	follow-up w team re client access to notary issue	0.60	0.60	0.00

Edmo v. IDOC**Lori Rifkin Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/24/21	review email from client	0.20	0.20	0.00
06/26/21	review email from client	0.30	0.30	0.00
06/27/21	email to opp counsel re client access to notary for settlement	0.40	0.40	0.00
06/28/21	review email from client	0.30	0.30	0.00
06/29/21	review email from RH re client settlement in Hep C case relation to case;team emails re same	0.20	0.20	0.00
06/29/21	review emails from team re client access to notary; email exch w opp counsel re access to notary	0.20	0.20	0.00
06/30/21	review emails re exemption in settlement release for HepC case; team emails re same	0.30	0.30	0.00
07/01/21	review email from client	0.30	0.30	0.00
08/03/21	review email from client; email w AW re same	0.10	0.10	0.00
08/09/21	research re effectuating settlement on client's end; emails w AW & AE re same	1.60	1.60	0.00
08/10/21	research & phone confs re effectuating settlement for client	0.70	0.70	0.00
08/10/21	phone confs w client re effectuating settlement	0.20	0.20	0.00
08/10/21	phone confs w AW re effectuating settlement for client	0.20	0.20	0.00
08/11/21	email w client re settlement final steps	0.10	0.10	0.00
08/13/21	emails w client re settlement final steps	0.10	0.10	0.00
08/16/21	emails & calls re effectuation of settlement terms for client; emails w client & AW re same	0.50	0.50	0.00
08/18/21	text & email exch w AW re stip of dismiss/settlement requirements; review of emails re same	0.30	0.30	0.00
08/18/21	review & edit DF & LR decls iso mot for attorneys fees	1.90	1.90	0.00
08/19/21	check status of final settlement steps; email to client & AW re same	0.20	0.20	0.00
08/19/21	email to opp counsel re stip & proposed order of dismissal	0.20	0.20	0.00
08/31/21	emails w client re final steps of settlement	0.20	0.20	0.00
09/02/21	conf w AW re fee petition & LR declaration ISO	0.70	0.70	0.00
09/02/21	review RLO costs & send to AW for fee petition	0.30	0.30	0.00

Edmo v. IDOC**Lori Rifkin Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/02/21	emails w AW re RLO costs exhibit & edit exhibit	0.20	0.20	0.00
09/07/21	email w steve kraft re call re stip draft	0.10	0.10	0.00
09/08/21	review email from Corizon counsel re draft stip	0.10	0.10	0.00
09/08/21	emails w IDOC counsel re call re stip draft	0.10	0.10	0.00
09/08/21	review email from Corizon counsel re draft stip & email to AW re same	0.20	0.20	0.00
09/08/21	review email from Corizon counsel re draft stip & email to AW re same	0.10	0.10	0.00
09/08/21	call w AW re defs' edits to stip & fees motion	0.20	0.20	0.00
09/08/21	review & edit defs' proposed language for stip	0.10	0.10	0.00
09/08/21	call w Steve Kraft & AW re proposed stip	0.30	0.30	0.00
09/08/21	conf w AW re Corizon/IDOC positions re stip & fee motion	0.30	0.30	0.00
09/09/21	review fee motion draft	0.70	0.70	0.00
09/13/21	review & edit fee motion draft	0.70	0.70	0.00
09/14/21	review & edit fee motion draft	1.20	1.20	0.00
09/14/21	review & edit fee motion draft	0.60	0.60	0.00
09/15/21	review Defs edits to proposed stip & email to AW re same	0.20	0.20	0.00
09/15/21	review Defs edits to proposed stip & email to AW re same	0.10	0.10	0.00
09/15/21	review Defs edits to proposed stip & email to AW re same	0.10	0.10	0.00
09/15/21	revise Defs proposed stipulation & emails w AW re same; email to Defs w revised stip & order	0.20	0.20	0.00
09/16/21	review & edit HSRD decl ISO fees; send to AW	0.30	0.30	0.00
09/20/21	email client re final settlement issues	0.10	0.10	0.00
09/20/21	email opp counsel re stipulation edits	0.10	0.10	0.00
09/21/21	review opp counsel email & respond re stip; email w AW re same	0.10	0.10	0.00
09/21/21	review DE email re stip & order, review stip & order, email to co-counsel re same	0.20	0.20	0.00
09/22/21	emails w client re final settlement issues	0.20	0.20	0.00
09/24/21	email exch w AW re fees motion	0.10	0.10	0.00
09/29/21	emails w client re final settlement issues	0.20	0.20	0.00

Edmo v. IDOC**Lori Rifkin Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/29/21	review updated draft Stormer decl ISO fees sent by AW	0.10	0.10	0.00
09/30/21	review & edit AW revised draft fee motion	1.40	1.40	0.00
	Totals (in hours)	2392.9	2370.70	-22.20

EXHIBIT C

Edmo v. IDOC, et al.
Rifkin Law Office Expenses

DATE	AMOUNT	EXPENSE	DESCRIPTION
5/16/19	\$ 10.32	taxi - 9th Cir arg	9th Circuit appellate argument
5/16/19	\$ 38.94	taxi - 9th Cir arg	9th Circuit appellate argument
9/15/19-12/31/19	\$ 45.99	Idaho Press Tribune subscription	to follow State of Idaho/Gov Idaho statements about case & appellate strategy
9/24/19	\$ 4.05	postage for SCOTUS admission application	admission as counsel of record on case
10/17/19	\$ 108.99	SCOTUS admissions fee	admission as counsel of record on case
11/20/19	\$ 264.00	flight OAK-BOI	Dist Court hearing re surgical technique & presurgical treatment
11/20/19	\$ 17.89	taxi BOI-hotel	Dist Court hearing re surgical technique & presurgical treatment
11/20/19	\$ 12.39	food	Dist Court hearing re surgical technique & presurgical treatment
11/21/19	\$ 333.46	flight BOI-OAK	Dist Court hearing re surgical technique & presurgical treatment
11/21/19	\$ 4.66	food	Dist Court hearing re surgical technique & presurgical treatment
11/21/19	\$ 4.23	food	Dist Court hearing re surgical technique & presurgical treatment
11/21/19	\$ 48.00	airport parking	Dist Court hearing re surgical technique & presurgical treatment
1/1/20-12/31/20	\$ 120.00	Idaho Press Tribune subscription	to follow State of Idaho/Gov Idaho statements about case & appellate strategy
2/22/20	\$ 36.82	copying costs	cert petition research
7/14/20	\$ 5.00	JPAY postage account	communications with client
10/13/20	\$ 7.50	JPAY postage account	communications with client
1/1/21-4/30/20	\$ 60.00	Idaho Press Tribune subscription	to follow State of Idaho/Gov Idaho statements about case & strategy
5/4/21	\$ 3.60	JPAY postage account	communications with client
TOTAL	\$ 1,125.84		

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION,
ET AL.

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF AMY WHELAN IN
SUPPORT OF PLAINTIFF'S MOTION FOR
REASONABLE ATTORNEYS' FEES AND
EXPENSES THROUGH SEPTEMBER 30,
2021**

I, Amy Whelan, declare that the following is true and correct:

1. I am an attorney admitted *pro hac vice* before this Court and represent the Plaintiff, along with co-counsel, in this action. I am a member in good standing of the California State Bar and am admitted to practice law in California state and federal courts, several U.S. Courts of Appeals, and the Supreme Court of the United States. I have personal knowledge of the matters stated in this Declaration and could and would competently testify to these facts.

2. This Declaration is filed concurrently with Plaintiff's Motion for Reasonable Attorneys' Fees and Expenses.

3. I am a 2001 graduate of Northeastern University School of Law and have been a licensed attorney since that year. Since 2011, I have been a Senior Staff Attorney at the National Center for Lesbian Rights (NCLR), which is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families. In this role, I supervise and manage legal team members in complex civil cases around the country. NCLR is committed to litigating precedent-setting cases at the trial and appellate court levels throughout the country. Before working at NCLR, I was an attorney at Rosen, Bien, Galvan & Grunfeld LLP for nearly ten years. A more complete recitation of my experience and background in civil rights cases is included below and in my Resume, a copy of which is attached hereto as **Exhibit A**.

MOST RELEVANT GENERAL BACKGROUND

4. NCLR maintains a diverse legal practice and I have litigated a variety of complex cases in state and federal courts during my tenure at the organization. For instance, I have litigated complex youth, employment discrimination, healthcare discrimination, prison, and civil rights matters. I have also argued cases before trial and appellate courts.

5. Before coming to NCLR, I served as counsel in several significant civil rights cases, including *Coleman/Plata v. Brown*, a lawsuit which challenged California prison system's unconstitutional provision of medical and mental health care, *Armstrong v. Brown*, a class action lawsuit regarding disability accommodations and access in the California prison system, and various other lawsuits involving police misconduct, jail suicide, inadequate health care, and employment discrimination cases. In 2008-2010, I was a member of the trial team in *Coleman / Plata v. Brown* before a three-judge court and later the U.S. Supreme Court, holding that California must reduce prison overcrowding to meet the medical and mental health needs of prisoners. *Brown v. Plata*, 563 U.S. 493 (2011). I also worked for several years on post-judgment issues in the *Coleman* class action lawsuit related to the constitutionally inadequate mental healthcare in California's state prison system and argued various motions related to that case before the District Court and the Ninth Circuit Court of Appeals.

6. NCLR has extensive experience litigating cases on behalf of LGBTQ people and their families. In 2011 through 2013, my colleague Julie Wilensky and I, along with co-counsel, successfully litigated *Cozen O'Connor, P.C. v. Tobits*, No. 11-0045, 2013 WL 3878688 (E.D. Pa. Jul. 29, 2013) in the Eastern District of Pennsylvania establishing the validity of a marriage of a same-sex couple. In that case, Jennifer Tobits lost her wife to a four-year battle with cancer. When she sought distribution of her wife's employee pension plan, the employer refused to distribute the funds based on the federal "Defense of Marriage Act." Relying on the U.S. Supreme Court's decision in *United States v. Windsor*, the federal judge ruled that Jennifer was a legal spouse entitled to her wife's pension plan.

7. I also represented Denée Mallon, a transgender Medicare recipient, in an administrative challenge to Medicare's decades-old policy of categorially excluding coverage for

surgery to treat gender dysphoria. In May of 2014, we obtained a ruling from the U.S. Department of Health and Human Services (HHS) Departmental Appeals Board that Medicare's policy of categorically excluding coverage of sex-reassignment surgery, regardless of a person's individual medical conditions and needs, was unreasonable and contrary to contemporary science and medical standards of care. The HHS Departmental Appeals Board is an independent board within HHS and its decisions are final and non-appealable.

8. I, along with other NCLR legal staff, also served as plaintiff's counsel in multiple marriage equality cases around the country, including in Utah, Florida, Alabama, Idaho, Wyoming, North Dakota, South Dakota, and Tennessee. In the Utah marriage case, NCLR entered the case in 2014 as co-counsel for the appeal before the United States Court of Appeals. The Tenth Circuit's decision in the Utah case was the first federal appeals court decision since *Windsor* to rule in favor of the freedom to marry for same-sex couples and led to marriage equality in all states in the Tenth Circuit soon after the Supreme Court denied certiorari in October 2014. Our Tennessee case, *Tanco v. Haslam*, was one of the four consolidated cases decided by the U.S. Supreme Court's decision in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). Because of our extensive experience and expertise litigating these cases, we also provided legal assistance and research to numerous other attorneys around the country who were litigating marriage cases in both state and federal courts.

9. In 2015, Julie Wilensky and I filed a federal lawsuit on behalf of Stacey Schuett against FedEx for refusing to provide Ms. Schuett with federally required spousal pension benefits solely because she and her wife were both women. *Schuett v. FedEx Corp.*, No. 15-CV-189 (PJH) (N.D. Cal.). FedEx refused to provide the benefit by relying on the federal Defense of Marriage Act (DOMA) even though that law had been struck down as unconstitutional. After prevailing on

a motion for judgment on the pleadings on two of the three claims, *Schuett v. Fedex Corp.*, 119 F. Supp. 3d 1155 (N.D. Cal. 2016), we eventually resolved that case for Ms. Schuett.

10. From 2015 to 2016, I and other NCLR attorneys also litigated a federal lawsuit on behalf of married same-sex couples in Florida challenging the state's refusal to issue birth certificates listing both spouses as parents of their children. *Chin v. Armstrong*, No. 4:15-CV-399 RH-CAS (N.D. Fla.). In December 2016, we reached a settlement with the State which required the Office of Vital Statistics to treat married same-sex couples the same as other married couples with respect to birth certificates and to issue amended birth certificates free of charge to any married same-sex couple previously denied an accurate birth certificate.

11. In 2016, Julie Wilensky and I filed a federal lawsuit on behalf of Robert Pritchard against the IUOE Stationary Engineers Local 39 Pension Plan and its Board of Trustees for refusing to provide Mr. Pritchard with a spousal pension benefit required by the pension plan and federal law, solely because both spouses were men. *Pritchard v. IUOE Stationary Engineers Local 39 Pension Plan*, No. 3:16-CV-355 (N.D. Cal.). The Board of Trustees refused to provide the benefit by relying on the federal Defense of Marriage Act (DOMA) even though that law had been struck down as unconstitutional three years earlier. Fewer than two months later, resolved the case on Mr. Pritchard's behalf after the plan agreed to provide the lifetime spousal benefit.

12. I and other NCLR attorneys and co-counsel also litigated *Pavan v. Smith*, a case that challenged Arkansas's refusal to issue birth certificates naming both parents to married same-sex couples. The Arkansas Supreme Court ruled that the state statute permitting such discrimination was constitutional. Our team petitioned the U.S. Supreme Court of the United States to overturn that decision in light of *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), which the Court did on June 26, 2017, in a *per curiam* opinion. The U.S. Supreme Court ruled that by treating

married same-sex couples differently than other married couples, the Arkansas birth certificate law “denied married same-sex couples access to the constellation of benefits that the State[e] ha[s] linked to marriage” in violation of *Obergefell v. Pavan*, 137 S. Ct. 2075, 2078 (2017).

13. I also represented the mother of a transgender teenager who was subjected to severe discrimination during an inpatient hospital stay, resulting in a landmark opinion holding that discrimination based on transgender identity is sex discrimination under the Affordable Care Act. *Prescott v. Rady Children’s Hosp.-San Diego*, 265 F. Supp. 3d 1090 (S.D. Cal. 2017). The litigation later resolved.

14. Because of our extensive expertise in civil rights matters involving LGBT people and their families, NCLR also frequently drafts amicus briefs regarding key legal issues in cases around the country. Some of the more recent amicus briefs we have provided to the U.S. Supreme Court, for instance, were filed in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission* (regarding a same-sex couple that was turned away from a business in Colorado), *Whole Women’s Health v. Hellerstedt* (challenging draconian restrictions on abortion providers enacted by the State of Texas), and *G.G. v. Gloucester County School Board* (Gavin Grimm’s challenge to his school’s policy excluding transgender students from using the same restrooms as their peers).

15. I have been assisted in this case by the following persons for whose work fees are claimed: NCLR’s Legal Director, Shannon Minter; Senior Staff Attorney Julie Wilensky, Staff Attorney Alex Chen, Law Student Ary Smith, and a paralegal clerk. Attached hereto as part of **Exhibit A** are resumes for these NCLR attorneys and Ary Smith.

16. Shannon Minter has been the Legal Director of NCLR since 2000 and has litigated a variety of complex cases in state and federal courts related to child custody, adoption, youth, immigration, employment discrimination, and other civil rights matters. He has argued cases

before trial and appellate courts, including state supreme courts and federal circuit courts of appeal. He is an expert on legal matters involving LGBT people and frequently teaches and lectures on these topics. For example, Mr. Minter has taught courses on LGBT legal issues at Berkeley, Stanford, Santa Clara, and American University Washington College of Law, and several other law schools. He has also authored several treatises and publications on these issues, including in the areas of family law, constitutional rights, employment discrimination, and immigration / asylum. Mr. Minter spearheaded the legal challenges to marriage bans across the country and was also a key member of the legal team on two federal cases that challenged the Trump Administration's ban on transgender servicemembers.

17. Ms. Wilensky, a Senior Staff Attorney at NCLR, also has extensive experience in complex litigation as well as specific expertise in litigation involving civil rights. Before Ms. Wilensky joined NCLR in 2018, she worked as a Deputy County Counsel for Santa Clara County's Social Justice & Impact Litigation section and was previously the director of the California office of the Civil Rights Education and Enforcement Center. Before that, she was a shareholder at Lewis, Feinberg, Lee & Jackson, P.C. (formerly Lewis, Feinberg, Lee, Renaker & Jackson, P.C.), a nationally recognized public interest law firm specializing in employment, ERISA, and civil rights litigation. In these roles, Ms. Wilensky was responsible for all facets of complex litigation, including nationwide class actions as well as impact litigation. She also clerked for Judge John T. Noonan, Jr. of the U.S. Court of Appeals for the Ninth Circuit and Judge Nicholas G. Garaufis of the U.S. District Court for the Eastern District of New York. Ms. Wilensky is a 2007 graduate of Yale Law School, where she was an Articles & Essays editor of the *Yale Law Journal*. She is a frequent speaker on employment, employee benefits, and civil rights issues. She has presented on employee benefits issues affecting same-sex spouses at numerous national conferences and CLE

programs, and she was the coauthor of the chapter updates to the “Employee Benefits” chapter of *Domestic Partnerships and Same-Sex Marriages* (CEB).

18. Ms. Wilensky has received a *California Lawyer* Attorney of the Year (CLAY) award and has also been named by the *Daily Journal* as one of California’s Top 40 Lawyers Under 40 and Top Women Lawyers. She was also recognized by the National LGBT Bar Association as one of the Best LGBT Lawyers Under 40. When she was in private practice, Ms. Wilensky was named to the *Super Lawyers* Northern California Rising Stars List.

19. Alex Chen was a Staff Attorney and Equal Justice Works Fellow at NCLR at the time he worked on this case. He graduated from Harvard Law School in 2015. Mr. Chen is a founding member of the National Transgender Bar Association and, after his employment with NCLR, became the founding Director and Clinical Instructor / Lecturer of Law at the Harvard Law School LGBTQ+ Advocacy Clinic.

20. Ary Smith was a Law Student at the University of California, Berkeley School of Law at the time they worked on this case. They performed preliminary legal and factual research for the case, including reviewing extensive medical documentation related to Ms. Edmo.

21. Maxie Bee is a paralegal clerk at NCLR who was hired in January of 2019. She has a Bachelor of Arts degree from San Francisco State University.

SUMMARY OF THE LITIGATION AND THE EXCELLENT RESULTS OBTAINED

22. NCLR was retained in this litigation on a pro bono basis. NCLR never charges our clients for fees; instead, we file fee motions in appropriate cases in which we secure victory for our clients and for which there are fee shifting statutes. Ms. Edmo did not have the resources to pay counsel and could not financially afford paying for even the expenses necessary to litigate her

case. She has not been charged any fees to represent her and she has not paid any costs or expenses related to the lawsuit.

23. I was the main attorney who worked on this case for NCLR, apart from a three-month period in the summer of 2018 when I was on a pre-planned sabbatical. During that time, Julie Wilensky stepped as our main contact for the case.

24. Plaintiff's counsel litigated this case efficiently and without unnecessary duplication of effort. As lead counsel, Ms. Rifkin was involved in every strategic decision for the case, directed the litigation, and did the initial drafts for many of the key motions and responses. I was also deeply involved in all aspects of the litigation, including editing or drafting key briefs for the case, helping prepare Ms. Rifkin for oral arguments, analyzing the evidence, and making key strategic decisions related to the case. Because of NCLR's extensive experience representing transgender clients, we took the lead on the medical care issues at stake in the case, including working with the medical experts on their reports, although Ms. Rifkin cross-examined Defendants' medical experts at trial and did the direct examination of one of our experts.

25. Based on my years of litigation experience, the results obtained in this case are exceptional. Plaintiff prevailed on her Eighth Amendment claim, secured the primary relief she sought in the case, and defended the injunction all the way to the U.S. Supreme Court.

26. Because of the demands of this case, NCLR turned away other cases that it likely would have otherwise litigated. This case required an incredible amount of work, largely because Defendants chose to litigate aggressively at every stage. This was of course their choice to make, but it also meant that Plaintiff's counsel was forced to spend many hours litigating the case, including before the Ninth Circuit and the U.S. Supreme Court.

BILLING RATES, RECORDS, AND REDUCTIONS

27. NCLR and our co-counsel have incurred all costs in this matter and Ms. Edmo has agreed that any awarded attorneys' fees and costs shall belong to and be paid to Plaintiff's counsel.

28. Attached hereto as **Exhibit B** is a true and accurate transcription of NCLR's time in this case for work through September 30, 2021. As those records show, we worked on the following major categories of work necessary to win Ms. Edmo's case: (1) preparation of the amended complaints and litigation related to Defendants' motion to dismiss and motion for partial summary judgment; (2) work related to the motion for injunctive relief, including the evidentiary hearing; (3) work with medical experts; (4) post-trial work, including post-trial briefs and proposed findings of fact and conclusions of law; (5) work ensuring compliance with the injunction; (6) appellate work before the Ninth Circuit, including organizing amicus briefs; (7) work opposing numerous stay motions; (8) appellate work before the U.S. Supreme Court, and; (8) work on the present fee motion.

29. Based on my experience litigating complex civil rights cases, I believe the hours recorded by NCLR staff on this case to be extremely conservative. NCLR and our co-counsel performed work efficiently, effectively, with extreme diligence, and without unnecessary duplication. We have nevertheless made billing judgment reductions to eliminate any possible duplication, overstaffing or overwork. First, I did not always record time I spent reviewing key documents in the case or addressing key strategy issues in the appeal. Although that time is compensable, I did not record it in an effort to keep our legal fees to a minimum. Second, we made discrete deductions of time based upon the same careful review of billing records that a lawyer would do before sending a bill to a fee-paying client. These deductions, which total 59.2 hours, appear in the "Billing Judgment Reduction" columns on our timesheets and include entries related

to arguably more administrative tasks, media and press work, or projects that required work from multiple attorneys. Finally, although other NCLR staff members also worked on this case, including two other attorneys and a paralegal, we are not seeking compensation for their time as an exercise of billing judgment. That reduced our bill by another 9.8 hours.

30. We are seeking compensation for NCLR's attorneys at the current PLRA rate of \$232.50 per hour, in addition to a fees multiplier. The PLRA rate is far below our typical billing rates in the San Francisco Bay Area, which are as follows: \$750 per hour for myself, \$875 per hour for our Legal Director, Shannon Minter, who has 28 years of litigation experience, \$675 per hour for Julie Wilensky, who has 14 years of litigation experience, \$475 per hour for Alex Chen, who has 6 years of experience, \$220 per hour for a law student (Ary Smith), and \$175 per hour for a legal assistant. Based on my research of hourly rates in the San Francisco market, these rates are reasonable for attorneys with similar levels of skill and experience, and particularly attorneys who specialize in complex civil litigation, as NCLR attorneys do. The chart below shows the breakdown of what our fee request would be using our typical hourly rates:

Attorney / Staff	Law School Class	2021 Rate	Hours	Amount
Shannon Minter	1993	\$875	7.1	\$6,212.50
Amy Whelan	2001	\$750	808.4	\$606,300.00
Julie Wilensky	2007	\$675	123.9	\$83,632.50
Alex Chen	2015	\$475	314.4	\$149,340.00
Ary Smith (Law Student)	N/A	\$220	39.1	\$8,602.00
Maxie Bee (Legal Assistant)	N/A	\$175	46.5	\$8,137.50
		TOTALS:	1,339.4	\$862,224.50

31. Although NCLR is a national law office that practices around the country, these rates are also consistent with rates courts have previously approved for Ms. Wilensky and me when we have litigated in the Bay Area. I received \$340 per hour thirteen years ago and \$430 per hour eleven years ago. *Prison Legal News v. Schwarzenegger*, 561 F. Supp. 2d 1095 (N.D. Cal. 2008),

subsequent order aff'd, 608 F.3d 446 (9th Cir. 2010); *Armstrong v. Brown*, 805 F. Supp. 2d 918 (N.D. Cal. 2011). The hourly rates of attorneys in the Bay Area have increased substantially since that time. In 2016, Ms. Wilensky was co-lead counsel in case in which the court found the requested hourly rates (which had included \$550 per hour for Ms. Wilensky) “in line with the market rates charged by attorneys and paralegals of similar experience, skill, and expertise practicing in the Northern District of California.” *Civil Rights Educ. & Enforcement Ctr. v. RLJ Lodging Trust*, No. 15-cv-224-YGR (N.D. Cal. May 3, 2016) (Dkt. No. 75, Dkt. No. 70). Ms. Wilensky was also co-lead counsel in a case in which the court listed each attorney’s 2015 hourly rate, including \$500 per hour for Ms. Wilensky, and found the rates “in line with the market rates charged by attorneys and paralegals of similar experience, skill, and expertise practicing in the Northern District of California.” *Civil Rights Educ. & Enforcement Ctr. v. Ashford Hosp. Trust, Inc.*, No. 15-cv-216-DMR, 2016 WL 1177950, at *5 (N.D. Cal. Mar. 22, 2016).

32. Following the exercise of the various billing judgment reductions described above, NCLR’s total lodestar at the PLRA rate is \$308,248, which becomes \$616,496 if the Court awards the 2.0 multiplier. The chart below shows the breakdown of this total:

ATTORNEY	PLRA RATE	HOURS	AMOUNT
Shannon Minter	\$232.50	7.1	\$1,650.75
Amy Whelan	\$232.50	808.4	\$187,953.00
Julie Wilensky	\$232.50	123.9	\$28,806.75
Alex Chen	\$232.50	314.4	\$73,098.00
Ary Smith (Law Student)	\$220.00	39.1	\$8,602.00
Maxie Bee (Legal Assistant)	\$175.00	46.5	\$8,137.50
	TOTALS:	1,339.4	\$308,248.00
		+2.0 multiplier	\$616,496.00

33. We also seek \$14,351.74 in expenses. Those expenses consist primarily of pro hac vice fees to admit NCLR attorneys before the district court and travel costs for the case. That travel,

which primarily consisted of necessary hearings or other appearances for the case, was reasonable for the litigation. Finally, although NCLR expended costs in this litigation for phone charges, photocopying, and Westlaw charges, we do not seek reimbursement for those expenses as an exercise of billing judgment reduction. Attached hereto as **Exhibit C** is a true and accurate listing of the expenses NCLR is seeking for this case.

34. Depending on the amount of time necessary to defend Plaintiff's entitlement to reasonable fees and costs, Plaintiff's attorneys expressly reserve the right to update these totals with our reply brief. Should additional work be necessary beyond the reply brief, Plaintiff's attorneys also expressly reserve their right to supplement this fee motion at an appropriate time.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed in San Francisco, California on this 21st day of October 2021.

A handwritten signature in blue ink, appearing to read 'Amy Whelan', is positioned above a horizontal line.

Amy Whelan
Attorneys for Plaintiff

EXHIBIT A



NATIONAL CENTER FOR LESBIAN RIGHTS

AMY WHELAN

Senior Staff Attorney

EDUCATION AND BAR ADMISSIONS

Northeastern University School Of Law, Boston, MA: Juris Doctor

Princeton University, Princeton, NJ: Bachelor of Arts

Senior Thesis: *Gay Marriage: A Social Contract and Utilitarianism Analysis*

Princeton Project '55 Fellowship (now Princeton AlumniCorps) at Disability Rights Advocates

Bar Admissions: California (2001); admitted to CA state and federal courts, several U.S. Courts of Appeals, and U.S. Supreme Court

LEGAL EXPERIENCE

National Center for Lesbian Rights San Francisco, CA Feb. 2011—present

Senior Staff Attorney: Oversee NCLR's general litigation, policy, and public education work. Supervise and manage legal team members in complex civil cases around the country. Litigated numerous marriage equality cases, including in Florida, Idaho, Utah, North Dakota, South Dakota, Wyoming, and Tennessee. Litigate employment, Title IX, First Amendment, family law, and complex constitutional matters around the country. Supervise staff attorneys and legal interns.

Rosen Bien Galvan & Grunfeld, LLP San Francisco, CA 2001—Jan. 2011

Associate: General and complex civil litigation firm, with an emphasis on civil rights, prisoners' rights, employment, and attorneys' fees cases at the trial court and appellate levels. Performed all litigation-related tasks for diverse cases and hired and managed paralegals and law student interns.

Highlights:

- Member of 2008-2009 trial team in *Coleman/Plata v. Schwarzenegger* before federal three-judge court and then U.S. Supreme Court, holding that California must reduce prison overcrowding in order to meet the medical and mental health needs of prisoners.
- Litigated post-judgment issues in *Coleman v. Schwarzenegger*, a class action lawsuit regarding constitutionally inadequate mental healthcare in CA's state prison system.
- Litigated post-judgment issues and acted as a monitor in *Armstrong v. Schwarzenegger*, a class action lawsuit under the ADA, the Rehabilitation Act and the 8th Amendment regarding disability accommodations and access in CA's state prison system.

Legal Action Center, New York, NY Fall 2000

Legal Intern: Conducted legal research and provided direct legal services to ex-offenders and people with HIV experiencing discrimination in employment, housing, and public benefits.

American Civil Liberties Union of Northern California, San Francisco, CA Spring 2000

Legal Intern: Conducted research regarding an array of constitutional and civil rights issues, including a legal challenge to a "Juvenile Crime" voter initiative, and the Racial Justice Program's "Driving While Black/Brown" campaign.

San Francisco Human Rights Commission, San Francisco, CA

Fall 1999

Legal Intern: Advised and educated city contractors regarding compliance with San Francisco's Nondiscrimination in Contracts ordinance. Investigated and prosecuted complaints of discrimination based on sexual orientation, gender identity, and HIV status.

REPRESENTATIVE LITIGATION, 2011-present

Cozen O'Connor, P.C. v. Tobits, et al., No. 11-0045, 2013 WL 3878688 (E.D. Penn. Jul. 29, 2013). Represented Jennifer Tobits in case against her deceased wife's pension plan after plan refused to distribute benefits due to the federal Defense of Marriage Act (DOMA). The Court ruled that Jennifer was a legal spouse entitled to her wife's pension plan.

Obergefell, et al. v. Hodges, et al., 135 S. Ct. 2584 (2015). Represented three legally married same-sex couples in *Tanco v. Haslam*, one of the four consolidated cases in *Obergefell*, challenging Tennessee laws that prevent the state from respecting their legal marriages.

Chin v. Armstrong, No. 4:15-CV-399 RH-CAS (N.D. Fla.). Represented married same-sex couples in Florida in a challenge to the state's refusal to issue birth certificates listing both spouses as parents of their children. Reached a settlement in December 2016 requiring the Office of Vital Statistics to treat married same-sex couples the same as other married couples with respect to birth certificates and to issue amended birth certificates free of charge to any married same-sex couple previously denied an accurate birth certificate.

Schuett v. FedEx Corp., 119 F. Supp. 3d 1155 (N.D. Cal. 2016). Represented same-sex widow challenging denial of spousal survivor benefits by ERISA pension plan incorporating the Defense of Marriage Act. Lawsuit resolved.

Pritchard v. IUOE Stationary Engineers Pension Plan, No. 16-cv-355-LB (N.D. Cal. 2016). Represented same-sex widower challenging denial of spousal survivor benefits by ERISA pension plan. Lawsuit resolved with payment of a lifetime survivor annuity to plaintiff.

Pavan v. Smith, 137 S. Ct. 2075 (2017). Represented same-sex couples in a federal lawsuit challenging Arkansas's refusal to issue birth certificates listing both parents to the children of same sex couples. U.S. Supreme Court held that Arkansas's birth certificate law denied same-sex married couples the rights guaranteed in *Obergefell*.

Prescott v. Rady Children's Hosp.-San Diego, 265 F. Supp. 3d 1090 (S.D. Cal. 2017). Represented mother of transgender teenager who was subjected to severe discrimination during inpatient hospital stay; resulted in landmark opinion holding discrimination on the basis of transgender identity is sex discrimination under the Affordable Care Act. Lawsuit resolved.

Walsh v. Friendship Village, 352 F. Supp. 3d 920 (E.D. Mo. 2019). Representing same-sex couple in Fair Housing Act case challenging denial of housing in a retirement community. Lawsuit resolved.

Edmo v. Corizon, Inc., 935 F.3d 757 (9th Cir. 2019), affirming 358 F. Supp. 3d 1103 (D. Idaho 2018). Representing transgender prisoner in case challenging the prison's and private medical

contractor's discrimination and refusal to provide medically urgent gender-confirmation surgery. Obtained injunction (affirmed on appeal) finding that denial of care violates the 8th Amendment's prohibition on cruel and unusual punishment and requiring prison officials to provide surgical care to plaintiff.

SAMPLE PUBLICATIONS & PRESENTATIONS

Presenter at National LGBT Bar Association Lavender Law Conference, *After Bostock: How the Supreme Court's Landmark Ruling is Shaping Legal Advocacy Beyond Employment for LGBTQ+ People*, July 28, 2021.

Presenter at National LGBT Bar Association Lavender Law Conference, *Discrimination to Incarceration Pipeline for LGBTQ+ People: A Litigation Perspective*, July 28, 2021.

Presenter at National LGBT Bar Association Lavender Law Conference, *Fighting for the Rights of TGNCNBI People in Prisons and Jails: A Legislative Perspective*, July 28, 2021.

Guest Panelist, When I'm 64 Podcast, *Caregiving in the LGBT Community*, Stanford Center on Longevity, Palo Alto, CA, April 22, 2021.

Panelist, Legal Aid of North Carolina, *Expanding the Fight for Equality: The LGBTQ Community and Housing Discrimination*, December 9, 2020.

Presenter at National LGBT Bar Association Lavender Law Conference, Transgender Law Institute, *Working with Medical Experts*, August 12, 2020.

Panelist, Curve Virtual Festival, *Law + Order, Where Crime-Writers and Crime-Stoppers Collide*, May 29, 2020.

Presenter at National LGBT Bar Association Lavender Law Conference, *The Criminalization to Incarceration Pipeline of LGBTQ+ People*, Philadelphia, PA, August 8, 2019.

Speaker at Nixon Peabody Pride Event, *Stonewall at 50*, San Francisco, CA, June 20, 2019.

Presenter at Advocacy & Services for LGBT Elders (SAGE) event, *Housing Denied: Fair Housing and LGBT Equality*, Chicago, IL, November 14, 2018.

Presenter, Public Forum at University of California, Davis School of Law, Trump Administration's Ban on Transgender Servicemembers, Davis, CA, November 8, 2018.

Presenter at Stanford University and University of California, Davis law school classes regarding federal lawsuits challenging the U.S. Government's ban on transgender service members, October 11-12, 2017.

Presenter, *We Marched, We Rallied, Now What? Strategies and Solutions*, Co-presented by the Women's March Bay Area and the Jewish Community Center of San Francisco, San Francisco, CA, July 13, 2017.

Guest Attorney, Your Legal Rights with Chuck Finney, *Legal Rights of California LGBT Employees Against Workplace Discrimination*, KALW Local Public Radio, San Francisco, CA, April 26, 2017.

Presenter at Horizons Foundation Event, *Advising LGBTQ Clients in the New Political Climate*, San Francisco, CA, April 6, 2017.

Presenter, *Representing Transgender Clients: Practical Skills and Cultural Competency*, Transgender Discrimination in Prisons, Jails and Immigration Detention Centers, Practicing Law Institute, San Francisco, CA, November 16, 2016.

Presenter at Annual Conference for Office of Federal Contract Compliance Programs, *Legal Protections for the LGBTQ+ Community*, Oakland, CA, August 31, 2016.

Presenter at 2016 Equal Employment Opportunity Commission's EXCEL Conference, *Human Stories and Their Practical Workplace Applications for the LGBT Community*, San Francisco, CA, July 21, 2016.

Presenter at Nat'l Committee to Preserve Social Security & Medicare Foundation, *Know Your Rights: Social Security and the LGBT Community*, Oakland, CA, April 7, 2015.

Presenter at Columbia Law School Center for Gender & Sexuality Law, *Deliberate Resistance- LGBT Prisoner Rights 20 Years After Farmer v. Brennan*, November 14, 2014.

Interviewee, *Medicare Ends Coverage Ban for Sex Changes*, WNYC Public Radio, New York, NY, June 3, 2014.

Presenter at Princeton University, *Every Voice: A Princeton University Conference for Lesbian, Gay, Bisexual, Transgender & Ally Alumni*, panel entitled "Seneca Falls to Selma to Stonewall: LGBT Rights in the Age of Obama," April 13, 2013.

Amy Whelan & Julie Nice, Panelists at 2012 Summer Brown Bag Lectures in Public Interest Law, *The Season For Gay Rights? A Discussion of Emerging Constitutional Law*, July 24, 2012.

Presenter at ACLU of Southern California 2010 Brown Bag Lunch Series, *Prisoners' Rights: Mississippi's Super-Max and California Prison Overcrowding Litigation*.

Sid Wolinsky & Amy Whelan, *Federal Law and the Accommodation of Students with LD: The Lawyers' Look at the BU Decision (Guckenberger v. Boston University)*, Journal of Learning Disabilities, Volume 32, Number 4, July/August 1999 at 286-291.



NATIONAL CENTER FOR LESBIAN RIGHTS

SHANNON PRICE MINTER

Legal Director

EDUCATION AND BAR ADMISSIONS

Cornell Law School, J.D., 1993

Honors: *Magna Cum Laude*, Order of the Coif, Graduation Address

Activities: Symposium Editor, CORNELL INTERNATIONAL LAW JOURNAL

Cornell University, Ph.D. program, English & American Literature, 1984-88

Honors: Mellon Fellow, Andrew White Fellow

University of Texas at Austin, B.A., 1983

Honors: *Phi Beta Kappa*

Bar Admissions: California (1993); admitted to CA state and federal courts, several U.S. Courts of Appeals, and U.S. Supreme Court

EXPERIENCE

National Center for Lesbian Rights

Legal Director, 2000-present; ***Senior Staff Attorney***, 1996-1999

Legal director of national civil rights organization with offices in California and Washington, D.C. with nationwide impact litigation and policy practice.

Litigation: Serve as lead counsel in state and federal impact cases, including civil rights, child custody, adoption, youth, immigration, employment discrimination, and other areas. Lead litigation teams for various marriage equality cases across the country, including the Tennessee case decided by the U.S. Supreme Court. Supervise legal team of 13 in-house counsel and manage co-counsel relationships with other legal organizations and law firms. Coordinate national network of 40 to 45 family law and estate planning attorneys and legal scholars who develop new legal strategies for protecting same-sex couples and their children.

Legislation: Draft local, state, and federal anti-discrimination and family recognition bills and regulations affecting gay, lesbian, bisexual, and transgender people.

Policy advocacy: Develop and implement national and state policy initiatives relating to LGBT parents, students, youth, immigrants, elders, and prisoners. Examples include: testimony as expert on gender identity discrimination before House Committee on Education and Labor (June, 2008); development with Child Welfare League of America of best practice guidelines for serving LGBT youth in foster care and juvenile justice settings (2006); development of model safe school policies for San Francisco and Los Angeles Unified school districts (2004).

National Association of Public Interest Law Fellow, 1993-1995

Created national legal and public policy advocacy program to address abuse of gay, lesbian, bisexual and transgender youth in mental health system.

American University Washington College of Law

Visiting Professor, Constitutional Law Summer Program, 2011-2015

Whittier Law School

Visiting Professor, Transgender Rights, Summer 2010

Santa Clara Law School

Lecturer, Gender, Sexuality, and the Law, Spring 2004

University of San Francisco School of Law

Adjunct Professor of Law, Sexual Orientation and the Law, Fall 2003

University of California, Berkeley School of Law (Boalt Hall)

Adjunct Professor of Law, Gender, Sexuality and the Law, Spring 2003

Golden Gate School of Law

Adjunct Professor of Law, Sexual Orientation and the Law, Spring 2003

Stanford Law School

Adjunct Professor of Law, Gender, Sexuality, and the Law, Spring 2001

The Schomberg Library African-American Fiction and Periodicals Project

Editorial Assistant to Henry Louis Gates, Jr., 1988-1990

Responsible for identifying and preserving fiction and book reviews published in nineteenth and early twentieth century African-American owned or edited newspapers in the U.S.

SAMPLE PUBLICATIONS

LESBIAN, GAY, BISEXUAL AND TRANSGENDER FAMILY LAW. Coauthored with Courtney G. Joslin (West Publishing 2020)

Representing Transsexual Clients, in SEXUAL ORIENTATION AND THE LAW (West Publishing 2016).

Legal Issues, in TRANS BODIES, TRANS SELVES. Coauthored with Kylar W. Broadus (Oxford University Press 2014)

“SUPPORTING TRANSGENDER CHILDREN: NEW MEDICAL, LEGAL, AND SOCIAL APPROACHES,” 59 JOURNAL OF HOMOSEXUALITY ISSUE 3 (2012)

FOREWORD, HUNG JURY: TESTIMONIES OF GENITAL SURGERY BY TRANSEXUAL MEN (Transgress Press 2012)

FOREWORD, *THE LIVES OF TRANSGENDER PEOPLE* (Columbia University Press 2011)

TRANSGENDER RIGHTS. Co-edited with Paisley Currah and Richard M. Juang (Minnesota University Press 2006)

The Great Divorce: The Separation of Equality and Democracy in Contemporary Marriage Litigation, 19 UNIV. OF SOUTHERN CALIF. REV. OF L. & SOCIAL JUSTICE 89 (2010)

SAME-SEX MARRIAGE AND ITS IMPLICATIONS FOR EMPLOYEE BENEFITS, 9 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 499 (2005).

UNPRINCIPLED EXCLUSIONS: THE STRUGGLE TO ACHIEVE JUDICIAL AND LEGISLATIVE EQUALITY FOR TRANSGENDER PEOPLE, (WITH PAISLEY CURRAH) 7 WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 37 (2000). Published in Elizabeth Bernstein and Laurie Schaeffer, eds., *REGULATING SEXUALITY* (Routledge 2005).

Preface, SOCIAL SERVICES WITH TRANSGENDERED YOUTH, Gary Mallon, ed. (2000).

Beyond Second-Parent Adoption: The Uniform Parentage Act and Intended Parents, (with Kate Kendell) 2 GEORGETOWN JOURNAL OF GENDER AND THE LAW 29 (2000).

Do Transsexuals Dream of Gay Rights? Getting Real About Transgender Inclusion in the Gay Rights Movement, 17 NEW YORK LAW SCHOOL JOURNAL OF HUMAN RIGHTS 589 (2000).

TRANSGENDER EQUALITY. Coauthored with Paisley Currah (National Gay & Lesbian Task Force 2000).

Lesbians and Gay Men as Adoptive Parents: A Child Welfare Perspective, in ADOPTION FACTBOOK III (National Council for Adoption, 1999).

Diagnosis and Treatment of Gender Identity Disorder in Children, in Matthew Rottnek, ed., *SISSIES AND TOMBOYS: GENDER NONCONFORMITY AND HOMOSEXUAL CHILDHOOD* (NYU Press 1999).

Lesbians and Political Asylum: Sexual Orientation, Gender, and Lesbian Human Rights, in A RESOURCE GUIDE FOR ATTORNEYS REPRESENTING LESBIANS AND GAY MEN IN ASYLUM CASES (International Gay and Lesbian Human Rights Commission 1996).

Lesbian Rights in the United States, in Rachel Rosenbloom, ed., *UNSPOKEN RULES: SEXUAL ORIENTATION AND WOMEN'S HUMAN RIGHTS* (Cassell 1996).

Sodomy and Public Morality Offenses Under U.S. Immigration Law: Penalizing Lesbian and Gay Identity, 26 CORNELL INTERNATIONAL LAW JOURNAL 771 (1993).

SELECTED PRESENTATIONS

Keynote: U.S. Department of Justice, Annual Pride Event, June 19, 2016

Plenary: "The Future of Transgender Rights," LGBT Bar Association, August 5, 2015

Panel: "Municipal Restriction Law," Equality Federation, July 25, 2015

Panel: "The Future of the Ban on Transgender Service Members," Texas State Bar Association, June 19, 2015

Panel: "Transgender Rights," Texas State Bar Association, May 28, 2015

Keynote: "Protecting the Long-Term Health and Wellbeing of LGBT Youth," Saying It Out Loud Conference, May 27, 2015

Panel: "First Amendment and Professional Conduct," conference on "Public Health in the Shadow of the First Amendment," Yale Law School, October 27, 2014

Panel: "Litigation Challenging State Marriage Bans," Virginia Bar Association, June 24, 2014

Plenary: "The LGBT State of the Nation," Texas Bar Association, June 27, 2014

Panel: "LGBT Update," New Jersey Bar Association, March 1, 2014

Keynote: "Realizing the Dream of Equality for All," New Mexico Bar Association, May 1, 2013

"Update on Same-Sex Marriage and Domestic Partnerships: What You Need to Know in DC, MD, and VA," DC Bar Continuing Legal Education Program, December 5, 2011

"Winning Cases, Losing Children: The Human Impact of Litigation in LGBT Impact Cases," Roundtable Discussion, Law & Society Conference, San Francisco, June 3, 2011

"LGBT Legal Issues in Utah," State Judges Annual Judicial Conference, Homestead, Utah, May 5, 2011

Plenary, "What the LGBT and Disability Rights Movements Can Learn from One Another," Jacobus tenBroek Disability Law Symposium, *Bridging the Gap between the Disability Rights Movement and Other Civil Rights Movements*, April 14, 2011

Panel, "How Does it Get Better? New Directions in LGBT Equality," "Gay Rights as Human Rights" Conference at the Harvard Kennedy School, April 15, 2011

"The Relevance of Martin Luther King To LGBT Advocacy," Martin Luther King Memorial, DePaul University College of Law, January 17, 2011

Keynote, "Gay Rights, Democracy, and the United States Supreme Court," Minnesota Lavender Bar Association, January 29, 2011

Keynote, "Do Transsexuals Dream of Gay Rights?," Harvard Kennedy School, Carr Center for Human Rights Policy, Nicholas Papadopoulos Lecture, April 23, 2010

Keynote, "The Heart of Democracy: Marriage Equality for Same-Sex Couples," Conference:

Controlling Sexuality through Violence, Harassment and Intrusion: Implications and Prospects for Fundamental Human Rights, Tanner Humanities Center, University of Utah, February 26, 2010

Keynote, “The Legal and Political Implications of Proposition 8,” ‘Til Ballot Initiative Do Us Part: Marriage Equality, Religion, and Civil Rights,” American University Washington College of Law, March 19, 2009

“The Future of Marriage Equality in California,” The Global Arc of Justice: Sexual Orientation Law around the World, UCLA School of Law, March 14, 2009

Keynote, “Why Gender Theory Should Not Determine Transgender Advocacy,” Trans Rhetorics Conference, Cornell University, March 7, 2009

“The Struggle To Achieve Equality for Same-Sex Couples,” Conference: Race, Class, Ethnicity and Gender, University of North Carolina Law School, February 21, 2009

Keynote, “The Concepts of Dignity and Privacy in Transgender Advocacy,” Symposium: Transgender Lives and the Law, Temple Law School, November 8, 2008

“The Case Against Proposition 8,” Levin Center for Public Service and Public Interest Law Award, Stanford Law School, November 10, 2008

“Relationship Recognition for Same-Sex Couples in California,” Symposium: When Change Comes Home: Legal Repercussions and Comparative Perspectives on Changing Structures of American Households, Santa Clara Law School, February 15, 2008

“Legal & Policy Issues Affecting Transgender Students, Faculty, and Staff,” Conference: Legal Issues in Higher Education, Vermont Law School, October 16, 2007

“Gay Marriage in California: Legal and Political Prospects,” Debate sponsored by the Federalist Society, the American Constitution Society, the Pew Forum on Religion & Public Life, and the USC Annenberg Knight Chair in Media and Religion, Los Angeles, California, February 28, 2007

Plenary speaker, “The Role of Ethics in Public Interest Law,” University of Maryland Law School, October 18, 2006

“Do Transsexual Athletes Have A Right To Compete?,” Sports Law Symposium, Marquette Law School, October 6, 2006

“The Evolution of Transgender Rights Nationally and Globally,” Symposium: Transgender Civil Rights Issues, Hastings Law School, July 21, 2006

Speaker, Panel on the Marriage Debate, The Charles R. Williams Project on Sexual Orientation and Public Policy, UCLA School of Law, April 21, 2006

“The Struggle to Achieve Marriage Equality for Same-Sex Couples,” Cornell Law School, November 16, 2005

“The Salience of Gender-Based Humiliation in Human Rights Abuses Against Transgender Prisoners in the United States and So-Called ‘Enemy Combatants’ Abroad,” Conference: Race, Class, Gender, and Ethnicity, University of North Carolina Law School, February 18, 2005

Speaker, Panel on the California Frontier: Litigating Exclusions to Gay and Lesbian Adoption and Marriage, Conference: Gay and Lesbian Adoption: Past, Present and Future, New York Law School, September 21, 2005

“The Current State of Gender Identity and Sexual Orientation Law,” Conference: Progress and Promise in Sexual Orientation and Gender Identity Law, Pace Law School, April 21, 2003

SELECTED HONORS AND AWARDS

- Gerald B. Roemer Community Service Award, U.S. Department of Justice LGBT Pride Group, 2016
- Visionary Award, the Williams Institute, University of California at Los Angeles, 2016
- Voice for Equality Award, Equality Florida, 2015
- Trailblazer Award, Pride Law Fund, 2015
- Lifetime Achievement Award, Greater Palm Springs Pride Association, 2014
- Distinguished Service Award, Gay Law D.C. Bar Association, 2010
- One of California Lawyers of the Year, California Lawyer Magazine, 2009
- One of Nation’s Top 8 Lawyers of the Year, Lawyers USA, 2009
- One of California’s 100 Top Lawyers, Daily Journal, 2008
- National Public Service Award, Stanford Law School, 2008
- Exemplary Public Service Award, Cornell Law School, 2008
- Award of Excellence, University of San Francisco Public Interest Law Foundation, 2008
- Community Service Award, Elections Committee of the County of Orange, 2008
- Advocacy Award, Bay Area Municipal Elections Committee, 2008
- Dan Bradley Award, National Lesbian and Gay Law Association, 2008
- Legal Advocacy Award, San Francisco State University National Sexuality Resource Center, 2008
- Visionary Award, Alice B. Toklas LGBT Democratic Club, 2008
- Community Service Award, Long Beach Lambda Democratic Club, 2008
- Award, International Foundation for Gender Education, 2008
- Community Advocacy Award, Gender Spectrum, 2007
- Unity Award, Bay Area Lawyers for Individual Freedom, 2006
- Leadership for a Changing World Award, Ford Foundation, 2005
- Justice Award, Equality California, 2005
- Advocacy Award, San Francisco Bar Association, 2004
- Honorary Doctorate, City University of New York Law School, 2004
- Anderson Foundation Prize, National Gay & Lesbian Task Force, 2003
- National Service Award, Gay/Lesbian/Bisexual Transgender Bar Association of Washington, D.C., 2002

COMMUNITY AND PROFESSIONAL SERVICE

The President's Commission on White House Fellowships, 2015-2016

American Bar Association Commission on Sexual Orientation and Gender Identity, 2007-2009; 2016-present

Transgender Law and Policy Institute, Board of Directors, 2000-present

International Gay & Lesbian Human Rights Commission, Advisory Board, 2003-2010

Council for Global Equality, 2008-present

Gender Spectrum, Board of Directors, 2010-present



NATIONAL CENTER FOR LESBIAN RIGHTS

JULIE WILENSKY

Senior Staff Attorney

EDUCATION AND BAR ADMISSIONS

Yale Law School, J.D., 2007

Yale Law Journal, Articles & Essays Editor

Immigration Legal Services Clinic, Student Director

Johns Hopkins School of Advanced International Studies (SAIS) and Nanjing University,
Center for Chinese and American Studies, Nanjing, China, Certificate in China Studies, 2003

Yale University, B.A. *summa cum laude* in History and Chinese, 2002

Honors: Phi Beta Kappa, Saybrook College Fellows' Prize, Andrew D. White Prize in Non-Western History, Williams Prize in East Asian Studies, Yale-China Essay Prize, Richard U. Light Fellowship

Bar Admissions: Connecticut (2007); New York (2008); California (2010); U.S. District Courts for the Northern, Southern, Central, and Eastern Districts of California, District of Connecticut, and District of Colorado; U.S. Courts of Appeals for the Second, Third, Eighth, Ninth, and Eleventh Circuits; U.S. Supreme Court

EXPERIENCE

National Center for Lesbian Rights , San Francisco, CA Senior Staff Attorney	2018-present
California Fair Employment and Housing Council , CA Appointed Councilmember	2021-present
Office of the County Counsel, County of Santa Clara , San José, CA Deputy County Counsel, Social Justice & Impact Litigation Section	2017-2018
Civil Rights Education and Enforcement Center , Berkeley, CA Director, California Office	2015-2016
Lewis, Feinberg, Lee & Jackson, P.C. , Oakland, CA Shareholder, 2015; Associate, 2010-2015	2010-2015
Judge John T. Noonan, Jr. , Ninth Circuit Court of Appeals, San Francisco, CA Judicial Clerk	2009-2010
Judge Nicholas G. Garaufis , U.S. District Court, E.D.N.Y., Brooklyn, NY Judicial Clerk	2008-2009

David Rosen & Associates, New Haven, CT
Thomas Emerson Fellow

2007-2008

Additional Experience: ACLU Immigrants' Rights Project, San Francisco, CA (legal intern, summer 2006); Center for Constitutional Law & Civil Rights, Tsinghua University, Beijing, China (legal intern, summer 2005); Hamilton-Madison House Chinatown Resource Center (associate, 2003-2004)

HONORS AND AWARDS

wayOUT Bay Area Leadership Award, 2019
California Lawyer Attorney of the Year (CLAY) Award, 2018
County Counsels' Association Recognition Award, 2018
Top 40 Lawyers Under 40, *Daily Journal*, 2016
Top Women Lawyers, *Daily Journal*, 2016
Best LGBT Lawyers Under 40, National LGBT Bar Association, 2015
Northern California Rising Stars, *Northern California Superlawyers*, 2014 and 2015
Top Women Attorneys in Northern California, *San Francisco Magazine*, 2014 and 2015

COMMUNITY INVOLVEMENT

Member, Bay Area Lawyers for Individual Freedom (BALIF), 2010-present
Board of Directors, 2013-2017 (Amicus Chair, 2015-2017; Young Lawyers and Law Students Committee Chair, 2014-2015; CCBA Committee Chair and BALIF Board Secretary, 2013-2014)
Member, Bar Association of San Francisco, 2013-present
Member, American Constitution Society, 2021-present, 2010-2012
Member, EJM Inn of Court, 2021-present
Past affiliations/involvement:
Board of Directors, National Center for Lesbian Rights, 2016-2018
Member, County Counsel's Association, 2017-2018
Member, National Employment Lawyers Association, 2010-2017
Member, Disability Rights Bar Association, 2014-2017
Member, American Bar Association, 2010-2015
Co-Chair, Ethics Subcommittee, ABA Labor & Employment Law Employee Benefits Committee, 2014-2015
Volunteer supervising attorney, Legal Aid at Work, Workers' Rights Clinic, 2012-2016

SIGNIFICANT LITIGATION

Gender & Sexuality Alliance v. Spearman, No. 2:20-CV-00847-DCN, 2020 WL 1227345 (D.S.C. Mar. 11, 2020). Represented organization of high school students and nonprofit groups in constitutional Equal Protection challenge to state law that prohibited public school health education from including any discussion of "homosexual relationships" except in the context of sexually transmitted infections. Case resolved with consent decree declaring the challenged law unconstitutional and permanently barring its enforcement.

Equality Arizona v. Hoffman, No. 19-cv-001920 (D. Ariz. 2019). Represented Equality Arizona and student plaintiff in constitutional Equal Protection challenge to state law that prohibited instruction in public schools' HIV/AIDS curriculum that "[p]romotes a homosexual life-style" or "[s]uggests that some methods of sex are safe methods of homosexual sex." Lawsuit resolved following the repeal of the challenged law and regulation.

Walsh v. Friendship Village of South County, 2020 WL 5361010 (8th Cir. July 2, 2020), *vacating and remanding* 352 F. Supp. 3d 920 (E.D. Mo. 2019). Represented same-sex couple in Fair Housing Act case challenging denial of housing in a retirement community. Judgment in favor of the retirement community was vacated after *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020). Lawsuit resolved.

Reed v. KRON/IBEW Loc. 45 Pension Plan, 770 F. App'x 374 (9th Cir. 2019). Represented a surviving registered domestic partner challenging an ERISA plan's denial of spousal survivor benefits. Lawsuit resolved following Ninth Circuit's determination that the plaintiff was a surviving spouse entitled to a lifetime survivor annuity.

City & Cty. of San Francisco v. Trump, 897 F.3d 1225 (9th Cir. 2018). Represented Santa Clara County in consolidated cases enjoining Executive Order on sanctuary jurisdictions.

Nguyen v. Diep, No. 16-cv-298336 (Cal. Super. Ct. 2017). Represented Santa Clara County Registrar of Voters in 7-day trial of elections contest resulting in judgment for the County.

Civil Rights Educ. & Enforcement Ctr. v. Hosp. Props. Trust, 867 F.3d 1093 (9th Cir. 2017). Represented wheelchair users in action challenging inaccessible hotel transportation; resulted in the Ninth Circuit's recognition of "tester" standing under Title III of the ADA.

Schuett v. FedEx Corp., 119 F. Supp. 3d 1155 (N.D. Cal. 2016). Represented same-sex widow challenging denial of spousal survivor benefits by ERISA pension plan incorporating the Defense of Marriage Act. Lawsuit resolved.

Pritchard v. IUOE Stationary Eng'rs Pension Plan, No. 16-cv-355 (N.D. Cal. 2016). Represented same-sex widower challenging denial of spousal survivor benefits by ERISA pension plan. Lawsuit resolved with payment of a lifetime survivor annuity to plaintiff.

Civil Rights Educ. & Enforcement Ctr. v. Ashford Hosp. Trust, 2016 WL 1177950 (N.D. Cal. Mar. 22, 2016); *Civil Rights Educ. & Enforcement Ctr. v. RLJ Lodging Trust*, 2016 WL 31440 (N.D. Cal. Jan. 25, 2016). Served as class counsel representing wheelchair users in ADA class actions challenging inaccessible hotel transportation; settlements approved in 2016.

Nat'l Assoc. of the Deaf v. Harvard Univ., 2016 WL 3561622 (D. Mass. Feb. 9, 2016), *report and recommendation adopted in full*, 2016 WL 6540446 (D. Mass. Nov. 3, 2016). Represented National Association of the Deaf and individual plaintiffs in litigation under the ADA and Rehabilitation Act challenging lack of closed captioning of online content.

Hudson v. Office of Personnel Mgmt., No. 15-cv-01539 (N.D. Cal. 2015). Represented federal employee with same-sex spouse in Equal Pay Act case seeking back pay for denial of spousal

health benefits when the Defense of Marriage Act was in effect. Lawsuit resolved with payment of back pay to plaintiff.

Kapple v. Office of Personnel Mgmt., 2015 WL 241655 (M.S.P.B. Jan. 16, 2015). Represented same-sex widower of federal employee challenging denial of spousal survivor benefits because the couple could not meet statutory marriage duration requirement. An administrative judge ordered payment of the survivor benefit to the plaintiff.

Cogdell v. Wet Seal, No. 12-cv-1138-AG, 2013 WL 12134045 (C.D. Cal. Dec. 9, 2013). Represented nationwide class of Black store managers in Title VII race discrimination action against clothing retailer. Lawsuit settled for \$7.5 million and significant injunctive relief.

Cozen O’Conner, P.C. v. Tobits, 2013 WL 3878688 (E.D. Pa. July 29, 2013). Represented widow in case holding that *United States v. Windsor* requires recognizing the plaintiff’s same-sex marriage for purposes of distribution of spouse’s pension plan.

Ginther v. Steelworkers Health and Welfare Plan, No. 13-cv-00742 (E.D. Pa. 2013). Represented steelworker with same-sex spouse challenging ERISA plan’s denial of spousal health benefits. Lawsuit resolved.

Served as one of the class counsel attorneys in employee benefits class actions: *Gatto v. Sentry Servs., Ltd.*, No. 13-cv-05721 (S.D.N.Y.) (ERISA breach of fiduciary duty class action on behalf of participants in an employee stock ownership plan, \$12 million settlement approved in 2015); *Kaplan v. Houlihan Smith & Co., Inc.*, No. 12-cv-5134, 2014 WL 2808801 (N.D. Ill. June 20, 2014) (ERISA breach of fiduciary duty class action on behalf of participants in an employee stock ownership plan; \$1.275 million settlement approved in 2014); *Orsolini v. Mead Clark Lumber Co.*, No. 10-cv-04478 (N.D. Cal.) (ERISA breach of fiduciary duty class action on behalf of 401(k) plan participants; settlement approved in 2012).

AMICUS BRIEFS

Fulton v. City of Philadelphia, 141 S. Ct. 1868 (2021) (Brief of Amici Curiae Center for the Study of Social Policy and National Center for Lesbian Rights in Support of Respondents) (Counsel of Record)

Ely v. Kijakazi, Nos. 20-16427, 20-16426, 20-16445 (9th Cir. 2020) (Brief of Amici Curiae National Center for Lesbian Rights and GLBTQ Legal Advocates & Defenders in Support of Plaintiff-Appellees and Affirmance) (appeal pending)

Wade v. Starbucks Corp., No. F079838 (Cal. Court of Appeal, 5th Appellate Dist. 2020) (Brief of Amici Curiae National Center for Lesbian Rights, Lambda Legal Defense & Education Fund, Inc., and Nine Additional Nonprofit Organizations in Support of Plaintiff-Appellant Maddie Wade) (appeal pending)

City and Cty. of San Francisco v. Azar, Nos. 20-15398, 20-15399, 20-16045, 20-35044 (9th Cir. 2020) (Brief of Amici Curiae National Center for Lesbian Rights and 27 Additional Nonprofit Organizations in Support of Plaintiffs/Appellees and Affirmance) (appeal pending)

New York v. U.S. Dep't of Health and Human Servs., Nos. 19-4254(L), 20-31, 20-32, 20-31 (2d Cir. 2020) (Brief of Amici Curiae National Center for Lesbian Rights and 27 Additional Nonprofit Organizations in Support of Plaintiffs/Appellees and Affirmance) (appeal pending)

Yanes v. OC Food & Beverage LLC., 300 So. 3d 798 (Fla. Dist. Ct. App. 2020), *review denied sub nom. OC Food & Beverage LLC v. Yanes*, No. SC20-1204, 2020 WL 7334196 (Fla. Dec. 14, 2020) (Brief of Amici Curiae Equality Florida Institute, Impact Fund, National Center for Lesbian Rights, and Eight Additional Nonprofit Organizations in Support of Appellants/Plaintiffs)

Bostock v. Clayton County, 140 S. Ct. 1731 (2020) (Brief of GLBTQ Legal Advocates & Defenders, National Center for Lesbian Rights et al. as Amici Curiae in Support of the Employees)

Minton v. Dignity Health, 39 Cal. App. 5th 1155 (Ct. App. 2019), *review denied* (Dec. 18, 2019) (Brief of Amici Curiae National Center for Lesbian Rights and Twelve Additional Nonprofit Organizations in Support of Plaintiff-Appellant)

New York v. U.S. Dep't of Health & Human Servs., 414 F. Supp. 3d 475 (S.D.N.Y. 2019) (Brief of National Center for Lesbian Rights et al. as Amici Curiae in Support of Plaintiffs' Motions for a Preliminary Injunction and Summary Judgment)

City and Cty. of San Francisco v. Azar, 411 F. Supp. 3d 1001 (N.D. Cal. 2019) (Brief of National Center for Lesbian Rights et al. as Amici Curiae in Support of Plaintiffs' Motions for Summary Judgment)

Washington v. Azar, 426 F. Supp. 3d 704 (E.D. Wash. 2019) (Brief of National Center for Lesbian Rights et al. as Amici Curiae in Support of Plaintiffs' Motions for Summary Judgment)

Mayor and City Council of Baltimore v. Azar, No. 19-1672-GLR (D. Md. 2019) (Brief of Amici Curiae National Center for Lesbian Rights et al. in Support of Plaintiff's Motions for a Preliminary Injunction and Summary Judgment (case stayed))

Fulton v. City of Philadelphia, 922 F.3d 140 (3d Cir. 2019), *vacated and remanded by Fulton v. City of Philadelphia*, No. 19-123, 2021 WL 2459253 (U.S. June 17, 2021) (Brief of Amici Curiae National Center for Lesbian Rights, Civil Rights Education and Enforcement Center, Disability Rights Advocates, Disability Rights Education and Defense Fund, Inc., Equal Justice Society, GLBTQ Legal Advocates & Defenders, Impact Fund, Legal Aid at Work, National Association of the Deaf, National Federation of the Blind, and Transgender Law Center in Support of Appellees)

East Bay Sanctuary Covenant v. Trump, 354 F. Supp. 3d 1094 (N.D. Cal. 2018) (Brief of Amici Curiae National Center for Lesbian Rights, Centro Legal de la Raza, El/La Para Translatinas, GLBTQ Legal Advocates & Defenders, Immigration Equality, Lambda Legal Defense & Education Fund, Inc., and Transgender Law Center in Support of Plaintiffs' Motion for Preliminary Injunction)

Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n, 138 S. Ct. 1719 (2018) (Brief of County of Santa Clara, Cities of New York and Los Angeles, 67 Additional Cities and Counties, 80 Mayors, and U.S. Conference of Mayors as Amici Curiae in Support of Respondents) (Counsel of Record)

Fulcher v. Sec’y of Veterans’ Affs., No. 2017-1460 (Fed. Cir. 2017) (Brief of Amici Curiae Cities, Counties, and Businesses in Support of Petitioners and Urging the Court to Grant the Petition)

Hart v. Berryhill, No. 16-1371, 2017 WL 3928324 (4th Cir. June 7, 2017) (Brief of Amici Curiae Justice in Aging, Impact Fund, and Civil Rights Education and Enforcement Center et al. in Support of Plaintiffs-Appellants and Supporting Reversal)

Texas Dep’t of Housing & Cmty. Affairs v. Inclusive Communities Project, Inc., 576 U.S. 519 (2015) (Brief of Amici Curiae Lawyers Committee for Civil Rights Under Law, Poverty & Race Research Action Council, Opportunity Agenda, Leadership Conference on Civil and Human Rights et al. in Support of Respondent)

Rochow v. Life Ins. Co. of N. Am., 780 F.3d 364 (6th Cir. 2015) (en banc) (Brief Amici Curiae of AARP and National Employment Lawyers Association in Support of Plaintiffs-Appellants)

Gabriel v. Alaska Elec. Pension Fund, 773 F.3d 945 (9th Cir. 2014), withdrawing and superseding 775 F.3d 647 (9th Cir. 2014) (Brief Amici Curiae of AARP and National Employment Lawyers Association in Support of Plaintiff-Appellant Urging Panel Rehearing and/or Rehearing en Banc)

PUBLICATIONS

Bostock’s *Impact: Recent Policy and Litigation Developments*, PLI Chronicle (March 2021) (co-author with James D. Esseks and Nonnie L. Shivers)

Commentary: Death of Trump’s “Denial of Care” Rule Means Life for LGBTQ Patients, The Advocate.com, Nov. 8, 2019

CEB, *California Domestic Partnerships and Same-Sex Marriage*, Chapter 8, “Employee Benefits” (2014-2017 chapter updates) (co-author with Teresa S. Renaker)

Employee Benefits Issues Affecting Employees in Same-Sex Marriages, Civil Unions, and Domestic Partnerships; Nondiscrimination Protections for LGBT Employees in Health Plans (conference paper, various dates, 2013-2016) (co-author with Teresa S. Renaker; some versions had additional co-authors)

HB 2: It’s Much More Than Bathrooms, American Constitution Society, ACSBlog, May 5, 2016

Overview of US v. Windsor and its Effect on Employee Benefits, BNA Benefits Practice Resource Center, Practitioners' Strategy Guide, July 25, 2014 (co-author)

When an ERISA Plaintiff Proves a Breach of Fiduciary Duty and a Loss to the Plan, Who Has the Burden of Proving (or Disproving) Causation?, ABA Labor and Employment Section, Employee Benefits Committee Newsletter, Spring 2013

Bloomberg BNA, *Employee Benefits Law* (3d ed. 2012), Chapter 20, "Ethics, Privilege, and Related Concerns Unique to the Practice of Benefits Law" (Chapter editor, 2015 Cumulative Supplement)

PRESENTATIONS

National LGBTQ+ Bar Association, Lavender Law Employment Law Institute, "Labor and Employment Law and the New Administration," Webinar, July 2021 (panelist)

Practising Law Institute, "'Because of Sex': The Supreme Court, Federal Sex Discrimination Law, and Best Practices for Protecting LGBTQ Workers," Webinar, Apr. 2021 (program co-chair and panelist)

UC Hastings School of Law, Moot Court and Appellate Advocacy Program, "Community Panel on *Fulton v. City of Philadelphia*," Webinar, Sept. 2020 (panelist for Appellate Advocacy Clinic course)

Practising Law Institute, "The Supreme Court's Ruling Protecting LGBTQ Rights – Reviewing the *Bostock* Decision," Webinar, July 2020 (program co-chair and panelist)

D.E. Shaw & Co., DESC.out Employee Resource Group, "The Supreme Court's Decision in *Bostock v. Clayton County*," Webinar, July 2020 (panelist)

SIECUS, "Still Here, Still Rising: Moving Forward from the 2020 Legislative Session," Webinar, June 2020 (panelist)

UC Berkeley School of Law, "Title VII and LGBTQ Employees," Berkeley, CA, Feb. 2020 (guest lecturer for Employment Law course)

Practising Law Institute, "'Because of Sex': The Supreme Court, Federal Law, and Best Practices for Protecting LGBTQ Workers," San Francisco, CA, Dec. 2019 (program co-chair and panelist)

UC Berkeley School of Law, "Spousal Rights Under ERISA, the Rights of Same-Sex Spouses and Partners, and Employee Benefits Issues Involving Transgender Employees," Berkeley, CA, Nov. 2019 (guest lecturer for Employee Benefits course)

National Women's Law Center, Intertwining Identities and Addressing Workplace Sexual Harassment Working Group, "Addressing Sex Harassment in the Context of LGBTQ Employees," Washington, DC, Nov. 2019 (panelist)

We Are Family Charleston, “What’s at Stake for LGBTQ Youth,” Charleston, SC, Nov. 2019

UC Berkeley School of Law, Berkeley Law Queer Caucus and Haas LGBT Citizenship Cluster, “Litigating for Equality: A Panel Conversation on Gender Identity, Sexual Orientation, and Title VII of the Civil Rights Act,” Berkeley, CA, Nov. 2019 (panelist)

American Constitution Society Arizona Lawyer Chapter, “*Brush and Nib* and Beyond: New Frontiers in LGBTQ Rights,” Phoenix, AZ, June 2019 (panelist)

National Women’s Law Center, Legal Network for Gender Equity and Time’s Up Legal Defense Fund, “Working on Sex Discrimination Cases With LGBTQI+ Individuals: An Introduction and Best Practices,” Webinar, Apr. 2019 (panelist)

Harvard LGBTQ Conference, “The Future of LGBTQ Litigation,” Boston, MA, Mar. 2019 (panelist)

Practising Law Institute, “‘Because of Sex’: Federal Protections for LGBT People,” San Francisco, CA, Dec. 2018 (program co-chair and panelist)

U.S. Equal Employment Opportunity Commission, EEOC Technical Assistance Program Seminar, “LGBT Rights in the Workplace and Best Practices,” San José, CA, Sept. 2018 (panelist)

County of Santa Clara Office of the County Counsel, “Election Contests: Lessons Learned from *Nguyen v. Diep*,” San José, CA, Nov. 2017 (panelist)

Impact Fund, 2017 Class Action Conference, “Created Equal: Update on the Movement for Equal Rights for Transgender People,” San Francisco, CA, Feb. 2017 (moderator)

Independent Living Resource Center, “Rights of Air Travelers with Disabilities,” San Francisco, CA, Webinar, Nov. 2016

California Department of Fair Employment and Housing, Central California Employment Roundtable, “LGBT Employment Issues: Understanding the Law and Supporting Success in a Diverse Workforce,” Fresno, CA, Oct. 2016 (panelist)

National LGBT Bar Association, 2016 Lavender Law Conference, “Protecting LGBT Workers: The Growing Importance of Title VII,” Washington, DC, Aug. 2016 (panelist)

National LGBT Bar Association, 2016 Lavender Law Conference, “Transgender Law in Employment and Employee Benefits,” Washington, DC, Aug. 2016 (panelist)

National Employment Lawyers Association, 2016 Annual Convention, “Advocating for the Rights of LGBT Employees,” Los Angeles, CA, June 2016 (panelist)

California Applicants’ Attorneys Association, 2016 Summer Convention, “Eliminating Bias Against Transgender & LGB Individuals,” San Francisco, CA, June 2016 (panelist)

University of California Office of the President – Systemwide Employee Relations, “Experiences and Best Practices in Supporting Transitioning Employees and Their Departments,” Oakland, CA, Apr. 2016 (panelist)

UC Berkeley School of Law, “Spousal Rights and the Rights of Same-Sex Spouses and Partners,” Berkeley, CA, Apr. 2016 (guest lecturer for Employee Benefits course)

Colorado Plaintiff Employment Lawyers Association, PELA Brown Bag, “Advocating for the Rights of LGBT Employees,” Denver, CO, Mar. 2016 (panelist)

ABA Midyear Meeting, “Hot Topics in Diversity Law: Same-Sex Marriage and Employee Benefits Discrimination,” San Diego, CA, Feb. 2016 (panelist)

ABA Real Property, Trust and Estate Law Section, 2016 Spring Symposia, “Elimination of Bias in the Profession: an LGBT Ally Toolkit,” Boston, MA, May 2016 (panelist)

ABA Real Property, Trust and Estate Law Section, 2016 Spring Symposia, “Equal Justice Under Law: Nationwide Marriage Equality (Almost) One Year Later,” Boston, MA, May 2016 (panelist)

National Employment Lawyers Association, “Advocating for the Rights of LGBT Employees,” Webinar, Dec. 2015 (panelist)

New York City Bar Association, “Employment Law Post-*Obergefell*,” New York, NY, Dec. 2015 (panelist)

ABA Joint Committee on Employee Benefits, ERISA Basics National Institute, “ERISA Ethical Issues and Concerns,” Chicago, IL, Oct. 2015 (panelist)

ABA Joint Committee on Employee Benefits, ERISA Basics National Institute, “Employment, Section 510, and Other Discrimination Issues,” Chicago, IL, Oct. 2015 (panelist)

ABA Joint Committee on Employee Benefits, ERISA Basics National Institute, “Spousal Benefits in the Wake of *Windsor*, *Obergefell*, QDROs and QMSCOs,” Chicago, IL, Oct. 2015 (panelist)

ABA Annual Meeting, RPTE Section Showcase CLE, “Same-Sex Marriage on the Cusp: Remaining Issues of Non-Recognition and a Look Into the Future,” Chicago, IL, Aug. 2015 (panelist)

KALW, “Your Legal Rights” Radio Show, “Employment Law: Same-Sex Marriage and Employee Benefit Issues,” San Francisco, CA, June 2015

National Employment Lawyers Association, 2015 Annual Convention, “Recent Developments in LGBT Rights in the Workplace,” Atlanta, GA, June 2015 (panelist)

ABA Joint Committee on Employee Benefits, ERISA Litigation National Institute, “Litigation Issues in Employee Benefits for LGBT Employees,” Chicago, IL, May 2015 (panelist)

ABA Joint Committee on Employee Benefits, ERISA Litigation National Institute, “Ethical Considerations in ERISA Litigation,” Chicago, IL, May 2015 (panelist)

Louisiana Bar Association, 8th Annual Conclave on Diversity in the Legal Profession: 50 Years of Civil Rights, Moving the Pendulum Forward, “The Changing Landscape and Effects of Marriage Equality,” New Orleans, LA, Mar. 2015 (panelist)

ABA Labor and Employment Law Section, Employee Benefits Committee Midwinter Meeting, “Ethics Update,” San Diego, CA, Feb. 2015 (panelist)

ALI/CLE, Pension, Profit-Sharing, Welfare, and Other Compensation Plans, “Where Has *Windsor* Taken Us?,” San Francisco, CA, Apr. 2014

ABA Section of Taxation, “Post-*Windsor* Decision Health, Welfare, and Retirement Plans Guidance from Treasury and IRS,” Webinar, Mar. 2014 (panelist)

ABA Section of Taxation, Midyear Meeting, “Post-*Windsor* Decision Health, Welfare, and Retirement Plans Guidance from Treasury and IRS,” Phoenix, AZ, Jan. 2014 (panelist)

ALI/CLE, Employee Benefit Plans of Tax-Exempt and Governmental Employers, “The Impact of *Windsor* on Retirement Benefit Plans, Including Non-ERISA Plans,” Washington, DC, Sept. 2014 (panelist)

ALI/CLE, 21st Annual Advanced Course, Current Developments in Employment Law, “The Effect of *Windsor* on Employee Benefits and Employment Law,” Santa Fe, NM, July 2014 (panelist)

ABA Joint Committee on Employee Benefits, ERISA Litigation National Institute, “LGBT Employee Benefits Litigation Issues,” Chicago, IL, June 2014 (panelist)

ABA Joint Committee on Employee Benefits, ERISA Litigation National Institute, “ERISA Remedies,” Chicago, IL, June 2014 (panelist)

ALI/CLE, Employee Benefits Law and Practice Update: Winter 2013, “What the Supreme Court’s Ruling on DOMA Means for Employee Benefit Practitioners,” Video webcast, Washington, DC, Dec. 2013

AIDS Legal Referral Panel, MCLE Training, “Pre-Litigation Strategies for Health and Disability ERISA Claims,” San Francisco, CA, Apr. 2013 (panelist)

ALEXANDER L. CHEN

122 Boylston Street, Jamaica Plain, MA 02130 • achen@law.harvard.edu • (617) 390-2656

EDUCATION

Harvard Law School, J.D., *cum laude*, May 2015

Awards: Paul and Daisy Soros Fellowship for New Americans (1 of 30 nationwide)
 Journals: *Harvard Law Review*, Articles Editor
 Activities: Harvard Labor and Employment Action Project, Co-Founder; Harvard QTPOC, Co-Founder

Columbia University, M.A., English and Comparative Literature, Feb. 2012

Thesis: "Poverty as a Structuring Principle in *Piers Plowman*"

University of Oxford, B.A., *First Class Honours*, English Language and Literature, June 2009

Awards: Wadham College Prize (outstanding performance in final-year examinations)
 Activities: Oxford United Nations Association, President

EXPERIENCE

Harvard Law School, Cambridge, MA

2020–present

Founding Director of the Harvard Law School LGBTQ+ Advocacy Clinic
Clinical Instructor and Lecturer on Law

Founded clinic engaged in impact litigation, legislative and policy advocacy, and direct representation on behalf of LGBTQ+ clients. Supervises clinical students on matters related to LGBTQ+ civil rights law. Teaches Gender Identity, Sexual Orientation, and the Law.

National Center for Lesbian Rights, San Francisco, CA

2017–19

Equal Justice Works Fellow (sponsored by Salesforce.org and Baker McKenzie LLP)

Conducted national LGBT civil rights impact litigation, legislative and policy advocacy, and public education, including in education, employment, health care, housing, prison, conversion therapy, and child welfare and juvenile justice settings. Member of litigation team in trans military ban cases (*Doe v. Trump* and *Stockman v. Trump*) and landmark Ninth Circuit trans prisoner surgery access case (*Edmo v. Corizon*). Co-drafted AB 2119, a bill making California the first state to guarantee transition-related health care access for trans youth in foster care.

National Center for Transgender Equality, Washington, DC

July–Sept. 2014

Law Fellow

Drafted policy guidance for federal agencies and performed legal research on employment, criminal, administrative, and education issues involving transgender people. Filed FOIA request.

U.S. Department of Justice, Civil Rights Division, Washington, DC

May–June 2014

Legal Intern, Educational Opportunities Section

Drafted briefing, reviewed depositions, and prepared witnesses for desegregation hearing. Performed legal research for Department of Education Title IX sexual violence guidelines and reviewed Title IX complaints.

American Civil Liberties Union, LGBT & HIV Project, New York, NY

May–July 2013

Legal Intern

Conducted legal research for LGBT civil rights impact litigation, including on marriage equality (*United States v. Windsor*), family law, status decriminalization, health care access, and transgender rights.

CLERKSHIPS

U.S. Court of Appeals for the Ninth Circuit, *Law Clerk to the Hon. M. Margaret McKeown*

2016–17

U.S. District Court for the Southern District of California, *Law Clerk to the Hon. Gonzalo P. Curiel*

2015–16

PUBLICATIONS

The Trans Youth Handbook (with Asaf Orr) (2020)

Gay Rights and Trans Rights Are Indivisible. SCOTUS Just Showed Why, SLATE (Jun. 18, 2020)

The Supreme Court Doesn't Understand Transgender People, SLATE (Oct. 18, 2019)

Note, *The Supreme Court 2013 Term, Leading Case: Federal Jurisdiction and Procedure—Personal Jurisdiction—General Jurisdiction—Daimler AG v. Bauman*, 134 S. Ct. 746 (2014), 128 HARV. L. REV. 311 (2014)

Note, *Recent Administrative Policy: Social Security Administration Eliminates Surgical Requirement for Changing Trans Individuals' Gender Markers*, 127 HARV. L. REV. 1863 (2014)

SELECTED PRESENTATIONS

Panel, *The Many Facets of Bostock*, University of Florida Levin College of Law (remote), Sept. 2020

Plenary, *Title VII and Beyond: The Scope of Civil Rights Protections in the Aftermath of Bostock/Stephens/Zarda* (CLE); Panels, *Supreme Court Review: The Blockbuster 2019-2020 Term* (CLE) & *What's Left for Transgender Rights After Harris Funeral Homes v. E.E.O.C.* (CLE); Moderator, *Working with Medical Experts* (CLE), National LGBT Bar Association Annual Conference (remote), Aug. 2020

Panel, *Trans and Queer Liberation in 2020*, California ChangeLawyers (remote), Aug. 2020

Panel, *Supreme Court's LGBTQ Discrimination Decisions, Hot off the Press*, Bar Association of San Francisco (remote), July 2020

Chair, *LGBTQ+ Law Update 2020*, Massachusetts Continuing Legal Education (remote), May 2020

Plenary, *Beyond Marriage Equality: The Next Stage of Inclusion*, National Asian Pacific American Bar Association 2019 Convention, Austin, TX, Nov. 2019

Panel, *Protecting Transgender Health Care Rights*, HLS Lambda LGBTQ+ Health Care Rights Conference, Harvard Law School, Cambridge, MA, Nov. 2019

Guest Lecture, *Sexual Orientation, Gender Identity, and the Law: Military & Bathroom Access Cases* (with Professor Jane Schacter), Stanford Law School, Stanford, CA, Oct. 2019

Webinar, *Our Day in Court Virtual Town Hall: U.S. Supreme Court Hears 3 LGBTQ+ Rights Cases: Our Experts Answer What Happened & What's Next*, National LGBT Bar Association (remote), Oct. 2019

Panel, *LGBT Employees at the Supreme Court*, UC Hastings College of Law, San Francisco, CA, Oct. 2019

Speaker, *Diversity in Legal Thought and Practice Speaker Series*, UC Hastings College of Law, San Francisco, CA, Sept. 2019

Panel, *Queer Attorneys of Color*, Berkeley Law School, Berkeley, CA, Sept. 2019

Presentation, *Proposed Eliminations of Gender Identity Protections in Section 1557*, Protecting Trans Health Care Rights, Harvard Center for Health Law and Policy Innovation/Transgender Law Center, New York, NY, Jun. 2019

Presentation, *More Than Just Cake: Religious Freedom and the LGBT Community*, Baker McKenzie, San Francisco, CA, Jun. 2019

Panel, *Transitions in the Trump Era* (CLE), Asian American Bar Association, San Francisco, CA, Jun. 2019

Panel, *Career Pathways*, National Trans Bar Association Mentorship Summit, New York, NY, Jun. 2019

Guest Lecturer, *Law and Sexuality: Education* (with Professor Sonia Katyal), University of California, Berkeley, Berkeley, CA, Apr. 2019

Presentation, *Supporting Transgender and LGB Students*, H.B. McDaniel & California Association of School Counselors' Equity in Education Conference, Center for Education Research at Stanford University, Stanford, CA, Apr. 2019

Presentation, *Supporting Transgender Employees* (CLE), Bar Association of San Francisco, San Francisco, CA, Dec. 2018

Plenary, *Responding to Attacks on Trans, Non-binary, and Gender Nonconforming People*, National LGBT Civil Rights Litigators' Roundtable, New York, NY, Nov. 2018

Speaker, *Transgender Day of Remembrance for San Mateo County*, San Mateo, CA, Nov. 2018

Panel, *Redefining Sex: Explaining Trump's Proposed Anti-Transgender Regulations*, Stanford Law School, Stanford, CA, Nov. 2018

Panel, *How Do Queer and Feminist Politics Exacerbate the Carceral State?*, Harvard Law School, Cambridge, MA, Oct. 2018

Presentation, *Trans Advocacy in the Age of Trump*, Yale Law School, New Haven, CT, Oct. 2018

Guest Lecture, *Transgender Rights in the United States* (with Professor Prerna Dhoop), NALSAR University School of Law, Hyderabad, India (remote), Oct. 2018

Presentations, *Fertility Issues for Trans Youth and Adults, Know Their Rights: What Families Need to Know, Know Your Rights for Trans Youth, Legal Considerations for Providers, & Schools and Public Accommodations*, Gender Odyssey, Seattle, WA, Aug. 2018

Radio Interview, *NewsWorks Tonight, August 2, 2018*, WHYY (NPR affiliate), Philadelphia, PA, Aug. 2018

Presentations, *Advances in Trans Equality, Schools: Meeting the Needs of Trans Kids, & What Providers Need to Know to Care for Trans Patients*, Philadelphia Trans Wellness Conference, Philadelphia, PA, Aug. 2018

Presentations, *Fertility Issues for Trans Youth & The Shifting Landscape of Title IX and Other Gender Protections*, Gender Spectrum, Moraga, CA, Jul. 2018

Presentations, *Health Insurance and Transition-Related Care, Know Their Rights: What Families Need to Know, Legal Information for Providers, & Schools and Public Accommodations*, Gender Odyssey, Los Angeles, CA, Jun. 2018

Panel, *The Impact of an Ally*, California Diversity Council LGBTQ+ Allies Diversity Summit, Gensler, Oakland, CA, Jun. 2018

Presenter, *What Health Care Providers Need to Know: Legal Issues Affecting Transgender Youth*, TransLife Symposium, Santa Rosa, CA, Apr. 2018

Presenter, *Key Legal Issues Affecting the Transgender Community*, Association of Pro Bono Counsel, San Francisco, CA, Apr. 2018

Presentation, *LGBTQ Rights: Up for Interpretation?* (CLE), San Diego Lawyers' Club, San Diego, CA, Mar. 2018

Panel, *Disability Rights in an Intersectional Age* (CLE), 2018 Disability Rights Conference, Berkeley Law School, Berkeley, CA, Jan. 2018

Panel, *Transgender Rights*, Panelist, Disability Rights/Transgender Rights Summit, New York, NY, Dec. 2017

Panel, *LGBTQ Rights and Discrimination*, Children's Rights Summit, Palo Alto, CA, Dec. 2017

Panel, *Transgender Rights and Bathroom Access: Expanding the Conversation*, Panelist, National LGBT Bar Association Annual Conference, San Francisco, CA, Aug. 2017

Moderator, *Public Accommodations*, Trans Law Institute, San Francisco, CA, Aug. 2017

Presentation, *The Trans Agenda*, National Queer Asian Pacific Islander Alliance 2015 National Conference, Chicago, IL, Aug. 2015

Moderator, *Theorizing and Representing Sexual Injury and Its Redress*, Teach-In on Campus Sexual Violence, Harvard Law School, Cambridge, MA, Sept. 2014

BOARD MEMBERSHIPS & PROFESSIONAL SERVICE

Founding Board Member, National Trans Bar Association (2016–present)

Organizer, National Trans Bar Association Mentorship Summit (2019)

Organizer, Trans Law Institute (2015–20)

Selection Committee, *Harvard Law Review* Public Interest Fellowship (2018)

AWARDS

40 Best LGBTQ+ Lawyers Under 40, National LGBT Bar Association (2019)

Forbes 30 Under 30, Law and Policy (2018)

ADMISSIONS

Admitted to practice in the State of California, the State of New York, the U.S. District Court for the Eastern District of New York, and the U.S. District Court for the Southern District of California.

LANGUAGES

Fluent in spoken Mandarin Chinese.

ARY SMITH

EDUCATION

University of California, Berkeley, School of Law, Berkeley, CA J.D.

Activities: *Berkeley Journal of Gender, Law and Justice*, Coalition for Diversity, National Lawyers Guild, Tenants' Rights Workshop, Name and Gender Marker Change Workshop, Berkeley Law and Organizing Collective, Queer Caucus
Jurisprudence Award in Environmental Justice: Race, Class, and the Environment

Oberlin College, Oberlin, OH B.A. with High Honors in Comparative American Studies and English, May 2009.

Phi Beta Kappa, Starr Prize in Comparative American Studies

EXPERIENCE

Legal Services of Northern California, Special Assignment Attorney
Vallejo, CA. December 2019-present.

- Joined staff as Legal Graduate in August 2019 and became Staff Attorney upon admission to the California Bar in December 2019. As Special Assignment Attorney, covered Managing Attorney's outreach and supervisory work during a leave of absence.
- Provide direct legal services in housing, public benefits, clean slate remedies, and health to low-income and senior residents of Solano County.
- Led strategic affirmative litigation to enforce the rights of tenants; obtained injunctive relief and \$270,000 judgment against repeat bad actor landlord.
- Drafted and commented in support of an Emergency Resolution limiting evictions during the COVID-19 pandemic, which was adopted by the Solano County Board of Supervisors.
- Develop and present workshops on subsidized housing and housing law during COVID-19.
- Conduct outreach through clinics and partnerships with community organizations.
- Supervise and train interns, legal graduates, and fellows.

AIDS Legal Referral Panel, Law Clerk

San Francisco, CA. August 2018-November 2018.

- Assisted clients with general legal services including reasonable accommodations, estate planning, consumer issues, and housing needs.
- Presented to community partners on topics including advance healthcare directives and specific legal needs of HIV+ clients.

Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Racial Justice Clerk

San Francisco, CA. May 2018 to August 2018.

- Supported community-driven impact litigation cases on policing practices in low-income housing through legal research, client interviews, and case management.
- Wrote a memo applying the Eighth Amendment's Excessive Fines clause to the imposition of late fees on traffic fines. The memo provided the basis for a conference presentation by Legal Director Elisa Della Piana.
- Worked with pro bono attorneys to provide legal information, advice, and brief services at GLIDE Memorial Church's Unconditional Legal Clinic and LCCR's Second Chance Clinic.

East Bay Community Law Center, Housing Clinical Student
Berkeley, CA. August 2017 to May 2018.

- Participate in eviction defense litigation by conducting client intakes in English and Spanish, filing responsive pleadings, writing and arguing motions, and preparing for trials.
- Assisted pro per defendants in filing answers to unlawful detainer lawsuits and fee waivers.
- Managed discovery for eviction defense cases, including taking depositions, propounding and responded to discovery requests, and conferring with opposing counsel.
- Negotiated settlements on behalf of tenants under attorney supervision at courthouse clinics.

Tenants' Rights Workshop, Tenant Counselor and Clinic Coordinator
Berkeley, CA. September 2016 to May 2018.

- Interviewed low-income tenants in English and Spanish about legal issues such as rent increases, habitability and repairs, and reasonable accommodations.
- Worked with attorneys to provide clients with advice, resources, and limited legal services, including writing letters on behalf to tenants asserting their legal rights.
- As Coordinator beginning September 2017: recruited and trained 1L student counselors, managed organizational funding, tracked intake forms, and coordinated other logistics.

National Center for Lesbian Rights, C. Edwin Baker Law Clerk
San Francisco, CA. June to August 2017.

- Supported national impact litigation matters by providing research and writing memos in support of legal challenges raised by transgender youth and prisoners.
- Provided direct services to NCLR's Legal Information Hotline callers by researching and providing appropriate legal information and resources.
- Researched client matters regarding public benefits, name and gender marker changes, employment discrimination, and access to gender-affirming healthcare in prisons and immigration detention centers.

SKILLS

Proficient in Spanish
Certificated Mediator and Conflict Coach

PROFESSIONAL AFFILIATIONS

Berkeley Law Foundation, Board of Directors, October 2019-present
Bay Area Lawyers For Individual Freedom, Board of Directors, May 2018-May 2019.
Solano County Bar Association, Member, December 2019-present

EXHIBIT B

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/18/17	LR re prior cases filed by prisoner and prior litigation against IDOC re similar issues	2.70	2.70	0.00
05/18/17	email to DAF and CD re next steps for potential case	0.20	0.20	0.00
05/30/17	LM for L. Rifkin re potential case	0.10	0.10	0.00
05/30/17	TC with L. Rifkin re potential case and co-counseling same	0.40	0.40	0.00
05/30/17	prep of materials and docs for L. Rifkin's review re background of case and facts	0.20	0.20	0.00
05/31/17	conf with Law clerk re research re IDOC policies and procedures re transgender prisoners	0.20	0.20	0.00
05/31/17	TC with L. Rifkin re evaluating case for potential litigation	0.20	0.20	0.00
05/31/17	LR re other similar prison cases in Idaho	0.30	0.30	0.00
06/13/17	emails to clerk re additional research	0.10	0.10	0.00
06/13/17	TC with L. Rifkin re client file and background info	0.20	0.20	0.00
06/13/17	emails to/from DAF and CD re getting file and next steps to evaluate claims	0.40	0.40	0.00
06/13/17	review of memo from clerk re IDOC policies and procedures	0.10	0.10	0.00
06/19/17	TC with LR re potential Edmo case	0.20	0.20	0.00
07/25/17	VM from LR re client meeting	0.10	0.10	0.00
07/26/17	conf with law clerk re review of client files for memo prep	0.20	0.20	0.00
08/03/17	Travel from SF to Boise for potential client mtg	6.10	6.10	0.00
08/03/17	meeting with A. Edmo and LR re case	2.70	2.70	0.00
08/03/17	Travel to SF from Boise	5.80	5.80	0.00
08/08/17	emails with LR re correctional file for case and next steps	0.20	0.20	0.00
08/08/17	email to CD and DF re meeting with client and next steps	0.10	0.10	0.00
08/10/17	TC with LR, CD, and DF re docs from client	0.60	0.60	0.00
08/14/17	TC with SM re amended complaint and next steps	0.30	0.30	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/15/17	TC with LR re draft amended complaint	0.20	0.20	0.00
08/28/17	TC with LR re claims for amended complaint	0.10	0.10	0.00
08/28/17	email to LR re claims for amended complaint	0.10	0.10	0.00
08/28/17	edits to amended complaint draft	1.10	1.10	0.00
08/29/17	email to Margo Schlanger re ADA claim	0.10	0.10	0.00
08/29/17	email to LR re ACA claim	0.10	0.10	0.00
08/29/17	TCs with LR re edits to complaint	0.80	0.80	0.00
08/29/17	edited draft complaint	1.40	1.40	0.00
08/31/17	edits to complaint	1.40	1.40	0.00
08/31/17	TC with LR re edits to complaint	0.50	0.50	0.00
09/13/17	email to team re experts for case	0.10	0.10	0.00
09/13/17	VM from LR re experts for case	0.10	0.10	0.00
10/05/17	team call re experts and possible PI motion	0.40	0.40	0.00
10/16/17	email to R. Ettner re potential work as expert in case	0.10	0.10	0.00
10/16/17	research re experts for case	0.60	0.60	0.00
10/18/17	TC with LR re expert Ettner work	0.30	0.30	0.00
10/18/17	email to team re Ettner expert work	0.40	0.40	0.00
10/18/17	TC with Ettner re expert work for case	0.90	0.90	0.00
10/18/17	prep for call with Ettner re expert work for case	0.10	0.10	0.00
10/31/17	email to co-counsel re Ettner expert work in case	0.10	0.10	0.00
10/31/17	edits to retainer agreement	0.20	0.20	0.00
11/07/17	TC with LR re ADA issue in MTD	0.20	0.20	0.00
11/07/17	review defs' MTD / MSJ	0.20	0.20	0.00
11/07/17	TC with LR re opp to MTD	0.20	0.20	0.00
11/08/17	emails with LR re potential security expert for case	0.20	0.20	0.00
11/08/17	email from/to Law Professor re ADA arg for MTD opp	0.10	0.10	0.00
11/08/17	email to LR re ADA arg for MTD opp	0.10	0.10	0.00
11/15/17	email to LR re draft opp to MSJ/MTD	0.10	0.10	0.00
11/15/17	emails with LR re call with client and opp to MTD	0.20	0.20	0.00
11/15/17	LR re ADA arg for MTD / MPSJ opposition	0.20	0.20	0.00
11/16/17	email to R. Ettner re evaluation dates for client	0.10	0.10	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/20/17	edits to opp to MTD / partial MSJ	1.40	1.40	0.00
11/20/17	TC with LR re opp to MTD / partial MSJ	0.60	0.60	0.00
11/20/17	email from/to R. Ettner re evaluation of client	0.10	0.10	0.00
11/21/17	edits to opp to MTD / partial MSJ (esp. ADA section) and LR for same	3.10	3.10	0.00
11/21/17	TCs with LR re opp to MTD / partial MSJ	0.50	0.50	0.00
11/21/17	edits to statement of undisputed facts and notice of const question	0.20	0.20	0.00
12/18/17	email from/to R. Ettner re expert evaluation	0.10	0.10	0.00
12/19/17	TC with LR re expert evaluation of client	0.10	0.10	0.00
02/05/18	prep of opp to DOJ request for EOT re possible intervention	0.10	0.10	0.00
03/07/18	conf with LR re Dr. Ettner's assessment of client	0.30	0.30	0.00
03/15/18	email from clerk re oral argument for MTD	0.10	0.10	0.00
03/27/18	TC with LR re Ettner expert evaluation of client	0.10	0.10	0.00
03/29/18	prep for moot court with LR re MTD / partial MSJ argument	0.10	0.10	0.00
03/29/18	moot court with LR re MTD / partial MSJ argument	1.40	1.40	0.00
03/29/18	prep for moot court with LR re MTD / partial MSJ argument	1.00	1.00	0.00
04/04/18	TC with LR re MTD / partial MSJ hearing and next steps re PI	0.50	0.50	0.00
04/05/18	TC with RE re evaluation of client	0.20	0.20	0.00
04/05/18	email to team re possible second experts	0.20	0.20	0.00
04/09/18	TC with C. Strangio re MH experts for second evaluation and potential security experts	0.20	0.20	0.00
04/10/18	TC with G. Brown re potential expert work in case	0.50	0.50	0.00
04/10/18	review Ettner report assessing client	0.10	0.10	0.00
04/11/18	TC with LR re Ettner and other expert for PI	0.60	0.60	0.00
04/11/18	research re potential second expert for PI motion	0.70	0.70	0.00
04/12/18	TC with NG re expert evaluation of client	0.20	0.20	0.00
04/12/18	communications to/from NG re expert evaluation in case	0.10	0.10	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/16/18	emails from/to LR re Gorton evaluation with client	0.20	0.20	0.00
04/17/18	email to N. Gorton re CV and trial / depos testimony in past 4 years	0.10	0.10	0.00
04/17/18	prep of retention letter for N. Gorton and LR re federal rules re expert disclosures for same	0.40	0.40	0.00
04/30/18	TC with N. Gorton re evaluation of client	0.60	0.60	0.00
04/30/18	email to team re N. Gorton re evaluation of client	0.30	0.30	0.00
05/01/18	emails with team re missing docs from client's medical file	0.10	0.10	0.00
05/03/18	email to LR re PI motion	0.10	0.10	0.00
05/08/18	review of and edits to Ettner draft expert report ISO PI based on evaluation report	1.60	1.60	0.00
05/08/18	TC with LR re PI strategy	0.20	0.20	0.00
05/14/18	prep of Ettner decl ISO PI based on her evaluation and calls	0.40	0.40	0.00
05/14/18	TC with LR re expert decls and client decl for PI	0.30	0.30	0.00
05/15/18	review of Gorton draft expert report and edits to same based on calls and evaluation	1.70	1.70	0.00
05/15/18	prep of Ettner decl ISO PI	0.40	0.40	0.00
05/15/18	TC with R. Ettner re decl ISO PI	0.20	0.20	0.00
05/15/18	email to LR re PI Ettner decl	0.10	0.10	0.00
05/16/18	TC with Dr. Ettner re expert report ISO PI	0.80	0.80	0.00
05/21/18	prep of Gorton Decl ISO PI	6.60	6.60	0.00
05/22/18	prep of Gorton Decl ISO PI	3.90	3.90	0.00
05/22/18	TC with LR re Gorton Decl ISO PI	0.30	0.30	0.00
05/22/18	emails with team re PI motion and Gorton decl	0.20	0.20	0.00
05/22/18	edits to PI motion	0.60	0.60	0.00
05/23/18	edits to Ettner decl ISO PI	0.20	0.20	0.00
05/23/18	confs with AC re PI motion and to-do for same	0.30	0.30	0.00
05/23/18	TC with N. Gorton re decl ISO PI	1.50	1.50	0.00
05/23/18	edits to Gorton decl ISO PI per telephone conference	0.50	0.50	0.00
05/24/18	email from R. Ettner re update to report	0.10	0.10	0.00
05/24/18	edits to R. Ettner report ISO PI	0.10	0.10	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/24/18	edits to Gorton decl ISO PI and review of medical records for same	1.80	1.80	0.00
05/24/18	TC with NG re expert declaration ISO PI	0.70	0.70	0.00
05/24/18	edits to NG decl ISO PI per discussions with him	0.30	0.30	0.00
05/27/18	emails to/from JW re PI brief	0.20	0.20	0.00
05/28/18	finalized R. Ettner report ISO PI	0.70	0.70	0.00
05/29/18	finalized Gorton report ISO PI	1.30	1.30	0.00
05/29/18	TCs with Gorton re final changes to report ISO PI	0.30	0.30	0.00
05/29/18	emails from/to JW about expert declarations	0.10	0.10	0.00
08/22/18	Call with LR and JW re: experts.	0.40	0.40	0.00
08/22/18	Team call with co-counsel re: 30(b)(6) deposition strategy.	1.30	1.30	0.00
08/29/18	team call re discovery and next steps	1.00	1.00	0.00
08/29/18	emails with team re defense experts in case and depositions of same	0.20	0.20	0.00
08/29/18	review of defense expert Garvey CV and fact research re publications / presentations relevant to same	0.30	0.30	0.00
08/29/18	review of email from LR re supplementing RFPs to defense experts	0.10	0.10	0.00
08/29/18	review of notes re Andrade evaluation of client	0.30	0.30	0.00
08/29/18	review of produced discovery in case	0.10	0.10	0.00
08/29/18	review of timeline of medical treatment	0.20	0.20	0.00
08/29/18	review of defense expert Andrade CV and fact research re publications / presentations relevant to same	0.60	0.60	0.00
08/29/18	TC with Shaleen re depositions to date	0.20	0.20	0.00
08/29/18	Meet with JW re: experts.	0.20	0.20	0.00
08/30/18	email to AC re outline and prep for defense expert depositions	0.10	0.10	0.00
08/30/18	TC with LR, DF re defense experts and discovery produced	0.90	0.90	0.00
08/30/18	review of RFP to Ettner re depo production	0.10	0.10	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/30/18	Review of Broussard v. Tower Loan case file to determine whether Ettner report is covered by protective or confidentiality order (to comply with RFP); emails to Broussard co-counsel re same	2.30	2.30	0.00
08/30/18	Meet with JW re: expert discovery.	0.20	0.20	0.00
08/30/18	Meet with JW re discovery	0.20	0.20	0.00
08/31/18	Call with JW re: discovery responses.	0.10	0.10	0.00
09/04/18	TC with LR re strategy for defense expert depositions	0.70	0.70	0.00
09/04/18	review of Andrade expert report and prep of notes re attacking same	0.70	0.70	0.00
09/04/18	conf with AC re question prep for Andrade and Garvey defense expert depositions	0.40	0.40	0.00
09/04/18	second conf with AC re defense expert depo prep	0.60	0.60	0.00
09/04/18	emails from/to LR re defense expert reports and depositions	0.10	0.10	0.00
09/04/18	communication to N. Gorton re defense expert reports	0.10	0.10	0.00
09/04/18	Meet with JW re experts	0.20	0.20	0.00
09/05/18	email from/to expert Gorton re defense expert reports	0.10	0.10	0.00
09/05/18	team call re experts, discovery, and depositions	1.30	1.30	0.00
09/05/18	TC with LR re Garvey report and expert depositions	0.20	0.20	0.00
09/05/18	review of Garvey report and research re other work / publications by Garvey for depo	2.80	2.80	0.00
09/06/18	prep of questions / strategy notes for Andrade expert depo	1.50	1.50	0.00
09/06/18	review of IDOC and Corizon witness disclosures	1.30	1.30	0.00
09/06/18	TC with LR re defense expert depositions	0.60	0.60	0.00
09/06/18	email CD re depositions and meeting with client	0.10	0.10	0.00
09/06/18	email from/to N. Gorton re defense expert reports	0.10	0.10	0.00
09/07/18	emails with AC re strategy for Andrade depo	0.20	0.20	0.00
09/07/18	prep of questions / notes for LR re Andrade deposition	2.10	2.10	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/07/18	TC with colleague re strategy for Andrade expert depo	0.60	0.60	0.00
09/07/18	emails with team re research re expert document productions for depositions	0.10	0.10	0.00
09/08/18	prep of notes for LR re strategy for Andrade depo	0.30	0.30	0.00
09/08/18	emails with LR and AC re Andrade depo	0.10	0.10	0.00
09/09/18	TC with N. Gorton, AC, and LR re expert depositions	1.60	1.60	0.00
09/09/18	emails with AC re research for discovery responses at expert depositions	0.10	0.10	0.00
09/09/18	email from AC re results of legal research for discovery responses at expert depositions	0.10	0.10	0.00
09/09/18	email from/to LR re Andrade depo	0.10	0.10	0.00
09/09/18	email to LR re strategy for using WPATH SOC with Andrade during expert depo and review of WPATH SOC for same	1.10	1.10	0.00
09/09/18	review of Brown autocastration article for Andrade depo and email to LR re same	0.30	0.30	0.00
09/10/18	TC with LR re Andrade depo and strategy for afternoon session	0.40	0.40	0.00
09/10/18	research re "readiness" change in WPATH SOC for LR depo of Andrade; email to LR re same	0.60	0.60	0.00
09/10/18	emails with LR re Andrade deposition	0.10	0.10	0.00
09/11/18	review of client's depo transcript for hearing and expert depo prep	1.70	1.70	0.00
09/11/18	conf with LR re experts, to-do list for hearing, depositions	0.50	0.50	0.00
09/11/18	email to JW re draft RFP objections for Ettner and Gorton	0.10	0.10	0.00
09/12/18	reviewed Plaintiff's depo for expert depo prep and evidentiary hearing prep	1.60	1.60	0.00
09/12/18	email to co-counsel re stip to extend discovery deadline	0.10	0.10	0.00
09/12/18	email from/to LR re call with client and update on case	0.10	0.10	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/13/18	review of Dowell depo transcript and exhibits for hearing prep	1.60	1.60	0.00
09/13/18	review of Watson depo transcript for hearing prep	0.80	0.80	0.00
09/13/18	review of client depo transcript for hearing prep	0.90	0.90	0.00
09/13/18	email to N. Gorton and team re call re Garvey report	0.10	0.10	0.00
09/14/18	TC with N. Gorton, AC and LR re prep for Garvey deposition and strategy for same	1.80	1.80	0.00
09/16/18	prep of strategy notes to LR for Garvey expert depo; review of declaration and docs for same	2.30	2.30	0.00
09/17/18	review of AC notes for Garvey depo and prep of questions for LR based on same	1.40	1.40	0.00
09/17/18	prep of stip re EOT for expert depo deadline; emails with team re same	0.50	0.50	0.00
09/17/18	email from/to LR re Garvey depo and strategy for same	0.10	0.10	0.00
09/17/18	reviewed defs' opp to PI	0.60	0.60	0.00
09/17/18	prep of strategy and questions for Garvey depo; review of medical association statements and DSM-5 for same	1.40	1.40	0.00
09/17/18	emails with LR re strategy and questions for Garvey depo	0.20	0.20	0.00
09/18/18	prep for TC with R. Ettner re Garvey report and depo	0.40	0.40	0.00
09/18/18	prep of questions for LR re Garvey expert depo; review of report for same	3.20	3.20	0.00
09/18/18	TC with R. Ettner re Garvey report and depo	1.80	1.80	0.00
09/18/18	research re medical articles re trans healthcare for hearing	0.10	0.10	0.00
09/18/18	prep of overall strategy memo for evidentiary hearing	0.70	0.70	0.00
09/19/18	TCs with LR re Garvey expert depo and strategy for questions	0.50	0.50	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/19/18	deposition prep for N. Gorton; review of docs for same	2.30	2.30	0.00
09/20/18	depo prep for N. Gorton; review of prior testimony for same	4.20	4.20	0.00
09/20/18	prep of notes re overall strategy for evidentiary hearing	0.30	0.30	0.00
09/20/18	email from/to team re CD visit with client this morning and strategy for overall case and depositions per same	0.20	0.20	0.00
09/21/18	review of prior depo and trial information for Gorton depo prep	1.20	1.20	0.00
09/21/18	edited response RFPs for Dr. Ettner	0.30	0.30	0.00
09/21/18	edited response RFPs for Dr. Gorton; email to AC re same	0.20	0.20	0.00
09/22/18	conf. with LR re expert strategy for depositions and evidentiary hearing	1.70	1.70	0.00
09/23/18	review of reports and prior testimony to prep for Gorton decl; prep of memo for prep of same	1.00	1.00	0.00
09/23/18	review information from N. Gorton for possible production	0.40	0.40	0.00
09/23/18	email to LR re information from N. Gorton for possible production	0.10	0.10	0.00
09/23/18	deposition prep with expert N. Gorton	3.10	3.10	0.00
09/23/18	review of reports and prior testimony to prep for Gorton decl; prep of memo for prep of same	1.00	1.00	0.00
09/24/18	TC with LR re Gorton production of docs	0.20	0.20	0.00
09/24/18	emails with LR re RFP to N. Gorton	0.10	0.10	0.00
09/24/18	prep of document production for Ettner RFP	0.50	0.50	0.00
09/24/18	TC with R. Ettner re document production for Ettner RFP	0.10	0.10	0.00
09/24/18	finalized N. Gorton RFP response and production	0.60	0.60	0.00
09/24/18	work on Ettner RFP response and production; emails with Ettner and LR re same	1.30	1.30	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/24/18	team call re hearing prep, strategy, and tasks remaining	1.00	1.00	0.00
09/24/18	conf with AC re legal projects for reply brief ISO PI	0.20	0.20	0.00
09/24/18	travel plans for Edmo hearing	0.40	0.00	-0.40
09/24/18	prep for N. Gorton depo; emails with LR re same	0.40	0.40	0.00
09/24/18	emails with LR re PI reply strategy	0.20	0.20	0.00
09/24/18	TC with N. Gorton re doc prod and depo	0.30	0.30	0.00
09/24/18	review of prior Gorton docs for depo prep	0.10	0.10	0.00
09/25/18	conf with LR re Gorton depo	0.60	0.60	0.00
09/25/18	travel to SF from Sacramento for Gorton depo	2.10	2.10	0.00
09/25/18	defended expert Gorton deposition	7.60	7.60	0.00
09/25/18	travel from SF to Sacramento for Gorton deposition	1.70	1.70	0.00
09/26/18	TC with LR re reply brief draft	0.20	0.20	0.00
09/27/18	status conf with court re hearing and planning and deadlines for same	0.70	0.70	0.00
09/27/18	review AC draft of timeline of medical events for hearing	0.30	0.30	0.00
09/27/18	conf with AC re draft of timeline of medical events for hearing	0.30	0.30	0.00
09/27/18	emails with LR re Ettner deposition	0.20	0.20	0.00
09/27/18	edited PI reply brief	1.20	1.20	0.00
09/27/18	conf with LR re Ettner deposition	0.30	0.30	0.00
10/01/18	TC with LR re Yordy and Clark depositions, proof chart, and expert challenges for lack of experience	0.80	0.80	0.00
10/02/18	review NIC guide and docs for PI reply	1.00	1.00	0.00
10/02/18	conf with AC re prep of conclusions of law	0.20	0.20	0.00
10/02/18	review of Menard depo for hearing prep; notes re same for team	1.90	1.90	0.00
10/02/18	review of Eliason depo for hearing prep; notes re same for team	0.50	0.50	0.00
10/02/18	emails with LR office re prep for hearing	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/02/18	emails with team re team planning call for hearing	0.10	0.10	0.00
10/03/18	emails to possible surgeons re waiting lists for surgery in the event of PI victory and research of surgeons for same	1.60	1.60	0.00
10/03/18	TC with LR re experts and witness lists	0.30	0.30	0.00
10/03/18	review of exhibits	0.20	0.20	0.00
10/03/18	TC with potential surgeon re waitlist for surgery	0.40	0.40	0.00
10/03/18	prep of direct examination of expert N. Gorton	0.50	0.50	0.00
10/03/18	email from LR re meet and confer re evidentiary hearing	0.10	0.10	0.00
10/04/18	email to AC re draft brief needed to contest Clinical pathway as trade secret and relevant cases for same	0.40	0.40	0.00
10/04/18	prep of Gorton direct exam	1.00	1.00	0.00
10/04/18	review of exhibits for prep for evidentiary hearing	1.70	1.70	0.00
10/04/18	emails with team re final witness lists for hearing	0.10	0.10	0.00
10/04/18	review of email from defense counsel re meet and confer re witnesses	0.10	0.10	0.00
10/04/18	TC with LR re witnesses for hearing	0.30	0.30	0.00
10/04/18	email to team re hearing to-do item re surgical care	0.10	0.10	0.00
10/04/18	team call re witnesses, evidence at hearing, and strategy for evidentiary hearing	1.00	1.00	0.00
10/04/18	review of AC research re PI arguments to use from CA prison cases	0.10	0.10	0.00
10/04/18	review of LR from AC re Corizon status as correctional entity under state law; email to team re same	0.20	0.20	0.00
10/05/18	edited draft opp to motion to seal Corizon def "Clinical Pathway"; emails with AC re add'l sources for same and email to team re same	0.70	0.70	0.00
10/05/18	prep of direct of Dr. Gorton for evidentiary hearing	1.10	1.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/05/18	research re PREA guidance to prisons for exhibit list; email to AC re same	0.20	0.20	0.00
10/08/18	prep of Gorton direct testimony; review of report for same	1.60	1.60	0.00
10/08/18	prep of Gorton direct testimony and review of docs for same	1.00	1.00	0.00
10/08/18	prep of Gorton direct exam and review of docs for same	4.70	4.70	0.00
10/08/18	travel from prison to hotel for client testimony prep	0.40	0.40	0.00
10/08/18	review of LR emails re witness strategy	0.20	0.20	0.00
10/08/18	travel to prison from hotel for client testimony prep	0.40	0.40	0.00
10/08/18	prep client for testimony at hearing	2.70	2.70	0.00
10/08/18	travel from home to airport for evidentiary hearing	0.80	0.80	0.00
10/09/18	confs with LR re plaintiff expert testimony	0.30	0.30	0.00
10/09/18	prep of N. Gorton direct exam and review of docs for same	0.90	0.90	0.00
10/09/18	prep N. Gorton for direct and cross-examination	4.40	4.40	0.00
10/09/18	prep of client for direct and cross examinations	3.00	3.00	0.00
10/09/18	travel to prison from hotel for client prep	0.40	0.40	0.00
10/09/18	prep N. Gorton direct exam	2.80	2.80	0.00
10/10/18	finalized direct exam for N. Gorton	4.70	4.70	0.00
10/10/18	prep for and attend Day 1 of evidentiary hearing (Ettner)	6.50	6.50	0.00
10/10/18	team conference re strategy for Day 2 of evidentiary hearing	1.80	1.80	0.00
10/10/18	prep of N. Gorton for direct and cross examinations	3.50	3.50	0.00
10/11/18	Day 2 of evidentiary hearing (Edmo, Clark, Eliason)	6.80	6.80	0.00
10/11/18	confs with LR re strategy for Day 3 of evidentiary hearing	1.40	1.40	0.00
10/11/18	prep for 2nd day of evidentiary hearing	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/12/18	Day 3 of evidentiary hearing re PI (Eliason, Garvey, Andrade, closings)	6.10	6.10	0.00
10/13/18	travel to SF from Boise from evidentiary hearing re PI	1.50	1.50	0.00
10/15/18	draft email to defs re client's Hep C issue and HRT meds interaction with same; review of recent medical documentation for same	1.60	1.60	0.00
10/15/18	TC with UCSF doctor re client's Hep C and spironolactone issues	0.30	0.30	0.00
10/15/18	research re potential medical cases for conclusions of law	0.40	0.40	0.00
10/15/18	LM for Balla attorney re Hep C issue for client	0.10	0.00	-0.10
10/15/18	conf. with Balla attorney re Hep C issues with client	0.80	0.00	-0.80
10/15/18	conf with AC re research for conclusions of law	0.10	0.10	0.00
10/17/18	TC with LR and SS re Hep C and HRT issue for client	0.50	0.50	0.00
10/17/18	prep of medical info for LR re Hep C and HRT issue for client	0.40	0.40	0.00
10/17/18	TC with LR re proposed findings of fact	0.10	0.10	0.00
10/17/18	email to AC re legal research for findings of fact; review of related cases for same	0.20	0.20	0.00
10/18/18	TC with N. Gorton re Hep C and HRT issue	0.30	0.30	0.00
10/18/18	email to SS and LR re next steps for Hep C and HRT issue for client	0.30	0.30	0.00
10/18/18	review of legal research re medical cases for post-evidentiary hearing brief; email from/to LR re same	0.80	0.80	0.00
10/18/18	detailed email to team re strategy for FF and conclusions of law and framing of same	1.30	1.30	0.00
10/23/18	emails with LR and SS re final research for conclusions of law	0.10	0.10	0.00
10/23/18	emails with LR re findings of fact and conclusions of law	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/24/18	TC with LR re proposed FF and conclusions of law	0.40	0.40	0.00
10/24/18	review updated GD policy for brief; email LR re same	0.30	0.30	0.00
10/24/18	TC with LR re post-hearing brief	0.10	0.10	0.00
10/24/18	email from/to LR re scope of PI order	0.10	0.10	0.00
10/25/18	edits to prop FF and conclusions of law	2.90	2.90	0.00
10/25/18	TC with LR re prop. FF and conclusions of law	0.80	0.80	0.00
10/25/18	review of order in WA prison case re Levine improper behavior re plaintiff for post-hearing brief	0.20	0.20	0.00
10/26/18	edited post-hearing brief	0.30	0.30	0.00
10/26/18	emails with LR re FF and COL and post-hearing brief	0.20	0.20	0.00
10/26/18	edits to post-hearing brief and 14th amendment section of FF of COL; emails with LR re same	2.60	2.60	0.00
10/26/18	final edits to post-hearing brief	0.30	0.30	0.00
10/26/18	TC with LR re post-hearing briefs	0.10	0.10	0.00
10/26/18	emails with team re post-hearing briefs	0.10	0.10	0.00
10/30/18	TC with L. Gray re press release re PI order	0.60	0.00	-0.60
10/30/18	email to L. Gray re docs for draft press release and messaging re same	0.50	0.00	-0.50
11/05/18	edited draft PI press release and review of other edits	0.20	0.00	-0.20
12/06/18	email to team re updated medical records for client	0.10	0.10	0.00
12/11/18	prep of communication to defs re reduction in T blocker and hep c issue; review of medical docs for same	0.60	0.60	0.00
12/11/18	email from DF re visit with plaintiff re updated status on hormones and overall MH	0.10	0.10	0.00
12/12/18	TC with LR re discovery and next steps re T blocker problem for client	0.40	0.40	0.00
12/13/18	final edits to ltr to defs re lack of Hep C test and improper management of HRT	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
12/13/18	reviewed order granting PI motion	0.40	0.40	0.00
12/13/18	emails with LR and team re PI order	0.20	0.20	0.00
12/14/18	emails with team re PI order	0.20	0.20	0.00
12/17/18	emails with team re meeting to discuss next steps	0.10	0.10	0.00
12/18/18	TC with LR re potential surgeons	0.10	0.10	0.00
12/18/18	TC with L. Schechter (MD) re surgery for client	0.50	0.50	0.00
12/18/18	research re surgeons to comply with PI order	0.30	0.30	0.00
12/19/18	TC with TLC attorney re logistical and other issues re SRS surgery of prisoner in CA	0.20	0.20	0.00
12/19/18	email to team re info from L. Schechter re possible surgery for client	0.10	0.10	0.00
12/19/18	TC with team re possible appeal by defs and next steps re PI order, finding surgeons, and discovery in underlying case	1.00	1.00	0.00
12/19/18	email to Curtis Crane office (MD) re potential surgery	0.10	0.10	0.00
12/19/18	research re surgeons to comply with PI	0.40	0.40	0.00
12/19/18	email to team re potential appeal and backlash against Adree	0.20	0.20	0.00
12/20/18	review of supp production of medical records by Corizon	0.10	0.10	0.00
12/20/18	TC with N. Gorton re Hep C and T blocker issues for client's GD needs	0.20	0.20	0.00
12/20/18	research re surgeons and pre-op needs for SRS; updated chart re same	1.70	1.70	0.00
12/27/18	TC with N. Gordon re recent med records, Hep C issue and spironolactone	0.20	0.20	0.00
12/27/18	email to team re notes from N. Gorton call re Hep C and spironactolone issues	0.10	0.10	0.00
01/07/19	review of deadlines from co-counsel re case	0.10	0.10	0.00
01/07/19	email from LR re summary of meet and confer with defs re discovery and trial plans and possible settlement	0.10	0.10	0.00
01/07/19	TC with Surgeon office re possible surgery for Adree and needs for same (Bowers)	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
01/07/19	email to team re info to defs re possible surgeons to comply with PI	0.10	0.10	0.00
01/07/19	email to team re chart re surgeon info to comply with PI order	0.10	0.10	0.00
01/07/19	review of ltr from IDOC counsel re settlement	0.10	0.10	0.00
01/08/19	prep of section of settlement demand to defs	0.40	0.40	0.00
01/08/19	conf with LR re settlement demand to defs	0.20	0.20	0.00
01/09/19	emails with LR re research re settlements for draft demand letter	0.20	0.20	0.00
01/09/19	TC with LR re surgeon letter to defs	0.10	0.10	0.00
01/09/19	review of press coverage for the case	0.10	0.10	0.00
01/09/19	edits to draft ltr to defs re potential surgeons to comply with PI order	0.40	0.40	0.00
01/09/19	research re settlements for draft demand letter	1.60	1.60	0.00
01/10/19	TC with SM re settlement offer to defs	0.20	0.20	0.00
01/10/19	research re potential amicus briefs for 9th circuit	0.10	0.10	0.00
01/10/19	edits to stay opp	0.10	0.10	0.00
01/10/19	review of 9th Circ. docketing, mediation, and case opening packet	0.10	0.10	0.00
01/14/19	TC with expert R. Ettner re pending appeal and stay motion, surgeon letters to facilitate surgery and next steps in case	0.30	0.30	0.00
01/15/19	research for potential amicus strategy in 9th Cir.	0.30	0.30	0.00
01/15/19	TC with LR and SS re defs' compliance with PI, surgical letters, and stay opp	0.50	0.50	0.00
01/15/19	review defs' status report	0.10	0.10	0.00
01/16/19	TC with D. Tilley re amicus strategy in 9th Cir.	0.40	0.40	0.00
01/16/19	email from/to team re plan for opp to motion to stay and telephonic status conference	0.10	0.10	0.00
01/17/19	LM for Dr. L. Fraser re surgery letter evaluation for client	0.10	0.10	0.00
01/17/19	work on amicus strategy for 9th circuit appeal	1.00	1.00	0.00
01/24/19	work on amicus strategy for 9th circuit appeal	0.60	0.60	0.00
01/24/19	TC with Dr. L. Fraser re surgery referral letter for surgeon	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
01/24/19	LM for R. Ettner re surgery referral letter for surgeon	0.10	0.10	0.00
01/28/19	edited opposition to district court stay motion; LR re same	7.40	7.40	0.00
01/28/19	TC with R. Saenz, Puneet re potential amicus for 9th Circuit from lambda and other LGBT orgs	0.90	0.90	0.00
01/28/19	emails with team re status conf with Judge this week	0.10	0.10	0.00
01/29/19	confs with JW re opp to district court stay motion	0.20	0.20	0.00
01/29/19	work on opposition to joint motion to stay PI to district court. Call with SS re the same.	1.80	1.80	0.00
01/29/19	edits to opp to stay motion before district court; emails with JW re same	1.30	1.30	0.00
01/30/19	prep for district court status conference including review of client's updated medical records	0.30	0.30	0.00
01/30/19	work on opposition to district court stay motion; emails with team re same	4.00	4.00	0.00
01/30/19	TC with Dr. Satterwhite's office re surgery for client	0.10	0.10	0.00
01/30/19	TC with team re plan for status conf	0.60	0.60	0.00
01/30/19	status conf with district court and defs	0.20	0.20	0.00
01/30/19	Meet with JW re: further edits to brief in opposition to stay	0.20	0.20	0.00
01/31/19	email to team re status conference with judge and next steps re defs' compliance with PI	0.50	0.50	0.00
01/31/19	email to team re updated medical records from defs	0.10	0.10	0.00
01/31/19	TC with R. Ettner re next steps with surgical letter referral	0.50	0.50	0.00
02/05/19	TC with Williams institute researcher re possible amicus brief	0.20	0.20	0.00
02/07/19	LM for Dr. Stiller re potential surgery for client	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/07/19	research re minimum surgical qualifications for surgeons and prep of memo re same	1.00	1.00	0.00
02/07/19	LM for R. Ettner re surgery letter for client	0.10	0.10	0.00
02/07/19	email to ADR coordinator at district court re compliance with scheduling order ADR issues	0.10	0.10	0.00
02/11/19	TC with Dr. Stiller re surgical experience, qualifications, and history	0.30	0.30	0.00
02/11/19	TC with R. Ettner re Stiller qualifications as potential surgeon	0.70	0.70	0.00
02/12/19	email to Dr. Stiller to request CV	0.10	0.10	0.00
02/12/19	research re Dr. Stiller's medical license, complaints, and history	1.20	1.20	0.00
02/12/19	TC with D. Ferguson re Dr. Stiller info re potential surgery for client	0.20	0.20	0.00
02/12/19	TC with Dr. L. Schechter re qualifications of Dr. Stiller	0.50	0.50	0.00
02/14/19	review of Ettner surgical referral letter	0.10	0.10	0.00
02/14/19	TC w/ LR re Dr. Stiller as potential surgeon	0.20	0.20	0.00
02/14/19	TC with Dr. L. Schechter re Stiller CV	0.10	0.10	0.00
02/14/19	update memo re potential amicus briefs in case and main topics for same	0.50	0.50	0.00
02/19/19	emails to/from potential amici	0.20	0.20	0.00
02/19/19	TC with A. Romero re potential amicus from Williams Institute researcher	0.40	0.40	0.00
02/19/19	review of IDOC and Corizon Ks for medical services	0.20	0.20	0.00
02/19/19	TC with Jody Herman at Williams Institute re potential amicus brief to 9th Circuit re cost of providing transition-related care	0.40	0.40	0.00
02/20/19	prep of information for potential amici and updated chart re amicus briefs	1.10	1.10	0.00
02/20/19	prep of email to defs re surgery and next steps for complying with PI	0.40	0.40	0.00
02/20/19	TC with LR re appeal	0.20	0.20	0.00
02/20/19	TC with LR re amicus briefs	0.90	0.90	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/21/19	VM from A. Romero re Williams researcher amicus brief	0.10	0.10	0.00
02/21/19	prep of email to defs re surgery and next steps for complying with PI; review of docs for same	1.20	1.20	0.00
02/21/19	updated amicus chart with new info	0.20	0.20	0.00
02/21/19	TC with ACLU re potential corrections brief	0.50	0.50	0.00
02/21/19	TC with A. Romero re Williams researcher amicus brief	0.10	0.10	0.00
02/25/19	conf with LR re Hep C issue for client and potential effect on surgery	0.20	0.20	0.00
02/25/19	final edits to meet and confer letter to defs re compliance with PI order re surgery	0.20	0.20	0.00
02/25/19	email to team re meet and confer letter to defs re compliance with PI order re surgery	0.10	0.10	0.00
02/26/19	TC with Lambda attys re LGBT org amicus brief for 9th circuit	0.70	0.70	0.00
02/26/19	prep of chart and info re each of five amicus briefs ISO 9th circuit appeal	1.80	1.80	0.00
02/26/19	LM for Jenner Att'y re WPATH amicus	0.10	0.10	0.00
02/26/19	review of costs data from Corizon contract from intern for amicus brief re same	0.20	0.20	0.00
02/27/19	email to amicus team re costs brief re IDOC / Corizon contracts for HC and publicly available data re prison population	0.90	0.90	0.00
02/27/19	conf with AC re potential amicus briefs in case	0.50	0.50	0.00
02/27/19	TC with D. Shapiro, LR re law professors' amicus brief	0.40	0.40	0.00
02/27/19	conf with LR re amicus strategy for 9th circuit	0.20	0.20	0.00
02/27/19	email to amicus team re costs brief re IDOC / Corizon contracts for HC and publicly available data re prison population	0.90	0.90	0.00
02/28/19	TC with Wilmer Hale attorney re LGBT orgs amicus brief	0.50	0.50	0.00
02/28/19	email to Kecker attorneys re docs for amicus brief	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/04/19	email to A. Schoenfeld re case documents for amicus brief re 8th amendment issues	0.50	0.50	0.00
03/04/19	email to LR and SS re surgical letters from Plt given defs refusal to comply with PI	0.20	0.20	0.00
03/04/19	TC with Jenner Att'y re WPATH and med / MH association 9th circuit amicus brief	0.20	0.20	0.00
03/04/19	email from/to D. Shapiro re amicus briefs for 9th Circuit	0.10	0.10	0.00
03/04/19	review of district court order denying stay pending appeal	0.10	0.10	0.00
03/05/19	email to intern re data from IDOC and Corizon medical care contracts for costs amicus	0.20	0.20	0.00
03/05/19	TC with LR re status conf	0.30	0.30	0.00
03/05/19	review supplemental document production from defs	0.70	0.70	0.00
03/05/19	Status conference with the district court judge	0.40	0.40	0.00
03/05/19	TC with Keker attorneys and Williams Institute staff re costs amicus brief	1.10	1.10	0.00
03/05/19	email to team re Status conference with the district court judge	0.10	0.10	0.00
03/05/19	TC with LR re follow-up items based on status conf with the judge	0.20	0.20	0.00
03/05/19	TC with Dr. L. Fraser re evaluation of client for surgery letter and logistics for same	0.60	0.60	0.00
03/05/19	prep for call with Williams institute re amicus brief	0.10	0.10	0.00
03/05/19	email to team re status conference plan	0.10	0.10	0.00
03/05/19	email to team re court-ordered mediation dates from court	0.10	0.10	0.00
03/06/19	TC with Dr. Ettner re surgery letter and update on case and next steps re surgery and appeal	0.70	0.70	0.00
03/06/19	review of surgical referral letter from Ettner	0.20	0.20	0.00
03/06/19	email with Lambda legal re amicus brief	0.10	0.10	0.00
03/06/19	review defs' opening appellate brief	0.30	0.30	0.00
03/06/19	email to SM re amicus strategy for appeal	0.30	0.30	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/06/19	emails to potential amici re Edmo opening brief from defs	0.30	0.30	0.00
03/06/19	emails with LR and SS re letters to surgeon from MH clinicians	0.20	0.20	0.00
03/07/19	TC with Lambda and CCR attorneys re amicus support for 9th Circuit	0.50	0.50	0.00
03/07/19	email to Jenner Block re WPATH amicus brief for 9th circuit and defs' opening appellate brief	0.10	0.10	0.00
03/07/19	email to Wilmer Hale attorneys re 9th circuit amicus	0.20	0.20	0.00
03/07/19	email from defs re notice of filing emergency stay motion with 9th Circuit tomorrow	0.10	0.10	0.00
03/07/19	review of WPATH standards re surgery letters and emails with LR re same	0.30	0.30	0.00
03/08/19	TC with Nick Gorton re client's Hep C scores and qualification for treatment	0.50	0.50	0.00
03/11/19	emails with LR re plaintiff's appeal brief	0.20	0.20	0.00
03/11/19	review of defs' motion to stay to the 9th circuit; legal research re same	1.10	1.10	0.00
03/11/19	TCs with LR re appeal and opp to stay motion to 9th Cir.	0.60	0.60	0.00
03/11/19	review of defs' joint opening brief	0.30	0.30	0.00
03/11/19	TC with R. Saenz, C. Ezie and Wilmer attorneys re amicus brief	0.50	0.50	0.00
03/11/19	emails with potential amici re briefs for 9th Circuit	0.20	0.20	0.00
03/12/19	TC with Jenner re WPATH amicus	0.20	0.20	0.00
03/12/19	continued review of defs' appellate brief	1.10	1.10	0.00
03/12/19	TC with LR re opp to stay motion	0.50	0.50	0.00
03/12/19	email to team re meet and confer with defs re surgery and PI Order and next steps	0.20	0.20	0.00
03/12/19	meet and confer with defs re surgery and PI Order	1.00	1.00	0.00
03/12/19	gather public info for J. Herman amicus brief and review of same	2.30	2.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/12/19	email to team re WPATH amicus	0.10	0.10	0.00
03/12/19	updated tracking chart re amici briefs and contacts	0.10	0.10	0.00
03/13/19	TC with LR re appellate response brief	0.20	0.20	0.00
03/13/19	continued review of defs' appellate brief; prep of notes re same	0.50	0.50	0.00
03/13/19	TCs with LR re defs' appellate brief and response to same	0.20	0.20	0.00
03/13/19	review of underlying record and defs' brief for corrections issues in ACLU brief	1.40	1.40	0.00
03/13/19	TC with ACLU and firm re corrections official brief	0.90	0.90	0.00
03/13/19	prep of facts re discipline issues for appellate brief	0.20	0.20	0.00
03/14/19	LR re PIs that grant permanent relief for appellate brief	2.20	2.20	0.00
03/14/19	TCs with LR re corrections amicus brief	0.60	0.60	0.00
03/14/19	LR re PLRA findings issue for appeal	0.50	0.50	0.00
03/14/19	edited draft opp to motion to stay to 9th Circuit; emails with LR re same	3.50	3.50	0.00
03/15/19	edited draft opp to 9th circuit re stay; emails with LR and team re same	2.20	2.20	0.00
03/17/19	team call with LR, SS, SM, and AC re amicus strategy for 9th circuit appeal	1.00	1.00	0.00
03/18/19	LM for L. Fraser re trip to Boise to assess client for surgery	0.10	0.10	0.00
03/18/19	TC with SM re surgery letters for client	0.10	0.10	0.00
03/18/19	edited status report to district court	1.50	1.50	0.00
03/18/19	emails with LR re surgery letters for client and next steps with meet and confer regarding compliance with PI order	0.30	0.30	0.00
03/18/19	email to team re TC with Dr. Stiller re pre-surgery requirements and medical information needed	0.70	0.70	0.00
03/18/19	review of draft amicus from law professors	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/18/19	email from Keker firm re data for J. Herman amicus	0.10	0.10	0.00
03/18/19	review of draft amicus re 8th amendment issues	0.50	0.50	0.00
03/18/19	review of draft corrections officials' amicus brief; emails with team re same	1.00	1.00	0.00
03/19/19	TCs with LR re status report to district court	0.60	0.60	0.00
03/19/19	review of defs 9th circuit stay reply	0.10	0.10	0.00
03/19/19	emails with LR re status report to district court	0.10	0.10	0.00
03/19/19	edited status report to district court; review of underlying docs and summaries of info for same	1.90	1.90	0.00
03/19/19	email to team re defs' joint status report to district court re surgery	0.10	0.10	0.00
03/19/19	review of Defs' joint status report to district court re surgery, including attachments	0.20	0.20	0.00
03/19/19	review of Corizon's second supp initial disclosures	0.10	0.10	0.00
03/19/19	email Dr. Fraser re flight confirmation for client surgery assessment	0.10	0.00	-0.10
03/20/19	emails with SM, CS, and JW re possible motion for reconsideration of 9th circuit stay order	0.10	0.10	0.00
03/20/19	emails with team re 9th circuit order staying PI and expediting oral argument and next steps in light of same	0.10	0.10	0.00
03/20/19	review of 9th circuit order staying PI and expediting oral argument	0.10	0.10	0.00
03/21/19	TC with LR re appeal	0.20	0.20	0.00
03/21/19	TC with LR re status conf	0.10	0.10	0.00
03/21/19	conf with JW re opp to stay motion	0.20	0.20	0.00
03/21/19	TC with SM re motion to modify stay from 9th Cir	0.60	0.60	0.00
03/21/19	TC with LR re stay modification by 9th Cir.	0.40	0.40	0.00
03/21/19	review of corrections officials' amicus brief	0.40	0.40	0.00
03/21/19	LR re motion to modify stay order to 9th circuit	0.20	0.20	0.00
03/21/19	team call re next steps after status conf with district court	0.60	0.60	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/21/19	status conf with district court	1.00	1.00	0.00
03/21/19	prepared emergency motion to narrowly clarify stay order; review of prior filings and information for same	2.10	2.10	0.00
03/22/19	emails with team re provision of notice to defense counsel re 9th circuit emergency motion in accordance with the rules	0.10	0.10	0.00
03/22/19	LM for Kevin West re intent to file emergency motion to 9th cir. to exempt pre-surgical appointment from Stay order	0.10	0.10	0.00
03/22/19	TC with Brady Hall re intent to file emergency motion to 9th cir. to exempt pre-surgical appointment from Stay order	0.10	0.10	0.00
03/25/19	TC with LR re appellate brief	0.20	0.20	0.00
03/25/19	TC with LR re reply brief re emergency stay motion	0.10	0.10	0.00
03/25/19	Meeting with LR, DF on media issues	0.20	0.00	-0.20
03/25/19	email from/to ACLU NPP attorneys amicus brief addressing corrections' officials views on GD and use of disciplinaries for medical decisionmaking	0.20	0.20	0.00
03/25/19	TC with Brady Hall re possible resolution of emergency motion to exempt pre-surgical appointment from stay order	0.10	0.10	0.00
03/25/19	review opp to emergency motion to stay	0.10	0.10	0.00
03/25/19	prep reply to emergency motion for stay and LR re same	1.50	1.50	0.00
03/25/19	emails to/from LR re reply to emergency motion to except pre-surgical appointment from stay order	0.10	0.10	0.00
03/25/19	email to AC re three legal assignments for 9th circuit appellate brief	0.20	0.20	0.00
03/25/19	prepared reply in support of emergency motion for 9th Circuit to modify the stay order	3.00	3.00	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/26/19	email to team re draft reply brief re emergency stay	0.10	0.10	0.00
03/26/19	finalized draft reply brief re emergency stay	0.10	0.10	0.00
03/26/19	drafted Rule 62.1 motion to district court re PLRA findings issue	1.30	1.30	0.00
03/26/19	prep of docs for L. Fraser and review of same	0.70	0.70	0.00
03/26/19	edits to Rule 62.1 motion and emails with team re same	0.20	0.20	0.00
03/26/19	scheduled L. Fraser travel for 2nd surgical letter evaluation	0.20	0.00	-0.20
03/26/19	TC with L. Fraser re medical records for surgical letter evaluation	0.10	0.10	0.00
03/26/19	prep of retainer with L. Fraser re surgical letter evaluation	0.30	0.00	-0.30
03/26/19	prep of reply ISO emergency motion to 9th circuit to modify stay order	0.40	0.40	0.00
03/27/19	TC with L. Fraser re surgical eval	0.10	0.10	0.00
03/27/19	edited draft Rule 62.1 motion to district court	0.60	0.60	0.00
03/27/19	TC with SM re draft Rule 62.1 motion to district court	0.10	0.10	0.00
03/27/19	review of draft WPATH amicus brief and articles cited in same	1.90	1.90	0.00
03/27/19	email to Jenner Att'y re WPATH amicus brief	0.10	0.10	0.00
03/27/19	LM for L. Fraser re evaluation of client for possible surgery	0.10	0.10	0.00
03/28/19	edited 9th circuit appellate brief	1.90	1.90	0.00
03/28/19	reviewed WPATH amicus brief	0.60	0.60	0.00
03/28/19	finalized retention letter for Dr. Fraser re 2nd surgery letter and emailed same to same	0.10	0.00	-0.10
03/29/19	TC with Jenner Attorneys re WPATH amicus brief	0.50	0.50	0.00
04/01/19	edited 9th Circuit appellate brief and emails with team re same	9.50	9.50	0.00
04/01/19	TCs with LR re appellate brief	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/01/19	LM for Dr. Stiller re pre-surgical consult for client	0.10	0.10	0.00
04/01/19	TC with LR re confirming defs' appointment with Dr. Stiller in light of 9th circuit order	0.10	0.10	0.00
04/01/19	email to Jenner Attorneys re WPATH amicus brief and Gibson decision	0.10	0.10	0.00
04/01/19	reviewed 5th circuit decision re surgery for transgender inmate (Gibson)	0.40	0.40	0.00
04/01/19	continued review of Gibson v. Collier 5th circuit opinion	0.30	0.30	0.00
04/02/19	email to L. Fraser re surgical eval	0.10	0.10	0.00
04/02/19	review of law professors' amicus brief; review of limited number of cases cited in same	1.20	1.20	0.00
04/02/19	TCs with LR re draft appellate brief	0.20	0.20	0.00
04/02/19	edited draft appellate brief	4.40	4.40	0.00
04/02/19	conf w LR re client presurgical appt	0.10	0.10	0.00
04/03/19	confs with AC re defs' 9th circuit motion to vacate PI	0.20	0.20	0.00
04/03/19	LR re defs' 9th circuit motion to vacate PI	1.40	1.40	0.00
04/03/19	review of defs' 9th circuit motion to vacate PI	0.20	0.20	0.00
04/03/19	emails with team re defs' 9th circuit motion to vacate PI	0.20	0.20	0.00
04/03/19	email to D. Shapiro re legal scholars amicus	0.10	0.10	0.00
04/03/19	TC with D. Shapiro re law professors' amicus	1.00	1.00	0.00
04/03/19	review of legal scholars amicus brief	0.90	0.90	0.00
04/03/19	TC with SM re amicus briefs	0.20	0.20	0.00
04/03/19	TCs with LR re appellate brief	0.20	0.20	0.00
04/04/19	edited motion to vacate / reply ISO rule 60 motion; LR for same	6.20	6.20	0.00
04/04/19	confs with LR re motion to vacate / reply ISO rule 60 motion	0.20	0.20	0.00
04/04/19	edited draft motion to vacate / rule 60 motion; LR re urgent motions	1.40	1.40	0.00
04/04/19	confs with AC re his research for motion to vacate / reply ISO rule 60 motion	0.30	0.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/04/19	TC with Jenner lawyer re WPATH and medical association amicus brief	0.20	0.20	0.00
04/08/19	PC with LR, DF on NPR's request for podcasts and client contact; discussion of amici coverage	0.90	0.00	-0.90
04/08/19	review of amicus brief from Law Professors	0.30	0.30	0.00
04/08/19	review of amicus brief by LGBT orgs re 8th amendment requirements and no exception for trans healthcare	0.50	0.50	0.00
04/08/19	TC with CCR attorney re LGBT amicus brief	0.10	0.10	0.00
04/08/19	email to team re Herman amicus brief	0.20	0.20	0.00
04/08/19	conf with attorney representing Jody Herman for amicus brief re same	0.90	0.90	0.00
04/08/19	review of Jody Herman amicus brief	0.90	0.90	0.00
04/09/19	TC with team re updated Jody Herman amicus brief and what data means for underlying case	0.30	0.30	0.00
04/09/19	reviewed former corrections' officials amicus brief	0.80	0.80	0.00
04/09/19	emails with team re district court hearing to clarify PI	0.20	0.20	0.00
04/09/19	TC with Jenner attorney re WPATH and med. association amicus brief	0.10	0.10	0.00
04/09/19	Conf with DF and LR re status conf and hearing re motion for indicative ruling	0.50	0.50	0.00
04/09/19	attended status conf and hearing re motion for indicative ruling	0.50	0.50	0.00
04/09/19	prep for status conf and hearing re motion for indicative ruling	0.10	0.10	0.00
04/09/19	TC with LR re status conf and hearing re motion for indicative ruling	0.20	0.20	0.00
04/09/19	review of updated Jody Herman amicus brief	0.30	0.30	0.00
04/09/19	review of district court order denying motion for indicative ruling as unnecessary in light of existing PLRA findings	0.10	0.10	0.00
04/10/19	TC with LR and DF re press inquiries re case	0.70	0.00	-0.70

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/13/19	edited draft opp to motion to vacate to the 9th circuit	0.60	0.60	0.00
04/14/19	confs with LR re opp to motion to vacate to 9th circuit	1.00	1.00	0.00
04/14/19	edited draft opp to motion to vacate to the 9th circuit	1.20	1.20	0.00
04/14/19	edited opp to motion to vacate PI with 9th circuit	1.10	1.10	0.00
04/15/19	edited response to defs' motion to vacate district court order	0.60	0.60	0.00
04/15/19	TC with LR re response to defs' motion to vacate district court order	0.20	0.20	0.00
04/18/19	TCs with LR re emails from opp counsel re transfer of client for pre-surgical appointment	0.60	0.60	0.00
04/18/19	review of emails from opp counsel re transfer of client for pre-surgical appointment	0.10	0.10	0.00
04/22/19	TC with team re NPR "Locked" podcast	0.40	0.00	-0.40
04/22/19	TC with L. Fraser re surgical referral ltr and her meeting with client	0.40	0.40	0.00
04/24/19	email to LR re check-in re surgery issues and oral argument	0.10	0.10	0.00
04/24/19	emails from defense counsel refusing to stipulate to addition of docs to appellate record	0.10	0.10	0.00
04/25/19	conf with LR re appeal and surgery issues	1.00	1.00	0.00
04/25/19	TC with LR re 9th circuit moot	0.20	0.20	0.00
04/29/19	email to judges re moot court and materials for same	0.20	0.20	0.00
05/01/19	review of SS ltr to defs re meet and confer re missing docs from production	0.10	0.10	0.00
05/02/19	edited ltr to Corizon re meet and confer re discovery docs	0.10	0.10	0.00
05/02/19	email from/to SS re meet and confer ltr re discovery from Corizon	0.10	0.10	0.00
05/06/19	emails with team re moot courts	0.20	0.20	0.00
05/06/19	prep for moot courts and hard questions for LR re same	2.30	2.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/06/19	team call to brainstorm moot questions for 9th circuit oral arg	1.30	1.30	0.00
05/07/19	email to team re add'l docs needed from discovery requests	0.20	0.20	0.00
05/07/19	edited draft discovery requests to defs	1.60	1.60	0.00
05/07/19	LM for Dr. Stiller re next steps for surgery	0.10	0.10	0.00
05/07/19	TC with Dr. Stiller re next steps for surgery	0.30	0.30	0.00
05/07/19	email to team re TC with Dr. Stiller	0.40	0.40	0.00
05/08/19	participated in first moot court with LR for 9th circuit oral argument	2.30	2.30	0.00
05/08/19	review of L. Fraser surgery referral letter for client	0.20	0.20	0.00
05/13/19	researched response for LR to defs' misstatement re medicare coverage for trans healthcare and APA for moot and oral argument; wrote up same	1.70	1.70	0.00
05/13/19	reviewed prior 9th circuit arg by defense counsel in prep for moot ; notes to LR re same	0.70	0.70	0.00
05/13/19	participated in 2nd moot court with LR for 9th circuit argument	1.40	1.40	0.00
05/13/19	review of L. Fraser surgery referral letter	0.10	0.10	0.00
05/13/19	email to team re L. Fraser surgery referral letter	0.40	0.40	0.00
05/14/19	TC with SS re discovery requests to defs	0.20	0.20	0.00
05/15/19	TCs with LR re oral argument	0.50	0.50	0.00
05/15/19	research re 9th circuit panel question	1.80	1.80	0.00
05/15/19	TC with LR re oral argument strategy	0.20	0.20	0.00
05/15/19	TCs with LR re oral argument	0.50	0.50	0.00
05/15/19	emails with LR re research re 9th circuit panel question	0.20	0.20	0.00
05/15/19	review of order from 9th circuit re issue to discuss at oral argument	0.10	0.10	0.00
05/16/19	attended 9th Circuit oral argument re appeal	1.50	1.50	0.00
05/22/19	email to team re draft RFPs to both defs and 30(b)(6) notices	0.10	0.10	0.00
05/22/19	edited draft RFPs to both defs and 30(b)(6) notices	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/23/19	email to team re additional RFPs to include for discovery and issues for meet and confer	0.50	0.50	0.00
05/30/19	TC with LR re limited remand order from 9th circuit	0.40	0.40	0.00
05/30/19	review of limited remand order from 9th circuit	0.10	0.10	0.00
06/03/19	TC with LR re NPR series	0.20	0.00	-0.20
06/03/19	TC with LR re update to client re orders and case	0.20	0.20	0.00
06/03/19	email to LR re surgical options for client	0.10	0.10	0.00
06/03/19	TC with 9th Circuit clerk's office re district court's order per limited remand directive	0.10	0.10	0.00
06/03/19	prep of notice of district court ruling per limited remand; filing of same	0.60	0.60	0.00
06/04/19	email to paralegal in LR's office re legal call with client and issues to discuss re appeal, surgery, and next steps; research re medical info to send for same	0.40	0.40	0.00
06/10/19	email from LR re call with client re appeal and next steps	0.10	0.10	0.00
06/10/19	email to SS re info for client re surgical options and post-surgical expectations	0.10	0.10	0.00
06/11/19	prep of press release re appellate decision	0.20	0.00	-0.20
06/18/19	email from LR re discovery updates and defs' objection to depos moving forward	0.10	0.10	0.00
06/18/19	TC with LR re discovery plan for underlying case	0.70	0.70	0.00
06/19/19	email to LR and SS re tasks to ensure surgery if prevail on appeal	0.10	0.10	0.00
06/30/19	edited opp to and motion to strike defs' motion to supplement ninth circuit record	0.70	0.70	0.00
07/01/19	final edits to motion to strike / opp to defs' motion to supplement appellate record	0.50	0.50	0.00
07/01/19	TCs with LR re motion to strike / opp to defs' motion to supplement appellate record	0.30	0.30	0.00
07/08/19	TC with LR re discovery, 30(b)(6) depos and case plan	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/08/19	TC with LR re discovery and schedule meet and confer with defs	0.40	0.40	0.00
07/08/19	TC with SS, LR re discovery plan and next steps	0.20	0.20	0.00
07/09/19	emails with LR re next steps with discovery in underlying case	0.20	0.20	0.00
07/09/19	email to team re surgery letters in event we prevail on appeal	0.10	0.10	0.00
07/09/19	TC with team re NPR story and improper use of communications from client	0.50	0.50	0.00
07/09/19	reviewed episode 2 of "Locked" and emailed team re same for potential use in depositions of IDOC and Corizon staff	1.00	1.00	0.00
07/10/19	LR re P's discovery position re impact of injunction on remaining discovery and discovery to which we are entitled (for clerk call)	1.10	1.10	0.00
07/10/19	emails with LR re discovery issues for hearing with clerk	0.20	0.20	0.00
07/10/19	reviewed email from district court clerk re discovery dispute and deadlines	0.10	0.10	0.00
07/10/19	TC w/ D. Stormer, LR, SS re discovery disputes and moving to compel document productions from defs	0.60	0.60	0.00
07/10/19	email to AC re review of medical records for case and depositions	0.10	0.10	0.00
07/11/19	email to SS re addition to meet and confer ltr to defs re deficient productions	0.10	0.10	0.00
07/11/19	TC with LR re conference with clerk and next steps re discovery and motions	0.20	0.20	0.00
07/11/19	email to AC re discovery research needed for hearing with clerk	0.20	0.20	0.00
07/11/19	discovery dispute conference with district court clerk	0.70	0.70	0.00
07/11/19	prep of email to NPR re improper use of client communications	0.80	0.80	0.00
07/11/19	conf with AC re LR for discovery motion	0.30	0.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/31/19	conf with LR re Ettner and Fraser surgery referral letters for potential filing with district court if we prevail on appeal	0.50	0.50	0.00
08/19/19	review of email from L. Fraser re surgery letter	0.20	0.20	0.00
08/20/19	edited draft press release re 9th cir. decision	0.20	0.00	-0.20
08/23/19	TC with LR re decision and next steps	0.20	0.20	0.00
08/25/19	read 9th circuit decision affirming district court order re surgery	0.50	0.50	0.00
08/26/19	TC with NBC reporter re comments on case	0.30	0.00	-0.30
08/26/19	review of press coverage of decision	0.50	0.00	-0.50
08/26/19	conf with SM re decision and defs' plan to appeal to SCOTUS	0.40	0.40	0.00
08/26/19	emails with team re decision and next steps	0.20	0.20	0.00
08/26/19	reviewed district court order lifting stay of discovery	0.10	0.10	0.00
08/26/19	TCs with LR re next steps for discovery and surgery	1.00	1.00	0.00
08/26/19	reviewed governor's statement re appeal	0.10	0.10	0.00
08/27/19	TC with LR re bill of costs, fee motion, and next steps	0.10	0.10	0.00
08/27/19	TC with Dr. Stiller re next steps for surgery	0.30	0.30	0.00
08/27/19	email to team re TC with Dr. Stiller re next steps for surgery	0.10	0.10	0.00
08/27/19	research re laser hair removal options in Boise	0.40	0.40	0.00
08/27/19	TCs with LR re next steps, possible cert. petition, and litigating remainder of claims	0.70	0.70	0.00
08/27/19	calendar of upcoming deadlines and review of FRAP and Circuit rules for same	0.40	0.40	0.00
08/27/19	emails to five amici supporters re decision and their contributions to same; review of briefs for same	1.40	0.00	-1.40
08/27/19	review of AC memo re review of updated medical records	0.20	0.20	0.00
08/27/19	emails with Supreme Court practitioner re call to discuss case	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/28/19	TC with SS re 9th circuit cost bill and fees issues	0.20	0.20	0.00
08/28/19	drafted motion to transfer fees from 9th circuit to district court; LR re rules for same	0.40	0.40	0.00
08/28/19	drafted stip in district court to defer fee motions until end of case	0.30	0.30	0.00
08/28/19	LR re motion to transfer fees and stip to address fees at close of case	0.10	0.10	0.00
08/28/19	review email from client re housing issues related to GD	0.10	0.10	0.00
08/28/19	finalized email to team re TC with Dr. Stiller re surgical requirements	0.50	0.50	0.00
08/28/19	prep of to-do list for team call	0.10	0.10	0.00
08/28/19	Team call re next steps in district court in light of 9th circuit decision and remaining claims	0.80	0.80	0.00
08/28/19	review of press coverage re 9th cir. decision; email to team re same	0.70	0.00	-0.70
08/28/19	Team call re 9th circuit decision and next steps in appellate courts	0.70	0.70	0.00
08/29/19	TCs with hair removal clinics in Boise re possible referrals for pre-surgical care	0.40	0.40	0.00
08/29/19	TC with R. Ettner re surgical referral letter and decision in case	0.30	0.30	0.00
08/29/19	TC with Sara in Dr. Stiller's office re pre-surgical requirements	0.10	0.10	0.00
08/29/19	email to team re same	0.10	0.10	0.00
08/29/19	LM for Dr. Stiller's assistant re medical records and laser hair removal	0.10	0.10	0.00
08/29/19	review of updated medical records in case	0.20	0.20	0.00
09/03/19	emails with LR and SS re motion to transfer fees and fee stip with defs	0.10	0.10	0.00
09/03/19	review of email from LR to opp counsel re motion to transfer fees and fee stip	0.10	0.10	0.00
09/03/19	confs with LR re press coverage of case	0.20	0.00	-0.20

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/03/19	review of email from LR to court re upcoming status conf	0.10	0.10	0.00
09/04/19	conf with LR re possible SCOTUS appeal by defs and strategy re same	0.20	0.20	0.00
09/04/19	conf with LR and SJR re possible SCOTUS appeal by defs	0.70	0.70	0.00
09/04/19	edited ltr to client re next steps	0.50	0.50	0.00
09/04/19	review of articles re case; email to team re same	0.10	0.00	-0.10
09/05/19	review of medical notes from client appt with Dr. Stiller	0.10	0.10	0.00
09/10/19	TC with LR re meet and confer with defs re claims moving forward in district court and discovery	0.40	0.40	0.00
09/10/19	email to team re TC with Dr. Stiller	0.10	0.10	0.00
09/10/19	TC with Dr. Stiller re pre-surgical requirements and client records	0.20	0.20	0.00
09/11/19	email to team re response to defs' motion for rehearing en banc	0.10	0.10	0.00
09/11/19	begin LR re response to defs' motion for rehearing en banc	0.20	0.20	0.00
09/12/19	reviewed Defs' petition for rehearing en banc	0.40	0.40	0.00
09/12/19	review of emails from defs re meet and confer positions re claims	0.10	0.10	0.00
09/12/19	team call re remaining claims and discovery plan	0.90	0.90	0.00
09/12/19	review of 9th Cir order to show cause to defs as to why second appeal shouldn't be dismissed as moot	0.10	0.10	0.00
09/12/19	email to team re strategy for discovery in ongoing case	0.20	0.20	0.00
09/16/19	LR re motion to modify stay to exclude pre-surgical requirements	0.80	0.80	0.00
09/16/19	Status conference with district court re remaining claims and schedule for trial	0.40	0.40	0.00
09/16/19	conf with team re next steps per status conference with district court judge	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/17/19	email from/to LR re motion to modify 9th circuit stay and review of rules for same	0.20	0.20	0.00
09/18/19	email to team re discovery plan moving forward	0.10	0.10	0.00
09/20/19	emails from team re draft opp to motion for rehearing en banc	0.10	0.10	0.00
09/20/19	edited opp to motion for rehearing en banc	1.40	1.40	0.00
09/20/19	email to LR re strategy for opp to rehearing en banc	0.10	0.10	0.00
09/23/19	edited opp to petition for rehearing en banc; LR re same	8.30	8.30	0.00
09/24/19	edited opp to rehearing en banc	3.70	3.70	0.00
09/24/19	TC with LR re opp to rehearing en banc	0.60	0.60	0.00
09/24/19	TC with LR re 9th Circuit stay motion	0.10	0.10	0.00
09/25/19	edited motion to 9th Cir. to partially lift stay	1.80	1.80	0.00
09/25/19	conf with LR re motion to 9th Cir. to partially lift stay	0.20	0.20	0.00
09/25/19	email to team re motion to 9th Cir. to partially lift stay	0.10	0.10	0.00
09/25/19	conf with LR re opp to rehearing	0.20	0.20	0.00
09/26/19	TC with LR re opp to rehearing en banc	0.10	0.10	0.00
09/26/19	edited opp to rehearing en banc	2.10	2.10	0.00
09/29/19	emails with LR re rehearing en banc	0.10	0.10	0.00
09/29/19	edited opp to rehearing en banc	0.30	0.30	0.00
09/30/19	conf with LR re opp to motion to defs' stay	0.10	0.10	0.00
09/30/19	edited opp to rehearing en banc	2.80	2.80	0.00
09/30/19	confs with LR re opp to rehearing en banc	0.50	0.50	0.00
10/01/19	email to AC re opp to stay	0.10	0.10	0.00
10/01/19	conf with AC re opp to stay	0.40	0.40	0.00
10/01/19	TC with LR re opp to stay	0.30	0.30	0.00
10/02/19	TC with LR re opp to stay strategy	0.80	0.80	0.00
10/03/19	prep for team call re stay opposition	0.10	0.10	0.00
10/03/19	Team call re strategy for response to defs' stay request to district court	0.40	0.40	0.00
10/08/19	edited opp to defs' motion to stay the case	0.30	0.30	0.00
10/08/19	email to team re opp to defs' motion to stay	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/09/19	emails with LR and AC re research for modification to 9th circuit stay reply	0.10	0.10	0.00
10/10/19	TC with LR re stay order and status conf re medical issues	0.20	0.20	0.00
10/10/19	review of email from CD re meeting with client re current issues, appeals, and stay motions	0.10	0.10	0.00
10/10/19	LR for potential stay opp re mandate	0.50	0.50	0.00
10/15/19	review of request for status conference with district court in light of 9th circuit order partially lifting stay	0.10	0.10	0.00
10/15/19	LR re Gibson 5th Circuit case and more recent cases citing or relying on it	1.00	1.00	0.00
10/16/19	TC with LR re status conf prep	0.30	0.30	0.00
10/16/19	review of surgeon info for status conf prep	0.80	0.80	0.00
10/17/19	TC with LR re status conf and next steps	0.50	0.50	0.00
10/17/19	draft Dr. Stiller decl re surgical options and presurgical reqs	2.20	2.20	0.00
10/17/19	status conference re presurgical care	1.00	1.00	0.00
10/17/19	TC with LR re hearing strategy with Judge Winmill	0.10	0.10	0.00
10/17/19	emails with LR re hearing strategy with Judge Winmill	0.10	0.10	0.00
10/17/19	LM for Dr. Stiller	0.10	0.10	0.00
10/21/19	email LR re strategy to address defs' claim they never knew what surgery is at issue in case	0.10	0.10	0.00
10/21/19	edited opp to motion to stay	2.80	2.80	0.00
10/21/19	TCs with LR re opp to motion to stay	0.30	0.30	0.00
10/21/19	VM from Dr. Stiller	0.10	0.10	0.00
10/21/19	TC with Dr. Stiller	0.20	0.20	0.00
10/21/19	edits to Stiller Decl based on TC with same	0.90	0.90	0.00
10/21/19	email to Dr. Stiller re MH referral letters	0.10	0.10	0.00
10/21/19	emails with LR re sending MH referral letters to Dr. Stiller	0.20	0.20	0.00
10/22/19	TCs with Dr. Stiller re declaration	0.40	0.40	0.00
10/22/19	TC with LR re Dr. Stiller decl	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/22/19	emails with LR re Dr. Stiller declaration	0.20	0.20	0.00
10/22/19	email to Dr. Stiller re final decl	0.10	0.10	0.00
10/22/19	edited Stiller declaration per TC with Dr. Stiller	0.60	0.60	0.00
10/22/19	prep email to defs re MH referral ltrs and hair removal	0.60	0.60	0.00
10/22/19	edited filing re presurgical requirements	0.60	0.60	0.00
10/22/19	edited Dr. Stiller decl from emails and TC with same	0.30	0.30	0.00
10/24/19	review of District court order re presurgical care	0.10	0.10	0.00
10/24/19	emails with team re District court order re presurgical care and next steps re same	0.30	0.30	0.00
10/24/19	email from Dr. Stiller re phone call from prison physician re next steps for surgery	0.10	0.10	0.00
10/30/19	emails from/to LR re call with defs and strategy for stay motion	0.30	0.30	0.00
10/30/19	TC with LR re status conf	0.20	0.20	0.00
10/30/19	status conference with district court re status of presurgical appointments	0.50	0.50	0.00
10/30/19	email to team re status conference	0.10	0.10	0.00
10/31/19	TC with LR re defs' expedited motion for stay and next steps	0.20	0.20	0.00
10/31/19	emails with team re defs' expedited motion for stay	0.20	0.20	0.00
11/01/19	email from LR re conference with court clerk re defs' expedited motion	0.10	0.10	0.00
11/01/19	emails with LR re defs' expedited motion for stay and response to same	0.20	0.20	0.00
11/01/19	review of defs' new filing seeking stay and for expedited briefing; email to team re same	0.40	0.40	0.00
11/01/19	prep for district court status conf and review of defs' filings for same	0.40	0.40	0.00
11/01/19	Emergency Status conf with Judge's clerk, co-counsel and defense counsel re defs' emergency motion to stay and for expedited briefing	0.30	0.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/01/19	review of defs' motion to stay and email to team re legal responses to same	1.20	1.20	0.00
11/03/19	edited opp to defs' motion to stay (agree w/ stay with modifications to retain evidence)	3.80	3.80	0.00
11/03/19	edited motion to strike Dawson decl	0.30	0.30	0.00
11/03/19	TC with LR re stay opp	0.10	0.10	0.00
11/03/19	edited opp to defs' motion to stay (partial opp with reservations)	1.20	1.20	0.00
11/03/19	review of defs' joint status report	0.10	0.10	0.00
11/03/19	prep of inserts for opp to motion to stay re defs' history of abdicating responsibility for surgery, defs' undisputed knowledge that vaginoplasty is at issue, and procedural history re same; email to team re same	4.30	4.30	0.00
11/03/19	confs with AC re SCOTUS 8th amendment cases for potential appeal	0.20	0.20	0.00
11/03/19	LR re SCOTUS 8th amendment cases for potential appeal	1.40	1.40	0.00
11/04/19	emails from AC and team re legal research for opp to stay motion	0.20	0.20	0.00
11/04/19	email to LR re Corizon Dr. decl ISO defs' newest motion to stay	0.10	0.10	0.00
11/04/19	review of appellate opening docs for Defs' appeal 19-35917 re Court's 10/24 order	0.10	0.10	0.00
11/05/19	review of defs' reply ISO stay re 10/24 Order	0.10	0.10	0.00
11/05/19	review of defs' reply ISO motion to stay discovery	0.10	0.10	0.00
11/05/19	edited draft opp to stay motion re 10/24 Order; emails with LR and SS re same	3.00	3.00	0.00
11/05/19	edited motion to strike Dr. Dawson decl ISO defs' motion to stay 10/24 Ordre	0.10	0.10	0.00
11/05/19	LR re emergency motion procedure in 9th Cir re defs' next stay motion	0.10	0.10	0.00
11/06/19	emails with LR and SS re update from/to client	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/06/19	email to team re dist court order vacating 11/8 appointment	0.10	0.10	0.00
11/06/19	review of dist court order vacating 11/8 appointment	0.10	0.10	0.00
11/06/19	TC with LR re district court order and strategy for next steps	0.80	0.80	0.00
11/07/19	review of briefing order re 3rd appeal of 10/24 District court order; email with legal assistant re calendaring for same	0.10	0.10	0.00
11/07/19	email from/to LR re moving to dismiss third appeal re 10/24 order	0.10	0.10	0.00
11/07/19	email to team re combined deadlines and upcoming work re three appeals and defs' SCOTUS petition	0.20	0.20	0.00
11/07/19	review of statement of issues on defs' 3rd appeal	0.10	0.10	0.00
11/07/19	TC with LR re possible MTD defs' 3rd appeal and facts re same	0.70	0.70	0.00
11/07/19	prep of facts for MTD defs' 3rd appeal; review of transcripts and underlying evidence for same	4.10	4.10	0.00
11/09/19	Team call re district court order re evidentiary hearing and motion for reconsideration of same	0.60	0.60	0.00
11/09/19	Review of district court order re evidentiary hearing re alternative means for surgery	0.10	0.10	0.00
11/09/19	prep of facts for motion for reconsideration of 11/8 order re evidentiary hearing re surgery and review of transcripts and record for same	4.90	4.90	0.00
11/10/19	TC with Dr. Loren Schechter re possible testimony or affidavit for evidentiary hearing and issues re surgical techniques	0.40	0.40	0.00
11/10/19	continued prep of facts for reconsideration motion of 11/8 order and review of record for same	5.60	5.60	0.00
11/10/19	LM for Dr. Loren Schechter re possible affidavit for evidentiary hearing	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/10/19	email to LR re insert for fact section of motion for reconsideration	0.10	0.10	0.00
11/12/19	TC s with LR re motion for reconsideration of judge's setting of hearing re presurgical care	0.50	0.50	0.00
11/12/19	edited motion for reconsideration of judge's setting of hearing re presurgical care	5.30	5.30	0.00
11/12/19	work on transcript cites for MTD defs' third appeal	0.40	0.40	0.00
11/13/19	TC with LR re defs' response re motion to stay and Stiller decl re same	0.10	0.10	0.00
11/13/19	review of defs' response re motion to stay and Stiller decl re same	0.10	0.10	0.00
11/13/19	emails with LR re defs' response re motion to stay and Stiller decl re same	0.20	0.20	0.00
11/13/19	TC with Nick Gorton re surgical options for Adree and presurgical care for potential evidentiary hearing	0.80	0.80	0.00
11/13/19	email to team re TC with Nick Gorton re surgical options for Adree and presurgical care for potential evidentiary hearing	0.70	0.70	0.00
11/13/19	email from D. Eaton re notification of defs' motion to stay 10/24 order and evidentiary hearing	0.10	0.10	0.00
11/13/19	emails with team re defs' new 9th circuit motion to stay 10/24 order	0.10	0.10	0.00
11/13/19	review of defs' 9th circuit emergency motion to stay district court's 10/24 order re presurgical care	0.50	0.50	0.00
11/14/19	Draft of Gorton Decl re presurgical care and vaginoplasties	1.80	1.80	0.00
11/14/19	TC with LR re Gorton Decl	0.20	0.20	0.00
11/14/19	TC with Adree and LR re update on case and next steps re presurgical care	1.00	1.00	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/14/19	review district court order denying plaintiff's reconsideration re evidentiary hearing re presurgical care	0.20	0.20	0.00
11/14/19	VM from LR	0.10	0.10	0.00
11/14/19	edited opp to defs' 9th circuit emergency motion to stay district court's 10/24 order re presurgical care	1.60	1.60	0.00
11/14/19	confs with LR re next steps re appeals	0.90	0.90	0.00
11/14/19	emails with LR re opp to defs' 9th circuit emergency motion to stay district court's 10/24 order re presurgical care	0.20	0.20	0.00
11/15/19	prep of Dr. Gorton decl for presurgical hearing before district court	0.50	0.50	0.00
11/15/19	research re Schechter info for district court hearing re presurgical issues	0.20	0.20	0.00
11/15/19	email to ACLU attys re status of case and Schechter expert materials for district court hearing re presurgical issues	0.20	0.20	0.00
11/15/19	TC with Dr. Gorton re presurgical issues and surgical opinions for hearing with district court	0.80	0.80	0.00
11/15/19	email from LR re workplan and tasks for filings due this week and next and for hearing re surgical technique	0.10	0.10	0.00
11/16/19	review of defs non-filing objection re presurgical issues and district court's jdx re same	0.20	0.20	0.00
11/16/19	prep of Gorton decl for hearing re presurgical care	1.00	1.00	0.00
11/16/19	Prep of Schechter decl re presurgical hearing	0.80	0.80	0.00
11/17/19	TC with L. Schechter re expert decl for presurgical hearing	0.30	0.30	0.00
11/17/19	Research re surgical declarations for presurgery hearing	2.70	2.70	0.00
11/17/19	email to LR re plan for call with Stiller	0.20	0.20	0.00
11/17/19	drafted L. Schechter decl based on info from calls and prior declarations	4.10	4.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/17/19	edited MTD appeal re presurgical order and opp to emergency motion to dismiss	2.90	2.90	0.00
11/17/19	TC with LR re MTD appeal / opp to emergency motion to stay presurgical order	0.20	0.20	0.00
11/17/19	LM for L. Schechter re expert decl	0.10	0.10	0.00
11/18/19	Prep of Dr. Schechter decl for presurgical hearing / status conf	0.50	0.50	0.00
11/18/19	research re cites for MTD of second appeal and opp to emergency stay motion re same	0.30	0.30	0.00
11/18/19	TC with LR re expert decls for presurgical hearing	0.20	0.20	0.00
11/18/19	edited MTD appeal and opp to emergency motion to stay presurgical order	0.80	0.80	0.00
11/18/19	TC with Dr. Schechter	0.10	0.10	0.00
11/18/19	TC with LR re MTD second appeal / opp to emergency stay motion re same	0.20	0.20	0.00
11/18/19	Prep of Dr. Gorton decl for presurgical hearing / status conf	1.90	1.90	0.00
11/18/19	finalized MTD second appeal / opp to emergency stay motion re same for filing	0.80	0.80	0.00
11/18/19	LM for Dr. Stiller	0.10	0.10	0.00
11/18/19	TC with Dr. Gorton re decl for presurgical hearing	0.70	0.70	0.00
11/18/19	Revised Gorton decl per TC with Dr. Gorton	1.30	1.30	0.00
11/18/19	edited Adree Edmo draft decl for presurgical hearing	0.20	0.20	0.00
11/18/19	prep of Schechter decl for presurgical hearing	0.40	0.40	0.00
11/19/19	review of outline for brief from LR re presurgical hearing	0.20	0.20	0.00
11/19/19	TC with Dr. Schechter re declaration for presurgical hearing	1.00	1.00	0.00
11/19/19	email to Dr. Schechter re declaration for presurgical hearing	0.10	0.10	0.00
11/19/19	revised Dr. Gorton expert declaration for presurgical hearing per TC with same	1.20	1.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/19/19	TC with S. Minter re expert decls for presurgical hearing	0.30	0.30	0.00
11/19/19	TC with Dr. Gorton re expert declaration for presurgical hearing	1.00	1.00	0.00
11/19/19	TC with LR re presurgical hearing brief	0.30	0.30	0.00
11/19/19	prep of Dr. Schechter decl for presurgical hearing	3.50	3.50	0.00
11/19/19	emails with SM and LR re strategy for filing re presurgical care	0.20	0.20	0.00
11/19/19	finalized Gorton decl for presurgical hearing	0.80	0.80	0.00
11/19/19	review of Schechter article for decl for presurgical hearing	0.20	0.20	0.00
11/19/19	TC with Nick Gorton re declaration for presurgical care	0.20	0.20	0.00
11/20/19	TC with Dr. Stiller re presurgical care for client	0.30	0.30	0.00
11/20/19	edited presurgical hearing brief	2.10	2.10	0.00
11/20/19	confs with LR re plan for presurgical hearing	0.40	0.40	0.00
11/20/19	Flight to Boise for presurgical hearing with district court	1.90	1.90	0.00
11/20/19	travel to SFO for presurgical hearing with district court judge	0.80	0.80	0.00
11/20/19	Conf with LR re TC with Dr. Stiller re presurgical care for client and plan for hearing	0.20	0.20	0.00
11/20/19	confs with A Chen re LR for 2nd 9th circuit appeal by defs of order on limited remand	0.70	0.70	0.00
11/20/19	TC with Dr. Schechter re decl	0.20	0.20	0.00
11/20/19	review of 9th Circuit order dismissing 3rd appeal (presurgical order)	0.10	0.10	0.00
11/20/19	edited presurgical brief for district court	0.40	0.40	0.00
11/20/19	prep for hearing with district court re presurgical care	0.20	0.20	0.00
11/20/19	TC with LR re presurgical brief for district court	0.20	0.20	0.00
11/20/19	TC with LR re presurgical hearing brief	0.10	0.10	0.00
11/20/19	finalized expert decls for presurgical hearing	0.40	0.40	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/20/19	email to team re Gorton decl ISO presurgical hearing	0.10	0.10	0.00
11/20/19	LM for Dr. Stiller	0.10	0.10	0.00
11/21/19	confs with LR and co-counsel re prep for presurgical hearing	0.30	0.30	0.00
11/21/19	hearing with district court re presurgical care / status conference	2.50	2.50	0.00
11/21/19	travel to prison and meeting with client at prison re update on case and next steps	3.10	3.10	0.00
11/21/19	Flight from Boise to SF	1.80	1.80	0.00
12/02/19	email from SS re call with client today re grievances re GD policy at prison	0.10	0.10	0.00
12/03/19	research re third appeal fees and calendaring of dates re same	1.10	1.10	0.00
12/03/19	prep of motion to transfer fees from 9th circuit to district court	0.40	0.40	0.00
12/03/19	emails with team re cost bill for third dismissed appeal (10/24 order)	0.30	0.30	0.00
12/04/19	edited bill of costs for dismissed third appeal	0.10	0.10	0.00
12/05/19	email to team re preserving right to appellate fees for dismissal of third appeal	0.30	0.30	0.00
12/05/19	TC with LR re next steps re presurgical requirements	0.30	0.30	0.00
12/05/19	email to SS re last production of client's medical records for updated request to defense counsel	0.10	0.10	0.00
12/05/19	TC with LR re next steps for appeal	0.50	0.50	0.00
12/06/19	email to defense counsel re updated medical records, physician referral letter, and next electrolysis appointment	0.20	0.20	0.00
12/09/19	emails with team re SCOTUS denial of cert. in Gibson v. Collier case	0.10	0.10	0.00
12/10/19	edited 9th circuit brief re second appeal (remand order)	2.30	2.30	0.00
12/10/19	edited appellate brief re second appeal (district court order on limited remand)	2.80	2.80	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
12/10/19	review of defs' opening brief for second appeal (remand order from district court); email to LR re our brief in response to same	0.40	0.40	0.00
12/10/19	review of AC memo re second appeal (of district court order on limited remand)	0.20	0.20	0.00
12/11/19	email to Dylan Eaton re next hair removal appointment and physician referral letter	0.10	0.10	0.00
12/11/19	edited 9th Cir. brief re second appeal (remand order)	1.20	1.20	0.00
12/11/19	TC with LR re 9th Cir. brief re second appeal (remand order)	0.60	0.60	0.00
12/12/19	edited summary of argument for second appeal (remand order)	0.10	0.10	0.00
12/12/19	emails with team re citechecking of appellate brief for filing	0.10	0.10	0.00
12/12/19	review of mandate for the 3rd appeal (presurgical order)	0.10	0.10	0.00
12/18/19	review of client's updated medical records production from defs	0.50	0.50	0.00
12/18/19	email to team re client's updated medical records production from defs and next steps re same	0.60	0.60	0.00
01/02/20	email from/to LR re next steps re electrolysis appointment and record review	0.10	0.10	0.00
01/02/20	email to D. Eaton and B. Hall re client's second electrolysis appointment	0.10	0.10	0.00
01/06/20	TC with Idaho attorney doing Hep C class action re status of case	0.40	0.00	-0.40
01/06/20	email to team re TC with Idaho attorney doing Hep C class action re status of case	0.20	0.00	-0.20
01/06/20	review docket of Hep C case for status	0.20	0.00	-0.20
01/06/20	email to LR re defs appellate reply brief re third appeal (remand order)	0.10	0.10	0.00
01/06/20	review of defs appellate reply brief re third appeal (remand order)	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
01/08/20	TC with N. Gorton re most recent production of client's medical records	0.50	0.50	0.00
01/15/20	email to team re TC with Balla attorney re overlapping Balla / Edmo issues	0.30	0.30	0.00
01/15/20	TC with Balla attorney re overlapping Balla / Edmo issues	0.40	0.40	0.00
01/15/20	email to team re TC with N. Gorton re most recent production of client's medical records	0.70	0.70	0.00
01/23/20	conf with intern re review of Balla docket for info related to transgender healthcare	0.20	0.20	0.00
01/24/20	review of emails from intern re review of Balla docket for info related to transgender healthcare	0.10	0.10	0.00
02/03/20	email to D. Eaton re info re next electrolysis appointment	0.10	0.10	0.00
02/03/20	conf with LR re possible motion to lift stay by 9th Circuit	0.30	0.30	0.00
02/10/20	review of notice of telephonic 2/21 status conference	0.10	0.10	0.00
02/10/20	email from D. Eaton confirming next electrolysis appointment	0.10	0.10	0.00
02/10/20	researched and calendared deadlines re cost bill, fee motion, stay motion, and petition for cert.	0.80	0.80	0.00
02/10/20	reviewed decision denying rehearing en banc from 9th circuit and dissents from same	1.80	1.80	0.00
02/10/20	emails with team re decision denying rehearing en banc from 9th circuit and dissents from same	0.30	0.30	0.00
02/10/20	TC with LR re decision denying rehearing en banc and next steps	0.60	0.60	0.00
02/10/20	emails with team re denial of rehearing en banc	0.10	0.10	0.00
02/11/20	prep of motion to transfer fees to district court; LR re same	0.30	0.30	0.00
02/11/20	TC with LR re district court denial of stay of rest of the case and next steps re same re discovery and litigation	0.20	0.20	0.00
02/11/20	filed notice to terminate ECF notices of A. Chen	0.20	0.00	-0.20

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/11/20	email to team re TC with Dr. Stiller re status of hair removal treatments	0.10	0.10	0.00
02/11/20	TC with Dr. Stiller re status of hair removal treatments	0.10	0.10	0.00
02/11/20	emails with LR re next steps with discovery and presurgery issues	0.10	0.10	0.00
02/11/20	review of district court order denying stay of rest of the case as moot	0.10	0.10	0.00
02/11/20	research re opp to motion to stay the mandate	0.70	0.70	0.00
02/12/20	TC with LR re motion to transfer fees to district court	0.10	0.10	0.00
02/12/20	Conf with LR re decision denying rehearing en banc and strategy for case	0.70	0.70	0.00
02/12/20	TC with client re decision denying rehearing en banc and next steps	0.50	0.50	0.00
02/12/20	Team call re defs' imminent motion to stay mandate and next steps with cert. petition / strategy	0.70	0.70	0.00
02/13/20	finalized and filed motion to transfer appellate fees to district court	0.30	0.30	0.00
02/13/20	reviewed defs' motion to stay mandate	0.20	0.20	0.00
02/13/20	email to team re pending transgender prisoner issues impacting our issues on appeal; LR re same	0.40	0.40	0.00
02/13/20	research re SCOTUS justices opinions re 8th amendment and prisoners	2.10	2.10	0.00
02/13/20	LR re calendaring for opposition and response to defs' motion to stay mandate	0.20	0.20	0.00
02/18/20	TC with LR and D. Shapiro re possible strategies for SCOTUS appeal and stay briefing	0.80	0.80	0.00
02/19/20	LR re stay cases for SCOTUS and email to team summarizing same	1.90	1.90	0.00
02/19/20	review of 9th Circuit order denying stay of mandate	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
02/19/20	emails with LR re likely motion to SCOTUS to stay mandate	0.20	0.20	0.00
02/20/20	review of 9th Circuit order granting motion to transfer appellate fees to district court	0.10	0.10	0.00
02/20/20	prep stip re seeking fees at end of the case	0.80	0.80	0.00
02/20/20	meet and confer with LR, Brady Hall, and Dylan Eaton re discovery and surgery	0.20	0.20	0.00
02/20/20	TC with LR re meet and confer with defs and next steps	0.50	0.50	0.00
02/20/20	LR re stay factors for SCOTUS	1.00	1.00	0.00
02/21/20	status conference with Judge Winmill re discovery schedule and next steps re surgery	0.50	0.50	0.00
02/21/20	conf with LR re status conf and next steps	0.30	0.30	0.00
02/24/20	TC with R. Ettner re updated status of case	0.20	0.20	0.00
02/27/20	email from D. Eaton re agreement to joint stip and motion re fees motion waiting until end of case	0.10	0.10	0.00
02/27/20	meet and confer with LR and defense counsel re possible stay stip or motion and plan for surgery	0.70	0.70	0.00
02/27/20	conf with LR re next steps for stay issues and surgery plan and stay	0.40	0.40	0.00
02/27/20	LM for Dr. Stiller re status of surgery plan reporting to court	0.10	0.10	0.00
02/27/20	email to team re TC with Dr. Stiller re surgery planning issues	0.30	0.30	0.00
02/27/20	TC with Dr. Stiller re surgery planning issues	0.10	0.10	0.00
02/27/20	email from/to LR re Dr. Stiller call and surgery planning	0.10	0.10	0.00
02/28/20	review of emails between defense counsel and court re upcoming deadlines	0.10	0.10	0.00
03/02/20	review of defs' status report re surgery planning and compliance with injunction	0.10	0.10	0.00
03/02/20	email to/from LR re defs' status report re surgery and follow-up needed	0.10	0.10	0.00
03/02/20	LM for Dr. Stiller re defs' status report re surgery	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/02/20	TC with colleague re possible SCOTUS counsel for case	0.70	0.70	0.00
03/03/20	LM for Dr. Stiller re defs' status report to court re surgery	0.10	0.10	0.00
03/04/20	email to team re TC with Dr. Stiller	0.40	0.40	0.00
03/04/20	VM from LR	0.10	0.10	0.00
03/04/20	TC with LR re presurgical care and surgical issues to address before court	0.20	0.20	0.00
03/04/20	TC with Dr. Stiller re status of surgical planning and defs' most recent status report to court	0.20	0.20	0.00
03/04/20	LM for Dr. Stiller re defs' scheduling of surgery for plaintiff and status report to court	0.10	0.10	0.00
03/09/20	LM for D. Ferguson re client contact	0.10	0.10	0.00
03/09/20	TC with LR re client call re next steps and to answer her questions	0.10	0.10	0.00
03/10/20	email to LR re client call this week	0.10	0.10	0.00
03/10/20	TC with DF re client issues and next steps for case	0.20	0.20	0.00
03/10/20	edited Plts' response to defs' renewed motion for a stay	1.20	1.20	0.00
03/10/20	reviewed defs' renewed motion for stay	0.20	0.20	0.00
03/10/20	email to team re edits to response to defs' stay motion	0.10	0.10	0.00
03/10/20	email from/to LR re add'l edits to response to defs' motion for a stay	0.20	0.20	0.00
03/11/20	review of 11th circuit decision in Keohane for possible impact on our case and defs' appeal	0.90	0.90	0.00
03/12/20	conf with LR re current issues with client	0.90	0.90	0.00
03/12/20	TC with client and LR re status of case and next steps	0.50	0.50	0.00
03/16/20	emails with team re prison restrictions on visiting and medical care appointments and possible effect on case	0.20	0.20	0.00
03/19/20	TC with LR re getting DORs provided to press from defs	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/23/20	email from LR re next steps to ensure surgery for client given COVID-19 virus issues	0.10	0.10	0.00
03/23/20	email to team re TC with Dr. Stiller's office and possible delays with hair removal and surgery for client per the COVID-19 virus	0.50	0.50	0.00
03/23/20	TC with Dr. Stiller's office re effect of COVID-19 on surgeries	0.10	0.10	0.00
03/27/20	emails from defense counsel re missing disciplinary info from document productions; email to LR re same	0.10	0.10	0.00
03/27/20	TC with Alison from Dr. Stiller's office re COVID-19 affect on surgery schedule	0.10	0.10	0.00
03/27/20	email to team re TC with Stiller's office re surgery schedule	0.10	0.10	0.00
04/01/20	emails from LR and SS re communicating status of care and case to client and updates re same	0.10	0.10	0.00
04/01/20	emails from defs re remaining presurgical appointments	0.10	0.10	0.00
04/02/20	review of LR emails to defs re improper document productions and missing docs provided to the media but not plaintiff	0.10	0.10	0.00
04/02/20	TC with LR re status of case, next steps, withheld discovery, and presurgical care	0.30	0.30	0.00
04/06/20	email from defs re cancellation of Adree's presurgical April hair removal appointment	0.10	0.10	0.00
04/06/20	email from/to AC re research re SCOTUS 8th amendment decisions	0.10	0.10	0.00
04/13/20	emails with LR and SM re SCOTUS counsel	0.10	0.10	0.00
04/13/20	TC with LR re possible supreme court counsel	0.10	0.10	0.00
04/15/20	emails with LR re possible SCOTUS counsel for cert. petition phase	0.10	0.10	0.00
04/15/20	TC with SM re possible SCOTUS counsel for cert. petition phase	0.30	0.30	0.00
04/20/20	email to legal assistants re final hair removal calendaring	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/21/20	review of order granting stay and ordering defs to produce docs, retain evidence, and continue presurgical care during it	0.10	0.10	0.00
04/22/20	TC with LR re possible SCOTUS counsel	0.30	0.30	0.00
04/23/20	TC with SM and LR re SCOTUS counsel and next steps re same	0.30	0.30	0.00
04/24/20	conf w LR re possible SCOTUS counsel	0.20	0.20	0.00
04/30/20	TC with LR re next steps in SCOTUS	0.10	0.10	0.00
04/30/20	TC with Jenner lawyers and McArthur Justice re next steps in SCOTUS with stay and cert. petition	0.50	0.50	0.00
05/06/20	emails with team re stay motion and next steps	0.10	0.10	0.00
05/06/20	email from defs' re cert. petition and stay motion	0.10	0.10	0.00
05/07/20	email to LR re next hair removal appointment	0.10	0.10	0.00
05/07/20	emails from SCOTUS counsel re next steps for stay	0.10	0.10	0.00
05/07/20	review of defs' stay motion before SCOTUS	0.60	0.60	0.00
05/07/20	TC with LR re opp to SCOTUS stay motion and strategy for same	0.40	0.40	0.00
05/07/20	TC with DR, D. Shapiro, AU, and LR re opp to stay motion (for part)	0.30	0.30	0.00
05/07/20	conf with LR re strategy for stay and cert petition in SCOTUS	0.40	0.40	0.00
05/11/20	email to defs re upcoming presurgical appointment for client	0.10	0.10	0.00
05/11/20	emails with LR re pending trans cases that could affect appeal	0.10	0.10	0.00
05/12/20	TC with SM re co-counsel for cert. petition and stay	0.10	0.10	0.00
05/12/20	emails with LR re co-counsel for cert. petition and stay	0.30	0.30	0.00
05/12/20	TC with LR re strategy for stay opp	0.50	0.50	0.00
05/12/20	TC with LR re SCOTUS counsel and next steps	0.20	0.20	0.00
05/14/20	legal research re stay opposition to SCOTUS	0.90	0.90	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/14/20	legal research re citation and appendix for SCOTUS	0.90	0.90	0.00
05/14/20	email to team re appendix citations for opp to stay in SCOTUS	0.10	0.10	0.00
05/14/20	conf w LR, SM re SCOTUS co-counsel	0.40	0.40	0.00
05/15/20	edited intro and fact sections of stay opposition to SCOTUS	2.00	2.00	0.00
05/15/20	edited legal arguments sections of stay opposition to SCOTUS	6.80	6.80	0.00
05/15/20	TCs with LR re stay opposition to SCOTUS	0.40	0.40	0.00
05/16/20	review of updated draft of opp to stay in SCOTUS	0.70	0.70	0.00
05/17/20	emails from team re strategy for opp to stay in SCOTUS	0.10	0.10	0.00
05/17/20	TC LR re stay opp	0.10	0.10	0.00
05/17/20	review of edits from D. Rao re stay opp	0.50	0.50	0.00
05/17/20	email to LR re edits from D. Rao re stay opp	0.10	0.10	0.00
05/17/20	emails from team re strategy for stay opp	0.20	0.20	0.00
05/17/20	edited updated draft opp to SCOTUS stay	1.80	1.80	0.00
05/17/20	LR re exhibits for stay opp	0.20	0.20	0.00
05/17/20	TC with SM and LR re stay opp	0.50	0.50	0.00
05/17/20	TC with LR re opp to stay in SCOTUS	0.30	0.30	0.00
05/17/20	review of edits from D. Shapiro re stay opp to SCOTUS	0.10	0.10	0.00
05/18/20	emails with LR and SM re stay opp	0.20	0.20	0.00
05/18/20	TCs with LR re stay opp for SCOTUS	0.30	0.30	0.00
05/18/20	final edits and proofing of stay opp, including tables; prep of exhibits for same and review of final filing	3.10	3.10	0.00
05/20/20	emails with LR re next steps in SCOTUS re cert. petition and response	0.20	0.20	0.00
05/20/20	email from/to DF re plan for cert. petition response	0.10	0.10	0.00
05/21/20	emails with team re SCOTUS order denying stay	0.20	0.20	0.00
05/21/20	review of SCOTUS order denying stay	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/22/20	email to SM and LR re cert. opp	0.10	0.10	0.00
05/22/20	TC with R. Ettner re denial of stay	0.10	0.10	0.00
05/22/20	Communication with N. Gorton re denial of stay	0.10	0.10	0.00
05/22/20	TC with D. Rao re cert. opp and next steps	0.50	0.50	0.00
05/26/20	LM for Alison at Dr. Stiller's office re surgery for client	0.10	0.10	0.00
05/26/20	TC with Dr. Stiller re client's surgery	0.10	0.10	0.00
05/26/20	email to Dr. Stiller's asst. Alison re status of client's surgery	0.10	0.10	0.00
05/26/20	edited request for status conf re surgery scheduling	0.10	0.10	0.00
05/26/20	emails with LR re defs' possible delay of surgery and status conf re same	0.10	0.10	0.00
05/26/20	TC with L. Rifkin re cert. opp strategy and plan	0.50	0.50	0.00
05/26/20	email to/from D. Rao re cert. opp and next steps	0.10	0.10	0.00
05/27/20	TC with Alison at surgeon's office re status of surgery scheduling and presurgical care	0.30	0.30	0.00
05/27/20	email to team re TC with Alison at surgeon's office re status of surgery scheduling and presurgical care	0.20	0.20	0.00
05/27/20	VM from Alison in surgeon's office re surgery	0.10	0.10	0.00
05/27/20	TC w/ EP, DR, KH, and LR re plan for cert. opp and next steps	1.10	1.10	0.00
05/29/20	review of email from LR to defense counsel re surgery plans and logistics	0.10	0.10	0.00
05/29/20	email from/to clerk confirming status conference on 6/4	0.10	0.10	0.00
05/29/20	emails with LR and EP re draft request for extension re cert. opp	0.10	0.10	0.00
06/02/20	email from/to court re status conference re surgery planning	0.10	0.10	0.00
06/02/20	email from defense counsel re surgery and post-surgical planning for client	0.10	0.10	0.00
06/03/20	emails with LR re status conf and def's surgery plans	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/03/20	email from/to LR re prep for status conf	0.10	0.10	0.00
06/03/20	Status conference with Judge Winmill re surgical preparations and plan to comply with injunction	0.60	0.60	0.00
06/03/20	conf with LR re status conf with judge and next steps	0.10	0.10	0.00
06/08/20	conf with LR, SS, and DF re media contacts re case and addressing same	0.70	0.00	-0.70
06/09/20	conf with LR re meet and confer with defs re remaining surgery issues	0.20	0.20	0.00
06/10/20	emails with LR re surgery planning issues	0.10	0.10	0.00
06/10/20	email to surgeon's office re updated surgery plans	0.10	0.10	0.00
06/10/20	emails with Cooley attorneys re next steps for cert. opp	0.10	0.10	0.00
06/11/20	TC with Dr. Stiller's office re surgery planning	0.40	0.40	0.00
06/11/20	email to team re TC with Dr. Stiller's office re surgery planning	0.70	0.70	0.00
06/11/20	LM for surgeon's office re post-surgical care	0.10	0.10	0.00
06/12/20	emails re new firm retainers with client	0.10	0.10	0.00
06/12/20	Team call re strategy and projects for opposition to cert.	0.60	0.60	0.00
06/12/20	emails with LR re strategy and projects for opposition to cert.	0.20	0.20	0.00
06/17/20	conf with law clerks re assignment for cert. opp	0.20	0.20	0.00
06/18/20	email to opposing counsel re pre-and post surgical care issues	0.20	0.20	0.00
06/18/20	email to team re pre-and post surgical care issues with defendants	0.10	0.10	0.00
06/22/20	review of emails re pre- and post-surgical planning issues for client from defs and research re same	0.40	0.40	0.00
06/22/20	emails with LR re surgical issues for client and meet and confer with defs re same	0.10	0.10	0.00
06/22/20	LM for Alison in Dr. Stiller's office re surgical planning issues	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/23/20	email to LR re surgery needs for client per Dr. Stiller's office	0.10	0.10	0.00
06/23/20	TC with Alison from Dr. Stiller's office re surgical needs for client	0.30	0.30	0.00
06/23/20	TC with LR re meet and confer with defs re surgical planning issues for client to comply with injunction	0.50	0.50	0.00
06/23/20	TC with Dr. Stiller re needs for post-surgical care and planning for same	0.40	0.40	0.00
06/23/20	TC with L. Schechter re standard of care for post-surgical issues	0.50	0.50	0.00
06/23/20	email from defense counsel re pre and post surgical plans for client	0.10	0.10	0.00
06/23/20	conf with law clerks (Gillian and Katherine) re LR project for cert. opposition re pending trans cases	0.60	0.60	0.00
06/24/20	email to Stiller's office re surgery planning	0.10	0.10	0.00
06/24/20	TC with Dr. Stiller re client's post-surgical care	0.10	0.10	0.00
06/25/20	edited draft ex parte motion re emergency covid testing and transfer	0.30	0.30	0.00
06/25/20	research COVID data for ex parte motion re emergency covid testing and transfer	0.30	0.30	0.00
06/26/20	TC with Sarah at Dr. Stiller's office re surgery planning and remaining issues for client	0.20	0.20	0.00
06/26/20	review of LR email to defs re COVID infections in her prison and possible effect on injunctive relief	0.10	0.10	0.00
06/26/20	TC with LR re post-surgery planning	0.10	0.10	0.00
06/26/20	TC with client and LR re COVID infections in her prison and possible effect on injunctive relief	0.50	0.50	0.00
06/26/20	TC with LR re surgical planning for client and compliance with injunction with new COVID cases	0.20	0.20	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/26/20	review of Clerk's research re other transgender cases for opp to cert. petition and email to same re same	0.20	0.20	0.00
06/29/20	TC with team re possible ex parte motion to move Ms. Edmo for surgery and test for COVID	0.30	0.30	0.00
06/29/20	emails with team re demand for COVID testing for client and possible ex parte motion for same	0.10	0.10	0.00
06/29/20	edited draft ex parte motion to enforce surgery order	0.30	0.30	0.00
06/30/20	review of defs opp to ex parte motion to enforce surgery order	0.10	0.10	0.00
06/30/20	emails from/to team re enforcing surgery order in light of COVID-19	0.20	0.20	0.00
06/30/20	email from IDOC counsel re client's transport for hair removal today	0.10	0.10	0.00
07/01/20	status conference with judge re COVID-19 effects on surgery date	0.50	0.50	0.00
07/01/20	conf with LR re next steps after status conf with judge	0.20	0.20	0.00
07/07/20	email from client re status of pre-surgical info and isolation in new prison	0.10	0.10	0.00
07/07/20	emails to/from LR re call with client	0.10	0.10	0.00
07/07/20	conf with Shriya re setting up legal call with client at new institution	0.10	0.10	0.00
07/07/20	TC with Dr. Stiller to ensure all surgical plans in place	0.10	0.10	0.00
07/07/20	email to team re TC with Dr. Stiller	0.10	0.10	0.00
07/08/20	TC with LR re client call	0.30	0.30	0.00
07/08/20	TC with LR and client re presurgical planning and issues	0.50	0.50	0.00
07/08/20	email to defs re assurances re pre and post surgical care issues for compliance with injunction	0.10	0.10	0.00
07/09/20	emails from defendants re COVID test and confirmation of pre- and post-surgical issues	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/09/20	email to team re TC with Dr. Stiller re client's pre-op appointment	0.10	0.10	0.00
07/09/20	review of client's negative COVID test (presurgical requirement)	0.10	0.10	0.00
07/09/20	TC with Dr. Stiller re client's pre-op appointment	0.10	0.10	0.00
07/09/20	emails with LR re opp to cert	0.10	0.10	0.00
07/14/20	TC with Stiller's office re post-surgery check-in re client	0.10	0.10	0.00
07/14/20	TC with LR re setting up call with client and next steps re case	0.20	0.20	0.00
07/14/20	TC with client and LR re post-surgery issues and next steps in case	0.50	0.50	0.00
07/15/20	email from/to defense counsel re post-surgery issue with client	0.10	0.10	0.00
07/15/20	TC with Dr. Stiller re post-surgery issue with client	0.10	0.10	0.00
07/15/20	email to team re updated medical information re client	0.10	0.10	0.00
07/16/20	email from BH re post-op planning and appointments for client	0.10	0.10	0.00
07/16/20	TC with Cooley attorneys and LR re revisions to SCOTUS BIO and strategy re same	1.10	1.10	0.00
07/16/20	review of emails from Cooley attorneys and LR re strategy for cert. opp.	0.10	0.10	0.00
07/21/20	edited draft BIO	0.60	0.60	0.00
07/21/20	TC with LR re draft opp to SCOTUS cert.	0.20	0.20	0.00
07/22/20	email from IDOC counsel re client's follow-up medical appointments	0.10	0.10	0.00
07/22/20	TC with Dr. Stiller re client's recovery	0.10	0.10	0.00
07/22/20	email to team re TC with Dr. Stiller re client's recovery	0.10	0.10	0.00
07/22/20	TC with LR re draft BIO and strategy for same	0.40	0.40	0.00
07/22/20	emails with Cooley attorneys re draft BIO and strategy for same	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/22/20	review of SM comments to updated SCOTUS BIO	0.40	0.40	0.00
07/22/20	TCs with LR re updated SCOTUS BIO	0.50	0.50	0.00
07/22/20	emails with SM re updated SCOTUS BIO	0.10	0.10	0.00
07/22/20	emails with LR re updated SCOTUS BIO	0.10	0.10	0.00
07/22/20	continued editing draft BIO	1.00	1.00	0.00
07/22/20	edited updated SCOTUS BIO	0.90	0.90	0.00
07/23/20	review of updated SCOTUS BIO	0.20	0.20	0.00
07/23/20	TC with Cooley attorneys and LR re revisions to SCOTUS BIO and strategy re same	1.20	1.20	0.00
07/28/20	emails with LR re revised draft of BIO for SCOTUS	0.10	0.10	0.00
07/28/20	TC with LR re revised draft of BIO for SCOTUS	0.80	0.80	0.00
07/28/20	edited revised draft of BIO for SCOTUS	1.80	1.80	0.00
07/28/20	emails with SM re revised draft of BIO for SCOTUS	0.10	0.10	0.00
07/30/20	email from/to Brady Hall re client's transfer and medical update	0.10	0.10	0.00
08/04/20	emails with team re BIO Scotus draft	0.10	0.10	0.00
08/04/20	conf with SM re BIO Scotus draft	0.10	0.10	0.00
08/04/20	review of 9th cir order to show cause why final appeal isn't moot	0.10	0.10	0.00
08/19/20	TC with client and LR re post-surgical issues, appts, and housing	0.50	0.50	0.00
08/19/20	TC with LR re cert petition	0.10	0.10	0.00
08/19/20	review of 9th circuit order dismissing appeal as moot	0.10	0.10	0.00
08/19/20	emails with team re 9th circuit order dismissing appeal as moot	0.10	0.10	0.00
08/24/20	Conf with Cooley attorneys and LR re response to suggestion of mootness	0.90	0.90	0.00
08/25/20	emailed Dr. Stiller's assistant re post-surgical issues	0.10	0.10	0.00
08/25/20	review of ltr from client re post-surgical issues and care and status of GD	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/25/20	email to team and confs with LR re TC with client on 8/19 and summary of Dr. Stiller call	0.70	0.70	0.00
08/25/20	TC with Dr. Stiller re post-surgical care	0.10	0.10	0.00
08/25/20	email from EP re response to suggestion of mootness	0.10	0.10	0.00
08/30/20	review of LR email to defense counsel re post-op care	0.10	0.10	0.00
08/30/20	edited draft opp to mootness in SCOTUS	0.30	0.30	0.00
08/31/20	emails with LR re draft opp to mootness	0.10	0.10	0.00
08/31/20	edits to opp to suggestion of mootness	0.50	0.50	0.00
08/31/20	emails with Cooley attorneys and LR re opp to suggestion of mootness	0.10	0.10	0.00
09/02/20	email from defs re post-surgical issues for client	0.10	0.10	0.00
09/03/20	TC with LR re scotus opp to mootness	0.20	0.20	0.00
09/10/20	emails with team re COVID issues for client	0.20	0.20	0.00
09/10/20	emails from client re COVID test	0.10	0.10	0.00
09/11/20	TC with client and LR re post-surgical status and COVID diagnosis and progress	0.50	0.50	0.00
09/15/20	TC with client and LR re post-surgery issues and COVID symptoms and follow-up Stiller appt.	0.50	0.50	0.00
09/15/20	call with LR re statements to media	0.20	0.00	-0.20
09/21/20	email from defense counsel re updated records and blood draw info for client	0.10	0.10	0.00
09/23/20	email to team re TC with Nick Gorton re recent production of client's medical records	0.20	0.20	0.00
09/23/20	TC with Nick Gorton re recent production of client's medical records	0.20	0.20	0.00
09/28/20	email from/to LR re email from client	0.10	0.10	0.00
10/02/20	email to Dr. Stiller's office re upcoming client's appointment	0.10	0.10	0.00
10/02/20	emails with team re contacts from client and issues with medical care	0.10	0.10	0.00
10/05/20	email from/to Stiller's office re pre-appointment requirements for client's upcoming appt	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/05/20	emails with team re lack of order from SCOTUS re cert. petition	0.10	0.10	0.00
10/06/20	TC with LR re next steps with client	0.10	0.10	0.00
10/06/20	TC with LR and client re upcoming appointment and housing issues re dilation	0.50	0.50	0.00
10/07/20	edited draft email to opp counsel re upcoming Stiller appointment	0.10	0.10	0.00
10/13/20	TC with LR re next steps in district court given denial of cert.	0.40	0.40	0.00
10/13/20	review of order denying cert. and mootness determination	0.10	0.10	0.00
10/13/20	emails with team re denial of cert. and mootness determination	0.10	0.10	0.00
10/13/20	drafted press release re denial of cert. and incorporated edits from team	0.40	0.00	-0.40
10/15/20	conf with LR re next steps after stay lifted	0.20	0.20	0.00
10/16/20	email from client re follow-up appt with surgeon	0.10	0.10	0.00
10/16/20	emails with team re communications from client re next steps	0.10	0.10	0.00
10/19/20	email to/from Stiller's office re next steps with post-surgical care	0.10	0.10	0.00
10/21/20	LR re possible bill of costs for SCOTUS work	0.10	0.10	0.00
10/21/20	emails with LR and co-counsel re bill of costs for SCOTUS research	0.10	0.10	0.00
10/21/20	emails with team re next steps when stay lifts	0.20	0.20	0.00
10/21/20	TC with client re next steps in litigation once stay is lifted	0.50	0.50	0.00
10/21/20	TC with LR re strategy for remaining claims and next steps	0.50	0.50	0.00
10/27/20	emails from/to team re follow-up Stiller appointment and current HRT levels for client	0.10	0.10	0.00
10/28/20	team call re next steps with discovery, lifting stay, and strategy for remaining litigation	1.00	1.00	0.00
11/04/20	TC with LR re strategy for remaining claims and possible settlement demand	0.60	0.60	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/04/20	TC with client and LR re next steps, strategy for remaining litigation, and medical issues	1.00	1.00	0.00
11/12/20	emails from JW re relevant damages awards	0.10	0.10	0.00
11/12/20	confs with NCLR staff re monetary damages or settlements relevant to settlement demand	0.20	0.20	0.00
11/12/20	emails with LR re settlement demand and strategy for same	0.20	0.20	0.00
11/13/20	emails with team re next steps with settlement demand	0.20	0.20	0.00
11/16/20	email to LR re edits to letter to client re possible settlement communications and strategy for remaining claims	0.10	0.10	0.00
11/16/20	edited letter to client re possible settlement communications and strategy for remaining claims	0.20	0.20	0.00
11/20/20	email from client re privacy issue in medical room	0.10	0.10	0.00
11/20/20	edited LR email to defs re privacy issue in medical room	0.10	0.10	0.00
11/24/20	TC with client re remaining claims and details of settlement demand	0.50	0.50	0.00
11/24/20	TC with LR re next steps, remaining claims and details of settlement demand	0.50	0.50	0.00
12/02/20	review of motion to lift stay	0.10	0.10	0.00
12/03/20	emails with team re strategy for settlement demand	0.10	0.10	0.00
12/03/20	edits to settlement demand	0.60	0.60	0.00
12/03/20	TC with LR re settlement offer	0.10	0.10	0.00
12/11/20	email from defendants re proposed stay for settlement negotiations	0.10	0.10	0.00
12/11/20	emails with team re defendants' stay proposal	0.10	0.10	0.00
12/11/20	email from/to team re dilation issues at prison	0.10	0.10	0.00
12/14/20	emails with team re response to defendants' stay proposal	0.10	0.10	0.00
12/15/20	emails with LR re status conference	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
12/15/20	Status conference with parties' counsel and judge	0.40	0.40	0.00
12/16/20	TC with Dr. Stiller re post-surgery issues for client	0.10	0.10	0.00
12/16/20	email to LR re TC with Dr. Stiller re post-surgery issues for client	0.10	0.10	0.00
12/16/20	review of status conf order from judge and email to SS re calendaring dates from same	0.10	0.10	0.00
01/11/21	email from court clerk re potential mediator	0.10	0.10	0.00
01/11/21	emails with team re potential mediator	0.10	0.10	0.00
01/11/21	TC with LR re next steps for mediation, litigation plan, and damages	0.70	0.70	0.00
01/12/21	TC with R. Ettner re possible expert work on damages issue	0.30	0.30	0.00
01/14/21	Team call re next steps with litigation	1.20	1.20	0.00
01/14/21	emails from opposing counsel re settlement mediation	0.10	0.10	0.00
01/15/21	TC with R. Ettner re possible follow-up evaluations of client	0.30	0.30	0.00
01/15/21	emails with LR re possible expert follow-up evaluations of client	0.20	0.20	0.00
01/19/21	emails with team re joint litigation plan	0.10	0.10	0.00
01/19/21	emails with LR re Dr. Gordon use as expert	0.10	0.10	0.00
01/22/21	TC with N. Gorton re possible expert work for damages part of case	0.20	0.20	0.00
01/22/21	email to LR re TC with N. Gorton re possible expert work	0.10	0.10	0.00
01/25/21	drafted email to clerk re court's action on docket 270 re attorneys' fees and costs	0.10	0.10	0.00
01/25/21	email to LR re draft email to clerk re court's action on docket 270 re attorneys' fees and costs	0.10	0.10	0.00
01/27/21	prep of proposed order re stip and motion re fees and costs (docket 270)	0.10	0.10	0.00
01/27/21	email from court re proposed orders for pending issues	0.10	0.10	0.00
01/27/21	email from SS re call with client re case updates	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
01/27/21	review of mediation order from Judge Tallman	0.10	0.10	0.00
01/28/21	emails with defense counsel re proposed order re motion for fees and costs and edits to same	0.10	0.10	0.00
01/28/21	email to court re proposed order re motion for fees and costs	0.10	0.10	0.00
02/01/21	Status conf with judge re pending stipulations and litigation plans	0.20	0.20	0.00
02/03/21	TC with LR re upcoming client calls and mediation strategy	0.50	0.50	0.00
02/22/21	emails with team re draft confidential mediation statement	0.10	0.10	0.00
02/22/21	edited draft confidential mediation statement	0.30	0.30	0.00
02/24/21	TC with LR re upcoming mediation and client check-in	0.30	0.30	0.00
02/24/21	TC with LR and client re upcoming mediation	0.60	0.60	0.00
03/02/21	email from mediator re info required for mediation	0.10	0.10	0.00
03/02/21	categorized fees and attorney hours for mediator's required info; emails with legal assistant re same	1.90	1.90	0.00
03/02/21	email from Judge Tallman re fees info requested for mediation	0.10	0.10	0.00
03/03/21	continued categorization of fees and attorney hours for mediator's required info; emails with legal assistant re same	0.70	0.70	0.00
03/04/21	finalized categorization of fees and attorney hours for mediator's required info; emails with legal assistant re same	0.30	0.30	0.00
03/04/21	email to team re chart for Judge Tallmand and info for same	0.10	0.10	0.00
03/08/21	TC with client and LR re mediation prep	0.50	0.50	0.00
03/08/21	TC with LR re mediation and next steps	0.30	0.30	0.00
03/08/21	edited LR email to mediator	0.10	0.10	0.00
03/08/21	prep of information re fees and costs for mediator; LR re compensable costs for same	0.80	0.80	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/09/21	LR re motion for fees and costs	0.30	0.30	0.00
03/09/21	mediation with Judge Tallman, defs, client, and co-counsel	5.70	5.70	0.00
03/11/21	LM for Stiller's office re follow-up appt	0.10	0.10	0.00
03/19/21	2nd mediation session with Judge Tallman, client, and lawyers	6.20	6.20	0.00
04/05/21	emails with LR re communications with client	0.10	0.10	0.00
04/06/21	emails with LR re next steps re settlement	0.10	0.10	0.00
04/06/21	email from D Eaton re status of settlement draft	0.10	0.10	0.00
04/06/21	email from/to Stiller's office re surgery follow-up	0.10	0.10	0.00
04/14/21	TC with client and LR re settlement agreement status and next steps with finalizing	0.50	0.50	0.00
04/14/21	TC with LR re settlement draft	0.10	0.10	0.00
04/19/21	edits to draft settlement agreement	0.90	0.90	0.00
05/04/21	conf with LR re edmo settlement finalization	0.20	0.20	0.00
05/05/21	conf with LR and Dylan Eaton re settlement terms	0.80	0.80	0.00
05/05/21	conf with LR re settlement terms	0.10	0.10	0.00
05/05/21	Conf with LR re finalizing settlement	0.20	0.20	0.00
05/05/21	Conf with DE and LR re edits to settlement agreement and status of same	0.60	0.60	0.00
05/05/21	research re contingent dismissal of damages relief for settlement	0.10	0.10	0.00
05/13/21	edited settlement draft from defs	1.10	1.10	0.00
05/18/21	TC with LR and client re settlement draft and next steps to finalize same	0.50	0.50	0.00
05/18/21	TC with LR re next steps re settlement draft	0.20	0.20	0.00
05/26/21	emails with LR re settlement draft	0.10	0.10	0.00
05/26/21	email from DE re settlement draft	0.10	0.10	0.00
06/10/21	TC with LR re prep for client call	0.20	0.20	0.00
06/10/21	TC with client and LR re settlement draft and next steps	0.50	0.50	0.00
06/14/21	emails with JW re multiplier section of fees brief and research re background materials and cases for same	0.30	0.30	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/16/21	email to co-counsel re compilation of time records for fee motion and next steps re same	0.20	0.20	0.00
06/17/21	email from/to D. Rao re information for fees motion	0.10	0.10	0.00
06/17/21	conf with JW re section of fee motion re multiplier and research / briefing for same	0.40	0.40	0.00
06/28/21	TC with client re finalizing settlement	0.20	0.20	0.00
06/29/21	email from D. Eaton re notary for client's settlement signature	0.10	0.10	0.00
07/07/2021	prep of NCLR timerun exhibits for fee motion	0.30	0.30	0.00
07/07/2021	conf with MB re prep of fee motion and exhibits for same	0.50	0.50	0.00
07/07/2021	conf law clerk re prep of LR draft fee decl	0.40	0.40	0.00
07/07/2021	prep of materials for law clerk draft LR declaration ISO fees, including for detailed history of litigation	1.60	1.60	0.00
07/07/2021	email to Cooley team re timeruns for fee motion and decl ISO same	0.10	0.10	0.00
07/08/2021	prep of fee motion	1.10	1.10	0.00
07/08/2021	TC with LR re decl ISO fees and exhibits for same	0.20	0.20	0.00
07/12/2021	emails from/to M. Bee re time run exhibits for fee motion	0.20	0.20	0.00
07/12/2021	prep of NCLR dist. court time run exhibits for fee motion, edited out privileged info, exercised billing judgement reductions	2.80	2.80	0.00
07/12/2021	email from/to B. Anderson re Cooley time run exhibit to fee motion	0.10	0.10	0.00
07/12/2021	Review Cooley time for fee motion	0.20	0.20	0.00
07/13/2021	continued prep of NCLR dist. court time run exhibits for fee motion, edited out privileged info, exercised billing judgement reductions	0.80	0.80	0.00
07/13/2021	email from/to B. Anderson re Cooley decl for fee motion	0.10	0.10	0.00
07/13/2021	email to SS re Hadsell time runs for fee motion	0.10	0.10	0.00

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DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/13/2021	email to A. Unikowsky re Jenner time runs for fee motion and sample decls re same	0.20	0.20	0.00
07/13/2021	review MJC time runs for fee motion	0.30	0.30	0.00
07/14/2021	TC w/ B. Anderson re Cooley fee decl and exhibits	0.30	0.30	0.00
07/15/2021	email from/to D. Rao re MJC time for fee motion	0.10	0.10	0.00
07/15/2021	prep of NCLR time run exhibits for fee motion (dist court time)	0.90	0.90	0.00
07/15/2021	email from/to A. Unikowsky re Jenner time for fee motion	0.10	0.10	0.00
07/19/2021	email from/to B. Anderson re Cooley fee declaration	0.10	0.10	0.00
07/20/2021	review of appellate time and edited for workproduct / privilege; emails with MB re same	0.50	0.50	0.00
07/20/2021	review of fees time and edited for workproduct / privilege	0.10	0.10	0.00
07/20/2021	prep of fee motion	1.90	1.90	0.00
07/21/2021	prep of fee motion	1.30	1.30	0.00
07/22/2021	review of NCLR time exhibits	0.20	0.20	0.00
07/22/2021	prep of fee motion	1.50	1.50	0.00
07/26/2021	review of draft LR decl ISO fees	0.10	0.10	0.00
07/26/2021	conf with MB re fee motion exhibits	0.10	0.10	0.00
07/26/2021	prep of DF decl ISO fee motion	0.30	0.30	0.00
07/26/2021	emails from Cooley atty re time runs for fee motion	0.10	0.10	0.00
07/26/2021	prep of Belodoff Decl ISO fee motion	1.90	1.90	0.00
07/26/2021	prep for call with DF and CD re fee motion	0.20	0.20	0.00
07/26/2021	TC with DF and CD re fee motion and decl for firm ISO same	1.00	1.00	0.00
07/27/2021	emails with MB re time runs from all firms	0.20	0.20	0.00
07/27/2021	emails with LR re fee motion status	0.10	0.10	0.00
07/27/2021	email from/to DF re Belodoff decl ISO fees	0.10	0.10	0.00
07/27/2021	prep of LR Decl ISO fee motion	2.80	2.80	0.00
07/27/2021	emails with SS re fee motion prep	0.10	0.10	0.00
07/28/2021	TC with LR re time run exhibits	0.30	0.30	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/28/2021	proof and editing of time runs for work product and priv	0.90	0.90	0.00
07/28/2021	prep of LR Decl ISO fee motion	3.10	3.10	0.00
07/29/2021	edited Cooley decl ISO fee motion	0.70	0.70	0.00
08/03/2021	edited Cooley decl ISO fees; email to B. Anderson re same	0.40	0.40	0.00
08/03/2021	reviewed Cooley time exhibit ISO fee motion	0.60	0.60	0.00
08/03/2021	LR re updated bill of costs	0.20	0.20	0.00
08/03/2021	email to SS re updated bill of costs	0.10	0.10	0.00
08/04/2021	prep of LR decl ISO fee motion	1.30	1.30	0.00
08/04/2021	email to D. King re materials for D. Rao decl ISO fees	0.20	0.20	0.00
08/09/2021	prep of Belodoff decl ISO fee motion	0.40	0.40	0.00
08/09/2021	drafted LR decl ISO fee motion	1.50	1.50	0.00
08/10/2021	continued draft of Belodoff decl ISO fee motion	0.40	0.40	0.00
08/10/2021	LR re fee decisions in district court, including re rates for multiplier arg	1.00	1.00	0.00
08/10/2021	drafted Ferguson Decl ISO fee motion	2.70	2.70	0.00
08/10/2021	review and proof of all time exhibits for offices and for reductions	1.10	1.10	0.00
08/11/2021	review and proof of all time exhibits for offices and for reductions	1.60	1.60	0.00
08/18/2021	prep of MPA ISO fee motion	0.60	0.60	0.00
08/18/2021	LR re media work for fee motion; email to DF re same	0.60	0.60	0.00
08/18/2021	prep of all office's time run exhibits and billing reduction suggestions for same	0.40	0.40	0.00
08/18/2021	prep of Rifkin Decl ISO fee motion	1.70	1.70	0.00
08/18/2021	reviewed DF edits to her decl ISO fee motion	0.10	0.10	0.00
08/18/2021	email to SS re bill of costs and Hadsell fee decl	0.10	0.10	0.00
08/19/2021	review of time run exhibits and billing reduction suggestions for same	2.20	2.20	0.00
08/19/2021	prep of DF decl ISO fees	0.20	0.20	0.00
08/20/2021	drafted MPA ISO fee motion and LR for same	0.20	0.20	0.00
08/23/2021	continued drafting fee motion	0.70	0.70	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/23/2021	TC with LR re status of stip re dismissals	0.30	0.30	0.00
08/23/2021	review of defs' draft dismissal and proposed order re same; notated changes for same	0.30	0.30	0.00
08/23/2021	email to team re defs' draft dismissal and proposed order re same	0.10	0.10	0.00
08/23/2021	edited Rao decl ISO fee motion	1.00	1.00	0.00
08/23/2021	prep of Rao decl ISO fee motion, including info re D.C. rates and research re same	2.00	2.00	0.00
08/23/2021	email to D. Rao re decl ISO fee motion	0.10	0.10	0.00
08/24/2021	review of email from LR to defs re stip for dismissal and fees	0.10	0.10	0.00
08/24/2021	edited stip re dismissal and final motions for case; emails with LR re same	0.30	0.30	0.00
08/25/2021	continued drafting fee motion and LR re same	5.50	5.50	0.00
08/25/2021	prep of Belodoff decl ISO fees	0.20	0.20	0.00
08/25/2021	prep of DF decl ISO fees	0.10	0.10	0.00
08/25/2021	prep of time run exhibits	0.30	0.30	0.00
08/26/2021	prep of Rao decl ISO fees	0.50	0.50	0.00
09/01/2021	email to SS re fee decl and bill of costs	0.10	0.10	0.00
09/02/2021	prep of LR decl ISO fees	1.20	1.20	0.00
09/02/2021	TC with LR re fee motion	0.70	0.70	0.00
09/02/2021	edited Rao decl ISO fees	0.30	0.30	0.00
09/02/2021	prep time exhibits for fee motion	1.50	1.50	0.00
09/07/2021	further edits to Rao decl ISO fees; email to A. Unikowsky re approval for same	0.20	0.20	0.00
09/07/2021	further prep of LR decl ISO Fees	0.30	0.30	0.00
09/07/2021	email from / to Steve Kraft re stip re dismissal meet and confer	0.10	0.10	0.00
09/08/2021	prep of LR decl ISO fees	0.20	0.20	0.00
09/08/2021	email from A. Unikowsky re final edits to Rao decl ISO fees	0.10	0.10	0.00
09/08/2021	LR for MPA ISO fee motion	1.10	1.10	0.00
09/08/2021	TC with LR re stip for dismissal	0.20	0.20	0.00
09/08/2021	prep of my decl ISO fees	0.80	0.80	0.00

Edmo v. IDOC**Amy Whelan Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/08/2021	TC with S. Kraft and LR re dismissal and prop order re same	0.30	0.30	0.00
09/08/2021	TC with LR re finalizing dismissal	0.30	0.30	0.00
09/08/2021	prep of MPA ISO fees and review of JW edits re same	0.80	0.80	0.00
09/08/2021	email from D. Eaton re edits to joint stip re dismissal	0.10	0.10	0.00
09/09/2021	prep of my decl ISO fee motion and exhs for same (including billing judgment reductions)	1.90	1.90	0.00
09/14/2021	edited DF decl ISO fees	0.10	0.10	0.00
09/14/2021	email to SS re Stormer decl ISO Fees	0.10	0.10	0.00
09/14/2021	continued prep of my decl ISO fees and NCLR time exhibit	1.70	1.70	0.00
09/14/2021	work on MPA ISO fees	0.20	0.20	0.00
09/14/2021	email from/to DF re her decl ISO fee motion	0.10	0.10	0.00
09/16/2021	TC with SS re Stormer Decl ISO fees and exhibits to same	0.30	0.30	0.00
09/27/2021	email to/from B. Anderson re fees filing	0.10	0.10	0.00
09/28/2021	prep of MPA ISO fee motion	2.50	2.50	0.00
09/29/2021	prep of MPA ISO fee motion	1.90	1.90	0.00
09/29/2021	email to LR re MPA ISO fee motion	0.20	0.20	0.00
09/29/2021	review of draft Stormer decl and edits to same	0.90	0.90	0.00
09/29/2021	prep of LR time runs for exhibit (and exercise of billing judgment reductions)	0.80	0.80	0.00
09/29/2021	prep of NCLR time runs	0.20	0.20	0.00
09/30/2021	LR for MPA ISO Fee motion	0.30	0.30	0.00
09/30/2021	edited Rao decl and email with D. Rao re same (ISO Fees)	0.40	0.40	0.00
09/30/2021	drafted my decl ISO fees	0.30	0.30	0.00
09/30/2021	prep of MPA ISO fee motion	0.70	0.70	0.00
	Totals (in hours)	820.00	808.40	-11.60

Edmo v. IDOC**Shannon Minter Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/14/17	TC with AW re Edmo next steps	0.30	0.30	0.00
05/30/18	Call with JW re Edmo declaration.	0.60	0.60	0.00
06/29/18	Call with JW re: experts.	0.10	0.10	0.00
07/17/18	Team call re discovery.	0.50	0.50	0.00
08/03/18	Call with JW re expert strategy	0.10	0.10	0.00
08/03/18	Call with JW re PI discovery	0.20	0.20	0.00
08/23/18	JW conf about potential for conflict with expert.	0.20	0.20	0.00
01/10/19	TC with AW re possible settlement	0.20	0.20	0.00
03/17/19	team call re amicus strategy	1.00	1.00	0.00
03/18/19	TC with AW re doctor letters	0.10	0.10	0.00
03/21/19	TC with AW re modifying stay	0.60	0.60	0.00
03/27/19	TC with AW re motion to district court	0.10	0.10	0.00
04/03/19	Conf with AW re amicus briefs	0.20	0.20	0.00
08/26/19	conf with AW re next steps and possible SCOTUS appeal	0.40	0.40	0.00
11/19/19	TC with AW re presurgical hearing	0.30	0.30	0.00
04/15/20	TC with AW re possible SCOTUS counsel for cert. petition phase	0.30	0.30	0.00
04/23/20	TC with AW and LR re SCOTUS counsel and next steps re same	0.30	0.30	0.00
05/12/20	TC with AW re co-counsel for cert. petition and stay	0.10	0.10	0.00
05/14/20	Call with LR and AW re SCOTUS	0.40	0.40	0.00
05/15/20	Call with LR re SCOTUS co-counsel	0.30	0.30	0.00
05/17/20	Call with AW and L. Rifkin re stay opposition	0.50	0.50	0.00
07/22/20	Call with LR re SCOTUS BIO	0.20	0.20	0.00
08/04/20	conf with AW re BIO Scotus draft	0.10	0.10	0.00
	Totals (in hours)	7.10	7.10	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
04/19/18	Review pleadings and briefing.	0.40	0.40	0.00
05/09/18	Review and edit draft motion for admission pro hac vice.	0.30	0.00	-0.30
05/18/18	Email to co-counsel re: PHV application.	0.10	0.00	-0.10
05/24/18	Review pleadings.	0.50	0.50	0.00
05/24/18	Review and edit motion for preliminary injunctions and supporting declarations; legal research for same.	1.40	1.40	0.00
05/24/18	Further review and edits to motion for preliminary injunction (and additional research for same).	2.50	2.50	0.00
05/27/18	Emails to/from A. Whelan about sex discrimination arguments in brief ISO preliminary injunction.	0.40	0.40	0.00
05/27/18	Additional emails to/from A. Whelan about edits to brief ISO preliminary injunction.	0.20	0.20	0.00
05/28/18	Email to A. Whelan about edits to brief.	0.10	0.10	0.00
05/29/18	Emails to/from A. Whelan about declarations from experts.	0.10	0.10	0.00
05/30/18	Call with S. Minter re: revisions to client declaration.	0.60	0.60	0.00
05/30/18	Review revised draft of brief ISO preliminary injunction.	0.40	0.40	0.00
05/30/18	Call with A. Chen re: revisions to brief ISO preliminary injunction.	0.10	0.10	0.00
05/30/18	Further edits to client declaration.	0.20	0.20	0.00
05/30/18	Emails to/from co-counsel re: edits to declarations.	0.20	0.20	0.00
05/31/18	Emails to/from L. Rifkin and expert re: declarations.	0.30	0.30	0.00
05/31/18	Review revised draft of brief.	0.50	0.50	0.00
05/31/18	Legal research on bond requirement for preliminary injunction; email to L. Rifkin re: same.	0.50	0.50	0.00
05/31/18	Email to L. Rifkin re: brief and declarations.	0.10	0.10	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/01/18	Email to expert N. Gorton.	0.10	0.10	0.00
06/01/18	Call with L. Rifkin about declarations and brief ISO preliminary injunction.	0.20	0.20	0.00
06/01/18	Voicemail to expert N. Gorton.	0.10	0.10	0.00
06/03/18	Review/respond to email from N. Gorton.	0.10	0.10	0.00
06/05/18	Further review of Hicklin docket and email to co-counsel re: same.	0.40	0.40	0.00
06/05/18	Review Hicklin for timing of PI motion and discovery.	0.20	0.00	-0.20
06/06/18	Review and edit opposition to motion for extension of time.	0.50	0.50	0.00
06/06/18	Further review and editing of brief opposing motion for extension of time; email to co-counsel re: same.	0.30	0.30	0.00
06/07/18	Review/respond to emails from co-counsel re: case planning.	0.20	0.20	0.00
06/07/18	Review and analyze order on defs' dispositive motion; email to NCLR team summarizing	0.30	0.30	0.00
06/07/18	Meet with L. Gray re: potential public education about the case.	0.30	0.00	-0.30
06/12/18	Call with court re: briefing schedule on PI motion (opposing counsel present, L. Rifkin and D. Ferguson present).	0.30	0.30	0.00
06/14/18	Review draft stipulation on deadlines; email to L. Rifkin re: same.	0.10	0.10	0.00
06/14/18	Call with L. Rifkin re: experts and timing.	0.10	0.10	0.00
06/14/18	Review/respond to email from L. Rifkin re: discovery timeline on PI motion.	0.10	0.10	0.00
06/14/18	Review and respond to emails from co-counsel re: case planning/deadlines for discovery on PI motion.	0.30	0.30	0.00
06/14/18	Additional emails to/from co-counsel re: discovery timeline for PI motion.	0.20	0.20	0.00
06/15/18	Review/respond to emails among co-counsel re: stipulated scheduling order on PI motion.	0.10	0.10	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/18/18	Email to C. Stoll and S. Minter re: strategy for expert reports.	0.10	0.10	0.00
06/18/18	Review and analyze expert materials and medical records for expert disclosures; email to L. Rifkin re: same.	0.90	0.90	0.00
06/18/18	Emails to experts.	0.10	0.10	0.00
06/19/18	Review and analyze medical records for expert reports.	0.50	0.50	0.00
06/19/18	Review and analyze medical records for expert reports.	0.80	0.80	0.00
06/19/18	Review and analyze medical records for expert reports.	0.40	0.40	0.00
06/19/18	Review and analyze medical records for expert reports.	0.50	0.50	0.00
06/19/18	Review materials for N. Gorton expert report.	0.30	0.30	0.00
06/19/18	Call with R. Ettner re: report.	0.20	0.20	0.00
06/19/18	Email to S. Minter and C. Stoll re: expert reports; research for same; email to L. Rifkin re: same.	0.90	0.90	0.00
06/19/18	Review and analyze medical records for expert reports.	1.00	1.00	0.00
06/20/18	Emails to/from R. Ettner re: expert report.	0.20	0.20	0.00
06/20/18	Call with expert N. Gorton.	0.30	0.30	0.00
06/20/18	Review and analyze medical records for expert reports.	2.00	2.00	0.00
06/20/18	Review and analyze medical records for expert reports.	2.20	2.20	0.00
06/20/18	Review and analyze medical records for expert reports.	0.80	0.80	0.00
06/20/18	Meet with C. Stoll re: strategy for experts.	0.30	0.30	0.00
06/21/18	Continue reviewing and analyzing medical records for expert reports.	2.10	2.10	0.00
06/21/18	Call with L. Rifkin re: experts.	0.70	0.70	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/21/18	Continue reviewing and analyzing medical records for expert reports; drafting expert reports.	2.50	2.50	0.00
06/21/18	Review/respond to email from D. Ferguson re: experts.	0.10	0.10	0.00
06/25/18	Work on Dr. Ettner's report.	3.10	3.10	0.00
06/25/18	Review and respond to email from expert R. Ettner.	0.10	0.10	0.00
06/25/18	Further emails to/from L. Rifkin re: medical records, motion to strike, and case law.	0.10	0.10	0.00
06/25/18	Review email from co-counsel L. Rifkin and opposing counsel re: access to treating providers in prison; legal research re: same; email to co-counsel re: same.	0.20	0.20	0.00
06/26/18	Further work on expert reports.	2.10	2.10	0.00
06/26/18	Further work on expert reports.	0.30	0.30	0.00
06/26/18	Further work on Dr. Ettner expert report.	0.40	0.40	0.00
06/27/18	Emails to/from Dr. Ettner and L. Rifkin re: expert work.	0.20	0.20	0.00
06/28/18	Prepare for call with expert N. Gorton.	0.30	0.30	0.00
06/28/18	Work on N. Gorton expert report, including review of records for same.	3.10	3.10	0.00
06/28/18	Review/respond to emails from L. Rifkin re: expert depositions.	0.10	0.10	0.00
06/28/18	Call with expert N. Gorton.	0.50	0.50	0.00
06/29/18	Review and respond to email from expert R. Ettner.	0.10	0.10	0.00
06/29/18	Call with expert R. Ettner.	0.70	0.70	0.00
06/29/18	Work on Dr. Ettner expert report.	0.30	0.30	0.00
06/29/18	Review and edit draft initial disclosures, including checking of medical records for listing of witnesses for same.	0.50	0.50	0.00
06/29/18	Emails to/from L. Rifkin re: experts, disclosures, discovery, and medical records.	0.20	0.20	0.00
06/29/18	Call with S. Minter re: expert reports.	0.10	0.10	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/29/18	Call with expert N. Gorton.	0.30	0.30	0.00
06/29/18	Additional work on N. Gorton expert report.	1.50	1.50	0.00
06/29/18	Review initial disclosures from IDOC and Corizon defendants.	0.30	0.30	0.00
06/29/18	Further edits to expert reports.	0.60	0.60	0.00
06/29/18	Prepare for call with expert R. Ettner.	0.20	0.20	0.00
06/29/18	Continue working on Dr. Ettner expert report.	0.90	0.90	0.00
07/07/18	Email to L. Rifkin re: draft expert reports.	0.10	0.10	0.00
07/08/18	Edits to Dr. Ettner's draft expert materials.	0.20	0.20	0.00
07/08/18	Review emails between L. Rifkin and opposing counsel re: discovery.	0.20	0.20	0.00
07/08/18	Revise draft Dr. Ettner report and review and analyze medical records for same.	1.50	1.50	0.00
07/08/18	Communicate with Dr. Gorton re: potential deposition dates.	0.40	0.00	-0.40
07/08/18	Review comments from L. Rifkin on draft expert reports; email to L. Rifkin re: same.	0.50	0.50	0.00
07/09/18	Further edits to draft Dr. Ettner report; emails to/from Dr. Ettner re; report; emails to/from L. Rifkin re: same; communicate with Dr. Gorton re: his report; further edits to Dr. Gorton's	1.20	1.20	0.00
07/09/18	Further edits to Dr. Ettner's draft report; emails to/from S. Minter re: same.	0.30	0.30	0.00
07/09/18	Emails to/from Dr. Ettner re: her report; further edits to report to incorporate same.	0.50	0.50	0.00
07/10/18	Further edits to Dr. Gorton's draft report.	0.70	0.70	0.00
07/10/18	Call with expert N. Gorton to discuss report.	0.30	0.30	0.00
07/10/18	Further revisions to Dr. Gorton's report; revise expert disclosures; email to team re: same.	0.50	0.50	0.00
07/11/18	Emails to/from co-counsel, experts re: expert declarations.	0.30	0.30	0.00
07/11/18	Email to Dr. Gorton re draft report	0.10	0.10	0.00
07/11/18	Call with Dr. Gorton re: report.	0.10	0.10	0.00
07/11/18	Correct and finalize Dr. Gorton's report; email to Dr. Gorton re: same.	0.20	0.20	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/12/18	Emails to Dr. Gorton, co-counsel team re: final expert report.	0.20	0.20	0.00
07/13/18	Review and revise draft initial disclosures; draft language for RFPs to defendants; email re: same to co-counsel team.	0.50	0.50	0.00
07/13/18	Review/respond to emails from co-counsel re: deposition strategy.	0.10	0.10	0.00
07/16/18	Review/respond to email from co-counsel re: initial disclosures.	0.10	0.10	0.00
07/16/18	Review and respond to email on discovery plan for PI motion.	1.30	1.30	0.00
07/17/18	Call with L. Rifkin, S. Shabhag, S. Minter, A. Chen re: discovery strategy for PI motion and depositions.	0.50	0.50	0.00
07/18/18	Factual research on defendant's expert for Rule 35 exam.	0.50	0.50	0.00
07/18/18	Emails to/from co-counsel team re: Rule 35 exams, emails to/from colleague re: Dr. Andrade; communications to/from N. Gorton re:	0.30	0.30	0.00
07/19/18	Review/respond to emails from co-counsel on expert depositions.	0.10	0.10	0.00
07/19/18	Review emails from opposing counsel and among team re: PSI reports.	0.10	0.10	0.00
07/19/18	Review and respond to emails from co-counsel re: discovery.	0.50	0.50	0.00
07/20/18	Emails to/from L. Rifkin re: expert discovery.	0.20	0.20	0.00
07/20/18	Email to L. Rifkin re: 30(b)(6) deposition; review and edit 30(b)(6) topics.	0.40	0.40	0.00
07/23/18	Emails to/from L. Rifkin re: IME, discovery.	0.30	0.30	0.00
07/24/18	Emails to/from L. Rifkin re: discovery and depositions, and IME.	0.40	0.40	0.00
07/24/18	Review motion filed by IDOC re: IME.	0.10	0.10	0.00
07/25/18	Review and respond to emails from L. Rifkin re: discovery.	0.20	0.20	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/25/18	Deposition preparation - create form of timeline for A. Chen to analyze medical records.	0.60	0.60	0.00
07/25/18	Meet with A. Chen about deposition prep/timeline of medical events/records.	0.30	0.30	0.00
07/30/18	Review meet and confer emails re: discovery.	0.10	0.10	0.00
07/31/18	Review Plaintiff's discovery responses.	0.30	0.30	0.00
07/31/18	Review defendants' opposition to motion to strike K. Stewart's declaration.	0.20	0.20	0.00
07/31/18	Determine case deadlines and email staff to calendar same.	0.10	0.10	0.00
08/01/18	Review and analyze discovery requests to Plaintiff on experts.	0.30	0.30	0.00
08/02/18	Review stipulation from Corizon re: second IME; email co-counsel re: Gorton's expertise.	0.20	0.20	0.00
08/02/18	Legal research on scope of discovery about experts.	0.20	0.20	0.00
08/02/18	Review and respond to email from D. Stormer re: IME and experts.	0.30	0.30	0.00
08/03/18	Call with D. Stormer, S. Shanbhag re: experts.	0.20	0.20	0.00
08/03/18	Call with S. Minter re: experts.	0.10	0.10	0.00
08/03/18	Review/respond to email from co-counsel re: stipulation on PSI report.	0.10	0.10	0.00
08/03/18	Review/respond to email from co-counsel on second IME and experts.	0.10	0.10	0.00
08/03/18	Review/respond to emails from co-counsel re: second IME and experts.	0.20	0.20	0.00
08/03/18	Review and respond to emails from co-counsel re: experts.	0.20	0.20	0.00
08/03/18	Call with S. Minter re: Edmo experts and second Rule 35 exam.	0.20	0.20	0.00
08/06/18	Email to co-counsel re: IME motion hearing.	0.10	0.10	0.00
08/07/18	Emails to/from S. Shanbhag re: strategy on hearing for second IME.	0.10	0.10	0.00
08/08/18	Email to L. Rifkin re: deposition preparation.	0.20	0.20	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/09/18	Appear at telephonic hearing on second Rule 35 exam.	0.40	0.40	0.00
08/09/18	Review/respond to emails from L. Rifkin re: potential rebuttal experts.	0.20	0.20	0.00
08/09/18	Research on potential rebuttal experts; emails to/from NCLR staff re: same; emails to/from L. Rifkin re: same.	0.50	0.50	0.00
08/09/18	Further research on potential rebuttal experts.	0.20	0.20	0.00
08/09/18	Review/respond to email from L. Rifkin on responding to requests for production of documents; email to A. Chen re: same.	0.10	0.10	0.00
08/10/18	Email to A. Chen re: additions to medical record index.	0.30	0.30	0.00
08/10/18	Email to J. Levi re: potential experts.	0.20	0.20	0.00
08/10/18	Review medical record index by A. Chen.	0.30	0.30	0.00
08/13/18	Review expert materials for discovery responses; further research on potential rebuttal	1.20	1.20	0.00
08/13/18	Review new documents produced by defendant IDOC in discovery.	0.60	0.60	0.00
08/14/18	Draft discovery responses to 2RFPs to Plaintiff; legal and factual research for same.	2.50	2.50	0.00
08/14/18	Call with L. Rifkin re: RFPs re: experts.	0.20	0.20	0.00
08/16/18	Email to L. Rifkin re: deposition preparation, expert preparation.	0.20	0.20	0.00
08/16/18	Email to S. Shanbhag and L. Rifkin re: expert depositions and notice of Dr. Ettner's	0.10	0.10	0.00
08/20/18	Review/respond to emails among team re: deposition strategy.	0.10	0.10	0.00
08/20/18	Review edits from L. Rifkin to draft discovery responses from plaintiff.	0.10	0.10	0.00
08/20/18	Review new medical records and other documents produced by defendants.	0.40	0.40	0.00
08/20/18	Review/respond to email from A. Chen re: deposition preparation and medical records.	0.10	0.10	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/20/18	Review/respond to emails from co-counsel re: strategy for witnesses.	0.20	0.20	0.00
08/21/18	Review/respond to emails from team re: audio recording of Rule 35 exams.	0.20	0.20	0.00
08/21/18	Email to team re: audio recording of Rule 35 interviews.	0.10	0.10	0.00
08/22/18	Email to A. Whelan re: expert strategy.	0.20	0.20	0.00
08/22/18	Emails to/from L. Rifkin re: experts; texts to/from A. Whelan re: same.	0.20	0.20	0.00
08/22/18	Call with L. Rifkin, A. Whelan re: experts.	0.40	0.40	0.00
08/22/18	Team call with co-counsel re: 30(b)(6) deposition strategy.	1.30	1.30	0.00
08/23/18	Review/respond to email from A. Whelan re: G. Brown as potential expert.	0.10	0.10	0.00
08/23/18	Legal research on potential conflicts of experts.	0.60	0.60	0.00
08/23/18	Call with S. Minter re: potential conflict issue re: expert.	0.20	0.20	0.00
08/23/18	Voicemail from G. Brown.	0.10	0.10	0.00
08/23/18	Email to L. Rifkin, A. Whelan, S. Minter re: George Brown.	0.20	0.20	0.00
08/23/18	Email legal research assignment to A. Chen re: scope of expert discovery.	0.20	0.20	0.00
08/23/18	Email to A. Whelan, L. Rifkin, S. Minter re: message from G. Brown.	0.20	0.20	0.00
08/24/18	Review documents produced in discovery.	0.10	0.10	0.00
08/24/18	Review draft deposition outline for Dr. Alviso's deposition.	0.20	0.20	0.00
08/27/18	Review new document production from IDOC.	0.20	0.20	0.00
08/27/18	Revise draft responses to RFPs.	0.60	0.60	0.00
08/28/18	Email to A. Chen re: discovery documents.	0.10	0.10	0.00
08/29/18	Team call re: depositions and discovery.	1.00	1.00	0.00
08/29/18	Meet with A. Whelan re: experts.	0.20	0.20	0.00
08/30/18	Review/respond to question from A. Whelan re: expert disclosures and discovery.	0.10	0.10	0.00
08/30/18	Meet with A. Whelan re: expert discovery.	0.20	0.20	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
08/30/18	Draft additional language for discovery responses.	0.10	0.10	0.00
08/30/18	Review/respond to question from co-counsel re: 30(b)(6) deposition.	0.10	0.10	0.00
08/30/18	Meet with A. Whelan re: discovery.	0.20	0.20	0.00
08/31/18	Further edits to discovery responses (2RFPs); emails to/from co-counsel re: same.	0.70	0.70	0.00
08/31/18	Review defendants' expert reports and declarations.	0.80	0.80	0.00
08/31/18	Call with A. Whelan re: discovery responses.	0.10	0.10	0.00
08/31/18	Further emails with L. Rifkin re: discovery responses.	0.10	0.10	0.00
08/31/18	Review/respond to emails from co-counsel re: expert discovery.	0.30	0.30	0.00
08/31/18	Review witness list from defendants.	0.10	0.10	0.00
09/03/18	Review/respond to email from co-counsel re: team call on strategy.	0.10	0.10	0.00
09/04/18	Meet with A. Whelan re: materials and medical records provided to experts.	0.20	0.20	0.00
09/05/18	Team strategy call for PI hearing and depositions.	1.30	1.30	0.00
09/05/18	Review emails from co-counsel re: strategy for PI hearing.	0.10	0.10	0.00
09/05/18	Review documents provided to experts; email to A. Whelan and A. Chen re: same.	0.20	0.20	0.00
09/06/18	Further emails to A. Chen, A. Whelan, L. Rifkin re: scope of expert discovery.	0.20	0.20	0.00
09/06/18	Emails to/from A. Whelan, A. Chen, L. Rifkin on research on scope of expert discovery and materials provided to experts.	0.70	0.70	0.00
09/07/18	Further emails to/from A. Whelan, L. Rifkin, A. Chen re: legal research on expert discovery.	0.80	0.80	0.00
09/07/18	Attend mediation phone conference with Judge Winmill's law clerk.	0.70	0.70	0.00
09/07/18	Call with L. Rifkin re: discovery.	0.20	0.20	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/07/18	Emails to/from A. Whelan re: depositions.	0.10	0.10	0.00
09/07/18	Legal research re: scope of expert discovery.	0.50	0.50	0.00
09/10/18	Review/respond to email from A. Whelan re: depositions.	0.10	0.10	0.00
09/11/18	Review/respond to emails from A. Whelan re: expert discovery.	0.30	0.30	0.00
01/29/19	Meet with A. Whelan about brief in opposition to stay.	0.20	0.20	0.00
01/29/19	Revise draft brief in opposition to stay (including legal research for revisions to same).	6.80	6.80	0.00
01/29/19	Review/respond to emails from A. Whelan re: framing and arguments in brief in opposition to stay; further legal research for same.	0.90	0.90	0.00
01/29/19	Review/respond to further emails from A. Whelan re: edits to brief in opposition to stay and legal research for same.	0.30	0.30	0.00
01/29/19	Review defendants' request for extension on 9th circuit opening brief.	0.10	0.10	0.00
01/30/19	Review additional edits to brief in opposition to stay.	0.20	0.20	0.00
01/30/19	Meet with A. Whelan re opposition to stay.	0.20	0.20	0.00
01/30/19	Further edits to brief in opposition to stay.	0.40	0.40	0.00
01/30/19	Further emails to/from A. Whelan re: edits to brief in opposition to stay.	0.30	0.30	0.00
01/30/19	Cite check portion of brief in opposition to stay.	0.70	0.70	0.00
01/30/19	Emails to co-counsel re: additional edits to brief in opposition to stay.	0.20	0.20	0.00
01/30/19	Review/respond to emails from A. Whelan re: further edits to brief in opposition to stay.	0.20	0.20	0.00
02/12/19	Review/respond to emails from legal assistants re: calculating deadlines; check circuit rules and FRAP re: same.	0.10	0.10	0.00
03/06/19	Review/respond to email from A. Whelan re: motion for stay in 9th circuit.	0.10	0.10	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/15/19	Research procedural issue on appellate motion; email research to A. Whelan, L. Rifkin.	0.30	0.30	0.00
03/21/19	Meet with A. Whelan re: strategy on appeal.	0.20	0.20	0.00
04/03/19	Review PLRA arguments in defendants'	0.20	0.20	0.00
04/03/19	Legal research on PLRA issue; email to A. Whelan re: same.	0.30	0.30	0.00
05/08/19	Participate in oral argument moot of L. Rifkin (with A. Whelan, S. Shanbhag, and outside attorneys).	2.30	2.30	0.00
05/13/19	Participate in moot court for L. Rifkin for oral argument.	1.40	1.40	0.00
05/16/19	Travel from courthouse to office after 9th circuit oral argument.	0.40	0.00	-0.40
05/16/19	Attend 9th Circuit oral argument.	1.50	1.50	0.00
07/10/19	Review FRAP to confirm deadlines for appeal of May 31 order.	0.10	0.10	0.00
08/23/19	Review and analyze 9th Circuit decision affirming PI.	0.70	0.70	0.00
08/23/19	Revise draft press release; emails to/from S. Minter re: same; emails to/from L. Rifkin re: same; call with D. Ferguson re: same.	2.00	0.00	-2.00
09/26/19	Review and edit opposition to petition for rehearing.	0.90	0.90	0.00
02/23/21	Review/respond to email from A. Whelan re comparable jury verdicts/settlements in cases involving transgender plaintiffs; legal research for same.	0.30	0.30	0.00
06/14/21	Legal research for attorneys' fees motion.	0.30	0.30	0.00
06/15/21	Legal research on enhancements in PLRA cases for attorneys' fees motion.	1.90	1.90	0.00
06/15/21	Legal research on Kerr factors and enhancements in PLRA cases for attorneys' fees	2.10	2.10	0.00
06/16/21	Research and drafting of fee motion - portion on multiplier.	4.10	4.10	0.00

Edmo v. IDOC**Julie Wilensky Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/17/21	Call with A. Whelan re: section of fee motion on multiplier and research/briefing re: same.	0.40	0.40	0.00
06/21/21	Legal research on criteria/evidence for enhancement.	0.90	0.90	0.00
06/21/21	Research and drafting of portion of fee motion re: enhancement.	1.10	1.10	0.00
06/21/21	Research and drafting of portion of fee motion re: enhancement.	1.70	1.70	0.00
06/22/21	Continue drafting section of fees motion on multiplier.	1.10	1.10	0.00
06/22/21	Continue drafting section of fees motion on multiplier.	0.80	0.80	0.00
06/22/21	Continue drafting section of fees motion on multiplier.	0.60	0.60	0.00
06/25/21	Continue drafting section of fees motion on multiplier.	3.10	3.10	0.00
07/22/2021	Review and respond to email from A. Whelan re: multiplier argument in fees motion; review cases and briefing in similar cases to respond to	0.80	0.80	0.00
09/08/2021	Review and edit draft motion for attorneys' fees.	1.90	1.90	0.00
	Totals (in hours)	127.6	123.90	-3.70

Edmo v. IDOC**Alex Chen Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/02/17	Reviewing Defendant's motion for partial summary judgment.	1.00	1.00	0.00
11/20/17	Legal research and review of draft of opposition to def's MTD/MSJ	3.00	3.00	0.00
03/29/18	MTD/MSJ oral argument prep	1.40	0.00	-1.40
05/22/18	research and drafting of PI motion, expert declarations ISO PI motion	9.50	9.50	0.00
05/23/18	confs with AW re project for PI motion	0.30	0.30	0.00
05/30/18	Call with JW re: revisions to brief ISO preliminary injunction.	0.10	0.10	0.00
05/30/18	Edits to draft PI	2.70	2.70	0.00
07/17/18	Team call re discovery and PI	0.50	0.50	0.00
07/25/18	meeting with Julie to discuss creation of timeline for Adree's medical records	0.30	0.30	0.00
08/01/18	Constructing timeline of Adree's medical history for PI evidentiary hearing	2.10	2.10	0.00
08/06/18	Making timeline of Adree's medical history for evidentiary hearing on PI	8.20	8.20	0.00
08/07/18	Making timeline of Adree's medical history for evidentiary hearing on PI	8.70	8.70	0.00
08/08/18	Making timeline of Adree's medical history for evidentiary hearing on PI	5.50	5.50	0.00
08/09/18	Making timeline of Adree's medical history for evidentiary hearing on PI	6.50	6.50	0.00
08/10/18	Making timeline of Adree's medical history for evidentiary hearing on PI	1.80	1.80	0.00
08/14/18	Making timeline of Adree's medical history for evidentiary hearing on PI	8.70	8.70	0.00
08/20/18	Drafting deposition outline for Dr. Alviso	1.70	1.70	0.00
08/21/18	Drafting deposition outline for Dr. Alviso	4.60	4.60	0.00
08/22/18	Planning call for 30(b)(6) depositions of IDOC and Corizon	1.30	0.00	-1.30
08/22/18	Drafting deposition outline for Dr. Alviso	1.40	1.40	0.00
08/23/18	Drafting deposition outline for Dr. Alviso	2.20	2.20	0.00
08/24/18	Drafting deposition outline for Dr. Alviso	3.70	3.70	0.00

Edmo v. IDOC**Ary Smith (Law Student Clerk) Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/30/17	Reading and notes on complaint	0.80	0.80	0.00
05/30/17	Reading and notes on review order	1.50	1.50	0.00
05/30/17	Researching issues in complaint (Sec. 1983)	1.50	1.50	0.00
05/31/17	Reading prior complaint in case history	0.30	0.30	0.00
05/31/17	Create timeline of case history for AW	1.00	1.00	0.00
05/31/17	Research review order and cases cited (Schwenk, Norsworthy)	2.50	2.50	0.00
05/31/17	conf with AW re research prison policies and procedures	0.20	0.20	0.00
05/31/17	Working on memo re: IDOC Policies and Procedures for amended complaint	0.80	0.80	0.00
06/01/17	Research applicable regulations and statues	0.50	0.50	0.00
06/01/17	Locate and summarize IDOC contract with Corizon	2.50	2.50	0.00
06/01/17	Memo re: IDOC Policies and Procedures for complaint	4.00	4.00	0.00
06/08/17	Writing memo on IDOC policies and Corizon contract	4.00	4.00	0.00
06/15/17	Notes on key allegations from complaint	1.00	1.00	0.00
06/16/17	Notes for Facts section of memo to AW	1.50	1.50	0.00
06/19/17	Adding Facts section to memo to AW	3.00	3.00	0.00
07/26/17	conf with AW re Edmo records for complaint project	0.20	0.20	0.00
07/26/17	Reading and notating medical records	2.50	2.50	0.00
07/28/17	Reading and notating medical records	2.50	2.50	0.00
07/31/17	Creating table of contents of medical records and comparing to complaint	5.80	5.80	0.00
08/01/17	Adding analysis of medical records for complaint	3.00	3.00	0.00
	Totals (in hours)	39.1	39.10	0.00

Edmo v. IDOC**Alex Chen Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
09/04/18	Research and preparation for Dr. Andrade and Dr. Garvey depositions	2.20	2.20	0.00
09/04/18	conf with AW re support for Andrade and Garvey defense expert depositions	0.40	0.40	0.00
09/04/18	second conf with AW re defense expert depositions	0.60	0.60	0.00
09/05/18	Strategy call re: depositions for PI evidentiary hearing	1.30	0.00	-1.30
09/05/18	Legal research for expert depositions in PI evidentiary hearing	4.20	4.20	0.00
09/06/18	Legal research for Andrade and Garvey depositions for PI hearing	11.40	11.40	0.00
09/08/18	Research for Andrade deposition for PI hearing	1.40	1.40	0.00
09/09/18	Legal research for expert depositions in support of PI hearing	3.20	3.20	0.00
09/09/18	Call with Dr. Gorton to prep for Andrade depo for PI hearing	1.60	0.00	-1.60
09/14/18	Call with AW, LR, and Dr. Gorton re: Dr. Garvey deposition	1.80	0.00	-1.80
09/16/18	Prep for Garvey deposition in support of PI	2.60	2.60	0.00
09/18/18	Legal research and drafting questions for Garvey deposition in support of PI evidentiary hearing	3.30	3.30	0.00
09/18/18	Preparation for Dr. Garvey deposition for PI hearing	2.70	2.70	0.00
09/24/18	Legal research for PI reply	7.00	7.00	0.00
09/24/18	conf with AW re legal projects for reply brief ISO PI	0.20	0.20	0.00
09/25/18	Legal research for PI reply	5.30	5.30	0.00
09/26/18	Constructing timeline for PI reply brief.	6.70	6.70	0.00
09/27/18	Creating medical events timeline for PI reply brief.	8.80	8.80	0.00
09/27/18	conf with AW re medical issues for hearing	0.30	0.30	0.00
10/02/18	conf with AW re conclusions of law for post-hearing filing	0.20	0.20	0.00
10/03/18	Drafting conclusions of law	3.20	3.20	0.00
10/05/18	Drafting brief opposing motion to seal exhibit	4.20	4.20	0.00

Edmo v. IDOC**Alex Chen Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
10/05/18	Drafting brief opposing motion to seal exhibit	6.50	6.50	0.00
10/09/18	travelling to Idaho for evidentiary hearing	3.80	0.00	-3.80
10/10/18	Legal research into mandatory preliminary injunction standard	3.10	3.10	0.00
10/10/18	first day of PI evidentiary hearing	6.00	0.00	-6.00
10/11/18	Legal research into mandatory preliminary injunction standard	3.20	3.20	0.00
10/11/18	Legal research into mandatory preliminary injunction standard	1.70	1.70	0.00
10/11/18	second day of PI evidentiary hearing	6.50	0.00	-6.50
10/12/18	travelling back from Idaho for evidentiary hearing	3.70	0.00	-3.70
10/12/18	third day of PI evidentiary hearing	6.50	0.00	-6.50
10/15/18	drafting conclusions of law	2.30	2.30	0.00
10/15/18	Researching Adree's medical and disciplinary records	1.10	1.10	0.00
10/15/18	conf with AW re conclusions of law	0.10	0.10	0.00
10/22/18	Legal research on history of prison medical conditions and litigation.	2.10	2.10	0.00
10/23/18	Legal research on history of prison medical conditions and litigation.	1.60	1.60	0.00
02/27/19	Legal research on advisability of animus-focused animus brief for 9th Circuit appeal	6.80	6.80	0.00
02/27/19	conf with AW re amicus briefs	0.50	0.50	0.00
03/11/19	Edmo 9th circuit appeal amicus research	5.20	5.20	0.00
03/14/19	Edmo appeal waiver/PLRA findings research/drafting	15.80	13.00	-2.80
03/15/19	Cite check of stay motion opposition in the Ninth Circuit	2.80	2.80	0.00
03/17/19	Strategy call re: amicus briefs	1.00	1.00	0.00
03/25/19	Drafting Rule 62.1 district court motion for indicative ruling on PLRA findings issue	4.30	4.30	0.00
03/26/19	Legal research for Ninth Circuit appeals brief	11.60	11.60	0.00
03/27/19	Further edits to Rule 62.1 indicative ruling motion	1.30	1.30	0.00

Edmo v. IDOC**Alex Chen Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
03/28/19	Edited Ninth Circuit response brief	2.30	2.30	0.00
04/01/19	Editing Ninth Circuit response brief	6.70	6.70	0.00
04/02/19	Editing Ninth Circuit response brief	7.20	7.20	0.00
04/03/19	legal research and drafting reply ISO motion for indicative ruling	4.60	4.60	0.00
04/03/19	confs with AW re defs' motion to vacate PI	0.20	0.20	0.00
04/04/19	confs with AW re research for motion to vacate/reply ISO rule 60 motion	0.30	0.30	0.00
04/05/19	Legal research and drafting of reply ISO motion for indicative ruling in district court	11.30	11.30	0.00
04/05/19	Legal research and drafting reply ISO motion for indicative ruling	2.60	2.60	0.00
04/10/19	Researching PLRA legislative history for 9th circuit motion to vacate PI	6.30	6.30	0.00
04/14/19	Editing response to Defs motion to vacate in 9th Cir.	1.40	1.40	0.00
04/15/19	Legal research ISO response to motion to vacate in 9th Cir.	1.20	1.20	0.00
05/06/19	Ninth Circuit oral argument research & prep	4.80	0.00	-4.80
07/01/19	Fee research	2.40	0.00	-2.40
07/11/19	conf with AW re project for discovery motion	0.30	0.30	0.00
07/24/19	Legal research of deliberate indifference standards for injunctive relief vs. damages for discovery dispute	5.80	5.80	0.00
07/25/19	Document review and updating database of Adree's June 2018-April 2019 medical records	8.40	8.40	0.00
10/01/19	legal research re dist ct motion to stay	5.10	5.10	0.00
10/01/19	conf with AW re opposition to stay	0.40	0.40	0.00
10/02/19	legal research re dist ct stay motion	4.30	4.30	0.00
10/09/19	Stay motion legal research	6.10	6.10	0.00
10/23/19	Review and analysis of Ninth Circuit briefing order in second Ninth Circuit appeal	0.60	0.60	0.00
10/30/19	Legal research into procedures for opposing motion to extend time to file cert petition	0.80	0.80	0.00
10/31/19	Legal research into cert petition procedures	0.80	0.80	0.00

Edmo v. IDOC**Alex Chen Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
11/03/19	Legal research into district court preliminary injunction orders for stay motion	4.20	4.20	0.00
11/03/19	Conf with AW re pending appeal in 8th amendment SCOTUS cases	0.20	0.20	0.00
11/05/19	Legal research in support of opposition to second appeal	10.60	10.60	0.00
11/18/19	Legal research & drafting memo on response brief in second appeal	8.80	8.80	0.00
11/20/19	Conversation with Amy regarding legal strategy of second appeal and updating memo with further research on expiration argument	0.10	0.10	0.00
11/20/19	further research into second appeal PLRA expiration argument	1.10	1.10	0.00
11/20/19	Conversation with Amy regarding second appeal and PLRA expiration argument	0.60	0.60	0.00
11/20/19	Edits to brief for district court evidentiary hearing on 11/21/19 regarding surgical technique & presurgical treatment.	0.20	0.20	0.00
12/12/19	Cite-checking response brief in second appeal	3.30	3.30	0.00
	Totals (in hours)	358.3	314.40	-43.90

Edmo v. IDOC**Maxie Bee Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
12/12/19	Cite checking for the response to the second appeal.	2.40	2.40	0.00
07/07/21	Meeting with AW re fees petition assignments	0.50	0.50	0.00
07/07/21	Drafting plan to collect and review all time exhibits	0.90	0.90	0.00
07/08/21	begin review of time run exhibits for fee motion	0.90	0.90	0.00
07/09/21	continue review of time run exhibits for fee motion	2.20	2.20	0.00
07/09/21	Email to AW re time exhibits	0.20	0.20	0.00
07/12/21	continue review of time run exhibits for fee motion	0.60	0.60	0.00
07/12/21	Emails to/from AW re time entry exhibits for all firms	0.20	0.20	0.00
07/13/21	Implementing billing judgments in District court matter	0.10	0.10	0.00
07/13/21	Implementing time reductions in the District Court Matter	1.50	1.50	0.00
07/15/21	Emails to/from AW re Cooley time entries	0.10	0.10	0.00
07/15/21	proofed Cooley time entries for court filing	0.80	0.80	0.00
07/15/21	proof of Rifkin time exhibit	0.10	0.10	0.00
07/15/21	Emails to/from AW re Cooley/Rifkin time entries	0.10	0.10	0.00
07/21/21	review of NCLR time for Appeals; prep of same for fee motion	0.30	0.30	0.00
07/22/21	Emails to/from AW re next steps for fees motion	0.30	0.30	0.00
07/22/21	continued review of all time to prepare as exhibits for court	1.10	1.10	0.00
07/23/21	continued review of all time to prepare as exhibits for court	1.00	1.00	0.00
07/27/21	Emails to/from Amy re time exhibits for court	0.40	0.40	0.00
07/27/21	review of time entries to prep for fee motion	1.70	1.70	0.00
07/27/21	Emails to Amy re Hadsell-Stormer times	0.20	0.20	0.00
07/28/21	prep of time exhibits for fee motion	2.00	2.00	0.00
07/28/21	Conf with Amy re time exhibits	0.80	0.80	0.00
07/29/21	prep of time exhibits for fee motion	3.70	3.70	0.00

Edmo v. IDOC**Maxie Bee Time through September 30, 2021**

DATE	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
07/30/21	prep of time exhibits for fee motion	2.60	2.60	0.00
08/02/21	prep of time exhibits for fee motion	0.50	0.50	0.00
08/03/21	Emails w/ Amy re time exhibits	0.10	0.10	0.00
08/03/21	prep of time exhibits for fee motion	1.70	1.70	0.00
08/04/21	prep of time exhibits for fee motion	2.50	2.50	0.00
08/05/21	prep of time exhibits for fee motion	1.40	1.40	0.00
08/06/21	prep of time exhibits for fee motion	2.50	2.50	0.00
08/09/21	prep of time exhibits for fee motion	0.80	0.80	0.00
08/11/21	prep of time exhibits for fee motion	1.20	1.20	0.00
08/16/21	Assist AW with time tracker sheet	0.20	0.20	0.00
08/19/21	Review and revise flagged entries re reductions or work product info	1.30	1.30	0.00
08/20/21	Review and revise flagged entries re reductions or work product info	2.40	2.40	0.00
08/23/21	Review and revise flagged entries re reductions or work product info	0.90	0.90	0.00
08/23/21	Emails to/from LR and AW re time reductions	0.20	0.20	0.00
08/26/21	Review and revise flagged entries re reductions or work product info	1.80	1.80	0.00
08/30/21	Formatting NCLR time into exhibit form	0.70	0.70	0.00
08/31/21	Formatting NCLR time into exhibit form	0.60	0.60	0.00
09/01/21	Meeting with AW re exhibit formatting	1.00	1.00	0.00
09/01/21	Formatting RLO time into exhibit form	0.80	0.80	0.00
09/07/21	Formatting RLO time into exhibit form	1.10	1.10	0.00
09/08/21	Formatting NCLR time into exhibit form	0.10	0.10	0.00
	Totals (in hours)	46.50	46.50	0.00

EXHIBIT C

National Center for Lesbian Rights - Expense Report**Edmo v. IDOC et al.**

Expense Date	User	Description	Actual Cost	Billed Cost
8/3/2017	Amy Whelan	Car rental for August 2017 trip to meet potential client	\$67.84	\$67.84
8/30/2017	Amy Whelan	Pro Hac Vice Admission Fee	\$225.00	\$225.00
8/31/2017	Amy Whelan	AW flight for August 2017 meeting with potential client	\$493.90	\$493.90
3/30/2018	Amy Whelan	AW Flight to Boise for March 2018 case trip	\$461.10	\$461.10
4/30/2018	Amy Whelan	Expert N. Gorton April 2018 flight to Boise for client evaluation	\$409.50	\$0.00
5/21/2018	Julie Wilensky	Pro Hac Vice Admission Fee	\$225.00	\$225.00
9/24/2018	Amy Whelan	AW Flight to Boise for PI Evidentiary Hearing	\$664.90	\$664.90
9/25/2018	Amy Whelan	Toll for Benitia-Martinez Bridge to defend N. Gorton expert deposition	\$5.00	\$5.00
9/25/2018	Amy Whelan	Toll for Bay Bridge return from Sacramento to defend Dr. Nick Gorton Deposition	\$6.00	\$6.00
9/25/2018	Amy Whelan	Mileage from/to Sacramento for Expert Gorton Depo (and thru Davis to pick up Dr. Gorton)-92 miles each way (184 miles x \$0.565)	\$103.96	\$103.96
9/28/2018	Alexander Chen	Pro Hac Vice Admission Fee	\$250.00	\$250.00
10/3/2018	Amy Whelan	Expert Nick Gorton Flight SFO-Boise for PI evidentiary hearing	\$472.06	\$0.00
10/8/2018	Amy Whelan	AW Lunch for PI Evid. Hearing	\$13.13	\$13.13
10/8/2018	Amy Whelan	AW Cab home - SFO for PI Evid. Hearing	\$58.25	\$58.25
10/9/2018	Amy Whelan	Ettner and Gorton Lunch for PI Hearing	\$22.14	\$0.00
10/9/2018	Amy Whelan	AW and R. Ettner dinner for PI Evid. Hearing	\$41.86	\$20.00
10/10/2018	Amy Whelan	AW and A. Chen coffee for PI Evid. Hearing	\$6.35	\$6.35
10/11/2018	Amy Whelan	AW, AC, N. Gorton Dinner PI Evid Hearing	\$156.60	\$104.00
10/12/2018	Amy Whelan	AW Cab Boise Airport-hotel for PI Evid Hrg (missed flight)	\$19.08	\$19.08
10/12/2018	Amy Whelan	Hertz team rental car for PI Evid Hrg	\$332.67	\$332.67
10/12/2018	Amy Whelan	AW, LR, and SS Dinner for PI Hearing	\$124.94	\$124.94
10/13/2018	Amy Whelan	AW Cab hotel-Boise Airport for PI Hrg	\$16.00	\$16.00

National Center for Lesbian Rights - Expense Report**Edmo v. IDOC et al.**

Expense Date	User	Description	Actual Cost	Billed Cost
10/13/2018	Amy Whelan	AW Cab SFO-home for PI Evid Hrg	\$56.52	\$56.52
10/31/2018	Alexander Chen	One night hotel for deposition of third party deponent Dr. Alviso	\$100.69	\$0.00
10/31/2018	Alexander Chen	Flight to Boise for PI evidentiary hearing	\$376.46	\$0.00
10/31/2018	Alexander Chen	3 nights hotel for PI evidentiary hearing	\$674.61	\$0.00
10/31/2018	Alexander Chen	Flight to Boise for deposition of third party deponent Dr. Alviso	\$248.46	\$0.00
3/19/2019	Amy Whelan	Dr. Lin Fraser flight to/from Boise for surgical letter evaluation of client in accordance with PI Order	\$780.10	\$780.10
11/7/2019	Amy Whelan	IDOC Collect Call System Registration for Client Calls	\$28.06	\$28.06
11/14/2019	Amy Whelan	AW Airfare for 11/21/19 Hearing re Surgery	\$799.10	\$799.10
11/20/2019	Amy Whelan	AW and LR dinner for 11-21-19 Hearing re Surgery	\$37.80	\$37.80
11/21/2019	Amy Whelan	AW Hotel Room and for 11-21-19 Hearing re Surgery	\$385.95	\$385.95
11/21/2019	Amy Whelan	AW and LR Dinner for 11-21-19 Hearing re Surgery	\$45.11	\$45.11
11/21/2019	Amy Whelan	AW lunch for 11-21-19 Hearing re Surgery	\$12.39	\$12.39
11/21/2019	Amy Whelan	L. Rifkin Hotel Room and for 11-21-19 Hearing re Surgery (and 11/20 dinner)	\$416.39	\$416.39
11/21/2019	Amy Whelan	AW Rental Car for 11-21-19 Hearing re Surgery	\$45.96	\$45.96
11/22/2019	Amy Whelan	AW cab from SFO to Home for 11-21-19 Hearing re Surgery	\$65.00	\$65.00
11/22/2019	Amy Whelan	AW subway (BART) from office to SFO for 11-21-19 Hearing re Surgery	\$9.15	\$9.15
12/5/2019	Amy Whelan	Lin Fraser work for surgical evaluation of client (March to August 2019)	\$8,400.00	\$8,400.00
9/28/2020	Amy Whelan	IC Solution charge for collect calling with client	\$37.65	\$37.65
11/6/2020	Amy Whelan	Expert Randi Ettner 10-27-18 Invoice	\$8,917.34	\$0.00
11/6/2020	Amy Whelan	Expert Randi Ettner 4-6-18 invoice	\$10,620.98	\$0.00
11/6/2020	Amy Whelan	Expert Randi Ettner 10-1-18 Invoice	\$10,237.50	\$0.00
11/16/2020	Amy Whelan	Collect call fees for client calls re case	\$35.44	\$35.44
		Grand Total:	46505.94	14351.74

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO, in his
official capacity; JEFF ZMUDA, in his
official capacity; HOWARD KEITH
YORDY, in his official and individual
capacities; CORIZON, INC.; SCOTT
ELIASON; MURRAY YOUNG; RICHARD
CRAIG; RONA SIEGERT; CATHERINE
WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF DAN STORMER AND
EXHIBITS IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES AND
EXPENSES**

DECLARATION OF DAN STORMER

I, Dan Stormer, declare as follows:

1. I am an attorney licensed to practice law in California and before this Court, and am counsel of record for Plaintiff Adree Edmo in this action. I make this declaration in support of Plaintiff's Motion for Attorney's Fees and Expenses. It is based on my own personal knowledge, and if called as a witness, I could and would testify to the following matters.

MY BACKGROUND

2. I am a founding partner of the law firm of Hadsell Stormer Renick & Dai LLP, which practices primarily in the area of employment discrimination, constitutional, civil rights, international human rights, and public interest law. I have been in the practice of law for over four decades and a member of the State Bar of California since 1981, an inactive member of the State Bar of Colorado (1974), and a former member of the State Bar of Washington (1977).

3. I am "AV Preeminent" rated by Martindale-Hubbell. For many decades, I have been listed as a "leading" or "top" attorney on the national, state, and local level in many surveys of my peers and in publications, including: "The Best Lawyers In America" (since 1994), one of the "Top 100 Trial Lawyers" (National Trial Lawyers), one of the "Top 100 Most Influential Lawyers in California" (California Law Business), one of the Top 75 Labor and Employment Lawyers, and as one of the top five (and on other occasions, ten) plaintiff employment lawyers in California (Chambers USA—America's Leading Business Lawyers). Los Angeles Magazine and Law & Politics Magazine has selected me as a "Super Lawyer" and among the Top 100 Lawyers for more than ten years. I have also been selected repeatedly as one of the Top 10 Attorneys in Southern California in the same survey. The Governors of The College of Labor and Employment Lawyers inducted me as a Fellow of the College.

4. I have been acknowledged both nationally and internationally as one of the leading civil rights, employment, plaintiff-side labor and constitutional law attorneys, as recognized in "The Best Lawyers in America," "Euromoney Publications," "Guide to the Worlds' Leading Labour and Employment Lawyers" (since 1999), "America's Registry of Outstanding

Professionals,” as well as the National and International “Who’s Who of Professionals.”

5. My partners and associates have been repeatedly selected as “Super Lawyers” and “Rising Stars.” They have received numerous accolades in their own right.

6. I have co-authored three law review articles: Stormer and Bernstein, *The Impact of Kolender v. Lawson on Law Enforcement and Minority Groups*, 12 HASTINGS CONSTITUTIONAL LAW QUARTERLY 105 (1984); Stormer and Ferber, *Legal Responses to Unconstitutional Termination of Disability Benefits*, 22 IDAHO LAW REVIEW 201 (1985-1986); and Stormer and Richardson, *The Graying of America: Age Discrimination in the Nineties*, 26 WEST LOS ANGELES LAW REVIEW 189 (1995). I previously wrote a monthly column for the Matthew Bender California Labor and Employment Bulletin. I have contributed to literally dozens of other publications, including a chapter in the James Publications Book: Sexual Harassment.

7. I have been the subject of numerous Daily Journal profiles (including May 2005, August 14, 1989, and December 1985), numerous Top 100 Lawyer and Top Labor and Employment profiles, as well as one profile in each of the following publications: Los Angeles Lawyer (December 1984), California Lawyer (December 1988), Legal Exchange (May 1990), California Law Business (November 1993) and the Pasadena Star News (April 20, 2005). Several academic institutions have also written profiles on me, including the Wagner College alumni journal (Fall 2008) and the Santa Monica Community College semi-annual publication “Voices on Higher Education” in 1998.

8. During the past 47 years, I have taught at over 300 legal programs and seminars as well as having been a key note and graduation speaker. I have been a law school commencement address speaker, including at The Thomas Jefferson School of Law. I have taught at Hastings College of Law (Trial Advocacy, Pre-Trial Criminal Procedure), Loyola College of Law (Prisoners’ Rights), San Fernando Valley College of Law (Trial Advocacy), and at Southwestern University College of Law (Political Trials). I have also taught trial advocacy for the National Institute of Trial Advocacy, Hastings College of Trial Advocacy, and California Institute of Trial advocacy. I have lectured extensively on civil rights and harassment to students, CEB

organizations and community groups.

9. In addition to presenting at academic institutions and community organizations, I am often asked to speak to legal groups on various issues concerning civil rights and trials. For instance, I have presented to the Los Angeles Trial Lawyers Association (on the issue of how to try an employment discrimination case), the Los Angeles County Labor Law Section (many times, including on “The Care and Feeding of Juries”), the California Employment Law Council (several times), the Consumer Attorneys of California (the “Masters Series” involving, as the Association describes it, “prominent successful attorneys,” where I presented a closing argument), and to the annual California State Bar Labor and Employment law symposium (key-note speaker as well as numerous times as a panelist). I have also spoken on civil rights trials and cases at seminars presented by MALDEF, ACLU, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, Florida Trial Lawyers, Western Trial Lawyers Association, National Employment Lawyers Association, Los Angeles County Bar, California State Bar, National Lawyers Guild, California Trial Lawyers Association, American Trial Lawyers Association, Association of Business Trial Lawyers, The National Institute of Trial Advocacy, California Employment Lawyers Association, as well as many others. I have presented at several ABA conventions and at literally hundreds of trial practice workshops and other legal educational seminars.

10. I have received a number of awards, including: The California Lawyer Attorney of the Year (CLAY) Award in 2006 and 2017, The Freedom Now Award from the Los Angeles Community Action Network in 2016, the Religious Liberty Award by the ACLU in 2012, Certificate of Special Congressional Recognition (by Congressman Howard L. Berman, in 2012), LGBT Award (the ACLU Foundation of Southern California, in 2007), The Honorable Robert W. Kenny Award (the Los Angeles Chapter of the National Lawyers Guild, in 2005), Los Angeles Regional Social Justice Award (Occidental College - Urban & Environmental Policy Institute, in 2006), Certificate of Recognition for Human Rights Legal Representation (California State Assembly), Joseph Posner Award (California Employment Lawyer’s Association, in 2005),

Certificate of Recognition for Fighting Discrimination (California State Assembly Resolution), Commendation by the Los Angeles Office of the City Attorney (for outstanding contribution to the citizens of Los Angeles, in 1995), the California Lieutenant Governor's Commendation (for longstanding commitment to ensure equal justice and for service to the community, in 1995), the Pursuit of Justice Award (California Women's Law Center, in 1995), California Assembly Resolution (honoring me for my commitment to civil rights, constitutional law and public interest law, in 1995), the Clarence Darrow Award (People's College of Law, in 1991), the Hollywood Fair Housing Council Award (1989), Pro Bono Firm of the Year (Public Counsel Law Center, in 1987), and the Pro Bono Service Award (Legal Aid Foundation of Los Angeles, in 1986).

11. Attached as Exhibit A is a true copy of my current list of Awards and Activities.

12. I have co-counseled with many highly regarded organizations, including the American Civil Liberties Union, the Center for Constitutional Rights, the NAACP Legal Defense Fund, the Mexican-American Legal Defense Fund, various legal aid societies, Public Counsel, and the Western Center on Law and Poverty. These co-counseling arrangements have been required because most of the legal work in which I have been involved impacts diverse interest groups, involves novel and complex issues of fact and law, and demands huge resources to conduct the type of discovery and litigation required.

13. I have represented a wide range of clients in the civil rights area. I would estimate that I have been co-counsel on at least 40 civil rights class actions. These class actions have involved a wide range of public interest issues including, but not limited to ERISA, 42 U.S.C. § 1983, Title VII of the Civil Rights Act of 1964, Unfair Business and Practices under California Business & Professions Code § 17200, Immigrants' Rights, Employment Law, Consumer Rights, Welfare Rights and Voting Rights.

14. I have tried many cases to juries. On a number of occasions, I have achieved verdicts of a million dollars or more. Examples are *Martin v. Texaco* (\$20 million); *Denise Steffens v. Regus* (\$4.6 million); *Schell v. Parks* (\$4.31 million); *Zinzun v. City of Los Angeles* (\$3.84 million); *Pajas v. County of Monterey* (\$1.6 million); *Ruiz v. Jackson* (\$1.6 million); *Pajas v.*

County of Monterey et al., (\$1.6 million); *Wysinger v. The Automobile Club of Southern California* (\$1.3 million); and *Bonsangue v. ADP* (slightly over \$1 million). I have been co-counsel or lead counsel in scores of cases which have settled for seven or eight figures (no decimals included).

15. Many of my cases have resulted in published decisions by the United States Supreme Court, Federal Courts of Appeal, District Courts, and state courts, including the California, Washington, and Colorado Supreme Courts and the California Courts of Appeal. A true and correct partial list of these cases is attached as Exhibit B. As that case list demonstrates, I specialize in a wide range of complex civil and civil rights cases, not all of which are listed in the foregoing paragraphs. My firm is one of the most highly regarded civil rights and employment litigation firms in California.

HADSELL STORMER'S INVOLVEMENT IN THIS CASE

16. The National Center for Lesbian Rights ("NCLR") contacted our firm about co-counseling this matter along with local Idaho counsel in August 2017. After extensive review of materials, my then-law partner, Lori Rifkin, and I agreed to co-counsel this matter.

17. We were interested in this case because of the challenges it posed and the important public interest issues it raised. We believed that the case had significant impact in that it could set precedent and guidance regarding medical and mental health treatment of transgender persons who are incarcerated. Success was highly uncertain because this is a new and developing area of law and we understood the risk that an Idaho jury would award low, or no damages at all, to Plaintiff, a transgender woman incarcerated for sexually abusing a minor boy.

18. In January 2018, our associate Shaleen Shanbhag, who is now a partner, was assigned to the case to assist with discovery, legal research, and motion practice.

19. Ms. Rifkin was lead counsel for the case team and worked closely with Ms. Shanbhag to prepare the case, while I was involved in strategy discussions and decisions. As is our firm's practice, Ms. Rifkin and Ms. Shanbhag closely coordinated their respective efforts. Ms. Rifkin and I delegated litigation tasks to avoid duplication of effort, and in the most cost-effective way. Ms. Rifkin led the day to day oversight and litigation of the case even after her departure

from our firm in 2019.

20. Ms. Shanbhag was tasked primarily with discovery, legal research and writing, and preparation of assigned witnesses. Ms. Shanbhag deposed Defendant Scott Eliazon, M.D., and cross-examined him during the preliminary injunction evidentiary hearing. She assisted with most of the law and motions practice in the district court and Ninth Circuit. After Ms. Rifkin left our firm, Ms. Shanbhag did the majority of work on behalf of our firm,, with ongoing high level supervision and strategic guidance by me.

21. Up through September 30, 2021, I have spent a total of 44.50 hours on this matter. My typical hourly rate is \$1,200 per hour. As is set forth herein, that rate is well within the reasonable range for an attorney of my reputation, skill, and experience in the Los Angeles, California legal market. That is also the rate at which I currently bill my clients who retain my services on an hourly basis. It is also a rate called for by prior my prior fee awards.

- a. 2008 rate \$725: In a jail conditions class action, my 2008 rate of \$725 was upheld by the Ninth Circuit. *Pierce v. County of Orange*, 905 F. Supp. 2d 1017, 1035 n.16 (C.D. Cal. 2012).
- b. 2011 rate \$825: In later proceedings in *Pierce*, my 2011 rate of \$825 was approved by United States District Court Judge Audrey Collins. *Pierce v. County of Orange*, 905 F. Supp. 2d 1017, 1039 (C.D. Cal. 2012) (“Plaintiffs’ proposed hourly rates reasonably reflect the factors outlined in *Camarillo* and the Court will not reduce them.”)
- c. 2015 rate \$1,000: In the class action case of *Aichele v. City of Los Angeles*, Case No. 2:12-cv-10863, United States District Court Judge Dolly Gee issued an order awarding attorneys’ fees and costs to Plaintiffs in 2015 which included fees for my time. In that case, my 2015 requested rate was \$1,000. When considering that the range of rates of class counsel fell between \$875 and \$1,000, Judge Gee ruled that “Whether measured by the percentage of the fund standard or the lodestar standard, the requested fees are reasonable.”

Since 2016, consistent with increases in my experience, achievements, and general rate increases in the Los Angeles market, my rate has increased to \$1,200.

RATES REQUESTED FOR OTHER ATTORNEYS

AND STAFF AT OUR FIRM ARE REASONABLE

22. In setting the rates of the attorneys and staff at my firm, I regularly survey fee awards of attorneys in other civil rights cases. The hourly rates charged by my firm are consistent with those of comparable experience, expertise and skill in the community and demonstrate that these rates are at and/or below market rate. In addition to my own time, work on this case was contributed by five other attorneys, four legal assistants, two law students, and one college student. All of the time listed below represents the significant amount of work that went into litigating this case from the time we were retained in August 2017, through the settlement earlier this year. The following table lists the rates that our firm charges for these individuals, the hours they contributed to this case, and the resulting reasonable fee we would typically seek:

Name	Title / Year of Graduation	Rate	Hours	Lodestar
Dan Stormer	Partner, 1974	\$1200	44.50	\$53,400.00
Shaleen Shanbhag	Partner, 2014	\$575	1134.90	\$652,567.50
Caitlan McLoon	Associate, 2012	\$525	73.10	\$38,377.50
Jordyn A. Bishop	Associate, 2017	\$400	52.10	\$20,840.00
Sairah Budwhani	Law Student	\$220	63.70	\$14,014.00
Norma Molina	Legal Assistant	\$215	69.50	\$14,942.50
Jessica Valdenegro	Legal Assistant	\$175	18.70	\$3,272.50
TOTAL			1,456.80	\$797,414.00

23. The hourly rates I set forth above for my firm are the same rates we routinely charge for the clients we represent who are paying their own bills, and therefore are the same rates we charge where full payment is expected promptly upon the rendition of the billing, and

without any contingency whatever. We do have a number of clients who pay our hourly rates. If any substantial part of the payment were to be deferred for any substantial period of time, or if payment were to be contingent upon outcome or any other factor, the fee arrangement would normally be adjusted upward accordingly to compensate the attorneys for risk and delay in payment. Further underscoring the reasonableness of the number of hours expended is that fact that we are civil rights lawyers who, for many of their cases, depend on contingency fees and attorney fee awards in particular to obtain any fees at all.

24. The following table lists the rates that our firm charges for these individuals subject to the Prison Litigation Reform Act hourly rate cap, the hours they contributed to this case, and the resulting reasonable fee we seek in this case before any multiplier is applied:

Name	Title / Year of Graduation	PLRA Rate	Hours	PLRA Lodestar
Dan Stormer	Attorney, 1974	\$232.50	44.50	\$10,346.25
Shaleen Shanbhag	Partner, 2014	\$232.50	1134.90	\$263,864.25
Caitlan McLoon	Attorney, 2012	\$232.50	73.10	\$16,995.75
Jordyn A. Bishop	Attorney, 2017	\$232.50	52.10	\$12,113.25
Sairah Budwhani	Law Student	\$220.00	63.70	\$14,014.00
Norma Molina	Legal Assistant	\$215.00	68.30	\$14,684.50
Jessica Valdenegro	Legal Assistant	\$175.00	20.20	\$3,535.00
TOTAL			1,456.80	\$335,553.00

25. During my 45 years of law practice, I have become familiar with the kinds of fees that are prevalent in successful employment, civil rights and public interest cases in Southern California. I have gained this knowledge through handling attorney's fees litigation in the past, discussing fees with other attorneys practicing in these areas of law, reviewing attorney's fees applications submitted by other firms, and serving as an expert on behalf of persons seeking attorney's fees before various state and federal courts. Based on my experience and review, our

typical rates are well within the rates charged by attorneys of comparable experience, expertise, and skill in the Los Angeles market for civil rights cases of this type.

26. Since a substantial portion of my firm's practice involves public interest law, we rely upon attorney fee awards as a funding base for our firm.

27. The specific rates our firm charges for the attorneys listed in paragraph 24 reflect their respective market rates in light of each attorney's skill, reputation, and experience, which I summarize briefly below. There were other attorneys, paralegals, and law clerks at my firm who did some work on the case, including attorneys Barbara Hadsell and Brian Olney, our paralegal Tami Galindo, and law clerks Alyssa Wright, Dennis Guitierrez, and Laura Alvarenga Scalia, but we are not seeking compensation for the work performed by them as an exercise of billing judgment. Because we are not seeking compensation for the work of Ms. Hadsell, Mr. Olney, our paralegal Ms. Galindo, and law clerks Ms. Wright, Mr. Gutierrez, and Ms. Scalia, I have not included summaries of their backgrounds and achievements.

28. Shaleen Shanbhag is one of my law partners. She has been at Hadsell Stormer since August 2017 and became a partner in July 2019. Ms. Shanbhag graduated from the University of California, Irvine School of Law in 2014. Ms. Shanbhag typically requests an hourly rate of \$575. Ms. Shanbhag has handled a number of high-profile civil rights, law enforcement, and employment matters and has litigated several cases resulting in multi-million dollar settlements. In 2018, she third-chaired a trial with me involving a fatal LAPD shooting of a homeless man, which resulted in an almost \$2 million settlement after a jury finding of liability. She third-chaired another trial with me in 2019 on behalf of the family of a man who died at the Monterey County Jail due to inadequate medical care. The jury awarded the family \$1.6 million in damages and the case subsequently settled for \$2.8 million. She second-chaired a trial with me in 2019, in which she gave the opening statement and the case settled after opening statements. This year, Ms. Shanbhag second-chaired two trials, one involving the LAPD's use of dangerous high-risk tactics during a traffic stop, and another involving the LAPD's armed entry and warrantless search of a home. Ms. Shanbhag has also argued before the Ninth Circuit Court

of Appeals.

29. Ms. Shanbhag is also part of the litigation team in *Puente v. City of Phoenix et al.* Ms. Shanbhag, along with co-counsel, represents a class of at least 6,000 anti-Trump protesters who were unlawfully dispersed by the use of excessive force in violation of their First Amendment rights at an August 2017 Trump rally in Phoenix, Arizona.

30. Prior to joining Hadsell Stormer, Ms. Shanbhag clerked for the Honorable John E. Dowdell of the United States District Court for the Northern District of Oklahoma. Before her judicial clerkship, Ms. Shanbhag completed a fellowship with the ACLU of Southern California, where she focused on education equity, juvenile justice, and police practices issues. While in law school, Ms. Shanbhag was the Chapter Director for the International Refugee Assistant Project, a member of the International Justice Clinic, and volunteered at the ACLU of Southern California. Ms. Shanbhag also served as a Lead Article Editor for the UC Irvine Law Review and was elected Vice Chair of the Student Bar Association. Ms. Shanbhag received her B.A. in International Political Economy from the University of California at Berkeley in 2006. She was extensively involved in the law and motion practice in this case, conducted written discovery, deposed a key defendant and other witnesses, and participated in pre and post-evidentiary hearing briefing and submissions, as well as opposing Defendants' numerous stay motions in the district court and Ninth Circuit. Ms. Shanbhag third-chaired the evidentiary hearing on Plaintiff's Motion for Preliminary Injunction.

31. Caitlan McLoon graduated *cum laude* from Harvard Law School in 2012. She was an Associate at Hadsell Stormer Renick & Dai LLP from January 2016 until January 2019. Ms. McLoon typically requests a rate of \$525. Prior to joining Hadsell Stormer, Ms. McLoon clerked for the Honorable Diana E. Murphy of the Eighth Circuit Court of Appeals and the Honorable Michael W. Fitzgerald of the United States District Court for the Central District of California. Before clerking, Ms. McLoon spent one year at the Washington, D.C. firm Williams & Connolly LLP, where she worked on complex litigation in state, federal, and international courts. Ms. McLoon has also served as a volunteer attorney with Public Counsel's Opportunity

Under Law project, where she worked on cases addressing homelessness, access to education, and economic justice. While at Harvard, Ms. McLoon served as the Vice President of the Board of Student Advisers, and participated in the Harvard Immigration and Refugee Clinic and the Capital Punishment Clinic. Ms. McLoon has also interned at the Office of the Illinois Attorney General and the United States Department of Justice. Prior to law school, Ms. McLoon spent a year as a Fulbright Fellow based in Wuhan, China, where she researched access to justice in rural Hubei Province. Before that, Ms. McLoon worked as a programs fellow at the national office of the American Constitution Society in Washington, D.C. Ms. McLoon graduated *cum laude* from Harvard College in 2007, with an honors degree in Social Studies. Ms. McLoon was selected as a “Rising Star” by Super Lawyers in 2018. Ms. McLoon assisted with the drafting of Plaintiff’s motion for protective order and motion to strike while Ms. Shanbhag was completing discovery during the expedited discovery period for the preliminary injunction hearing.

32. Jordyn Bishop is a 2017 graduate of the University of California, Hastings College of the Law. Ms. Bishop was an Associate at Hadsell Stormer Renick & Dai LLP from September 2018 until May 2019. Ms. Bishop typically requests a rate of \$400. Prior to joining Hadsell Stormer, Ms. Bishop was an Environmental Equity Legal Fellow at the Greenlining Institute. Ms. Bishop performed discrete research tasks for the preliminary injunction reply brief and for the evidentiary hearing.

33. In addition to our attorneys’ time, our firm is also seeking fees for one law student and two paralegals who contributed essential labor to this case. At the time of her work on this case, Sairah Budwhani (\$220) was a third year law student at UCLA School of Law. Ms. Budwhani was tasked with initial research on issues related to Plaintiff’s motion for protective order and motion to strike, and also conducted research related to IDOC and Corizon Defendants’ requests to conduct separate Independent Medical Examinations of Ms. Edmo. Norma Molina (\$215) who graduated from UCLA in 2002, has been a paralegal and legal assistant at our firm for 18 years. Jessica Valdenegro (\$175), a 2012 graduate of UC Berkeley, is a paralegal and legal assistant at our firm. Our firm bases legal assistant rates on each legal

assistant's education and experience. Based on my decades of practice in the Los Angeles market, I know that the local practice is to bill time spent by paralegals and law clerks at market rates separately from attorneys' services.

34. As a result of the manner in which this case was litigated by Defendants, Hadsell Stormer Renick & Dai LLP was forced to decline other cases. We are a small firm, averaging 8 attorneys in the single-plaintiff practice group over the course of this litigation. Due to our firm's reputation, and the relative dearth of lawyers willing to take clients on contingency, we regularly receive between 170-200 inquiries a month from individuals seeking representation; of these, our firm considers around 50-60 of them to have merit sufficient to investigate and examine more closely. During the approximately four years that our firm litigated this case, many cases came up for serious discussion at our intake meetings, a step that only occurs when we are planning to retain a client and are discussing how to staff the case, but were ultimately declined solely because we did not have attorney time available that was necessary to litigate the case. Many of these cases were employment cases, class actions, and/or police misconduct cases that could easily have reached resolutions of several million dollars, as well as cases involving individuals who were willing and able to pay our fees on an hourly basis. However, despite the importance of the legal issues presented in these cases, and our determination that they had a high likelihood of success, we were forced to refer these cases to other firms. It has long been the policy of our firm not to seek referral fees in these cases. A significant portion of Ms. Rifkin's and Ms. Shanbhag's time was tied up since we joined as co-counsel in this case, and shortly thereafter filed the preliminary injunction motion, conducted key discovery on an expedited basis, prepared for the three-day evidentiary hearing, and litigated the appeal in the Ninth Circuit and opposed certiorari before the Supreme Court. As this case both required our firm to expend considerable resources with no guarantee of payment, and to forgo much more lucrative cases not subject to the PLRA cap, a multiplier is highly appropriate in this case.

35. Because of the nature of this type of litigation and Plaintiff's lack of resources, our firm took this case on a contingency basis. Simply put, without the prospect of obtaining all

of our fees and costs at our rates, this case and others like it would be a financial disaster for our firm.

36. This litigation and the result Plaintiff achieved is groundbreaking in the area of transgender and prisoners' rights and should prompt prisons and jails across the country to adequately treat gender dysphoria. As a result of Plaintiff's success in obtaining injunctive relief, Ms. Edmo became the first prisoner in the country to receive court-mandated gender confirmation surgery. The preliminary injunction order, which was affirmed by the Ninth Circuit, attracted significant public attention in the prisoner's rights and LGBTQ legal communities. In my experience trying cases to a successful verdict, a litigation such as this will prompt other prisons and jails to take affirmative steps to minimize their own legal exposure, which may include curing deficient policies and training to prevent future needless suffering of transgender prisoners.

BILLING JUDGMENT

37. I have exercised billing judgment by deducting all time spent on this case as follows: Barbara Hadsell (Partner: 1.0 hours x \$232.50 = \$232.50), Brian Olney (Partner: 0.1 hours x \$232.50 = \$23.25), Tami Galindo (Legal Assistant: 3.4 hours x \$210 = \$714.00), Alyssa Wright (Law Student: 7.50 hours x \$220 = \$1,650.00), Dennis Guterrez (Law Student: 19.80 hours x \$220 = \$4,356.00), and Laura Alvarenga Scalia (Law Student: 15.70 hours x \$220 = \$3,454.00). I have also deducted all of of Ms. Shanbhag's time spent on media and administrative tasks (Partner: 15.5 hours x \$232.50 = \$3,603.75). This results in a reduction in fees of \$14,033.50.

38. Moreover, the three Attorneys for whom we are requesting fees, Shaleen Shanbhag, Caitlan McLoon, Jordyn Bishop, and the two paralegals Norma Molina and Jessica Valdenegro frequently consulted with me regarding their work on this case, but I did not record much of that time because it was also useful for their supervision and mentorship. Finally, while I did not prepare many of the documents filed with the court, I did review drafts of many of them before they were filed (i.e. Plaintiff's Motion for Preliminary Injunction, Plaintiff's Reply in

support of Motion for Preliminary Injunction, and the Ninth Circuit and Supreme Court briefing). However, I have only billed for time spent reviewing these documents when necessary, not as part of my supervision.

ADDITIONAL FEES

39. Our firm has incurred fees associated with this motion, for carefully reviewing our billing records, and drafting and reviewing this declaration, the brief, and supporting evidence. I estimate that our firm will incur additional fees after September 30, 2021, including time spent reviewing the opposition filed by Defendants, drafting Plaintiff's Reply, and appearing at the hearing on this motion. We have and will continue to keep contemporaneous records of any time on this motion and will submit supplemental billing records and declarations with our Reply brief related to the fees and costs for this motion.

SUMMARY OF FEES AND COSTS

40. Attached as Exhibit C is a true and correct copy of the itemized time records which have been kept contemporaneously during the pendency of this case. It is our firm's policy and practice to keep such contemporaneous time records of all matters that are pending in litigation for which fees may be sought.

41. We are also seeking reimbursement for reasonable litigation expenses pursuant under § 1988, the prevailing party "may recover as part of the award of attorney's fees those out-of-pocket expenses that would normally be charged to a fee paying client." *Dang v. Cross*, 422 F.3d 800, 814 (9th Cir. 2005). In connection with my own practice of law in Los Angeles, and in investigating the practice of law firms in the Los Angeles area regarding standard billing practices, I have determined that it is the routine and common practice of firms handling complex litigation to charge fee-paying clients separately for copying, facsimile, long distance telephone charges, transportation and travel costs including airfare, car rental, parking and mileage, postal charges, overnight courier and messenger fees, fees for service of process and attorney service, court filing fees, computerized legal and database research, deposition transcripts and court reporter fees, witness fees, investigator fees, expert or consultant fees and

other necessary out-of-pocket expenses. In both contingent fee retainers, and on the occasions that my firm does retained civil rights cases, all of these are defined as costs for which the client is responsible to reimburse separately from the attorneys' and other billers' charges for their time. With the exception of expert fees, which are not recoverable under the relevant federal or state statutes here, reimbursement of all such costs is requested.

42. We have submitted some statutory costs with our three previously filed Bills of Costs: the first on September 6, 2019 in Ninth Circuit Appeal No. 19-35017 as Dkt. No. 98, which the Ninth Circuit granted on February 19, 2020 in the amount of \$292.90 (Dkt. No. 109); the second was filed in the District Court on December 23, 2019 (Dkt. No. 261) for \$129.70; and the third was filed in the District Court on October 14, 2021 (Dkt. No. 312) for \$18,793.34. Defendants did not oppose the first two Bills of Costs and have not yet paid them.

43. In addition to the items requested in our Bills of Costs, we request reimbursement for \$55,585.39 in non-taxable expenses identified in Exhibit D.

44. Based on these contemporaneous records, the combined fees and non-taxable costs sought by Hadsell Stormer Renick & Dai LLP in this motion, are: 1) \$335,553.00, which excludes time I did not record and \$14,033.50 in fees that have been waived in the exercise of billing judgment; and 2) non-taxable costs of \$55,585.39 which excludes costs set forth in the Bills of Costs. In addition, I estimate that our firm will incur additional fees between now and the hearing on our fee motion, for which we will submit documentation and updated fee totals with our Reply.

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TOTAL AMOUNT REQUESTED

45. In summation, our firm seeks fees of \$391,138.39 up through September 30, 2021. In our Reply briefing, we will seek additional fees for this motion, time reasonably spent reviewing Defendants' opposition to our fee motion, drafting our reply, and appearing at the hearing. We will submit supplemental billing records and declarations detailing those fees with our Reply.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Pasadena, California on October 21, 2021.

A handwritten signature in black ink, appearing to read 'Dan Stormer', is written over a horizontal line.

Dan Stormer

Ex. A

AWARDS / ACTIVITIES

Lawdragon Leading Plaintiff Lawyer	Lawdragon Leading Plaintiff Lawyer Magazine	2021
The Nation's Top One Percent	National Association of Distinguished Counsel	2021
Elite Lawyer Award – Top Attorneys	Elite Lawyer	2020, 2021
500 Leading National Plaintiff Employment Lawyers	Lawdragon 500 Leading Plaintiff Employment & Civil Rights Lawyers Guide	2018, 2019, 2020, 2021
Best Law Firms – Tier 1 Ranking	U.S. News & World Report – Best Lawyers “Best Law Firms”	2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Employment Law – Individuals	Best Lawyers in America 28th Edition of The Best Lawyers in America	2016, 2017, 2018, 2019, 2020, 2021
Litigation – Labor and Employment	Best Lawyers in America 28th Edition of The Best Lawyers in America	2016, 2017, 2018, 2019, 2020, 2021
Best Attorneys of America	Rue Ratings’ Best Attorneys of America	Lifetime Charter Member
Fellow	The Fellows of the American Bar Foundation	Life Fellow

Fellow	American Society of Legal Advocates	2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Top 100 Trial Lawyers	The National Trial Lawyers	2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Top Attorney	Pasadena Magazine	2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
Top 100 Trial Lawyers	American Trial Lawyers Association	2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
PSIA/AASI Adaptive Education Staff	Professional Ski Instructors of America	2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Adaptive Committee	Professional Ski Instructors of America	2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Certified Ski Instructor - Alpine, Adaptive, Seniors, and Children's Skiers	Professional Ski Instructors of America	2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Selected to the Southern California Super Lawyers list	Southern California Super Lawyers Magazine	2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
Guide to the Worlds' Leading Labour and Employment Lawyers	Euromoney Publications	1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020

Best Lawyers in America	Naifeh & Smith - National Yearly Survey of America's Leading Lawyers	1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 (Listed in <i>Best Lawyers</i> for 10 Years or Longer), 2020, 2021
Who's Who	Various Who's Who Publications	1991-present
500 Leading National Plaintiff Consumer Lawyers	Lawdragon 500 Leading Plaintiff Consumer Lawyers	2020
Top Attorneys in Southern California	Los Angeles Magazine	2020
Best Lawyers in Southern California (Selected by Peer Recognition & Professional Achievement)	The Wall Street Journal	2020
Top 100 Litigation Lawyers in America	American Society of Legal Advocates	2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
Employment Law – Individuals “Lawyer of the Year” for Pasadena	Best Lawyers in America	2016, 2019
Decades of Service Award	National Lawyers Guild Los Angeles	2019
Lawyer of the Year	2019 Edition of The Best Lawyers in America	2019

Civil Rights Law - Attorney of the Year in California	2019 Corporate Intl Magazine Global Award	2019
Lawyer Of The Year: Southern California	The Wall Street Journal	2019
America's Most Honored Professionals	The American Registry	2019
Top 100 Trial Lawyers	American Association for Justice	2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018
America's Top 100 Civil Defense Litigators	America's Top 100 Civil Defense Litigators	2018
America's Top 100 Criminal Defense Attorneys	America's Top 100 Criminal Defense Attorneys	2017, 2018
Top 100 Attorneys in Southern California	Southern California Super Lawyers Magazine; Law and Politics Magazine	2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017
Top 75 Labor & Employment Lawyers	The Daily Journal	2011, 2012, 2013, 2014, 2015, 2016, 2017
Attorney of the Year - CLAY Award – Civil Rights	California Lawyer Magazine	2006, 2017
LA CAN Freedom Now Award	The Los Angeles Community Action Network	2016

Top 10 Attorneys in Southern California	Southern California Super Lawyers Magazine; Law and Politics Magazine	2005, 2007, 2008, 2009, 2014, 2015
Best Lawyers in America Employment Law - Individuals	Best Lawyers in America – 20 th Edition	2021 (over 20 years consecutively on list)
Hadsell Stormer Richardson & Renick LLP – Tier 1 Ranking	U.S. News - Best Lawyers’ “Best Law Firms”	2014
Southern California’s Top Rated Lawyers	American Lawyer Media	2013
Best Attorneys in Los Angeles	Best Lawyers – Individuals Award	2013
Congressional Award for Outstanding Public Service to the Community	Congressman Howard L. Berman	2012
Religious Liberty Award	ACLU of Southern California	2012
Lawyer of the Year – Individuals - Employment Law	Naifeh & Smith – Best Lawyers in America	2012
The Top 3000 Lawyers in America	Lawdragon Magazine	2006, 2010, 2011
Pro Bono Honor	Chief Judge of the United States District Court for the District of Columbia and The Standing Committee on Pro Bono Legal Services of the Judicial Conference for the District of Columbia Circuit	2011

Recognized for Distinction in Labor and Employment Law	The American Lawyer	2011
Appellate Lawyer Award	The National Law Journal	2010
Southern California 50 Leadership Council	RAND Institute for Civil Justice	2010
Top Lawyers	Labor + Employment	2010
The 500 Leading Lawyers in America	Lawdragon Magazine	2006, 2007, 2010
The Top 100 – California’s Leading Lawyers - 100 Most Influential Lawyers in California	The Daily Journal	1998, 1999, 2000, 2001, 2002, 2005, 2006, 2009, 2010
Honored Member	America's Registry of Outstanding Professionals	2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008
Honored Member	Strathmore's Who's Who	1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008
The Wagner Alumni Fellows Award – Law	Wagner College	2008
Certificate of Recognition	Los Angeles City Council, Eric Garcetti – President	2007
LGBT Award	ACLU Foundation of Southern California	2007

Fellow of the Dean's Roundtable	Chapman University School of Law	2007
The Los Angeles Area's Best Lawyers	Los Angeles Times - West Magazine	2006
Certificate of Recognition For Outstanding Dedication to the Community	California State Senate	2006
Certificate of Appreciation In Honor of Dedication to Social Justice in the City of Los Angeles	Los Angeles City Council	2006
Social Justice Award	Occidental College - Urban & Environmental Policy Institute	2006
The 500 Leading Litigators in America	Lawdragon Magazine	2006
Certificate of Recognition for Human Rights Legal Representation	California State Assembly	2006
Joseph Posner Award	California Employment Lawyer's Association	2005
Certificate of Recognition for Fighting Discrimination	California State Assembly Resolution	2005
Robert Kenny Award	National Lawyers Guild	2005

Fellow of the College	Governors of The College of Labor and Employment Lawyers	2004
Top 5 Employment Lawyers in California	Chambers Publishing - America's Leading Business Lawyers	2003
Los Angeles Office of the City Attorney's Commendation	For outstanding contribution to the citizens of Los Angeles	1995
California Lt. Governor's Commendation	For longstanding commitment to ensure equal justice and for service to the community	1995
California Assembly Resolution	Commitment to Civil Rights, Constitutional Law and Public Interest Law	1995
Pursuit of Justice Award	California Women's Law Center	1995
Top 10 Labor & Employment Lawyers in California	The Daily Journal	1991
Clarence Darrow Award	People's College of Law	1991
Hollywood Fair Housing Council Award	Hollywood Fair Housing Council	1989
Pro Bono Firm of the Year	Public Counsel Law Center	1987
Pro Bono Service Award	Legal Aid Foundation of Los Angeles	1986

Other Activities

- Rim of the World Special Athletes – Board of Directors
- Adaptive Recreation Center’s Foundation – Board of Directors
- Professional Ski Instructors of America/American Association of Snowboard Instructors
 - Adaptive Committee - Western Region - Chair
 - Adaptive Committee –National
 - Tech Team - Western Division Adaptive
- Board of Directors - Big Bear Therapeutic Riding Center
- Adaptive Adventures Unlimited – Board of Directors
- Tahoe Adaptive Competition Center – Founding Member
- Silverlake Parks and Recreation - Sports Board
- Echo Park / Silverlake People’s Child Care Center
- Volunteer Coaching
- John Marshall High School - Assistant Tennis Coach - Boys & Girls Varsity
- Various Youth Sports Leagues - Baseball (ages 6-adult), Soccer (ages 6-15), and Basketball (ages 6-15)
- Professional Ski Instructors of America (Focusing on teaching persons with disabilities, as well as Alpine and Children's instruction)
- “The Edge” – Professional Ski Instructors of America Magazine

Ex. B

PUBLISHED CASES

United States Supreme Court:

1. In National Aeronautics and Space Administration (NASA) v. Nelson, 131 S. Ct. 1755 (2010), I co-counseled for respondent scientists, engineers, and administrative personnel contract employees working for California Institute of Technology (Caltech) at the Jet Propulsion Laboratory (JPL). We urged the Supreme Court to hold that NASA's background investigation into confidential medical treatment or counseling for drug use and adverse information including private sexual matters of low-risk, long-time employees, violated the employees' Constitutional right to informational privacy.

2. In County of Riverside v. McLaughlin, 111 S.Ct. 1661 (1991), I argued before the Supreme Court that the County of Riverside's practice of exceeding a 48-hour period in making probable cause determinations of arrested individuals was unconstitutional. The Supreme Court held that the County of Riverside was not immune from systemic challenges such as this class action.

3. In the matter of Wayte v. United States, 105 S.Ct. 1524 (1985), I was co-counsel for David Wayte. We urged the Supreme Court to hold the Government's passive enforcement system for Selective Service nonregistrants and its policy to persuade nonregistrants to change their minds violated the First and Fifth Amendment.

4. I filed an amicus brief in Heckler v. Campbell, 103 S.Ct. 1952 (1983), urging the Supreme Court to affirm the decision of the Court of Appeals which held the Secretary of Health and Human Services' guidelines setting forth rules to determine whether a job existed for a disability benefits claimant did not provide adequate evidence of specific alternative jobs that respondent could perform.

5. In Kolender v. Lawson, 103 S.Ct. 1855 (1983), I filed an amicus brief

urging the Supreme Court to affirm the decision of the Court of Appeals, which held that a California statute requiring persons who loiter or wander on the streets to identify themselves when requested by a peace officer was constitutionally vague on its face because it encouraged arbitrary enforcement.

6. In Youngberg v. Romeo, 102 S.Ct. 2452 (1982), I filed an amicus brief on behalf of Mental Health Advocacy Services et al. urging the Supreme Court to protect respondent's constitutional right to safe conditions of confinement and freedom from unreasonable bodily restraints.

7. In Cabell v. Chavez-Salido, 102 S.Ct. 735 (1982), I was co-counsel on appellees' brief arguing that a California statute that required probation officers to be United States citizens was unconstitutional.

Federal Courts of Appeal:

8. In Obaydullah v. Obama, 609 F.3d 444 (2010), I was co-counsel for a Guantanamo Bay inmate. We successfully obtained a trial on his petition for writ of habeas corpus.

9. In Doe v. Wal-Mart Stores, Inc., 572 F.3d 677 (9th Cir. 2009), I was co-counsel for workers in defendant's suppliers' garment factories in China, Bangladesh, Indonesia, Swaziland, and Nicaragua, as well as in California. We argued that defendant was negligent in undertaking and retaining control of contracts with its suppliers, and breached these supply contracts by failing to adequately monitor suppliers' factories to ensure compliance with basic labor standards that suppliers were required to meet. Moreover, we argued that defendant imposed difficult time and price requirements on suppliers to force suppliers to violate the standards. We argued defendant's breach resulted in harm to plaintiffs, who were third party beneficiaries to the contract, including lost pay and benefits for California workers due to unfair competitive disadvantage, and various poor working conditions for foreign workers, including excessive hours or

days of work, withheld pay, confiscation of withheld pay, overtime without pay, less than minimum-wage pay, denial of overtime pay, less than required rest periods, lack of safety equipment, denial of maternity benefits, discrimination because of union activities, and physical abuse.

10. In the United States Court of Appeals for the Ninth Circuit in the matter of Boyd v. City of Hermosa Beach, 321 Fed. Appx. 584 (9th Cir. 2009), I was co-counsel for citizens subjected to police force while exercising their First Amendment rights. I successfully urged the court to uphold the lower courts denial of qualified immunity to one defendant sergeant for his unlawful and excessive use of force against one plaintiff picketer when he pushed her twice though she was not committing any dangerous crime, did not pose any threat to the officer, was not resisting arrest, and was not attempting to flee.

11. In the United States Court of Appeals for the Ninth Circuit in the matter of Nelson v. NASA, 530 F.3d 865 (9th Cir. 2008), we were counsel for JPL employees in non-sensitive “low risk” positions who were subjected to defendant NASA’s extensive and unlawful background investigation of appellants. We successfully argued that questionnaires that asked low risk contract employees to disclose information considering financial integrity, abuse of alcohol and/or drug abuse, any treatment or counseling received for drug abuse, mental or emotional stability, and to sign an open-ended waiver authorizing the government to collect “any information ... from schools, residential management agents, employers, criminal justice agencies, retail business establishments, or other sources of information” “includ[ing], but ... not limited to ... academic, residential, performance, attendance, disciplinary, employment history, and criminal history record information” implicated a constitutional right to informational privacy, and the government failed to demonstrate the questions were narrowly tailored to meet legitimate government interests. I also successfully moved for denial of rehearing

en banc. See Nelson v. NASA, 568 F.3d 1028, 1029 (9th Cir. 2009).

12. I was co-counsel in Paige v. California, 233 Fed. Appx. 646 (9th Cir. 2007), where we represented a minority employee and similarly situated minority employees in the California Highway Patrol (CHP). Using statistical evidence of disparate treatment to support a claim that plaintiffs were excluded for promotions under Title VII through the to use of CHP promotional examinations for a particular period of time, I successfully urged the court to find error in the district court's rejection as insignificant any of the statistical results we offered on behalf of our clients showing a disparity of greater than 1.96 standard deviations. The court rejected the district courts use of a threshold higher than 1.96 standard deviation as a result of our work.

13. In Merritt v. Am. Stores Co., 154 Fed. Appx. 637 (9th Cir. 2005), I was co-counsel for employees who sued defendant Lucky Stores for hostile work environment. We successfully appealed the district courts motion for summary judgment against our clients due to their erroneous finding that the incidents alleged were not serious enough to overlook their infrequency and not severe enough to change the conditions of employment. In fact, we presented evidence sufficient to reverse the district courts finding and remand for further consideration.

14. As co-counsel for a flight attendant with a disability in Salisbury v. Delta Air Lines, Inc., 126 Fed. Appx. 368 (9th Cir. 2005), we argued defendant employer failed to reasonably accommodate plaintiff's disability, discriminated against due to her disability, subjected her to adverse employment action when it demoted her from flight attendant to a clerical position, and failed to engage plaintiff in a good faith interactive process to reasonably accommodate her as required by California's Fair Employment and Housing Act.

15. In the case of John Doe v. Unocal Corp., 2002 U.S. App. LEXIS

19263, at *1 (9th Cir. Dec. 3, 2001), I was co-counsel for plaintiffs who were workers from Myanmar, formerly Burma. We argued that the Myanmar government, in joint venture with UNOCAL Corp. and other entities had perpetrated numerous human rights violations including forced labor, physical violence, and forced relocation. The Ninth Circuit held that there was sufficient evidence to preclude summary judgment on whether the defendants aided and abetted the Myanmar military in subjecting the workers to forced labor, murder, and rape. The case was remanded to the district court.

16. Standing Committee on Discipline of U.S. Dist. Court for Cent. Dist. Of California v. Yagman, 55 F.3d 1430 (9th Cir. 1995), I filed an amicus brief in support of an attorney against whom disciplinary proceedings were brought for exercising his First Amendment rights by making statements criticizing a judge.

17. In the United States Court of Appeals for the Ninth Circuit in the matter of American-Arab Anti-Discrimination Committee v. Reno, 70 F.3d 1045 (9th Cir. 1995), I was co-counsel for appellants who claimed that the Immigration and Naturalization Service had selectively enforced immigration laws in violation of appellants' First Amendment rights. The Court of Appeals for the Ninth Circuit affirmed the United States District Court for the Central District in California's decision to grant a preliminary injunction against the INS in the proceedings to deport six of the plaintiffs, and vacated the decision that the District Court lacked jurisdiction to consider the selective enforcement claim of the two remaining plaintiffs.

18. In Stewart v. Gates, 987 F.2d 1450 (9th Cir. 1993), I argued the district court's award of attorneys' fees in an underlying civil rights litigation concerning prison conditions in Orange County, California should not be reversed because the fees were "reasonable" in light of the Kerr factors – novelty or difficulty of the case, the preclusion of other employment, time limitations, the

amount at stake, the results attained and the undesirability of the case – and a fee enhancement was necessary to the determination of a reasonable fee.

19. In McLaughlin v. County of Riverside, 888 F.2d 1276 (9th Cir. 1989), I successfully argued before the Ninth Circuit Court of Appeals on behalf of a claim of detainees seeking to enjoin the County of Riverside’s practice of exceeding a 48-hour period while making probable cause determinations of arrested individuals.

20. In Martinez v. Winner, 771 F.2d 424 (10th Cir. 1985), I participated in Appellant’s brief claiming that defendants deprived plaintiff of his civil and constitutional rights and conspired to get plaintiff into prison on unsubstantiated criminal charges.

21. In the matter of Morales-Alvarado v. INS, 655 F.2d 172 (9th Cir. 1981), I was counsel for petitioner and argued that the Board of Immigration Appeals improperly considered petitioner’s criminal conviction in exercising its decision to deny petitioner’s application for voluntary departure.

22. In Leeds v. Watson, 630 F.2d 674 (9th Cir. 1980), I successfully argued for appellants before the Ninth Circuit Court of Appeals that conditions in the Kootenai County Jail (Idaho) were not fit for the confinement of prisoners.

23. I was counsel in Hooker v. United States Department of Health and Human Services, 858 F.2d 525 (9th Cir. 1988), and argued that plaintiff’s husband’s disability benefits had been wrongfully terminated in a manner which should allow Tort liability.

Federal District Courts:

24. In Pierce v. County of Orange, —F. Supp.2d—, 2011 WL 68843 (C.D. Cal.), I was co-counsel in a class action representing pretrial detainees in the county jail. We successfully argued that physical barriers to accessibility of jail facilities and certain categories of programs, services, and activities which were

not available to the mobility-impaired and dexterity-impaired sub-class of detainees, violated the Americans with Disabilities Act (ADA).

25. In Rosenstock v. L.A. Unified Sch. Dist., 2009 U.S. Dist. LEXIS 108187 (C.D. Cal. 2009), I was counsel for an employee of Millikan Middle School under the Los Angeles Unified School District and successfully presented evidence sufficient to withstand summary judgment of plaintiff's hostile work environment, sexual harassment, and retaliation claims, and defeated the defendant's argument that plaintiff failed to exhaust her administrative remedies because she only alleged "harassment" in her DFEH/EEOC charge. In addition to arguing that my client was subjected to unwelcome sexual advances by her supervisor both inside and outside the workplace that were "sufficiently work-related", which constituted sexual harassment within the meaning of the Title VII, I also successfully argued that the test to determine whether a plaintiff exhausted administrative remedies is whether the discriminatory acts in the lawsuit are likely or reasonably related to the allegations in the administrative charge, rather than simply observing which box was checked off on behalf of the plaintiff in the DFEH/EEOC forms, as defendants argued.

26. In Bardzik v. County of Orange, 605 F. Supp. 2d 1076 (C.D. Cal. 2009), I was co-counsel for a police lieutenant who, in retaliation for the exercise of his First Amendment rights in supporting the political challenger of Sheriff Corona, the County of Orange County and the Orange County Sheriff Department rescinded a promised promotion, denied pay raises, prevented further promotion, transferred the lieutenant to a less prestigious position, and fabricated wrongdoing by the lieutenant, which resulted in an internal investigation. I argued that the lieutenant's duties and role were not that of a policy-making position where political affiliation was a reasonably appropriate requirement for the job, and even if they were, the retaliation against him exceeded the scope of the policymaker

exception; that defendants engaged in unnecessary harassment against the lieutenant, that the retaliation was motivated to further a scheme of corrupt activities, and that the lieutenant's claims were not barred by qualified immunity. The court denied the defendant's motion for summary judgment on my client's First Amendment claim.

27. In Wang v. Chinese Daily News, Inc., 2008 U.S. Dist. LEXIS 82538 (C.D. Cal. 2008), I was co-counsel for a class consisting of former and current employees of a newspaper based in Los Angeles which was found by a jury to have violated the Fair Labor Standards Act (FLSA), the California Business and Professions Code, and sections of the California Labor Code. We successfully argued the newspaper failed to give plaintiffs meal and rest breaks, to pay overtime, and to pay for vacations, resulting in a jury verdict in favor of plaintiffs on all causes of action and an award of over \$5.2 million in employment law and wage and hour damages, which was upheld by the United States District Court for the Central District of California.

28. In Nguon v. Wolf, 517 F. Supp. 2d 1177 (C.D. Cal. 2007), I was co-counsel for a female high school student who was suspended for "inappropriate public display of affection" due to kissing another female student on campus. I argued that the defendant school officials violated the student's right to equal protection and her First Amendment right to freedom of expression by disciplining her, and her privacy right under the California Constitution when the principal disclosed to the student's mother, who was unaware of her daughter's sexual orientation until the disclosure, that she had been kissing another girl.

29. In Fitzgerald v. City of Los Angeles, 485 F. Supp. 2d 1137 (C.D. Cal. 2007), I was co-counsel for residents of a city who, after initially filing suit against defendant law enforcement officials alleging that the officials' policy of arbitrarily stopping, detaining and searching individuals or groups of individuals who

appeared to be homeless, or appeared to be residents of the area in question, violated their Fourth Amendment rights, entered into a settlement agreement with law enforcement, which included a permanent injunction prohibiting searches in question. I argued for the extension of the injunction, which the court granted for a period of four months, holding that arbitrary, capricious or harassing searches of all individuals, regardless of their probation or parole status, violated both federal and California law.

30. In C.N. v. Wolf, 2006 U.S. Dist. LEXIS 97121 (C.D. Cal.2006), I filed a Motion *in Limine* to exclude the testimony of the School defendant's expert on the grounds that his testimony was not within the ken of expert testimony and that he was not timely designated. I also successfully defeated several Motions *in Limine* filed by defendant, including a motion to exclude evidence of a 2001 disciplining of a same-sex female couple at the school, as it was evidence relevant to plaintiff's showing of disparate treatment; a motion to exclude evidence of emotional or psychological injury sustained by plaintiff as part of pain and suffering; and a motion to exclude three photographs that depicted heterosexual students engaging in inappropriate public displays of affection, or "PDA", because the court recognized that a high prevalence of PDA may have been sufficient to establish that administrators saw, or ignored, PDA among heterosexual couples.

31. In Wang v. Chinese Daily News, Inc., 236 F.R.D. 485 (C.D. Cal 2006), after the court issued an order approving class notice, and after plaintiffs mailed notice to putative class members and defendants provided notice and opt-out forms in its workplace, we filed a motion to invalidate the returned opt-outs, to restrict defendants' communications with the class, and for post-judgment curative notice, due to circumstances surrounding the opt out period. The court found that the opt-outs submitted in the lawsuit were a product of a coercive environment that pressured employees to opt out lest they risk losing their jobs, and coupled

with the ongoing employer-employee relationship between the class and defendants, were not a product of independent decision-making and thus invalid. The court also granted our remaining motions, sustained our objections to the statements of four employees because they were members of the class for purposes of injunctive and declarative relief, and overruled several of defendants' objections to statements by four employees and other witnesses.

32. In the matter of Bowoto v. Chevron, 2004 U.S. Dist. LEXIS 4603 (2004), I was co-counsel for plaintiffs who were Nigerian workers. We argued that Chevron, along with its foreign subsidiaries in Nigeria, and in joint venture with the Nigerian government, perpetrated numerous human rights violations. The violations included firing live ammunition at workers staging a protest on Chevron Texaco Corporation's subsidiary Chevron Nigeria Limited's oil platform, killing two workers. The defendants filed motions for summary judgment on all plaintiffs' federal claims and pendent state law claims. The Court determined that the plaintiffs' claims as to Chevron Nigeria Limited's liability based on an agency, aiding and abetting, and ratification theory would proceed forward. The District Court granted defendants' motion for summary judgment as to Chevron's direct liability and alter-ego liability.

33. In the matter of Cummings v. Western Trial Lawyers Ass'n, 133 F. Supp.2d 1144 (D. Ariz. 2001), I was co-counsel on behalf of defendants in an action brought by a former full-time executive director who alleged causes of action for defamation, breach of contract, breach of the duty of good faith and fair dealing, intentional infliction of emotional distress, intentional interference with a business relationship, false light, and quantum meruit. The court granted our motion to dismiss as to plaintiff's intentional interference with business relationship claim.

34. In the case of York v. County of El Dorado, 119 F. Supp. 2d 1106

(E.D. Cal. 2000), I was co-counsel for a class of plaintiff prisoners who sued the defendant county over conditions at the county's jails, such as the overcrowded jail populations at the Placerville and South Lake Tahoe jail facilities. By formal agreement, the plaintiff class and defendant county agreed to a limit on jail population. The stipulation and order of the court approving the settlement agreement had no provision for the court's retention of jurisdiction for enforcement. The defendant county moved to terminate the injunctive or prospective relief contained in the settlement. The court denied the defendant's motion for lack of jurisdiction.

35. In the case of John Doe v. Unocal Corp., 110 F. Supp. 2d 1294 (C.D. Cal. 2000), I was co-counsel for plaintiffs who were workers from Myanmar, formerly Burma. We argued that the Myanmar government, in joint venture with UNOCAL corp. and other entities had perpetrated numerous human rights violations including forced labor, physical violence, and forced relocation. The defendant filed motions for summary judgment on all plaintiffs' federal claims and pendent state law claims. The District Court granted defendant's motion for summary judgment as to plaintiffs' federal claims and remanded the pendent claims back to state court.

36. In the case of John Doe v. Unocal Corp., 67 F. Supp. 2d 1140 (C.D. Cal. 1999), I was co-counsel for plaintiffs who were workers and residents of Myanmar, formerly Burma. We argued that plaintiffs should be granted class certification on the grounds that plaintiffs faced future injury based on defendant's conduct. The District Court denied our motion for class certification but held that plaintiffs could assert their individual claims because they faced a substantial probability of forced repatriation.

37. In the case of John Doe v. Unocal Corp., 27 F. Supp. 2d 1174 (C.D. Cal. 1998), I was co-counsel for plaintiffs who were farmers and residents of

Myanmar, formerly Burma. We argued that UNOCAL Corp., along with the Myanmar government, and Total S.A., a French Corporation, had perpetrated human rights violations in furtherance of defendants joint venture. Defendant Total S.A. filed a motion to dismiss for lack of personal jurisdiction. The District Court granted Total S.A.'s motion.

38. In the case of John Doe v. UNOCAL Corp., 963 F. Supp. 880 (C.D. Cal. 1997), I was co-counsel for plaintiffs who were workers and residents of Myanmar, formerly Burma. We argued that UNOCAL, in a joint venture with the Myanmar government and other entities had perpetrated numerous human rights violations including but not limited to physical violence, forced labor, forced relocation, false imprisonment, rape, and murder. Defendant filed a motion to dismiss plaintiffs' complaint. The District Court denied the motion in part and granted in part. The court denied defendant UNOCAL's Fed. R. Civ. P 12(b)(6) motion. The court held that SLORC (the Myanmar government), and MOGE, were entitled to sovereign immunity and were not indispensable parties under Fed. R. Civ. P. 19. The District Court further held that subject matter jurisdiction over the remaining plaintiffs was available under the Alien Tort Claims Act. The District Court granted plaintiffs' leave to amend on the issues of continuing violations and a claim brought under the California Business and Professions Code.

39. In the matter of Bureerong v. Uvawas, 922 F. Supp. 1450 (C.D. Cal. 1996), I was counsel for plaintiffs who were workers from Thailand and argued that plaintiffs had been falsely imprisoned and employed in a system of involuntary servitude. The common law claims and the FLSA claims were presented in a unique fashion. The court ruled that we had properly stated a cause of action. See also Bureerong v. Uvawas, 167 F.R.D. 83 (C.D. Cal. 1996) and Bureerong v. Uvawas, 959 F.Supp. 1231 (C.D. Cal. 1997).

40. In the case of Richard v. City of Pasadena, 889 F. Supp. 384 (C.D. Cal. 1995), I was counsel for plaintiff whom the court determined to be the prevailing party and awarded plaintiff attorneys' fees against the City of Pasadena.

41. In American-Arab Anti-Discrimination Committee v. Reno, 883 F. Supp. 1365 (C.D. Cal. 1995), the District Court had granted a preliminary injunction against the selective enforcement of immigration laws and had issued a permanent injunction against the use of undisclosed information to adjudicate appellants' legalization applications.

42. In the matter of Ragge v. MCA/Universal Studios, 165 F.R.D. 601 (C.D. Cal. 1995), I was counsel for plaintiff and filed a successful Motion to Compel Production of resumes and job applications in the personnel files of named defendants.

43. In another Federal Rules Decision, Ragge v. MCA/Universal Studios, 165 F.R.D. 605 (C.D. Cal. 1995), I argued that two conditions be attached to the mental examination of my client. First, that the tests to be conducted be disclosed in advance of the examination and second, that a third party observer be present at the examination.

44. In Bullfrog Films v. Catto, 815 F. Supp. 338 (C.D. Cal. 1993), I was counsel for plaintiffs who were granted attorneys' fees, costs, and expenses against the United States.

45. In the matter of Benson v. County of Orange, 788 F. Supp. 1123 (C.D. Cal. 1992), I was counsel for plaintiffs and argued for an injunction against the County's reduction of jail visitation times.

46. I was counsel for plaintiff in Kaiser v. County of Sacramento, 780 F. Supp. 1309 (E.D. Cal. 1991), and argued for a preliminary injunction to provide adequate legal access to law books and legal assistance.

47. In the matter of Lopez v. Heckler, 572 F. Supp. 26 (C.D. Cal. 1983), I

was counsel for a class of plaintiffs that were challenging the procedure used to terminate Social Security disability benefits.

48. In the case of U.S. v. Wayte, 549 F. Supp. 1376 (C.D. Cal. 1982), I was co-counsel for a defendant who had been indicted for failing to register for the draft under § 3 of the Military Selective Service Act. We filed a motion to dismiss the indictment on the grounds that the United States failed to rebut the court's prima facie finding of selective prosecution. The court granted defendant's motion and dismissed the indictment because defendant showed that the United States could have located non-vocal non-registrants but chose not to and that defendant was singled out for prosecution because he exercised his right to free speech under the First Amendment of the United States Constitution.

49. In Champagne v. Hygrade Food Products, Inc., 79 F.R.D. 671 (E.D. Wash. 1978), I was counsel for plaintiff and submitted a motion to take oral depositions by non-stenographic means and to record the proceedings by a separate tape recorder. Plaintiffs' motion was granted.

California Supreme Court:

50. Rosenthal v. Great Western Financial Securities Corp. (1996) 14 Cal.4th 394. This was an action in which the Supreme Court of the State of California interpreted, among other things, the applicability of the United States Arbitration Act to California courts. The Court also determined what the standards were for setting aside an arbitration agreement. I argued this matter before the Court.

51. I was counsel for appellants in Del Monte v. Wilson (1992) 1 Cal.4th 1009, and argued before the Supreme Court of California that a statute that conditioned the distribution of veterans' benefits on California residency violated appellants' constitutional right to equal protection of the laws. The court affirmed the decision of the Court of Appeals in Del Monte v. Deukmejian (1991) 1

Cal.App.4th 1213, and found the statute violative of the equal protection clause of the Fourteenth Amendment of the United States Constitution. I argued this matter before the California Supreme Court.

52. In the matter of City of Torrance v. Transitional Living Centers for Los Angeles, Inc. (1982) 30 Cal.3d 516, I filed an amicus brief on behalf of Respondent urging the court to affirm the trial court's decision to deny a preliminary injunction that would prevent the Defendant from maintaining a facility for mental patients in a classified zone of the Appellant City of Torrance.

California Courts of Appeal:

53. In Grobesson v. City of Los Angeles, 190 Cal.App. 4th 778 (2d Dist. 2010), as co-counsel for appellant in his discrimination, retaliation and constructive discharge case, we were successful in upholding the trial court's order granting a motion for a new trial on the ground of juror misconduct.

54. In the education-rights action of Coachella Valley Unified School Dist. v. State of California (2009), 176 Cal. App. 4th 93, I was co-counsel to nine public school districts challenging California's failure to comply with the No Child Left Behind Act with respect to students who are not yet proficient in English. We challenged defendant's refusal to provide reasonable accommodations on assessments of students with limited English proficiency, and explained how California, unlike fourteen other states, refuses to utilize a Spanish-language test or a modified-English language test that reduces unnecessary linguistic complexity. See also Coachella Valley Unified Sch. Dist v. California, 2005 U.S. Dist. LEXIS 44825 (N.D. Cal. 2005).

55. In Cundiff v. Verizon, California, Inc. (2008), 167 Cal. App. 4th 718, after securing a settlement for three main sub-classes of consumers of a 170,000-member class who were wrongfully charged for obsolete or nonexistent telephones for fifteen years without their knowledge by the defendant telephone

companies, we filed a motion to amend the judgment in order to direct the settlement administrator to pay approximately \$414,000 in unclaimed funds on a pro rata basis to the charities named in the settlement agreement. While the trial court rejected the motion, the Court of Appeals reversed and remanded, finding that the definition of “unpaid residue” under section 384 of the Code of Civil Procedure accurately described the unclaimed funds at issue in our case, as indicated by the plain meaning of the words of the statute and its legislative history.

56. In the matter of Wysinger v. Automobile Club of Southern California (2007), 157 Cal. App. 4th 413, I represented an employee under FEHA who contended he had been unlawfully discriminated and retaliated against by his employer. I successfully argued that the court uphold the jury’s verdict that found that the employer retaliated against my client because he filed an age discrimination claim, and the employer failed to engage in an interactive process regarding his disability, the latter finding which I argued was not inconsistent with the jury’s finding that the employer did not fail to provide a required reasonable accommodation to my client for his disability. The court also found in our favor that the jury award of \$1million in punitive damage was not excessive because the employer’s conduct supported these damages when a supervisor threatened to “crush managers” who opposed a new compensation plan that disproportionately reduced the compensation of older workers.

57. In Motevalli v. Los Angeles Unified School District, (2004) 122 Cal.App.4th 97, I represented an LAUSD school teacher who was not rehired because of her political activities. The court set the standards by which such non-renewal can take place.

58. In Cundiff v. Bell Atlantic Corp. (2002) 101 Cal.App.4th 1395, I represented a class of consumers who contended that defendant telephone

companies charged them for obsolete or nonexistent telephones for fifteen years without their knowledge. The trial court sustained defendants' demurrer on the ground that the Public Utilities Commission had primary jurisdiction over the matter alleged in the complaint. The appellate court disagreed and reversed, holding that the consumers stated facts sufficient to constitute multiple causes of action.

59. Beyda v. City of Los Angeles (1998) 65 Cal.App.4th 511. The Court of Appeals on this matter determined the admissibility of evidence of defendant's harassment of other employees. There had been, prior to this case, questions about whether such evidence was admissible. The Court in Beyda determined that such evidence is, in fact, admissible under Government Code § 12940 and Title VII of the Civil Rights Act of 1964. The Court determined that harassment of other individuals was admissible even if the acts were not committed in the presence of the plaintiff.

60. I represented Appellants before the California Court of Appeals in Planned Parenthood v. City of Santa Maria (1993) 16 Cal.App.4th 685, and argued that the Respondent City of Santa Maria could not condition the receipt of public funds upon the recipient's agreement not to provide abortion services. The Court of Appeals agreed and affirmed the trial court's decision that a government entity may not offer a grant of public funds on condition that the recipient waive the constitutional right to privacy.

61. In the matter of Martin v. Fisher (1992) 11 Cal.App.4th 118, I was counsel for Appellant and argued successfully before the Court of Appeals of California that the trial court erred in dismissing appellant's claims against respondent for failure to exhaust administrative remedies.

62. I was counsel for appellants in Castro v. Los Angeles City Board of Supervisors (1991) 232 Cal.App.3d 1432, and sought a preliminary injunction

against a nonprofit corporation that provided legal services in dependency court because the representation of multiple parties with potentially adverse interests created a conflict of interest within the corporation and among its attorneys.

63. In the matter of Smith v. State Bar of California (1989) 212 Cal.App.3d 971, I was co-counsel for Appellant and argued that the trial court erred in sustaining the State Bar's demurrer and dismissing appellant's action. Appellant was unable to take the bar examination for which he was registered and sued to compel the State Bar to transfer his fees to a subsequent test.

64. I have also represented plaintiffs in taxpayer suits. For instance, in the case of Gates v. Superior Court (1986) 178 Cal.App.3d 301 [prohibition], I was co-counsel on behalf of plaintiff to recover money allegedly spent illegally by defendants.

65. I was counsel for Appellants in Mental Health Association in California v. Deukmejian (1986) 186 Cal.App.3d 1531, and sought declaratory and injunctive relief to require respondents to create rehabilitative programs for gravely disabled persons as alternatives to treatment at Metropolitan and Camarillo State Hospitals.

66. In the matter of In re Lambert (1983) 143 Cal.App.3d 239, I was counsel for Appellants and argued that a court order awarding conservator's costs and attorneys' fees from an estate that consists solely of Social Security income violated a federal statute that immunized Social Security benefits from garnishment or other legal process.

Colorado Supreme Court:

67. I argued for appellant in the matter of Augustino v. Colorado Dept. of Revenue, 193 Colo. 273 (1977), that the district court's revocation of appellant's driver's license was a violation of his right to equal protection.

Washington Supreme Court:

68. In the matter of In re Harris, 94 Wash.2d 430 (1980), I represented petitioners before the Supreme Court of Washington. Petitioners had been committed to state mental institutions under the criminal commitment statute and claimed that they should have been committed under the civil commitment statute.

69. I was counsel for respondent David Fry in Stack v. Chicago, Milwaukee, St. Paul & Pacific Railroad Company, 94 Wash.2d 155 (1980), and argued before the Supreme Court of Washington that Respondent Chicago, Milwaukee, St. Paul & Pacific Railroad Company could not counterclaim against its injured respondent employees or pursue a third party claim against other employee crew members for property damage allegedly caused by their negligence. The Supreme Court of Washington affirmed the trial court's dismissal of Milwaukee's counterclaim and third party actions.

70. In the matter of Brooks v. Rhay, 92 Wash.2d 876 (1979), I represented petitioner before the Supreme Court of Washington. Petitioner sought relief by writ of habeas corpus challenging the action of the Board of Prisons and Paroles ("Board") that changed the sentencing judge's decision that petitioner's sentence for second-degree assault run concurrently with a sentence for a prior conviction. The Board changed petitioner's sentence to run consecutively with his prior sentence. The case was remanded to the trial court for re-sentencing.

71. I was counsel for appellant in Dawson v. Hearing Committee, Washington State Penitentiary, 92 Wash.2d 391 (1979), and argued before the Supreme Court of Washington that disciplinary hearings in our state prisons are subject to judicial review under the Administrative Procedures Act.

72. In the matter of In re Myers, 92 Wash.2d 113 (1979), I was counsel for appellant whose husband had taken their children out of Washington and argued that the trial court in Washington had jurisdiction to make child custody

determinations. The Supreme Court of Washington concluded that the trial court had personal jurisdiction over the parents and subject jurisdiction to decide questions of child custody, support and visitation.

Washington Courts of Appeal:

73. I represented appellant in the Court of Appeals of Washington in Toulou v. Department of Social & Health Services, 27 Wash.App.137 (1980), and argued that the Department of Social & Health Services' rule allowing the department to withhold public assistance payments for two months denied appellant equal protection of the laws.

74. In the matter of In re Bush, 26 Wash.App.486 (1980), I was counsel for petitioner and challenged the mandatory minimum sentence fixed by the Board of Prison Terms and Paroles. The Court of Appeals of Washington held that the setting of the minimum term did not comport with procedural due process and remanded to the Parole Board for further proceedings.

75. I was counsel for appellants in the matter of Rice v. Department of Social & Health Services, 26 Wash.App. 32 (1980), and challenged the validity of a regulation that provides that a person in need of non-continuing general medical assistance must notify the Department of Social & Health Services of that fact within 7 days of the date medical care is begun in order to receive coverage from the onset of care. The Court of Appeals of Washington ruled that the trial court erred in upholding the 7-day rule.

76. I was counsel for appellant in the matter of In re Reuben Hernandez, 25 Wash.App. 447 (1980), and sought to revoke an order that relinquished appellant's child to a private agency for adoption because appellant was mentally incompetent when she agreed to give up her child and her consent was procured by fraud. The Court of Appeal of Washington found insufficient evidence to prove that appellant was mentally incompetent when she agreed to give up her

child or that her consent was procured by fraud.

77. In the matter of In re Williams, 21 Wash.App. 238 (1978), I was counsel for petitioner who sought relief after consecutive sentences for burglary and possession of stolen property were imposed by the Board of Prison Terms and Paroles (“Board”). I argued before the Washington Court of Appeals that petitioner had entered a guilty plea with the understanding that concurrent sentences would be imposed. The Court of Appeals held that petitioner was entitled to specific performance of his plea bargain and remanded the case to the Board for resentencing in accordance with the plea agreement.

78. I represented appellant in the matter of State v. Miller, 22 Wash.App. 960 (1979), and argued that appellant’s plea bargain was involuntary induced by the prosecutor.

79. I was counsel for petitioners in the matter of In re McCoy, 22 Wash.App. 7 (1978), where petitioners sought resentencing after the Board of Prison Terms and Paroles set petitioners’ sentences on two convictions to run consecutively. The court held that resentencing was not required.

80. After the decision in Brooks v. Rhay, 92 Wash.2d 876 (1979), which overruled McCoy, petitioners in McCoy, supra, sought reconsideration, in the matter of In re McCoy, 25 Wash.App. 600 (1980), I was again counsel for petitioners. The Washington Court of Appeals ordered that petitioners be returned to Spokane County Superior Court for resentencing.

81. As this case list demonstrates, I specialize in a wide range of complex civil and civil rights cases, not all of which are listed in the foregoing paragraphs. My firm is one of the most highly regarded civil rights litigation firms in California.

Ex. C

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Jessica Valdenegro	HSR&D	08/28/2017	Edit/ Revise	conf with LR	0.20
Jessica Valdenegro	HSR&D	08/29/2017	Draft	conf with LR, conf with TG	0.20
Jessica Valdenegro	HSR&D	08/30/2017	Telephone	conf with TG re DS appl	0.10
Jessica Valdenegro	HSR&D	11/02/2017	Miscellaneous	conf with LR	0.10
Jessica Valdenegro	HSR&D	11/07/2017	E-mail	conf with LR re attorney-client call	0.20
Jessica Valdenegro	HSR&D	11/08/2017	E-mail	call re attorney-client calls, call re direct bill	0.30
Jessica Valdenegro	HSR&D	11/10/2017	Preparation	call re direct bill	0.10
Shaleen Shanbhag	HSR&D	01/10/2018	Preparation	call w/ LR	0.50
Shaleen Shanbhag	HSR&D	01/10/2018	Preparation	review pleadings in preparation for call	0.50
Shaleen Shanbhag	HSR&D	01/10/2018	Preparation	review pleadings in preparation for call	0.50
Norma Molina	HSR&D	01/25/2018	Preparation	w/SS, JV re: case add ons	0.20
Shaleen Shanbhag	HSR&D	02/01/2018	Preparation	research deadline to file opposition to request for extension to file motion to intervene and cases	1.00
Shaleen Shanbhag	HSR&D	02/02/2018	Travel	emails w/ opposing counsel	0.40
Shaleen Shanbhag	HSR&D	02/02/2018	Preparation	emails w/ co-counsel re: whether to oppose us request for extension of time to intervene	0.50
Shaleen Shanbhag	HSR&D	02/02/2018	Preparation	discuss filing opposition for request for extension of time; pro hac vice application with Norma	0.10
Shaleen Shanbhag	HSR&D	02/05/2018	Travel	meet w/ Jessica re: pro hac vice admission process; review procedure	0.20
Shaleen Shanbhag	HSR&D	02/05/2018	Preparation	research Idaho local rules re: filing opp	0.50
Shaleen Shanbhag	HSR&D	02/05/2018	Deposition	research case law re: 6(b) opposition for request for extension of time	1.00
Shaleen Shanbhag	HSR&D	02/05/2018	Travel	draft opposition to US request for extension of time to intervene; edit	1.00
Shaleen Shanbhag	HSR&D	02/05/2018	Preparation	email co-counsel re: filing opposition	0.10
Shaleen Shanbhag	HSR&D	02/06/2018	Preparation	emails w/ Jessica and Norma re: pro hac vice application; meet w/ Norma re: same	0.30
Norma Molina	HSR&D	02/08/2018	Travel	called co-counsel re: status of pro hac vice filing	0.10
Shaleen Shanbhag	HSR&D	02/12/2018	Preparation	review emails re: pro hac vice admission; email Norma re: ECF registration	0.10
Jessica Valdenegro	HSR&D	02/13/2018	Preparation	prep files	0.10
Jessica Valdenegro	HSR&D	02/27/2018	Travel	prep docs for expert	0.20
Jessica Valdenegro	HSR&D	03/02/2018	Preparation	call re attorney-client visit	0.50
Jessica Valdenegro	HSR&D	03/02/2018	Preparation	conf with LR re attorney-client visit	0.20
Shaleen Shanbhag	HSR&D	03/06/2018	Preparation	read opinion from Idaho district court re: birth certificate gender change	0.40
Jessica Valdenegro	HSR&D	03/07/2018	Preparation	conf with LR re client call	0.20
Jessica Valdenegro	HSR&D	03/14/2018	Preparation	conf with LR	0.10
Jessica Valdenegro	HSR&D	03/14/2018	Preparation	prep conf with LR	0.10
Jessica Valdenegro	HSR&D	03/15/2018	Preparation	conf with LR	0.20
Jessica Valdenegro	HSR&D	03/16/2018	Preparation	client call	0.30
Jessica Valdenegro	HSR&D	03/23/2018	Deposition	conf with TG re suppl authority	0.20
Jessica Valdenegro	HSR&D	03/26/2018	Preparation	conf with LR	0.20
Jessica Valdenegro	HSR&D	03/29/2018	Telephone	call with prison	0.20
Caitlan Mcloon	HSR&D	03/29/2018	Preparation	Review of records / filings re:: memo on timeline	1.00
Shaleen Shanbhag	HSR&D	04/02/2018	Preparation	review emails / filings	0.50
Shaleen Shanbhag	HSR&D	04/03/2018	Telephone	meet with Lori to discuss updates /status of MTD	0.20
Jessica Valdenegro	HSR&D	04/04/2018	Preparation	call clerk	0.20
Shaleen Shanbhag	HSR&D	04/05/2018	Preparation	conf w/ Lori and Dan re: motion to dismiss hearing	0.50
Dan Stormer	HSR&D	04/05/2018	Preparation	review Court argument	0.50
Shaleen Shanbhag	HSR&D	05/16/2018	Preparation	meeting w/ LR re: preliminary injunction	0.40
Shaleen Shanbhag	HSR&D	05/17/2018	Preparation	research Preliminary injunction case law	4.30
Shaleen Shanbhag	HSR&D	05/17/2018	Preparation	research Preliminary injunction case law	4.30
Shaleen Shanbhag	HSR&D	05/18/2018	Preparation	draft preliminary injunction legal section	7.00
Shaleen Shanbhag	HSR&D	05/21/2018	Preparation	review draft Preliminary injunction and edits	1.00
Shaleen Shanbhag	HSR&D	05/21/2018	Preparation	add facts to preliminary injunction draft from Dr. Gorton report	7.00
Shaleen Shanbhag	HSR&D	05/22/2018	Preparation	call prison to schedule visit (4x)	0.50
Shaleen Shanbhag	HSR&D	05/23/2018	Draft	draft adree declaration	6.50
Shaleen Shanbhag	HSR&D	05/23/2018	Miscellaneous	call prison to scheule visit	0.20
Shaleen Shanbhag	HSR&D	05/24/2018	Review	review edits to Preliminary injunction draft; declarations by cocounsel	0.60

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	05/24/2018	Review	review edits to Adree dec	0.60
Shaleen Shanbhag	HSR&D	05/24/2018	Preparation	prepare for client interview; edit outline	2.00
Shaleen Shanbhag	HSR&D	05/25/2018	Travel	travel to prison in Boise Idaho	7.00
Shaleen Shanbhag	HSR&D	05/25/2018	Meeting	meet with client	3.00
Shaleen Shanbhag	HSR&D	05/25/2018	Travel	travel home	5.00
Shaleen Shanbhag	HSR&D	05/26/2018	Telephone	call with Lori re: brief	0.60
Shaleen Shanbhag	HSR&D	05/29/2018	Draft	draft adree dec	12.00
Shaleen Shanbhag	HSR&D	05/30/2018	Review	review edits to declaration	0.50
Shaleen Shanbhag	HSR&D	05/30/2018	Telephone	call cocounsel re: declarations	0.20
Shaleen Shanbhag	HSR&D	05/30/2018	Conference	meet with LR re: adree declaration	0.50
Shaleen Shanbhag	HSR&D	05/30/2018	Edit/ Revise	edit adree declaration	1.00
Shaleen Shanbhag	HSR&D	05/30/2018	Review	review expert decs for inconsistencies	1.80
Jessica Valdenegro	HSR&D	05/30/2018	Conference	conf with LR	0.20
Shaleen Shanbhag	HSR&D	05/30/2018	Conference	conf w/ LR re: expert decs	0.50
Shaleen Shanbhag	HSR&D	05/30/2018	Edit/ Revise	Add facts from Adree dec to Preliminary injunction brief	3.00
Shaleen Shanbhag	HSR&D	05/31/2018	Edit/ Revise	check all declaration cites; insert expert dec and adree cites; cite check case law	8.50
Shaleen Shanbhag	HSR&D	05/31/2018	Conference	conf w Lori re: Preliminary injunction brief edits	0.30
Shaleen Shanbhag	HSR&D	06/05/2018	Conference	conf w/ LR re: opp to motion to extend time	0.60
Shaleen Shanbhag	HSR&D	06/05/2018	Telephone	call courtroom deputy re: opp to motion to extend time	0.10
Shaleen Shanbhag	HSR&D	06/05/2018	Miscellaneous	email courtroom deputy re: opp to motion to extend time	0.30
Shaleen Shanbhag	HSR&D	06/05/2018	Draft	draft opp to motion to extend time	4.00
Shaleen Shanbhag	HSR&D	06/05/2018	Research	research good cause standard for opp to motion to extend time; cases re preliminary injunctions and extensions; preliminary injunctions in jail cases	7.50
Norma Molina	HSR&D	06/05/2018	Conference	w/SS re: prep opp mtn for extension, efilng	0.20
Shaleen Shanbhag	HSR&D	06/06/2018	Edit/ Revise	edit opp to motion to extend time	2.50
Shaleen Shanbhag	HSR&D	06/06/2018	Research	add'l research for opp to motion to extend time	1.50
Shaleen Shanbhag	HSR&D	06/06/2018	Edit/ Revise	conf w. Lr re: redlines to opp to motion to extend time	0.20
Shaleen Shanbhag	HSR&D	06/06/2018	Edit/ Revise	incorporate redlines to opp to motion to extend time	3.40
Shaleen Shanbhag	HSR&D	06/06/2018	Miscellaneous	emails w opp counsel re: opp to motion to extend time	0.40
Shaleen Shanbhag	HSR&D	06/07/2018	Review	review ruling on MTD	0.50
Shaleen Shanbhag	HSR&D	06/09/2018	Research	research 9th cir case law re: ex parte contact with plaintiff through medical provider; ex parte contact with medical provider; psychotherapist patient privilege	4.80
Shaleen Shanbhag	HSR&D	06/10/2018	Research	follow up research re: impermissible contact	1.20
Shaleen Shanbhag	HSR&D	06/11/2018	Conference	assign law clerk research assignment; review	0.50
Shaleen Shanbhag	HSR&D	06/18/2018	Preparation	draft RFP to IDOC	1.50
Shaleen Shanbhag	HSR&D	06/18/2018	Edit/ Revise	review redlines to RFP to IDOC	0.50
Norma Molina	HSR&D	06/18/2018	Miscellaneous	prep RFPs for mail service	0.20
Shaleen Shanbhag	HSR&D	06/19/2018	Research	research medical provider conflict issue	6.50
Shaleen Shanbhag	HSR&D	06/19/2018	Conference	conf with Lori	0.50
Shaleen Shanbhag	HSR&D	06/20/2018	Miscellaneous	review Lori feedback on research; discuss meet and confer call	0.30
Shaleen Shanbhag	HSR&D	06/20/2018	Telephone	meet and confer call with opp counsel re: ex parte contacts / protective order	0.80
Shaleen Shanbhag	HSR&D	06/20/2018	Telephone	conf w Lori re: meet and confer call; next steps	0.20
Shaleen Shanbhag	HSR&D	06/22/2018	Miscellaneous	review emails re: discovery	0.50
Dan Stormer	HSR&D	06/22/2018	Preparation	conference/edit	0.50
Norma Molina	HSR&D	06/29/2018	Conference	w/SS re: initial disclosures	0.20
Shaleen Shanbhag	HSR&D	06/29/2018	Review	review records for initial disclosures	2.50
Shaleen Shanbhag	HSR&D	06/29/2018	Draft	draft initial disclosures, conf with Norma re same	1.60
Shaleen Shanbhag	HSR&D	06/29/2018	Edit/ Revise	incorporate edits to initial disclosures	0.60
Shaleen Shanbhag	HSR&D	06/29/2018	Review	review grievances and custody records to ID witnesses for initial disclosures	1.90
Sairah Budhwani	HSR&D	07/05/2018	Research	state of law in 9th circuit Idaho district about being compelled to sign release of medical records	6.30
Sairah Budhwani	HSR&D	07/06/2018	Research	research on compelling release of medical records	7.70
Shaleen Shanbhag	HSR&D	07/10/2018	Review	review IDOC initial disclosures	0.80
Caitlan Mcloon	HSR&D	07/10/2018	Research	Research for motion to strike and for protective order; draft brief	5.30
Caitlan Mcloon	HSR&D	07/11/2018	Draft	Draft motion to strike and for protective order	5.00

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Caitlan Mcloon	HSR&D	07/11/2018	Draft	Draft motion to strike and for protective order; research re:: same	5.60
Caitlan Mcloon	HSR&D	07/12/2018	Draft	Draft motion for protective order / motion to strike / conf with NM re same	4.50
Shaleen Shanbhag	HSR&D	07/12/2018	Review	review discovery	1.50
Norma Molina	HSR&D	07/12/2018	Conference	w/CM re: upcoming filing	0.20
Shaleen Shanbhag	HSR&D	07/13/2018	Review	review discovery and draft list for Craig to review w Adree	1.40
Shaleen Shanbhag	HSR&D	07/13/2018	Conference	conf w Lori re: discovery; scheduling calls w cocounsel and opposing counsel	0.40
Shaleen Shanbhag	HSR&D	07/16/2018	Meeting	call with Dan and Lori re: Preliminary injunction discovery / depositions	0.60
Shaleen Shanbhag	HSR&D	07/16/2018	Telephone	meet and confer call with opp counsel re: medical records	0.50
Shaleen Shanbhag	HSR&D	07/16/2018	Telephone	confer with cocounsel re: medical records release	0.50
Shaleen Shanbhag	HSR&D	07/16/2018	Draft	draft letter to client re: discovery and telephone	0.40
Caitlan Mcloon	HSR&D	07/16/2018	Edit/ Revise	Edit motion to strike / motion for protective order	2.00
Jessica Valdenegro	HSR&D	07/16/2018	Telephone	call prison	0.20
Norma Molina	HSR&D	07/16/2018	Conference	w/SS re: ltr to client	0.20
Norma Molina	HSR&D	07/16/2018	Miscellaneous	scanned docs; prep ltr and docs for mailing to client	0.50
Dan Stormer	HSR&D	07/16/2018	Preparation	Conference/strategy	0.60
Shaleen Shanbhag	HSR&D	07/17/2018	Telephone	call with cocounsel re: discovery	0.50
Shaleen Shanbhag	HSR&D	07/17/2018	Discovery	draft RFPs to corizon	0.60
Shaleen Shanbhag	HSR&D	07/17/2018	Research	research / read 7th cir decision re: gender dysphoria	0.20
Jessica Valdenegro	HSR&D	07/17/2018	Telephone	call prison (x3)	0.60
Jessica Valdenegro	HSR&D	07/17/2018	Conference	conf with LR	0.20
Caitlan Mcloon	HSR&D	07/17/2018	Edit/ Revise	Revise draft of motion to strike and for protective order; research re:: same	10.80
Caitlan Mcloon	HSR&D	07/18/2018	Edit/ Revise	Review edits, revise motion to strike and for protective order	1.50
Jessica Valdenegro	HSR&D	07/18/2018	Conference	conf with LR	0.20
Caitlan Mcloon	HSR&D	07/18/2018	Research	Follow-up research re:: motion to strike	2.60
Shaleen Shanbhag	HSR&D	07/19/2018	Conference	conf w/ Lori re: client all and discovery responses	0.70
Jessica Valdenegro	HSR&D	07/23/2018	Conference	conf with LR	0.20
Jessica Valdenegro	HSR&D	07/23/2018	Conference	conf with LR	0.30
Shaleen Shanbhag	HSR&D	07/24/2018	Meeting	meeting with Lori re: IME; meeting with Sairah re: discovery research for IME	0.40
Shaleen Shanbhag	HSR&D	07/24/2018	Preparation	notice deposition for Dr. Eliason	0.60
Shaleen Shanbhag	HSR&D	07/24/2018	Review	review defendants motion re: IME	0.60
Shaleen Shanbhag	HSR&D	07/24/2018	Conference	conf w/ Sairah and Lori re: case law in defendants motion re: IME	0.30
Sairah Budhwani	HSR&D	07/24/2018	Research	researching whether counsel can be present at plaintiff's IME; conf with SS re same	5.50
Jessica Valdenegro	HSR&D	07/24/2018	Conference	conf with LR	0.20
Dan Stormer	HSR&D	07/24/2018	Preparation	calls/strategy	0.80
Caitlan Mcloon	HSR&D	07/25/2018	Edit/ Revise	Call with LR re:: preparing filing; review brief; draft declaration; discuss filing with NM	1.80
Caitlan Mcloon	HSR&D	07/25/2018	Edit/ Revise	Review motion/declaration; review previous communications	0.50
Caitlan Mcloon	HSR&D	07/25/2018	Preparation	Review draft; collect exhibits; discuss additional changes	1.00
Shaleen Shanbhag	HSR&D	07/25/2018	Edit/ Revise	edit Eliason depo notice	0.50
Shaleen Shanbhag	HSR&D	07/25/2018	Miscellaneous	email cocounsel re: deposition scheduling	0.10
Shaleen Shanbhag	HSR&D	07/25/2018	Meeting	meeting re: discovery / protective order issues	0.40
Shaleen Shanbhag	HSR&D	07/25/2018	Meeting	meeting re: motion to strike declaration/ protective order issues	0.50
Norma Molina	HSR&D	07/25/2018	Conference	w/CM, LR re: motion filing, prep exhibits	0.10
Jessica Valdenegro	HSR&D	07/25/2018	Conference	conf with LR re medical authorization & verification	0.20
Shaleen Shanbhag	HSR&D	07/26/2018	Telephone	call w/ Lori re: motion, discovery	0.30
Shaleen Shanbhag	HSR&D	07/26/2018	Review	review /edit motion to strike and for protective order	0.40
Norma Molina	HSR&D	07/26/2018	Telephone	several to clerk re: motion to seal	0.20
Caitlan Mcloon	HSR&D	07/26/2018	Review	Review motion to strike and for protective order and provide edits	0.80
Caitlan Mcloon	HSR&D	07/26/2018	Draft	Research and draft motion to seal; prepare materials	5.30
Norma Molina	HSR&D	07/27/2018	Conference	w/CM, LR re: efilings, corrections	0.30
Norma Molina	HSR&D	07/27/2018	Telephone	call from court clerk re: inquiries on motion to seal	0.10

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Norma Molina	HSR&D	07/27/2018	Conference	w/CM re: contact w/court clerk	0.10
Dan Stormer	HSR&D	07/27/2018	Preparation	review documents/calls with Shaleen, Lori	0.80
Shaleen Shanbhag	HSR&D	07/27/2018	Telephone	discuss discovery production documents with Lori	0.60
Shaleen Shanbhag	HSR&D	07/27/2018	Meeting	meeting with Lori and Dan re: upcoming deadlines and assignments	0.50
Shaleen Shanbhag	HSR&D	07/30/2018	Discovery	review client documents to produce	7.00
Sairah Budhwani	HSR&D	07/30/2018	Memorandum	research memo on multiple IMEs	4.10
Shaleen Shanbhag	HSR&D	07/31/2018	Discovery	review documents for production	6.00
Shaleen Shanbhag	HSR&D	08/01/2018	Telephone	meet and confer call with defense counsel re: Corizon IME	0.70
Shaleen Shanbhag	HSR&D	08/01/2018	Preparation	preparation for meet and confer call with defense counsel re: Corizon IME	0.60
Dan Stormer	HSR&D	08/02/2018	Preparation	calls/conference	1.80
Shaleen Shanbhag	HSR&D	08/03/2018	E-mail	emails with cocounsel re: rule 35 exam; stipulation; discovery	1.00
Shaleen Shanbhag	HSR&D	08/03/2018	E-mail	emails with opp counsel re: stipulation	0.50
Shaleen Shanbhag	HSR&D	08/03/2018	Telephone	conference calls with Lori; cocounsel re: Rule 35 exam	0.60
Shaleen Shanbhag	HSR&D	08/03/2018	Meeting	discuss stipulations with Dan	0.30
Shaleen Shanbhag	HSR&D	08/03/2018	Discovery	review IDOC production	5.50
Shaleen Shanbhag	HSR&D	08/03/2018	Conference	conf with Dan re: motions	0.40
Shaleen Shanbhag	HSR&D	08/03/2018	E-mail	emails with opposing counsel re: discovery deadlines	0.50
Dan Stormer	HSR&D	08/03/2018	Preparation	calls/discussion	0.60
Caitlan Mcloon	HSR&D	08/03/2018	Research	Research re:: reply iso motion to strike and for protective order	5.00
Shaleen Shanbhag	HSR&D	08/06/2018	Discovery	finish reviewing IDOC discovery	7.50
Caitlan Mcloon	HSR&D	08/06/2018	Memorandum	Memo summarizing research	0.50
Shaleen Shanbhag	HSR&D	08/07/2018	Draft	opp to Corizon motion for IME	14.00
Shaleen Shanbhag	HSR&D	08/07/2018	E-mail	emails with court and opp counsel re: discovery dispute hearing	1.00
Dan Stormer	HSR&D	08/07/2018	Preparation	research/conference	1.70
Caitlan Mcloon	HSR&D	08/07/2018	Draft	Draft reply iso motion to strike and for protective order; research re:: same	11.80
Caitlan Mcloon	HSR&D	08/08/2018	Edit/ Revise	Review and edit Reply iso Motion to Strike and for Protective Order; write memo to LR, conf with SS, NM	1.60
Shaleen Shanbhag	HSR&D	08/08/2018	Edit/ Revise	opp to Corizon's motion for IME	4.60
Shaleen Shanbhag	HSR&D	08/08/2018	Meeting	meeting w/ Lori and Dan re: opp to Corizon IME	0.20
Shaleen Shanbhag	HSR&D	08/08/2018	Telephone	call with cocounsel re: IDOC 30(b)(6)	0.30
Shaleen Shanbhag	HSR&D	08/08/2018	Conference	meeting w Lori re: opp; rep at IME; trip to Boise for depo	0.30
Shaleen Shanbhag	HSR&D	08/08/2018	Edit/ Revise	edit opp to Corizon's motion for Rule 35 exam; draft dec	3.50
Shaleen Shanbhag	HSR&D	08/08/2018	Meeting	discuss Eliason deposition with Lori	0.20
Norma Molina	HSR&D	08/08/2018	Conference	w/SS, CM re: filings	0.20
Caitlan Mcloon	HSR&D	08/08/2018	Edit/ Revise	Revise Reply brief via feedback from LR	6.30
Shaleen Shanbhag	HSR&D	08/09/2018	Court	telephonic conference with law clerk re: motion for Rule 35 exam	0.40
Shaleen Shanbhag	HSR&D	08/09/2018	Preparation	preparation for conference re: motion for Rule 35 exam	0.50
Shaleen Shanbhag	HSR&D	08/09/2018	Telephone	meet and confer call with IDOC defendants re: 30(b)(6) depo	1.30
Shaleen Shanbhag	HSR&D	08/09/2018	Preparation	preparation for Dr. Eliason depo	8.50
Dan Stormer	HSR&D	08/09/2018	Preparation	conference re: Court	0.50
Shaleen Shanbhag	HSR&D	08/12/2018	Preparation	preparation for Dr. Eliason depo	4.50
Shaleen Shanbhag	HSR&D	08/13/2018	Preparation	preparation for Dr. Eliason depo, conf w/ NM re same	8.50
Shaleen Shanbhag	HSR&D	08/13/2018	Travel	travel to airport; Boise; hotel for Dr. Eliason depo	5.50
Shaleen Shanbhag	HSR&D	08/13/2018	Preparation	preparation for Dr. Eliason depo	2.50
Norma Molina	HSR&D	08/13/2018	Miscellaneous	depo exhibit prep	0.30
Norma Molina	HSR&D	08/13/2018	Conference	w/SS re: depo exhibit prep, travel	0.20
Shaleen Shanbhag	HSR&D	08/14/2018	Preparation	preparation for Dr. Eliason depo	2.00
Shaleen Shanbhag	HSR&D	08/14/2018	Deposition	Dr. Eliason depo	6.50
Shaleen Shanbhag	HSR&D	08/14/2018	Travel	travel to airport; fly to LAX; drive from Dr. Eliason depo	7.00
Norma Molina	HSR&D	08/14/2018	Conference	w/JV re: issue w/ct reporter booking	0.20
Norma Molina	HSR&D	08/14/2018	Telephone	calls w/court reporter for last minute booking, to request rough transcript, etc.; called airline to change SS flight; calls w/SS re: same	1.00
Dan Stormer	HSR&D	08/14/2018	Preparation	calls/discussion	0.70
Norma Molina	HSR&D	08/15/2018	Conference	w/SS re: depo exhibits, depts production	0.20

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Norma Molina	HSR&D	08/15/2018	Telephone	called court reporter re: upcoming depositions	0.10
Norma Molina	HSR&D	08/16/2018	Telephone	called court reporter to book depositions	0.10
Shaleen Shanbhag	HSR&D	08/16/2018	E-mail	emails with opp counsel and cocounsel re: depositions	0.50
Jessica Valdenegro	HSR&D	08/17/2018	Miscellaneous	conf with SS	0.10
Shaleen Shanbhag	HSR&D	08/20/2018	Telephone	meet and confer with Corizon re: 30(b)(6)	0.50
Shaleen Shanbhag	HSR&D	08/20/2018	Telephone	meet and confer with Corizon re: 30(b)(6)	0.50
Shaleen Shanbhag	HSR&D	08/20/2018	Preparation	preparation for client deposition preparation; review docs	4.50
Shaleen Shanbhag	HSR&D	08/20/2018	Edit/ Revise	edit settlement conference statement	2.50
Shaleen Shanbhag	HSR&D	08/20/2018	Travel	travel to airport; fly to Boise; travel to hotel	6.50
Shaleen Shanbhag	HSR&D	08/21/2018	Meeting	meet w/ Lori to preparation for meeting with Adree	0.50
Shaleen Shanbhag	HSR&D	08/21/2018	Travel	travel to prison to meet with client	0.30
Shaleen Shanbhag	HSR&D	08/21/2018	Meeting	meet with client to prepare for depositions	4.50
Shaleen Shanbhag	HSR&D	08/21/2018	Travel	travel to airport; flight delays	6.50
Shaleen Shanbhag	HSR&D	08/21/2018	Meeting	meet with Lori to discuss discovery, trial logistics	1.00
Jessica Valdenegro	HSR&D	08/21/2018	Miscellaneous	prep witness files	0.30
Jessica Valdenegro	HSR&D	08/21/2018	Conference	conf with LR	0.10
Shaleen Shanbhag	HSR&D	08/22/2018	Travel	travel to airport; fly to lax; travel from airport	6.50
Shaleen Shanbhag	HSR&D	08/22/2018	Preparation	preparation for call with cocounsel	0.50
Shaleen Shanbhag	HSR&D	08/22/2018	Review	review recent corizon production	0.50
Shaleen Shanbhag	HSR&D	08/22/2018	Telephone	call with cocounsel re: Corizon 30(b)(6) depositions	1.30
Shaleen Shanbhag	HSR&D	08/22/2018	Review	review discovery	2.00
Shaleen Shanbhag	HSR&D	08/22/2018	E-mail	emails to cocounsel re: deposition docs	0.50
Shaleen Shanbhag	HSR&D	08/23/2018	Review	review documents produced at Dr. Eliason deposition	6.50
Shaleen Shanbhag	HSR&D	08/23/2018	Draft	notes re: documents produced at Dr. Eliason deposition	1.50
Shaleen Shanbhag	HSR&D	08/23/2018	E-mail	email Lori and cocounsel re: documents for Corizon 30(b)(6) depositions	1.00
Shaleen Shanbhag	HSR&D	08/24/2018	Telephone	call with cocounsel re: deposition prep	1.50
Shaleen Shanbhag	HSR&D	08/24/2018	Review	review Corizon production pursuant to protective order	1.00
Shaleen Shanbhag	HSR&D	08/24/2018	E-mail	email cocounsel notes/documents for depositions	0.50
Shaleen Shanbhag	HSR&D	08/24/2018	Discovery	review add'l production	4.50
Norma Molina	HSR&D	08/24/2018	Conference	w/SS re: status of depositions	0.20
Shaleen Shanbhag	HSR&D	08/25/2018	Telephone	call with Lori re: Adree deposition; documents to review for 30(b)(6)	0.60
Shaleen Shanbhag	HSR&D	08/26/2018	E-mail	email cocounsel re: deposition prep	0.50
Jessica Valdenegro	HSR&D	08/27/2018	Miscellaneous	prep exhibits for deposition	0.80
Jessica Valdenegro	HSR&D	08/27/2018	Telephone	call with LR	0.50
Shaleen Shanbhag	HSR&D	08/27/2018	E-mail	emails re: depositions	0.30
Shaleen Shanbhag	HSR&D	08/27/2018	Miscellaneous	conf with Norma re: deposition rates	0.20
Shaleen Shanbhag	HSR&D	08/27/2018	Review	review IDOC production	0.50
Shaleen Shanbhag	HSR&D	08/27/2018	Research	research CA medical board reporting requirements	1.50
Norma Molina	HSR&D	08/27/2018	Telephone	calls w/court reporter re: booking fees	0.10
Sairah Budhwani	HSR&D	08/27/2018	Research	Review review IDOC production	40.10
Shaleen Shanbhag	HSR&D	08/28/2018	Review	review IDOC production	3.50
Shaleen Shanbhag	HSR&D	08/28/2018	Miscellaneous	rembursements	0.50
Shaleen Shanbhag	HSR&D	08/28/2018	Discovery	review IDOC production	5.00
Norma Molina	HSR&D	08/28/2018	Telephone	w/court reporter re: cost	0.10
Shaleen Shanbhag	HSR&D	08/28/2018	Draft	draft outline for 30(b)(6) depositions	2.00
Jessica Valdenegro	HSR&D	08/28/2018	Telephone	call with counsel re depositions	0.20
Shaleen Shanbhag	HSR&D	08/29/2018	Discovery	review IDOC 8/28 production	1.00
Shaleen Shanbhag	HSR&D	08/29/2018	Discovery	review IDOC 8/28 production, conf with AW	6.00
Shaleen Shanbhag	HSR&D	08/30/2018	Draft	draft outline for 30(b)(6) depositions	2.50
Jessica Valdenegro	HSR&D	08/30/2018	Conference	conf with LR	0.20
Shaleen Shanbhag	HSR&D	08/30/2018	Review	review defense expert disclosures	1.00
Shaleen Shanbhag	HSR&D	08/31/2018	Discovery	review recent discovery	1.30
Shaleen Shanbhag	HSR&D	09/04/2018	Draft	meet and confer letter re: Corizon witness disclosures	0.70
Shaleen Shanbhag	HSR&D	09/05/2018	Telephone	call with cocounsel	1.30
Shaleen Shanbhag	HSR&D	09/05/2018	Discovery	review IDOC and Corizon expert and witness disclosures	1.50
Shaleen Shanbhag	HSR&D	09/06/2018	E-mail	emails re: discovery, meet and confer, depositions	0.60
Norma Molina	HSR&D	09/06/2018	Conference	w/LD re: check prep	0.20
Shaleen Shanbhag	HSR&D	09/07/2018	Telephone	call with Lori	0.20
Shaleen Shanbhag	HSR&D	09/07/2018	Telephone	meet and confer call with opp counsel re: witness disclosure	0.20

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	09/07/2018	Preparation	prepare for meet and confer call with opp counsel re: witness disclosure	0.50
Shaleen Shanbhag	HSR&D	09/07/2018	Discovery	review discovery and update charts	2.50
Shaleen Shanbhag	HSR&D	09/10/2018	Draft	meet and confer email to IDOC	0.50
Shaleen Shanbhag	HSR&D	09/11/2018	Telephone	call with Lori re: upcoming tasks/meet and confer	0.50
Jordyn Bishop	HSR&D	09/11/2018	Review	Reviewed case files.	1.30
Jordyn Bishop	HSR&D	09/12/2018	Review	Reviewed case files; reviewed and transcribed P's ME audio file.	4.80
Jordyn Bishop	HSR&D	09/13/2018	Review	Reviewed and transcribed P's ME audio file.	8.30
Jordyn Bishop	HSR&D	09/14/2018	Review	Reviewed and transcribed P's ME audio file.	5.40
Dan Stormer	HSR&D	09/15/2018	Preparation	PI preparation	0.50
Shaleen Shanbhag	HSR&D	09/19/2018	E-mail	review / respond to emails	1.50
Shaleen Shanbhag	HSR&D	09/20/2018	Review	review defendants' briefs; depositions for reply	5.00
Shaleen Shanbhag	HSR&D	09/20/2018	Meeting	meeting with Lori re: reply	1.00
Shaleen Shanbhag	HSR&D	09/21/2018	Research	research re: reply brief	1.50
Shaleen Shanbhag	HSR&D	09/21/2018	E-mail	emails w cocounsel re: reply	0.50
Shaleen Shanbhag	HSR&D	09/21/2018	Miscellaneous	finalize and email stipulation to extend discovery	0.50
Shaleen Shanbhag	HSR&D	09/21/2018	Meeting	assign Sairah research for reply	0.50
Shaleen Shanbhag	HSR&D	09/23/2018	Draft	draft reply brief	10.00
Shaleen Shanbhag	HSR&D	09/24/2018	Telephone	calls with cocounsel re: hearing	1.00
Shaleen Shanbhag	HSR&D	09/24/2018	Draft	research and draft stipulation to file oversize brief	0.70
Shaleen Shanbhag	HSR&D	09/24/2018	Meeting	assign Sairah research for reply	0.50
Shaleen Shanbhag	HSR&D	09/24/2018	Meeting	meet with Jordan re: ACA argument for reply	0.50
Shaleen Shanbhag	HSR&D	09/24/2018	Draft	draft reply brief	12.00
Jordyn Bishop	HSR&D	09/24/2018	Prepare answer	Research and draft answer to prelim injunct re: ACA claim	4.50
Norma Molina	HSR&D	09/24/2018	Conference	w/SS, JV re: mtn filing, preliminary injunction	0.20
Jessica Valdenegro	HSR&D	09/24/2018	Miscellaneous	prep docs for client	0.30
Shaleen Shanbhag	HSR&D	09/25/2018	Draft	draft reply brief	7.50
Norma Molina	HSR&D	09/25/2018	Conference	w/SS re: upcoming filing	0.20
Shaleen Shanbhag	HSR&D	09/26/2018	Telephone	call w/ Lori re: reply	0.30
Shaleen Shanbhag	HSR&D	09/26/2018	Meeting	meet with Norma re: under seal reply	0.10
Shaleen Shanbhag	HSR&D	09/26/2018	Review	review LR edits to reply	0.70
Shaleen Shanbhag	HSR&D	09/26/2018	Edit/ Revise	edit reply	6.10
Shaleen Shanbhag	HSR&D	09/26/2018	Telephone	call with Lori re: reply brief	0.20
Shaleen Shanbhag	HSR&D	09/26/2018	Meeting	discuss reply filing with Norma (under seal)	0.10
Shaleen Shanbhag	HSR&D	09/26/2018	Research	research under seal filing procedure	0.40
Shaleen Shanbhag	HSR&D	09/26/2018	Research	research case law re: post hoc justification for medical decision	2.50
Jessica Valdenegro	HSR&D	09/26/2018	Telephone	call with LR, call re depo production	0.40
Shaleen Shanbhag	HSR&D	09/26/2018	Research	research case law re: post hoc justification	3.00
Norma Molina	HSR&D	09/26/2018	Conference	several w/SS re: prep reply mtn for prelim injunction	0.20
Shaleen Shanbhag	HSR&D	09/27/2018	Edit/ Revise	reply brief, multiple confs with JV and NM re same	9.00
Shaleen Shanbhag	HSR&D	09/27/2018	Court	status conference / court call	0.70
Shaleen Shanbhag	HSR&D	09/27/2018	Telephone	call with client	0.50
Jessica Valdenegro	HSR&D	09/27/2018	Conference	conf with LR re production, conf with SS	0.30
Norma Molina	HSR&D	09/27/2018	Miscellaneous	reviewed/compared timeline chart of exhibits w/current exhibits	0.60
Norma Molina	HSR&D	09/27/2018	Conference	several w/SS re: prep reply mtn for prelim injunction	0.30
Shaleen Shanbhag	HSR&D	09/28/2018	Edit/ Revise	edit brief, exhibits, declaration, multiple confs with NM re same	11.00
Norma Molina	HSR&D	09/28/2018	Conference	several w/SS re: prep reply mtn for prelim injunction	0.80
Dan Stormer	HSR&D	09/29/2018	Preparation	trial preparation/conference with L.R.	1.50
Shaleen Shanbhag	HSR&D	10/01/2018	E-mail	review emails re: trial prep	1.00
Shaleen Shanbhag	HSR&D	10/01/2018	Meeting	meet with Jessica and Norma re: trial prep	0.50
Shaleen Shanbhag	HSR&D	10/01/2018	Preparation	trial preparation; exhibits	6.00
Shaleen Shanbhag	HSR&D	10/01/2018	E-mail	emails to team re: tasks; trial prep	1.00
Jessica Valdenegro	HSR&D	10/01/2018	Conference	meeting with SS, JV about trial prep plan	0.50
Shaleen Shanbhag	HSR&D	10/01/2018	Telephone	call with Lori re: trial prep	0.30
Shaleen Shanbhag	HSR&D	10/01/2018	Preparation	review discovery for krina stewart depo	1.50
Norma Molina	HSR&D	10/01/2018	Conference	w/SS, JV re: trial prep plan; Jesus re: witness file prep	0.50
Norma Molina	HSR&D	10/01/2018	Miscellaneous	prep file copies of reply PI docs, mtn to seal; witness files	1.20
Jordyn Bishop	HSR&D	10/01/2018	Research	legal research re: Daubert expert qualifications	5.50
Dan Stormer	HSR&D	10/01/2018	Preparation	trial preparation/strategy	0.90

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	10/02/2018	Telephone	call with Lori, Jessica, Norma re: trial docs	0.40
Shaleen Shanbhag	HSR&D	10/02/2018	E-mail	emails re: trial prep	1.50
Shaleen Shanbhag	HSR&D	10/02/2018	Review	review documents for trial exhibits	4.00
Jordyn Bishop	HSR&D	10/02/2018	Research	Research regarding IHS coverage of SRS	2.20
Jordyn Bishop	HSR&D	10/02/2018	Research	Legal research re: Daubert expert qualification	4.30
Norma Molina	HSR&D	10/02/2018	Conference	several w/SS, JV, LR re: prep for PI	0.50
Norma Molina	HSR&D	10/02/2018	Miscellaneous	witness files	1.00
Shaleen Shanbhag	HSR&D	10/03/2018	Draft	draft fact outline / findings of fact for hearing	6.50
Shaleen Shanbhag	HSR&D	10/03/2018	Review	review and identify exhibits for trial	3.50
Shaleen Shanbhag	HSR&D	10/03/2018	Meeting	meet with Lori to discuss assignments	0.50
Shaleen Shanbhag	HSR&D	10/03/2018	E-mail	email courtroom staff re: technology visit	0.20
Jordyn Bishop	HSR&D	10/03/2018	Research	Research and memo addressing IHS coverage of SRS	4.20
Norma Molina	HSR&D	10/03/2018	Conference	several w/SS, JV, LR re: prep for PI	0.40
Norma Molina	HSR&D	10/03/2018	Miscellaneous	witness files	1.00
Dan Stormer	HSR&D	10/03/2018	Preparation	trial strategy	0.80
Shaleen Shanbhag	HSR&D	10/04/2018	Preparation	plaintiff's exhibit list	2.00
Shaleen Shanbhag	HSR&D	10/04/2018	Edit/ Revise	review comments / edit fact outline	1.00
Caitlan Mcloon	HSR&D	10/04/2018	Miscellaneous	Emails re: resources on opposing mtn to seal docs	0.20
Shaleen Shanbhag	HSR&D	10/04/2018	Telephone	cocounsel call	1.10
Shaleen Shanbhag	HSR&D	10/04/2018	Telephone	call with Lori re: trial tasks	0.50
Shaleen Shanbhag	HSR&D	10/04/2018	Meeting	meet with Dan re: cross exam	0.60
Shaleen Shanbhag	HSR&D	10/04/2018	Preparation	preparation for Eliason cross	6.10
Shaleen Shanbhag	HSR&D	10/04/2018	Preparation	ID documents for witness files	1.00
Jordyn Bishop	HSR&D	10/04/2018	Edit/ Revise	Memo re: IHS coverage of SRS	2.60
Jordyn Bishop	HSR&D	10/04/2018	Draft	Memo re: expert qualifications	1.40
Norma Molina	HSR&D	10/04/2018	Conference	several w/SS, JV, LR re: prep for PI	0.50
Norma Molina	HSR&D	10/04/2018	Miscellaneous	witness files	0.70
Dan Stormer	HSR&D	10/04/2018	Preparation	strategy/cross-examination preparation/conf with SS	1.80
Shaleen Shanbhag	HSR&D	10/05/2018	E-mail	emails to/from cocounsel re: exhibits; hearing	0.60
Shaleen Shanbhag	HSR&D	10/05/2018	Meeting	meet with Jordyn, Norma re: research memos	0.60
Jordyn Bishop	HSR&D	10/05/2018	Edit/ Revise	Memo re: IHS coverage of SRS, submit to LR/SS	1.40
Jordyn Bishop	HSR&D	10/05/2018	Edit/ Revise	Memo re: expert qualifications	3.50
Jordyn Bishop	HSR&D	10/05/2018	Meeting	meet with SS	0.20
Norma Molina	HSR&D	10/05/2018	Conference	several w/SS, JV, LR re: prep for PI	0.60
Norma Molina	HSR&D	10/05/2018	Miscellaneous	witness files, PI prep	1.00
Shaleen Shanbhag	HSR&D	10/05/2018	Edit/ Revise	edit opp motion to seal	4.50
Shaleen Shanbhag	HSR&D	10/05/2018	Telephone	meet and confer call re: joint exhibit lists	0.50
Shaleen Shanbhag	HSR&D	10/05/2018	Preparation	edit / work w Jessica to finalize joint exhibit list and plaintiff's exhibit list	1.50
Shaleen Shanbhag	HSR&D	10/05/2018	Miscellaneous	misc trial prep	0.70
Shaleen Shanbhag	HSR&D	10/05/2018	Telephone	call with Lori re: motion to seal/exhibits	0.40
Jordyn Bishop	HSR&D	10/06/2018	Edit/ Revise	Memo re: expert qualifications	1.70
Shaleen Shanbhag	HSR&D	10/06/2018	Preparation	draft Eliason cross exam	5.50
Shaleen Shanbhag	HSR&D	10/07/2018	Preparation	draft Eliason cross exam, conf with Jessica	7.50
Shaleen Shanbhag	HSR&D	10/07/2018	Miscellaneous	print/organize trial binder and documents	1.50
Jessica Valdenegro	HSR&D	10/07/2018	Conference	conf with LR, conf with SS	0.50
Norma Molina	HSR&D	10/08/2018	Telephone	w/LR, SS re: doc prep PI exhibits	0.20
Norma Molina	HSR&D	10/08/2018	Conference	w/JV re: exhibit list	0.10
Norma Molina	HSR&D	10/08/2018	Miscellaneous	organized/re-filed docs	0.50
Dan Stormer	HSR&D	10/08/2018	Preparation	cross-examination preparation/strategy	1.30
Shaleen Shanbhag	HSR&D	10/08/2018	Travel	travel to boise and drive to prison for client prep	6.50
Shaleen Shanbhag	HSR&D	10/08/2018	Preparation	client direct exam preparation	3.50
Shaleen Shanbhag	HSR&D	10/08/2018	Preparation	drive to hotel	0.40
Shaleen Shanbhag	HSR&D	10/08/2018	Preparation	trial prep	5.50
Jessica Valdenegro	HSR&D	10/08/2018	Conference	conf with NM, conf with LR	0.50
Jordyn Bishop	HSR&D	10/09/2018	E-mail	emails to/from client, LR, reporter.	0.60
Dan Stormer	HSR&D	10/09/2018	Preparation	case strategy/opening	1.70
Shaleen Shanbhag	HSR&D	10/09/2018	Miscellaneous	courtroom tech visit	1.50
Shaleen Shanbhag	HSR&D	10/09/2018	Travel	drive to prison for client prep	0.50
Shaleen Shanbhag	HSR&D	10/09/2018	Preparation	client preparation for direct and cross	3.00
Shaleen Shanbhag	HSR&D	10/09/2018	Travel	travel to hotel	0.50
Shaleen Shanbhag	HSR&D	10/09/2018	Miscellaneous	buy trial supplies	1.50
Shaleen Shanbhag	HSR&D	10/09/2018	Preparation	Dr. Eliason cross	2.50

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	10/09/2018	Preparation	misc trial preparation tasks (demonstratives, exhibits for next day)	4.00
Jordyn Bishop	HSR&D	10/10/2018	E-mail	email client and reporter	0.20
Shaleen Shanbhag	HSR&D	10/10/2018	Court	Preliminary injunction hearing	7.00
Shaleen Shanbhag	HSR&D	10/10/2018	Preparation	preparation for cross exam / misc Preliminary injunction hearing tasks	8.00
Shaleen Shanbhag	HSR&D	10/11/2018	Hearing	Preliminary injunction hearing	7.00
Shaleen Shanbhag	HSR&D	10/11/2018	Preparation	preparation for Preliminary injunction hearing	1.00
Shaleen Shanbhag	HSR&D	10/11/2018	Preparation	preparation for Eliason cross	7.00
Shaleen Shanbhag	HSR&D	10/12/2018	Hearing	preliminary injunction hearing	7.50
Shaleen Shanbhag	HSR&D	10/12/2018	Preparation	preparation for eliason cross	0.70
Shaleen Shanbhag	HSR&D	10/12/2018	Miscellaneous	meet and confer w/ opp counsel re: exhibits	0.50
Shaleen Shanbhag	HSR&D	10/13/2018	Travel	travel from Boise to LA	5.00
Shaleen Shanbhag	HSR&D	10/16/2018	E-mail	emails w cocounsel re: findings of fact and conclusions of law	0.50
Shaleen Shanbhag	HSR&D	10/16/2018	Conference	conference with Norma and jessica; Lori	1.20
Shaleen Shanbhag	HSR&D	10/16/2018	Draft	outline findings of fact and conclusions of law	2.50
Jessica Valdenegro	HSR&D	10/16/2018	Conference	conf with Shaleen, Lori, Norma re PI	0.80
Norma Molina	HSR&D	10/16/2018	Conference	w/SS, LR re: prelim injunction hearing	0.80
Norma Molina	HSR&D	10/16/2018	Miscellaneous	organized transcripts	0.30
Shaleen Shanbhag	HSR&D	10/17/2018	Draft	findings of fact and conclusions of law	6.50
Shaleen Shanbhag	HSR&D	10/17/2018	Telephone	call with cocounsel re: Adree's hormones	0.50
Shaleen Shanbhag	HSR&D	10/18/2018	Draft	draft findings of fact and conclusions of law	7.50
Shaleen Shanbhag	HSR&D	10/21/2018	Draft	draft findings of fact and conclusions of law	4.00
Shaleen Shanbhag	HSR&D	10/22/2018	Draft	draft findings of fact and conclusions of law	14.50
Shaleen Shanbhag	HSR&D	10/23/2018	Draft	draft findings of fact and conclusions of law	10.00
Shaleen Shanbhag	HSR&D	10/23/2018	Research	research case law re: standard for findings of fact and conclusions of law	5.00
Shaleen Shanbhag	HSR&D	10/24/2018	Edit/ Revise	edit findings of fact and conclusions of law, conf with Norma about filing	10.00
Shaleen Shanbhag	HSR&D	10/24/2018	Research	research for findings of fact and conclusions of law	5.00
Shaleen Shanbhag	HSR&D	10/24/2018	Edit/ Revise	edit findings of fact and conclusions of law	3.00
Norma Molina	HSR&D	10/24/2018	Conference	w/SS re: upcoming filing	0.30
Dan Stormer	HSR&D	10/24/2018	Review	review findings of fact and conclusions of law; edit	0.90
Shaleen Shanbhag	HSR&D	10/25/2018	Draft	findings of fact / conclusions of law, conf with Norma re filing	14.00
Norma Molina	HSR&D	10/25/2018	Conference	w/SS re: upcoming filing	0.10
Dan Stormer	HSR&D	10/25/2018	Review	review/edit findings of fact	1.40
Norma Molina	HSR&D	10/26/2018	Conference	several w/SS, LR re: finding of facts, brief filing	0.40
Norma Molina	HSR&D	10/26/2018	Miscellaneous	organized voluminous depo transcripts	0.40
Shaleen Shanbhag	HSR&D	10/26/2018	Draft	draft findings of fact and conclusions of law, conf with NM	12.50
Dan Stormer	HSR&D	10/26/2018	Review	brief issues	0.70
Shaleen Shanbhag	HSR&D	10/29/2018	Miscellaneous	draft / edit chart of cases for court, conf with NM	3.00
Norma Molina	HSR&D	10/29/2018	Conference	several w/SS, LR, Saira re: case law prep to court	0.30
Norma Molina	HSR&D	10/29/2018	Miscellaneous	prep file copies of efiled docs; reviewed transcripts for originals returned	0.30
Shaleen Shanbhag	HSR&D	11/05/2018	Review	review defendants' proposed findings of fact and conclusions of law	1.30
Shaleen Shanbhag	HSR&D	11/05/2018	Meeting	discuss defendants' proposed findings of fact and conclusions of law with Lori	0.60
Jessica Valdenegro	HSR&D	11/09/2018	Conference	conf with LR	0.20
Jessica Valdenegro	HSR&D	11/19/2018	Conference	conf with LR	0.20
Shaleen Shanbhag	HSR&D	12/13/2018	Miscellaneous	review opinion	1.50
Shaleen Shanbhag	HSR&D	12/13/2018	E-mail	emails re: opinion	1.00
Shaleen Shanbhag	HSR&D	12/14/2018	Telephone	call with client	0.30
Shaleen Shanbhag	HSR&D	12/14/2018	Miscellaneous	review press release	0.40
Shaleen Shanbhag	HSR&D	12/14/2018	E-mail	emails with cocounsel	0.40
Shaleen Shanbhag	HSR&D	12/17/2018	E-mail	emails with cocounsel	0.40
Shaleen Shanbhag	HSR&D	12/17/2018	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	12/19/2018	Telephone	call with Lori re: research	0.10
Shaleen Shanbhag	HSR&D	12/19/2018	Telephone	call with Lori re: research	0.10
Shaleen Shanbhag	HSR&D	12/19/2018	Research	research re: appeal timing; stay	1.40
Shaleen Shanbhag	HSR&D	12/19/2018	Telephone	team call re: status conference	1.00

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	12/20/2018	E-mail	emails re: status conference	0.30
Shaleen Shanbhag	HSR&D	12/20/2018	Research	research re: appeal standard	2.00
Shaleen Shanbhag	HSR&D	12/20/2018	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	12/21/2018	Court	status conference with court	0.40
Shaleen Shanbhag	HSR&D	12/21/2018	Telephone	call with Lori re: status conference; research	0.30
Shaleen Shanbhag	HSR&D	12/21/2018	E-mail	edit and email notes from status conference	0.50
Shaleen Shanbhag	HSR&D	12/21/2018	Meeting	meeting with Lori and Dan re: settlement; press	0.60
Shaleen Shanbhag	HSR&D	12/21/2018	Miscellaneous	emails with Chemerinsky re: op ed	0.50
Shaleen Shanbhag	HSR&D	12/21/2018	Research	research appeal and trial deadlines	3.50
Shaleen Shanbhag	HSR&D	12/27/2018	Telephone	call with Lori re: status conference, research	0.20
Shaleen Shanbhag	HSR&D	12/27/2018	E-mail	emails to cocounsel re: deadlines	0.20
Jessica Valdenegro	HSR&D	12/27/2018	Miscellaneous	prep corr to witness	0.10
Shaleen Shanbhag	HSR&D	12/31/2018	Miscellaneous	create claims chart	3.50
Shaleen Shanbhag	HSR&D	12/31/2018	Telephone	call with Lori	0.20
Shaleen Shanbhag	HSR&D	01/02/2019	Miscellaneous	edit claims chart	1.50
Shaleen Shanbhag	HSR&D	01/02/2019	Meeting	meeting w Lori	0.60
Shaleen Shanbhag	HSR&D	01/02/2019	Telephone	call with Dylan re: settlement	0.30
Shaleen Shanbhag	HSR&D	01/02/2019	Telephone	Rule 16 meet and confer with opp counsel	1.00
Shaleen Shanbhag	HSR&D	01/03/2019	Telephone	call with Lori re: litigation and discovery plans; assignments	0.20
Shaleen Shanbhag	HSR&D	01/04/2019	Preparation	prepare discovery and litigation plans	6.50
Shaleen Shanbhag	HSR&D	01/04/2019	Telephone	call with LR re: discovery and litigation plans	0.50
Shaleen Shanbhag	HSR&D	01/07/2019	Edit/ Revise	edit discovery and litigation plans	1.00
Shaleen Shanbhag	HSR&D	01/07/2019	E-mail	emails re: discovery/litigation plans	0.50
Shaleen Shanbhag	HSR&D	01/07/2019	Miscellaneous	review documents from cocounsel re: surgeons	0.50
Shaleen Shanbhag	HSR&D	01/08/2019	Research	research legal standards for stay; appeal	5.00
Shaleen Shanbhag	HSR&D	01/08/2019	E-mail	email opp counsel litigation plan	0.50
Shaleen Shanbhag	HSR&D	01/08/2019	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	01/08/2019	E-mail	email team re: call from client	0.20
Shaleen Shanbhag	HSR&D	01/08/2019	Draft	draft memo re: appeal case law	1.50
Norma Molina	HSR&D	01/09/2019	Conference	w/SS re: appeal	0.10
Shaleen Shanbhag	HSR&D	01/09/2019	Letter	draft letter to opp counsel re: potential surgeons	2.50
Shaleen Shanbhag	HSR&D	01/09/2019	E-mail	send emails to opp counsel re: appeal; deadlines	0.60
Shaleen Shanbhag	HSR&D	01/09/2019	Edit/ Revise	edit letter to opp counsel re: surgeons	0.50
Shaleen Shanbhag	HSR&D	01/11/2019	Miscellaneous	prepare 9th cir mediation questionnaire	1.50
Shaleen Shanbhag	HSR&D	01/14/2019	Telephone	call opp counsel re: joint discovery and lit plans	0.40
Shaleen Shanbhag	HSR&D	01/14/2019	Telephone	discuss mediation questionnaire w Lori	0.20
Shaleen Shanbhag	HSR&D	01/14/2019	Edit/ Revise	edit mediation questionnaire	1.50
Shaleen Shanbhag	HSR&D	01/14/2019	E-mail	emails with opp counsel re: joint lit and discovery plans	0.20
Shaleen Shanbhag	HSR&D	01/15/2019	Review	review opp counsel edits to joint lit and discovery plans	0.70
Shaleen Shanbhag	HSR&D	01/15/2019	Telephone	call with Lori re opp counsel edits to joint lit and discovery plans	0.20
Shaleen Shanbhag	HSR&D	01/15/2019	Telephone	m/c call with opp counsel re: edits to joint lit and discovery plans	1.20
Shaleen Shanbhag	HSR&D	01/15/2019	Review	review edits to joint lit and discovery plans	0.70
Shaleen Shanbhag	HSR&D	01/15/2019	E-mail	emails with opp counsel re joint lit and discovery plans	0.60
Shaleen Shanbhag	HSR&D	01/15/2019	Edit/ Revise	edit joint lit and discovery plans	0.50
Shaleen Shanbhag	HSR&D	01/15/2019	Miscellaneous	meet with Norma re: filing joint lit and discovery plans	0.50
Shaleen Shanbhag	HSR&D	01/15/2019	Telephone	phone call with cocounsel re: stay and appeal briefing	0.50
Shaleen Shanbhag	HSR&D	01/15/2019	Telephone	call with Lori re: stay and appeal briefing	0.50
Shaleen Shanbhag	HSR&D	01/15/2019	Research	research re: motion to shorten time under Idaho Local Rules	0.50
Shaleen Shanbhag	HSR&D	01/15/2019	E-mail	emails with cocounsel re: stay; appeal	0.50
Shaleen Shanbhag	HSR&D	01/15/2019	Review	review defendants' motion for stay; begin outline	1.50
Shaleen Shanbhag	HSR&D	01/16/2019	Telephone	call with opp counsel re: transcripts	0.10
Shaleen Shanbhag	HSR&D	01/16/2019	Research	research 9th circuit transcript ordering rules	0.20
Shaleen Shanbhag	HSR&D	01/16/2019	Research	research for opp motion stay	8.00
Shaleen Shanbhag	HSR&D	01/17/2019	Research	research for opp motion to stay	6.50
Shaleen Shanbhag	HSR&D	01/18/2019	Review	review draft stipulation from opp counsel re: consolidating appeal	0.50
Shaleen Shanbhag	HSR&D	01/18/2019	Telephone	call Lori re draft stipulation from opp counsel re: consolidating appeal	0.10

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	01/18/2019	E-mail	email Lori re draft stipulation from opp counsel re: consolidating appeal	0.20
Shaleen Shanbhag	HSR&D	01/18/2019	Draft	draft opp motion to stay	3.50
Shaleen Shanbhag	HSR&D	01/19/2019	Draft	draft opp mtn stay	8.50
Shaleen Shanbhag	HSR&D	01/20/2019	Draft	draft opp mtn stay	6.50
Shaleen Shanbhag	HSR&D	01/20/2019	Draft	draft opp mtn stay	5.50
Shaleen Shanbhag	HSR&D	01/21/2019	Research	research cases denying stay involving preliminary injunction for medical treatment	2.00
Shaleen Shanbhag	HSR&D	01/22/2019	Edit/ Revise	edit opp motion to stay	6.50
Shaleen Shanbhag	HSR&D	01/22/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	01/22/2019	E-mail	email Lori re: call from client	0.10
Shaleen Shanbhag	HSR&D	01/23/2019	Miscellaneous	draft email to mediator re: settlement	0.30
Shaleen Shanbhag	HSR&D	01/23/2019	E-mail	edit and send email to circuit mediator re: statement	0.40
Shaleen Shanbhag	HSR&D	01/24/2019	Meeting	meeting with Lori re: opp motion to stay	0.50
Shaleen Shanbhag	HSR&D	01/24/2019	Edit/ Revise	edit opp motion to stay	2.50
Shaleen Shanbhag	HSR&D	01/25/2019	Edit/ Revise	edit opp motion to stay	6.50
Shaleen Shanbhag	HSR&D	01/25/2019	Edit/ Revise	edit opp motion to stay	1.50
Shaleen Shanbhag	HSR&D	01/26/2019	Edit/ Revise	edit opp motion to stay	2.50
Shaleen Shanbhag	HSR&D	01/26/2019	Edit/ Revise	edit opp motion to stay	1.00
Shaleen Shanbhag	HSR&D	01/29/2019	Telephone	call with Amy re: opp motion stay	0.50
Shaleen Shanbhag	HSR&D	01/29/2019	Edit/ Revise	edit opp motion stay	2.50
Shaleen Shanbhag	HSR&D	01/30/2019	Edit/ Revise	edit opp motion to stay, conf with Norma about filing	1.50
Norma Molina	HSR&D	01/30/2019	Telephone	calls w/SS re: filing	0.20
Norma Molina	HSR&D	02/05/2019	Telephone	call from client	0.10
Shaleen Shanbhag	HSR&D	02/11/2019	Miscellaneous	search for Corizon contract in discovery docs	1.10
Shaleen Shanbhag	HSR&D	02/11/2019	Draft	draft meet and confer letter to Corizon	0.70
Shaleen Shanbhag	HSR&D	02/12/2019	Letter	finalize letter to Corizon re: contract	0.50
Shaleen Shanbhag	HSR&D	02/13/2019	Research	research re: page / word limits for 9th Circuit brief	1.50
Shaleen Shanbhag	HSR&D	02/13/2019	Miscellaneous	calculate new deadlines for appeal per Ninth Circuit order granting extension	0.50
Shaleen Shanbhag	HSR&D	02/19/2019	E-mail	emails with Lori, Jennifer Levi re: Stephen Levine	0.30
Shaleen Shanbhag	HSR&D	02/19/2019	Miscellaneous	review Stephen Levine docs	0.70
Shaleen Shanbhag	HSR&D	02/20/2019	Telephone	call opp counsel re: meet and confer letter	0.10
Shaleen Shanbhag	HSR&D	02/20/2019	E-mail	emails with Lori, Norma re: sending Jennifer Levi trial documents and transcripts	0.30
Shaleen Shanbhag	HSR&D	02/20/2019	Telephone	call with Lori re: discovery, meet and confer	0.20
Shaleen Shanbhag	HSR&D	02/20/2019	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	02/20/2019	E-mail	draft email to opp counsel re: meet and confer	0.70
Shaleen Shanbhag	HSR&D	02/20/2019	E-mail	emails to cocounsel re: call from Adree	0.50
Norma Molina	HSR&D	02/20/2019	Miscellaneous	prep ltr to client for mail service	0.20
Norma Molina	HSR&D	02/20/2019	Conference	w/JV re: inmate mailing policy	0.10
Dan Stormer	HSR&D	02/22/2019	Preparation	discussion re: planning	0.50
Shaleen Shanbhag	HSR&D	02/28/2019	Discovery	review/chart Corizon production re: contracts	2.50
Shaleen Shanbhag	HSR&D	03/04/2019	Review	review Court order re: stay	0.20
Shaleen Shanbhag	HSR&D	03/05/2019	Court	telephonic status conference	0.40
Shaleen Shanbhag	HSR&D	03/05/2019	Telephone	call with Lori	0.50
Shaleen Shanbhag	HSR&D	03/05/2019	E-mail	emails with cocounsel	0.40
Shaleen Shanbhag	HSR&D	03/05/2019	Miscellaneous	revise and circulate notes from status conference	0.60
Shaleen Shanbhag	HSR&D	03/05/2019	E-mail	research re: 9th Cir stay rules	0.70
Dan Stormer	HSR&D	03/05/2019	Preparation	conference	0.30
Shaleen Shanbhag	HSR&D	03/06/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	03/06/2019	Telephone	call with Lori	0.40
Shaleen Shanbhag	HSR&D	03/06/2019	Discovery	draft discovery (RFPs and interrogatories) to IDOC and Corizon	3.50
Shaleen Shanbhag	HSR&D	03/06/2019	Miscellaneous	review proposed findings of fact, conclusions of law for case law identified by Alex (for amicus brief)	0.60
Shaleen Shanbhag	HSR&D	03/07/2019	Review	review appellant's opening brief	1.00
Shaleen Shanbhag	HSR&D	03/07/2019	Meeting	meeting with Lori re: appeal	0.60
Norma Molina	HSR&D	03/07/2019	Conference	w/SS re: defts motion, upcoming opp	0.20
Shaleen Shanbhag	HSR&D	03/08/2019	Telephone	call with Lori re: deadlines	0.30
Jessica Valdenegro	HSR&D	03/08/2019	Conference	conf with LR	0.40
Jessica Valdenegro	HSR&D	03/08/2019	Telephone	call court re under seal requirements	0.20
Jessica Valdenegro	HSR&D	03/08/2019	Miscellaneous	prep e-filings	0.20

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	03/11/2019	Meeting	meeting with Lori and Dan re: cocounsel	0.70
Shaleen Shanbhag	HSR&D	03/11/2019	E-mail	review emails from opp counsel and cocounsel	0.50
Dan Stormer	HSR&D	03/11/2019	Preparation	strategy meeting	0.70
Shaleen Shanbhag	HSR&D	03/12/2019	Research	research legal standard for 9th Cir. answering brief	6.00
Shaleen Shanbhag	HSR&D	03/12/2019	Research	research standards for appeal	4.00
Shaleen Shanbhag	HSR&D	03/13/2019	Edit/ Revise	edit research re: legal standard for appeal	2.00
Shaleen Shanbhag	HSR&D	03/13/2019	Research	research consolidation of preliminary injunction hearing with trial on the merits; right to jury trial	7.00
Shaleen Shanbhag	HSR&D	03/14/2019	Research	research consolidation of preliminary injunction hearing with trial on the merits; right to jury trial	4.00
Dan Stormer	HSR&D	03/15/2019	Preparation	strategy re: brief	0.80
Shaleen Shanbhag	HSR&D	03/17/2019	Conference	w/ Team re amicus briefs	1.00
Dan Stormer	HSR&D	03/18/2019	Preparation	strategy re: brief	0.80
Jessica Valdenegro	HSR&D	03/19/2019	Conference	conf with LR	0.20
Shaleen Shanbhag	HSR&D	03/20/2019	Review	review 9th Cir order granting stay	0.10
Shaleen Shanbhag	HSR&D	03/20/2019	Research	research rules re: motion for reconsideration	0.40
Shaleen Shanbhag	HSR&D	03/21/2019	Telephone	call with client re: ruling	0.40
Shaleen Shanbhag	HSR&D	03/21/2019	Telephone	call with cocounsel	0.60
Shaleen Shanbhag	HSR&D	03/21/2019	Discovery	revise RFPs to IDOC	0.70
Shaleen Shanbhag	HSR&D	03/21/2019	Research	research re: defs argument on standard of review in reply brief	1.30
Shaleen Shanbhag	HSR&D	03/21/2019	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	03/21/2019	Meeting	meet with Dan re: motion for reconsideration 9th Cir order	0.10
Shaleen Shanbhag	HSR&D	03/21/2019	E-mail	emails with cocounsel re: status conf and reconsideration motion	0.50
Shaleen Shanbhag	HSR&D	03/21/2019	Research	research re: 9th Cir Rule 27-10 meet and confer req	0.20
Shaleen Shanbhag	HSR&D	03/21/2019	E-mail	review emails re: status conf; motion	0.50
Shaleen Shanbhag	HSR&D	03/21/2019	Discovery	revise RFPs	1.00
Dan Stormer	HSR&D	03/21/2019	Preparation	strategy re: appeal, conf with Shaleen re mot. for reconsideration, conf with Lori re same	0.70
Shaleen Shanbhag	HSR&D	03/22/2019	Review	review mtn to modify stay order	0.20
Shaleen Shanbhag	HSR&D	03/22/2019	Edit/ Revise	edit mtn to modify stay order	0.20
Shaleen Shanbhag	HSR&D	03/22/2019	Telephone	call clerk's office re: notice of intent to file mtn to modify stay order	0.10
Shaleen Shanbhag	HSR&D	03/22/2019	Telephone	call from clerk's office re: notice of intent to file mtn to modify stay order	0.10
Shaleen Shanbhag	HSR&D	03/22/2019	E-mail	emails with cocounsel re: mtn to modify stay order	0.70
Norma Molina	HSR&D	03/22/2019	Conference	w/SS re: emergency motion prep	0.20
Shaleen Shanbhag	HSR&D	03/22/2019	Miscellaneous	assist w filing motion to modify stay order; conf w/NM re emergency motion prep	0.70
Dan Stormer	HSR&D	03/26/2019	Conference	discussion/discovery	0.30
Shaleen Shanbhag	HSR&D	03/27/2019	E-mail	emails re: Dr. Fraser visit; records; PLRA issue	0.80
Shaleen Shanbhag	HSR&D	03/27/2019	Meeting	meet with Jessica re: records to Fraser	0.20
Shaleen Shanbhag	HSR&D	03/27/2019	Review	review records to send Dr. Fraser	1.60
Shaleen Shanbhag	HSR&D	03/27/2019	Review	review supp initial disclosures and answers	0.70
Jessica Valdenegro	HSR&D	03/27/2019	Conference	meet with SS re: records to Fraser	0.20
Shaleen Shanbhag	HSR&D	03/28/2019	E-mail	meet and confer emails re: supp disclosures	0.30
Jessica Valdenegro	HSR&D	04/01/2019	Conference	conf with LR re answering brief	0.50
Jessica Valdenegro	HSR&D	04/02/2019	Telephone	call with co-counsel	0.20
Jessica Valdenegro	HSR&D	04/02/2019	Conference	conf with LR	0.80
Jessica Valdenegro	HSR&D	04/03/2019	Conference	conf with LR re: answering brief	1.00
Jessica Valdenegro	HSR&D	04/04/2019	Conference	conf with LR, conf with TG re copies, conf with DH	0.70
Jessica Valdenegro	HSR&D	04/04/2019	Miscellaneous	prep copies re appeal briefs, prep file copies, prep e-filingsq	0.90
Jessica Valdenegro	HSR&D	04/04/2019	Telephone	call re copies for brief, call court of appeals re objection	0.60
Jessica Valdenegro	HSR&D	04/05/2019	Miscellaneous	prep copies re appeal briefs, prep docs for client	0.90
Jessica Valdenegro	HSR&D	04/05/2019	Conference	conf re copies to court of appeals, conf with LR	0.60
Shaleen Shanbhag	HSR&D	04/07/2019	Research	research opp urgent motion	4.00
Shaleen Shanbhag	HSR&D	04/08/2019	Research	research for 9th cir opp urgent motion	6.50
Shaleen Shanbhag	HSR&D	04/09/2019	Telephone	call from client	0.10
Jessica Valdenegro	HSR&D	04/09/2019	Telephone	call prison re call with client	0.30
Jessica Valdenegro	HSR&D	04/09/2019	Conference	conf with LR re client docs	0.30

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	04/09/2019	Research	research for opp urgent mtn	4.50
Shaleen Shanbhag	HSR&D	04/09/2019	Draft	draft meet and confer letters to opp counsel re: discovery responses	1.20
Shaleen Shanbhag	HSR&D	04/10/2019	Research	research for opp urgent mtn	2.80
Shaleen Shanbhag	HSR&D	04/10/2019	Telephone	call with Lori re: research	0.40
Shaleen Shanbhag	HSR&D	04/11/2019	Edit/ Revise	edit memo re: research divest jxn	1.50
Shaleen Shanbhag	HSR&D	04/11/2019	Telephone	call with Lori re: research for opp urgent motion	0.30
Shaleen Shanbhag	HSR&D	04/17/2019	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	04/17/2019	Telephone	call with Lori	0.30
Shaleen Shanbhag	HSR&D	04/17/2019	E-mail	email to cocounsel re: Adree call	0.50
Shaleen Shanbhag	HSR&D	04/19/2019	Miscellaneous	emails re: motion to supp record	0.50
Shaleen Shanbhag	HSR&D	04/22/2019	Research	research motion to supplelement record	2.50
Shaleen Shanbhag	HSR&D	04/22/2019	Telephone	call with cocounsel re case strategy and media	0.40
Shaleen Shanbhag	HSR&D	04/22/2019	Telephone	call with Lori re: discovery; motion to supplement	0.40
Shaleen Shanbhag	HSR&D	04/22/2019	E-mail	emails to opp counsel re: stipulation	0.20
Shaleen Shanbhag	HSR&D	04/23/2019	Telephone	call from client	0.50
Shaleen Shanbhag	HSR&D	04/23/2019	E-mail	emails to cocounsel	0.70
Shaleen Shanbhag	HSR&D	04/23/2019	Telephone	call with 9th Circuit clerk re: motion to supplement	0.50
Shaleen Shanbhag	HSR&D	04/24/2019	Telephone	call 9th circuit clerk re: mtn to supplement record	0.20
Shaleen Shanbhag	HSR&D	04/24/2019	Research	research for motion to supplement / request for judicial notice	3.60
Shaleen Shanbhag	HSR&D	04/25/2019	Draft	draft mtn to supplement	12.00
Shaleen Shanbhag	HSR&D	04/26/2019	Edit/ Revise	edit mtn to supplement	2.50
Shaleen Shanbhag	HSR&D	04/26/2019	Telephone	call with Lori re: mtn to supplement	0.30
Shaleen Shanbhag	HSR&D	04/26/2019	Edit/ Revise	edit declaration in support of motion to supplement	0.60
Shaleen Shanbhag	HSR&D	05/06/2019	Telephone	team call re: oral argument	1.30
Shaleen Shanbhag	HSR&D	05/06/2019	Preparation	preparation for 9th cir moot	2.50
Shaleen Shanbhag	HSR&D	05/06/2019	Telephone	call from client	0.50
Shaleen Shanbhag	HSR&D	05/06/2019	E-mail	emails to cocounsel re: client; moot	0.80
Shaleen Shanbhag	HSR&D	05/06/2019	Discovery	review discovery	0.90
Norma Molina	HSR&D	05/06/2019	Conference	w/SS re: status of defts production	0.10
Shaleen Shanbhag	HSR&D	05/06/2019	Preparation	preparation for moot	1.50
Dan Stormer	HSR&D	05/06/2019	Conference	conf w LR re case strategy	0.50
Norma Molina	HSR&D	05/07/2019	Conference	w/SS re: upcoming filings	0.10
Shaleen Shanbhag	HSR&D	05/07/2019	E-mail	emails with opp counsel re: depositions / discovery	1.20
Dan Stormer	HSR&D	05/07/2019	Preparation	review briefs	1.10
Shaleen Shanbhag	HSR&D	05/08/2019	Review	review defendants declarations	0.80
Shaleen Shanbhag	HSR&D	05/08/2019	Review	review order denying mtn to supp as unnecessary	0.10
Shaleen Shanbhag	HSR&D	05/08/2019	E-mail	emails re: depositions	1.10
Shaleen Shanbhag	HSR&D	05/08/2019	Research	research cases cited in Preliminary injunction; summarize	2.50
Shaleen Shanbhag	HSR&D	05/09/2019	E-mail	emails re: deposition scheduling	0.70
Shaleen Shanbhag	HSR&D	05/09/2019	E-mail	emails with opp counsel re: deposition dates	0.50
Shaleen Shanbhag	HSR&D	05/09/2019	Telephone	call from client	0.50
Shaleen Shanbhag	HSR&D	05/09/2019	Research	misc research for oral argument appeal	2.50
Norma Molina	HSR&D	05/09/2019	Telephone	w/court reporter to reserve depositions	0.10
Shaleen Shanbhag	HSR&D	05/10/2019	Review	review deposition notices	0.70
Shaleen Shanbhag	HSR&D	05/10/2019	E-mail	emails re: 30(b)(6) depositions	0.50
Shaleen Shanbhag	HSR&D	05/10/2019	Conference	w/ NM re: depo notice prep	0.20
Shaleen Shanbhag	HSR&D	05/10/2019	Miscellaneous	create evidence chart for oral argument	6.30
Norma Molina	HSR&D	05/10/2019	Miscellaneous	prep file copies of docs	0.10
Norma Molina	HSR&D	05/10/2019	Conference	w/SS re: depo notice prep	0.20
Shaleen Shanbhag	HSR&D	05/12/2019	Miscellaneous	create evidence chart for oral argument	7.50
Shaleen Shanbhag	HSR&D	05/13/2019	Miscellaneous	create evidence chart for oral argument	3.50
Shaleen Shanbhag	HSR&D	05/13/2019	Meeting	9th circuit moot	1.40
Shaleen Shanbhag	HSR&D	05/13/2019	Meeting	meeting with Lori	0.60
Dan Stormer	HSR&D	05/13/2019	Preparation	preparation for moot/moot/conference after	2.50
Shaleen Shanbhag	HSR&D	05/14/2019	Telephone	call with cocounsel re: RFPs	0.20
Norma Molina	HSR&D	05/14/2019	Conference	w/SS re: contact w/client	0.10
Norma Molina	HSR&D	05/15/2019	Conference	w/SS re: info for depo info, rfps	0.20
Shaleen Shanbhag	HSR&D	05/15/2019	Conference	w/ NM re discovery	0.20
Shaleen Shanbhag	HSR&D	05/15/2019	Travel	travel to airport / fly to Oakland for 9th circuit argument	3.80
Dan Stormer	HSR&D	05/15/2019	Preparation	conference with co-counsel re: order	1.20
Shaleen Shanbhag	HSR&D	05/16/2019	Travel	travel to 9th circuit courthouse	1.00

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	05/16/2019	Court	attend 9th circuit argument	2.50
Shaleen Shanbhag	HSR&D	05/16/2019	Travel	travel to airport / fly to Burbank	3.80
Norma Molina	HSR&D	05/17/2019	Conference	w/SS re: prep discovery	0.20
Shaleen Shanbhag	HSR&D	05/17/2019	Conference	w/NM re: prep discovery	0.20
Shaleen Shanbhag	HSR&D	05/17/2019	Draft	draft RFPs	1.80
Dan Stormer	HSR&D	05/17/2019	Preparation	discussion/review argument/strategy	1.60
Shaleen Shanbhag	HSR&D	05/20/2019	E-mail	emails with opp counsel re: depositions	0.40
Shaleen Shanbhag	HSR&D	05/21/2019	E-mail	emails re: deposition dates	0.30
Shaleen Shanbhag	HSR&D	05/21/2019	Discovery	draft deposition notices and individual, 30(b)(6) RFPs	5.50
Norma Molina	HSR&D	05/22/2019	Miscellaneous	prep file copies of docs	0.10
Norma Molina	HSR&D	05/22/2019	Conference	w/SS re: discovery prep, upcoming depositions	0.30
Shaleen Shanbhag	HSR&D	05/22/2019	Conference	w/NM re: discovery prep, upcoming depositions	0.30
Shaleen Shanbhag	HSR&D	05/22/2019	Discovery	draft / edit deposition notices and RFPs	3.20
Shaleen Shanbhag	HSR&D	05/22/2019	Discovery	review discovery	3.50
Shaleen Shanbhag	HSR&D	05/23/2019	Meeting	meeting with law clerk Laura re: discovery assignment	0.20
Norma Molina	HSR&D	05/24/2019	Miscellaneous	prep file copies of docs	0.10
Norma Molina	HSR&D	05/28/2019	Telephone	call w/client re: docs needed	0.20
Norma Molina	HSR&D	05/29/2019	Miscellaneous	prep docs for mailing to client	0.20
Dan Stormer	HSR&D	05/31/2019	Preparation	strategy	0.50
Dan Stormer	HSR&D	05/31/2019	Preparation	strategy	0.30
Norma Molina	HSR&D	05/31/2019	Conference	w/SS re: doc search assignment, depo chart needed	0.30
Shaleen Shanbhag	HSR&D	05/31/2019	Conference	w/ NM re: doc search assignment, depo chart needed	0.30
Shaleen Shanbhag	HSR&D	06/12/2019	Discovery	review discovery	3.00
Shaleen Shanbhag	HSR&D	06/13/2019	Meeting	meet with Lori	1.00
Shaleen Shanbhag	HSR&D	06/13/2019	Conference	w/NM re: upcoming depositions, name searches needed	0.20
Shaleen Shanbhag	HSR&D	06/13/2019	Discovery	review discovery	3.80
Norma Molina	HSR&D	06/13/2019	Conference	w/SS re: upcoming depositions, name searches needed	0.20
Shaleen Shanbhag	HSR&D	06/14/2019	Miscellaneous	draft discovery status report	2.50
Norma Molina	HSR&D	06/14/2019	Telephone	called court reporter to confirm numerous depositions booked	0.20
Norma Molina	HSR&D	06/14/2019	Conference	w/SS re: upcoming depositions, name searches needed, status of searches, status of court reporter booking	0.20
Shaleen Shanbhag	HSR&D	06/14/2019	Telephone	call with client	0.50
Shaleen Shanbhag	HSR&D	06/17/2019	Telephone	call from opp counsel re: motion for protective order	0.30
Shaleen Shanbhag	HSR&D	06/17/2019	E-mail	emails re: motion for protective order	0.80
Shaleen Shanbhag	HSR&D	06/17/2019	Review	review documents re: Rona Siegert for deposition	5.00
Shaleen Shanbhag	HSR&D	06/18/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	06/18/2019	Telephone	call from opp counsel	0.50
Shaleen Shanbhag	HSR&D	06/18/2019	Telephone	call with Lori	0.50
Shaleen Shanbhag	HSR&D	06/18/2019	Court	status conference with Judge Winmill's law clerk	0.70
Shaleen Shanbhag	HSR&D	06/18/2019	Telephone	meet and confer w opp counsel re: depositions	0.20
Shaleen Shanbhag	HSR&D	06/18/2019	Telephone	discuss depositions w Lori	0.50
Shaleen Shanbhag	HSR&D	06/18/2019	E-mail	send emails re: deposition rescheduling	0.50
Shaleen Shanbhag	HSR&D	06/18/2019	Preparation	Preparation for Sandy Jones deposition	1.50
Shaleen Shanbhag	HSR&D	06/18/2019	Preparation	preparation for Rona Siegert depo	5.00
Shaleen Shanbhag	HSR&D	06/18/2019	Preparation	preparation for Rona Siegert depo	5.00
Shaleen Shanbhag	HSR&D	06/18/2019	E-mail	emails re: cancelling depositions	0.50
Shaleen Shanbhag	HSR&D	06/19/2019	Preparation	preparation for Sandy Jones depo	7.00
Shaleen Shanbhag	HSR&D	06/20/2019	Preparation	preparation exhibits for Sandy Jones deposition	1.50
Shaleen Shanbhag	HSR&D	06/20/2019	Telephone	call with LR re: Sandy Jones deposition	1.50
Shaleen Shanbhag	HSR&D	06/20/2019	Edit/ Revise	edit outline for Sandy Jones deposition	2.50
Shaleen Shanbhag	HSR&D	06/20/2019	Travel	travel to LAX for flight to Boise for Sandy Jones deposition; fly to Boise; travel to hotel	5.00
Shaleen Shanbhag	HSR&D	06/21/2019	Preparation	preparation for Sandy Jones deposition	1.50
Shaleen Shanbhag	HSR&D	06/21/2019	Travel	travel to sandy Jones deposition	0.20
Shaleen Shanbhag	HSR&D	06/21/2019	Deposition	Take Sandy Jones deposition	4.20
Shaleen Shanbhag	HSR&D	06/21/2019	Travel	travel to Boise airport; fly to LAX; drive home	5.50
Shaleen Shanbhag	HSR&D	06/26/2019	E-mail	emails re: deposition scheduling	0.20
Shaleen Shanbhag	HSR&D	07/08/2019	Telephone	call with NCLR cocounsel and LR re: law clerk assignments	0.20
Shaleen Shanbhag	HSR&D	07/09/2019	Telephone	call from client	0.40
Shaleen Shanbhag	HSR&D	07/09/2019	E-mail	emails re: sending documents to client	0.20
Shaleen Shanbhag	HSR&D	07/10/2019	Telephone	team conference call	0.60
Dan Stormer	HSR&D	07/10/2019	Preparation	conference call/preparation	1.20

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	07/11/2019	Draft	draft meet and confer letters to Corizon and IDOC re: discovery	6.50
Shaleen Shanbhag	HSR&D	07/12/2019	Edit/ Revise	edit and finalize meet and confer letters to Corizon and IDOC re:	0.50
Shaleen Shanbhag	HSR&D	07/12/2019	E-mail	emails with cocounsel re: discovery	0.50
Shaleen Shanbhag	HSR&D	07/12/2019	Telephone	call with cocounsel re: staying discovery	0.50
Shaleen Shanbhag	HSR&D	07/15/2019	Review	review RFP re: finances	0.50
Shaleen Shanbhag	HSR&D	07/15/2019	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	07/15/2019	E-mail	emails with cocounsel	0.30
Shaleen Shanbhag	HSR&D	07/16/2019	Discovery	edit RFPs, calculate totals	1.50
Shaleen Shanbhag	HSR&D	07/30/2019	Meeting	meet with Norma to discuss upcoming tasks	0.20
Shaleen Shanbhag	HSR&D	07/31/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	07/31/2019	E-mail	email team re: call from client	0.30
Shaleen Shanbhag	HSR&D	08/23/2019	Telephone	call with Adree re: 9th Cir decision, next steps	0.40
Shaleen Shanbhag	HSR&D	08/23/2019	Telephone	call with Dan re: 9th Cir decision	0.20
Shaleen Shanbhag	HSR&D	08/23/2019	Review	read 9th Cir decision	1.00
Dan Stormer	HSR&D	08/23/2019	Preparation	calls/review 9th Cir. Decision	0.90
Shaleen Shanbhag	HSR&D	08/26/2019	Telephone	call with Adree re: 9th Cir decision, next steps	0.50
Shaleen Shanbhag	HSR&D	08/26/2019	E-mail	emails re: cocounsel call	0.10
Dan Stormer	HSR&D	08/26/2019	Preparation	review case/calls	1.20
Shaleen Shanbhag	HSR&D	08/27/2019	Meeting	meet with Lori re: 9th Circuit decision, next steps	1.10
Dan Stormer	HSR&D	08/27/2019	Preparation	conference re 9th Cir decision	0.90
Shaleen Shanbhag	HSR&D	08/28/2019	Telephone	call with cocounsel re: next steps	1.50
Shaleen Shanbhag	HSR&D	08/28/2019	Telephone	call with Amy Whelan re: bill of costs/mtn to transfer	0.20
Shaleen Shanbhag	HSR&D	08/28/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	08/28/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	08/29/2019	E-mail	emails re: documents re: Corizon contracts	0.50
Shaleen Shanbhag	HSR&D	08/29/2019	E-mail	emails with cocounsel re: experts	0.40
Shaleen Shanbhag	HSR&D	08/30/2019	E-mail	emails with cocounsel re: client	0.50
Shaleen Shanbhag	HSR&D	08/30/2019	Research	research re: bill of costs	1.00
Shaleen Shanbhag	HSR&D	08/30/2019	E-mail	email to client	0.10
Shaleen Shanbhag	HSR&D	08/30/2019	Conference	w/NM re: bill of costs	0.10
Shaleen Shanbhag	HSR&D	08/30/2019	E-mail	emails with cocounsel re: client	0.30
Norma Molina	HSR&D	08/30/2019	Conference	w/SS re: bill of costs	0.10
Norma Molina	HSR&D	09/03/2019	Conference	w/LD re: copy costs, w/SS re: info gathering for bill of costs	0.30
Shaleen Shanbhag	HSR&D	09/04/2019	Review	review letter to client and retainer agreement	0.60
Shaleen Shanbhag	HSR&D	09/04/2019	Miscellaneous	calendar SCOTUS deadlines	0.70
Shaleen Shanbhag	HSR&D	09/05/2019	Meeting	meet with JV re: bill of costs assignment	0.30
Shaleen Shanbhag	HSR&D	09/05/2019	Review	review rules re: bill of costs	0.60
Shaleen Shanbhag	HSR&D	09/05/2019	E-mail	emails with cocounsel re: bill of costs	0.60
Shaleen Shanbhag	HSR&D	09/06/2019	E-mail	w/NM re: bill of costs	0.10
Norma Molina	HSR&D	09/06/2019	Conference	w/SS re: bill of costs	0.10
Shaleen Shanbhag	HSR&D	09/09/2019	Review	review petition for rehearing en banc	0.60
Shaleen Shanbhag	HSR&D	09/09/2019	E-mail	emails with cocounsel	0.60
Shaleen Shanbhag	HSR&D	09/09/2019	E-mail	emails with cocounsel re: discovery deadlines	0.20
Shaleen Shanbhag	HSR&D	09/10/2019	Telephone	meet and confer call with opp counsel	0.50
Shaleen Shanbhag	HSR&D	09/10/2019	E-mail	emails with opp counsel re: calendar and scheduling call	0.30
Shaleen Shanbhag	HSR&D	09/10/2019	Draft	draft letter to client re: en banc hrg	0.60
Shaleen Shanbhag	HSR&D	09/12/2019	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	09/12/2019	Telephone	call with cocounsel	0.90
Shaleen Shanbhag	HSR&D	09/12/2019	Review	review meet and confer emails from opp counsel	0.50
Shaleen Shanbhag	HSR&D	09/15/2019	Research	research re: impact of appeal on remaining claims	4.00
Shaleen Shanbhag	HSR&D	09/16/2019	Court	telephonic status conference with court	0.50
Shaleen Shanbhag	HSR&D	09/16/2019	E-mail	research re: impact of appeal on remaining claims	1.00
Shaleen Shanbhag	HSR&D	09/16/2019	Telephone	call with cocounsel	0.40
Shaleen Shanbhag	HSR&D	09/16/2019	Research	research re: motion to modify stay	3.50
Shaleen Shanbhag	HSR&D	09/16/2019	Research	research re: motion to modify	2.50
Norma Molina	HSR&D	09/16/2019	Miscellaneous	scanned client records	0.10
Dan Stormer	HSR&D	09/16/2019	Preparation	review issues	0.60
Dan Stormer	HSR&D	09/16/2019	Telephone	call with LR, SS	0.50
Shaleen Shanbhag	HSR&D	09/17/2019	Telephone	call with Lori, Dan re: motion to lift stay	0.50

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	09/18/2019	Research	research re: motion to lift stay	4.70
Shaleen Shanbhag	HSR&D	09/18/2019	Draft	draft motion to lift stay	3.20
Shaleen Shanbhag	HSR&D	09/19/2019	Draft	draft motion to lift stay	7.00
Shaleen Shanbhag	HSR&D	09/19/2019	Draft	draft joint discovery report	0.20
Shaleen Shanbhag	HSR&D	09/19/2019	E-mail	emails re: jt discovery report	0.20
Shaleen Shanbhag	HSR&D	09/20/2019	E-mail	emails with opp counsel re: jt discovery report	0.20
Shaleen Shanbhag	HSR&D	09/23/2019	Edit/ Revise	edit mtn to lift stay	3.50
Shaleen Shanbhag	HSR&D	09/24/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	09/24/2019	Edit/ Revise	edit mtn to lift stay	8.00
Shaleen Shanbhag	HSR&D	09/25/2019	Edit/ Revise	edit mtn to lift stay	0.80
Shaleen Shanbhag	HSR&D	09/25/2019	Edit/ Revise	edit mtn to lift stay per cocounsel edits	1.80
Shaleen Shanbhag	HSR&D	09/26/2019	Edit/ Revise	edit and finalize mtn to lift stay	2.40
Shaleen Shanbhag	HSR&D	09/26/2019	Edit/ Revise	draft and edit dec for motion to lift stay	0.60
Shaleen Shanbhag	HSR&D	09/26/2019	Edit/ Revise	review and edit mtn to lift stay and dec, exhibits for filing	1.50
Shaleen Shanbhag	HSR&D	09/30/2019	Review	review defendants' motion to stay, email cocounsel	0.70
Shaleen Shanbhag	HSR&D	10/02/2019	E-mail	emails with cocounsel re: conf call	0.10
Shaleen Shanbhag	HSR&D	10/03/2019	Telephone	call with cocounsel re: mtn to stay	0.40
Shaleen Shanbhag	HSR&D	10/07/2019	E-mail	emails w cocounsel re: client	0.50
Shaleen Shanbhag	HSR&D	10/10/2019	Review	review ruling re: mtn to lift stay	0.10
Shaleen Shanbhag	HSR&D	10/10/2019	Miscellaneous	draft email to client re: ruling	0.20
Shaleen Shanbhag	HSR&D	10/17/2019	Court	telephonic status conference	0.60
Shaleen Shanbhag	HSR&D	10/17/2019	E-mail	emails with cocounsel re: training materials	0.30
Shaleen Shanbhag	HSR&D	10/21/2019	Telephone	call from client	0.50
Shaleen Shanbhag	HSR&D	10/21/2019	Review	review opp mtn to stay	0.50
Shaleen Shanbhag	HSR&D	10/21/2019	Miscellaneous	review number of depositions noticed for opp mtn to stay	0.30
Shaleen Shanbhag	HSR&D	10/24/2019	Review	review order re: presurgical requirements	0.10
Shaleen Shanbhag	HSR&D	10/30/2019	Court	telephonic status conference	0.60
Shaleen Shanbhag	HSR&D	11/07/2019	E-mail	call from client	0.10
Shaleen Shanbhag	HSR&D	11/07/2019	E-mail	email NM re: email to client	0.10
Shaleen Shanbhag	HSR&D	11/15/2019	E-mail	review emails from cocounsel re: upcoming assignments / distribution of work, respond re: same	0.50
Shaleen Shanbhag	HSR&D	11/18/2019	Research	research case law re: medically acceptable courses of treatment	4.20
Shaleen Shanbhag	HSR&D	12/02/2019	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	12/02/2019	E-mail	email to cocounsel re: call from client	0.10
Shaleen Shanbhag	HSR&D	12/02/2019	Research	research mootness, live controversey, justiciability issues for 9th Cir answering brief	1.50
Shaleen Shanbhag	HSR&D	12/03/2019	E-mail	emails with cocounsel, NM re: bill of costs	0.30
Shaleen Shanbhag	HSR&D	12/03/2019	Research	research re: filing bill of costs in 9th Cir or district court	0.50
Shaleen Shanbhag	HSR&D	12/05/2019	Research	follow up research re: advisory opinions, justiciability for 9th Cir answering brief	1.70
Shaleen Shanbhag	HSR&D	12/05/2019	E-mail	emails with cocounsel re: client medical records, fees on appeal	0.30
Shaleen Shanbhag	HSR&D	12/16/2019	Conference	conf with JV re: edmo paper copies to 9th Cir	0.10
Shaleen Shanbhag	HSR&D	12/20/2019	E-mail	review email from court clerk re: costs, respond re: same	0.10
Shaleen Shanbhag	HSR&D	12/20/2019	E-mail	review email from courtroom deputy re: bill of costs	0.20
Shaleen Shanbhag	HSR&D	12/23/2019	E-mail	review bill of costs, email court clerk re: proper form	0.20
Shaleen Shanbhag	HSR&D	12/23/2019	Conference	conf with NM re: filing bill of costs	0.10
Shaleen Shanbhag	HSR&D	01/16/2020	E-mail	emails with cocounsel	0.50
Shaleen Shanbhag	HSR&D	01/16/2020	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	02/10/2020	Review	review 9th cir opinion denying rehearing en banc; emails with cocounsel re: same	0.20
Shaleen Shanbhag	HSR&D	02/10/2020	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	02/12/2020	Telephone	strategy call with cocounsel	0.70
Shaleen Shanbhag	HSR&D	02/18/2020	E-mail	email to NM re: documents to client	0.20
Shaleen Shanbhag	HSR&D	02/18/2020	Telephone	call from client	0.30
Shaleen Shanbhag	HSR&D	02/18/2020	Telephone	call from client	0.30
Dan Stormer	HSR&D	02/20/2020	Conference	call re SCOTUS	1.10
Dan Stormer	HSR&D	02/21/2020	Preparation	status meeting/call	1.30
Shaleen Shanbhag	HSR&D	02/25/2020	E-mail	emails with cocounsel re: filing	0.50
Dan Stormer	HSR&D	02/28/2020	Review	review documents/emails	0.80
Dan Stormer	HSR&D	03/11/2020	Review	review cases	0.40
Dan Stormer	HSR&D	03/18/2020	Conference	calls	0.20

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	04/06/2020	E-mail	emails with NM re: email to client	0.10
Shaleen Shanbhag	HSR&D	04/06/2020	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	04/14/2020	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	04/14/2020	E-mail	email to cocounsel re: call from client	0.10
Shaleen Shanbhag	HSR&D	05/12/2020	Telephone	call with client	0.20
Dan Stormer	HSR&D	05/17/2020	Preparation	review brief	0.60
Dan Stormer	HSR&D	05/27/2020	Preparation	tasks	0.50
Dan Stormer	HSR&D	10/28/2020	Preparation	meeting	0.60
Shaleen Shanbhag	HSR&D	01/05/2021	Telephone	call from client	0.20
Shaleen Shanbhag	HSR&D	01/14/2021	Conference	conf with LR, AW, DS, CD, DF re: lit plan	1.20
Shaleen Shanbhag	HSR&D	01/29/2021	Hearing	attend hearing	0.20
Shaleen Shanbhag	HSR&D	03/05/2021	Miscellaneous	timeslips for settlement conf	0.70
Shaleen Shanbhag	HSR&D	03/07/2021	Miscellaneous	timeslips for settlement conf	1.50
Dan Stormer	HSR&D	03/09/2021	Conference	discussion re 9th Cir settlement conf	0.70
Shaleen Shanbhag	HSR&D	03/09/2021	Mediation	attend 9th Cir settlement conf	5.70
Shaleen Shanbhag	HSR&D	06/16/2021	E-mail	emails re: fee mtn; conf with DS re: same	0.20
Shaleen Shanbhag	HSR&D	06/24/2021	Telephone	call from client (2x); emails to cocounsel re: same	0.70
Shaleen Shanbhag	HSR&D	06/29/2021	Telephone	call from client; email cocounsel re: same	0.30
Shaleen Shanbhag	HSR&D	07/08/2021	E-mail	emails re: settlement agreement	0.20
Shaleen Shanbhag	HSR&D	07/13/2021	E-mail	emails with cocounsel re: timesheets; compile and send to co-counsel	0.50
Shaleen Shanbhag	HSR&D	07/27/2021	E-mail	emails with AW re: fee application	0.20
Shaleen Shanbhag	HSR&D	07/27/2021	Review	review timesheets; conf with DS re same	0.80
Dan Stormer	HSR&D	07/27/2021	Conference	conf w/ SS re: fee application and time	0.20
Shaleen Shanbhag	HSR&D	07/27/2021	E-mail	emails with AW and NCLR re: fee motion, HSRD declaration	0.50
Shaleen Shanbhag	HSR&D	07/27/2021	Conference	conf with LD re fees/hours computation (several)	0.50
Shaleen Shanbhag	HSR&D	07/27/2021	Review	review timesheets; conf with DS re same	0.50
Shaleen Shanbhag	HSR&D	07/27/2021	E-mail	emails w/ DS re: billing judgment	0.20
Dan Stormer	HSR&D	07/27/2021	Conference	conf w/ SS re billing judgment	0.20
Shaleen Shanbhag	HSR&D	07/27/2021	E-mail	review emails from cocounsel re timesheets; review and respond to same	0.70
Shaleen Shanbhag	HSR&D	07/29/2021	Miscellaneous	Compile discovery history, briefing info for fee motion; email AW	1.80
Shaleen Shanbhag	HSR&D	07/29/2021	E-mail	E-mails with AW re fee declaration; review and respond	0.80
Shaleen Shanbhag	HSR&D	08/07/2021	Draft	draft HSRD dec iso fees	2.50
Shaleen Shanbhag	HSR&D	08/08/2021	Review	review all costs; prior bill of costs filings; bill of costs form	6.50
Norma Molina	HSR&D	08/09/2021	Preparation	Set up bill of costs declaration, reviewed cost report	0.50
Shaleen Shanbhag	HSR&D	08/11/2021	Conference	conf with NM re compiling all costs for fee application	0.30
Norma Molina	HSR&D	08/11/2021	Conference	con w/SS re preparing line item breakdown of costs	0.30
Norma Molina	HSR&D	08/11/2021	Preparation	reviewed pymts/receipts of costs to prep itemization	1.00
Shaleen Shanbhag	HSR&D	08/18/2021	Telephone	call with AW re: fee motion; conf with NM re same	0.30
Shaleen Shanbhag	HSR&D	08/18/2021	Emailserenee	emails with AW re fee motion	0.20
Norma Molina	HSR&D	08/31/2021	Preparation	reviewed docs, prep itemization of costs	2.50
Norma Molina	HSR&D	09/02/2021	Preparation	reviewed docs, prep itemization of costs	5.00
Norma Molina	HSR&D	09/07/2021	Preparation	reviewed docs, prep itemization of costs	4.00
Shaleen Shanbhag	HSR&D	09/07/2021	Conference	conf with NM re bill of costs	0.20
Shaleen Shanbhag	HSR&D	09/08/2021	Review	review emails re stipulated dismissal	0.30
Norma Molina	HSR&D	09/08/2021	Preparation	reviewed docs, prep itemization of costs	2.50
Norma Molina	HSR&D	09/09/2021	Preparation	reviewed docs, prep itemization of costs	5.00
Norma Molina	HSR&D	09/10/2021	Preparation	reviewed docs, prep itemization of costs	4.00
Shaleen Shanbhag	HSR&D	09/13/2021	Edit/ Revise	edit HSRD dec iso fees	2.50
Shaleen Shanbhag	HSR&D	09/14/2021	Review	review e-mails from co-counsel re fee application / dec; respond to same	0.50
Shaleen Shanbhag	HSR&D	09/14/2021	Review	review timesheets for billing judgment; conf with DS re: same	2.00
Dan Stormer	HSR&D	09/14/2021	Conference	Conf w/ SS re: time sheets	0.50
Shaleen Shanbhag	HSR&D	09/16/2021	Conference	conf w/ AW re status of costs, dec, fee motion	0.30
Norma Molina	HSR&D	09/21/2021	Preparation	reviewed docs, prep itemization of costs	3.50
Norma Molina	HSR&D	09/22/2021	Preparation	reviewed docs, prep itemization of costs	4.50
Norma Molina	HSR&D	09/23/2021	Preparation	reviewed docs, prep itemization of costs	4.00
Norma Molina	HSR&D	09/24/2021	Preparation	reviewed docs, prep itemization of costs	3.50

EXHIBIT C

HSRD Itemized Time Records

Name	Office	Date	Matter	Description	Billable Time
Shaleen Shanbhag	HSR&D	09/27/2021	Edit/ Revise	review and edit timesheets - billing judgment; edit HSRD dec	2.50
Norma Molina	HSR&D	09/28/2021	Preparation	prepare exhibits for itemization of costs	1.50
Norma Molina	HSR&D	09/29/2021	Preparation	prepare exhibits for itemization of costs	1.00
Norma Molina	HSR&D	09/30/2021	Preparation	prepare exhibits for itemization of costs	2.00
Shaleen Shanbhag	HSR&D	09/30/2021	Review	Review cocounsel edits to HSRD dec; conf w/ DS re: same	0.70
					Total Billable Time: 1456.8 hrs

Ex. D

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
I. Pro Hac Vice Fees				
1.	August 29, 2017	Check #67694 payable to Ferguson Durham, PLLC, reimbursement for Lori Rifkin Pro Hac Vice fee	Ferguson Durham	\$225.00
2.	August 31, 2017	Check #67709 payable to Ferguson Durham, PLLC, reimbursement for Dan Stormer Pro Hac Vice fee	Ferguson Durham	\$225.00
3.	February 6, 2018	Check #68421 payable to Ferguson Durham, PLLC, reimbursement for Shaleen Shanbhag Pro Hac Vice fee	Ferguson Durham	\$225.00
				TOTAL: \$675.00

II. In-House Courier				
4.	September 13, 2018	Check #69310 payable to David Hannah for mileage for delivery of case documents to attorney – (45.4 miles) plus internal messenger fee	HSR	\$56.74
				TOTAL: \$56.74

III. Courier – UPS				
5.	September 6, 2018	Check #69294 payable to UPS (Invoice #A4V969358 reflecting charges for packages delivered to Lori Rifkin, Boise, ID, dated September 1, 2018)	HSR	\$79.09
6.	September 18, 2018	Check #69330 payable to UPS (invoice #A4V969368 reflecting charges for package delivered to Lori Rifkin, Oakland, CA, dated September 8, 2018)	HSR	\$31.94
7.	September 27, 2018	Check #69364 payable to UPS (invoice #A4V969388 reflecting charges for package delivered to Lori Rifkin, Oakland, CA, dated September 22, 2018)	HSR	\$29.51
8.	October 23, 2018	Check #69471 payable to UPS (invoice #A4V969418 reflecting charges for packages delivered to Lori Rifkin, Boise, ID, dated October 13, 2018)	HSR	\$142.20
9.	November 20, 2018	Check #69583 payable to UPS (invoice #A4V969458 reflecting charge for package delivered to Barkley Court Reporters, Los Angeles, CA, dated November 10, 2018)	HSR	\$27.17
10.	March 21, 2019	Check #70042 payable to UPS (invoice #A4V969119 reflecting charge for package delivered to Lori Rifkin, Oakland, CA, dated March 16, 2019)	HSR	\$27.15

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
III. Courier – UPS (cont.)				
11.	April 23, 2019	Check #70135 payable to UPS (invoice #A4V969159 reflecting charge for package delivered to Office of the Clerk, Oakland, CA, dated April 13, 2019)	HSR	\$134.62
12.	May 7, 2019	Check #70180 payable to UPS (invoice #A4V969179 reflecting charge for package delivered to Lori Rifkin, Oakland, CA, dated April 27, 2019)	HSR	\$25.09
13.	January 7, 2020	Check #71049 payable to UPS (invoice #A4V969519 reflecting charge for package delivered to Office of the Clerk, San Francisco, CA, dated December 21, 2019)	HSRD	\$16.71
				TOTAL: \$513.48

IV. Hearing Transcripts				
14.	October 23, 2018	Check #69469 payable to Tamara Hohenleitner, FCRR for October 10-12, 2018 transcript of motion hearing (invoice #201800042, dated October 18, 2018)	HSR	\$1554.00
15.	November 11, 2019	Check #12297 payable to Katherine Eismann, RMR, CRR for the October 17, 2019 hearing transcript	HSRD	\$20.70
16.	November 7, 2019	Check #70852 payable to Katherine Eismann, RMR, CRR for October 30, 2019 transcript of proceedings (invoice #1277, dated November 7, 2019)	HSRD	\$109.00
17.	November 26, 2019 December 10, 2019	Check #70915 payable to Tamara Hohenleitner, FCRR for the November 21, 2019 hearing transcript (invoice #201900114, dated November 21, 2019) Refund check from Tamara Hohenleitner for invoice #201900114	HSRD	\$310.25 -\$224.39 \$85.86
				TOTAL: \$1769.56

V. Airfare/Transportation/Lodging				
18.	October 24, 2017	Check #67956 payable to Lori Rifkin for travel expenses	HSR	\$596.88
19.	May 1, 2018	Check #68785 payable to Lori Rifkin for travel expenses	HSR	\$1558.04
20.	June 5, 2018	Check #68929 payable to Shaleen Shanbhag for travel expenses incurred from visit with client	HSR	\$538.34
21.	June 18, 2019	Check #70303 payable to Shaleen Shanbhag for transportation for 9 th Circuit argument	HSR	\$101.94
22.	September 4, 2018	Check #69278 payable to Shaleen Shanbhag for travel expenses to Boise, ID August 7 & 21, 2018	HSR	\$1414.62

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
V. Airfare/Transportation/Lodging (cont.)				
23.	September 24, 2018	Check #69351 payable to Bank of America (August 28-29, 2018 lodging in Boise, ID)	HSR	\$235.09
24.	October 30, 2018	Check #69492 payable to Lori Rifkin for expenses (case related travel expenses incurred by Lori Rifkin from June 9-October 13, 2018)	HSR	\$9188.13
25.	November 1, 2018	Check #69498 payable to Bank of America (hotel stay in Boise, ID and airport parking)	HSR	\$1684.50
26.	November 6, 2018	Check #69524 payable to Shaleen Shanbhag for travel expenses to Boise, ID	HSR	\$427.41
27.	November 6, 2018	Check #69526 payable to Shaleen Shanbhag for travel expenses to Boise, ID, dated October 8-13, 2018	HSR	\$424.35
28.	November 19, 2018	Check #69567 payable to American Express (lodging charges, statement closing date November 9, 2018)	HSR	\$2053.60
29.	April 23, 2019	Check #70136 payable to Shaleen Shanbhag for travel expenses (flight to Oakland for 9 th Circuit argument)	HSR	\$196.96
30.	July 9, 2019	Check #70369 payable to Lori Rifkin for travel expenses to appellate status conference (March 20, 2019)	HSR	\$542.13
31.	July 18, 2019	Check #70410 payable to Shaleen Shanbhag for travel expenses to Boise, ID	HSRD	\$1113.91
				TOTAL: \$20,075.90

VI. Defense Expert Deposition Fees				
32.	September 6, 2018	Payments made to Joel T. Andrade for expert testimony. • Check #69285 for \$750.00 • Check #69286 for \$250.00 • Check #69287 for \$250.00 • Check #69288 for \$250.00 • Check #69289 for \$250.00	HSR	\$1750.00
33.	September 18, 2018	Payments made to Keelin Garvey, M.D. for expert testimony. • Check #69320 for \$2400.00 • Check #69321 for \$600.00 • Check #69322 for \$600.00 • Check #69323 for \$600.00	HSR	\$4200.00
				TOTAL: \$5950.00

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
VII. Client Calls/Email Communications				
34.	December 21, 2017	Check #68237 payable to Bank of America for calls with client from IC Solutions and electronic postage from JPay for client communications	HSR	\$27.35
35.	January 2, 2018	Check #68279 payable to IC Solutions for calls with client	HSR	\$8.45
36.	March 8, 2018	Check #68582 payable to IC Solutions for calls with client	HSR	\$2.14
37.	March 22, 2018	Check #68626 payable to Bank of America for electronic postage from JPay for client communication	HSR	\$18.00
38.	April 3, 2018	Check #68686 payable to IC Solutions for calls with client	HSR	\$4.10
39.	May 10, 2018	Check #68835 payable to IC Solutions for calls with client	HSR	\$2.52
40.	August 14, 2018	Check #69199 payable to IC Solutions for calls with client	HSR	\$5.20
41.	December 4, 2018	Check #69623 payable to IC Solutions for calls with client (invoice, dated November 21, 2018)	HSR	\$23.95
42.	December 20, 2018	Check #69708 payable to Bank of America (credit card statement reflecting two \$20 charges on December 14, 2018 for electronic postage from JPay for client communication, statement closing date December 16, 2018)	HSR	\$40.00
43.	March 7, 2019	Check #69993 payable to IC Solutions for calls with client (invoice dated February 21, 2019)	HSR	\$20.78
44.	March 21, 2019	Check #70043 payable to IC Solutions for calls with client (invoice of the same date)	HSR	\$10.26
45.	April 25, 2019	Check #70144 payable to IC Solutions for calls with client (invoice, dated April 21, 2019)	HSR	\$13.06
46.	May 23, 2019	Check #70229 payable to IC Solutions for calls with client (invoice, dated May 21, 2019)	HSR	\$8.11
47.	June 27, 2019	Check #70338 payable to IC Solutions for calls with client (invoice, dated June 21, 2019)	HSR	\$10.07
48.	July 23, 2019	Check #70338 payable to IC Solutions for calls with client (invoice, dated July 21, 2019)	HSRD	\$8.54
49.	August 22, 2019	Check #70557 payable to IC Solutions for calls with client (invoice, dated August 21, 2019)	HSRD	\$2.18
50.	September 24, 2019	Check #70662 payable to IC Solutions for calls with client (invoice, dated September 21, 2019)	HSRD	\$9.43
51.	October 3, 2019	Check #70708 payable to Bank of America (see credit card statement reflecting \$60 charge on August 23, 2020 for electronic postage from JPay for client communication, closing date September 16, 2019)	HSRD	\$60.00
52.	October 22, 2019	Check #70772 payable to IC Solutions for calls with client (invoice, dated October 21, 2019)	HSRD	\$2.95
53.	November 25, 2019	Check #70899 payable to IC Solutions for calls with client (invoice, dated November 21, 2019)	HSRD	\$7.84

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
VII. Client Calls/Email Communications (cont.)				
54.	January 23, 2020	Check #71126 payable to IC Solutions for calls with client (invoice, dated January 21, 2020)	HSRD	\$4.23
55.	February 25, 2020	Check #71248 payable to IC Solutions for calls with client (invoice, dated February 21, 2020)	HSRD	\$2.46
56.	April 23, 2020	Check #71444 payable to IC Solutions for calls with client (invoice, dated April 21, 2020)	HSRD	\$4.60
57.	May 21, 2020	Check #71524 payable to IC Solutions for calls with client (invoice of the same date)	HSRD	\$2.40
58.	July 2, 2020	Check #71609 payable to Bank of America (credit card statement reflecting \$10 charge on May 27, 2020 for electronic postage from JPay for client communication, closing date June 16, 2020)	HSRD	\$10.00
59.	June 25, 2020	Check #71599 payable to IC Solutions for calls with client (invoice, dated June 21, 2020)	HSRD	\$3.50
60.	July 23, 2020	Check #71664 payable to IC Solutions for calls with client (invoice, dated July 21, 2020)	HSRD	\$2.78
61.	August 27, 2020	Check #71757 payable to IC Solutions for calls with client (invoice, dated August 21, 2020)	HSRD	\$1.36
62.	September 24, 2020	Check #71829 payable to IC Solutions for calls with client (invoice from IC Solutions, dated September 21, 2020)	HSRD	\$.08
63.	October 29, 2020	Check #71918 payable to IC Solutions for calls with client (invoice, dated October 21, 2020)	HSRD	\$2.98
64.	December 22, 2020	Check #72063 payable to IC Solutions for calls with client (invoice, dated November 21, 2020)	HSRD	\$1.63
65.	January 21, 2021	Check #72144 payable to IC Solutions for calls with client (invoice of the same date)	HSRD	\$.40
66.	March 25, 2021	Check #72294 payable to IC Solutions for calls with client (invoice, dated March 21, 2021)	HSRD	\$3.60
67.	July 22, 2021	Check #72626 payable to IC Solutions for calls with client (invoice, dated July 21, 2021)	HSRD	\$2.24
				TOTAL: \$327.19

VIII. Faxing				
68.	March 31, 2018	Monthly outgoing fax (1 st & succeeding pages)	HSR	\$3.00
69.	July 31, 2019	Monthly outgoing fax (1 st & succeeding pages)	HSRD	\$3.50
				TOTAL: \$6.50

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
IX. Office Supplies (Index Tabs, Litigation Files, Manila Folders, Other Supplies)				
70.	December 29, 2017-April 30, 2019	Monthly index tabs	HSR	\$24.30
71.	September 27, 2017-June 30, 2021	Monthly litigation files	HSR/HSRD	\$585.00
72.	September 27, 2017-April 24, 2019	Monthly manila folders	HSR	\$19.50
73.	August 31, 2017-August 28, 2020	Monthly supplies	HSR/HSRD	\$198.00
				TOTAL: \$826.80

X. Monthly Telephone & Conference Call Charges				
74.	August 31, 2017-August 28, 2020	Monthly telephone at \$5.00 per month	HSR/HSRD	\$165.00
75.	September 13, 2018	TPX Communications conference calls 8/22 & 8/29/18	HSR	137.76
76.	July 11, 2019	TPX Communications conference calls	HSR	\$31.92
				TOTAL: \$329.68

XI. Monthly Word Processing				
77.	August 31, 2017	Monthly word processing	HSR	\$206.50
78.	November 30, 2017	Monthly word processing	HSR	\$147.00
79.	January 31, 2018	Monthly word processing	HSR	\$24.50
80.	February 28, 2018	Monthly word processing	HSR	\$45.50
81.	March 30, 2018	Monthly word processing	HSR	\$182.00
82.	April 30, 2018	Monthly word processing	HSR	\$70.00
83.	May 31, 2018	Monthly word processing	HSR	\$21.00
84.	June 30, 2018	Monthly word processing	HSR	\$108.50
85.	July 31, 2018	Monthly word processing	HSR	\$633.50
86.	August 31, 2018	Monthly word processing	HSR	\$378.00
87.	September 30, 2018	Monthly word processing	HSR	\$745.50
88.	October 31, 2018	Monthly word processing	HSR	\$1074.50
89.	November 30, 2018	Monthly word processing	HSR	\$24.50
90.	December 31, 2018	Monthly word processing	HSR	\$35.00
91.	January 31, 2019	Monthly word processing	HSR	\$80.50

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
XI. Monthly Word Processing (cont.)				
92.	February 28, 2019	Monthly word processing	HSR	\$63.00
93.	March 31, 2019	Monthly word processing	HSR	\$59.50
94.	April 30, 2019	Monthly word processing	HSR	\$756.00
95.	May 31, 2019	Monthly word processing	HSR	\$360.50
96.	June 30, 2019	Monthly word processing	HSR	168.00
97.	July 31, 2019	Monthly word processing	HSRD	\$115.50
98.	August 31, 2019	Monthly word processing	HSRD	\$49.00
99.	September 30, 2019	Monthly word processing	HSRD	66.50
				TOTAL: \$5414.50

XII. Lexis and Pacer Legal Research				
1.	January 5, 2018	Court/document research - Pacer	HSR	\$.70
2.	February 28, 2018	Monthly legal research - Lexis	HSR	\$11.16
3.	March 21, 2018	Court/document research - Pacer	HSR	\$36.30
4.	May 11, 2018	Court/document research - Pacer	HSR	\$65.30
5.	June 1, 2018	Monthly legal research - Lexis	HSR	\$10.86
6.	June 30, 2018	Monthly legal research - Lexis	HSR	\$280.62
7.	August 28, 2017	Court/document research - Pacer	HSR	\$17.90
8.	August 31, 2018	Monthly legal research - Lexis	HSR	\$119.19
9.	September 30, 2018	Monthly legal research - Lexis	HSR	\$384.19
10.	November 2, 2018	Monthly legal research - Lexis	HSR	\$164.85
11.	February 4, 2019	Monthly legal research - Lexis		\$108.01
12.	May 2, 2019	Monthly legal research - Lexis	HSR	\$201.53
				TOTAL: \$1400.61

XIII. In-House Photocopying				
1.	November 29, 2017	Monthly in-house photocopying	HSR	\$78.60
2.	December 28, 2017	Monthly in-house photocopying	HSR	\$169.20
3.	February 26, 2018	Monthly in-house photocopying	HSR	\$6.90
4.	March 26, 2018	Monthly in-house photocopying	HSR	\$203.70
5.	April 26, 2018	Monthly in-house photocopying	HSR	\$27.30

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
XIII. In-House Photocopying (cont.)				
6.	May 30, 2018	Monthly in-house photocopying	HSR	\$183.00
7.	June 25, 2018	Monthly in-house photocopying	HSR	\$147.60
8.	July 30, 2018	Monthly in-house photocopying	HSR	\$76.20
9.	August 29, 2018	Monthly in-house photocopying	HSR	\$983.10
10.	September 25, 2018	Monthly in-house photocopying	HSR	\$1561.50
11.	September 28, 2018	Monthly in-house photocopying	HSR	\$1.20
12.	October 18, 2018	Monthly in-house photocopying	HSR	\$3107.10
13.	October 29, 2018	Monthly in-house photocopying	HSR	\$332.10
14.	November 27, 2018	Monthly in-house photocopying	HSR	\$156.30
15.	December 26, 2018	Monthly in-house photocopying	HSR	\$213.90
16.	January 29, 2019	Monthly in-house photocopying	HSR	\$18.30
17.	February 26, 2019	Monthly in-house photocopying	HSR	\$31.80
18.	March 27, 2019	Monthly in-house photocopying	HSR	\$4290.30
19.	April 25, 2019	Monthly in-house photocopying	HSR	\$1400.40
20.	May 29, 2019	Monthly in-house photocopying	HSR	\$1468.80
21.	June 27, 2019	Monthly in-house photocopying	HSR	\$223.50
22.	July 29, 2019	Monthly in-house photocopying	HSRD	\$1239.60
23.	August 27, 2019	Monthly in-house photocopying	HSRD	\$102.30
24.	September 26, 2019	Monthly in-house photocopying	HSRD	\$138.30
25.	October 28, 2019	Monthly in-house photocopying	HSRD	\$85.20
26.	November 25, 2019	Monthly in-house photocopying	HSRD	\$261.60
27.	December 27, 2019	Monthly in-house photocopying	HSRD	\$94.80
28.	January 29, 2020	Monthly in-house photocopying	HSRD	\$27.90
29.	February 25, 2020	Monthly in-house photocopying	HSRD	\$375.00
30.	April 24, 2020	Monthly in-house photocopying	HSRD	\$25.50
31.	May 22, 2020	Monthly in-house photocopying	HSRD	\$295.20
32.	June 26, 2020	Monthly in-house photocopying	HSRD	\$147.60
33.	July 31, 2020	Monthly in-house photocopying	HSRD	\$18.90
34.	August 28, 2020	Monthly in-house photocopying	HSRD	\$240.00
35.	September 25, 2020	Monthly in-house photocopying	HSRD	\$10.20

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
XIII. In-House Photocopying (cont.)				
36.	October 30, 2020	Monthly in-house photocopying	HSRD	\$1.20
37.	December 29, 2020	Monthly in-house photocopying	HSRD	\$2.10
38.	February 26, 2021	Monthly in-house photocopying	HSRD	\$73.50
39.	March 29, 2021	Monthly in-house photocopying	HSRD	\$21.00
				TOTAL: \$17,840.70

XIV. In-House Scanning				
1.	November 29, 2017	Monthly in-house scanning	HSR	\$.45
2.	April 26, 2018	Monthly in-house scanning	HSR	\$89.10
3.	August 29, 2018	Monthly in-house scanning	HSR	\$92.55
4.	October 18, 2018	Monthly in-house scanning	HSR	\$1.50
5.	October 29, 2018	Monthly in-house scanning	HSR	\$13.50
6.	November 27, 2018	Monthly in-house scanning	HSR	\$.15
7.	December 26, 2018	Monthly in-house scanning	HSR	\$2.25
8.	February 26, 2019	Monthly in-house scanning	HSR	\$2.25
9.	March 27, 2019	Monthly in-house scanning	HSR	\$1.20
10.	April 25, 2019	Monthly in-house scanning	HSR	\$.60
11.	May 29, 2019	Monthly in-house scanning	HSR	\$.90
12.	June 27, 2019	Monthly in-house scanning	HSR	\$1.35
13.	July 29, 2019	Monthly in-house scanning	HSRD	\$1.95
14.	September 26, 2019	Monthly in-house scanning	HSRD	\$.30
15.	October 28, 2019	Monthly in-house scanning	HSRD	\$2.25
16.	November 25, 2019	Monthly in-house scanning	HSRD	\$.45
17.	December 27, 2019	Monthly in-house scanning	HSRD	\$.30
18.	May 22, 2020	Monthly in-house scanning	HSRD	\$10.20
19.	July 31, 2020	Monthly in-house scanning	HSRD	\$2.55
20.	September 25, 2020	Monthly in-house scanning	HSRD	\$4.95
				TOTAL: \$228.75

EXHIBIT D**ITEMIZATION OF NON-TAXABLE EXPENSES***Adree Edmo v. Corizon Inc. et al.*

Item	Date	Description	Incurring Firm	Cost
XV. Postage				
1.	November 30, 2017	Monthly postage	HSR	\$4.48
2.	December 31, 2017	Monthly postage	HSR	\$11.65
3.	February 28, 2018	Monthly postage	HSR	\$18.47
4.	June 30, 2018	Monthly postage	HSR	\$7.72
5.	August 24, 2018	Monthly postage	HSR	\$9.85
6.	December 28, 2018	Monthly postage	HSR	\$2.68
7.	February 28, 2019	Monthly postage	HSR	\$.65
8.	March 27, 2019	Monthly postage	HSR	\$4.10
9.	April 30, 2019	Monthly postage	HSR	\$10.40
10.	May 31, 2019	Monthly postage	HSR	\$2.57
11.	June 28, 2019	Monthly postage	HSR	\$.65
12.	July 31, 2019	Monthly postage	HSRD	\$8.00
13.	September 30, 2019	Monthly postage	HSRD	\$10.40
14.	October 31, 2019	Monthly postage	HSRD	\$2.65
15.	November 30, 2019	Monthly postage	HSRD	\$10.90
16.	January 31, 2020	Monthly postage	HSRD	\$2.20
17.	February 28, 2020	Monthly postage	HSRD	\$15.70
18.	May 29, 2020	Monthly postage	HSRD	\$15.70
19.	June 26, 2020	Monthly postage	HSRD	\$10.90
20.	August 28, 2020	Monthly postage	HSRD	\$11.55
21.	September 25, 2020	Monthly postage	HSRD	\$2.85
22.	January 27, 2021	Monthly postage	HSRD	\$.50
23.	March 31, 2021	Monthly postage	HSRD	\$2.41
24.	June 30, 2021	Monthly postage	HSRD	\$3.00
			TOTAL: \$169.98	
			TOTAL FROM ALL CATEGORIES: \$ 55,585.39	

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION,
ET AL.

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF DEBORAH FERGUSON
IN SUPPORT OF PLAINTIFF'S MOTION
FOR REASONABLE ATTORNEYS' FEES
AND EXPENSES THROUGH SEPTEMBER
30, 2021**

I, Deborah Ferguson, hereby declare and state as follows:

1. I am a partner at Ferguson Durham, PLLC, and local counsel for Ms. Edmo in this action. I am submitting this declaration in support of the Plaintiff's Motion for Reasonable Attorneys' Fees and Expenses. I have personal knowledge of the matters stated in this declaration and could competently testify to these facts.

2. I am a member in good standing of the Idaho State Bar, and am admitted to practice before this Court, the Ninth Circuit Court of Appeals and the Supreme Court of the United States.

3. Ferguson Durham has expended **313.6** hours in this case. If we are compensated at the Prison Litigation Reform Act ("PLRA") rate of \$232.50 per hour, our work totals \$72,912. My time and the time of my law Partner, Mr. Durham, as well as the \$ 272.42 of costs incurred in the litigation are reflected in our timesheets in **Exhibit A** to this Declaration.

MY AND CRAIG DURHAM'S LEGAL BACKGROUND

4. I am a 1986 graduate of Loyola University Chicago School of Law. I have practiced law in the area of civil litigation for 35 years. I began practicing law in Chicago, Illinois in September 1986. I worked initially at a small law firm specializing in litigation, and then from 1987-1991 for Katten Muchin & Zavis, a national law firm in its Chicago litigation department, where I tried cases in federal and state court.

5. I left private practice in 1991 and for twenty years, I was an Assistant United States Attorney in the U.S. Department of Justice. I served in the Civil Division of the Northern District of Illinois (Chicago) from 1991-1995 and in the District of Idaho from 1995-2012. During those two decades with the U.S. Department of Justice, I was lead counsel on hundreds of civil cases on behalf of a wide array of agencies and individuals, before the federal District Court of

Idaho and the Northern District of Illinois, and on appeal before the Ninth and Seventh Circuit Courts of Appeals. As lead counsel, I handled and tried a wide variety of complex civil litigation, such as constitutional torts, environmental challenges, and medical malpractice defense. In March 2012, I left the U.S. Department of Justice to return to private practice, and began litigating and mediating civil matters.

6. In 2014 Craig Durham and I formed Ferguson Durham, PLLC after we successfully established a right to same sex marriage in Idaho and the Ninth Circuit in the landmark case of *Latta v. Otter*, 771 F.3d 456 (9th Cir. 2014).

7. We are primarily a boutique firm that focuses on impact civil litigation in the area of plaintiff's side civil rights and similar actions. A sample of recent cases of this type include:

Reclaim Idaho and the Committee to Protect the Idaho Constitution v. Denney, No. 48784 (Idaho Supreme Ct., August 23, 2021) unanimously striking down as unconstitutional two statutes that impermissibly infringed on the people's power to enact legislation independent of the legislature through the initiative and referendum. For the first time in decades, the Idaho Supreme Court awarded fees under the private attorney general doctrine).

Latta v. Otter, 771 F.3d 456 (9th Cir. 2014) (establishing a right to marriage for lesbian and gay couples in Idaho);

Coeur D'Alene Tribe v. Denney, 387 P.3d 761 (Idaho 2015) (granting a petition for writ of mandamus and finding that the Governor's veto of duly enacted legislation was invalid);

Visual Arts Collective, LLC v. Powell, et al., 1:16-cv-00414-BLW (D. Idaho 2016) (resulting in a settlement that changed an Idaho law that had chilled first amendment expression in artistic spaces);

Billy Ray Bartlett v. Atencio et al., 1:17-cv-00191-CWD (D. Idaho, 2017) (resulting in a settlement requiring the Idaho Department of Correction to provide a Kosher meal option for Jewish inmates);

Idaho Press Club v. Ada County, CV01-19-16277 (Fourth Judicial Dist. 2019) (finding that Ada County had improperly and frivolously withheld public

documents in violation of the public records act from journalists);

Lee Arthur Rice v. Morehouse, et al, 989 F.3d 1112 (9th Cir. 2021) (reversing the district court's grant of summary judgment in excessive force case and remanding for trial);

8. I have been appointed to serve as a Special Master by a federal Senior District Judge in a complex international electronic discovery dispute that arose in a commercial litigation in the District of Idaho. I have also been selected to serve as a Special Master in state court cases, and requested to serve as a mediator and an arbitrator in dozens of civil cases each year.

9. I am active in the legal community in Idaho and in leadership positions in many professional organizations such as the Idaho State Bar where I served as President in 2011 and as a Bar Commissioner from 2008 to 2011. I also was the founding chair of the Idaho Academy of Leadership for Lawyers. I have also served as the Idaho State Delegate and the Idaho State Bar Delegate from 2013 to 2021 in the House of Delegates of the American Bar Association, and I am a Life Time Fellow of the American Bar Foundation.

10. Mr. Durham is a member in good standing of the state bar of Idaho. He is licensed to practice in the United States District Court for the District of Idaho, the United States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States.

11. Mr. Durham graduated from the University of Kansas School of Law in 1996 and has been an attorney since that time. He first received a license to practice law in Kansas in September of 1996.

12. From 1996 until 2001, Mr. Durham worked at the Kansas Appellate Defender's Office, where he represented convicted felony defendants on appeal to the Kansas Court of Appeals and the Kansas Supreme Court. He also mentored and supervised junior attorneys, and began working on death penalty cases. At the time, the death penalty had recently been re-instated

in Kansas, and his team worked efficiently on complex issues of first impression that were presented to the Kansas Supreme Court.

13. In 2001, Mr. Durham moved to Boise and became a member of the Idaho State Bar. He continued to practice appellate and death penalty law at the Idaho State Appellate Defender's Office. Between his experience in Kansas and Idaho, he has written well over 175 appellate briefs, has orally argued dozens of cases in the appellate courts, and has been counsel or co-counsel in several death penalty appeals and post-conviction cases.

14. For nearly ten years, from 2003 until 2012, Mr. Durham worked as a staff attorney at the United States District Court for the District of Idaho. He was the only death penalty law clerk for the District of Idaho during that time, and in that capacity, he assisted judges in researching the law, drafting opinions, and resolving capital habeas corpus matters. Each case often spanned several years, contained thousands of pages of documents and records, and demanded knowledge of a large and arcane body of case law that is unique to the death penalty.

15. While at the Court, Mr. Durham was also a member of the Prisoner Litigation Unit (PLU), which is a small team of staff attorneys who are responsible for managing pro se cases brought by prisoners. Prisoner cases make up approximately 25% to 33% of the Court's civil caseload from year-to-year, and the majority of those cases are brought under 42 U.S.C. § 1983. In 2011 and again in 2012, he was assigned to assist judges in two § 1983 cases brought by death-sentenced inmates who were challenging Idaho's lethal injection protocol at the eleventh hour. *See Rhoads v. Reinke, et al.*, 1:11-cv-00455-REB; *Creech, et al. v. Reinke, et al.*, 1:12-cv-00173-EJL. Each of these cases carried high stakes and required exacting work under significant time pressure.

16. In May of 2013, Mr. Durham opened his own solo firm in Boise, where he concentrated on civil rights cases and on criminal defense. Specifically, he represented, almost exclusively, prisoners and non-prisoners in § 1983 and *Bivens* cases, individuals claiming discrimination in employment, and criminal defendants in the state and federal courts. In 2014, Mr. Durham and I opened the firm Ferguson Durham PLLC.

FERGUSON DURHAM'S WORK IN THIS LITIGATION

17. Ms. Edmo originally filed her case pro se but also moved the court for appointment of counsel. Utilizing the standard that counsel should be appointed only in “exceptional circumstances,” which can be met by showing likelihood of success on the merits and complex legal issues, the Magistrate Judge appointed pro bono counsel and directed court staff to begin a search. Dkt. 12.

18. Court staff then reached out to our firm to see if we would be able to represent Ms. Edmo. It is my understanding that our firm is one of very few firms that the court reaches out to for prison-related cases and that it is incredibly difficult to find attorneys for prisoner cases that raise even straightforward issues. There are many reasons for this including the heavy burden on plaintiffs in Eighth Amendment cases, court deference to the decisions of prison administrators, the limits on attorneys' fees, and the general undesirability of having prisoners as clients. Based on my experience in Idaho, given the intersection of issues raised by Ms. Edmo's claims in terms of prisoners' rights and transgender health, there is no other firm or organization in the state who would have accepted Ms. Edmo's case. At the time, the ACLU in Idaho had only a single attorney who litigated cases and the ACLU would often refer cases to our firm.

19. My firm did accept representation in this case, but only after securing the assistance of the NCLR and the Rifkin Law Office, as well as Ms. Rifkin's former firm, Hadsell

Stormer Renick & Dai. We knew that if we litigated this case, we would need attorneys who were experienced in both prison conditions cases and transgender healthcare issues more specifically. My firm would never have been able to represent Ms. Edmo without the assistance of our out-of-state counsel who were essential to mounting this challenge. Further, Ferguson Durham does not employ any paralegals, and our out of state co-counsel was also able to provide those services where needed, which were billed at lower hourly rates than those for the attorneys.

20. Ms. Edmo has not been charged any fee to represent her, is not responsible for any costs of suit, and she has agreed that any awarded attorneys' fees and expenses will belong to and be paid to her counsel. Ms. Edmo's damage claim has been resolved in settlement. The settlement did not involve any payment of fees and costs to counsel, reserving this issue for the Court.

21. Plaintiff's counsel litigated this case efficiently and without unnecessary duplication of effort. Because of their long experience with the important federal constitutional issues involved in this case, as well as legal issues related to transgender people in particular, Ms. Rifkin and Ms. Whelan took primary responsibility for preparing initial drafts of most of the pleadings and briefs, including the briefing regarding the dispositive motions, the injunction, and the appeals. Ms. Rifkin took primary responsibility for depositions, Ms. Rifkin and Ms. Shanbhag took primary responsibility for written discovery in the case, and Ms. Whelan and Ms. Rifkin divided responsibility for the expert work. Ms. Rifkin led our trial team, which divided preparation for Plaintiff's witnesses and Defendants' listed witnesses among the attorneys.

22. For our part, Mr. Durham and I reviewed all pleadings, assisted in the preparation for oral arguments, deposed several witnesses in the case, prepared to cross-examine several witnesses designated defense witnesses, and ensured that all legal work complied with the

District of Idaho's rules of practice and procedure which require that as local counsel we must participate in all court conducted conferences and hearings. We made many visits to the prison to discuss the case with Ms. Edmo and keep her apprised of the latest developments, as we were the closest counsel to our client geographically. We also responded to numerous media requests, in an effort to educate the community about the prisoners' rights and transgender health issues of the case. Because the case presented complex and novel issues of first impression the media and the public had many questions about the litigation. At the time Ms. Edmo filed her case, no prisoner had ever received court-ordered gender affirming surgery. Our work with the media on this case was narrowly focused on fostering the litigation goals of our client, and addressing the animosity, misinformation and "fake news" about the claims of our client that was pervasive in the community, as set forth in more detail infra at ¶ 29.

23. Plaintiff's counsel conducted much of their business during telephone conferences and through email, which served as a cost-effective means to divide tasks between the attorneys and staff while eliminating the need for travel by counsel.

THE COMPLEXITY, RISK AND UNIQUE DEMANDS OF THE LITIGATION

24. Idaho Rule of Civil Procedure 54(e)(3) provides that, in the event the Court grants attorney fees in a civil action, it must consider the following factors in determining the amount of such fees:

- (A) The time and labor required.
- (B) The novelty and difficulty of the questions.
- (C) The skill requisite to perform the legal service properly and the experience and ability of the attorney in the particular field of law.
- (D) The prevailing charges for like work.

- (E) Whether the fee is fixed or contingent.
- (F) The time limitations imposed by the client or the circumstances of the case.
- (G) The amount involved and the results obtained.
- (H) The undesirability of the case.
- (I) The nature and length of the professional relationship with the client.
- (J) Awards in similar cases.
- (K) The reasonable cost of automated legal research (Computer Assisted Legal Research), if the court finds it was reasonably necessary in preparing a party's case.
- (L) Any other factor which the court deems appropriate in the particular case.

25. These factors all weigh in favor of granting this fee request and awarding a 2.0 multiplier.

26. This complex litigation was expedited over a short time period since it involved immediate injunctive relief for Ms. Edmo. There were also times when we were litigating in both the District Court and the Ninth Circuit (where Defendants filed three separate appeals) at the same time. The expedited nature of this case and the volume of work is evident from the District Court docket, as the case has generated thousands of pages of legal filings and more than 300 docket entries since April of 2017. During Ms. Edmo's case, our firm was forced to turn away other fee-paying matters so that we could focus our attention on this case.

27. The case presented complex and novel issues of first impression. At the time Ms. Edmo filed her case, no prisoner had ever received court-ordered gender affirming surgery. As a result of this case, Ms. Edmo became the very first person to receive that care pursuant to a court order and also obtained the first federal Circuit decision in the nation affirming that treatment.

28. Our firm took a large and significant financial risk when we agreed to represent Ms. Edmo at the request of the District Court following Ms. Edmo's motion for appointment of counsel. There was no assurance at the time that we would prevail or that we would ever be compensated for our work, even at the very low PLRA hourly rate. But we believed that Plaintiff and her constitutional rights deserved to be zealously represented, that her cause was just, and that experienced attorney representation of Ms. Edmo would assist the federal courts in efficaciously considering her case.

29. In addition to requiring a substantial amount of time and resources, including thousands of dollars in case expenses that Plaintiff's counsel may never have recovered, Ms. Edmo's case was extremely unpopular in Idaho. The Governor, who was never a named Defendant in the lawsuit, repeatedly politicized Ms. Edmo's serious medical issues because she is transgender and a prisoner. In one "Opinion" he published, he claimed that "[a]ctivist federal judges overstepped" their role by attempting to replace prison staff member's medical decisions. *See <https://gov.idaho.gov/pressrelease/opinion-fight-in-transgender-inmates-surgery-case-is-a-fight-for-what-is-right-and-reasonable/>*. The "Opinion" misstates the facts of Ms. Edmo's case and ignores the copious findings by this Court that the prison officials subjected Ms. Edmo to cruel and unusual punishment. In another press release, the Governor commented that "hardworking taxpayers of Idaho should not be forced to pay for a convicted sex offender's gender assignment surgery," implying that there is a connection between a person's commitment offense and a prison's duty to provide constitutionally adequate medical care. <https://gov.idaho.gov/pressrelease/governor-little-comments-on-courts-decision-in-transgender-inmates-gender-reassignment-surgery-case/>. The Governor's statements also ignored the fact that taxpayers pay a set, daily price per inmate for medical care to Defendant

Corizon that covers all medical care for prisoners—including the care Ms. Edmo sought, which did not increase the tax burden of Idahoans.

30. There is also deep-seated animosity toward transgender people in general in Idaho. The state has no statutes that explicitly protect transgender people from discrimination in employment, housing, education, or public accommodations. To the contrary, Idaho had a policy of prohibiting transgender people from correcting their birth certificates. And even after this Court struck down that policy as unconstitutional and enjoined Idaho from enforcing it (*F.V. v. Barron*, 286 F. Supp. 3d 1131 (D. Idaho 2018)), state lawmakers passed HB 509 to circumvent the Court’s ruling and again ban transgender people from correcting their birth certificates. In 2020, Idaho also became the first state to enact a law that attempts to ban transgender children from playing sports in schools. That law is being challenged in court but was also heavily supported within the state. *See Hecox v. Little*, Case No. 1:20-cv-184-CWD (D. Idaho).

31. There is also deep-seated animosity in Idaho toward prisoners, and toward prisoners who have been convicted of sex offenses in particular. As far as I am aware, and because of all of these factors, our firm was the only one in Idaho willing to represent Ms. Edmo. Again, however, we never would have been able to undertake her representation on our own and without the assistance of out-of-state counsel.

32. I personally observed the animosity toward Ms. Edmo, her case and toward us as her attorneys on several occasions. I was frequently interviewed by the media regarding case developments and the unpopularity of our client was often commented upon in the interviews. Because the case was the focus of extensive media coverage, it was routine for me and my law partner Mr. Durham to be questioned by other attorneys in the community over why we had

agreed to represent such a “vile” and unpopular client. This occurred on a regular basis in other settings as well, such as a dental visit. There was a tremendous amount of misinformation about her medical condition being circulated in the community.

33. In addition, as Plaintiff’s counsel we received harassing emails and voicemails for representing Ms. Edmo in the litigation. One voicemail from a self-identified “taxpayer” in Idaho that was left on my voicemail repeatedly stated that I was “wrong” for representing Ms. Edmo in the lawsuit and urged me to “go back to wherever [I] came from.” Another voicemail informed me that I should be “ashamed of [my]self” for representing Ms. Edmo and that I was a “sick, f.....g pervert.” An email sent to Ms. Rifkin from “Mark Boyd” referred to her as “counsel for the male convict who wants to have Idaho foot the bill to get his Johnson chopped off,” stated that Ms. Rifkin is “an a..hole, and that her insane clients are a..holes as well” and ended by telling her to “eat sh.t.” Another email to Ms. Rifkin from “Matt Wood” stated: “If you are the one that is Edmos [sic] attorney, you need to be fired and locked away in a psych ward. Trying to force Idaho taxpayers to pay for this nonsense. SHAME ON YOU.” Another email from “John Sevic” addressed to Ms. Rifkin stated: “So braindead lawyers and their pedophilia-crazed fruitcake clients can improve their lot above that of a sack of nails. A challenge, yes, but as rats deserve a chance at life, so to [sic] do lawyers.” Another email from “Mark Christensen” to Ms. Whelan at NCLR asked Ms. Whelan whether she planned to “give the law-abiding citizens checks for the same amount given to the criminal pedophile” and why “Californians give such special treatment to pedophiles, anyway?”

34. Despite these demands and challenges, Plaintiff’s counsel produced an excellent result, as we prevailed Ms. Edmo’s Eighth Amendment claim and secured the first ever court-ordered surgery for a transgender prisoner anywhere in the country. Our legal team

zealously represented Ms. Edmo, kept her informed about every step of her litigation and even provided her with appropriate, non-prison clothing for her court appearances.

BILLING RATES AND REASONABLE HOURS SPENT

35. The detailed time records for our firm are attached hereto as **Exhibit A**. As those records show, Craig Durham and I have devoted 313.6 hours to the merits of this case through September 30, 2021. Mr. Durham and I recorded those hours contemporaneously and all of them were necessary to the prosecution of this action.

36. Mr. Durham's 2021 rate is \$400 an hour and my rate is \$475 per hour. These rates are obviously far below the PLRA rate of \$232.50. If this Court awards only the PLRA rate, Plaintiff's counsel will be compensated for only a fraction of our time on this case. These rates are in line with or below the hourly rates of other attorneys in the Boise area with similar backgrounds, experience, and skill. *See* Declaration of Howard A. Belodoff filed concurrently in Support of the Motion to Award Reasonable Attorney Fees and Expenses, ¶16.

37. These rates are also well in line with what Mr. Durham and I have been awarded by courts in the past. For example, an Idaho state court awarded me \$400 per hour and Mr. Durham \$350 per hour for work performed in 2019 in *Idaho Press Club v. Ada County*, CV-01-19-16277, Fourth Judicial District, Ada County. In the two years since we litigated that case, we increased our fees to be more consistent with the market. Five years ago, I received an hourly rate of \$400 per hour and Mr. Durham received an hourly rate of \$ 325 per hour in *Latta v. Otter*, 771 F.3d 456 (9th Cir. 2014). In 2017, I received a rate of \$425 per hour in *Idaho Rivers United v. U.S. Forest Service*, 16-cv-102-CWD. In 2018, I represented Hydro One Ltd., a publicly traded Canadian utility in a merger before the Idaho Public Utilities Commission at a rate of \$450 an hour. In that case, I was assured of payment for my services, without any contingency

whatsoever. Likewise, and in direct contrast to this case, I was paid each month without delay, upon a submission of my invoice, and without the need to prevail in the matter and then submit a petition for fees.

38. Last month, the Idaho Supreme Court awarded attorney fees in *Reclaim Idaho and the Committee to Protect the Idaho Constitution v. Denney*, No. 48784 (Idaho Supreme Ct., August 23, 2021) when it unanimously struck down as unconstitutional two statutes that impermissibly infringed on the people's power to enact legislation independent of the legislature through the initiative and referendum. For the first time in decades, the Idaho Supreme Court awarded attorney fees under the private attorney general doctrine. It did so because the Idaho Supreme Court found that "[t]he contested legislation constituted a grave infringement on the people's constitutional rights, making this matter vital to the public interest to people across Idaho." (Reclaim Decision at p. 46). I have submitted a fee petition with a rate of \$475 an hour for my work, and Mr. Durham is requesting a rate of \$400 per hour. Our petition for those reasonable fees is now pending before the Court to review our rates and time entries. The parties have reached a tentative settlement of the amount of fees and costs wherein the State would pay the full amount billed by Ferguson Durham, subject to the reservation and understanding that Respondents did not agree that the total amount billed—consisting of hourly rate times hours billed—or the discretionary costs incurred, were necessary or reasonable. This settlement agreement is not final, and is subject to the State's further approval.

39. My rate is also consistent with what I have received as a Special Master. In 2012-2013, I charged \$300 an hour for those services. That rate, charged eight years ago, is comparable to the \$475 hourly rate I request here given the amount of time that has passed. As a Special Master, I was assured of payment for my services, without any contingency whatsoever.

Likewise, and in direct contrast to this case, I was paid each month without delay, upon a submission of my invoice, and without the need to submit a petition for fees.

40. In light of the skill and experience needed to prosecute this case, the risks taken, the work required, the undesirability of the case, the need to attract competent counsel, and the excellent results achieved, we respectfully request that the Court approve this fee request, in addition to awarding a multiplier.

41. In the event Defendants dispute Plaintiff's fee petition, Plaintiff's counsel will submit supplemental time records, at the appropriate time, for any time incurred after September 30, 2021.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Boise, Idaho on October 14, 2021.


Deborah Ferguson

EXHIBIT A

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
08/10/2017	Phone conference with Co-counsel on client visit and case strategy	0.60
08/30/2017	Consultation with Adree Edmo at the Idaho State Correction Institution re: second amended complaint and other litigation matters.	1.30
08/31/2017	Review of draft of Second Amended Complaint suggested edits emailed same to co-counsel.	0.40
08/31/2017	Reviewed AW's edits and responded to CD's bond question.	0.10
09/08/2017	Obtained references for 2 possible medical experts; emailed co-counsel re; same.	0.20
03/19/2018	Meeting with co-counsel on expert's exam of client and status of case.	0.50
04/04/2018	Attended hearing on defendants' motion to dismiss.	1.40
04/04/2018	Debriefing with CD and LR on hearing and case strategy.	0.30
04/04/2018	Email on hearing to AW and locating a 2nd expert witness.	0.10
04/16/2018	Follow up on scheduling second expert witness prison visit.	0.10
04/25/2018	Follow up with 2nd expert on prison visit on 4/30.	0.10
04/25/2018	Review emails with co-counsel on possibility of adding additional plaintiffs.	0.10
04/27/2018	Discussion with CD on modification to birth certificate for client; email to co-counsel re: proceeding with same.	0.20
04/30/2018	Discussion with expert Dr. Gorton on case issues and medical record.	0.50
04/30/2018	Meeting at prison with client and Dr. Gorton for assessment.	2.50
04/30/2018	Email to co-counsel on Dr. Gorton's meeting and records missing from the medical record.	0.10
05/09/2018	Drafted request for birth certificate from Vital Records coordinated same with client advised co-counsel of same.	0.10
05/17/2018	Review of Dr. Gorton's initial draft expert report.	2.20
05/21/2018	File application for PHV for J.W.	0.20
05/30/2018	Review of experts' declarations in support of PI and edits/ suggestions re: same; review of client's declaration and comments on same to co-counsel.	1.00
05/31/2018	Review of brief in support of PI.	0.40
06/07/2018	Review of Court's decision on Defendants' motion to dismiss.	0.50

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
06/07/2018	Review Defendants' motion to extension response time to PI; confer with co-counsel re; same.	0.30
06/08/2018	Review Stewart and Hall declarations of Defendants. Confer with LR on release of Edmo's confidential medical information.	0.40
06/11/2018	Received Certified copy of AE's birth certificate researched new procedures of Dept. of Vital Records' to request gender change on AE's birth certificate.	0.30
06/12/2018	Status conference with the Court.	0.30
06/14/2018	Review and confer with Co-counsel on discovery stipulation and local practice.	0.20
06/21/2018	Review co-counsel email on expert disclosure and respond to same.	0.20
07/06/2018	Research IME requirements and Idaho practice and email co-counsel re: same.	0.30
07/09/2018	Review draft expert report of Dr. Ettner.	0.20
07/09/2018	Coordinate case work re: IME experts and discovery with co-counsel.	0.20
07/16/2018	Meet and confer on discovery disputes with opposing counsel.	0.40
07/16/2018	Follow up call on discovery issues with co-counsel.	0.30
07/17/2018	Review and respond to co-counsel on disputed discovery issues. Date for IME moved to 7/31.	0.30
07/23/2018	Discussions re: IME of IDOC and attendance at IME emails re: same.	0.50
07/23/2018	Draft email to outside firm requesting participation of paralegal in IMG.	0.20
07/23/2018	Respond to LR email on 30(b)6 dep dates and paralegal at IMG.	0.10
07/25/2018	Review of motion for PO and IDOC's motion in state court of PSE.	0.50
07/26/2018	Discussions with LR on discovery conflicts and local practice.	0.40
07/27/2018	Communication to Hadsell Stormer re docs from client	1.00

Ferguson Durham LLC
Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
08/22/2018	Phone call with co-counsel on issues to be covered in 30(b)(6) depositions.	1.30
08/23/2018	Review of dep transcript of Dr. Eliason's deposition and notes re; same for prep of Corizon 30 b6 deposition.	2.40
08/24/2018	Review of training documents produced at Elison's deposition by Corizon; discussions with co-counsel re; same for deposition prep.	2.60
08/25/2018	Assisting in preparation for 30 b 6 depositions.	1.50
08/27/2018	Deposition of Dr. Menard Corizon's Medical Director.	3.50
08/30/2018	Conferred with LR and AW on issues in deposition of Deposition of Dr. Alviso.	0.80
08/31/2018	Deposition of Ashley Dowell.	3.50
09/24/2018	Phone conference with co-counsel to discuss case developments and PI hearing strategy.	1.00
09/27/2018	Review reply brief.	0.40
09/28/2018	Emails with co-counsel on status conference and hearing	0.20
10/01/2018	Client preparation for hearing.	2.00
10/01/2018	Email to BH on arrangements to visit client in prison for hearing preparation.	0.10
10/02/2018	Email to chambers and opposing counsel on arrangements with Marshalls Office.	0.10
10/03/2018	Confer with Co-counsel on witness lists of Defendants.	0.30
10/04/2018	Client preparation for hearing.	1.80
10/04/2018	Confer with Co-counsel on meet and confer re: witness list of IDOC.	0.20
10/04/2018	Client clothing and shoes for PI hearing.	1.00
10/04/2018	Phone conference with co-counsel on witnesses and hearing	1.30
10/06/2018	Client preparation for hearing.	0.50
10/06/2018	Hearing preparation for cross exam of IDOC Stewart.	3.00
10/08/2018	Team meeting at prison with AE; trial preparation.	3.00
10/08/2018	Document review in preparation of cross of Stewart.	0.50
10/09/2018	Delivery to Marshall's Office AE's trial clothes follow up email re: same.	0.30

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
10/09/2018	Preparation for cross examination of K. Stewart and general hearing preparation.	7.50
10/10/2018	Court hearing at PI; witnesses preparation.	7.30
10/10/2018	Post hearing meeting with co-counsel for debriefing and review of anticipated testimony for day 2.	1.80
10/10/2018	Review of cross exam outline of Stewart with LR.	0.40
10/11/2018	Revisions to outline of cross examination of Stewart.	1.30
10/11/2018	Hearing on PI.	6.50
10/11/2018	Confer with co-counsel and email notes on comments and	0.40
10/12/2018	Hearing on PI motion.	7.50
10/12/2018	Post hearing de-briefing with co-counsel.	0.40
10/25/2018	Review of proposed FOF and COL; emailed co-counsel with comments.	0.40
10/26/2018	Review draft of post trial briefing.	0.40
11/01/2018	Review draft press release.	0.20
12/11/2018	Client meeting at prison on current status of medical care; update post hearing.	2.00
12/11/2018	Email debrief co-counsel on updates from client meeting.	0.40
12/11/2018	Review AW's letter to opposing counsel on lack of medical treatment; suggested edits re: same.	0.20
12/13/2018	Review of Court's PI Decision.	0.40
12/17/2018	Email with co-counsel to develop plan for client's medical treatment.	0.20
12/18/2018	Email from Deputy clerk on phone conference confer with co-counsel and respond re: same to chambers.	0.20
12/19/2018	Phone conference with co-counsel on case strategy status call with court and obtaining client's surgery.	1.00
12/21/2018	Conference call with Chambers and counsel on status of case after PI decision.	0.40
12/21/2018	Discussion with CD on case strategy and appeal.	0.50
12/21/2018	Discussion with LR and CD on case strategy and issues post call with chambers.	0.30
12/28/2018	Emails from AW and LR on Adree's medical test results and potential settlement talks.	0.30

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
01/03/2019	Emails from LR and AW on AE's current medical condition and necessary treatment meet and confer issues with opposing counsel.	0.40
01/09/2019	Review Notices of Appeal from IDOC and Corizon; Review co-counsel's draft letter to co-counsel on surgical options	0.30
01/09/2019	Review Defendants' joint motion to stay and memorandum filed in district court.	0.40
01/10/2019	Review IDOC's press release discuss same with co-counsel preparation for multiple media interviews draft talking points; edit and review same	1.80
01/21/2019	Meeting with GP Boise Weekly reporter and CD on article about litigation.	0.80
01/27/2019	Review of draft response in opposition for motion to stay in district court; email to co-counsel re: same.	0.40
01/30/2019	TSC with the Court and opposing counsel.	0.50
01/31/2019	Confer with Co-counsel on Defendants request fro an extension.	0.30
02/12/2019	P/c with AW on research into surgeon time table for appeal.	0.20
02/15/2019	Review defendants' reply on motion to stay in district court.	0.30
03/04/2019	Review District Court order denying motion to stay PI; email to co-counsel re; same.	0.20
03/08/2019	Review Urgent Jt Motion for Stay to 9th Circuit	0.70
03/11/2019	Review Appellants Opening Brief	2.50
03/15/2019	Review Answer of IDOC to Amended Complaint; Review Answer of Corizon to Amended Complaint.	0.50
03/18/2019	Review email from IDOC in advance of Court status conference; confer with co-counsel on same.	0.30
03/18/2019	Review Defendants' Jt Reply on Urgent Motion to Stay before 9th Circuit.	0.40
03/19/2019	Confer with co-counsel on draft status report; edits to same.	0.60
03/21/2019	Review of 9th Cir. order granting stay confer with Co-counsel on same	0.40
03/21/2019	Schedule prison visit with Adree Edmo.	0.10
03/21/2019	Court status conference	1.00
03/22/2019	Prison visit with AE to discuss recent case developments.	1.50

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
03/25/2019	Meeting with LR, AW on media issues; prep for NPR radio interview.	0.60
03/28/2019	Confer with co-counsel on local practice for expedited motions	0.20
03/28/2019	Review FRCP 60 and 62 motion for relief; draft motion re: same and email LR with comments	0.30
03/29/2019	Review court order expediting Rule 60/62 motion	0.10
04/03/2019	Interview on "Idaho Matters" on BSU Public radio on status of case before 9th Cir. and prep for interview.	1.30
04/04/2019	Prision visit with Dr. Lin Frazer for client evaluation.	3.40
04/05/2019	Follow up email with Dr. Frazer.	0.20
04/08/2019	PC with LR and AW on NPR's request for pod casts and client contact; discussion of amici coverage	0.90
04/08/2019	Review draft amicus brief on economic impact and confer with co-counsel on same.	0.60
04/09/2019	Discussion with co-counsel in preparation on hearing re: indicative ruling from Judge Winmill; TC with team re updated Jody Herman amicus brief and what data means for underlying case	0.30
04/09/2019	Review revised amicus draft on economic impact of GCS; respond to AW.	0.30
04/09/2019	Phone status conference and hearing with Court on indicative ruling and pre surgery consultation.	0.50
04/09/2019	Confer with Co-counsel AW and LR on briefings to be filed and indicative ruling.	0.50
04/10/2019	PC with LR and AW on handling media requests and client.	0.70
04/11/2019	Review amicus brief of Legal Scholars.	0.40
04/12/2019	Review amicus brief of Former Corrections officials.	0.40
04/15/2019	Review amicus brief of medical associations.	0.40
04/15/2019	Review amicus brief of Civil rights organizations.	0.40
04/16/2019	Review amicus of Jody Hermann.	0.40
04/24/2019	Interview with NPR on status of legal case.	1.50
05/06/2019	Phone conference with co-counsel re: preparation for oral argument	1.30
05/06/2019	Review of Defendants' It response to Plaintiff's motion to amend appellate record with Judge Winmill's indicative order	0.30

Ferguson Durham LLC
Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
05/13/2019	Review Appellants' Joint reply brief.	2.10
05/13/2019	Participated in 9th Cir. moot court argument with co-counsel.	1.40
05/13/2019	Email co-counsel on next steps in timeline to orchestrate surgery for client.	0.40
05/13/2019	Email prison to schedule client attorney client visit and confirm same.	0.10
05/16/2019	Listened to live streaming of oral argument in 9th Cir.	0.80
05/17/2019	Client visit in prison to discuss status of case and surgical options.	2.30
05/23/2019	Phone conference with Amanda Peacher/ BSU NPR radio responding to her procedural questions on the case and the coverage.	0.70
06/28/2019	Review Defendants' new notice of appeal Doc. 203	0.30
07/09/2019	Review 9th Cir order on supplementing record.	0.10
07/09/2019	Conference with co-counsel on status of case and response to podcasts.	0.50
07/09/2019	Listen to episode 4 and 3; report to co-counsel on content of episode 4.	1.00
08/23/2019	Read 9th Circuit opinion affirming district court.	1.90
08/26/2019	Email to co-counsel on next steps and scheduling conference call.	0.20
08/28/2019	Review LR's agenda and response to same.	0.30
08/28/2019	Phone conference with co-counsel on order lifting discovery stay and meet and confer surgery details 9th Cir and SCOTUS deadlines and plans press and media issues.	1.50
08/28/2019	Research on state's assertions on costs of litigation and surgery and email to co-counsel re: same.	0.30
08/29/2019	Email with co-counsel on comments of Gov. on SCOTUS appeal and media issues.	0.50
08/30/2019	Client visit to review status of case and possible SCOTUS appeal.	1.70
08/30/2019	Follow up with co-counsel on client visit.	1.60
08/31/2019	Responding to media issues.	1.80
09/01/2019	Responding to media issues conferring with Co-counsel re: same.	2.00
09/04/2019	PC with High Country news reporter re: status of case.	0.50

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
09/04/2019	Review of new client retainer agreement edits re: same.	0.30
09/04/2019	Response to Channel 2 TV reporter.	0.30
09/05/2019	Prison meeting with client on status update of litigation.	3.00
09/06/2019	Email to co-counsel on meeting with client.	0.30
09/09/2019	Review petition for en banc review.	0.40
09/10/2019	Status conference with Court.	0.30
09/12/2019	Phone conference with Co-counsel on status of litigation meet and confer debriefing and strategy of defendants further appeals.	0.90
09/13/2019	Respond to High Country News reporter and email co-counsel re: same.	0.20
09/16/2019	Team call after TC with Court.	0.40
09/20/2019	Reviewing response to petition for rehearing en banc comments on same	0.60
09/25/2019	Review motion to modify stay and email co-counsel re: same.	0.40
09/26/2019	Email from LR re: negotiation with OC on possibility of parole	0.20
09/30/2019	Review Defendants' Jt motion and memo to stay	0.30
10/03/2019	Conference call with co-counsel on Def.s motion to stay and litigation strategy	0.40
10/07/2019	Review of response to our motion to partially lift stay in 9th Cir.	0.30
10/10/2019	Review of CD's email on client meeting for status and updates of litigation.	0.10
10/11/2019	Review of 9th Cir order granting our motion to partially lift stay to allow for pre-surgical treatment.	0.30
10/15/2019	Email from LR on negotiations with OC re: discovery and stay.	0.20
10/17/2019	Review AW's notes from status conference with Court.	0.10
10/18/2019	9th Circuit issues scheduling order on appeal.	0.10
10/21/2019	Review our draft response on motion to stay.	0.30
10/21/2019	Review draft report to court on necessary pre surgical treatment.	0.20
10/24/2019	Review court's order requiring Defendants to provide necessary pre surgical treatment; discuss same with co-counsel	0.30

Ferguson Durham LLC
Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
10/29/2019	Email from client and discussion of possibility of parole with co-counsel.	0.20
10/30/2019	Email from LR re: her call to OC re: stay and negotiations for limited discovery and doctor referral letter.	0.20
10/30/2019	Status conference with Court.	0.50
11/01/2019	Review of Defendants' motion to expedite briefing.	0.20
11/01/2019	Review of Defendants' Jt status report under seal.	0.20
11/04/2019	Review of Defendants' reply on Jt. motion to stay.	0.20
11/05/2019	Reviewed plaintiff's draft response to defendants' motion to stay pending new appeal.	0.40
11/05/2019	Review of draft of our motion to strike Declaration of Dawson.	0.20
11/05/2019	Review of notice of appeal to 9th Cir. (3rd appeal).	0.10
11/06/2019	Review of Defendants' response to our motion to strike.	0.20
11/06/2019	Review Court's order vacating hair removal treatment.	0.10
11/06/2019	Email from AW on responding to Defendants' tactics for delay.	0.20
11/07/2019	Review and docket 9th Cir. schedule on 3rd appeal.	0.10
11/07/2019	Review email for LR re: litigation strategy and possible motion to dismiss 3rd appeal for lack of jurisdiction.	0.30
11/08/2019	Review of Court's order denying defendants expedited motion to	0.50
11/09/2019	Phone conference with co-counsel discussing hearing and motion for reconsideration	0.60
11/09/2019	Emails with co-counsel on order denying stay modifications.	0.20
11/12/2019	Review of draft of motion for reconsideration of evidentiary hearing and comments on same.	0.40
11/13/2019	Review of Defendants' ER Motion under Rule 27-3 in No. 19-35917.	0.30
11/13/2019	Review of Defendants' Objections to Court's order and 2nd Declaration of Dr. Stiller and Ex. A.	0.40
11/14/2019	Review of order denying Plaintiff's motion for Reconsideration.	0.30
11/16/2019	Review of Defendants' Jt opening 9th Cir. brief in appeal No. 19-35552.	0.50

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
11/17/2019	Review of Defendants' Jt Brief on Evidentiary Hearing. Email re: comments on same with co-counsel.	0.50
11/18/2019	Email with co-counsel on coordinating assignments on multiple filings within team.	0.30
11/18/2019	Emails with co-counsel on evidence to present at 11/21 hearing and draft of declaration from client re: same.	0.20
11/18/2019	Review motion to Dismiss appeal No. 19-35917 and opp to emergency stay	0.50
11/19/2019	Review of co-counsel's memo on plaintiff's response to defendants' 2nd 9th Cir appeal (No. 19-35552)	0.30
11/19/2019	Review motion to dismiss and reply in support of emergency stay.w defendants' response to m	0.50
11/19/2019	Review draft declaration for client for hearing; discuss revisions with co-counsel	0.40
11/19/2019	Preparation for client meeting on 11/20/2019 in advance of hearing.	0.80
11/19/2019	Review of draft declaration of Dr. Schechter; comments to co-counsel.	0.40
11/20/2019	Prison visit with client to discuss and review her declaration and litigation issues prior to tomorrow's hearing.	1.70
11/20/2019	Send AE's declaration to co-counsel with update on client visit.	0.20
11/20/2019	Review of draft of declaration of Dr. Gorton.	0.20
11/20/2019	Review of draft of Plaintiff's brief re: hearing on surgical	0.50
11/20/2019	Review of dismissal of 9th Cir. appeal # 19-35917 for lack of jurisdiction and discussion re: same on hearing on 11/22/2019.	0.50
11/21/2019	Attendance at hearing on surgical procedure.	2.70
11/21/2019	Pre-hearing meeting with co-counsel.	0.30
11/22/2019	PC with Idaho Press reporter on hearing on 11/21.	0.30
12/12/2019	Review of draft of Answering brief in 9th Cir. appeal 19-35552; emails with co-counsel re: same.	0.40
01/02/2020	Review of Jt 9th Cir. reply brief in 19-35552.	0.50
02/10/2020	Review 9th Circuit's opinion and dissents on denial to rehear case en banc.	0.80

Ferguson Durham LLC
Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
02/10/2020	Emails with co-counsel on deadlines for cert. petition and motions for stay.	0.20
02/13/2020	Preparation and interview on NPR "Idaho Matters".	1.00
02/21/2020	Status conference with court.	0.50
03/04/2020	Review of AW email on communications with Dr. Stiller re: planning of AE's surgery.	0.20
05/07/2020	Review of State's petition for cert. to SCOTUS.	1.60
05/08/2020	Review of State's application for stay to SCOTUS.	1.20
05/15/2020	Review of initial draft of LR and AW opposition to application to stay.	1.20
05/17/2020	Review of drafts and edits to opposition to stay.	0.80
05/27/2020	Update on preparations for surgery from AW per Dr. Stiller.	0.20
06/08/2020	Phone conference with LR AW and SB discussing whether to permit client interview.	0.70
06/11/2020	Review email re: surgical arrangements.	0.30
06/12/2020	Conference call with SCOTUS co-counsel on opposition to cert. petition.	0.60
06/16/2020	Review co-counsel agreement with SCOTUS counsel.	0.20
06/18/2020	Sign and return the co-counsel agreement.	0.10
06/25/2020	Discussion with co-counsel on Covid pre-surgery concerns.	0.30
06/26/2020	Additional emails exchanged on covid concerns at prison and impact on surgery; next steps to protect Ms. Edmo.	0.30
06/29/2020	Phone conference with co-counsel on Covid in ICCU and threat to AE.	0.30
06/29/2020	Discussion with CD on the procedure to alert the court of COVID threat.	0.30
06/29/2020	Review of communications re: COVID with AE with LR and AW.	0.20
06/29/2020	Review of ex parte motion to test and transport AE.	0.30
06/30/2020	Review IDOC response to ex parte motion; email to co-counsel re: same and our reply.	0.40
06/30/2020	Emails between BH and co-counsel on testing and transport issues	0.40
06/30/2020	Conference set by the court for 9 am on 7/1/2020.	0.10
07/01/2020	Telephone status conference with Court.	0.50

Ferguson Durham LLC

Deborah Ferguson Time through September 30, 2021

DATE	DESCRIPTION	TIME
07/05/2020	Emails to co-counsel on IDOC's transportation of possessions to AE to Orofino.	0.20
08/06/2020	Review draft brief in opposition to cert. before Supreme Court.	0.40
10/28/2020	Zoom conference with co-counsel to discuss the next steps after the stay is lifted and remaining case issues to be tried.	1.00
12/29/2020	Review of opposing counsel's emails regarding settlement conference with a judge; respond to LR regarding same.	0.20
01/14/2021	Team zoom call to discuss litigation plan and strategy for damages trial.	1.20
01/29/2021	Review mediation order and email from LR forwarding Defendants requests.	0.30
02/01/2021	Phone call with LR discussing mediation on 2/9 and strategy and status zoom call.	0.20
02/01/2021	Status conference with the Court.	0.20
02/23/2021	Review of draft confidential settlement memo.	0.30
03/07/2021	Review of time entries for settlement conference.	0.50
03/09/2021	Participation in settlement conference before Judge Tallman.	5.70
07/26/21	Phone conference with AW and CD discussing fee petitions and supporting declarations	1.00
08/11/21	Revisions to my draft declaration	1.00
08/18/21	Review of CD edits to declarations, additional edits, and emailed draft to AW	0.30
08/19/21	Review additional edits of AW and LR to my declaration in support of fees and made further revisions	0.30
08/19/21	Response to an email from SS regarding costs on fee petition	0.10
09/13/21	Revisions and updates to my draft declaration ISO the fee petition	1.00
09/30/21	Addition to DF declaration to reflect the current status of fee recovery on Reclaim Idaho case, and update of hours billed through and including 9/30/2021	0.50
	Totals (in hours)	195.40

Ferguson Durham LLC
Craig Durham Time through September 30, 2021

DATE	DESCRIPTION	TIME
06/16/2017	Meeting with Edmo at ISCI. Discussion of entry of appearance possible co-counsel and deadlines among other matters.	0.70
06/16/2017	Travel to and from ISCI.	0.50
06/16/2017	Reviewing filings in the case to date.	0.50
06/19/2017	Drafting and filing entry of appearance.	0.20
06/19/2017	Drafting email to opposing counsel regarding scheduling matters.	0.20
06/22/2017	Preparing circulating and filing stipulation to vacate and reset deadlines.	0.70
08/10/2017	Phone conference with co-counsel Amy Whelan Lori Rifkin and DAF.	0.60
08/11/2017	Phone call with Adree about Lori and Amy's visit. Also discuss motion for PI delay and housing situation.	0.30
08/11/2017	Email to Brady Hall re: status of motion for PI by 9/1.	0.20
08/28/2017	Reviewing draft amended complaint and emailing comments to co-counsel.	0.50
08/28/2017	Reviewing letter received by Adree and emailing letter with comments to co-counsel.	0.50
08/30/2017	Reviewing draft second amended complaint and email from LR and making notes on the same.	0.70
08/30/2017	Consultation with Adree Edmo at the Idaho State Correction Institution re: second amended complaint and other matters.	1.30
08/30/2017	Drafting and sending email to co-counsel Lori Rifkin and Amy Whelan regarding responses from Adree to their questions after our meeting at ISCI.	0.40
10/05/2017	TC with co-counsel regarding Adree's status and experts.	0.50
10/12/2017	Phone call with Adree.	0.40
10/12/2017	Telephone call with Deborah to discuss consultation with Adree this morning and next steps.	0.30
02/05/2018	Telephone call with Adree regarding new field memo cracking down on GD inmates. Email to co-counsel reflecting the same.	0.40
03/19/2018	Meeting with co-counsel to discuss client interview and expert exam.	0.50

Ferguson Durham LLC
Craig Durham Time through September 30, 2021

DATE	DESCRIPTION	TIME
03/29/2018	Video moot court with co-counsel.	1.40
04/04/2018	Meeting with co-counsel LR before and after motions hearing to discuss case.	0.70
04/04/2018	Attend hearing on defendants' motion to dismiss.	1.40
05/17/2018	Review of Dr. Gorton's initial expert report.	0.50
05/31/2018	Review of client's declaration in support of motion for preliminary injunction.	0.40
05/31/2018	Review of expert declarations and brief in support of motion for preliminary injunction.	0.60
07/11/2018	Travel to and from ISCI to meet with client.	1.00
07/11/2018	Meeting with client to discuss birth certificate change scheduling of the proceedings and additional matters related to discovery.	0.70
07/11/2018	Email to co-counsel with update regarding meeting with client today.	0.40
08/08/2018	Phone conversation with Lori Rifkin and SS regarding meet and confer on discovery issues and 30(b)(6) depositions.	0.30
08/09/2018	Reviewing reply to Corizon's motion to compel discovery.	0.30
08/09/2018	Participating on conference call to mediate discovery dispute for IME with David Metcalf and counsel.	0.40
08/23/2018	Preparing for Corizon 30(b)(6) deposition.	4.50
08/25/2018	Preparing for Corizon 30(b)(6) deposition.	5.00
08/26/2018	Preparing for Corizon 30(b)(6) deposition.	5.00
08/27/2018	Taking 30(b)(6) deposition of Dr. Steven Menard.	3.50
08/29/2018	Telephone conference call with co-counsel regarding Dr. Alviso's deposition and upcoming IDOC 30(b)(6) deposition.	1.00
08/30/2018	Preparing for 30 b 6 deposition of IDOC representatives.	10.00
08/31/2018	Taking deposition of Ashley Dowell and Laura Watson of IDOC.	5.00
09/05/2018	Teleconference with co-counsel regarding defendants' expert reports and upcoming depositions of defendants experts and case strategy.	1.30
09/20/2018	Travel to and from ISCC to meet with client.	1.00

Ferguson Durham LLC
Craig Durham Time through September 30, 2021

DATE	DESCRIPTION	TIME
09/20/2018	Meeting with client to discuss expert reports evidentiary hearing and status of the case.	1.30
09/24/2018	Phone call with all cocounsel to discuss recent depositions and strategy moving forward.	1.00
09/27/2018	Reviewing draft reply brief and making comments.	0.60
09/27/2018	Attending telephone status conference.	0.70
10/04/2018	Team call with co-counsel regarding strategy for upcoming hearing including witnesses exhibits and other matters.	1.00
10/08/2018	Team meeting with AE with co-counsel at prison.	3.00
10/09/2018	Preparing for cross examination of Dr. Steven Menard.	3.00
10/10/2018	Hearing on motion for PI.	7.30
10/10/2018	Further preparation for cross-examination of Dr. Steven Menard.	1.50
10/11/2018	Attending motion hearing on PI confer with client and co-counsel.	6.50
10/12/2018	Hearing on motion for PI conferring with client and co-counsel.	7.50
10/12/2018	Post-hearing debrief with co-counsel.	0.40
10/27/2018	Reviewing briefing for suggestions and comments.	0.50
12/13/2018	Review of memorandum decision and order.	0.30
12/19/2018	Phone call with co-counsel regarding strategy for TSC with the Court logistics for surgery and more.	1.00
12/21/2018	Discussion with DAF on case strategy after decision.	0.50
12/21/2018	Discussion with DAF and LR regarding case strategy re: possible appeal.	0.30
12/21/2018	Conference case with chambers regarding case status and next steps.	0.40
01/04/2019	Emails from co-counsel regarding medical tests and settlement possibilities.	0.30
01/30/2019	TSC with the Court and co-counsel.	0.50
03/05/2019	Attend telephonic status conference.	0.40
05/06/2019	Team strategy call re: upcoming oral argument.	1.30
05/13/2019	Participating in moot court with co-counsel via zoom.	1.40

Ferguson Durham LLC
Craig Durham Time through September 30, 2021

DATE	DESCRIPTION	TIME
09/16/2019	Attending telephone status conference.	0.30
09/16/2019	Team call after telephone status conference regarding strategy.	0.40
09/20/2019	Reviewing response to petition for rehearing en banc commenting on the same.	0.50
09/25/2019	Reviewing motion to modify stay and commenting on the same.	0.40
10/08/19	call w LR re prep for client visit	0.50
10/10/2019	Travel to and from ISCC to meet with client.	1.00
10/10/2019	Meeting with client to go over current status of case and retrieved signed documents.	0.80
10/10/2019	Draft email to the group regarding client meeting and update from client.	0.40
10/17/2019	Attend telephonic scheduling conference.	0.50
11/05/2019	Reviewing plaintiff's response to defendants' motion to stay pending new appeal.	0.40
11/12/2019	Reviewing draft of motion to reconsider order granting evidentiary hearing and commenting on the same.	0.50
11/18/2019	Review of motion to dismiss and opposition to Defendants' motion for emergency stay from Oct. 24 2019 district court order and comment on the same.	0.30
11/19/2019	Reading Defendants' Joint Brief on appeal from Judge Winmill's May 31 order on remand.	0.50
11/19/2019	Reviewing co-counsel's memorandum on responding to Defendants' Joint Brief on appeal from Judge Winmill's May 31 order on remand and commenting on the same.	0.50
11/20/2019	Travel to and from ISCC to meet with Adree to discuss hearing set by Judge Winmill on November 15 related to appropriate pre-surgical appointments and to review her declaration.	1.00
11/20/2019	Meeting with Adree at the prison to review her declaration for hearing in front of Judge Winmill regarding presurgical appointments.	0.70

Ferguson Durham LLC
Craig Durham Time through September 30, 2021

DATE	DESCRIPTION	TIME
11/20/2019	Reviewing briefing for Judge Winmill regarding presurgical appointments and commenting on the same.	0.30
11/21/2019	Attendance at hearing on surgical technique and presurgical steps.	2.70
02/12/2020	Phone conference about possible petition for cert position on motions to stay and litigation in this district court.	0.70
03/10/2020	Reviewing plaintiff's response to defendant's motion to stay all discovery and matters in the district court pending petition for cert.	0.50
08/06/2020	Reviewing draft brief in opposition to cert. before Supreme Court.	0.50
10/28/2020	Zoom call with team members about strategy moving forward.	1.00
12/15/2020	Status conference with the court.	0.40
01/14/2021	Team zoom call to discuss litigation plan and strategy for damages trial.	1.20
02/23/2021	Reviewing proposed settlement statement and making edits on the same.	0.50
03/07/2021	Preparing attorney's fees for settlement conference.	0.50
03/09/2021	Participating in settlement conference	5.70
07/26/21	Phone conference with DF and AW re fee petitions and supporting declarations	1.00
	Totals (in hours)	118.20

Activities Export

10/14/2021
3:47 PM

Date	Type	Description	Matter	User	Hours	Rate (\$/hr)	Non-billable (\$)	Billable (\$)
10/04/2018	\$	Client clothing and shoes for PI hearing. ● Draft invoice 560	00151-Edmo Civil Rights	Deborah Ferguson	-	160.02	-	160.02
07/27/2018	\$	Documents from client shipped to Hadsell Stormer ● Draft invoice 560	00151-Edmo Civil Rights	Deborah Ferguson	-	112.40	-	112.40
					0.00h		\$0.00 0.0h	\$272.42 0.0h

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO, in his
official capacity; JEFF ZMUDA, in his
official capacity; HOWARD KEITH
YORDY, in his official and individual
capacities; CORIZON, INC.; SCOTT
ELIASON; MURRAY YOUNG; RICHARD
CRAIG; RONA SIEGERT; CATHERINE
WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF DEVI M. RAO IN
SUPPORT OF PLAINTIFF'S MOTION FOR
REASONABLE ATTORNEYS' FEES AND
EXPENSES THROUGH SEPTEMBER 30, 2021**

I, Devi M. Rao, hereby declare and state:

1. I am an attorney who represented the Plaintiff in the proceedings before the United States Supreme Court arising from this action. A true and correct copy of my resume is attached hereto as **Exhibit A**.

2. Since June 24, 2020, I have served as Supreme Court & Appellate Counsel at the MacArthur Justice Center (MJC) where I litigate appeals in the U.S. Courts of Appeals and the U.S. Supreme Court. In my role at MJC, I compose briefs and argue important civil rights and criminal justice issues in federal appeals courts across the country, and in the U.S. Supreme Court, including related to issues of qualified immunity, excessive force, municipal liability, habeas corpus, access to the courts, police misconduct, and federal sentencing issues. My work at all stages of my career has involved cases before the United States Supreme Court as well as numerous federal and state appellate courts, and civil rights-related work.

3. In addition to my practice at MJC, I serve as Lecturer on Law at Harvard Law School, where I co-direct Harvard Law's Criminal Justice Appellate Clinic and Seminar.

4. Prior to joining MJC, I was a partner in the Supreme Court and Appellate Practice at Jenner & Block LLP. In that role, which I had when I was first retained by Ms. Edmo in this case, I litigated constitutional and regulatory matters and complex commercial disputes in state and administrative courts, district courts, courts of appeals, and the U.S. Supreme Court. During my tenure at the firm, I maintained a robust pro bono docket that focused on civil rights work, such as representing medical and mental health professionals, including WPATH, as *amici curiae* in appellate cases involving transgender medical care.

5. Prior to my work at Jenner & Block, I served as a law clerk for Justice Ruth Bader Ginsburg on the U.S. Supreme Court and for Judge M. Margaret McKeown on the U.S. Court of

Appeals for the Ninth Circuit.

6. I was also a Skadden Fellow at the National Women’s Law Center, where I focused on using Title IX to combat sex-based discrimination, including discrimination on the basis of gender identity. As a Skadden Fellow, I utilized Title IX to remedy gender-based bullying and harassment in schools by providing technical assistance to school staff, educating parents and students, representing clients, and advocating for increased legal protections.

7. In 2013, I authored a law journal article in the *Wisconsin Journal of Law, Gender & Society* entitled “Gender Identity Discrimination is Sex Discrimination: Protecting Transgender Students from Bullying and Harassment Using Title IX.” *See*, 28 WIS. J.L. GENDER & SOC’Y 245 (2013).

8. Jenner & Block, and later MJC after I transferred to that organization, were retained by Ms. Edmo as Supreme Court counsel in this litigation along with attorneys from Cooley LLP. We agreed to represent Ms. Edmo on a completely pro bono basis, meaning that she is not obligated to pay anything for the legal services we provided to her. Instead, assuming Ms. Edmo succeeded on her appeal, we agreed to submit our hours to this court as part of Plaintiff’s overall fee motion. The Jenner team consisted primarily of two attorneys, me and Adam Unikowsky, and one paralegal, Cheryl Olson. Mr. Unikowsky has extensive experience litigating cases before the U.S. Supreme Court. Since 2016, Mr. Unikowsky has won eight cases before that court as lead counsel. *See* <https://jenner.com/people/AdamUnikowsky>. As noted below, however, we have removed Mr. Unikowsky’s time, 3.5 hours, as an exercise of billing judgment reduction even though his work was reasonable and necessary. Ms. Olson is the head paralegal at Jenner & Block’s Washington, D.C. office and has more than 25 years of experience as a paralegal.

9. After I moved to the MacArthur Justice Center, our team consisted of me, David

Shapiro, and Eliza McDuffie. Because we have removed Mr. Shapiro's time as an exercise of billing judgment reduction, I do not include his full credentials here. In short, however, Mr. Shapiro founded MJC's Supreme Court and Appellate Program, was a federal trial court and federal appellate lawyer for many years, and he has extensive experience litigating in federal appellate courts and the U.S. Supreme Court, including serving as lead counsel in a case argued last term. See https://www.macarthurjustice.org/team_member/david-m-shapiro. Ms. McDuffie was a legal fellow at MJC. A true and correct copy of Ms. McDuffie's resume is attached hereto as **Exhibit B**. Briefly, however, Ms. McDuffie has focused her work on civil rights matters. After leaving MJC, she served as a law clerk to the Honorable Beverly B. Martin of the U.S. Court of Appeals for the Eleventh Circuit, and is currently a fellow at the Southern Center for Human Rights. Previously, she was a legal intern at the ACLU of Georgia, the Southern Center for Human Rights-Capital Litigation Unit, and the Legal Aid Society-Criminal Appeals Bureau. In law school, Ms. McDuffie was a Student Attorney for the Harvard Prison Legal Assistance Project and the Domestic Violence and Family Law Clinic. She also served as a Student Fellow at the Criminal Justice Policy Program. As a law student, Ms. McDuffie won several awards for both her writing and her oral advocacy skills.

10. Attached hereto as **Exhibit C** is a true and correct copy of the time records for the legal staff mentioned above. For ease of reference and because the entries are short, I have combined the entries of Jenner & Block and MJC. Each office maintains an electronic system for recording and managing time entries and costs incurred for individual matters. Timekeepers are required to record their time accurately and on a timely basis, providing a description of the work performed. The attorneys and staff on this matter followed these practices.

11. As **Exhibits C** shows, we are seeking fees for 16.25 hours of my time, 24 hours of

Ms. McDuffie's time, and 6.75 hours of Cheryl Olson's time. Our responsibilities included editing and helping prepare the opposition to stay application pending resolution of the petition for writ of certiorari, editing and helping prepare the brief in opposition to that petition, and editing and strategizing about the response to Defendants' suggestion of mootness.

12. All of this work was necessary and reasonable to secure Plaintiff's victory in this case at the Supreme Court level. Our attorneys worked effectively, efficiently, diligently, and without unnecessary duplication. Where appropriate, for instance, we relied on Ms. Edmo's long-standing counsel to direct us to the relevant briefing, research, and record materials related to the appellate issues. We then worked with the lawyers at Cooley LLP to divide tasks related to the Supreme Court briefs. The Cooley team took the lead drafting the Brief in Opposition, although Ms. McDuffie and I focused on the research and arguments in that brief related to Eighth Amendment medical care cases, an area we had particular experience with. It was essential that the brief in opposition educate the U.S. Supreme Court about that body of law and precedent in order to show that the District Court's and Ninth Circuit's consideration of the WPATH standards of care was not unusual and, in fact, typical of how courts regularly rely on standards of care in other Eighth Amendment medical care cases. As noted above, I came to this case with substantial experience with these issues given my prior work.

13. Based on my experience litigating before the Supreme Court, the hours submitted with this Declaration are extremely reasonable. We have nevertheless chosen to exercise billing judgment reductions by excluding Mr. Unikowsky's time and Mr. Shapiro's time from our fees, even though their work was reasonable and necessary. This results in a reduction of 7.5 hours. We also do not seek reimbursement for some costs incurred in connection with our representation of Plaintiff in this matter and which would ordinarily be reimbursed by our clients. This includes

costs for our Westlaw research related to the case, as well as phone and copying charges.

14. Although the PLRA rate for this case is \$232.50 per hour, my hourly rate and the rates for the other attorneys and staff included in this petition, are much higher. When I left Jenner & Block in 2020, for instance, my scheduled rate was \$885 per hour and Ms. Olson's paralegal rate, as the head paralegal at Jenner's Washington, D.C. office was \$400 per hour. Those were the scheduled rates that we used as a basis to charge fee-paying clients and that are consistent with rates charged by attorneys and paralegals with similar experience in the Washington, D.C. market. As a 2019 law school graduate, Ms. McDuffie would also have a much higher hourly rate in the Washington, D.C. market than the \$232.50 PLRA rate. Jenner & Block, for instance, has set scheduled hourly rates for second year associates at \$580 per hour. Although I am aware that Washington, D.C. rates are higher than rates charged by attorneys and staff in Idaho, these are the rates that Supreme Court practitioners would typically charge to fee-paying clients for work before the U.S. Supreme Court, regardless of where the case originated, and litigants before the Supreme Court often seek for such counsel.

15. It has been reported, for instance, that the State of Oklahoma recently executed a substantial retainer with Paul, Weiss, Rifkind, Wharton & Garrison LLP for legal services necessary to "investigate, defend, and litigate legal claims" related to the Supreme Court's decision last year in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020). See Mike Scarella, *Paul, Weiss inked \$700K contract with Oklahoma to undo tribal rights ruling*, Reuters, Aug. 16, 2021 (available at <https://www.reuters.com/legal/government/paul-weiss-inked-700k-contract-with-oklahoma-undo-tribal-rights-ruling-2021-08-16/> (including link to contract)). The contract noted that the head of the firm's Supreme Court practice group in Washington, D.C. normally bills at

\$1,824 an hour, and a particular appellate associate usually bills at \$1,160, although they agreed to provide a 50% discount to Oklahoma. The associate's *discounted* rate is still nearly 2.5 times more than the PLRA's rate of \$232.50.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 4, 2021 in Washington, D.C.


Devi M. Rao
Attorney for Plaintiff

EXHIBIT A

DEVI M. RAO

501 H Street, NE, Suite 275
Washington, DC 20002

(202) 869-3490
devi.rao@macarthurjustice.org

EDUCATION:

Columbia Law School, Juris Doctor, 2010

James Kent Scholar (2008-2010); Harlan Fiske Stone Scholar (2007-2008)
Columbia Law Review, Editor-in-Chief (2009-2010)
Columbia Journal of Gender & Law (2007-2008)
Columbia Law Women's Society (Academic Chair, 2008-2009)
Intern, Legal Momentum (Fall 2008)

University of California, Berkeley, Bachelor of Arts, History, summa cum laude, 2005

Thesis: *A Class of Unfortunate Women: Chinese Women Immigrants and the 1875 Page Law*
Honors: Matilda Morrison Miller Prize for Thesis
Activities: Intern, ACLU Immigrants' Rights Project (Fall 2004)
The Daily Californian, Photographer

EXPERIENCE:

MacArthur Justice Center

Supreme Court & Appellate Counsel

Draft briefs and argue cases in the U.S. Courts of Appeals and the U.S. Supreme Court.

Washington, DC
June 2020-Present

Harvard Law School

Lecturer on Law, Criminal Justice Appellate Clinic & Seminar

Cambridge, MA
Winter 2021-Present

Jenner & Block LLP

Partner, Appellate & Supreme Court Practice

Associate

Litigate constitutional and regulatory matters and complex commercial disputes in state and administrative courts, district courts, courts of appeals, and U.S. Supreme Court. Draft briefs, argue motions and appeals.

Washington, DC
January 2018-June 2020
November 2014-December 2017

Hon. Ruth Bader Ginsburg, U.S. Supreme Court

Law Clerk

Washington, DC
July 2013-July 2014

National Women's Law Center

Skadden Fellow

Utilized Title IX to remedy gender-based bullying and harassment in schools by providing technical assistance to school staff, educating parents and students, representing clients, and advocating for increased legal protections.

Washington, DC
September 2011-July 2013

Hon. M. Margaret McKeown, U.S. Court of Appeals for the Ninth Circuit

Law Clerk

San Diego, CA
August 2010-August 2011

Goldstein, Demchak, Baller, Borgen & Dardarian

Summer Associate

Researched and drafted briefs, motions, and memoranda regarding Title VII employment discrimination.

Oakland, CA
Summer 2009

United States Attorney's Office, White Collar Unit

Law Clerk

San Francisco, CA
Summer 2008

Goldstein & Associates, PC

Legal Assistant

Washington, DC
June 2005-June 2007

PUBLICATIONS:

Gender Identity Discrimination is Sex Discrimination: Protecting Transgender Students from Bullying and Harassment Using Title IX, 28 WIS. J.L. GENDER & SOC'Y 245 (2013).

Note, *The Continued Enforceability of the Medicaid Act's Availability Requirement Through § 1983 Litigation*, 109 COLUM. L. REV. 1440 (2009).

EXHIBIT B

ELIZA MCDUFFIE

EDUCATION	HARVARD LAW SCHOOL , J.D. 2019, <i>cum laude</i> Activities: Ames Moot Court Competition, Best Overall (finals and semi-finals); Best Brief (finals and semi-finals) <i>Harvard Civil Rights-Civil Liberties Law Review</i> , Student Writing Editor Harvard Law Students for Reproductive Justice, Executive Board Member	
	EMORY UNIVERSITY , B.A. in Women's, Gender, and Sexuality Studies, May 2013 Honors: Dean's List (GPA: 3.8/4.0) Study Abroad: Bogazici University, Istanbul, Turkey, Fall 2011	
EXPERIENCE	SOUTHERN CENTER FOR HUMAN RIGHTS , Atlanta, GA <i>Equal Justice Works Fellow, Impact Litigation Unit</i> Leading project aimed at ending solitary confinement for young people incarcerated in Georgia's adult prisons using litigation and public education.	2021 – Present
	U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT , Atlanta, GA <i>Law Clerk to the Honorable Beverly B. Martin</i>	2020 – 2021
	RODERICK & SOLANGE MACARTHUR JUSTICE CENTER , Washington, DC <i>Harvard Public Service Venture Fund Fellow, Supreme Court & Appellate Program</i> Advocated for civil rights and criminal justice in the U.S. Supreme Court and federal courts of appeals. Litigated a wide range of issues including solitary confinement, police misconduct, and prisoner access to courts. Took the lead in briefing as well as provide assistance to other attorneys. Tracked issues and identified potential cases. Communicated with clients about representation and case strategy. Argued appeal in the U.S. Court of Appeals for the Seventh Circuit raising complex constitutional challenges to solitary confinement.	2019 – 2020
	DOMESTIC VIOLENCE AND FAMILY LAW CLINIC , Cambridge, MA <i>Student Attorney</i> Provided legal assistance on issues including divorce, domestic violence, paternity, child and spousal support, adoption, and guardianship. Conducted legal and factual research, interviewed clients, drafted complaints and other legal documents, negotiated with opposing parties and counsel, argued motions and represented clients in family and probate court.	Spring 2019
	AMERICAN CIVIL LIBERTIES UNION OF GEORGIA , Atlanta, GA <i>Legal Intern</i> Assisted in litigation efforts to protect and advance civil liberties in Georgia. Researched and drafted memoranda on issues including protest rights under the First Amendment, citizenship requirements for Georgia's elections, and Georgia's Prison Litigation Reform Act. Drafted portion of brief challenging local school board election scheme under § 2 of the Voting Rights Act. Assisted in oral argument preparation, protest organization, and field investigation.	Summer 2018
	SOUTHERN CENTER FOR HUMAN RIGHTS , Atlanta, GA <i>Legal Intern, Capital Litigation Unit</i> Assisted in representing clients with capital sentences in Georgia and Alabama. Conducted extensive research on the interaction between race-based jury discrimination in violation of <i>Swain v. Alabama</i> and Georgia's standard for granting extraordinary motions for new trial. Assisted in investigation and hearing preparation. Worked on-site during January and remotely during the Spring semester.	Winter – Spring 2018
	CRIMINAL JUSTICE POLICY PROGRAM , Cambridge, MA <i>Student Fellow</i> Created pretrial manual geared towards bail reform for prosecutors in Kentucky. Researched Kentucky statutory law and court rules, interviewed stakeholders, and worked with other fellows to draft manual.	Fall 2017 – Spring 2018
	HARVARD PRISON LEGAL ASSISTANCE PROJECT , Cambridge, MA <i>Student Attorney</i> Represented inmates in Massachusetts prisons at disciplinary hearings. Conducted client interviews and legal research.	Winter 2017 – Spring 2019
	LEGAL AID SOCIETY , New York, NY <i>Legal Intern, Criminal Appeals Bureau</i>	Summer 2017

ELIZA MCDUFFIE

Assisted in representing indigent clients in direct appeals. Researched and drafted briefs advocating in favor of sentence reduction, arguing for downward departure of offender risk-levels, and challenging the facial sufficiency of accusatory instruments. Researched and drafted memoranda about whether New York's mandatory lifetime sex offender registration for juveniles tried as adults violates the Eighth Amendment, and whether New York's guidelines for adjudicating sex offender risk-levels violate the State Administrative Procedure Act.

COMMON SENSE MEDIA, New York, NY

Winter 2015 – Summer 2016

Education Intern

Researched and rated technology resources based on their ability to close the achievement gap in math and science courses. Lead workshops on integrating technology into the classroom. Provided feedback to teachers on tech-rich lesson plans.

TEACH FOR AMERICA, MARKED TREE HIGH SCHOOL, Marked Tree, AR

2013 – 2015

Secondary Mathematics Teacher

Designed and instructed problem-based mathematics curricula for over 100 high school students in high-poverty rural community in the Arkansas Delta. Worked with limited resources to achieve student test scores above both regional and national averages. Provided early morning tutoring to students in alternative school. Developed and implemented inaugural ACT and Career Preparation course.

Tennis Coach

Led 15 students in practice sessions four days a week during fall semester. Tripled team size by eliminating try-outs and teaching new players. Raised money for equipment and uniforms through fundraisers and community outreach. Qualified for Arkansas state tournament in 2013 and 2014. Achieved 1st Place in Boys' District Championship 2014.

Junior Class Sponsor

Organized fundraising of over \$3,000 in support of the junior class. Led weekly advisory groups of 14 students in discussion of academics, college and career readiness, and current events.

Geometry Professional Learning Community Leader

Selected by Teach For America staff to lead monthly training sessions for other corps members. Provided feedback to corps members on Geometry lesson plans.

NYC CRIMINAL COURTS, New York, NY

Summer 2012

Midtown Community Court Intern for the Honorable Felicia Mennin

Researched and prepared report on restorative justice approaches for Judge Mennin and court staff. Presented research to clinical professionals and attorneys. Participated in all aspects of NYC Criminal Court internship program, including observing numerous courts in session.

GRAMERCY PARK HOTEL, New York, NY

Summer 2011

Special Events Intern

Aided in all aspects of special event planning and execution. Drafted contracts, managed event calendars, created database of clients and vendors, assisted at events, performed general office tasks.

ORPHANAGE OUTREACH, Monte Cristi, Dominican Republic

Summer 2010

Teacher and Volunteer

Taught daily English and mathematics lessons, assisted in upkeep of orphanage, planned field trips.

SUMMERSTAGE, New York, NY

Summers 2008, 2009

Volunteer

Worked at approximately 30 events each summer. Solicited donations, sold merchandise, managed guest list, and assisted talent.

PUBLICATION *Disenchanted by the Love Drug: The Negative Potentiality of a Monogamy Drug*, FEMINISM, SEXUALITY, AND NEUROETHICS: EMERGING UNDERGRADUATE SCHOLARSHIP (2012).

EXHIBIT C

Edmo v. IDOC**Jenner Block / MacArthur Justice Center Time through September 30, 2021**

DATE	ATTORNEY	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
05/06/20	Devi M. Rao	Reviewed stay petition.	1.00	1.00	0.00
05/07/20	Devi M. Rao	Conferred with co-counsel re stay petition; prep for same	1.00	1.00	0.00
05/17/20	Devi M. Rao	Edited opposition to petition for stay.	2.75	2.75	0.00
05/17/20	Cheryl L. Olson	Cite checked opposition to application for stay pending disposition of petition for a writ of certiorari.	0.50	0.50	0.00
05/17/20	Adam G. Unikowsky	Reviewed materials; sent email re same.	2.50	0.00	-2.50
05/18/20	Cheryl L. Olson	Cite checked opposition to application for stay pending disposition of petition for a writ of certiorari; reviewed and revised opposition to application for stay pending disposition of petition for a writ of certiorari.	6.25	6.25	0.00
05/18/20	Devi M. Rao	Edited opposition to stay brief.	0.75	0.75	0.00
05/18/20	Eliza McDuffie	Cite Checking	4.00	4.00	0.00
05/22/20	Devi M. Rao	Conferred with co-counsel re brief in opposition.	0.50	0.50	0.00
05/26/20	Devi M. Rao	Conferred with co-counsel re brief in opposition.	0.25	0.25	0.00
05/27/20	Devi M. Rao	Conferred with co-counsel re brief in opposition.	1.10	1.10	0.00
05/28/20	Devi M. Rao	Conferred with D. Shapiro re brief in opposition.	0.25	0.25	0.00
06/01/20	Devi M. Rao	Reviewed correspondence from co-counsel.	0.25	0.25	0.00
06/04/20	Devi M. Rao	Reviewed correspondence from co-counsel re retainer letter.	0.25	0.25	0.00
06/05/20	Devi M. Rao	Conferred with co-counsel at MacArthur Justice Center.	0.25	0.25	0.00
06/12/20	Devi M. Rao	Conferred with co-counsel re Brief in Opposition.	0.60	0.60	0.00
06/25/20	Eliza McDuffie	Bio Research	6.10	6.10	0.00
06/25/20	Eliza McDuffie	Bio Research	1.10	1.10	0.00
06/26/20	Eliza McDuffie	Bio Research	6.30	6.30	0.00
06/26/20	Eliza McDuffie	Bio Research	6.50	6.50	0.00

Edmo v. IDOC**Jenner Block / MacArthur Justice Center Time through September 30, 2021**

DATE	ATTORNEY	DESCRIPTION	HOURS BILLED	HOURS CHARGED	BILLING JUDGMENT REDUCTION
06/26/20	Devi M. Rao	Reviewed research memorandum from Eliza McDuffie re Standards of Care for Eighth Amendment medical care claims and chart of prison medical care cert petitions; reviewed material cited in same.	1.00	1.00	0.00
07/02/20	Devi M. Rao	Reviewed correspondence from Lori Rifkin re status of case.	0.20	0.20	0.00
07/07/20	Devi M. Rao	Emailed Edmo team re unpublished Fifth Circuit opinion interpreting Gibson case.	0.10	0.10	0.00
08/04/20	Devi M. Rao	Edited draft of brief in opposition; reviewed substantive emails from co-counsel group re same.	1.80	1.80	0.00
08/04/20	Adam G. Unikowsky	Worked on brief.	1.00	0.00	-1.00
08/06/20	Devi M. Rao	Reviewed near-final version of brief in opposition.	0.40	0.40	0.00
08/24/20	Devi M. Rao	Reviewed petitioner's reply brief and suggestion of mootness brief.	1.60	1.60	0.00
08/25/20	Devi M. Rao	Reviewed correspondence from Lori Rifkin re reseach on mootness issue.	0.10	0.10	0.00
09/01/20	Devi M. Rao	Edited draft of response to suggestion of mootness	1.10	1.10	0.00
08/26/21	Devi M. Rao	Reviewed and edited fee petition declaration	0.50	0.50	0.00
09/01/21	Devi M. Rao	Reviewed and edited updated draft of fee petition declaration	0.40	0.40	0.00
09/08/21	Devi M. Rao	Reviewed A. Unikowsky proposed edits to fee petition declaration	0.10	0.10	0.00
		Total (in hours)	50.50	47.00	-3.50

Lori Rifkin, Esq. (CA # 244081)
(*pro hac vice*)
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(*pro hac vice*)
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Amy Whelan, Esq. (CA # 215675)
(*pro hac vice*)
Julie Wilensky, Esq. (CA # 271765)
(*pro hac vice*)
National Center for Lesbian Rights
870 Market Street, Suite 370
San Francisco, CA 94102
Telephone: (415) 365-1338
Facsimile: (415) 392-8442
Email: AWhelan@NCLRights.org
jwilensky@nclrights.org

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO, in his
official capacity; JEFF ZMUDA, in his
official capacity; HOWARD KEITH
YORDY, in his official and individual
capacities; CORIZON, INC.; SCOTT
ELIASON; MURRAY YOUNG; RICHARD
CRAIG; RONA SIEGERT; CATHERINE
WHINNERY; and DOES 1-15;

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF KATHLEEN R.
HARTNETT IN SUPPORT OF PLAINTIFF'S
MOTION FOR REASONABLE ATTORNEYS'
FEES AND EXPENSES**

I, Kathleen R. Hartnett, hereby declare and state:

RELEVANT BACKGROUND AND EXPERIENCE

1. I am an attorney representing the Plaintiff in the proceedings before the United States Supreme Court arising from this action. I am a litigation partner in the San Francisco office of the law firm of Cooley LLP, which I joined in 2020 after 3.5 years of partnership at Boies Schiller Flexner LLP. Prior to that, I served as Deputy Assistant Attorney General in the United States Department of Justice's Civil Division from 2013–2015, where I oversaw the Federal Programs Branch in high-profile civil litigation, as well as Special Assistant to the President and Associate White House Counsel from 2010–2013. Before my government service, I was an attorney in private practice, including at my own firm, Spiva & Hartnett LLP, from 2006–2010, where I litigated a variety of cases at the trial and appellate level, and at Jenner & Block LLP from 2003–2006, where I focused on Supreme Court and appellate litigation.

2. My work at all stages of my career has involved cases before the United States Supreme Court as well as numerous federal and state appellate courts, as well as civil rights-related work, both in private practice and while in government. Since returning to private practice from government in 2016, in addition to my work on this matter, I recently served as counsel of record in a case before the United States Supreme Court on petition for a writ of *certiorari* (in which we successfully obtained denial of the petition) and have submitted several *amicus* briefs in merits cases before the United States Supreme Court. I also am currently or recently have been counsel of record in appellate matters before the United States Courts of Appeals for the Second and Ninth Circuits, and am actively participating in several other appellate matters. While at the Department of Justice, I regularly contributed to appellate and Supreme Court litigation of matters handled by the Federal Programs Branch that I supervised, and my work at the White House likewise involved

complex and high-profile appellate issues. At my own firm, I argued a Fifth Circuit appeal, submitted Supreme Court petitions and *amicus* briefs, and otherwise was involved with several appellate matters. And as an associate at Jenner & Block, I contributed to numerous Supreme Court and appellate matters at the merits stage and as an *amicus* and argued before the D.C. Court of Appeals.

3. In addition to my experience representing the federal government in high-profile civil rights litigation spanning a wide range of topics from 2010–2015, my work in private practice both before and after my government service has involved civil rights and other constitutional challenges, including: on behalf of transgender students seeking to participate in school sports in the face of state bans, against unlawful federal government executive actions (including Executive Orders and regulations), and on behalf of death row inmates, a D.C. prisoner, a sexual assault victim, and immigrants seeking relief from removal and detention.

4. I received my bachelor's degree *magna cum laude* from Harvard College in 1996. I received my law degree *magna cum laude* from Harvard Law School in 2000, where I served as an editor and Treasurer of the *Harvard Law Review*.

5. Following law school, I served as a law clerk for the Honorable Merrick Garland of the United States Court of Appeals for the District of Columbia Circuit and then for the Honorable John Paul Stevens of the United States Supreme Court.¹

6. I am a member of the bar of the Supreme Court of the United States, the bars of the United States Courts of Appeals for the Second, Fourth, Fifth, Ninth, Tenth, Eleventh, Federal, and District of Columbia Circuits, all of the United States District Courts located in California, the United States District Court for the District of Columbia, the bars of the States of New York and

¹ My online biography has additional details on my background and experience: <https://www.cooley.com/people/kathleen-hartnett>.

California, and the District of Columbia bar.

7. I am familiar with the legal fees and expenses charged in civil litigation in federal courts throughout the country. Given my work in the specialized areas of appellate and Supreme Court practice, I am particularly familiar with the hourly rates commonly charged by lawyers with experience similar to mine working in national law firms in markets such as San Francisco and Washington, D.C.

SUMMARY OF MY FIRM'S ROLE IN THE LITIGATION AND RESULTS OBTAINED

8. Cooley was retained by Plaintiff as Supreme Court counsel after Defendants filed a petition for writ of *certiorari* seeking review of the Ninth Circuit's opinion in this case and, at the same time, applied to the Supreme Court for an emergency stay of the injunction affirmed by the Ninth Circuit. The Cooley team consisted primarily of three attorneys—myself, Elizabeth B. Prelogar, and Barrett J. Anderson—along with other attorneys and various professional staff supporting the team. Plaintiff's counsel decided to retain us for this stage of the litigation because of our extensive experience litigating appellate issues in the Supreme Court.²

9. As counsel for Plaintiff in the Supreme Court, Cooley's responsibilities included reviewing the opposition to the application for a stay pending resolution of the petition, preparing and filing a brief in opposition to the petition, and preparing and filing a response to Defendants' suggestion of mootness. The following paragraphs provide further detail regarding Cooley's work at the Supreme Court stage of the litigation.

10. Cooley worked in concert with the Rifkin Law Office; the National Center for

² Ms. Prelogar has been nominated to be the Solicitor General of the United States and thus no longer has a firm-hosted biography, but an announcement of her nomination that includes a public biography may be viewed at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/11/president-biden-nominates-elizabeth-prelogar-for-solicitor-general/>. Mr. Anderson's biography may be found at: <https://www.cooley.com/people/barrett-anderson>.

Lesbian Rights; Hadsell, Stormer, Renick & Dai LLP; Ferguson Durham, PLLC; Jenner & Block LLP; and the MacArthur Justice Center. The participation and collaboration of each of these groups was critical to the preparation of filings of the highest quality and in the compressed timelines described below. As the first case to reach the Supreme Court from a lower court decision concluding that gender confirmation surgery and related care was medically necessary for a serious medical need of an incarcerated transgender person under the Eighth Amendment deliberate indifference standard, it was critical that all arguments were made as thoroughly and effectively as possible to the Supreme Court and that all counter-arguments were thoroughly considered and rebutted. Co-counsel helped ensure that our arguments were consistent with the history of the case, our client's specific interests, and the broader interests and ramifications for incarcerated people generally.

11. Immediately after Cooley was retained on May 11, 2020, Ms. Prelogar consulted with Plaintiff's then-existing legal team regarding Plaintiff's opposition to Defendants' stay application, which was due only seven days later on May 18. The injunction that Defendants sought to stay provided our client with a medically necessary procedure and post-operative care to treat her ongoing and extreme suffering and medical needs; a stay of that injunction would have caused untold further suffering for our client. The Supreme Court denied the application to stay.

12. Next, the Cooley team took primary responsibility for researching and drafting the brief in opposition to the petition. Defendants identified what they asserted was a split in the federal circuit courts, argued that the Ninth Circuit's decision was inconsistent with Supreme Court precedent, and contended that the issue was one of national importance requiring the Court's review. Given the variety and scope of issues involved, the brief in opposition required a substantial amount of research and drafting by the Cooley team into Supreme Court precedent and

other circuit authority. This work was performed in conjunction with Plaintiff's broader legal team, who brought their subject-matter expertise and knowledge of the proceedings in the lower courts. The Supreme Court ultimately denied the petition for *certiorari* on October 13, 2020.

13. On the same day that Defendants filed their reply in support of their petition, they also filed a suggestion of mootness, arguing that the completion of the medically necessary procedure for Plaintiff rendered the Ninth Circuit's opinion moot and thus required that it be dismissed and vacated along with the district court's opinion and injunction. Plaintiff's counsel had only ten days to research, draft, and file a response to the suggestion of mootness. The response involved a nuanced factual explanation that the injunction required more than simply the medically necessary procedure, but also post-operative care, as well as a description of the remaining proceedings in the lower courts that militated against vacatur of the decisions of the Ninth Circuit and district court. The response also required substantial additional legal research into the doctrine of mootness and vacatur, issues not previously addressed in the briefing. On October 13, at the same time the Supreme Court denied the petition, it also declined to find the case moot or vacate the lower court opinions.

14. The Supreme Court's decision not to grant review or find the case moot was not only correct as a legal matter, but also deeply important for our client and an overwhelming legal victory for Plaintiff's legal team. Plaintiff has since resolved her remaining claims and secured the rights afforded to her under the Eighth Amendment. The decision, while specific to the facts of Plaintiff's case, will undoubtedly have a major impact on Eighth Amendment claims asserted by transgender inmates and serve as proof that the medical needs and suffering of transgender people are real and warrant treatment when medically necessary.

BILLING RATES, RECORDS, AND COSTS

15. I have been personally involved in this case since May 17, 2020, and have been involved with Cooley's representation of Plaintiff since that date. As part of my responsibilities, I reviewed all of Cooley's records related to attorneys' fees incurred in this case. These records include the number of hours expended by each attorney, the hourly rate charged by each attorney, and the descriptions of tasks performed for each discrete unit of time on the time entries in the billing statements associated with this case. As a general matter, Cooley attorneys worked on the following major categories of work: (1) consulting on and reviewing the opposition to the application to stay; (2) researching, drafting, and editing the brief in opposition to the petition for *certiorari*; (3) researching, drafting, and editing the response to Defendants' suggestion of mootness; and (4) preparation of this declaration and supporting exhibits for the related motion for attorneys' fees.

16. All of this work was necessary and reasonable to secure Plaintiff's victory in this case and was consistent with Cooley's expectations for the time and effort expended in a case before the Supreme Court. Cooley's work required substantial time from two partners, one senior associate, and various other attorneys and professional staff, all with experience in federal and state appellate courts.

17. Following the conclusion of the Supreme Court proceedings arising from this action, Elizabeth Prelogar was appointed by the incoming Biden Administration as the Principal Deputy Solicitor General, and has now been nominated by President Joseph R. Biden to be the Solicitor General of the United States. Scott Stemetzki, who contributed to research that supported our brief in opposition, was hired by the United States Department of Justice as a trial attorney in the Environment and Natural Resources Division, Land Acquisition Section.

18. Cooley maintains an electronic system for recording and managing time entries and costs incurred for individual matters. Timekeepers are required to record their time accurately and on a timely basis, providing a description of the work performed. The Cooley attorneys on this matter followed these practices. Likewise, all costs and disbursements were also recorded through this electronic system. That system was used to generate the attached **Exhibit 1**, which sets forth the time diary entries for the members of the Cooley team for which we are seeking fees. Applying the firm's usual billing rates, the Cooley team billed \$398,426.00 in fees. In this case, Cooley seeks only **\$172,189.50** in fees, which is the \$86,094.75 lodestar at the PLRA rate in addition to a 2.0 multiplier.

19. I am aware that the \$232.50 PLRA hourly rate applies to this case. The PLRA rate is significantly lower than the market rates Cooley charges and, in the absence of a multiplier, would drastically under-compensate Plaintiff's counsel. The 2021 hourly rates for the Cooley attorneys who worked on this matter are as follows: \$1,250 per hour for my time; \$1,070 per hour for Mr. Anderson, a ninth-year associate; and \$665 per hour for Jamie D. Robertson, a third-year associate.³ The 2020 hourly rates for attorneys who worked on this matter but who are not currently with Cooley were as follows: \$1,085 per hour for then-partner Elizabeth B. Prelogar and \$970 per hour for then-seventh-year-associate Scott W. Stemetzki.⁴ These rates are consistent with the hourly rates Supreme Court practitioners typically charge to fee-paying clients for work before the United States Supreme Court, regardless of where the case originated. Based on my years of litigation experience before the Supreme Court, as well as my time as a clerk, it is common for parties to retain Supreme Court counsel if their litigation reaches that level.

³ Ms. Robertson's biography may be found at: <https://www.cooley.com/people/jamie-robertson>.

⁴ Ms. Stemetzki is currently employed by the US Department of Justice and thus no longer has a firm-hosted biography; a public biography for him may be found at: <https://www.linkedin.com/in/scott-stemetzki-17218038/>.

20. The attached **Exhibit 2** sets forth the reasonable expenses for which Cooley is seeking reimbursement in this case. This exhibit was generated based on information kept in Cooley's internal billing system. The costs include reasonable charges for printing, filing, and serving the various Supreme Court briefs in this matter, and total a modest \$1,327.40.

REDUCTIONS AND UNREQUESTED FEES

21. Cooley and our co-counsel performed our work effectively, efficiently, diligently, and without unnecessary duplication. Based on my experience litigating before the Supreme Court, the hours recorded by Cooley in this case to be reasonable. The expenses incurred were necessary and reasonable to litigate this case before the Supreme Court. We have nevertheless chosen to exercise billing judgment and have reduced our request for fees and expenses in the following ways.

22. First, we do not seek fees for timekeepers on this matter who spent fewer than ten hours on the matter, including time billed by summer associates and the paralegals and other professional support staff who worked on this case. These timekeepers do not even appear on Exhibit 1. Although the work by these timekeepers was necessary for our effective representation, we have excluded them as an exercise of billing judgment. This removes approximately 20.7 hours from our billing statement.

23. Second, we made discrete reductions in time that are reflected in the "billed time" and "write off" columns of Exhibit 1. Those reductions removed an additional seven hours of time from our billing statement.

24. Third, we do not seek reimbursement for some costs incurred in connection with our representation of Plaintiff in this matter and which would ordinarily be reimbursed by our clients. Most significantly, we are not seeking reimbursement of approximately \$3,576.37 worth

of electronic research on Westlaw, Lexis Nexis, and Pacer. Nor do we seek reimbursement for other miscellaneous costs totaling approximately \$259.10, including certain costs associated with shipping materials and document preparation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed October 14, 2021 in Oakland, California.



Kathleen R. Hartnett

Exhibit 1

Cooley Time through September 30, 2021

Timekeeper	Date	Actual Time	Billed Time	Narrative	WRITE OFF
Elizabeth B. Prelogar	5/11/2020	0.60	0.60	Review and respond to email re legal representation of A. Edmo in Supreme Court proceedings	
Elizabeth B. Prelogar	5/14/2020	3.00	3.00	Review Idaho's petition for certiorari; review Idaho's motion for stay; draft list of possible arguments for stay opposition; review Ninth Circuit decision and dissents from the denial of rehearing en banc	
Elizabeth B. Prelogar	5/14/2020	1.50	1.50	Telephone conference with L. Rifkin re arguments for briefs in opposition (certification and stay); review and respond to email re same	
Elizabeth B. Prelogar	5/15/2020	0.50	0.50	Review and respond to email re stay opposition	
Kathleen R. Hartnett	5/15/2020	2.00	2.00	Review state's Supreme Court stay application and lower court opinions	
Elizabeth B. Prelogar	5/16/2020	4.50	4.50	Review and begin revising brief in opposition of stay, including reviewing relevant case law	
Elizabeth B. Prelogar	5/17/2020	7.50	7.50	Revise brief in opposition of stay; review and respond to email re same	
Kathleen R. Hartnett	5/17/2020	1.50	1.50	Review draft of Supreme Court stay response and comments, and sent comments on same	
Elizabeth B. Prelogar	5/18/2020	1.30	1.30	Review and revise brief in opposition of stay; review and respond to email re same	
Kathleen R. Hartnett	5/18/2020	1.70	1.70	Correspond re edits to brief in opposition of stay; review as-filed opposition; review additional background/record materials	
Elizabeth B. Prelogar	5/20/2020	0.50	0.50	Attend to email re case initiation steps and strategic considerations for brief in opposition	
Elizabeth B. Prelogar	5/21/2020	0.80	0.80	Review and respond to email re denial of stay and press inquiries	
Kathleen R. Hartnett	5/21/2020	0.30	0.30	Review and correspond re Supreme Court's stay denial and state reply brief re same	
Elizabeth B. Prelogar	5/26/2020	0.20	0.20	Review and respond to email re telephone conference on planning brief in opposition	
Elizabeth B. Prelogar	5/27/2020	1.10	1.10	Telephone conference with K. Hartnett, L. Rifkin, A. Whelan, and D. Rao re logistics and division of labor for brief in opposition, including seeking extension of time and developing mootness arguments	
Elizabeth B. Prelogar	5/27/2020	1.00	0.00	Review and revise co-counsel agreement and engagement letter; review and respond to email	WRITE OFF
Kathleen R. Hartnett	5/27/2020	1.10	1.10	Confer with co-counsel re schedule and strategy for preparation of brief in opposition petition	
Elizabeth B. Prelogar	5/28/2020	0.70	0.70	Telephone conversation with K. Hartnett re staffing and drafting brief in opposition; emails with B. Anderson re same	
Kathleen R. Hartnett	5/28/2020	0.70	0.70	Confer and correspond with E. Prelogar re case strategy, drafting plan, staffing	
Barrett J. Anderson	5/29/2020	4.50	4.50	Research Court Rules, draft letter re extension request; attention to sending letter to Court; review case documents	
Elizabeth B. Prelogar	5/29/2020	1.10	1.10	Review and respond to email re seeking extension of time for the brief in opposition; revise extension letter	
Kathleen R. Hartnett	5/29/2020	0.20	0.20	Attention to re additional research and case schedule	
Barrett J. Anderson	6/1/2020	0.40	0.40	Attention to service on opposing counsel	
Barrett J. Anderson	6/2/2020	0.60	0.60	Call with case team re next steps	
Barrett J. Anderson	6/2/2020	2.90	2.90	Research asserted circuit split case law	
Elizabeth B. Prelogar	6/2/2020	0.60	0.60	Telephone conference with K. Hartnett and B. Anderson re arguments for brief in opposition	
Elizabeth B. Prelogar	6/2/2020	0.10	0.10	Review and respond to email re same and service of motion for extension of time	
Kathleen R. Hartnett	6/2/2020	0.60	0.60	Strategize with team re substance and schedule for brief in opposition	
Barrett J. Anderson	6/3/2020	1.50	1.50	Research into asserted circuit split; review lower court opinions	
Barrett J. Anderson	6/4/2020	1.10	1.10	Research into asserted circuit split; review lower court opinions	
Barrett J. Anderson	6/5/2020	1.20	1.20	Research into asserted circuit split; review lower court opinions	
Barrett J. Anderson	6/8/2020	4.70	4.70	Research into asserted circuit split; review lower court opinions	
Barrett J. Anderson	6/9/2020	4.90	4.90	Research into asserted circuit split; review lower court opinions	
Elizabeth B. Prelogar	6/9/2020	0.20	0.00	Review and respond to email re co-counsel agreement	WRITE OFF
Kathleen R. Hartnett	6/9/2020	0.60	0.60	Review updates from team re case strategy, research and timing; review Supreme Court docket for Fifth Circuit case and correspond with team re same	
Barrett J. Anderson	6/10/2020	2.90	2.90	Obtain, review documents from evidentiary hearing, other lower court filings; research into asserted circuit split; review lower court opinions; propose list of research tasks, deadlines	
Elizabeth B. Prelogar	6/10/2020	0.40	0.40	Review and respond to email re obtaining record documents	
Elizabeth B. Prelogar	6/10/2020	0.40	0.00	Review and respond to email from co-counsel re team meeting, co-counsel agreement, and timing for preparation of the brief in opposition	WRITE OFF
Barrett J. Anderson	6/11/2020	2.50	2.50	Attention to outstanding research tasks; prepare for team status call on next day; review lower court filings	
Elizabeth B. Prelogar	6/11/2020	0.80	0.80	Review and respond to email with team re brief in opposition; review B. Anderson's email re research tasks	

Cooley Time through September 30, 2021

Timekeeper	Date	Actual Time	Billed Time	Narrative	WRITE OFF
Elizabeth B. Prelogar	6/11/2020	0.70	0.00	Revise co-counsel agreement; telephone conference with M. Alger re same	WRITE OFF
Barrett J. Anderson	6/12/2020	0.60	0.60	Team status call	
Barrett J. Anderson	6/12/2020	0.40	0.40	Draft, send research assignments	
Barrett J. Anderson	6/12/2020	4.90	4.90	Draft brief in opposition shell; research Gibson case; review lower court proceedings	
Elizabeth B. Prelogar	6/12/2020	0.30	0.30	Review and respond to email re research tasks for brief in opposition	
Elizabeth B. Prelogar	6/12/2020	0.60	0.60	Videoconference with outside counsel team re ideas for brief in opposition and division of labor	
Elizabeth B. Prelogar	6/12/2020	1.20	0.00	Revise co-counsel agreement and engagement letter	WRITE OFF
Kathleen R. Hartnett	6/12/2020	0.20	0.20	Review and correspond re draft case plan/drafting schedule for brief in opposition	
Kathleen R. Hartnett	6/12/2020	0.60	0.60	Strategy and scheduling call with broader co-counsel team	
Elizabeth B. Prelogar	6/15/2020	0.30	0.00	Review and respond to email re co-counsel agreement	WRITE OFF
Barrett J. Anderson	6/16/2020	0.50	0.50	Call with E. Prelogar, S. Stemetzki re research for brief in opposition	
Barrett J. Anderson	6/16/2020	0.20	0.20	Attention to outstanding research tasks	
Elizabeth B. Prelogar	6/16/2020	0.50	0.50	Telephone conference with B. Anderson and S. Stemetzki re research for brief in opposition	
Elizabeth B. Prelogar	6/16/2020	0.30	0.30	Draft list of research issues for brief in opposition	
Scott W. Stemetzki	6/16/2020	0.50	0.50	Confer with E. Prelogar and B. Anderson re Supreme Court briefing and related research	
Scott W. Stemetzki	6/21/2020	4.40	4.40	Research mootness argument for response to petition for writ of certiorari	
Barrett J. Anderson	6/26/2020	2.50	2.50	Research asserted circuit split; review lower court filings, hearing transcripts	
Barrett J. Anderson	6/27/2020	3.20	3.20	Research Eighth Amendment caselaw; review lower court filings, hearing transcripts; draft brief	
Elizabeth B. Prelogar	6/27/2020	0.20	0.20	Review and respond to email re research for brief in opposition	
Barrett J. Anderson	6/29/2020	3.10	3.10	Review lower court filings, hearing transcripts	
Barrett J. Anderson	6/30/2020	3.60	3.60	Research Eighth Amendment caselaw; attention to lower court transcripts; draft brief	
Scott W. Stemetzki	6/30/2020	0.70	0.70	Research re mootness and wrong vehicle arguments	
Barrett J. Anderson	7/1/2020	4.80	4.80	Research, review lower court filings; draft brief	
Elizabeth B. Prelogar	7/1/2020	0.20	0.20	Review and respond to email re preparation of the brief in opposition	
Barrett J. Anderson	7/2/2020	5.90	5.90	Review research re Eighth Amendment deliberate indifference cases, mootness argument; review lower court transcripts, filings; draft brief	
Elizabeth B. Prelogar	7/2/2020	0.20	0.20	Review and respond to email re A. Edmo surgery and research projects	
Scott W. Stemetzki	7/2/2020	0.40	0.40	Analyze research re mootness; provide comments to team	
Barrett J. Anderson	7/6/2020	7.20	7.20	Research invited error argument; review lower court proceedings; draft brief	
Barrett J. Anderson	7/7/2020	6.80	6.80	Research mootness argument; review lower court proceedings; draft brief	
Barrett J. Anderson	7/8/2020	10.10	10.10	Research mootness, bad vehicle arguments; review lower court proceedings; draft brief	
Scott W. Stemetzki	7/8/2020	4.60	4.60	Research mootness of permanent injunctions; coordinate additional research projects and needs	
Barrett J. Anderson	7/9/2020	7.40	7.40	Draft emails to team re mootness, waiver, invited error; review lower court proceedings; research vehicle issues; draft brief	
Elizabeth B. Prelogar	7/9/2020	0.60	0.60	Review and revise mootness research and draft email to L. Rifkin and A. Whelan re effect of A. Edmos's surgery on the case	
Kathleen R. Hartnett	7/9/2020	1.50	1.50	Review legal research and other updates from team (including re standards in medical care cases, Fifth Circuit decision in Gibson, invited error, waiver, conservative commentary)	
Scott W. Stemetzki	7/9/2020	2.40	2.40	Research and analyze mootness of a permanent injunction; analyze facts of present case re same	
Barrett J. Anderson	7/10/2020	7.40	7.40	Review lower court proceedings; research vehicle issues; draft brief	
Scott W. Stemetzki	7/10/2020	0.50	0.50	Review L. Rifkin analysis re arguments on mootness	
Barrett J. Anderson	7/11/2020	7.10	7.10	Review lower court proceedings; draft brief	
Scott W. Stemetzki	7/11/2020	0.10	0.10	Review research questions from L. Rifkin	
Barrett J. Anderson	7/12/2020	4.10	4.10	Research; finalize brief, circulate draft to team	
Elizabeth B. Prelogar	7/12/2020	0.20	0.20	Review and respond to email re brief in opposition	
Kathleen R. Hartnett	7/12/2020	0.30	0.30	Review cert opposition draft and correspond re review of same	
Barrett J. Anderson	7/13/2020	0.40	0.40	Attention to formatting issues in brief of opposition	
Elizabeth B. Prelogar	7/13/2020	0.50	0.50	Review B. Anderson's draft brief in opposition	
Barrett J. Anderson	7/14/2020	4.40	4.40	Attention to outstanding legal research; respond to questions from co-counsel re invited error, mootness issues	
Elizabeth B. Prelogar	7/14/2020	0.20	0.00	Telephone conference with M. Alger re case-initiation documents	WRITE OFF
Barrett J. Anderson	7/15/2020	0.90	0.90	Attention to interlocutory posture research; respond to questions from case team	
Elizabeth B. Prelogar	7/15/2020	0.20	0.20	Review and respond to email re brief in opposition	

Cooley Time through September 30, 2021

Timekeeper	Date	Actual Time	Billed Time	Narrative	WRITE OFF
Kathleen R. Hartnett	7/15/2020	0.80	0.80	Review and respond to correspondence from Cooley team and co-counsel re various research and case strategy issues	
Barrett J. Anderson	7/16/2020	1.10	1.10	Call with co-counsel re mootness issue	
Barrett J. Anderson	7/16/2020	4.30	4.30	Attention to interlocutory posture research; research mootness question, review Court filings in Karcher, US Bancorp	
Elizabeth B. Prelogar	7/16/2020	0.60	0.60	Review emails re mootness concerns and other procedural issues	
Elizabeth B. Prelogar	7/16/2020	1.10	1.10	Videconference with B. Anderson, K. Hartnett, L. Rifkin, and A. Whelan re strategic considerations in developing brief in opposition	
Kathleen R. Hartnett	7/16/2020	0.20	0.20	Review and comment on correspondence with co-counsel re procedural/vehicle arguments	
Kathleen R. Hartnett	7/16/2020	1.10	1.10	Confer with co-counsel re potential procedural/vehicle arguments	
Kathleen R. Hartnett	7/16/2020	0.80	0.80	Revise draft brief in opposition	
Barrett J. Anderson	7/17/2020	5.10	5.10	Research interlocutory posture, draft new section for brief in opposition; research mootness question	
Kathleen R. Hartnett	7/17/2020	3.20	3.20	Research and revise draft cert opposition	
Elizabeth B. Prelogar	7/18/2020	4.20	4.20	Revise draft brief in opposition	
Kathleen R. Hartnett	7/18/2020	9.10	9.10	Research and revise draft brief in opposition	
Barrett J. Anderson	7/19/2020	4.90	4.90	Edit brief in opposition; research as necessary	
Elizabeth B. Prelogar	7/19/2020	3.20	3.20	Revise draft brief in opposition	
Kathleen R. Hartnett	7/19/2020	0.30	0.30	Review E. Prelogar further edits to brief in opposition	
Barrett J. Anderson	7/20/2020	1.80	1.80	Edit brief in opposition; research as necessary; install correct typesetting	
Elizabeth B. Prelogar	7/20/2020	1.10	1.10	Revise draft brief in opposition; review and respond to email re same	
Kathleen R. Hartnett	7/20/2020	0.60	0.60	Review revisions to draft brief in opposition, as sent to co-counsel	
Barrett J. Anderson	7/22/2020	1.20	1.20	Review proposed edits to draft brief in opposition from co-counsel	
Elizabeth B. Prelogar	7/22/2020	0.20	0.20	Review and respond to email re brief in opposition	
Kathleen R. Hartnett	7/22/2020	0.30	0.30	Review co-counsel comments on draft brief in opposition and correspond re same	
Barrett J. Anderson	7/23/2020	1.20	1.20	Call with co-counsel re draft brief in opposition	
Barrett J. Anderson	7/23/2020	1.90	1.90	Edit brief in opposition; research as necessary	
Elizabeth B. Prelogar	7/23/2020	0.40	0.40	Review L. Rifkin's and A. Whelan's edits and comments on brief	
Elizabeth B. Prelogar	7/23/2020	1.20	1.20	Telephone conference with K. Hartnett, B. Anderson, L. Rifkin, and A. Whelan re revisions to brief in opposition	
Kathleen R. Hartnett	7/23/2020	1.20	1.20	Confer with co-counsel re revisions to brief in opposition and strategy re same	
Barrett J. Anderson	7/24/2020	6.80	6.80	Edit brief in opposition; research as necessary	
Elizabeth B. Prelogar	7/24/2020	0.20	0.20	Review and respond to email re brief in opposition	
Barrett J. Anderson	7/27/2020	0.70	0.70	Review draft brief in opposition; circulate edits to team	
Elizabeth B. Prelogar	7/27/2020	4.50	4.50	Review B. Anderson's revisions to brief and further revise brief in opposition in light of comments from L. Rifkin and A. Whelan	
Kathleen R. Hartnett	7/27/2020	1.40	1.40	Review and comment on revised version of draft brief in opposition	
Barrett J. Anderson	7/29/2020	3.70	3.70	Edit draft brief in opposition re edits from co-counsel; attention to printing services; arrange proof, cite-check	
Elizabeth B. Prelogar	7/29/2020	0.80	0.80	Review additional edits to brief in opposition; review and respond to email re brief in opposition	
Jamie D. Robertson	7/29/2020	0.40	0.40	Review petition and petition appendix	
Kathleen R. Hartnett	7/29/2020	0.30	0.30	Review and correspond re revisions to brief in opposition from co-counsel	
Barrett J. Anderson	7/30/2020	1.00	1.00	Attention to printing services	
Jamie D. Robertson	7/30/2020	0.50	0.50	Review and analyze court rules re briefs in opposition	
Barrett J. Anderson	8/3/2020	0.80	0.80	Attention to order to show cause in Ninth Circuit re mootness	
Barrett J. Anderson	8/4/2020	2.20	2.20	Attention edits to draft brief in opposition; consider response to comments from co-counsel	
Barrett J. Anderson	8/4/2020	0.50	0.50	Watch oral argument in Ninth Circuit	
Elizabeth B. Prelogar	8/4/2020	0.50	0.50	Review and respond to email re suggestions from co-counsel on the brief in opposition	
Kathleen R. Hartnett	8/4/2020	0.40	0.40	Review and correspond re team proposed edits to brief in opposition	
Barrett J. Anderson	8/5/2020	4.30	4.30	Edit draft brief in opposition re comments from co-counsel	
Elizabeth B. Prelogar	8/5/2020	2.30	2.30	Revise brief in opposition in light of comments from co-counsel; review and respond to email re same	
Jamie D. Robertson	8/5/2020	0.70	0.70	Review petition and rules for filing Supreme Court briefs in opposition	
Kathleen R. Hartnett	8/5/2020	1.00	1.00	Review, revise and correspond with team re comments on draft brief in opposition	
Barrett J. Anderson	8/6/2020	2.80	2.80	Edit draft brief in opposition re comments from co-counsel; attention to cite-check, proofing prep	
Elizabeth B. Prelogar	8/6/2020	0.80	0.80	Review K. Hartnett's revisions to brief in opposition; review and respond to email re same; further revise brief in opposition	
Kathleen R. Hartnett	8/6/2020	0.30	0.30	Review and comment on revisions to brief in opposition	

Cooley Time through September 30, 2021

Timekeeper	Date	Actual Time	Billed Time	Narrative	WRITE OFF
Barrett J. Anderson	8/7/2020	1.80	1.80	Attention to cite check, proof, tables, finalizing of draft brief in opposition; correspond with printer re timing	
Elizabeth B. Prelogar	8/7/2020	0.40	0.40	Attend to formatting issues with brief in opposition; review and respond to email re brief in opposition	
Jamie D. Robertson	8/7/2020	3.50	3.50	Review and revise brief in opposition	
Kathleen R. Hartnett	8/7/2020	0.10	0.10	Correspond with team re finalizing brief	
Barrett J. Anderson	8/8/2020	2.40	2.40	Attention to cite check, proof, tables, finalizing of draft brief in opposition	
Elizabeth B. Prelogar	8/8/2020	1.90	1.90	Complete final read of and revisions to brief in opposition	
Jamie D. Robertson	8/8/2020	3.00	3.00	Review and finalize brief in opposition	
Barrett J. Anderson	8/9/2020	3.30	3.30	Attention to cite check, proof, tables, finalizing of draft brief in opposition; send to printer with instructions	
Kathleen R. Hartnett	8/9/2020	0.50	0.50	Final review	
Barrett J. Anderson	8/10/2020	3.10	3.10	Attention to filing brief in opposition, service list, final formatting issues; circulate filed version to team	
Barrett J. Anderson	8/11/2020	0.20	0.20	Attention to service of hard copies	
Barrett J. Anderson	8/12/2020	0.30	0.00	Attention to hard copies	WRITE OFF
Scott W. Stemetzki	8/12/2020	1.10	1.10	Review opposition to petition for certiorari	
Barrett J. Anderson	8/13/2020	0.20	0.00	Attention to hard copies	WRITE OFF
Barrett J. Anderson	8/17/2020	0.70	0.70	Attention to mootness filing in Ninth Circuit; review research on mootness, lower court filings	
Kathleen R. Hartnett	8/17/2020	0.20	0.20	Review and assess Ninth Circuit filings re mootness/vacatur	
Barrett J. Anderson	8/18/2020	1.10	1.10	Attention to mootness filing in Ninth Circuit; send recommendation to E. Prelogar for client	
Elizabeth B. Prelogar	8/18/2020	1.30	1.30	Review and respond to email from L. Rifkin and B. Anderson re Ninth Circuit order to show cause based on possible mootness of appeal; videoconference with B. Anderson re same	
Kathleen R. Hartnett	8/18/2020	0.20	0.20	Further review and correspondence re Ninth Circuit mootness/vacatur filings	
Barrett J. Anderson	8/19/2020	1.10	1.10	Attention to order re mootness in Ninth Circuit; research procedure for filing supplemental briefing re mootness before Supreme Court	
Elizabeth B. Prelogar	8/19/2020	0.30	0.30	Review and respond to email re likely mootness arguments	
Barrett J. Anderson	8/20/2020	0.90	0.90	Research procedure for filing supplemental briefing re mootness before Supreme Court; circulate memo to case team	
Barrett J. Anderson	8/24/2020	0.80	0.80	Review reply, suggestion of mootness	
Barrett J. Anderson	8/24/2020	0.90	0.90	Call with co-counsel re opposition	
Barrett J. Anderson	8/24/2020	3.10	3.10	Research mootness, response to mootness motion	
Elizabeth B. Prelogar	8/24/2020	0.80	0.80	Review suggestion of mootness and outline possible responses	
Elizabeth B. Prelogar	8/24/2020	0.90	0.90	Conference with L. Rifkin, A. Whelan, B. Anderson, and K. Hartnett re strategy for response to suggestion of mootness	
Kathleen R. Hartnett	8/24/2020	0.60	0.60	Review state's reply brief and suggestion of mootness, B. Anderson procedural analysis	
Kathleen R. Hartnett	8/24/2020	0.90	0.90	Confer with co-counsel re reply brief and suggestion of mootness	
Barrett J. Anderson	8/25/2020	4.50	4.50	Research mootness, draft opposition to mootness	
Elizabeth B. Prelogar	8/25/2020	0.30	0.30	Review and respond to email re response to suggestion of mootness and record evidence on scope of the injunction	
Kathleen R. Hartnett	8/25/2020	0.20	0.20	Strategize re mootness response	
Barrett J. Anderson	8/26/2020	6.30	6.30	Research mootness, vacatur, law of the case; draft opposition to mootness	
Barrett J. Anderson	8/27/2020	6.10	6.10	Research mootness, vacatur, law of the case; draft opposition to mootness	
Barrett J. Anderson	8/28/2020	6.60	6.60	Research mootness, vacatur, law of the case; draft opposition to mootness; circulate draft to team	
Elizabeth B. Prelogar	8/28/2020	3.10	3.10	Revise draft response to petitioner's suggestion of mootness	
Barrett J. Anderson	8/29/2020	3.20	3.20	Respond to comments, edits in draft response to suggestion of mootness	
Elizabeth B. Prelogar	8/29/2020	5.50	5.50	Revise draft response to petitioners' suggestion of mootness; review K. Hartnett's revisions to brief; review and respond to email re same	
Kathleen R. Hartnett	8/29/2020	2.80	2.80	Review background materials from co-counsel and revise draft response to suggestion of mootness	
Barrett J. Anderson	8/30/2020	2.60	2.60	Review email from co-counsel to petitioners re continuing care; review edits to response to suggestion of mootness from co-counsel	
Elizabeth B. Prelogar	8/30/2020	0.20	0.20	Review and respond to email about response to petitioners' suggestion of mootness	
Kathleen R. Hartnett	8/30/2020	0.30	0.30	Correspond with team re edits to mootness response	
Barrett J. Anderson	8/31/2020	1.70	1.70	Call Supreme Court of the United States clerk re word limits, deadline; review edits to response to suggestion of mootness from co-counsel	
Elizabeth B. Prelogar	8/31/2020	1.70	1.70	Review L. Rifkin's and A. Whelan's edits to response to suggestion of mootness and further revise response; draft email to co-counsel team re same; draft email re word limits and conversation with Clerk's Office	

Cooley Time through September 30, 2021

Timekeeper	Date	Actual Time	Billed Time	Narrative	WRITE OFF
Kathleen R. Hartnett	8/31/2020	0.30	0.30	Review further edits to mootness opposition	
Barrett J. Anderson	9/1/2020	1.20	1.20	Review edits to response to suggestion of mootness from co-counsel; attention to cite-check, proof	
Elizabeth B. Prelogar	9/1/2020	1.10	1.10	Revise draft response to suggestion of mootness in light of edits from the co-counsel team	
Jamie D. Robertson	9/1/2020	2.20	2.20	Review and revise response to suggestion of mootness	
Barrett J. Anderson	9/2/2020	4.00	4.00	Review cite-check; proof; insert, clean tables; create word count certification; finalize, send to printer	
Elizabeth B. Prelogar	9/2/2020	1.10	1.10	Further revise response to suggestion of mootness in light of further edits from L. Rifkin; complete final read of response to suggestion of mootness	
Jamie D. Robertson	9/2/2020	1.40	1.40	Review and finalize brief in response to suggestion of mootness	
Barrett J. Anderson	9/3/2020	1.20	1.20	Supervise filing, correspond with printing service re filing, service, printing; correspond with co-counsel re filing	
Barrett J. Anderson	9/4/2020	0.20	0.20	Confirm delivery of booklets to Court, opposing counsel	
Barrett J. Anderson	9/11/2020	0.90	0.90	Review Petitioners' reply to mootness; circulate thoughts to team	
Elizabeth B. Prelogar	9/12/2020	0.50	0.50	Review Idaho's reply in support of suggestion of mootness and draft email re same	
Kathleen R. Hartnett	9/12/2020	0.40	0.40	Review State's mootness reply brief and correspondence with co-counsel re same	
Elizabeth B. Prelogar	10/5/2020	0.30	0.30	Review and respond to email re significance of no action on the case on the Supreme Court's order list	
Barrett J. Anderson	10/13/2020	0.30	0.30	Review Court order denying cert with no mootness; review correspondence from co-counsel	
Barrett J. Anderson	10/13/2020	0.10	0.00	Review proposed press release by NCLR	WRITE OFF
Barrett J. Anderson	10/14/2020	0.50	0.00	Attention to press release re decision	WRITE OFF
Barrett J. Anderson	10/15/2020	0.20	0.00	Attention to press release re decision	WRITE OFF
Barrett J. Anderson	10/19/2020	0.80	0.00	Attention to press release re decision	WRITE OFF
Barrett J. Anderson	10/22/2020	0.40	0.00	Edit, circulate to co-counsel press release re decision	WRITE OFF
Elizabeth B. Prelogar	10/22/2020	0.60	0.60	Review and respond to email re possible settlement of further litigation	
Elizabeth B. Prelogar	10/22/2020	0.20	0.00	Review press release re Supreme Court victory	WRITE OFF
Kathleen R. Hartnett	10/22/2020	0.10	0.00	Review and clear press release	WRITE OFF
Barrett J. Anderson	10/23/2020	0.20	0.00	Edit, circulate to co-counsel press release re decision	WRITE OFF
Barrett J. Anderson	3/5/2021	0.30	0.30	Attention to current status of case in lower courts	
Kathleen R. Hartnett	6/23/2021	0.30	0.30	Coordinate re preparation of fee petition materials, correspond with co-counsel re same	
Barrett J. Anderson	6/24/2021	0.70	0.70	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	6/25/2021	0.80	0.80	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	6/29/2021	0.40	0.40	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/1/2021	0.60	0.60	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/3/2021	0.80	0.80	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/6/2021	0.60	0.60	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Kathleen R. Hartnett	7/6/2021	0.10	0.10	Review/comment on draft fee petition time sheet from B. Anderson	
Barrett J. Anderson	7/9/2021	0.30	0.30	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/12/2021	0.70	0.70	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/13/2021	0.80	0.80	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/14/2021	0.40	0.40	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/15/2021	3.80	3.80	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/16/2021	1.70	1.70	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/17/2021	1.20	1.20	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/19/2021	0.90	0.90	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	7/22/2021	1.60	1.60	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Kathleen R. Hartnett	7/22/2021	1.20	1.20	Revise draft declaration in support of fee petition	
Barrett J. Anderson	7/26/2021	0.20	0.20	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	8/4/2021	0.50	0.50	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Kathleen R. Hartnett	8/4/2021	0.50	0.50	Review/respond to comments on draft fee declaration from B. Anderson	
Barrett J. Anderson	8/5/2021	0.50	0.50	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	8/6/2021	0.70	0.70	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
Barrett J. Anderson	9/27/2021	0.20	0.20	Attention to declaration, supporting exhibits re billing for attorneys fee motion	
	TOTALS	377.30	370.30		

Exhibit 2

Edmo v. IDOC

Cooley Costs through September 30, 2021

Work Date	Amount	Narrative
8/10/2020	\$275.00	Cockle Printing - Printing, filing, and e-service of brief in opposition
8/14/2020	\$200.36	Cockle Printing - Printing, filing, and e-service of brief in opposition
8/20/2020	\$292.54	FedEx - Service of paper copies of brief in opposition
9/3/2020	\$250.00	Cockle Printing - Printing, filing, and service of response to suggestion of mootness
9/4/2020	\$309.50	Cockle Printing - Printing, filing, and service of response to suggestion of mootness
TOTAL	\$1,327.40	

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO (a/k/a MASON EDMO),

Plaintiff,

v.

IDAHO DEPARTMENT OF CORRECTION,
ET AL.

Defendants.

Case No.: 1:17-cv-00151-BLW

**DECLARATION OF HOWARD A.
BELODOFF IN SUPPORT OF PLAINTIFF'S
MOTION FOR REASONABLE
ATTORNEYS' FEES AND EXPENSES
THROUGH SEPTEMBER 30, 2021**

I, Howard A. Belodoff, hereby declare and state as follows:

1. This declaration is submitted in support of Plaintiff's Motion for Reasonable Attorneys' Fees and Expenses. I have personal knowledge of the matters stated in this Declaration and could and would competently testify to these facts.

2. I have been a member of the bar of the State of Idaho since September 1978. I am also admitted to practice before the United States District Court for the District of Idaho, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court.

3. Since 1978, I have specialized in representing plaintiffs throughout the State of Idaho, in both the state and federal courts, including civil rights cases involving class actions for injunctive, declaratory and monetary relief. These decisions have established precedent in the District of Idaho and the Ninth Circuit Court of Appeals and some have involved an issue of national importance in the field of civil rights practice. I have past experience in several successful cases for violations of constitutional rights under the Idaho State and United States Constitution.

4. I have also been counsel of record in many successful cases on behalf of jail and prison inmates challenging their conditions of confinement, the right to practice their religion, the right to access to the courts, denial of due process protections, denial of equal protection for women, the denial of medical care, and other violations of the United States Constitution. I was counsel in *Webb v. Ada County*, 285 F.3d 829 (9th Cir. 2002), *cert. denied*, 537 U.S. 498 (2002), which established a national precedent for awarding attorney fee hourly rates in prison litigation under the Prison Litigation Reform Act ("PLRA").

5. I have been counsel of record in numerous appeals to the Ninth Circuit Court of

Appeals and Idaho Supreme Court. I successfully argued 15 appeals before the Ninth Circuit, argued 10 appeals before the Idaho Supreme Court, and have also filed briefs in three different cases in the United States Supreme Court.

6. Beginning in 2009, I litigated *Martin v. City of Boise*, which argued that Boise's law criminalizing unhoused people who slept in public places constituted cruel and unusual punishment prohibited by the 8th Amendment of the U.S. Constitution. The Ninth Circuit agreed with our arguments, resulting in a decision that has led public officials nationwide to seek non-criminal solutions to homelessness. The city filed a writ of certiorari with the U.S. Supreme Court related to that decision, but that Court denied review.

7. I have been the Associate Director of Idaho Legal Aid Services, Inc. (ILAS) and have been an employee for 43 years. ILAS is a statewide non-profit law firm which is primarily funded by grants and donations. ILAS is the primary provider of free civil legal services in the State of Idaho. All of ILAS's clients have to be qualified as a low-income person or group and request legal representation in a case which is determined by the ILAS's Board of Directors to be eligible for services. The need for civil legal representation far outstrips ILAS's ability to provide those services and most of the persons seeking assistance have to be turned down. Moreover, ILAS's regulations currently prohibit ILAS from representing any incarcerated persons.

8. I also have had a part time private practice since 1996. My private office's primary focus is on litigation including major civil rights cases. On many occasions I have been contacted by other attorneys representing plaintiffs as well as governmental defendants to get my opinion and advice in these types of cases. On a regular basis, I receive referrals of civil rights cases from

other attorneys in Boise who direct clients to me because they will not undertake this type of representation and recognize my expertise in these matters. I have been retained to co-counsel cases with other law firms due to my expertise in federal civil rights litigation. I have also been invited to speak at state and national conferences of civil rights attorneys on issues involving civil rights and federal litigation.

9. In 2021, I was honored as a “Distinguished Lawyer” by the Idaho State Bar. This is the Bar’s highest award. Attached as **Exhibit A** is an article related to this award that also summarizes my legal career. I also received the Idaho Trial Lawyers Association James May 2019 Trial Lawyer of the Year award. In 2020 I received the Reginald Heber Smith Award from the National Legal Aid and Defender Association which recognizes the dedicated services and outstanding achievements of civil attorneys who are employed by legal aid organizations.

10. The hourly rate I claim for my attorney time is \$475 per hour. This hourly rate is based upon the rate I presently charge for federal civil rights litigation. I believe \$475 per hour is the least amount that other attorneys with similar skill, reputation and experience charge in Boise for similar work.

11. I have reviewed the Court’s decision in this matter. I have also generally followed this case, which was incredibly unpopular with many people who live in the state.

12. I have also reviewed the Declaration of Deborah A. Ferguson, submitted in support of Plaintiff’s fee petition. Ms. Ferguson has an excellent reputation, background, and experience as a lead attorney in complex federal cases in the District of Idaho. Her law partner, Craig Durham, similarly has an excellent reputation and experience as a civil

rights litigator in Idaho.

13. While I am not personally familiar with the other attorneys who litigated this case, I have reviewed their resumes and biographies and it is obvious they were uniquely qualified to litigate Ms. Edmo's case. Ms. Rifkin, Ms. Whelan, and Ms. Shanbhag, who were the primary litigators involved in most phases of the case, have extensive experience litigating prisoner civil rights cases, have a deep knowledge of constitutional law, and have had extensive experience litigating with medical experts against state prison systems.

14. There are very few attorneys in the state of Idaho who litigate civil rights cases, much less prisoner civil rights cases that are covered by the PLRA. The ACLU of Idaho has only a single attorney, which severely restricts the number of cases the organization can litigate. As stated above, ILAS currently bars its attorneys from representing prisoners.

15. I understand that Plaintiff's counsel's hourly rates are capped in this case by the Prison Litigation Reform Act (PLRA) at \$232.50 per hour. I have become very familiar with the market hourly rates charged by attorneys in the Boise legal market. The PLRA rate is far below the market rate in this region. As stated above, my current rate is \$475 per hour and Deborah A. Ferguson and Craig H. Durham, who have 29 years and 18 years of experience, respectively, charge \$475 and \$400 per hour.

16. These rates are in line with or below the market rates charged by other attorneys in the Boise area. I am aware, for instance, that Dean Bennett, a partner at the Boise law firm of Holland & Hart, has a 2021 hourly rate of \$400 per hour. Mr. Bennett graduated from law school in 2007, twenty-one (21) years *after* Ms. Ferguson and eleven (11) years

after Mr. Durham. Another partner at Holland & Hart, Erik F. Stidman, has a 2021 hourly rate of \$485 per hour, which is higher than Ms. Ferguson's rate even though he graduated from law school in 1991, five years after Ms. Ferguson.

17. I understand that the other attorneys litigating this case have standard hourly rates of between \$400 and \$1,250 per hour and that legal assistants / paralegals have rates ranging from \$175 to \$400. While the attorneys' hourly rates would be lower in the Boise market, compensating them at the PLRA hourly rate grossly under-compensates them for their work and would create a disincentive for other attorneys to litigate similar cases.

18. Based on my experience representing prison and jail inmates throughout my career, including against the Idaho Department of Corrections, I know that it is extremely difficult to litigate prisoner civil rights cases for several reasons. First, the attorneys typically must take the case on a contingency basis and must front all litigation costs, which can be quite extensive. That is precisely what Ms. Edmo's counsel did here. Second, both damage awards and attorneys' fee awards are capped by the PLRA. Third, prison defendants, with taxpayer backing, contest all procedural and legal issues, engage in extensive discovery and motion practice, do not engage in settlement negotiations until all legal maneuvers have been exhausted, if at all, to have the court dismiss the case. The limited constitutional rights of prisoners and the standard for proving deliberate indifference makes the cases incredibly time consuming and expensive to litigate. Moreover, cases like Ms. Edmo's that relate to medical care also require the hiring of experts, which can cost many thousands of dollars, to establish constitutional violations and to counter the experts hired by defendants. Indeed, Plaintiff's counsel incurred thousands of dollars of expert

fees in this case that are not recoverable under Section 1988. Given these risks and complicating factors, there is an incredible disincentive to taking these cases. The Idaho State Bar has relatively few attorney members and only a handful that have experience in representing prisoners. This is primarily due, in my opinion, to the prospect of only recovering a fraction of the attorney fees incurred because of the PLRA's cap on hourly rates, the delay in receiving any attorney fees, and the ability of defendants to challenge or question whether attorney time is compensable as a prevailing party. I know of *no* private attorneys in Boise who would have been able to litigate Ms. Edmo's case without the assistance of out-of-state counsel who have experience litigating prison cases, related to transgender prisoners in particular.

19. Based on my extensive experience litigating civil rights cases in Idaho, Plaintiff's counsel's overall fee request is reasonable. Defendants aggressively litigated this case at every stage, requiring extensive work on the part of Plaintiff's counsel. Many of the issues were novel and complex and the litigation occurred in a relatively short time period.

20. When Defendants made the litigation decision to file a writ of certiorari with the U.S. Supreme Court, it was reasonable for Plaintiff's counsel to retain attorneys who specialize in Supreme Court law. This is a common practice for litigation at that stage. When I was counsel in *Martin v. City of Boise*, for instance (mentioned above), the city of Boise paid a \$75,000 retainer for Supreme Court counsel at Gibson Dunn just to prepare the writ of certiorari. See <https://www.law.com/nationallawjournal/2019/08/27/what-new-supreme-court-cases-reveal-about-big-law-billing-rates/?slreturn=20210710185513>. Although the Supreme Court denied certiorari review, the City's contract would have paid another \$225,000 to Gibson Dunn if the

case was accepted at the merits stage. *Id.*

21. Attached hereto as **Exhibit B** is a copy of the contract that the City of Boise entered into with Gibson Dunn for the *Martin v. City of Boise* case. Notably, the “Terms of Retention of Gibson, Dunn & Crutcher LLP” include the possibility of a fees multiplier being awarded to the firm by the City: “We also ask that you consider whether a discretionary bonus would be appropriate at the conclusion of a matter in light of the results obtained and other factors, including the complexity of the matter, the amounts involved, any time limitations imposed, and the novelty and difficulty of the issues posed.” See Exhibit B at 13. The City of Boise and Gibson Dunn agreed to that provision even though the contract also requires that the City make prompt payments of fees, “within forty-five (45) days after receipt” of invoices. *Id.* at 5.

22. In order to protect the ability of attorneys to litigate civil rights cases in the state, an enhancement to the lodestar is justified in this case by the following factors: the low statutory rate available under the PLRA; the aggressive litigation tactics by defendants; the unpopularity of Ms. Edmo’s case and issues related to transgender people generally; the need to attract competent and skilled counsel to litigate these cases; the incredible result achieved. The PLRA rate compensates attorneys at a rate that is far below the market rates for attorneys with similar experience in even the Boise market. As stated above, Defendants chose to litigate this case vigorously at every stage. While that is their right to do, it also means that Plaintiff’s counsel should be compensated for the time required to respond to that strategy. I am also generally aware that Ms. Edmo’s case was extremely unpopular in the Idaho, even among civil rights attorneys, which created an even greater need to attract competent counsel. Finally, the

result achieved—obtaining the first court-ordered surgery for a transgender prison anywhere in the country—is excellent.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Boise, Idaho on October 14, 2021.


Howard A. Belodoff

EXHIBIT A

Distinguished Lawyer



Photos courtesy of Howard Belodoff.

Howard A. Belodoff, *Idaho Legal Aid Services Inc.*

Legal Aid attorney Howard A. Belodoff (Howie) has spent his 43-year legal career advocating for the rights of tens of thousands of Idahoans. Howie has represented low income, disabled, unhoused and institutionalized Idahoans in cases challenging governmental policies which violate constitutional and civil rights of persons in Idaho and nationwide. Howie is licensed to practice by the Idaho Supreme Court, United States Federal District Court, Ninth Circuit Court of Appeals, United States Supreme Court, and the Shoshone-Bannock Tribes Tribal Court. He has successfully argued 15 appeals in the Ninth Circuit Court of Appeals, has filed briefs in three U.S. Supreme Court cases, and has argued ten Idaho Supreme Court appeals.

Originally hailing from New York, Howie was born in Brooklyn in the shadow of the Statue of Liberty to an immigrant family. His family was among the

first to move to the rapidly growing Long Island suburbia in the 1950s. Howie attended the State University of New York at Plattsburgh, receiving his B.A. in History with a minor in Criminal Justice, *magna cum laude*, in 1974. His study of 20th Century American history and politics during the Vietnam War era, as well as criminal justice and prison reform during his undergraduate education piqued his interest in the legal profession, eventually leading him to the University of Idaho, College of Law, where he received his Juris Doctor in 1978.

Law degree in hand, Howie sought opportunities early in his career to help people in a practical, meaningful way, all based on his guiding principle that equal means equal. During law school, Howie received the Reginald Heber Smith Fellowship from Howard University and after graduation began working at Idaho Legal Aid Services, Inc. (ILAS), in Boise where

he has remained for the entirety of his career. Howie has served as ILAS's Associate Director since 1981 and served as the Director of the Indian Law Unit for 22 years.

His early work with ILAS placed him in Idaho's prisons, jails and state hospitals, working to rectify injustices caused by the conditions of confinement and discriminatory policies. This work included advocating for better treatment for mentally ill children and adults, and equal access to facilities, programming, and healthcare for incarcerated women. One case, originating in 1980, is *Jeff D. v. Little* – a class action that continues today, 41 years later. *Jeff D.* seeks to address the lack of mental health services for children who experience serious emotional disturbances (SED). Howie is the Court appointed Next Friend for the *Jeff D.* class which is composed of the 20,000 Idaho children who are annually estimated to suffer from SED. The case started due to the failure of the State of Idaho to separate children, as



Howard studying at University of Idaho College of Law in 1975-76.

young as ten, from adult patients at State Hospital South and to provide children with age-appropriate mental health treatment and educational services. The objective of the lawsuit was to create a system of assessable community-based mental health services for children who experience a mental health crisis to avoid placement in out-of-state residential care facilities to receive treatment.

Howie was prompted to start his own private practice after a 1996 Congressional restriction on legal aid attorneys' ability to bring class actions. Feeling a deep commitment to the *Jeff D* children, Howie opted to transition to a part-time practice with ILAS while continuing his work on *Jeff D* and other cases. His private practice was and remains devoted primarily to civil rights, environmental, and public interest

Howie has also advocated for the rights of Indigenous Native American people and tribes. These cases involved land leases and rights-of-way on the Fort Hall Reservation and family law matters under the Indian Child Welfare Act. In 2006, with the association of Ernestine Broncho Wereless, a tribal elder, of the Shoshone-Bannock Tribes, Howie challenged the Bureau of Indian Affairs' (BIA) mismanagement of agricultural and grazing leases and the unlawful disclosure of confidential landowner information. *Fort Hall Landowners Alliance (FHLA) v. Bureau of Indian Affairs* was a milestone case that resulted in the end of the BIA's mismanagement of trust lands owned by the tribal members on the Fort Hall Reservation.

The FHLA case was one of several

confidential land ownership information to prospective tenants and utility companies who sought to take advantage of the BIA's flawed appraisal system that undervalued agricultural leases and rights-of-way renewals. For decades, Fort Hall Superintendents would consent to leases and compensation for rights-of-ways at far less than fair market value and failed to penalize land trespassers. Resolution of this case achieved a multimillion-dollar settlement paying tribal landowners statutory damages of at least \$1,000 per violation or their actual losses for the violation of the Federal Privacy Act. Other FHLA cases required the Secretary of the Interior to finalize new leasing regulations, including triple civil trespass damages, and required the BIA to conduct sealed bidding of land leases on Indian Reservations. The



Howard with his youngest, Calle. Any recommendations on how to convince her to go to law school?

al rates for agricultural land on the Reservation and utilities companies are paying millions of dollars in compensation for renewals of expired pipeline and electrical transmission line rights-of-way across tribal and individually owned trust land across the Reservation.

Martin v. City of Boise was another nationally impactful case. Litigated over the course of ten years beginning in 2009, this case required two successful appeals of dismissal by the District Court and a denial of the City's United States Supreme Court Petition for a Writ of Certiorari. In 2019, the Ninth Circuit Court of Appeals held that the criminalization status of homeless persons by citing and arresting them under Boise's "camping" ordinances for sleeping in public places when they had no alternative shelter, constituted cruel and unusual punishment under the Eighth Amendment. Ninth Circuit Court of Appeals decision has led public officials nationwide to seek solutions for homelessness rather than resorting to police enforcement and the criminal justice system.

Aside from case work and litigation, Howie has committed his time and expertise to several entities as a volunteer and pro bono service within the legal community. He served on the Federal District of Idaho's Civil Justice Reform Act Advisory Committee from 1991-96, the Ninth Circuit's Task Force on Prisoner Remedy Procedures from 1994-97, and various other Court committees throughout his career. Howie has been a member of and held

leadership positions on the National Legal Aid and Defender Association (NLADA) Civil Policy Committee, the Idaho Law Foundation Board of Directors, Idaho Trial Lawyers Association Foundation (ITLA), Idaho State Bar Litigation Section, and Richard C. Fields American Inns of Court.

Howie's pro bono service includes work with Veterans and Homeless Stand Downs, a founder and volunteer at the Interfaith Sanctuary Homeless Shelter, the

ITLA Street Law Clinic, the Family Advocates CASA program, mentoring law students, as an Advisory Board member of Voices for Children and as a founding Board member of the FC NOVA soccer club. His well-deserving career earned him the distinct honor of the Reginald Heber Smith Award from the NLADA in 2020. Howie received ITLA's James J. May Trial Lawyer of the Year Award in 2018, the Idaho State Bar's Service Award in 2009, and multiple other accolades.

All of these accomplishments, Howie recounts, would not have been possible if not for the unwavering support of his family. Howie and his wife, Kathy, were married in 2007. His family includes a son Ryen, a daughter Calle and two stepdaughters, Logan and Amber. In his free time, Howie enjoys spending time traveling, on Payette Lake in McCall, reading, walking, weightlifting, and biking with Kathy.

Howie recognizes his accomplishments would not have been possible without his brave clients who stood with him and trusted his judgment. Howie would also like to extend his gratitude to his many dedicated colleagues during his years at ILAS and to the members of the Idaho State Bar and Judiciary who he has the opportunity to work with in the practice of law.



Howard experiencing "good trouble" while representing homeless clients.

EXHIBIT B

**AGREEMENT
FOR
PROFESSIONAL LEGAL SERVICES
Contract # EX 19-369**

THIS AGREEMENT made this 7th day of May 2019, by and between the City of Boise City, a municipal corporation organized under the laws of the State of Idaho, hereinafter referred to as "CITY", and Gibson, Dunn & Crutcher LLP, hereinafter referred to as "FIRM."

WHEREAS, the City Attorney is required to provide legal advice to the CITY and represent the CITY in all actions, both civil and criminal, and is authorized to employ additional counsel when the City Attorney deems it advisable; and

WHEREAS, the tasks outlined below require special expertise beyond the scope of services available by the City Attorney's Office in the ordinary course of representing the CITY; and,

WHEREAS, The City Attorney has concluded that it is advisable to retain FIRM to provide the legal representation in the Scope of Services below on behalf of the CITY;

NOW THEREFORE, the parties agree as follows:

1. Scope of Services.
 - A. FIRM shall represent the CITY as set forth in the Engagement Letter dated May 7, 2019 attached to this Agreement as Exhibit "A" (the "Engagement Letter") and incorporated herein (the "Scope of Services").
 - B. If the Scope of Services does not include litigation, CITY and FIRM shall agree on an activity plan at the time FIRM is initially contacted concerning the assigned matter. The activity plan shall be a general statement of the strategy to be used to achieve CITY's objectives.
 - C. If the Scope of Services includes litigation in a trial court, a written litigation plan and budget must be submitted to the CITY within sixty (60) days of issuance of this Agreement. This may be revised as necessary. The plan must include:
 - i) Review and analysis of liability, discussion of factual and legal strengths and weaknesses of the case, probability of success, and identification of critical items produced in discovery and/or court orders which may be outcome determinative;

- ii) Proposed strategy and tasks to prepare for settlement and trial, recommended motions, depositions, consultants, and experts;
- iii) Estimated budget, handling attorneys and consultants and experts;
- iv) Settlement strategy and recommendation; and,
- v) If settlement is not possible, a trial plan and budget, including estimated length, names of witnesses, summary of testimony, and anticipated evidentiary or procedural motions.

- D. In addition, if in the course of performance FIRM acquires information, including unasserted possible claims or assessments which the CITY must disclose under Statement of Financial Accounting Standards No. 5, of possible liability or monetary exposure for the CITY, whether or not directly related to the tasks identified in the scope of services, FIRM shall immediately convey such information to the City Attorney/Designee.
- E. FIRM shall report to the City Attorney/Designee on the status of the matter and any pending events on a quarterly basis or upon occurrence of an event which affects the activity plan or litigation plan or litigation budget.

2. Attorney Client Relationship. The parties understand and intend that the services shall be provided in the context of an attorney-client relationship between CITY and FIRM;

- A. Except on matters of litigation strategy, prosecution and final settlement, FIRM may communicate directly with the appropriate Boise City Department designee and may rely on the decisions of the CITY Designee in conjunction with and concurrence by the City Attorney/Designee with regard to the objectives of representation. With regard to litigation strategy, case prosecution and settlement, FIRM shall communicate with the City Attorney/Designee. In any event, copies of all correspondence and, subject to Section 18 of the Terms of Retention attached to the Engagement Letter, documents relating to the subject matter shall be directed to the office of the City Attorney for oversight review.
- B. FIRM shall not reveal information relating to representation of CITY
 - 1. unless CITY consents in writing after consultation,
 - 2. unless necessary,
 - 3. unless required,
 - 4. unless disclosures are impliedly authorized in order to carry out the tasks described in the Scope of Services, or

5. unless required by law.

This provision shall survive termination or expiration of this agreement.

- C. During the term of this Agreement, neither FIRM nor any of its constituent lawyers may represent a criminal defendant in a matter prosecuted by the Boise City Attorney's Office without the prior written approval of the Boise City Attorney.
- D. Neither FIRM nor any of its constituent lawyers may use information acquired in performance of this Agreement to the disadvantage of the CITY, without the express prior written consent of the Boise City Attorney. This provision shall survive termination or expiration of this Agreement.
- E. The CITY expressly consents to the representation by FIRM of defendants in criminal matters prosecuted by the Boise City Attorney's Office upon expiration of forty-two (42) days from completion of all outstanding tasks; provided such representation does not involve information acquired in the performance of this Agreement.
- F. Further, if the Scope of Services relates to the defense of a city officer or employee, the CITY expressly consents in writing to such representation.

3. Time of Performance. All work and products described in the Scope of Services shall be completed in a reasonable time frame as negotiated in the individual litigation or activity plan.

4. Insurance. FIRM shall maintain, and specifically agrees that it will maintain, throughout the term of this Agreement, professional liability insurance with policy limits no less than \$500,000.

5. Independent Contractor. In all matters pertaining to this Agreement, FIRM shall be acting as an independent contractor, and neither FIRM nor any officer, employee or agent of FIRM will be deemed an employee of CITY. The selection and designation of the personnel of the CITY in the performance of this Agreement shall be made by the CITY.

6. Compensation. For performing the services specified in Section 1 herein, the CITY agrees to pay FIRM a flat fee in the amount of \$75,000.00 for briefing at the certiorari stage.

Reimbursable direct expenses shall include court costs either awarded by the court or approved by the CITY before being incurred, extraordinary photo copy charges, and long distance telephone charges to recipients outside the Boise local service area; all direct

travel expenses approved by the CITY before being incurred, including air fares, mileage at the rate of 57 cents per mile, taxi and other transfer fares; hotels, meals and other incidental expenses directly related to the performance of the services to be provided pursuant to this Agreement; and the purchase of any materials required for the performance of those services approved by the CITY before being incurred. FIRM must provide copies of receipts for such costs upon request.

Reimbursable direct expenses shall not include any:

- i) sub-contract or other personal services except as may be agreed to in writing in advance by the parties;
- ii) administrative or clerical services, including secretary, docketing, word processing, accounting, library or other clerical staff and any overtime, unless a completion date is specified in the task order and overtime is anticipated at the time of execution of issuance.
- iii) "opening file" or "closing file" administrative charges, including time spent preparing an engagement letter or conflict waivers; this shall also include preparation of any audit letter required by the CITY or its auditors.
- iv) photocopying or materials charges in excess of \$250.00;
- v) telephone charges for calls to the Boise metropolitan area, cellular or pager charges and long-distance charges in excess of the rates charged by the service provider;
- vi) charges for incoming telecopy/facsimile in excess of \$0.10 per page and charges for any outgoing fax in excess of the long distance charge by the service provider;
- vii) computer or automation services other than computerized legal research specifically authorized in advance and at rates not to exceed the cost charged by the service provider;
- viii) meals and lodging in the Boise metropolitan area;
- ix) time charges for preparation of invoices or justification of items invoiced; and,
- x) charges for attorney travel time to the extent work for other clients is performed during travel.

The parties agree that the amounts set forth in this paragraph do not obligate FIRM to complete the matter that is the subject of this Agreement. This Agreement may be amended in the event that additional legal services are needed to complete this matter.

7. Method of Payment. FIRM will invoice directly for all current amounts incurred under this Agreement in accordance with the Engagement Letter and according to the following schedule:

- A. Any amounts awarded by a court and recovered from the opposing party as attorney's fees and costs, will be credited first to accrued costs and fees not then paid by the CITY and the balance remitted to the CITY.

- B. CITY will pay all invoices within forty-five (45) days after receipt.
- C. All invoices shall be sent to:

City of Boise
Legal Department
P. O. Box 500
Boise, ID 83701-0500

The office of the Boise City Attorney will review and approve the invoices prior to authorization of payment of the invoice by the appropriate CITY department. The City Attorney will forward all approval memorandums with invoices to the appropriate departments for payment. Departments shall not be authorized to direct payment without prior oversight review and approval by the City Attorney.

8. Notices. Any and all notices required to be given by either of the parties hereto, unless otherwise stated in this Agreement, shall be in writing and be deemed communicated when mailed in the United States mail, certified, return receipt requested, addressed as follows:

Boise City Attorney's Office	Theane Evangelis
P.O. Box 500	Gibson, Dunn & Crutcher LLP
Boise, Idaho 83701-0500	333 South Grand Ave
(208) 608-7950	Los Angeles, CA 90071-3197

Either party may change their address for the purpose of this paragraph by giving written notice of such change to the other in the manner herein provided.

9. Time is of the Essence. The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of, and a default under, this Agreement by the party so failing to perform.

10. Assignment. It is expressly agreed and understood by the parties hereto, that FIRM shall not have the right to assign, transfer, hypothecate or sell any of its rights under this Agreement except upon the prior express written consent of CITY. In the event the FIRM ceases to exist as the entity executing this Agreement and any member or members of said FIRM desire to continue with the representation of CITY hereunder, a written amendment to this Agreement must be entered into and signed by all parties (outgoing firm, new entity, and CITY) designating which member(s) of said FIRM is/are to continue representation of CITY hereunder. Said amendment shall release CITY for payment (or allocated payments due between old entity and new entity) from date of agreement, state the new name of the entity hereunder for and payment reference, together with consent of CITY for such continued representation by the new entity; the new entity shall provide proof of professional liability insurance as required hereunder.

11. Discrimination Prohibited. In performing the Services required herein, FIRM shall not discriminate against any person on the basis of race, color, religion, sex, sexual orientation, gender identity/expression, national origin or ancestry, age or disability.

12. Reports and Information. Subject to Section 18 of the Terms of Retention attached to the Engagement Letter, at such times and in such forms as the CITY may require, there shall be furnished to the CITY such statements, records, reports, data and information as the CITY may request pertaining to matters covered by this Agreement.

Audits and Inspections. Subject to Section 18 of the Terms of Retention attached to the Engagement Letter, and with reasonable advance notice to FIRM and once annually, there shall be made available to the CITY for examination, all of FIRM's files maintained with respect to the fees, costs, and disbursements in connection with the matters listed in the Scope of Services, above, on behalf of CITY. FIRM shall permit the CITY to audit, examine, and make excerpts or transcripts from such records.

13. Publication, Reproduction and Use of Material. No material produced in whole or in part under this Agreement shall be subject to copyright in the United States or in any other country. Subject to Section 18 of the Terms of Retention attached to the Engagement Letter, CITY shall have unrestricted authority to publish, disclose and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

14. Compliance with Laws. In performing the Scope of Services required hereunder, FIRM shall comply with all applicable laws, ordinances, and codes of Federal, State, and local governments, including applicable rules of professional conduct.

15. Changes. The CITY may, from time to time, request changes in the Scope of Services to be performed hereunder. Such changes, including any increase or decrease in the amount of FIRM's compensation, which are mutually agreed upon by and between the CITY and FIRM shall be incorporated in written amendments to this Agreement.

16. Termination for Convenience of CITY. The CITY may terminate this Agreement at any time by giving written notice to FIRM of such termination and specifying the effective date thereof at least fifteen (15) days before the effective date of such termination. In such event, and upon full payment to FIRM of all amounts owed for services and expenses, and further subject to Section 18 of the Terms of Retention attached to the Engagement Letter, all finished or unfinished documents, data, maps, studies, surveys, drawings, models, photographs and reports prepared by FIRM under this Agreement shall, at the option of the CITY, become its property.

17. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

18. Entire Agreement. This Agreement and the Engagement Letter constitutes the entire agreement between the parties and all previous statements, representations or understandings not incorporated herein shall have no force or effect. This Agreement may be amended or changed only by written consent of the parties.

19. Choice of Law and Venue. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Idaho without giving effect to the conflict or choice of law principles of Idaho or any other jurisdiction. The parties agree that all disputes arising out of or relating directly or indirectly to this Agreement shall be exclusively resolved in accordance with Section 7 of the Engagement Letter, provided that the arbitration shall take place in a mutually-agreeable location in the State of Idaho.

20. Alternative Dispute Resolution. As a condition precedent to arbitration in accordance with Section 7 of the Engagement Letter, the parties shall attempt to resolve any dispute, controversy, or claim arising out of or relating to this Agreement and/or the Engagement Letter, or the breach thereof (each, a "Dispute"), through the following procedure:

- a. A party shall send written notice to the other party of any Dispute ("Dispute Notice"). A Dispute Notice shall be sent in compliance with this Agreement's notice provisions at Section 8. The parties shall attempt in good faith to resolve any Dispute set forth in the Dispute Notice by negotiation and consultation between themselves, including at least one (1) negotiation session attended by the City Attorney for CITY and the FIRM Partner-in-Charge of the representation listed in the Scope of Services.
- b. If the parties cannot resolve the Dispute within thirty (30) business days after one party delivers the Dispute Notice to the other party, then either party may initiate arbitration in accordance with Section 7 of the Engagement Letter.
- c. The parties agree that all offers, promises, conduct and statements, whether written or oral, made in the course of a negotiation session as referenced in Section 22(a) herein by any of the parties, their agents, employees, and attorneys are confidential, privileged and inadmissible for any purpose, including impeachment, in any litigation involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in a negotiation session.

22. Term. This Agreement shall be valid through September 30, 2019.

23. Approval Required. This Agreement shall not become effective or binding until approved by the City of Boise.

END OF AGREEMENT

IN WITNESS WHEREOF, the CITY and FIRM have executed this Agreement as of the date first above written.

CITY:

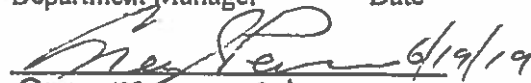
Boise City
150 N. Capitol Boulevard
P.O. Box 500
Boise, ID 83701
PII: (208) 608-7950

FIRM:

Gibson, Dunn & Crutcher LLP
333 South Grand Ave
Los Angeles, CA 90071-3197
PH: (213) 229-7000



Department Manager Date 06/17/19

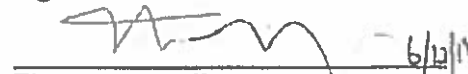


Risk Management Date 6/19/19



Purchasing Agent Date 6-18-19

Signature Date



Theane Evangelis
Partner, Gibson, Dunn & Crutcher
LLP Date 6/12/19

APPROVED AS TO FORM AND CONTENT:



Jayme B. Sullivan, Boise City Attorney Date 5/9/2019

GIBSON DUNN

EXHIBIT A

Gibson, Dunn & Crutcher LLP

333 South Grand Avenue
Los Angeles, CA 90071-3197
Tel 213.229.7000
www.gibsondunn.com

Theane Evangelis
Direct: +1 213.229.7726
Fax: +1 213.229.6726
TEvangelis@gibsondunn.com

May 7, 2019

VIA ELECTRONIC MAIL

Jayne Sullivan
Office of the City Attorney
150 N. Capitol Blvd.
Boise, ID 83702

Re: Representation of the City of Boise

Dear Ms. Sullivan:

We are pleased to welcome the City of Boise as a client of Gibson, Dunn & Crutcher LLP. This letter and the attached Terms of Retention set forth the terms of our engagement.

You are retaining us to provide legal services to the City of Boise in connection with certiorari-stage briefing and any merits-stage briefing and oral argument before the United States Supreme Court in *Martin v. City of Boise*, No. 15-35845 (9th Cir.). We will endeavor to keep you informed of the progress of your matter and respond to your inquiries. You acknowledge the need to provide us with accurate and complete information and the need to cooperate and keep us informed of any developments related to our representation of you. Unless otherwise agreed in writing, the terms of this letter and the attached Terms of Retention will also apply to any additional matters that we handle on behalf of the City of Boise.

Fees and Billing

We will bill the City of Boise on a flat fee basis as follows: \$75,000 for briefing at the certiorari stage, and if the petition is granted, \$225,000 for briefing and oral argument at the merits stage. I will be primarily responsible for this matter, along with other attorneys, including Joseph Tartakovsky, Samuel Eckman, and William F. Cole. Other attorneys and paralegals may also perform services during the course of this engagement. For more information, please refer to the section on Professional Fees in the Terms of Retention.

We will not charge the City of Boise for certain ancillary services, such as word processing and regular secretarial time. We will invoice you for the cost of other services incurred on your behalf. Please refer to the section on Costs and Ancillary Services in the Terms of Retention for additional information.

GIBSON DUNN

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Jayme Sullivan
City of Boise
May 7, 2019
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To the extent all or part of our fees and expenses may be covered by insurance or payments from other third parties, you agree to pay our invoices directly within the 30-day period described in Section 4 of the attached Terms of Retention. If requested, we will work with you to obtain reimbursement from insurers or other third parties provided we do not have a conflict in doing so. You also agree to bring all outstanding invoices current prior to October 31 (the end of our statistical year) and December 31 (the end of our fiscal year).

Waiver of Prospective Conflicts on Unrelated Matters

We represent many other clients. It is possible that during or after the time we represent the City of Boise, other present or future clients will ask us to represent them in disputes or transactions with or involving the City of Boise (which includes any related persons or entities) as to legal matters not substantially related to our representation of the City of Boise. It is also possible that other future or present clients will ask us to take a position on their behalf on a legal or policy issue in matters not substantially related to our representation of the City of Boise that is inconsistent with, or contrary to, a position advocated by the City of Boise, or that the City of Boise may perceive as being directly or indirectly adverse to the City of Boise's interests. In such situations, the Firm could be tempted to balance the interests between its clients rather than vigorously assert a single client's interest on an issue. We do not believe, however, that our simultaneous representation of you in the present matter, and our representation of another client in any such substantially unrelated matter adverse to you, will compromise our ability to adequately represent you.

We wish to clarify our mutual understanding with the City of Boise as to the extent to which our present representation both will affect, and will not affect, our ability to represent other existing or future clients in other legal matters, whether or not the City of Boise (including related persons or entities) are adverse or otherwise involved in those matters. As a condition of our undertaking this matter, the City of Boise agrees that:

- we can continue to represent, or can in the future represent, existing or new clients in any matter, including litigation or other adversarial proceedings (which includes bankruptcy or insolvency proceedings, including instances where the City of Boise is a creditor or equity holder in such a proceeding) ("Other Matters"), so long as the Other Matters are not substantially related to our work for the City of Boise in connection with certiorari-stage briefing and any merits-stage briefing and oral argument before the United States Supreme Court in *Martin v. City of Boise*, No. 15-35845 (9th Cir.), even if those other clients' interests are adverse to the City of Boise's interests in the Other Matters;

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Jayme Sullivan
City of Boise
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- we can continue to take legal and policy positions on behalf of existing clients or future clients on matters substantially unrelated to our representation of the City of Boise that may be inconsistent with, or contrary to, the position advocated by the City of Boise or that the City of Boise may perceive as being adverse to the interests of the City of Boise (“Other Issues”);
- we might obtain confidential information of interest to the City of Boise in these Other Matters or relating to the Other Issues that we cannot share with the City of Boise; and
- the City of Boise waives any conflict of interest that might arise from the Firm’s engagement in the Other Matters or with respect to the Other Issues, and will not seek to disqualify the Firm or any of the Firm’s lawyers in or assert a conflict with respect to the Firm’s engagements in the Other Matters or Other Issues.

If for any reason, the City of Boise’s consent and waiver of potential conflicts is not effective in the circumstances, the City of Boise consents to our resignation from our representation of the City of Boise, and agrees to support a motion, if filed by the Firm, to withdraw from our representation of the City of Boise if resignation at that time is otherwise permissible under applicable professional rules. In that case, the City of Boise would need to engage, at the City of Boise’s expense, separate counsel to represent the City of Boise’s interests.

Of course, without the City of Boise’s further prior written consent, we cannot and will not represent another client in a matter adverse to the City of Boise if we have obtained confidential information of a nonpublic nature from the City of Boise, as a result of our representation of the City of Boise, that, if known to the other client, could be used in the Other Matters by the other client to the City of Boise’s material disadvantage, unless we have imposed in advance of that subsequent engagement an ethical screen that assures the preservation of the City of Boise’s confidences.

Arbitration

We appreciate the opportunity to serve as your attorneys and look forward to a productive and mutually rewarding relationship. If you become dissatisfied with our charges or services, we encourage you to bring that to our attention immediately. We believe that most problems of this nature can be resolved through good faith discussion. In the event that we cannot resolve a dispute through discussion, we believe that binding arbitration offers a more expeditious and less expensive alternative than court action.

GIBSON DUNN

EXHIBIT A

Jayne Sullivan
City of Boise
May 7, 2019
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By signing this engagement letter agreement, you agree to binding arbitration of any dispute, claim or controversy regarding our services as described in the attached Terms of Retention. You are also agreeing that the City of Boise is waiving the City of Boise's right to a jury or court trial, and is waiving any right the City of Boise might have to collect punitive damages. This waiver of punitive damages applies only to the maximum extent permitted by law. If you do not wish to agree to arbitration, you should advise us before signing this letter. If you have any questions or concerns regarding the advisability of arbitration, we encourage you to discuss them with us, independent counsel, or your other advisors.

Confirmation of Agreement

You should review and familiarize yourself with the attached Terms of Retention, which are incorporated into this engagement letter agreement. If this letter and the Terms of Retention accurately reflect your understanding of our agreement, please acknowledge your approval and acceptance of these terms by signing and returning to me the enclosed copy of this letter. I would be pleased to answer any questions you might have.

On behalf of Gibson, Dunn & Crutcher LLP, I look forward to working with you on this matter.

Sincerely,



Theane Evangelis

Agreed to this 9th day of May, 2019

City of Boise

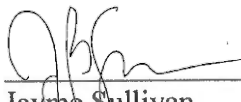
By: 
Jayne Sullivan
City Attorney

EXHIBIT A

TERMS OF RETENTION OF GIBSON, DUNN & CRUTCHER LLP

Except as modified in writing, the following provisions will apply to the relationship between Gibson, Dunn & Crutcher LLP (the "Firm" or "we") and the City of Boise ("you"), as identified in the accompanying engagement letter agreement:

1. Professional Fees. Unless otherwise agreed in writing, we will charge for our legal services based on the amount of time devoted to the matter at the hourly rates for the particular professionals involved. The hourly rates of our attorneys and paralegals vary, depending generally upon the experience and capabilities of the attorney or paralegal involved, and we adjust these rates from time to time. Unless otherwise agreed in writing, we will charge you for their services at their assigned rates. The current assigned rates of the attorneys assigned to this matter are: Theane Evangelis; Joseph Tartakovsky; Samuel Eckman, and William F. Cole. Upon any adjustment in our assigned rates, we will charge you the adjusted rates. Other attorneys and paralegals may also perform services during the course of this engagement. We also ask that you consider whether a discretionary bonus would be appropriate at the conclusion of a matter in light of the results obtained and other factors, including the complexity of the matter, the amounts involved, any time limitations imposed, and the novelty and difficulty of the issues posed.

2. Costs and Ancillary Services. The Firm will invoice you for the cost of certain ancillary services incurred on your behalf. Generally, we will not charge you for certain services, such as word processing and regular secretarial time. Whenever practicable, discounts obtained from vendors will be passed on to you. Under certain circumstances, we may ask you to advance anticipated costs or to pay outside vendors directly for their services. The primary ancillary services and our specific policies regarding billing are set forth below. Other services may be rendered during the course of our engagement, and will also be billed to you. Our charges for these costs and ancillary services are subject to change from time to time.

2.1 Word Processing. Most of the Firm's offices have advanced word processing capabilities and our offices are linked by a network which facilitates efficiency and service to clients. The Firm does not charge for equipment usage or word processing time.

2.2 Secretarial Time. The Firm will not charge you for regular secretarial time. We bill for secretarial overtime services only if your specific demands require late night work or in other unusual circumstances (typically a large case or transaction with dedicated secretaries). The standard fee for overtime secretarial services is \$40 per hour.

2.3 Duplicating/Copying. The Firm has a substantial investment in duplicating equipment which is located not only in our service centers but also at several locations on each floor to provide quick turn-around when needed. In-house copying is billed to the client at a flat rate of \$.10 per page. If you instruct us to do so, we will use outside copying services to the extent possible. Outside duplicating services are charged to the client at the Firm's actual cost with no mark-up.

2.4 Telephone. The Firm will not charge you for local telephone service. Long distance calls are charged at a fixed rate per minute equal to the allocated actual cost as revised from time-to-time.

2.5 Telecopy. The Firm provides in-house FAX services at numerous locations for convenience and confidentiality in serving clients. There is no charge for incoming FAX documents. Charges for outgoing documents are strictly limited to the associated long distance telephone charges. There is not a per page charge.

EXHIBIT A

2.6 Legal Research. Computerized research (such as Lexis and Westlaw) is available at the attorney's desk or in a central library location. Certain vendors bill the Firm based on an annual flat rate. The Firm charges for on-line computer research time based on an allocation of the overall annual cost to provide and manage those services. The rates clients pay factor in the benefit of any discounts the Firm is able to negotiate with vendors of such services.

2.7 Overnight And Local Deliveries. We will charge you for overnight deliveries and local deliveries by outside messenger services at the Firm's actual cost. We will pass on negotiated discounts to you.

2.8 Postage. The Firm will not charge you for postage, except for large volume mailings, which are billed at the Firm's actual cost.

2.9 File Storage. The Firm will not charge you for file storage except in extraordinary circumstances and only after consultation with you and your agreement. The Firm may, at its own discretion, choose to store files electronically rather than by hardcopy.

2.10 Office Supplies. We will not charge you for routine quantities of office supplies. You may incur a charge, equal to the Firm's actual cost, for substantial and unusual orders of office supplies required for a particular matter.

2.11 Travel and Subsistence. Our attorneys are instructed to incur transportation, lodging, meal and other travel costs at reasonable rates. The Firm instructs its attorneys to comply with the policies of individual clients regarding airline usage and to obtain the lowest fare available consistent with those policies. We will bill you for all travel costs at the Firm's actual cost, including passing along the direct discount offered by airline carriers. From time to time additional travel benefits from certain carriers based on volume are received by the Firm; all such benefits are generally retained by the Firm.

2.12 Employee Transportation. Under certain circumstances, the Firm provides transportation for its employees, especially when public transportation is not available or safe. In those situations where the Firm provides transportation to or from the office for an employee as part of that particular employee's regular schedule, such costs will not be billed to you. In those situations where employees are working overtime for you because of the time demands of a particular matter, the actual transportation costs may be billed at the discretion of the billing attorney.

2.13 Meetings/Meals (Other Than Travel Related). When a client or third party is present and the meeting is for the benefit of the client, the client may be billed for actual meal-related costs at the discretion of the billing attorney. Meals or beverages ordered where the client or a third party is not present will not be billed to the client, even if the meeting is for the client's benefit.

2.14 Electronic Document Storage Fees. The Firm charges a small monthly fee for storing images (tiff files) of discovery documents which are typically linked to databases. The current cost is \$.003/file for the first 500,000 files and \$.001/file thereafter.

2.15 Other Costs and Third Party Vendors. Other costs that we incur for your benefit (such as expert witness fees, filing fees, etc.) will be billed at the Firm's actual cost. In addition, the services provided to you may involve services provided by third parties outside the Firm. You will be required to pay for these outside services directly, or to reimburse us if we make payment for these services on your behalf. When there are substantial expenditures involving outside vendors or substantial out of pocket expenditures, we will require either that you pay those sums to us before we expend them or that you directly contract with and pay the outside vendor. You agree that you will indemnify the Firm for any claim made against the Firm from an outside vendor for services rendered in connection with the Firm's representation of you.

EXHIBIT A

3. Estimates Not Binding. It is often impractical to determine in advance the amount of effort that will be needed to complete all the necessary work on a matter or the total amount of fees and costs which may be incurred. Obviously, any estimates or budgets may need to be adjusted upwards or downwards as changes occur. Moreover, these estimates and budgets are not intended to be binding, are subject to unforeseen circumstances, and by their nature are inexact.

4. Billing and Payment. Fees and expenses will generally be billed monthly and are payable upon presentation, but in no event to exceed 30 days from presentation of our statement. We expect prompt payment, and our experience indicates that prompt billing and prompt payment enhances the working relationship. We reserve the right to postpone or defer providing additional services or to discontinue our representation, to the extent legally permissible, if billed amounts are not paid when due. We also reserve the right to charge a late fee of 1% per month on all sums that are not paid within 30 days of presentation of our statement. You also agree that you will promptly review our statements and raise any questions regarding the amounts and items billed within 30 days of presentation. If you object to only a portion of the charges on a statement, then you agree to pay the remainder of the charges, which will not constitute a waiver of your objection. While you may have insurance available to pay some or all of the fees and expenses incurred in connection with this engagement, you will remain responsible for the timely payment of the entirety of the bill if there is a shortfall between the total amount incurred and the amount paid, if any, from insurance proceeds.

5. Advance Payments. The Firm may have required an advance payment before working on this matter. Unless otherwise agreed, all advance payments shall be deemed to be advances for attorneys' fees and shall not constitute advances for costs and expenses. Where permitted, the Firm will maintain such advance fee payments in a general account. The amount of this advance payment does not represent our estimate of the total charges which may be incurred, but is only a partial advance payment. Of course, the amount of work which we are called upon to perform may subsequently exceed our prior expectations. The Firm reserves its right, as a condition to the provision of further services, to require an advance payment if none has previously been provided and/or an increase in any advance payment. Any charge for services or expenditures not covered by the advance payment is due and payable directly by you upon receipt of each monthly statement. At the conclusion of our representation, any portion of any advance payment which has not been used up by services rendered or payment to third parties made or incurred will be refunded to you.

With respect to litigation matters, such matters may proceed to trial or hearing. Preparing for and conducting the trial or hearing is often time consuming and expensive. Thus, if the matter appears headed for trial, we may require an additional advance payment prior to our commencement of preparation for the trial or hearing. The amount of the advance payment will be determined once the trial or hearing appears likely and as soon as possible prior to the date the matter is set for trial or hearing, based upon an estimate of the magnitude of service and expenditures included. If you fail to provide this additional advance payment within 15 days after it is requested by us, you agree that we have the right to discontinue our representation of you to the extent legally permissible.

To the extent you and the Firm have agreed to a "fixed" or "flat" fee arrangement for all or a portion of our services in this matter, you agree that the Firm may deposit the fee in an operating account. You also confirm that you understand that you (i) have a right to require that the fee be deposited in a trust account until the fee is earned, and (ii) are entitled to a refund of any amount of the fee that has not been earned in the event the representation is terminated or the services for which the fee has been paid are not completed,

6. Termination of Representation.

6.1 Termination By You. You have the right to terminate our services at any time. If you decide to terminate our services, you agree to give us prompt written notice of such termination. Upon our termination, you will remain obligated to pay for all services rendered and costs or expenses paid or incurred on your behalf prior to the date of such termination or which are reasonably necessary thereafter. If we are attorneys of record in any proceeding, you agree to retain replacement counsel

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immediately, or to proceed on your own on a pro se basis (to the extent legally permissible), and you agree to execute and return to us a Substitution of Attorney promptly upon receipt from us.

6.2 Termination By Us. We also have the right to withdraw from this representation if, among other things, you fail to honor the terms of our engagement letter and these Terms of Retention, you fail to make payment of any of our statements in a timely manner, you fail to cooperate or to follow our advice on a material matter, or any fact or circumstance occurs that would, in our view, render our continuing representation unlawful or unethical, and we determine that we are permitted to withdraw our representation. If we elect to withdraw, you will take all steps necessary to free us of any obligation to perform further services, including the execution of any documents necessary to complete our withdrawal. Notwithstanding such termination, you will remain obligated to pay us for all services provided and to reimburse us for all costs and expenses paid or incurred on your behalf.

6.3 Date of Termination. Our representation of you will be considered terminated at the earlier of (a) your termination of our representation, (b) our withdrawal from our representation of you, or (c) the substantial completion of our work for you. In the event there has been no work performed by our attorneys on your behalf for a period of six consecutive months, we agree that our attorney-client relationship will have been terminated, unless the matter on which we were engaged is a litigation matter that is still pending in a court or other tribunal.

6.4 Duties Upon Termination. Upon termination of our involvement in a particular matter for which we were engaged, we will have no duty to inform you of future developments or changes in law which may be relevant to such matter. Further, unless you and the Firm agree in writing to the contrary, we will have no obligation to monitor renewal or notice duties or similar deadlines which may arise from the matters for which we had been engaged. If your matter involves obtaining a judgment and such judgment is obtained, we will only be responsible for those post-judgment services (such as recording abstracts, filing judgment liens, and calendaring renewals of judgments) as are expressly agreed to by you and the Firm in writing, and for which you will be obliged to pay.

7. Arbitration.

7.1 ARBITRATION OF ALL DISPUTES, CLAIMS OR CONTROVERSIES. AS A MATERIAL PART OF OUR AGREEMENT, YOU AND THE FIRM AGREE THAT ANY AND ALL DISPUTES, CLAIMS OR CONTROVERSIES ARISING OUT OF OR RELATING TO THIS AGREEMENT, OUR RELATIONSHIP, OR THE SERVICES PERFORMED OR ANY OTHER MATTER OR THING, SHALL BE DETERMINED EXCLUSIVELY BY CONFIDENTIAL, FINAL AND BINDING ARBITRATION AS FOLLOWS:

(A) THE MATTERS SUBMITTED TO ARBITRATION SHALL BE HEARD AND DETERMINED BY A SINGLE ARBITRATOR IN LOS ANGELES OR ANOTHER MUTUALLY AGREED UPON VENUE, IN ACCORDANCE WITH THE THEN-EXISTING COMPREHENSIVE ARBITRATION RULES OR, IN THE EVENT NO DISPUTED CLAIM OR COUNTERCLAIM EXCEEDS \$250,000, NOT INCLUDING INTEREST OR ATTORNEYS' FEES, THE STREAMLINED ARBITRATION RULES OF THE JUDICIAL ARBITRATION AND MEDIATION SERVICES ("JAMS").

(B) ANY PARTY TO THE ARBITRATION MAY REQUEST JAMS TO IDENTIFY PANELS OF RETIRED OR FORMER JURISTS QUALIFIED AND ABLE TO SIT AS ARBITRATORS OF THE MATTERS SUBMITTED FOR ARBITRATION AND THE ARBITRATOR DETERMINING THE SUBMITTED MATTERS SHALL BE SELECTED FROM SUCH PANELS PURSUANT TO JAMS RULES.

(C) DISPUTES, CLAIMS AND CONTROVERSIES SUBJECT TO FINAL AND BINDING ARBITRATION UNDER THIS AGREEMENT INCLUDE, WITHOUT LIMITATION, ALL THOSE THAT OTHERWISE COULD BE TRIED IN COURT TO A JUDGE OR JURY IN THE ABSENCE OF THIS AGREEMENT. SUCH DISPUTES,

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CLAIMS AND CONTROVERSIES INCLUDE, WITHOUT LIMITATION, CLAIMS FOR PROFESSIONAL MALPRACTICE, DISPUTES OVER OUR FEES AND EXPENSES, ANY DISPUTES OVER THE QUALITY OF SERVICES WHICH WE HAVE RENDERED, ANY CLAIMS RELATING TO OR ARISING OUT OF YOUR OR OUR PERFORMANCE UNDER THIS AGREEMENT, AND ANY OTHER CLAIMS ARISING OUT OF ANY ALLEGED ACT OR OMISSION BY YOU OR US.

(D) EXCEPT AS OTHERWISE DETERMINED BY THE ARBITRATOR, THE FEES OF THE ARBITRATION CHARGED BY JAMS INITIALLY WILL BE PAID EQUALLY BY BOTH THE FIRM AND YOU. HOWEVER, THE ARBITRATOR SHALL HAVE THE RIGHT TO ORDER EITHER PARTY TO PAY ALL FEES AND COSTS AS PART OF THE AWARD.

(E) THE PROVISIONS OF SECTION 1283.05 OF THE CALIFORNIA CODE OF CIVIL PROCEDURE ("MANNER OF TAKING DEPOSITION") ARE HEREBY INCORPORATED INTO THIS ARBITRATION PROVISION.

(F) BY AGREEING TO SUBMIT ALL DISPUTES, CLAIMS AND CONTROVERSIES TO BINDING ARBITRATION, YOU AND THE FIRM EXPRESSLY WAIVE YOUR RIGHTS TO HAVE SUCH MATTERS HEARD OR TRIED IN COURT BEFORE A JUDGE OR JURY OR IN ANOTHER TRIBUNAL. YOU AND THE FIRM FURTHER AGREE, TO THE MAXIMUM EXTENT PERMITTED BY LAW, TO WAIVE ANY RIGHT YOU OR THE FIRM MAY HAVE TO PUNITIVE DAMAGES.

(G) THE ARBITRATOR SHALL BE AUTHORIZED TO DETERMINE ALL ISSUES IN ARBITRATION AS IF THE ARBITRATOR WERE SITTING AS A JUDGE WITHOUT A JURY, AND THE ARBITRATOR SHALL RENDER A WRITTEN REASONED AWARD WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW SUFFICIENT TO SUPPORT SUCH JUDICIAL REVIEW AS IS PROVIDED BY APPLICABLE STATUTES GOVERNING ARBITRATIONS.

(H) THE ARBITRATOR SHALL APPLY CALIFORNIA SUBSTANTIVE LAW TO THE PROCEEDING, EXCEPT TO THE EXTENT FEDERAL SUBSTANTIVE LAW WOULD APPLY TO ANY CLAIM. AN AWARD MAY BE ENTERED AGAINST A PARTY WHO FAILS TO APPEAR AT A DULY NOTICED HEARING.

(I) THE ARBITRATOR SHALL NOT HAVE THE POWER TO COMMIT ERRORS OF LAW OR LEGAL REASONING, AND ANY AWARD ISSUED BY THE ARBITRATOR MAY BE VACATED OR CORRECTED ON APPEAL TO A COURT OF COMPETENT JURISDICTION FOR ANY SUCH ERROR.

(J) SUBJECT TO THE PROVISION IN 7.1(I), ANY ARBITRATION AWARD SHALL BE FINAL, BINDING AND CONCLUSIVE UPON THE PARTIES, SUBJECT ONLY TO JUDICIAL REVIEW PROVIDED BY STATUTES GOVERNING ARBITRATIONS, AND A JUDGMENT RENDERED ON THE ARBITRATION AWARD MAY BE ENTERED IN ANY STATE OR FEDERAL COURT HAVING JURISDICTION THEREOF.

7.2 STATE BAR FEE ARBITRATION. NOTWITHSTANDING THE ABOVE, IN A DISPUTE OVER FEES OR COSTS, YOU HAVE THE RIGHT TO ELECT ARBITRATION PURSUANT TO THE FEE ARBITRATION PROCEDURES OF THE STATE BAR OF CALIFORNIA, AS SET FORTH IN CAL. BUS. & PROF. CODE §§ 6200, ET SEQ. THE STATE BAR'S FEE ARBITRATION PROCEDURES PERMIT A TRIAL AFTER ARBITRATION, UNLESS THE PARTIES AGREE IN WRITING, AFTER THE DISPUTE OVER FEES OR COSTS HAS ARISEN, TO BE BOUND BY THE ARBITRATION AWARD. IF YOU DO NOT ELECT TO PROCEED UNDER THE STATE BAR FEE ARBITRATION PROCEDURES, ANY DISPUTE OVER FEES SHALL BE RESOLVED BY BINDING

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ARBITRATION IN ACCORDANCE WITH THE THEN-EXISTING RULES FOR COMMERCIAL ARBITRATION OF JAMS, AS SET FORTH IN SECTION 7.1, ABOVE.

7.3 WAIVER OF RIGHT TO JURY OR COURT TRIAL. YOU UNDERSTAND THAT BY ENTERING INTO THIS AGREEMENT YOU ARE WAIVING YOUR RIGHT TO A JURY OR COURT TRIAL.

7.4 WAIVER OF RIGHT TO RECEIVE PUNITIVE DAMAGES. YOU UNDERSTAND THAT BY ENTERING INTO THIS AGREEMENT, YOU AND THE FIRM ARE WAIVING, TO THE MAXIMUM EXTENT PERMITTED BY LAW, ANY RIGHT YOU OR THE FIRM MAY HAVE TO AN AWARD OF PUNITIVE DAMAGES.

7.5 OTHER ARBITRATION SERVICE PROVIDERS. NOTHING HEREIN SHALL LIMIT THE RIGHT OF THE PARTIES TO STIPULATE AND AGREE TO CONDUCT THE ARBITRATION BEFORE AND PURSUANT TO THE THEN-EXISTING RULES OF ANY OTHER AGREED-UPON ARBITRATION SERVICES PROVIDER.

8. Waiver of Potential Conflicts Between You and the Firm. The occasion might arise for us to consult with our own counsel – our General Counsel or other Firm lawyers working with our General Counsel or with our own outside counsel – regarding our engagement for you. This will be done at our expense, of course. To the extent that we are addressing our own rights or responsibilities, a conflict of interest might be deemed to exist between the Firm and you as to such consultation or resulting communications, particularly if a dispute were to arise between the Firm and you regarding our preparation of certiorari-stage briefing and any merits-stage briefing and oral argument before the United States Supreme Court in *Martin v. City of Boise*, No. 15-35845 (9th Cir.). A condition of this engagement is that, in such circumstances, you hereby consent to such consultation occurring, and waive any claim of conflict of interest based on such consultation or resulting communications and agree that such communications are protected by our own attorney-client privilege from disclosure to anyone, including you.

9. Identity of the Client. The Firm's client for purposes of this engagement is only the person(s), entity or entities identified in the accompanying letter agreement. Unless expressly agreed to in writing, we are not undertaking the representation of any related or affiliated person or entity, nor any family member, parent corporation or entity, subsidiary, or affiliated corporation or entity, nor any of your or their officers, directors, agents, shareholders, partners, joint ventures, or employees (collectively, "Related Entities"). We generally will not be precluded from representing other existing clients or future clients in legal matters relating or adverse to the Related Entities or any of them. If, however, the Firm and any of the Related Entities agree, in writing, that the Firm will represent any of the Related Entities in a matter, the terms of the accompanying letter agreement and these Terms of Retention shall apply to that representation, unless a new letter agreement is executed by the Firm and any such Related Entities.

10. Use of Client/Matter Numbers. When a new client matter is opened, the Firm assigns a ten digit number (xxxxx-xxxxx). The first five numbers identify the client. The next five numbers identify the matter being handled for the client. Client/matter numbers are used solely for the convenience of the Firm and its attorneys. Depending on the engagement, some clients may be assigned more than one matter number. Client/matter numbers are used by the Firm for a variety of administrative reasons, including but not limited to billing processes, document storage and document management. However, the mere use of a client/matter number does not dictate whether a client matter is active, whether there is an attorney-client relationship, or whether any particular work performed or document created relates to the matter to which a client matter number was originally assigned.

11. Market Abuse Directive. Companies with securities admitted to trading on a regulated market for the purposes of the European Union's Market Abuse Directive 2003/6/EC ("the Directive"), and the legislation implementing the Directive in the relevant EU member states, and persons acting on behalf of such Companies are required to prepare and maintain a list of those persons working for the Company who have access to certain inside information (whether on a regular or occasional basis) relating directly

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or indirectly to you ("Your Inside Information"). In this connection, you agree to notify the Firm in writing if you are subject to the Directive. Upon receipt of such written notice, we will draw up and maintain a list of those persons working for Gibson, Dunn & Crutcher LLP who have access to Your Inside Information (the "List"). If you have any questions relating to the List or related issues, please contact the Partner who signed this Engagement Letter.

12. Insurance Matters. You should consider whether you have insurance coverage for any of the claims or liabilities arising out of our preparation of certiorari-stage briefing and any merits-stage briefing and oral argument before the United States Supreme Court in *Martin v. City of Boise*, No. 15-35845 (9th Cir.) or for related fees and expenses incurred. You have not retained us to provide advice about or to represent you or any of your agents or affiliates concerning any such insurance coverage or notice of claims. Our work for a number of insurance companies might raise actual or potential conflicts of interest, or "issue" conflicts, for us were we to address insurance coverage matters for you. Accordingly, we may not be able to provide advice or representation to you with respect to the issue of actual or potential claims for insurance coverage for liability or losses arising out of or related to our preparation of certiorari-stage briefing and any merits-stage briefing and oral argument before the United States Supreme Court in *Martin v. City of Boise*, No. 15-35845 (9th Cir.) (whether arising at the outset or during the course of our preparation of certiorari-stage briefing and any merits-stage briefing and oral argument before the United States Supreme Court in *Martin v. City of Boise*, No. 15-35845 (9th Cir.)) that you or any of your agents or affiliates may be entitled to assert under policies issued to any of these entities or other parties in interest. You should be aware that strategic decisions with respect to our preparation of certiorari-stage briefing and any merits-stage briefing and oral argument before the United States Supreme Court in *Martin v. City of Boise*, No. 15-35845 (9th Cir.) may affect insurance and coverage, and that coverage concerns may impact strategy, particularly in adversarial proceedings.

We recommend that you consult with other counsel concerning such matters, including any possible or actual claims or disputes against or with any insurer or other parties who may have applicable insurance. We are not undertaking to represent you in these insurance-related matters without a further express agreement to that effect in writing, after appropriate consideration of any potential conflict of interest issues.

13. Conflicts of Interest. To assist in avoiding representation of parties with conflicts of interest, we maintain a computerized conflict of interest index. The Firm will not represent any party with an interest that may be adverse to that of a person or entity included in the index without an examination to determine whether a conflict of interest would actually be created. To allow us to conduct a conflicts check, you represent that you have identified for us all persons and entities that are or may become involved in this matter, including all persons and entities that are affiliated with you and the other involved or potentially involved parties (such as parent corporations, subsidiaries and other affiliates, officers, directors and principals). You also agree that you will promptly notify us if you become aware of any other persons or entities that are or may become involved in this matter.

14. Consent to Electronic Communications. In order to maximize our efficiency, we intend to use state of the art communication devices to the fullest extent possible (e.g., e-mail, document transfer by computer, cellular telephones, facsimile transfers and such other devices which may develop in the future). The use of such devices under current technology may place your confidences and privileges at risk. However, we believe the efficiencies involved in the use of these devices outweigh the risk of accidental disclosure. By agreeing to these terms you consent to the use of these electronic communication devices.

15. Related Proceedings and Activities. If we are asked to testify as a result of our representation of you; or if we must defend the confidentiality of your communications in any proceeding; you agree to pay us for any resulting costs, including for our time, calculated at the hourly rate for the particular individuals involved, even if our representation of you has ended.

16. Limitations on Liability.

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16.1 General Limitation on Liability. You agree that the Firm shall not have any liability to you in connection with our representation of you except for liability for losses, claims, damages, liabilities or expenses incurred by you that result from our professional malpractice, gross negligence or willful misconduct.

16.2 Limited Liability Partnership. Gibson, Dunn & Crutcher LLP is a limited liability partnership. As a result, with certain possible limited exceptions, none of which may be applicable, the partners of the Firm are not liable or accountable, directly or indirectly, including by way of indemnification, contribution, assessment, or otherwise, for debts, obligations, or liabilities of or chargeable to the Firm or another partner in the Firm, whether arising in tort, contract, or otherwise, that are incurred, created, or assumed by the Firm, by reason of being a partner or acting in the conduct of the business or activities of the Firm.

16.3 Additional Rights. The provisions of this Section 16 are in addition to any rights that we may have at common law or otherwise, including but not limited to any right of contribution.

16.4 Indemnification. You agree to indemnify and hold harmless the Firm and each current, former and future partner, associate and employee of the Firm, to the full extent permitted by law, from and against all claims, actions, liabilities or damages related to or arising out of our representation of you and you will reimburse us for all expenses as they are incurred by us in connection with investigating, preparing to defend or defending against such claims or actions (including attorneys' fees, experts' fees, disbursements and compensation for the time expended by attorneys of the Firm in connection with any such action or claim, calculated at the hourly rate for the particular individuals involved), whether or not in connection with pending or threatened litigation in which we are a party or potential party; provided, however, that you will not be responsible for any claims, actions, liabilities, damages, losses or expenses which are finally judicially determined to have resulted from our professional malpractice, gross negligence or willful misconduct.

17. No Guarantee of Outcome. We do not and cannot guarantee the outcome in any matter. Our comments about the outcome of your matter are expressions of opinion only.

18. Document Retention and Destruction. In the course of our representation of you, we are likely to come into possession of copies or originals of documents or other materials belonging to you or others (collectively, "client materials"). Once the particular matter to which those materials relate has been concluded or our representation of you in connection with that matter has been terminated, we will make arrangements either to return the documents to you, to retain them in our storage facilities or to dispose of the materials. In the absence of any other arrangements made with you, the Firm's records retention policy will apply to all materials in the Firm's possession related to the matter we have handled for you, including any client materials. The Firm's records retention policy provides that upon the expiration of five years after a matter file has been closed or our representation of you in the matter has been terminated, all materials related to the matter, including client materials, may be destroyed or discarded without review and without notice to you. This applies to all records and documents, regardless of format. Accordingly, if there are any documents or other materials you wish to retrieve at the conclusion of a matter or after our representation of you in connection with the matter has been terminated, it will be necessary for you to advise us of that request to insure that they are not destroyed.

Furthermore, you agree that the Firm's files pertaining to the matter will not be delivered to you. You agree that the Firm's files include administrative records, time and expense reports, personnel and staffing materials, credit and accounting records, and internal lawyers' work product (such as drafts, notes, internal memoranda, and legal and factual research, including investigative reports and mental impressions, prepared by us for our internal use), among other similar materials. You agree that the Firm's files remain the Firm's property and for various reasons, including the minimization of unnecessary storage expenses, or for no reason, we may destroy or otherwise dispose of the Firm's files within a reasonable time after the conclusion of the matter or after the termination of our representation of you in connection with the matter.

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19. Application to Subsequent Matters. Unless we agree in writing to some different arrangement, the agreement reflected in these Terms of Retention, and in the accompanying engagement letter agreement, will also apply to any subsequent matters which we agree to undertake on your behalf.

You also agree to pay the Firm on the same basis as set forth above with respect to our fees and charges and for expenses incurred in responding to subpoenas, in testifying (and preparing testimony) by deposition or otherwise, and otherwise responding with respect to claims or demands relating to or arising out of the matters in which we have represented or are representing you, whether or not related to our services and whether or not we are then representing you.

20. Use of the Firm's Name. You agree that you will not use the Firm's name for purposes of any marketing or publicity. Specifically, you agree that without prior express written consent from the Firm, you will not use the Firm's name in any press release, notice, website or any other marketing material.

21. Entire Agreement. These Terms of Retention and the accompanying engagement letter agreement supersede any prior or contemporaneous written or oral agreements or understandings between us concerning this matter and contain the entire agreement between the parties with respect to this matter. This agreement may be modified only by subsequent written agreement of the parties. You acknowledge that no promises have been made to you other than those stated in this agreement.

22. Applicable Law. These Terms of Retention and the accompanying engagement letter agreement shall be governed by the internal law, and not the law pertaining to choice or conflict of laws, of the State of California.

23. Compliance With Section 307 of the Rules of the Securities and Exchange Commission. The Firm has adopted policies relating to compliance with the rules adopted pursuant to the Sarbanes-Oxley Act, and will provide a copy of these policies to you upon request.

24. Severability. If any section or portion of these terms is determined by any court or arbitrator to be illegal or invalid, the validity of the remaining terms shall not be affected therein and said illegal or invalid term shall be deemed not to be a part of these Terms of Retention and the accompanying engagement letter agreement.