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

F.V. and DANI MARTIN,

Plaintiffs,

v.

DAVID JEPPESEN, in his official capacity as
Director of the Idaho Department of Health and
Welfare; ELKE SHAW-TULLOCH, in her official
capacity as Administrator of the Division of Public
Health for the Idaho Department of Health and
Welfare; and JAMES AYDELOTTE, in his
official capacity as State Registrar and Chief of the
Bureau of Vital Records and Health Statistics,

Defendants.

No. 1:17-cv-00170-CWD

**PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND
EXPENSES**

Plaintiffs F.V. and Dani Martin, by and through their undersigned counsel, hereby move for attorneys' fees and expenses pursuant to 42 U.S.C. § 1988. This motion is based on the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Attorneys' Fees and Expenses, as well as the accompanying declarations and exhibits (which contain the information required by Local Rule 54.2), all the pleadings and papers on file, and any argument the Court may consider. This motion is timely pursuant to this Court's order. Dkt. 81.

DATED: September 29, 2021

By: /s/ Nora Huppert

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of September, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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**PLAINTIFFS' MEMORANDUM OF
LAW IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES AND
EXPENSES**

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INTRODUCTION

Amidst the onset of the pandemic last year, the State of Idaho prioritized an unprecedented attack on transgender people to strip them of their identity. With overwhelming lawmaker support, House Bill 509 (“HB 509”) banned transgender people from correcting their birth certificates to match their gender identity—in overt defiance of this Court’s permanent injunction entered two years earlier prohibiting that exact practice. This stunning turn of events conscripted Plaintiffs into a battle they did not choose. It forced them to mobilize significant resources on an expedited timeframe and to devise and execute a multi-prong legal strategy commensurate to the extraordinary and evolving circumstances created by HB 509. But for this successful legal work, Defendants would still enforce the law today, transgender people would remain in harm’s way, and this Court’s injunction would be a nullity.

Injunctions—even when issued to protect constitutional rights—are not self-executing. They depend on the vigilance of those who stand as guardians at the constitutional gates: the judiciary, the people whose rights hang in the balance, and the lawyers who take on their cause. Congress recognized the economic necessity of attorneys’ fee awards, because unless counsel are fully compensated for their work, civil rights violations would go unremedied. Fee awards also serve an essential deterrent function by imposing real costs for violations. That concern is paramount where majoritarian disdain for a minority group runs so high that even a federal injunction proves insufficient to stave off an attack on the rights of the minority.

As the prevailing parties, Plaintiffs seek \$456,478 in attorneys’ fees and expenses for the resources they reasonably expended to uphold the rule of law and prevent this Court’s orders from being nullified. These fees also appropriately reflect out-of-forum rates for a subset of Plaintiffs’ counsel based outside Idaho. Their earlier representation of Plaintiffs made their

participation uniquely necessary in subsequent litigation concerning HB 509, where the central issue in dispute was whether Defendants' enforcement of the law fell within the scope of relief that counsel had previously litigated and obtained. Anything less than the requested fees would effectively reward—and invite—actions designed to flout federal civil rights injunctions.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

I. Original Litigation (2017-18)

Plaintiffs filed this action in 2017 to challenge Defendants' categorical refusal to permit transgender people to correct the sex listed on their birth certificates to align with their gender identity. *F.V. v. Barron*, 286 F. Supp. 3d 1131, 1141 (D. Idaho 2018). Because Defendants conceded that this practice was unconstitutional under rational basis review, the ensuing litigation focused on the remaining issues in dispute. Specifically, the parties litigated the appropriate judicial remedy for the constitutional violation—including the proper scope of any injunctive and declaratory relief—and the level of constitutional scrutiny that any remedial measure replacing the categorical bar would need to satisfy. *See generally* Decl. of Peter Renn ¶¶ 6-27 (detailing history of litigation from inception to present).

In March 2018, this Court granted summary judgment to Plaintiffs. It found that denying transgender people access to identity documents in alignment with their gender identity can expose them to a risk of harassment and even violence. *F.V.*, 286 F. Supp. 3d at 1137. This Court held that discrimination against transgender people requires heightened scrutiny, and permanently enjoined Defendants from “practicing or enforcing the policy of automatically rejecting applications from transgender people to change the sex listed on their birth certificates.” *Id.* at 1146. In April 2018, this Court issued a final judgment, reaffirming the terms of the permanent injunction, and directed that the case be closed. Dkt. 43. Defendants did not appeal.

II. Subsequent Litigation Precipitated by HB 509 (2020-21)

On March 30, 2020—long after a final judgment that was never appealed—the State of Idaho enacted House Bill 509, which sought to reinstate a categorical ban against transgender people correcting their birth certificates to match their gender identity. As this Court observed, HB 509 “was drafted, at least in part, in response to and for the purpose of circumventing the Order and Judgment in this case.” Dkt. 58 n.7.

The enactment of HB 509 forced Plaintiffs to respond quickly and efficiently, given the complexity of the legal work that was required to prevent the injunction they had obtained from being trampled on by Defendants’ enforcement of the law, which was set to become effective just three months later. Upon that date, previously enjoined constitutional harms would resume. Plaintiffs once again retained the services of Lambda Legal and Cockerille Law Office, which had represented them in the 2017-18 litigation, and additionally retained Covington & Burling (“Covington”) given the expanded scope of work created by HB 509. Renn Decl. ¶¶ 15-17.

There was no defined path for how litigation concerning HB 509 should unfold, particularly before Defendants began enforcement of the law, which introduced considerable legal complexity and required preparing multiple steps in tandem. *Id.* ¶¶ 31-37. As a threshold matter, Plaintiffs investigated the facts and circumstances surrounding HB 509’s enactment. That work required the collection, review, and analysis of all potentially relevant legislative proceedings, testimony, and related materials, including more than 12,000 pages of documents obtained through public record requests. *Id.* ¶ 20.

Plaintiffs filed a motion for clarification on April 16, 2020, less than three weeks after the enactment of HB 509. *Id.* ¶ 39. The motion sought to confirm that Defendants’ enforcement of the law would violate this Court’s permanent injunction. It also explained that Defendants

would need to file a motion to dissolve the injunction if they sought to enforce HB 509. Fed. R. Civ. P. 60(b)(5). After expedited briefing, in which Defendants raised a host of procedural and substantive arguments (including standing, justiciability, and ripeness), and oral argument, this Court granted clarification in part on June 1, 2020.

The Court's June 1st order rejected Defendants' cornerstone argument that the injunction could not apply to HB 509 merely because the law was enacted after the injunction was issued. Dkt. 58 at 11. It confirmed that the injunction prohibited Defendants from maintaining a categorical ban against the corrections sought by transgender people, irrespective of any statute. But because it was unclear whether Defendants would choose to proceed with enforcement of HB 509 after having the benefit of the clarification ruling, this Court refrained from deciding whether such conduct would violate the injunction. Nevertheless, the Court specifically cautioned that "a party should seek clarification or modification . . . rather than risk disobedience and contempt." Dkt. 58 at 5 (quotes omitted).

Following the Court's June 1st order, and shortly before HB 509's effective date of July 1st, Defendants indicated that they nevertheless planned to enforce HB 509 when it took effect, without seeking clarification from the Court that such action was permissible under the injunction. Renn Decl. ¶ 23. This development forced Plaintiffs to file a further motion for clarification, this time regarding Defendants' imminent enforcement plan, only a few days before the law was set to take effect. *Id.* ¶¶ 24, 40. As before, Plaintiffs briefed and argued this motion on an expedited basis, responding to a host of procedural and substantive arguments raised by Defendants against a factual backdrop that continued to evolve as the law took effect.

On August 7, 2020, this Court granted Plaintiffs' motion. Dkt. 75. Building upon its prior clarification order, this Court confirmed that Defendant's enforcement of HB 509

“violate[d] the Injunction’s directive prohibiting IDHW from categorically rejecting applications from transgender people to change the sex listed on their birth certificates and its mandate that IDHW allow such applications.” *Id.* at 9-10. As a direct result of Plaintiffs’ work, Defendants ceased their enforcement of HB 509. Renn Decl. ¶ 43.

The significant legal work required by these successive rounds of motion practice relating to clarification, however, does not represent the universe of what was required of Plaintiffs to protect the integrity of this Court’s 2018 orders. Defendants had argued that the Court could not afford relief relating to HB 509 through the existing complaint and injunction in this action, and with only the existing Plaintiffs, which forced Plaintiffs’ counsel to undertake time-consuming additional work in the event those arguments were accepted. *Id.* ¶ 34.

Furthermore, as Plaintiffs had identified from the very outset of litigation concerning HB 509, Defendants could file a motion to dissolve the injunction if they sought to enforce the law, which, in reality, was the only procedural option available to them. *Id.* ¶ 35. Shortly after this Court’s August 7th order, Defendants confirmed to Plaintiffs that they intended to take further action in district court. *Id.* ¶ 26. Defendants subsequently reiterated in a joint filing that they “anticipate filing a motion relating to HB 509 in January, 2021,” and Plaintiffs noted that they anticipated a need for discovery. Dkt. 76. Although Defendants did not ultimately file their motion, Plaintiffs’ counsel did what any reasonably prudent attorney would do: they undertook the preparation necessary to preserve their hard-fought protections from being undone.

In sum, notwithstanding the enactment of HB 509, and because of Plaintiffs’ efforts, this Court’s injunction protecting the rights of transgender people remains in full force and effect.

LEGAL STANDARD

In an action brought under 42 U.S.C. § 1983, the court is authorized to award reasonable

attorneys' fees to the prevailing party. 42 U.S.C. § 1988(b). Where a party demonstrates prevailing party status, a district court's discretion to deny attorney's fees is "very narrow[]." *Abu-Sahyun v. Palo Alto Unified Sch. Dist.*, 843 F.2d 1250, 1252 (9th Cir. 1988) (quotes omitted). A prevailing party is entitled to reasonable attorneys' fees unless special circumstances would render such an award unjust. *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). The reason is because "[i]f successful plaintiffs were routinely forced to bear their own attorneys' fees, few aggrieved parties would be in a position to advance the public interest." *Jankey v. Poop Deck*, 537 F.3d 1122, 1131 (9th Cir. 2008) (quotes omitted).

In calculating the fee award, courts begin by determining 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. The relevant legal community from which hourly rates are drawn may vary depending on the case. Rates outside the forum may be used where the experience, expertise, or specialization needed to handle the litigation "properly" under the circumstances is not available within the forum. *Parsons v. Ryan*, 949 F.3d 443, 466 (9th Cir. 2020) (quotes omitted). The lodestar amount is presumed to reflect a reasonable fee, although courts may also make enhancements or other adjustments based on factors not already subsumed within the calculation. *Fischer v. SJB-P.D.*, 214 F.3d 1115, 1119 n.4 (9th Cir. 2000).

ARGUMENT

I. Plaintiffs Are the Prevailing Parties.

There is no question that Plaintiffs are the prevailing parties with respect to the litigation precipitated by HB 509: they successfully preserved the protections that they had obtained for transgender people from being rendered a nullity by Defendants' enforcement of the statute.

For purposes of fees, a prevailing party is one who achieves some material alteration of

the legal relationship between the parties that is judicially sanctioned. *Carbonell v. I.N.S.*, 429 F.3d 894, 898 (9th Cir. 2005). A permanent injunction, for example, “qualifies as an enforceable judgment on the merits of the case that materially alters the legal relationship between the parties by modifying the defendant’s behavior in a way that directly benefits the plaintiffs.” *Orantes-Hernandez v. Holder*, 713 F. Supp. 2d 929, 944 (C.D. Cal. 2010) (quotes omitted).

Plaintiffs’ status as prevailing parties here extends to their work in protecting the full scope of the permanent injunction and obtaining relief to stop Defendants’ enforcement of HB 509 in violation of that injunction. The Ninth Circuit has held that fees can be awarded for post-judgment work so long as it is “useful and of a type ordinarily necessary to secure the final result obtained from the litigation.” *San Francisco NAACP v. San Francisco Unified Sch. Dist.*, 284 F.3d 1163, 1168 (9th Cir. 2002) (quotes omitted); *see also Keith v. Volpe*, 833 F.2d 850, 856 (9th Cir. 1987) (upholding a fee award for a wide variety of post-judgment monitoring and implementation work, including a motion to enjoin state court proceedings that threatened to delay enforcement of the decree). That is precisely the work that Plaintiffs performed here.

A party who fights off an attempt to nullify, disregard, or narrow an injunction entered in its favor is a prevailing party. *See Orantes-Hernandez*, 713 F. Supp. 2d at 943; *see also Pennsylvania v. Del. Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 559 (1986) (holding that work to enforce a remedy was intertwined with work to obtain the remedy). After all, it is “only because plaintiffs successfully defended the injunction that the government is now forced to do something directly benefitting the plaintiffs,” which it would not otherwise have done. *Orantes-Hernandez*, 713 F. Supp. 2d at 943 (quotes omitted). Indeed, a plaintiff’s work to secure the fruits of their labor can be compensable even where the work “never ripened into courtroom activity.” *Keith*, 844 F.2d at 857 (quotes and alterations omitted).

Here, Defendants sought to disregard the permanent injunction by simply proceeding as though enforcement of HB 509 was outside its reach. Had Plaintiffs not obtained judicial relief as to HB 509, there is no doubt that, to this day, Defendants would still bar transgender people from correcting their birth certificates to match their gender identity. In that event, the relief that Plaintiffs obtained in 2018 would have been rendered largely meaningless after July 1, 2020. Because of Plaintiffs' work, however, this Court's protections remain fully intact.

II. Plaintiffs Are Entitled to the Requested Fees.

A. Plaintiffs Seek Fees for the Number of Hours Reasonably Required Under the Extraordinary Circumstances Created by HB 509.

Where "a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. Normally this will encompass all hours reasonably expended on the litigation." *Hensley*, 461 U.S. at 435. Here, that includes at least 1,017.5 attorney hours and 45.4 paralegal hours, which in actuality reflects an undercount of the time reasonably expended.

The resources expended by Plaintiffs' counsel were a direct and proportionate response to the significant and time-sensitive threat posed by HB 509 to the permanent injunction, Defendants' decision to enforce the statute, and the arguments advanced in defense of that enforcement. These considerations left Plaintiffs' counsel with no choice but to formulate and execute an all-fronts legal strategy demanded by the circumstances. *See generally* Renn Decl. ¶¶ 30-44. "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." *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008).

Plaintiffs' work spanned interrelated and overlapping categories, including the following:

Fact Investigation of HB 509. First, as noted above, Plaintiffs appropriately devoted time towards investigating and reviewing all potentially relevant facts and documents related to

HB 509, including a detailed analysis of its legislative history and purported justifications. This work continued in parallel even after Plaintiffs filed their initial motion regarding HB 509. Plaintiffs' counsel also appropriately spent time identifying and communicating with additional individuals who stood to be harmed by the law's enforcement. Renn Decl. ¶ 34.

Time spent monitoring compliance with the injunction is compensable, along with a wide variety of other legal work geared towards enforcement and implementation of a remedy. As the Ninth Circuit has explained, court-ordered relief may “occur more speedily and reliably if [plaintiffs] engaged in these monitoring activities, and this post-judgment monitoring by [plaintiffs] was, therefore, a necessary aspect of plaintiffs' ‘prevailing’ in the case.” *Keith*, 833 F.2d at 857 (quotes omitted); *see also Pennsylvania*, 478 U.S. at 559. Such activities may also include “informal discovery,” *Keith*, 833 F.2d at 856, and communicating with individuals affected by potential violations of court-ordered relief, *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 453 (9th Cir. 2010). Given that HB 509 was enacted for “the purpose of circumventing the Order and Judgment in this case,” Dkt. 58 at 13, the time spent by Plaintiffs investigating the law and its effects is plainly compensable.

Initial Motion for Clarification. Second, Plaintiffs marshaled significant resources in order to fully brief, argue, and obtain a ruling on their initial motion for clarification on a compressed timeframe in light of HB 509's looming effective date. That work required intensive legal analysis to determine the appropriate vehicle for seeking relief related to HB 509 in a post-judgment but pre-enforcement posture, which in turn required Plaintiffs to navigate complex legal considerations of standing, justiciability, and ripeness. The significance of this motion cannot be overstated: acceptance of Defendants' position—that any law enacted after the injunction was necessarily outside its reach—would have defeated the relief that Plaintiffs sought

regarding HB 509. Plaintiffs' counsel approached this work with the care that it deserved.

Plaintiffs' work on the motion is fully compensable. For example, courts have awarded fees for legal work to sort out "differing interpretations" of what was required under a decree, as well as motion practice to enjoin actions that threatened to delay relief. *Keith*, 833 F.2d at 856. Indeed, the Ninth Circuit has held that fees can be awarded for defensive work in circumstances much more attenuated than those here to the original relief ordered. *See San Francisco NAACP*, 284 F.3d at 1167 (holding that plaintiffs could recover fees "for defending a decree from collateral attack by third parties" in separate suit).

Subsequent Motion for Clarification. Third, because Defendants ultimately decided to march forward with enforcement of HB 509—notwithstanding this Court's caution, Dkt. 58 at 5, that parties should seek clarification rather than risk disobedience and contempt—Plaintiffs were forced to move quickly to file a further motion regarding their enforcement plans. As before, this was a complex endeavor. Particularly given that this subsequent motion clenched the relief sought by Plaintiffs relating to HB 509, and successfully halted Defendants' enforcement of the law, the careful work required of Plaintiffs' counsel to attain this result is similarly compensable. *See Orantes-Hernandez*, 713 F. Supp. 2d at 945 ("had plaintiffs not prevailed . . . the government would have ceased to provide the substantial protections of the injunction").

Protection of Injunction. Fourth, Plaintiffs also undertook a range of other work to protect the injunction—and thus "to secure the final result obtained from the litigation"—that was reasonably required under the circumstances. *San Francisco NAACP*, 284 F.3d at 1168 (quotes omitted). This work often served multiple purposes, including those described above, but it was also independently justified to defend against the injunction being dissolved or modified. This was not a hypothetical threat. For one, that was the only procedural option

available to Defendants from the outset. Renn Decl. ¶ 35. Moreover, Defendants subsequently confirmed to Plaintiffs, and then to the Court, that they intended to file a further motion relating to HB 509. *Id.* In proportionate response to the threat posed, Plaintiffs spent time to prepare legal and factual support in defense of the injunction, taking into account the various government justifications invoked by HB 509. *Id.* ¶ 36 (explaining the necessity and time-sensitive nature of such work, which included readying discovery and identifying fact and expert testimony).

The fact that legal work “never ripened into courtroom activity” does not mean that it is not compensable. *Keith*, 844 F.2d at 857 (quotes and alterations omitted). Courts have awarded fees in a variety of different contexts for work that did not culminate in a final filing where “a reasonable attorney with [their] client’s interests in mind would have” worked on the task. *Roberts v. City of Honolulu*, 938 F.3d 1020, 1026 (9th Cir. 2019) (vacating a denial of fees for work on unfiled motions and instructing district court on remand to consider whether work on unfiled motions was reasonable); *see also United States v. Haw. Student Suites, Inc.*, No. 19-CV-00528, 2021 WL 3134925, at *10 (D. Haw. May 28, 2021), *report and recommendation adopted*, 2021 WL 3131672 (D. Haw. July 23, 2021) (finding hours expended on unfiled motion reasonable). This rationale is particularly compelling where, as here, one party “flip-flops” about a promised future filing of substantial importance, inducing the other side to reasonably spend attorney time preparing to oppose it. *See, e.g., Marcus v. ABC Signature Studios, Inc.*, No. 17-CV-00148, 2017 WL 5592470, at *6 (C.D. Cal. Nov. 20, 2017).

Motion for Attorneys’ Fees. Finally, Plaintiffs are also entitled to compensation for the time expended in seeking attorneys’ fees, because the value of a fee award would otherwise be diluted, undermining the original objective of shifting fees. *Easley v. Collection Serv. of Nev.*, 910 F.3d 1286, 1291-92 (9th Cir. 2018). That is particularly true here, where even the issue of

attorneys' fees is not garden-variety but, rather, requires the parties to grapple with the unusual circumstances created by Defendants' post-judgment defiance of a permanent injunction.

In sum, as compensation for their prudent and proportionate response to Defendants' conduct and litigation position, Plaintiffs ultimately request fees for 1,017.5 attorney hours and 45.4 paralegal hours. As reflected in the task-based time entries that Plaintiffs have submitted, these hours are justified for each of the identified tasks. Renn Decl., Ex. B. To ensure the reasonableness of the hours claimed here, Plaintiffs' counsel reviewed and approved the itemized charges for each task. *Id.* ¶ 28. Counsel exercised billing judgment in reviewing those entries, and as appropriate, discounted or eliminated any potentially unnecessary, duplicative, and excessive time. *Id.* Indeed, counsel discounted or eliminated time entries for which fees could appropriately be sought. *Id.* Plaintiffs also eliminated all entries for three experienced attorneys, even though Plaintiffs could reasonably seek fees for their contributions. *Id.* ¶ 29; Lloyd Decl., ¶ 25. These discounts underscore the reasonableness of the fees sought for the remaining attorneys, who were necessary to implement legal work demanded by the moment across multiple fronts. In light of the work cut out for them, the number of hours for which Plaintiffs seek fees is reasonable, and in reality, a conservative representation of the actual time spent responding to the uniquely challenging circumstances unleashed by HB 509.

B. Plaintiffs' Requested Hourly Rates Are Reasonable, Particularly in Light of the Unique Needs of the Litigation Concerning HB 509.

Calculating the lodestar amount also requires determining reasonable hourly rates. The “prevailing market rates in the relevant community set the reasonable hourly rate for purposes of computing the lodestar amount.” *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1205 (9th Cir. 2013) (quotes omitted). While the “relevant legal community” is often where the district court sits, rates outside the forum are warranted where special circumstances exist, including where

non-local counsel's experience or expertise is reasonably necessary. *Parsons*, 949 F.3d at 466.

1. Counsel Seeking Boise Rates

Plaintiffs seek Boise, Idaho market rates for all counsel except those from Lambda Legal. The rates sought are well within the range of Boise market rates for attorneys with their backgrounds, expertise, and years of experience, as confirmed by the declaration of a Boise attorney not involved in the case. Decl. of Thomas Lloyd III.

Monica Cockerille graduated from the University of Wyoming College of Law in 1996, and brings extensive experience in litigation in the District of Idaho as well as in the legal process of amending Idaho birth certificates. *Id.* ¶17. Plaintiffs' requested rate of \$410 per hour for Ms. Cockerille based on her 25 years of experience is lower than the \$455 awarded in 2015 to an attorney with one year less of experience. *Lakeview Cheese Co., LLC v. Nelson-Ricks Creamery Co.*, No. 4:13-cv-00361, 2015 WL 769960, at *1 (D. Idaho Feb. 23, 2015); Lloyd Decl. ¶ 15. It is also on par with the rate that this Court awarded to an attorney with three more years of experience in 2014. *Latta v. Otter*, No. 1:13-cv-00482, 2014 WL 7245631, at *3 (D. Idaho Dec. 19, 2014); Lloyd Decl. ¶ 12.

Isaac Belfer, a former Covington associate who departed the firm during this case, graduated from Harvard Law School in 2011, bringing ten years of experience. Lloyd Decl. ¶ 21. Plaintiffs' requested hourly rates for Mr. Belfer of \$280 and \$290 for 2020 and 2021 are appreciably less than the \$330 awarded to an attorney with one more year of experience this June. *Dickinson Frozen Foods, Inc. v. FPS Food Process Sols. Corp.*, No. 1:17-cv-00519, 2021 WL 2444157, at *15 (D. Idaho June 15, 2021); Lloyd Decl. ¶ 15. They are also on par with the \$285 awarded to attorneys with 12-15 years of experience last year, *Idaho Conservation League v. Atlanta Gold Corp.*, No. 1:11-CV-161, 2020 WL 5848339, at *9 (D. Idaho Sept. 30, 2020);

Lloyd Decl. ¶ 15, as well as with the \$275 awarded to an attorney with 14 years of experience for work completed as early as 2009. *Cnty. House, Inc. v. City of Boise*, No. 1:05-CV-00283, 2014 WL 1247758, at *7 (D. Idaho Mar. 25, 2014); Lloyd Decl. ¶ 13.

Michael Lanosa is an associate at Covington's Los Angeles office, and he graduated from the University of Southern California Gould School of Law in 2014, bringing seven years of experience. Lloyd Decl. ¶ 22. In addition to his complex commercial litigation practice, he also regularly represents LGBT people in pro bono matters. *Id.* Plaintiffs' requested hourly rates for Mr. Lanosa of \$250 and \$260 for 2020 and 2021 are on par with the rate of \$250 awarded to an attorney with two fewer years of experience. *Dickinson*, 2021 WL 2444157, at *15; Lloyd Decl. ¶ 15. They are also on par with the equivalent rate awarded to attorneys with 6-7 years of experience last year. *Idaho Conservation League*, 2020 WL 5848339, at *7; Lloyd Decl. ¶ 15.

Colleen Smith is a 2015 graduate of William & Mary Law School, bringing six years of experience. She was an associate at Covington until March of 2021, at which point she became an associate at Hawley Troxell Ennis & Hawley's Boise office, and continued to work on this case. Lloyd Decl. ¶ 23. She brings deep knowledge of the District, as she clerked for Judge Nye, worked as an extern for Judge Winmill, and clerked for Ninth Circuit Judge N. Randy Smith. *Id.* Plaintiffs' requested hourly rates for Ms. Smith of \$240 and \$250 for 2020 and 2021 are, like Mr. Lanosa's above, on par with the \$250 awarded to an attorney with one fewer year of experience in *Dickinson*, 2021 WL 2444157, at *15, and the same rate awarded to attorneys with 6-7 years of experience in *Idaho Conservation League*, 2020 WL 5848339, at *7.

2. Counsel Seeking Rates Outside Boise

For work performed by Lambda Legal, Plaintiffs seek out-of-forum rates because their participation was uniquely necessary here, having previously litigated and obtained the very

2018 rulings disputed in the litigation over HB 509.

District courts possess “a great deal of discretion” in determining what hourly rates are appropriate in a given case. *Gates v. Deukmejian*, 987 F.2d 1392, 1398 (9th Cir. 1992). Rates outside the forum are appropriate where the experience, expertise, or specialization that is reasonably necessary to handle the litigation “properly” is unavailable within the forum. *Parsons*, 949 F.3d at 466 (quotes omitted). That includes situations where the relevant expertise needed in litigation comes from an earlier period of representation. Courts have awarded out-of-forum rates due to counsel’s prior involvement in the dispute at a different stage. *See, e.g., Herrman v. LifeMap Assurance Co.*, 497 F. Supp. 3d 970, 975 (D. Or. 2020) (awarding out-of-forum rate where attorney had already become “intimately familiar” with the case by virtue of prior involvement in earlier stage of dispute); *Yenidunya Invs., Ltd. v. Magnum Seeds, Inc.*, No. 2:11-1787, 2012 WL 538263, at *7 (E.D. Cal. Feb. 17, 2012) (same). Of particular relevance here, counsel may possess “unique experience” needed in post-judgment proceedings because of their involvement in earlier phases of the litigation—including critical knowledge of what “led to issuance of the permanent injunction.” *Orantes-Hernandez*, 713 F. Supp. 2d at 960.

For example, where counsel’s prior involvement gives them “first hand familiarity with the dispute between the parties,” clients will “naturally” turn to counsel who “already had developed experience and expertise on the facts underlying this specific case.” *Yenidunya Invs.*, 2012 WL 538263 at *7. Indeed, it is often impracticable to proceed without prior counsel in such contexts. *Instrumentation Lab. Co. v. Binder*, No. 11cv965, 2013 WL 12049072, at *3 (S.D. Cal. Sept. 18, 2013) (awarding out-of-forum rate for attorney based on prior involvement in handling transaction subject to litigation). These concerns are even more acute where the work at issue arises out of an earlier legal proceeding handled by the same counsel. In that

situation, a party “could not be expected to hire new counsel,” and “it is appropriate to apply the prevailing rates for the community in which [existing] counsel is located.” *Shany Co. v. Crain Walnut Shelling, Inc.*, No. 2:11-cv-01112, 2015 WL 351660, at *6 (E.D. Cal. Jan. 23, 2015).

If there were ever a case in which this rationale applies, it is this case. Lambda Legal represented Plaintiffs in the litigation that culminated in the 2018 injunction. Lambda Legal was intimately familiar with what was actually litigated and thus uniquely positioned to tackle the dispositive and time-sensitive issue presented by HB 509: whether enforcement of the law fell within the scope and objective of this Court’s rulings. Renn Decl. ¶ 52. In addition to possessing specialized experience in litigating the constitutional rights of transgender people, which was a necessary (but not sufficient) foundation for representation here, Lambda Legal had developed “experience and expertise on the facts underlying this specific case” that was the lynchpin to success in litigation concerning HB 509. *Yenidunya Invs.*, 2012 WL 538263, at *7.

Moreover, out-of-forum rates can be especially warranted where legal work was required because of a “special need [that] was largely fomented by” the other side. *Adcock-Ladd v. Sec’y of Treasury*, 227 F.3d 343, 351 (6th Cir. 2000). Here, it was Defendants’ actions that thrust Plaintiffs back into a fight they did not seek out. Plaintiffs’ out-of-state counsel at Lambda Legal were, in essence, called back to Idaho. Proceeding without Lambda Legal would have meant abandoning the team that obtained the injunction in the first place, at the eleventh hour, in favor of a team stacked with newcomers who would need to spend additional time getting up to speed, all while Defendants trampled on the rights of transgender people protected by the injunction.

Furthermore, when a case requires “special expertise on complex” issues, it is reasonable to “obtain[] specialized counsel to assist . . . with [those] issues.” *Paolini v. Alberton’s Inc.*, No. CV-02-41, 2005 WL 1459640, at *4 (D. Idaho June 21, 2005). This consideration is

compounded by the fact that “[t]he District of Idaho has a far smaller pool of attorneys from which to choose for specialized matters.” *Hash v. United States*, No. 1:99-cv-00324, 2012 WL 1252624, at *6-7 (D. Idaho Apr. 13, 2012) (awarding out-of-forum rates where “the action could not have been prosecuted successfully but for the specialized expertise” that “was unavailable among Idaho attorneys”). Lambda Legal has significant and unique expertise in not only litigating constitutional discrimination claims on behalf of LGBT people but in challenging birth certificate policies that discriminate against transgender people in particular. Renn Decl. ¶ 50.

Lambda Legal is a non-profit organization focused on LGBT impact litigation, and all three of its attorneys here (Peter Renn, Kara Ingelhart, and Nora Huppert) are specialists in the field. Mr. Renn is an attorney at Lambda Legal’s Los Angeles office and graduated from Harvard Law School in 2006, bringing 15 years of experience. Renn Decl. ¶ 4. He clerked for the Honorable Lawrence Karlton in the Eastern District of California, and joined Lambda Legal in 2010, where he has specialized exclusively in LGBT rights litigation. *Id.* For Mr. Renn, Plaintiffs seek hourly rates of \$650 and \$675 for work performed in 2020 and 2021, respectively. As confirmed by the supporting declaration of an experienced Los Angeles attorney not connected to this case, these rates are justified by, if not lower than, prevailing market rates. Decl. of Dan Stormer ¶¶ 16-18. The reasonableness of these rates is also confirmed by other fee decisions. *Id.* ¶¶ 20-22; *see, e.g., McKibben v. McMahon*, No. 14-2171 JGB (SPx), 2019 WL 1109683, at *14 (C.D. Cal. Feb. 28, 2019) (“attorneys practicing civil rights litigation with 9-15 years of experience bill adjusted lodestar rates of \$606-\$855 per hour”).

Kara Ingelhart is an attorney at Lambda Legal’s Chicago office and a 2015 graduate of the University of Chicago Law School, bringing six years of experience. Renn Decl. ¶ 57. She has similarly focused on impact litigation advancing the civil rights of LGBT people, and she

was awarded a Skadden Fellowship to pursue this work. *Id.* She has extensive experience litigating policies that restrict the ability of transgender people to correct their birth certificates. *Id.* For Ms. Ingelhart, Plaintiffs seek hourly rates of \$320 and \$330 for work performed in 2020 and 2021, respectively. Plaintiffs have submitted the declaration of an experienced Chicago attorney not connected to this case to support these rates, which are well within the range of reasonable market rates in Chicago. Decl. of Charlie Wysong ¶¶ 13-16. They are also supported by comparison to case law. *Id.* ¶¶ 16-17; *see, e.g., Lloyd v. Credit Services Int'l, Inc.*, No. 18-C-4267, 2019 WL 5311843, at *1 (N.D. Ill. Oct. 21, 2019).

Nora Huppert is an attorney at Lambda Legal and a 2019 graduate of Columbia Law School, bringing two years of experience. Renn Decl. ¶ 60. She has also exclusively practiced LGBT impact litigation. Ms. Huppert worked closely with Mr. Renn and Ms. Ingelhart as a team on time-sensitive work relating to HB 509, including during the period when lawmakers were considering its adoption, which enabled Plaintiffs to move swiftly when it was enacted. *Id.* ¶¶ 56, 61. She also conducted the oral argument on Plaintiffs' second clarification motion. For Ms. Huppert, Plaintiffs seek hourly rates of \$325 and \$350 for work performed in 2020 and 2021, respectively.¹ These are justified by prevailing market rates. Stormer Decl. ¶¶ 18-20; *McKibben*, 2019 WL 1109683, at *14 (“attorneys practicing civil rights litigation with 1-6 years of experience billed adjusted lodestar rates of \$336-\$671 per hour”).

¹ Ms. Huppert was based out of Lambda Legal's Los Angeles office throughout most of the relevant time period but transferred to Lambda Legal's Chicago office on September 1, 2021, less than a month before the filing of this motion. Due to the timing, and to avoid any dispute over the rates sought during the month of September, Plaintiffs are seeking the lower of the two possible out-of-forum rates for Ms. Huppert for all work after September 1st, which represents 43.4 hours. The lower, Chicago rate sought for Ms. Huppert after September 1, 2021 is \$270, which is justified by market rates. Wysong Decl. ¶¶ 14-19; *see also Awalt v. Marketti*, No. 11-C-6142, 2018 WL 2332072, at *2 (N.D. Ill. May 23, 2018).

Jamie Farnsworth is a paralegal in Lambda Legal’s Los Angeles office with 14 years of legal experience. Renn Decl. ¶ 64. Plaintiffs seek \$175 per hour for Ms. Farnsworth, which falls within, if not below, the prevailing market rates for a comparable paralegal in either Los Angeles or Boise. Stormer Decl. ¶ 17; Lloyd Decl. ¶ 33; *see, e.g., Dickinson Frozen Foods*, 2021 WL 2444157, at *16 (finding that \$190 per hour is the Boise market rate for experienced paralegals).

Finally, in the alternative to out-of-forum rates, Plaintiffs note that the fees attributable to usage of such rates would be independently justified as an enhancement based on factors not already subsumed within the lodestar amount. *Pennsylvania*, 478 U.S. at 562 n.7 (noting factors such as time limitations, nature and length of professional relationship with client, preclusion of other work, and “undesirability” of case); *Fischer*, 214 F.3d at 1119. While the lodestar amount is presumptively reasonable, and enhancements are thus rare, this was a rare case. Plaintiffs’ counsel faced a Herculean task of seeking relief on an exceedingly short timeframe, which also necessarily precluded other work. Renn Decl. ¶ 47. It was their prior representation of Plaintiffs in earlier litigation that enabled them to secure relief, the profound value of which transcends monetary calculation. And counsel took on the cause in the face of extraordinary legislative backlash against transgender people. Whether the Court considers these and other factors on the front end of the fee analysis in setting rates—or, alternately, only on the back end of the fee analysis as an enhancement to the lodestar figure—the ultimate fee liability remains the same.²

III. Summary of Requested Fees and Expenses

Plaintiffs’ requested fees are summarized in the chart below:

Attorney	2020 Rate	2021 Rate	2020 Hours	2021 Hours	Amount
Monica Cockerille	\$410	\$410	24.9	4.8	\$12,177

² Should this Court decline to award fees attributable to out-of-forum rates, whether in calculating or enhancing the lodestar figure, Plaintiffs have also provided the rates that the Lambda Legal attorneys could obtain based on the Boise market. Lloyd Decl. ¶¶ 29-32.

Isaac Belfer	\$280	\$290	37.4	5	\$11,922
Michael Lanosa	\$250	\$260	51.3	6.5	\$14,515
Colleen Smith	\$240	\$250	69.2	34.4	\$25,208
Peter Renn	\$650	\$675	312	84.6	\$259,905
Kara Ingelhart	\$320	\$330	94.5	15.1	\$35,223
Nora Huppert	\$325	\$350 / \$270 ³	197	37.4 / 43.4	\$88,833
Paralegal	2020 Rate	2021 Rate	2020 Hours	2021 Hours	Amount
Jamie Farnsworth	\$175	\$175	37.9	7.5	\$7,945

In sum, Plaintiffs request reasonable fees in the amount of \$455,728. Plaintiffs reserve the right to update the amount requested based on the time spent after the filing of the motion, including on any reply. Additionally, Plaintiffs seek recovery for \$750 in out-of-pocket litigation expenses that would normally be charged to a fee-paying client. *Woods v. Carey*, 722 F.3d 1177, 1180 n.1 (9th Cir. 2013); Renn Decl. ¶ 69 (pro hac vice fees).

The combined amount of both fees and expenses is \$456,478. Plaintiffs also request that the Court apply the prevailing post-judgment interest on any fee award from the date of its issuance. *Friend v. Kolodziejczak*, 72 F.3d 1386, 1391-92 (9th Cir. 1995).

CONCLUSION

The unique work performed by Plaintiffs' counsel was a momentous undertaking, initiated on short notice and fought on multiple fronts, to remedy willful state defiance of an injunction protecting the rights of transgender people. Counsel acted quickly, responsibly, and proportionately to the extraordinary circumstances created by the government. Without adequate compensation, the economic reality is that the appropriate counsel necessary to vindicate a civil rights violation may not be available when the next violation occurs, nor should that burden be shouldered by the very community whose rights are under attack. The government knowingly flouted its obligations, and it bears full responsibility for the consequences of its actions.

³ For the reasons noted above, the second figure here represents a lower, Chicago rate for hours spent on or after September 1, 2021. The number of such hours is also segregated on this row.

DATED: September 29, 2021

By: /s/ Nora Huppert

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of September, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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

F.V. and DANI MARTIN,

Plaintiffs,

v.

DAVID JEPPESEN, in his official capacity as Director of the Idaho Department of Health and Welfare; ELKE SHAW-TULLOCH, in her official capacity as Administrator of the Division of Public Health for the Idaho Department of Health and Welfare; and JAMES AYDELOTTE, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics,

Defendants.

No. 1:17-cv-00170-CWD

**DECLARATION OF PETER C.
RENN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES**

DECLARATION OF PETER C. RENN

I, Peter C. Renn, declare as follows:

1. I am more than eighteen (18) years of age, have personal knowledge of the facts set forth herein, and am otherwise competent to testify to the matters set forth herein.

2. I am Counsel with Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”), and one of the attorneys for Plaintiffs. I make this declaration in support of Plaintiffs’ motion for attorneys’ fees relating to legal work performed in 2020-21 and to provide the relevant factual and procedural context to support the reasonableness of the requested fees.

I. Summary of Relevant Experience and Qualifications

3. I have represented Plaintiffs in this litigation from its inception, when the action was filed on April 18, 2017, through judgment on April 20, 2018. I also represented Plaintiffs in the subsequent legal work that was performed beginning in March 2020, which is the subject of Plaintiffs’ fee motion. I directed and generally supervised the legal work performed for this litigation, including by the other Lambda Legal staff who have worked on this case.

4. I have specialized exclusively in litigation concerning the civil rights of lesbian, gay, bisexual, and transgender (LGBT) people at Lambda Legal since 2010. Lambda Legal is the nation’s largest and oldest non-profit legal organization working to achieve full recognition of the civil rights of LGBT people, and I work in its Western Regional Office, which is based in Los Angeles, California. I graduated *magna cum laude* from Harvard Law School in 2006, where I was an executive editor of the Harvard Civil Rights-Civil Liberties Law Review. After law school, I clerked for the Honorable Lawrence Karlton in the United States District Court for the Eastern District of California. I then practiced complex civil litigation at the law firm of Munger, Tolles & Olson in Los Angeles before joining Lambda Legal. The litigation undertaken

by Lambda Legal is no less complex than the civil litigation that I practiced at the law firm, where my rate was more than \$400 per hour in 2010 as an attorney with four years of experience.

5. During my time at Lambda Legal, I have acquired specialized experience and knowledge litigating constitutional claims on behalf of transgender people, including equal protection claims, which I relied upon in representing Plaintiffs in this litigation. Examples of the cases that I have litigated include the following: *Karnoski v. Trump*, 926 F.3d 1180 (9th Cir. 2019) (counsel in challenge to ban on open military service by transgender people); *Carcaño v. McCrory*, 203 F. Supp. 3d 615 (M.D.N.C. 2016) (counsel in challenge to North Carolina laws discriminating against transgender people in access to public facilities); *Rosati v. Igbinoso*, 791 F.3d 1037 (9th Cir. 2015) (counsel on appeal for transgender prisoner denied access to gender-confirming surgical care).

II. Relevant Procedural History

A. Original Litigation from Complaint Through Final Judgment (2017-18)

6. On April 18, 2017, Plaintiffs filed their complaint challenging Defendants' categorical refusal to permit transgender people to correct the sex listed on their birth certificates—also known as a gender marker—in order to match their gender identity. Dkt. 1.

7. Because Defendants conceded from the outset of the litigation in their answer that this categorical refusal was unconstitutional under the equal protection clause, Dkt. 23, the ensuing litigation was focused on the remaining issues in dispute. That included the appropriate judicial remedy for the equal protection violation, the proper scope of any injunctive and declaratory relief, and, relatedly, the level of constitutional scrutiny that any remedial measure replacing the categorical bar would need to satisfy. Even that more focused litigation nonetheless required several hundred attorney hours.

8. On March 5, 2018, this Court granted Plaintiffs’ motion for summary judgment. Dkt. 39. Among other things, this Court held that discrimination against transgender people requires heightened scrutiny under equal protection and granted a permanent injunction enjoining Defendants and their agents from categorically denying applications by transgender people to change the sex listed on their birth certificates in order to match their gender identity.

9. Plaintiffs’ counsel were also actively involved when the Board of Health and Welfare considered and adopted proposed rules to comply with the Court’s orders.

10. On April 20, 2018, this Court issued a final judgment, which reaffirmed the terms of the permanent injunction, and directed the Clerk of the Court to close the case. Dkt. 43.

11. Pursuant to Rule 4 of the Federal Rules of Appellate Procedure, any notice of appeal would have needed to be filed within 30 days of the judgment or order being appealed. Defendants did not appeal.

B. Subsequent Litigation Following Idaho House Bill 509 (2020-Present)

1. Enactment of HB 509

12. Plaintiffs and their counsel were unexpectedly thrust back into litigation nearly two years later—long after a never-appealed final judgment—when the State of Idaho chose to enact House Bill 509 (“HB 509”) in 2020 in defiance of this Court’s permanent injunction. HB 509 passed by 53-16-1 in the Idaho House on February 27, 2020, and by 27-6-2 in the Idaho Senate on March 17, 2020, before the Governor signed it into law on March 30, 2020.

13. HB 509 sought to reinstate a categorical ban against transgender people correcting their listed sex to match their gender identity on its effective date of July 1, 2020. It did so by requiring transgender people to obtain a court order that was impossible for them to obtain by its own terms. The law defined “sex” as “the immutable biological and physiological

characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female.” Idaho Code § 39-245A(3). Furthermore, a transgender person could only challenge the sex listed on their birth certificate on the basis of fraud, duress, or mistake of material fact. Idaho Code § 39-245A(4).

14. The highly unusual circumstances around HB 509’s enactment have previously been documented in this litigation. Dkt. 46-1 at 7-8. In short, the State passed the law in order to defy this Court’s injunction, as confirmed by legislative proceedings. Dkt. 58 at 13 n.7. For instance, the bill’s sponsor described this Court’s ruling as “the epitome of judicial activism” and vowed not to “cede” authority to the judiciary. Dkt. 46-1 at 7. Another legislator voted for the law because, in his view, “boys are boys, and girls are girls” and “no judge . . . is going to change that reality.” *Id.* As this Court observed, lawmakers also pressed forward with the legislation even though the Governor had declared a state of emergency due to COVID-19, and it was enacted alongside another anti-transgender law, which barred transgender females from participating in women’s sports at publicly sponsored schools. *Id.* at 4 n.4. During legislative proceedings, the Attorney General’s office cautioned that attorneys’ fees from litigation over HB 509 “could exceed one million dollars.”¹

2. Plaintiffs’ Retention of Counsel

15. As a threshold matter, Plaintiffs had to secure legal representation for legal work relating to HB 509. While that new legal work was intimately related to the legal representation of Plaintiffs in 2017-18, which was the necessary foundation for subsequent legal work, the legal

¹ Letter from Brian Kane, Assistant Chief Deputy, Idaho Attorney General, to John Gannon, Member, Idaho House of Representatives (Feb. 28, 2020), https://www.boisestatepublicradio.org/sites/idaho/files/202002/doc_feb_28_2020_13_50.pdf.

work concerning HB 509 extended beyond the original representation.

16. Given that Plaintiffs' counsel obtained the very injunction and judgment that Plaintiffs sought to show would be violated by HB 509's enforcement, it was reasonable to again retain Plaintiffs' counsel for legal work relating to HB 509. Indeed, it would have been ill-advised, risky, and inefficient to proceed without prior counsel who had handled the relevant issues, because the potentially dispositive question was whether enforcement of HB 509 fell within the scope of the rulings that such counsel had litigated and obtained in 2017-18. To handle the litigation properly, counsel needed not only expertise with respect to litigating constitutional discrimination claims on behalf of transgender people but, more specifically, expertise with respect to the prior litigation itself. Even with respect to the former consideration, I am unaware of Idaho counsel who had such expertise and who was available and not otherwise preoccupied to handle the time-sensitive needs of the litigation concerning HB 509. Proceeding without prior counsel would have also risked significant delay in achieving expeditious relief given HB 509's effective date of July 1, 2020.

17. Plaintiffs therefore once again retained the legal services of Lambda Legal and Cockerille Law Office, PLLC, which had represented them in the 2017-18 litigation. Given the amount of legal work relating to HB 509 that could be reasonably anticipated, and its time-sensitive nature, Plaintiffs additionally retained Covington & Burling LLP ("Covington") as counsel.

3. District Court Proceedings

18. Plaintiffs' counsel were forced to move quickly and efficiently following the enactment of HB 509 on March 30, 2020, given the amount of legal work that was required under the circumstances, including to fully brief, argue, and obtain a favorable judicial ruling

relating to HB 509 before its effective date just three months later on July 1, 2020, particularly if multiple motions proved necessary.

19. The legal work relating to HB 509 performed by Plaintiffs' counsel includes, but is not limited to, what was filed on the court's docket, as court filings often represent only a fraction of the work required to represent a client's interests in litigation.

20. As one illustration, Plaintiffs' legal team devoted significant resources to investigating the facts and circumstances surrounding the law's passage and enactment. That included collecting, reviewing, and analyzing all legislative proceedings, testimony, and documents relevant to HB 509 that could be reasonably obtained. Plaintiffs obtained contemporaneous statements made by legislators, both within and outside legislative proceedings, showing that the legislation was a direct effort to defy this Court's ruling. Plaintiffs also utilized public records requests in order to obtain approximately 12,253 pages of documents (spanning approximately 1,931 documents) relating to HB 509.

21. On April 16, 2020, Plaintiffs filed a motion for clarification and, simultaneously, a motion to shorten time on briefing given HB 509's looming effective date. Dkt. 46. Plaintiffs' motion for clarification sought relief to confirm that Defendants' enforcement of HB 509 would violate this Court's permanent injunction—and it thus functioned as a dispositive motion insofar as HB 509 was concerned, as a loss could have foreclosed relief through this action. The motion also explained that Defendants would need to file a motion to dissolve the injunction if they sought to enforce HB 509. *See* Fed. R. Civ. P. 60(b)(5). Defendants filed their opposition on May 1, 2020, raising a large number of procedural and substantive arguments in response. Dkt. 53. Notably, one such argument was their contention that the Court could not grant any relief until after HB 509's effective date. Plaintiffs then filed their reply on May 11, 2020, responding

to each argument. Dkt. 54. This Court heard oral argument shortly thereafter, on May 19, 2020.

22. On June 1, 2020, this Court granted Plaintiffs' motion in part. Dkt. 58. The Court confirmed that HB 509 was subject to the permanent injunction, rejecting Defendants' argument that the legislation was outside the scope of the injunction merely because it was enacted after the injunction was issued. It also found that HB 509 was enacted "in response to and for the purpose of circumventing the Order and Judgment in this case," observing that the legislators' statements cited in Plaintiffs' motion "speak for themselves." *Id.* at 13 n.7.

However, the Court had no way of knowing how Defendants would choose to act after receipt of its June 1st ruling. It thus refrained from addressing whether enforcement of HB 509 would violate the injunction because enforcement itself "may or may not occur" once Defendants had the benefit of its ruling, while nonetheless recognizing that it could "soon" be forced to address such issues depending on Defendants' choices. *Id.* at 14.

23. Following the June 1st ruling, the parties met and conferred, and Defendants indicated that they nonetheless intended to enforce HB 509 on July 1st, without obtaining a further ruling. Dkt. 66-2. This was notwithstanding the Court's June 1st order, which had stated that when questions arise as to the scope of an injunction, "a party should seek clarification or modification . . . rather than risk disobedience and contempt." Dkt. 58 at 5 (quotes omitted).

24. Plaintiffs were thus forced to file a further motion for clarification, this time regarding Defendants' enforcement plan, on June 22, 2020. Dkt. 66. As before, this motion was similarly dispositive in nature, as a loss would potentially terminate the ability to obtain relief through the case. Defendants filed their opposition on July 2, 2020, again raising an array of procedural and substantive arguments, and Plaintiffs filed their reply on July 7, 2020. Dkts. 70-71. This Court heard oral argument on July 22, 2020.

25. On August 7, 2020, this Court granted Plaintiffs’ motion. Dkt. 75. It confirmed that Defendants’ enforcement of HB 509—including the requirement that transgender applicants procure a court order that the law made impossible for them to obtain—violated the injunction. *Id.* at 10 (“the statute is directly at odds with the clear intent and mandate of the Injunction”).

26. Following the Court’s ruling, the parties conferred regarding Defendants’ next steps. On August 19, 2020, Defendants’ counsel confirmed to Plaintiffs’ counsel that they intended to take further action in district court and that they did not view the case as being over. Plaintiffs’ counsel noted that they anticipated that they would need discovery.

27. On December 9, 2020, the parties filed a joint stipulation, which stated that “Defendants anticipate filing a motion relating to HB 509 in January, 2021.” Dkt. 76 at 2. The stipulation also noted Plaintiffs’ anticipated need for discovery. *Id.* Ultimately, Defendants did not file the motion they had stated they would file. With this Court’s injunction and judgment intact, transgender people born in Idaho have continued to be able to correct their birth certificates in order to match their gender identity.

III. Attorneys’ Fees Sought

A. 2020-21 Hours Expended

28. The time expended in 2020-21 by Plaintiffs’ legal team is reflected in task-based time entries, attached as Exhibit B, which represents a compilation of such entries for each attorney or paralegal. I have exercised billing judgment to ensure that the time for which fees are sought was reasonable and necessary under the circumstances. As part of that process, I eliminated time that could be deemed unnecessary, duplicative, or excessive. I have also discounted or entirely eliminated certain entries for which fees could appropriately be sought. The time entries contain a column for the time spent on a task, as well as a column for the time

billed, with the latter column incorporating any discount from the exercise of billing judgment and thus reflecting the hours for which fees are sought.

29. Plaintiffs have not sought fees for a variety of legal work. For example, they have not sought any fees for three senior Covington attorneys who worked this matter, as explained further below. Likewise, Plaintiffs have not sought fees for legislative work relating to HB 509 performed by the attorneys from Lambda Legal, even though that work was part of monitoring and attempting to secure compliance with the injunction. Plaintiffs also have not sought fees for a range of other individuals who contributed to this litigation, from law clerks who spent substantial amounts of time on legal research to other attorneys who were consulted on the litigation.

B. Reasonableness of Time Expended in Litigation Concerning HB 509

30. The legal work performed by Plaintiffs' counsel in 2020-21 was necessitated by the enactment and enforcement of HB 509. That work was integral to ensuring both the integrity of this Court's injunction and the vindication of the rights of the transgender people protected by it. As detailed below, that work was justified on multiple grounds, whether viewed as monitoring compliance with the injunction, remedying violations of the injunction, or preventing nullification of the relief that Plaintiffs had obtained. Any reasonably prudent counsel would have undertaken this work to protect their clients' interests and to defend the judgment and injunction, particularly given the government's aggressive enforcement and defense of HB 509 amidst the politically charged environment that motivated its enactment. The excellent results Plaintiffs ultimately obtained only further confirms the propriety of the work performed.

Complexity, Difficulty, and Time-Intensive Nature of Legal Work Performed

31. Plaintiffs' legal work involved significant legal complexity and difficulty from

both a substantive and procedural perspective, which demanded a commensurate investment of time. This was not a garden-variety civil case by any stretch. Nor was it even a more traditional federal lawsuit instituted after the enactment of a new state law, which itself can already present considerable legal complexity. Rather, the legal work was precipitated by the highly unusual action of a state enacting a statute specifically in defiance of a permanent injunction. That action not only necessitated resource-intensive litigation regarding the intent, effect, and scope of the new law but litigation regarding the relationship between the new law and prior court orders, as well as the judicial remedies available under evolving circumstances playing out in real time.

32. There was no clear or defined path for how the litigation relating to HB 509 should unfold, which substantially increased the complexity and difficulty of the legal work required of Plaintiffs' counsel, and triggered the need to prepare multiple strategies in tandem.

33. That is illustrated during the period after HB 509's enactment in March 2020 but before it took effect in July 2020, when the question of what relief Plaintiffs could and should seek, and how to obtain it, was complicated by several factors. During that time, Defendants argued they had not yet taken any contemptuous action violating court rulings, simultaneously resisted timely disclosure of their enforcement plans, and raised various constitutional defenses including standing, justiciability, and ripeness. Even pinpointing and proving what actions that Defendants intended to take—as a purely factual matter—regarding enforcement of HB 509 in the days shortly preceding the law's effective date was subject to time-consuming disputes. *See, e.g.*, Dkt. 66-2.

34. Furthermore, both before and even after this Court's clarification rulings in 2020 relating to HB 509, multiple streams of legal work were needed to prepare for a range of potential procedural pathways that the litigation could take. As one illustration, Defendants

argued that Plaintiffs could not obtain any relief relating to HB 509 through motions for clarification. Defendants instead maintained there would need to be a new complaint filed, identifying additional individuals harmed by the law, along with presumably a motion seeking appropriate relief. Dkt. 53 at 1-2, 11. Particularly while Plaintiffs' motions for clarifications remained pending, they had to simultaneously prepare next steps if those motions were denied, given the harms posed by HB 509 and its effective date of July 1, 2020. That preparation included, for instance, the time-intensive task of identifying and interviewing additional individuals who would be harmed by the law's enforcement and would be willing to participate in the litigation, whether as additional plaintiffs or fact witnesses at a minimum.

35. Similarly, even if and after Plaintiffs prevailed in obtaining judicial confirmation that Defendants' enforcement of HB 509 violated this Court's injunction, Defendants could file a motion to dissolve that injunction. *See* Fed. R. Civ. P. 60(b). That risk was expressly identified in Plaintiffs' first motion for clarification in April 2020. Dkt. 46-1 at 13. Indeed, following this Court's ruling on Plaintiffs' second motion for clarification, Defendants confirmed to Plaintiffs in August 2020 that they anticipated filing a further motion relating to HB 509, although they did not know its precise timing. Defendants subsequently confirmed to the Court in a filing, Dkt. 76, that they anticipated they would file their motion in January 2021. While Defendants ultimately chose not to do so, any reasonably prudent attorney would perform the work that Plaintiffs' counsel undertook in order to prepare for disputes that were identified from the outset of litigation and to be able to respond properly, including to the justifications claimed for HB 509. In my experience, preparation to oppose dissolution of an injunction can require a significant investment of time.

36. Plaintiffs' preparation was critical with respect to any factual issues that would

require Plaintiffs to develop fact and expert witness testimony and to conduct affirmative discovery, particularly within whatever amount of time was ultimately allotted for opposing any motion (which, by default, is 21 days under the local rules). No extension is ever guaranteed, and similar to when a party seeks more time to respond to a motion for summary judgment citing a need for further discovery, the court often considers whether the party has already exercised diligence in considering granting additional time. Given the foreseeability of Defendants' motion, Plaintiffs reasonably undertook work analyzing the claimed justifications for HB 509 and developing the legal and factual responses to those claimed justifications. Those justifications, which were laid out in HB 509's legislative findings section, related to wide-ranging subjects such as health research, sex-specific treatment in various contexts, the provision of health care, national security, law enforcement interests, and others.

37. Thus, the time that Plaintiffs expended on motion practice itself—which was the functional equivalent to two dispositive motions and demanded a corresponding investment of time, given their significance to the litigation—represented only a fraction of the legal work required in this litigation. The other, interrelated legal work described above was reasonably required as well, regardless of whether it ultimately resulted in additional motion practice.

Expedited and Time-Sensitive Nature of Litigation

38. Much of the legal work relating HB 509 had to be performed under significant time pressures because the harms of the law were imminent with an impending effective date of July 1, 2020. In my experience, when legal work must be performed under such time pressures, any concerns about “excessive” time being spent on litigation tasks do not generally exist (and they did not exist here), for the simple reason that time is in short supply to perform even the essential litigation tasks required.

39. For example, after HB 509 was signed by the Governor on March 30, 2020, Plaintiffs filed a motion seeking relief less than three weeks later on April 16, 2020, with the subsequent briefing on the motion shortened and oral argument heard shortly thereafter. That required expedited legal work to determine what strategy and procedure to undertake, prepare the motion and accompanying factual and legal support, and analyze the entirety of the legislative history and testimony relating to the law.

40. Similarly, after Defendants finally disclosed their intent to nonetheless proceed with enforcement of HB 509 shortly before its effective date, despite the Court having already issued an order confirming that the permanent injunction applied to the law, Plaintiffs had three calendar days (two falling over a weekend) in which to draft and file a further motion seeking additional relief. Dkt. 66-2. The subsequent briefing schedule was also shortened, with Plaintiffs having five calendar days (three over a holiday weekend) to file a reply. Dkt. 69.

41. The time constraints imposed by the litigation required Plaintiffs' counsel to utilize the staffing resources that were available at a given time to meet the demands of the moment. Those time constraints also warranted scaling the staffing of the legal team commensurate to additional legal work that could be reasonably anticipated. Without such staffing, it would not have been feasible to perform the range of legal work that was reasonably required across multiple fronts at the same time.

42. Communication among the legal team was also critical, particularly during the months immediately after the law's enactment when there were constant developments relevant to the litigation on which team members needed to be apprised. Periodic telephone conferences among the legal team were a necessary and efficient means of exchanging time-sensitive information, dividing labor, and monitoring the status of litigation tasks.

Monitoring Compliance

43. Even after twice obtaining judicial relief through motions for clarification, Plaintiffs' counsel had to work to ensure and secure Defendants' compliance with the injunction. Plaintiffs first sought written confirmation of compliance immediately after the Court's August 7, 2020 order granting Plaintiffs' motion for clarification regarding Defendants' enforcement plan. Defendants provided that confirmation on August 11, 2020.

44. In February 2021, Plaintiffs' counsel discovered that Defendants were again in violation of the Court's injunction. Specifically, Defendants' publicly posted website materials were again instructing applicants seeking to correct their birth certificates that they needed to submit a court order pursuant to Idaho Code § 39-245A, even though that was impossible for transgender people to obtain under HB 509. After Plaintiffs' counsel notified Defendants' counsel regarding this issue, which was apparently due to the wrong version of the instructions being posted on the website, Defendants took corrective measures to comply with the injunction.

C. Reasonableness of Hourly Rates Sought

45. Plaintiffs were represented by three firms in the 2020-21 litigation relating to HB 509: Lambda Legal, Cockerille Law Office, and Covington. One of Plaintiffs' attorneys, Colleen Smith, was an associate in the Washington D.C. office of Covington until March 2021, when she became an associate in the Boise, Idaho office of Hawley Troxell Ennis & Hawley.

1. Lambda Legal

46. Founded in 1973, Lambda Legal is the oldest and largest legal organization committed to achieving full recognition of the civil rights of LGBT people and everyone living with HIV through impact litigation, education, and public policy work.

47. Lambda Legal is a 501(c)(3) non-profit organization that does not charge its

clients for legal services. Neither it, nor any of Plaintiffs' counsel, charged Plaintiffs here for the legal services provided in this litigation. Lambda Legal instead relies upon the recovery of attorneys' fees as part of its budget to sustain its operations. The contingent nature of the representation here meant that Plaintiffs' counsel needed to invest hundreds of hours without any assurance of compensation. That expenditure of time also necessarily precluded other work that would have been done in its place.

48. Lambda Legal has been party counsel in several leading Supreme Court cases impacting the rights of LGBT people. *See, e.g., Obergefell v. Hodges*, 576 U.S. 644 (2015); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Romer v. Evans*, 517 U.S. 620 (1996). As here, Lambda Legal's impact litigation often involves novel or cutting-edge legal issues that require specialized knowledge and experience. We recognize that when we undertake such litigation, the rights of many others in the LGBT community may be directly affected. That is a responsibility we take seriously.

49. Lambda Legal has significant litigation experience challenging government discrimination against transgender people across various contexts, with many of its cases establishing important precedent in the field. *See, e.g., Karnoski*, 926 F.3d at 1200 (holding, in case challenging ban on open military service by transgender people, that discrimination against transgender people requires heightened scrutiny under equal protection); *Glenn v. Brumby*, 663 F.3d 1312 (11th Cir. 2011) (holding, in case on behalf of transgender public employee, that discrimination against transgender people is sex discrimination).

50. Lambda Legal has particular expertise in litigating the issue of identity documents, including on behalf of transgender people who were denied access to birth certificates matching their gender identity and sought to vindicate their federal constitutional

rights. *See, e.g., Ray v. McCloud*, 507 F. Supp. 3d 925 (S.D. Ohio 2020); *Foster v. Andersen*, No. 18-2552, Dkt. 33 (D. Kan. Jun. 21, 2019); *Gore v. Lee*, No. 19-328, Dkt. 1 (M.D. Tenn. Apr. 23, 2019); *Arroyo Gonzalez v. Rossello Nevares*, 305 F. Supp. 3d 327 (D.P.R. 2018). This expertise has created a base of institutional knowledge and experience that uniquely equips the organization's attorneys to deliver effective and efficient representation working as a team.

51. Even at a national level, the pool of attorneys with experience litigating the issue of identity documents on behalf of transgender people, and the constitutionality of restrictions on correcting those documents, is very limited. Lambda Legal has no offices or attorneys in Idaho.

52. Lambda Legal took the lead role in representing Plaintiffs in this action from when it was first filed in 2017 through final judgment in 2018. The overwhelming majority of the time spent in that period of litigation was expended by Lambda Legal. Intimate familiarity with that period of litigation was a necessary (though not sufficient) foundation for successfully representing Plaintiffs in subsequent litigation relating to HB 509. The critical question in that subsequent litigation was whether Defendants' enforcement of the law fell within the scope of the rulings that Plaintiffs previously obtained. Indeed, the nature and scope of the injunction was specifically litigated in disputed summary judgment proceedings in 2017-18.

53. Because Lambda Legal's earlier work in obtaining the permanent injunction made it uniquely positioned to represent Plaintiffs in litigation relating to HB 509, Plaintiffs have sought out-of-forum rates for the subset of their legal team from Lambda Legal. The rates requested are justified by (and often lower than²) prevailing market rates in Los Angeles, California and Chicago, Illinois, as set forth in the separate declarations of attorneys Dan

² The choice by Plaintiffs' counsel to seek any below-market rates for purposes of this case only should not be construed as a waiver of their right to seek market rates in other matters.

Stormer and Charlie Wysong who practice in each of those markets, respectively.

Peter Renn

54. As summarized above, I have 15 years of legal experience, and I have specialized in LGBT rights litigation since 2010. Attached as Exhibit A is a compilation of all the resumes of Plaintiffs' attorneys for whom fees are sought, including my own.

55. I have sought hourly rates of \$650 for 2020 and \$675 for 2021. These are justified by prevailing market rates for comparable legal work in Los Angeles, as set forth in the declaration of Dan Stormer.

56. For work related to HB 509, I relied heavily upon two attorneys and a paralegal at Lambda Legal, described below, and we worked together closely as an internal team in order to perform the time-sensitive legal work demanded by the circumstances. That includes during the period when lawmakers were considering adoption of HB 509. That legislative work included explaining to lawmakers why adoption of the legislation would violate the injunction in this case, and while Plaintiffs have not sought fees for that work, it uniquely positioned the legal team to move forward quickly and efficiently once HB 509 was adopted.

Kara Ingelhart

57. Kara Ingelhart is a 2015 graduate of the Law School at the University of Chicago and is a Staff Attorney based out of Lambda Legal's Chicago office. Ms. Ingelhart was awarded a Skadden Fellowship, a highly competitive national fellowship awarded to a small number of recent law school graduates entering public interest work, which allowed her to advocate on behalf of LGBT people immediately upon graduation. She has spent her entire legal career focused on LGBT impact litigation. Attached as part of Exhibit A is Ms. Ingelhart's resume.

58. Ms. Ingelhart has significant experience representing transgender people seeking

birth certificates consistent with their gender identity and pursuing federal constitutional claims on their behalf. This experience spans several jurisdictions, including Ohio, Kansas, and Puerto Rico, in addition to Idaho. Ms. Ingelhart represented Plaintiffs in the 2017-18 litigation here, including arguing the summary judgment motion.

59. Ms. Ingelhart has sought hourly rates of \$320 for 2020 and \$330 for 2021. These are justified by prevailing market rates for comparable legal work in Chicago, as set forth in the declaration of Charlie Wysong.

Nora Huppert

60. Nora Huppert is a 2019 graduate of Columbia Law School. She was based out of Lambda Legal's Los Angeles office from 2019 until September 1, 2021, at which point she transferred to Lambda Legal's Chicago office. Ms. Huppert was awarded the Renberg Fellowship, which enabled her to work at Lambda Legal immediately upon graduation. She is currently a Staff Attorney at Lambda Legal and has devoted her legal career to LGBT impact litigation. Attached as part of Exhibit A is Ms. Huppert's resume.

61. Ms. Huppert has experience litigating the constitutionality of government discrimination against transgender people, including in Alaska and West Virginia. As noted above, Ms. Huppert also worked with Ms. Ingelhart and me on legislative work concerning HB 509 prior to its enactment. She handled critical aspects of the litigation regarding HB 509, including arguing the second motion for clarification, which resulted in this Court's August 7, 2020 order confirming that enforcement of HB 509 violated the permanent injunction.

62. Ms. Huppert has sought hourly rates of \$325 for 2020 and \$350 for 2021 (up through August 31st). These are justified by the prevailing market rates for comparable legal work in Los Angeles, as set forth in the declaration of Dan Stormer. She has sought a reduced

hourly rate of \$270 for work performed after September 1, 2021, when she transferred to the Chicago office of Lambda Legal. That is justified by prevailing market rates for comparable legal work in Chicago, as set forth in the declaration of Charlie Wysong.

Jamie Farnsworth (Paralegal)

63. Jamie Farnsworth is a paralegal at Lambda Legal based out of its Los Angeles office and has supported LGBT impact litigation at Lambda Legal for 14 years, including the original 2017-18 litigation here. Among other tasks, Ms. Farnsworth collected, reviewed, and analyzed materials relating to the passage of HB 509, including testimony and statements made during legislative proceedings, although Plaintiffs have not sought fees for significant portions of the time spent on this work.

64. Ms. Farnsworth seeks an hourly rate of \$175 for work in 2020-21. That is justified by prevailing market rates for comparable legal work in either Los Angeles or Boise, as set forth in the declarations of Dan Stormer and Thomas Lloyd, respectively.

2. Cockerille Law Office

65. Monica Cockerille is a 1996 graduate of the University of Wyoming School of Law. Ms. Cockerille has legal experience with respect to changing Idaho birth certificates, and she also represented Plaintiffs in the 2017-18 litigation. She was able to leverage that experience in the subsequent litigation concerning HB 509, and she further provided expertise with respect to local practice. Partnering with Lambda Legal was necessary and appropriate in the litigation concerning HB 509, both in light of Lambda Legal's lead role in the original 2017-18 litigation, and the practical constraints of Ms. Cockerille's solo law practice. Attached as part of Exhibit A is Ms. Cockerille's resume.

66. Ms. Cockerille seeks an hourly rate of \$410 for work in 2020-21. That is justified

by prevailing market rates for comparable legal work in Boise, as set forth in the declaration of Thomas Lloyd.

3. Covington & Burling

67. Plaintiffs only seek fees for half of the Covington attorneys who represented them in the litigation concerning HB 509. There were a total of six Covington attorneys: Jean Veta, William Isasi, Henry Liu, Isaac Belfer, Michael Lanosa, and Colleen Smith. Although they could reasonably do so, Plaintiffs have not sought fees for the time spent by Ms. Veta, Mr. Isasi, or Mr. Liu, who are the three most senior attorneys within that group, and who therefore have the highest hourly rates. These senior attorneys reviewed and edited key briefs, assisted in litigation strategy, and participated in moots, among other tasks. Attached as part of Exhibit A are the resumes for the three remaining attorneys for whom fees are sought: Mr. Belfer (who departed Covington this year), Mr. Lanosa, and Ms. Smith (who, as noted above, began employment at Hawley Troxell Ennis & Hawley in March 2021).

68. As to the three attorneys for whom fees are sought, Plaintiffs seek the following hourly rates. For Mr. Belfer, who graduated from Harvard Law School in 2011, Plaintiffs seek \$280 for 2020 and \$290 for 2021. For Mr. Lanosa, who graduated from the University of Southern California Gould School of Law in 2014, Plaintiffs seek \$250 for 2020 and \$260 for 2021. For Ms. Smith, who graduated from William & Mary Law School in 2015, Plaintiffs seek \$240 for 2020 and \$250 for 2021. These rates are justified by prevailing market rates for comparable legal work in Boise, as set forth in the declaration of Thomas Lloyd. Mr. Lloyd's declaration also highlights the superior qualifications of each of these attorneys.

IV. Expenses

69. Plaintiffs' counsel incurred a range of out-of-pocket costs as a result of the

litigation concerning HB 509, although they only seek to recover \$750 in *pro hac vice* fees incurred in 2020. These fees would ordinarily be billed to a fee-paying client.

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

DATED: September 29, 2021



Peter C. Renn

EXHIBIT A

PETER C. RENN

4221 Wilshire Blvd., Suite 280 • Los Angeles, CA 90010
prenn@lambdalegal.org • 213-382-7600

EDUCATION

Harvard Law School, June 2006

Honors: *magna cum laude*, top 10%
Activities: *Civil Rights-Civil Liberties Law Review*, Executive Editor
Lambda, Co-President
Asian Pacific American Law Students Association, Member

University of Texas at Austin, B.A. in Psychology & Plan II, May 2003

Honors: *summa cum laude*
Distinguished Dedman Scholar, Four-Year Merit Scholarship

EXPERIENCE

Lambda Legal Defense and Education Fund, Inc.

Jun. 2010 – Present Counsel Los Angeles, CA

Responsible for impact test-case litigation advancing the civil rights of lesbian, gay, bisexual, and transgender (LGBT) people and everyone living with HIV. Extensive litigation experience in courts throughout the western region of U.S., including briefing and argument to state and federal appeals courts. Oversee all aspects of litigation, including drafting of briefs, fact investigation, discovery, depositions, expert reports, trial preparation, and appeals. Identify potential new matters and devise case strategy from inception through appeal. Communicate with media regarding cases, which have been profiled in the *New York Times*, *Los Angeles Times*, and *Washington Post*. Speak at community events, conferences, and fundraising events. Recipient of the National LGBT Bar Association's Best LGBT Lawyers Under 40 Award.

Selected examples:

- *Thornton v. Saul*, 2020 WL 5494891 (W.D. Wash. Sept. 11, 2020): Counsel in challenge to denial of social security survivor's benefits to same-sex couples wholly barred from marriage by unconstitutional state laws. Obtained class certification and nationwide injunction.
- *Ely v. Saul*, 2020 WL 2744138 (D. Ariz. Jul. 24, 2020): Counsel in challenge to denial of social security survivor's benefits to same-sex couples barred from marriage for requisite duration by unconstitutional state laws. Obtained class certification and nationwide injunction.
- *Fletcher v. State of Alaska*, 443 F. Supp. 3d 1024 (D. Alaska 2020): Counsel in challenge on behalf of transgender state librarian denied access to gender-affirming surgical care. Obtained summary judgment on liability finding that state's exclusion on care violated Title VII.
- *Ray v. McCloud*, 507 F. Supp. 3d 925 (S.D. Ohio 2020): Counsel in case holding that denial of birth certificates to transgender people matching their gender identity is unconstitutional.
- *Gender and Sexuality Alliance v. Spearman*, 2020 WL 1227345 (D.S.C. Mar. 11, 2020): Counsel in challenge to anti-gay school curriculum law. Obtained consent decree enjoining enforcement.
- *Karnoski v. Trump*, 926 F.3d 1180 (9th Cir. 2019): Counsel in challenge to federal policy excluding transgender people from military service. Obtained appellate ruling holding that discrimination against transgender people requires heightened constitutional scrutiny.

Gay & Lesbian Advocates & Defenders

Spring 2005

Legal Intern

Boston, MA

Fall 2003 – Spring 2004

Legal Hotline Volunteer

Researched equal protection issues in marriage equality litigation. Provided legal information to callers regarding LGBT issues in New England.

BAR ADMISSIONS

California State Bar; Central, Eastern, and Northern Districts of California; Fourth, Fifth, Ninth, D.C., and Federal Circuits; United States Supreme Court

NORA HUPPERT (she/her)

65 E. Wacker Pl., Suite 2000, Chicago, IL 60601 • nhuppert@lambdalegal.org

ADMISSIONS

Admitted in California. Admission pending in Illinois.
Admitted to the Ninth, Tenth, and Eleventh Circuit Courts of Appeals.

EDUCATION

COLUMBIA LAW SCHOOL, New York, NY

Juris Doctor, May 2019

- Honors: Harlan Fiske Stone honors (2017-2018 & 2018-2019)
Allan Morrow Sexuality and Gender Law Prize
- Activities: *Columbia Journal of Law and Social Problems* (articles editor)
- Publication: “The Illinois Millionaire’s Exemption and the Utility of Campaign Contribution Limits,”
(COLUM. J.L. & SOC. PROBS., 2019)
- Association: National Trans Bar Association (member)

FRANKLIN & MARSHALL COLLEGE, Lancaster, PA

Bachelor of Arts in Government, *cum laude*, May 2014

EXPERIENCE

Lambda Legal

Staff Attorney, Chicago, IL Sept. 2021 – present
Renberg Fellow, Los Angeles, CA Sept. 2019 – Sept. 2021

Responsible developing and executing impact litigation advancing LGBT rights. Engaged in litigation that halted enforcement of Idaho’s 2020 anti-transgender birth certificate law. Participated in litigation challenging exclusion of gender-confirming care in Alaska Medicaid and West Virginia government health plans. Represent transgender employee in EEOC proceedings. Drafted complaints, various motions, demand letters, declarations, and interviewed potential plaintiffs in various LGBTQ+ rights cases. Assisted in drafting amicus briefs, including in immigration matters. Represented Lambda Legal on coalition that drafted and advocated for SB132, which ended California’s policy of housing trans women in men’s prisons. Helped to obtain consent decree enjoining South Carolina anti-LGBT curriculum law.

Transgender Rights Project, Lambda Legal

Legal Intern New York, NY
Spring 2019

Conducted legal research and drafted research memos.

Sexuality and Gender Law Clinic, Columbia Law School

Clinic Student New York, NY
Spring 2019

Represented trans asylee in seeking asylum. Assisted in research project into New York Family Court system in partnership with Bronx Defenders.

New York City Campaign Finance Board

Legal Intern New York, NY
Summer 2018

Conducted legal research and drafted memoranda for staff. Assisted in drafting filings in Board’s enforcement and collections proceedings in state court.

Criminal Appeals Externship, Center for Appellate Litigation

Extern New York, NY
Spring Term 2018

Drafted and edited appellant’s brief in a criminal appeal. Argued the appeal at oral argument before an Appellate Term panel in March 2019.

Kara N. Ingelhart

801 North Wabash Street, Apartment 2N ♦ Chicago, Illinois 60611 ♦ 219-669-1445 ♦ kara.ingelhart@gmail.com

LEGAL EXPERIENCE

Lambda Legal Defense and Education Fund, Chicago, Illinois

Staff Attorney

February 2019-Present

Law Fellow Attorney

September 2017-January 2019

Skadden Fellow Attorney

September 2015-September 2017

- Active in all facets of cutting-edge impact litigation, public policy, and education on issues involving the rights of lesbian, gay, bisexual, and transgender people and people living with HIV.
- Represent individuals in federal and state litigation, including cases involving equal access to identity documents for transgender people, housing discrimination, equal access to military service for transgender people and people living with HIV, public health, conditions of confinement for incarcerated individuals, and equal access to sex-segregated facilities for transgender students.
- Participate in federal, state, and municipal policy working groups, prepare formal comments regarding legislation and regulations, educate Congressional staffers, and author presidential transition memoranda.
- Review and assess legal intakes for potential litigation or advocacy opportunities.
- Serve as spokesperson for Lambda Legal, clients, and partners.
- Help develop and execute effective media strategies.
- Collaborate with other Lambda Legal departments including communications and development.
- Conduct trainings and educational programs on all aspects of Lambda Legal's mission.
- Hire and manage law fellows, paralegals, and legal interns.
- Former Equity, Diversity, and Inclusion Committee Co-Chair.
- Skadden Fellowship designed to serve low-income LGBTQ youth with juvenile or criminal records by addressing barriers that they face in accessing housing, employment, and educational opportunities.

EDUCATION

The University of Chicago Law School, Chicago, Illinois

Juris Doctor

June 2015

- Student Attorney, Mandel Legal Aid Clinic Mental Health Project
- Student Leadership: OutLaw, President & Law Students for Reproductive Justice, Vice President

The University of Chicago School of Social Service Administration, Chicago, Illinois

Certificate – Graduate Program in Health Administration and Policy, Global Health Concentration

June 2015

Indiana University, Bloomington, Indiana

Bachelor of Arts in Biology & Gender Studies, Highest Honors

May 2012

- Phi Beta Kappa Society Member
- Research Assistant, The Kinsey Institute for Research in Sex, Gender & Reproduction

REPRESENTATIVE CASES

B.L. v. Mahanoy Area School District (U.S. Sup. Ct.)

Co-authored *amicus* brief regarding schools' obligation to address legitimately harmful speech such as bullying, harassment, and threats of violence – whether or not it occurs on school grounds – but must be very specific and distinct with their actions to not overextend their authority.

Doe v. AJ Boggs & Company (Superior Court, San Francisco County, California)

Counsel for certified class of 93 low-income Californians living with HIV whose confidential medical records – including their HIV status – were compromised by a data breach of A.J. Boss's California AIDS Drug Assistance Program (ADAP) online enrollment system.

Walter v. Walter (Ind. Ct. of Appeals)

Co-authored *amicus* brief in support of a lesbian mother appealing a decision (seeking transfer to the state high court) denying her primary custody after her ex-husband argued that she should lose custody because of her lesbian relationship.

Ray v. McCloud (S.D. Ohio); *Foster v. Andersen* (D. Kansas); *Arroyo González v. Rosselló* (D. P.R.); & *F.V. v. Jeppesen* (D. Idaho)

Counsel for transgender people challenging Kansas's, Ohio's, Puerto Rico's, and Idaho's refusal to allow transgender people to correct the gender marker on their birth certificates.

Hobby Lobby v. Ill. Human Rights Comm'n; Ill. Dept. of Human Rights; & Meggan Sommerville (Ill. App. Ct. 2nd Dist.)

Co-authored *amicus* brief regarding the application of laws barring discrimination because of "sex" to transgender people, including the requirement of equal access to sex-segregated facilities.

Stinson v. Florida (Circuit Court First Judicial Circuit, Walton County, Florida)

Counsel for senior citizen seeking post-conviction relief from a more than three-fold sentencing enhancement (twenty-one years over the recommended sentence) based on his HIV-positive status.

Roe v. Austin (E.D. Va.); *Harrison v. Austin* (E.D. Va.); *Deese v. Austin* (D. Md.)

Counsel for U.S. military service members and military academy cadets refused commission or facing discharge based on their HIV-positive status.

Judd v. Judd (Ill. App. Ct. 2nd Dist.)

Counsel for Illinois non-biological mother whose former spouse appealed determination of shared custody of their daughter.

Karnoski v. Trump (W.D. Wash., 9th Cir., U.S. Sup. Ct.)

Counsel for transgender people challenging the constitutionality of the Trump Administration's ban on military service by transgender individuals.

Dorn v. Michigan Department of Corrections (W.D. Mich.)

Counsel for formerly incarcerated individual who was disproportionately punished for his HIV-positive status, including spending nearly a year in solitary confinement, under discriminatory Michigan statute and corresponding procedures.

Wetzel v. Glen St. Andrew Living Community (N.D. Ill., 7th Cir.)

Counsel for older lesbian woman facing discrimination based on her sex and sexual orientation in independent living community, through claims under the Fair Housing Act and the Illinois Human Rights Act.

Evancho v. Pine Richland School District (W.D. Pa.)

Counsel for transgender students in Pine Richland School District challenging a School District resolution that requires transgender student to use restrooms according to their sex assigned at birth.

Anders v. San Francisco County Superior Court, aka Doe v. Kink.com (Cal. Ct. App.)

Co-authored *amicus* brief regarding medical privacy rights, HIV-related stigma, public health goals, and statutory intent in the context of HIV testing.

Erotic Service Provider Legal, Education and Research Project v. Gascón (9th Cir.)

Co-authored *amicus* brief regarding intersection of due process and criminal prostitution and solicitation laws as they relate to public health and HIV.

Whole Woman's Health v. Hellerstedt (U.S. Sup. Ct.)

Co-authored *amicus* brief regarding intersection of fundamental rights and equal protection as they relate to reproductive justice.

SELECTED PRESENTATIONS, TESTIMONY, & POSTERS

Lavender Law Conference	July 2021
Plenary (with Judge Michael Jacobs, Ezra Young, Alexander Chen, Nancy Marcus, Sarah Warbelow, Josh Blecher-Cohen, Imani Rupert-Gordon, and Bendita Malakia): <i>Bridging the Gap in LGBTQ+ Rights Litigation: A Community Discussion on Bisexual Visibility in the Law</i>	
Presentation (with Arli Christian, Charlie Arrowood, Omar Gonzalez-Pagan, & AC Dumlao): <i>New Era of Access to IDs for Trans and Non-Binary People</i>	
Presentation (with Sean Bland, Benjamin Brooks, & Tamika Spellman): <i>Protecting LGBTQ+ Sex Workers Through Decriminalization and Intersectional Policy Approaches</i>	
Connecticut Bar Association	June 2021
Presentation: <i>Discrimination Against Members of the Military Who Are HIV-Positive</i>	
Schiff Hardin LLP	June 2021
Presentation: <i>Pride Month 2021 Program</i>	
Chicago Bar Association, Labor & Employment Division	May 2021
Sex Discrimination Seminar: Emerging Trends and Issues	
Presentation: <i>Non-Discrimination Protections for LGBTQ Employees in Illinois After Bostock</i>	
Panel (with Jennifer Jones & Deborah Hamilton): <i>Recent Trends and Issues in Sex Discrimination</i>	
University of Chicago Law School	April 2021
Diversity Scholar Series: <i>Transgender Inclusion</i>	
Indiana University McKinney School of Law, Indianapolis, IN	February 2021
Guest Lecture: <i>Litigating LGBTQ+ Issues – LGBTQ+ Students' Rights</i>	
Baker McKenzie LLP	November 2020
Presentation (with Scott Schoettes & Shelly Skeen): <i>Improving the Lives of People Living with – And Communities Most Affected by – HIV</i>	
Illinois State Bar Association Labor & Employment Law Section	October 2020
Presentation (with Aaron B. Maduff): <i>LGBTQ Rights after Bostock v Clayton County (USSC) – Implications for Employees and Employers</i>	
Lavender Law Conference	August 2020
Presentation (with Eric Paulk, Amir Sadeghi, Bamby Salcedo, & Brad Sears): <i>The Criminalization of Disease – Lessons from HIV, Hepatitis, and COVID-19</i>	
University of Chicago Law School	January 2020
Panelist (with Professors Mary Anne Case & Steve Sanders): <i>Title VII, Sexual Orientation, & Gender Identity</i>	
Pritzker Military Library	December 2019
Panelist (with Scott Schoettes, Sgt. Nick Harrison, & Sasha Buchert): <i>Transgender & HIV Military Ban Panel with U.S. Rep. Mike Quigley</i>	
North Dakota Advisory Committee to the U.S. Commission on Civil Rights Briefing	June 2019
Public Hearing Testimony (with North Dakota State Rep. Ruth Buffalo, Hukun Abdullahi, Laetitia Mizero Hellerud, Barry Nelson, Jack Russell Weinstein, & Miriam Zeidman): <i>Hate Crimes in North Dakota</i>	
University of Chicago Law School	April 2019
Panelist (with Scott Schoettes, Peter Perkowski, & Julie Bauer): <i>HIV & the Military</i>	
Indiana University Maurer School of Law, Bloomington, IN	March 2019
Presentation (with Professor Steve Sanders): <i>LGBTQ Equality in the Courts: An Update on Current Controversies</i>	
Cook County Board of Commissioners	February 2019
Public Hearing Testimony: <i>Resolution Condemning Trump Administration Treatment of Transgender, Gender Non-Conforming, & Intersex Individuals</i>	

Kara N. Ingelhart 4

- National Asian Pacific American Bar Association Conference** November 2018
Panelist (with Rachel See, Brynn Tannehill, & Kage Adams): *Stories from the Front Lines: Military Policies Regarding Openly Transgender Americans*
- Ohio State Bar Association** September 2018
Presentation (with Susan Becker & Alana Jochum): *Seventh Annual LGBTQ & Allies Diversity & Inclusion Conference*
- Defense Research Institute (DRI) Employment & Labor Law Conference** May 2018
Panelist (with Craig R. Thorstensen): *Addressing Claims of Discrimination Involving the LGBT Community*
- Defense Research Institute (DRI) Retail & Hospitality Litigation Conference** May 2018
Panelist (with Leon B. Silver, Katina Thornock, & Kristen Wilson): *Transgender Bathrooms: Where Can We Go Wrong?*
- DePaul College of Law** March 2018
Panelist (with Miles Shultz & Lori Ecker): *Journal of Women, Gender & Law Symposium*
- Chicago Bar Association** February 2018
Panelist (with John Knight, Lark Mulligan, Maria Pahl, & Mike Ziri): *Serving LGBT Clients in 2018: What You Need to Know*
- Congressional LGBT Equality Caucus Staff Briefing** January 2018
Panelist (with Shayla Schlossenberg, Preston Mitchum, Magalie Lerman, & Kate D'Adamo): *The Impact of Sex Work Laws on LGBTQ Community*
- Creating Change Conference** January 2018
Presentation (with Daniel Bruner, Guillaume Bagal III, & Kate D'Adamo): *Criminalizing Sex Work: Exploring the Full Scope of the Law*
- Wake Forest University School of Law** November 2017
Presentation (with Nii-Quartelai Quartey, Paula Kohut, & Yemi Adegbonmire): *LGBT Advocacy and Aging*
- Lavender Law Conference** August 2017
Presentation (with Daniel Bruner, Maria Carmen Hinayon, & Richard Saenz): *Sex Workers and the Criminal Law: An LGBT Issue*
- Creating Change Conference** January 2017
Presentation (with Meghan Maury & Shelby Chestnut): *Reentry: Breaking the Cycle of Incarceration for LGBTQ People and PLHIV*
Presentation (with Candace Bond-Therriault): *Stop the Stigma: Queer Identity, Abortion Stigma and Politics of the Closet*
Presentation (with Kate D'Adamo, Victoria Roldriguez-Roldan, & Joanna Cifredo): *Decriminalization of the Sex Trade*
- Coalition for Juvenile Justice Conference** April 2016
Poster: *LGBTQ Youth & Disproportionate Juvenile & Criminal Justice System Contact: Policing, Prosecution and Sentencing & the Collateral Effects of a Record*
- Creating Change Conference** January 2016
Presentation (with Rachel Brady, Candace Moore, & Geoffrey Winder): *Perspectives on Policing Young People in Schools*
Presentation (with Lam Ho): *Sex Work Decriminalization: A History, Personal Experiences, and Advocacy Tools*

ADMISSIONS, AWARDS, & AFFILIATIONS

- State Bar Admission: Illinois
- U.S. District Courts: Northern District of Illinois & Western District of Michigan

- U.S. Courts of Appeals: Fourth Circuit, Seventh Circuit, & Ninth Circuit
- U.S. Supreme Court
- Illinois State Bar Association
- National LGBT Bar Association 40 Best Lawyers Under 40 Award, 2020
- Windy City Times 30 Under 30 Award, 2016
(awarded for contributions made to the Chicago LGBTQ community)

MONICA G. COCKERILLE

**100 W. Main Street,
Suite 204
Boise, ID83706
(208) 850-3075**

EXPERIENCE

Cockerille Law Office, P.L.L.C.

September 2005 – Present

Responsible for the management of all litigation for Boise Cascade Company (FKA Boise Cascade, L.L.C.), a timber and wood products manufacturer and distributor of building supplies, and for Packaging Corporation of America (PCA), a manufacturer and distributor of paper and corrugated containers. Manage an average of 30 to 50 cases in both Federal and state courts across the United States in a variety of areas including personal injury, employment, and contracts. In addition to litigation management, provide transactional support to Boise Cascade Company and PCA as well as transactional support to The Amalgamated Sugar Company. Transactional support includes labor and employment advice, contracts, real estate, intellectual property advice, corporate governance, and other general business support.

Provide legal services to individuals and families with assisted reproduction/fertility law needs, including drafting gestational carrier agreements, completing court parentage paperwork at the time of birth, and other legal advice and services in the area of assisted reproduction. Art Fellow of the Academy of Adoption & Assisted Reproduction Attorneys.

OfficeMax Incorporated

(FKA Boise Cascade Corporation)

Associate General Counsel, February 2003 – August 2005

Counsel, August 1996 – January 2003

Handled litigation and transactional work. Spent approximately 4 ½ years handling litigation for OfficeMax in state and Federal courts in Idaho and other states, as both plaintiff and defendant, including employment-related litigation, commercial disputes, tort claims, real property disputes, tax disputes and other litigation. Spent 4 ½ years handling transactional work for OfficeMax primarily for their office products distribution business. Work included acquisitions, real estate, contracts, intellectual property issues, IT related issues and contracts, Federal contracts, and all other issues associated with that business. My responsibilities as Associate General Counsel also required supervision and training of paralegals, executive assistants and counsel, as well as supervision of outside counsel.

Lathrop & Rutledge, LLP

Summer Law Clerk, May 1994 – August 1994 and May 1995 – August 1995

Bailey Pickering & Stock, LLP

Legal Secretary, January 1993 – August 1993

Environmental Protection Agency

Office of Radiation Programs

Summer Intern, May 1992 – August 1992

EDUCATION

J.D. University of Wyoming, 1996

B.A. Political Science and History, minor in Women's Studies, University of Wyoming,
August 1992 (*Graduated early, with honors*)

BAR ADMISSION

State of Idaho

State of Utah

State of Oregon

CIVIC ACTIVITIES

Past Board Member, Family & Workplace Consortium

Volunteer Lawyer, Idaho Volunteer Lawyers

Past Vice-President, Leadership Boise Academy

Past Board Member, Hidden Springs Charter School

Past Board Member, Boise School District Foundation

Idaho City High School, Girls Varsity Basketball Coach

Idaho City High School, Girls Junior Varsity Volleyball Coach

COLLEEN R. SMITH

877 Main St Suit 1000 | Boise, ID 83702 | 208.388.4873 | crsmith@hawleytroxell.com

EXPERIENCE

Hawley Troxell Ennis & Hawley, Boise, ID

Litigation Associate

March 2021 to Present

- Represents both plaintiffs and defendants in complex construction, property, insurance, contract, and intellectual property disputes.
- Manages all aspects of civil litigation including motions practice, document discovery, and settlement negotiations.
- Maintains active pro bono practice including representation of GALs in child protection cases.

Covington & Burling LLP, Washington, D.C.

Litigation Associate

October 2018 to March 2021

- Drafted multiple successful motions to dismiss class action complaints on behalf of several of the nation's leading financial institutions involving FCRA, state law, and breach of contract claims.
- Drafted all briefs on behalf of global life sciences company during MDL bellwether trial, including briefs regarding jury instructions, exclusion of evidence, and directed verdict.
- Managed the drafting of summary judgment and *Daubert* motions on behalf of Fortune 500 chemical and pharmaceutical companies in product liability actions.
- Negotiated favorable early settlements on behalf of all clients seeking to minimize legal costs.
- Led team of seven attorneys in pro bono civil rights suit brought on behalf of prisoner against county and officers. Negotiated settlement on behalf of client after initial stages of discovery.

The Honorable David C. Nye, U.S. District Court, District of Idaho, Pocatello, Idaho

Judicial Clerk

August 2017 to August 2018

The Honorable N. Randy Smith, U.S. Court of Appeals for the Ninth Circuit, Pocatello, Idaho

Judicial Clerk

August 2016 to August 2017

The Honorable Liam O'Grady, U.S. District Court, Eastern District of Virginia, Alexandria, Virginia

Judicial Clerk

August 2015 to August 2016

The Honorable B. Lynn Winmill, U.S. District Court, District of Idaho, Boise, Idaho

Extern

May 2013 to August 2013

EDUCATION

William & Mary Law School, Williamsburg, Virginia

J.D., *summa cum laude*, May 2015; G.P.A.: 3.85, Class Rank: 1/178 (Valedictorian)

Lawrence W. P'Anson Award (highest award given to a graduating student by faculty)

William & Mary Law Review (Symposium Editor)

The College of Idaho, Caldwell, Idaho

B.S., *summa cum laude*, Mathematics, Journalism minor, May 2011, G.P.A.: 3.99

BAR ADMISSIONS:

Licensed to practice law in Idaho, Virginia, and the District of Columbia.

Admitted to practice in the District of Idaho, Eastern District of Virginia, Ninth and Fourth Circuits.



Michael J. Lanosa

Associate

Covington & Burling LLP
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Los Angeles, CA 90067-4643
+1 424 332 4780
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Michael Lanosa represents a diverse client base in high-stakes litigation, with an emphasis on patent litigation and insurance recovery. He has litigated in both state and federal courts as well as before the United States International Trade Commission.

Michael leverages his Doctor of Pharmacy degree and knowledge of pharmacological agents and biotechnology to advise clients in patent disputes with a particular emphasis on life sciences and technology companies. He has represented both patent owners and alleged infringers in cases involving a wide range of technologies including drugs, biologics, biotechnology, medical devices, software, and electronics.

In addition to patent litigation, Michael also has experience representing insurance policyholders in the construction and energy industries.

Representative Matters

- Representation of a technology company in multiple patent litigation matters involving software for the delivery and protection of digital television content.
- Representation of a power transmission company in an insurance recovery action involving a claim for business interruption losses under an all-risk property insurance policy.
- Representation of a pharmaceutical company in multi-district ANDA litigation.
- Representation of a biotechnology company in patent litigation related to gene sequencing microarrays.
- Provided strategic patent analysis and portfolio counseling to major pharmaceutical company.
- Representation of a medical device company in patent litigation related to cardiac defibrillators.

Practices

Litigation and Investigations

- Patent Litigation
- Insurance Recovery

Industries and Issues

- Life Sciences
- Technology
 - Computer and Electronics

Education

- University of Southern California Gould School of Law, J.D., 2014
 - *Southern California Law Review*, Senior Editor
 - Order of the Coif
- University of Connecticut, Pharm. D., 2009
 - with honors

Bar Admissions

- California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of Arkansas
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Immigration Court

- Representation of a pharmaceutical company in patent dispute related to humanized monoclonal antibodies.
- Representation of a biotechnology company in patent litigation involving chimeric antigen receptor T-cell technology.

Pro Bono

- Filing an amicus brief in support of transgender students' rights. Amici include the National Association of Social Workers, the American Academy of Pediatrics, and the American Medical Association.
- Represent two transgender students, their parents, and a high school teacher and faculty sponsor of a high school LGBTQ student organization as witnesses in connection with a lawsuit filed by a former high school teacher challenging a school policy requiring teachers to refer to transgender students by their chosen names and pronouns.
- Filing an amicus brief in opposition to an Arkansas law prohibiting healthcare professionals from providing gender-affirming care to transgender youth or referring transgender youth for such care. Amici include the American Academy of Pediatrics, the American Medical Association and the American Psychiatric Association.
- Representation of transgender individuals in a lawsuit in Idaho federal court seeking to enforce an injunction prohibiting the State of Idaho from denying applications submitted by transgender individuals requesting that the sex marker on their birth certificates be changed to conform with their gender identity.
- Representation of a gay man from Ghana in asylum proceedings before the Immigration Court and Board of Immigration Appeals.
- Representation of an indigent victim of fraud in connection with a piece of real property before the California Superior Court.

Previous Experience

- Hon. George H. Wu, U.S. District Court, Central District of California, Extern (2013)
- Nexgen Pharma, Legal Intern (2011)

News and Insights

- "Calif. Must Clarify Independent Counsel Rates For Insurers," June 29, 2020, *Law360*



Isaac Belfer

Associate

Covington & Burling LLP
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Washington, DC 20001-4956
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Isaac Belfer is a litigator who represents a variety of clients in high-stakes patent and general commercial litigation.

Prior to joining the firm, he clerked for the Hon. Jerome Farris on the U.S. Court of Appeals for the Ninth Circuit and the Hon. Naomi Reice Buchwald on the U.S. District Court for the Southern District of New York. Following law school, he practiced in the international arbitration group of an international law firm.

Representative Matters

- Represents a pharmaceutical company in a patent-infringement action involving a cholesterol-lowering drug.
- Represents renewable energy investors in a case before the U.S. Court of Federal Claims involving cash grants under the American Recovery and Reinvestment Act of 2009.
- Represented a pharmaceutical company in a breach-of-contract action against a supplier.

Pro Bono

- Filing an amicus brief in support of transgender students' rights. Amici include the National Association of Social Workers, the American Academy of Pediatrics, and the American Medical Association.
- Representing two transgender students and their parents as witnesses in connection with a lawsuit filed by a former high school teacher challenging a school policy requiring teachers to refer to transgender students by their chosen names and pronouns.
- Representation of transgender individuals in a lawsuit in Idaho federal court seeking to enforce an injunction prohibiting the State of Idaho from denying applications

Practices

Litigation and Investigations

Education

- Harvard Law School, J.D., 2011
 - *cum laude*
 - *Harvard Law Review*, Executive Editor
 - Oberman Memorial Award in Intellectual Property Law
- Brown University, A.B., 2008
 - *magna cum laude*
 - Phi Beta Kappa

Judicial Clerkship

- Hon. Jerome Farris, U.S. Court of Appeals, Ninth Circuit, 2013 - 2014
- Hon. Naomi Reice Buchwald, U.S. District Court, Southern District of New York, 2012 - 2013

Bar Admissions

- District of Columbia
- New York

submitted by transgender individuals requesting that the sex marker on their birth certificates be changed to conform with their gender identity.

- Represents a veteran in an appeal before the U.S. Court of Appeals for Veterans Claims.

News and Insights

- "National Law Journal Again Names Covington to "Pro Bono Hot List"," May 4, 2020
- "Covington Wins Historic Class Action Victory for Veterans," June 14, 2019
- "Covington Secures Key Preliminary Injunction for Indivior," July 13, 2018
- "Covington Prevails for Bombardier in Significant ITC Victory," January 26, 2018
- "Note, A Justification for Allowing Fragmentation in Copyright," 2011, *124 Harv. L. Rev.* 1751
- "Recent Case, First Circuit Adopts Plain Meaning of Requirement that Plaintiffs Give Government Their Information Before Filing Suit: *United States ex rel. Duxbury v. Ortho Biotech Products, L.P.*," 2010, *123 Harv. L. Rev.* 1361
- "Case Comment, Necessary and Proper Clause—Civil Commitment: *United States v. Comstock*," 2010, *124 Harv. L. Rev.* 279

EXHIBIT B

Time Sheet for Attorney Peter Renn

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
3/20/2020	Analyze case filings in federal lawsuit filed by NAATP raising allegations regarding HB 509 and potential implications for further litigation in F.V.	0.9	0
3/20/2020	Email with M.R. of NAATP regarding case filings in light of potential implications for further litigation in F.V.	0.2	0
3/20/2020	Draft agenda for issues to discuss with M.R. regarding NAATP litigation in light of potential implications for further litigation in F.V.	0.3	0
3/23/2020	Draft list of tasks to prepare for litigation relating to HB 509 and agenda for litigation team conference.	0.5	0.5
3/23/2020	Telephone conference with litigation team to discuss initial tasks to prepare for litigation relating to HB 509.	1.4	1.4
3/23/2020	Telephone conference with M.R. regarding NAATP litigation in light of potential implications for further litigation in F.V.	0.3	0
3/30/2020	Draft agenda for issues to discuss during conference with litigation team.	0.5	0.5
3/30/2020	Review and analyze preclusion research findings from Ms. Huppert as potential basis for challenging HB 509.	0.5	0.5
3/30/2020	Telephone conference with litigation team to discuss initial tasks to prepare for litigation relating to HB 509.	1	1
3/31/2020	Telephone conference with Lambda Legal attorney T. Borelli to consult regarding litigation strategy.	0.7	0.7
3/31/2020	Analyze and research potential procedural options for confirming HB 509 violates existing injunction.	1.3	1.3
3/31/2020	Telephone conference with Ms. Huppert to discuss dissolution research.	0.3	0.3
3/31/2020	Review and analyze new statutory language.	1.4	1.4
4/1/2020	Telephone conference with Ms. Ingelhart re: statutory interpretation of HB 509 and dissolution motion.	0.4	0.4
4/1/2020	Telephone conference with Ms. Farnsworth re legislative history research.	0.3	0.3
4/1/2020	Telephone conference with Ms. Huppert re: research on existing injunction and 509.	0.7	0.7
4/1/2020	Analyze research from Ms. Huppert re: Rule 60.	0.5	0.5
4/2/2020	Telephone conference with M.R. re: NAATP litigation in light of potential implications for further litigation in F.V.	0.1	0
4/2/2020	Telephone conference with Mr. Zanzig re: legal challenge to HB 509.	0.9	0.9
4/2/2020	Email Ms. Ingelhart, Ms. Huppert, and Ms. Cockerille re: communication with Mr. Zanzig.	0.8	0.8
4/2/2020	Analyze and research legal issues for challenge to 509, including FV decision, potential motion for clarification, contempt, and Rule 60.	3.9	3.9
4/3/2020	Emails with Ms. Ingelhart and Ms. Huppert re: potential co-counsel.	0.5	0
4/3/2020	Analyze initial litigation tasks to accomplish and potential division of labor.	1.3	1.3
4/3/2020	Draft outline of potential motion seeking relief.	1.8	1.8
4/6/2020	Draft outline of potential motion seeking relief.	1.1	1.1
4/6/2020	Emails with Ms. Taylor, Mr. Castillo, Ms. Ingelhart, Ms. Huppert, and Ms. Cockerille re: potential co-counsel.	0.4	0
4/6/2020	Draft agenda for litigation team call with initial litigation tasks to accomplish.	1.3	1.3
4/6/2020	Draft outline of motion for clarification.	1.2	1.2
4/6/2020	Telephone conference with Ms. Ingelhart, Ms. Huppert, and Ms. Cockerille re: initial litigation tasks.	1.5	1.5
4/6/2020	Telephone conference with individual potentially harmed by HB 509, J-W.	1	1
4/6/2020	Telephone conference with Ms. Ingelhart and Ms. Huppert re: communication with J-W.	1	1
4/7/2020	Prepare for call with potential Covington co-counsel Mr. Isasi, Ms. Veta, and Mr. Liu.	1.3	0
4/7/2020	Telephone conference with potential Covington co-counsel.	0.7	0
4/7/2020	Telephone conference with Ms. Ingelhart re: potential Covington co-counsel.	0.3	0
4/7/2020	Research for motion for clarification	1.4	1.4
4/7/2020	Analyze and revise co-counsel agreement for Covington.	0.8	0
4/7/2020	Email Mr. Castillo regarding co-counsel agreement with Covington.	0.3	0
4/8/2020	Email with Ms. Farnsworth regarding research regarding lawmaker statements.	0.3	0.3
4/8/2020	Draft motion for clarification.	3.7	3.7
4/8/2020	Research for motion for clarification.	0.6	0.6
4/8/2020	Telephone conference with Mr. Castillo regarding co-counseling with Covington.	0.3	0
4/8/2020	Draft email to Covington team regarding co-counseling.	0.5	0
4/8/2020	Telephone conference with Ms. Ingelhart regarding co-counseling with Covington.	0.3	0
4/9/2020	Draft motion for clarification.	6.7	6.7
4/10/2020	Draft co-counsel agreement; email Covington re: same.	1.2	0
4/10/2020	Draft agenda for litigation team call with initial litigation tasks.	0.7	0.7

Time Sheet for Attorney Peter Renn

4/10/2020	Telephone conference with Ms. Huppert regarding research for motion for clarification.	0.5	0.5
4/10/2020	Research and draft motion for clarification.	3	3
4/10/2020	Telephone conference with full litigation team regarding initial litigation tasks.	1.1	1.1
4/11/2020	Research and draft motion for clarification.	5.1	5.1
4/12/2020	Draft motion for clarification.	5.1	5.1
4/13/2020	Draft motion for clarification.	12.4	12.4
4/14/2020	Email Ms. Ingelhart regarding review of motion.	0.1	0.1
4/14/2020	Email Ms. Martin regarding further litigation.	0.1	0.1
4/14/2020	Email Ms. Farnsworth regarding lawmaker statements and review of brief.	0.2	0.2
4/14/2020	Email Ms. Huppert regarding further research tasks relevant to clarification motion.	0.2	0.2
4/14/2020	Email Ms. Cockerille regarding options to shorten time.	0.4	0.4
4/14/2020	Review additional recorded legislative proceedings.	2.1	2.1
4/14/2020	Telephone conference with Ms. Cockerille regarding potentially shortening time.	0.2	0.2
4/14/2020	Draft motion for clarification and motion to shorten time.	2.3	2.3
4/14/2020	Draft proposed order to shorten time and review rules for same.	0.4	0.4
4/15/2020	Email Ms. Smith regarding revisions to motion for clarification; review suggested revisions.	0.6	0.6
4/15/2020	Email with Ms. Cockerille regarding revisions to motion for clarification and to shorten time.	0.2	0.2
4/15/2020	Revise motion for clarification	1.8	1.8
4/15/2020	Revise motion for clarification and to shorten time; email litigation team re: same.	4.6	4.6
4/15/2020	Telephone conference with individual potentially harmed by HB 509, L.B., regarding potential participation in litigation	1.3	1.3
4/15/2020	Draft email to Mr. Zanzig re: forthcoming motions, to transmit on filing day.	0.4	0.4
4/17/2020	Draft agenda for weekly litigation call.	0.5	0.5
4/17/2020	Attend weekly litigation call to discuss litigation tasks and division of labor, including further research in support of clarification motion.	0.9	0.9
4/17/2020	Review order shortening time and setting hearing; review general order cited in order.	0.2	0.2
4/17/2020	Review complaint in related litigation challenging HB 500 with potential implications for litigation in F.V.	0.5	0
4/23/2020	Email Ms. Ingelhart re: legislative justifications for HB 509.	0.3	0.3
4/24/2020	Email with Ms. Farnsworth regarding sharing of documents with Covington.	0.1	0.1
4/24/2020	Research on standing/mootness for clarification reply.	2.9	2.9
4/24/2020	Research FRCP 60(b)(5) case law.	2.6	2.6
4/27/2020	Prepare agenda for weekly team call to discuss litigation tasks.	0.5	0.5
4/27/2020	Telephone conference with litigation team to discuss litigation tasks and division of labor, including further research in support of clarification motion and development of facts relevant to HB 509.	1	1
4/27/2020	Review HB 509 legislative justification rebuttal outline from Ms. Ingelhart and comment on same.	1.7	1.7
4/27/2020	Review legislative history for justification rebuttal outline.	0.3	0.3
4/27/2020	Telephone conference with Ms. Ingelhart re: identification of individuals potentially harmed by HB 509.	0.2	0.2
4/27/2020	Telephone conference with Ms. Huppert re: injunction dissolution research.	0.3	0.3
4/27/2020	Email Ms. Huppert re: health research justification for HB 509.	0.4	0.4
4/27/2020	Telephone conference with Ms. Borelli re: co-counsel agreement.	0.4	0
4/28/2020	Email Ms. Taylor re: co-counsel agreement.	0.8	0
4/28/2020	Telephone conference with Ms. Taylor re: co-counsel agreement.	0.4	0
4/28/2020	Email Ms. Ingelhart re: co-counsel agreement.	0.3	0
4/28/2020	Review informal transcripts of legislative proceedings, and annotate same.	0.8	0.8
4/29/2020	Draft email to Ms. Taylor re: co-counsel agreement.	0.6	0
4/29/2020	Review informal transcripts of legislative proceedings, and annotate same.	0.8	0.8
4/29/2020	Telephone conference with Ms. Taylor and Ms. Veta re: co-counsel agreement.	0.3	0
4/29/2020	Telephone conference with Ms. Taylor re: co-counsel agreement.	0.1	0
4/29/2020	Email Ms. Ingelhart and Ms. Huppert re: co-counsel agreement.	0.3	0
4/29/2020	Draft email to Ms. McGowan re: co-counseling with Covington.	0.7	0
4/30/2020	Review informal transcripts of legislative proceedings, and annotate same.	3.7	3.7
5/1/2020	Review informal transcripts of legislative proceedings, and annotate same.	3.2	3.2
5/1/2020	Telephone conferences with Ms. Taylor re: co-counsel agreement.	0.3	0
5/1/2020	Telephone conference with Ms. Veta re: co-counsel agreement.	0.1	0
5/1/2020	Analyze potential arrangement with co-counsel and email with Ms. Taylor and Ms. McGowan regarding same.	2.2	0
5/1/2020	Review and analyze opposition to motion for clarification.	1.5	1.5

Time Sheet for Attorney Peter Renn

5/2/2020	Review and analyze opposition to motion for clarification; draft analysis for reply.	5	5
5/2/2020	Research for reply to motion for clarification.	0.5	0.5
5/3/2020	Research for reply to motion for clarification.	2.9	2.9
5/4/2020	Draft reply to motion for clarification.	8.3	8.3
5/5/2020	Draft reply to motion for clarification.	9.8	9.8
5/5/2020	Email Mr. Belfer re: research findings on standing and related issues.	0.3	0.3
5/6/2020	Draft reply to motion for clarification.	11.6	11.6
5/7/2020	Email Ms. Ingelhart regarding legislative testimony re: HB 509.	0.4	0.4
5/7/2020	Review revised co-counsel agreement.	0.2	0
5/7/2020	Email with Ms. Taylor re: co-counsel agreement.	0.3	0
5/7/2020	Email Ms. Veta re: co-counsel agreement.	0.2	0
5/7/2020	Revise draft of reply to motion for clarification.	0.4	0.4
5/7/2020	Email Ms. Cockerille re: co-counsel agreement.	0.3	0
5/7/2020	Analyze facts regarding individual potentially harmed by HB 509 and email Ms. Ingelhart and Ms. Huppert re: same.	1.1	1.1
5/7/2020	Email Covington team re: potential strategy, including PI/TRO considerations.	0.7	0.7
5/8/2020	Revise draft reply to motion for clarification.	5.5	5.5
5/8/2020	Email Mr. Liu re: revisions to draft of reply to motion for clarification.	0.5	0.5
5/10/2020	Email Ms. Huppert re: supplemental research relevant to reply brief.	0.2	0.2
5/10/2020	Research case law regarding consent decrees for reply brief.	1.1	1.1
5/10/2020	Review and revise reply to motion for clarification.	0.9	0.9
5/11/2020	Review reply brief prior to filing.	0.3	0.3
5/11/2020	Review new social science research relevant to corrected identity documents; email litigation team re: same.	0.3	0.3
5/11/2020	Draft agenda for weekly litigation call.	0.4	0.4
5/11/2020	Telephone conference with litigation team for weekly call to discuss litigation tasks and division of labor, including upcoming moot on motion, and further development of facts relevant to HB 509.	1.1	1.1
5/11/2020	Revise public records request relevant to HB 509.	1.5	1.5
5/11/2020	Analyze potential timing of filings in new case, if required, and impact of pending motion for clarification; draft email to Ms. Cockerille re: same.	1.7	1.7
5/11/2020	Telephone conference with Ms. Borelli potential timing of filings in new case, if required.	0.4	0.4
5/11/2020	Telephone conference with Ms. Cockerille re: potential timing of filings in new case, if required.	0.5	0.5
5/11/2020	Email litigation team re: potential preliminary injunction before HB 509 effective date.	0.6	0.6
5/11/2020	Email Ms. Ingelhart re: organizations potentially harmed by HB 509	0.3	0.3
5/11/2020	Telephone conference with individual potentially harmed by HB 509, K.C.	0.7	0.7
5/11/2020	Telephone conference with Ms. Ingelhart and Ms. Huppert re: individual potentially harmed by HB 509, K.C.	0.4	0.4
5/11/2020	Review and revise public records request relevant to HB 509; email Ms. Farnsworth and Ms. Huppert re: same.	1.5	1.5
5/12/2020	Email Ms. Cockerille re: email from Ms. Thompson regarding hearing on motion.	0.6	0.6
5/12/2020	Prepare for hearing on motion for clarification.	3.3	3.3
5/13/2020	Email F.V. regarding additional fact gathering.	0.5	0.5
5/13/2020	Email Ms. Ingelhart and Ms. Huppert re: communications with F.V.	0.3	0.3
5/13/2020	Prepare for oral argument on motion for clarification.	5.9	5.9
5/13/2020	Prepare for and attend telephone conference with F.V. to gather additional facts.	0.9	0.9
5/13/2020	Analyze additional facts gathered from F.V.	0.4	0.4
5/15/2020	Review edits to public records request and email Ms. Huppert re: same.	0.3	0.3
5/15/2020	Prepare for oral argument on motion for clarification.	3.7	3.7
5/15/2020	Participate in moot on motion for clarification.	1.5	1.5
5/17/2020	Prepare for oral argument on motion for clarification.	6.2	6.2
5/18/2020	Prepare for oral argument on motion for clarification.	6.1	6.1
5/18/2020	Review summary from Ms. Ingelhart of conversations with potential expert witness Ms. W.	0.4	0.4
5/18/2020	Telephone conference with litigation team to discuss weekly tasks and division of labor, including potential justification briefing, and further development of facts relevant to HB 509.	1	1
5/19/2020	Prepare for and attend hearing on motion for clarification.	3.3	3.3
5/19/2020	Debrief regarding hearing on motion for clarification with litigation team.	0.4	0.4
5/26/2020	Email Ms. Ingelhart re: organization potentially harmed by HB 509.	0.4	0.4
5/26/2020	Email Ms. Ingelhart and Ms. Huppert re: oral argument on motion for clarification.	0.3	0.3

Time Sheet for Attorney Peter Renn

5/26/2020	Draft agenda for weekly litigation call.	0.4	0.4
5/26/2020	Attend weekly litigation call to discuss litigation tasks and division of labor, including further research to support clarification motion, and development of facts relevant to HB 509.	1.1	1.1
5/26/2020	Draft update to clients regarding hearing on motion for clarification.	0.3	0.3
5/26/2020	Email litigation team regarding fact development and potential experts relevant to HB 509.	0.2	0.2
5/29/2020	Telephone conference with Mr. Olsen re: public records request relevant to HB 509.	0.4	0.4
5/29/2020	Telephone conference with Ms. Huppert and Ms. Ingelhart re: conversation with Mr. Olsen.	0.6	0.6
6/1/2020	Telephone conference with litigation team for weekly call to discuss litigation tasks and status, including potential need for further motion seeking relief relating to HB 509.	1	1
6/1/2020	Analyze decision on motion to clarify.	0.5	0.5
6/1/2020	Email with litigation team regarding analysis of order on motion to clarify.	0.7	0.7
6/1/2020	Email plaintiffs re: decision on motion to clarify.	0.3	0.3
6/1/2020	Email Ms. Huppert re: attorneys' fees from motion to clarify.	0.3	0.3
6/2/2020	Email Ms. Huppert re: attorneys' fees from motion to clarify.	0.2	0.2
6/8/2020	Review and comment on outline regarding justifications for HB 509.	1.2	1.2
6/8/2020	Draft agenda for litigation team call.	0.3	0.3
6/8/2020	Telephone conference with litigation team for weekly call to discuss litigation tasks and status, including next steps following order on clarification motion.	0.6	0.6
6/8/2020	Telephone conference with Ms. Ingelhart re: potential experts relevant to HB 509.	0.4	0.4
6/9/2020	Review and revise stipulation and order regarding fees and email Ms. Huppert re: same.	0.7	0.7
6/10/2020	Email Ms. Huppert re: communications with opposing counsel regarding stipulation and order on fees.	0.3	0.3
6/10/2020	Draft email to Mr. Olsen re: defendants' future actions in light of clarification order; analyze order for same; email litigation team re: proposed communication.	1.3	1.3
6/10/2020	Review and analyze research re: post-judgment discovery and email Ms. Smith re: same.	0.5	0.5
6/12/2020	Revise stipulation and order regarding fees; email with Mr. Olsen re: same; finalize documents for filing.	0.3	0.3
6/15/2020	Telephone conference with litigation team for weekly call to discuss litigation tasks and status, including potential next steps after effective date of HB 509.	0.4	0.4
6/15/2020	Draft agenda for telephone conference with litigation team for weekly call to discuss litigation tasks and status.	0.2	0.2
6/16/2020	Telephone conference with Mr. Olsen re: Defendants' next steps.	0.4	0.4
6/16/2020	Email litigation team regarding telephone conference with Mr. Olsen and potential next steps.	0.8	0.8
6/16/2020	Analyze potential next steps regarding Defendants' enforcement plan and draft proposed correspondence to Mr. Olsen for feedback from litigation team.	1.9	1.9
6/16/2020	Email Ms. Huppert re: next steps for beneficiary of injunction who would be harmed by HB 509 enforcement.	0.2	0.2
6/17/2020	Revise proposed correspondence to Mr. Olsen and email litigation team re: same.	0.8	0.8
6/17/2020	Telephone conference with Mr. Liu re: next steps with respect to Mr. Olsen.	0.4	0.4
6/17/2020	Email litigation team regarding potential status conference to address defendants' enforcement of HB 509.	0.2	0.2
6/17/2020	Draft proposed communication to chambers requesting status conference for review by litigation team; email litigation team re: same.	1	1
6/17/2020	Draft proposed status report to address defendants' enforcement of HB 509.	0.5	0.5
6/18/2020	Draft proposed status report to address defendants' enforcement of HB 509.	3.7	3.7
6/18/2020	Telephone conference with Ms. Cockerille regarding notice to Defendants regarding request for status conference.	0.2	0.2
6/18/2020	Email litigation team regarding notice to Defendants regarding request for status conference and revisions to email to chambers.	0.3	0.3
6/18/2020	Review letter from Mr. Olsen re: enforcement plans.	0.2	0.2
6/18/2020	Revise draft email to chambers requesting status conference.	0.7	0.7
6/18/2020	Email Mr. Olsen regarding request for status conference.	0.3	0.3
6/18/2020	Email Ms. Huppert re: public records request and confidentiality restrictions requested for same.	0.3	0.3
6/18/2020	Email Ms. Ingelhart regarding potential expert witness relevant to HB 509.	0.2	0.2
6/19/2020	Draft motion seeking further clarification relief.	3.5	3.5
6/20/2020	Draft motion seeking further clarification relief and research for same.	12.1	12.1
6/20/2020	Telephone conference with Ms. Huppert regarding public records request documents and motion for further clarification.	0.7	0.7
6/21/2020	Draft motion seeking further clarification relief and research for same.	14	14
6/22/2020	Revise motion seeking further clarification relief.	3.9	3.9

Time Sheet for Attorney Peter Renn

6/22/2020	Draft agenda for litigation team call to discuss tasks and division of labor.	0.1	0.1
6/22/2020	Telephone conference with litigation team to discuss motion for clarification and documents produced in response to public records request.	0.4	0.4
6/22/2020	Revise motion seeking further clarification relief; draft cover motion and attorney declaration.	1.7	1.7
6/22/2020	Revise motion seeking further clarification relief	1.5	1.5
6/22/2020	Review and finalize brief for filing.	1.4	1.4
6/24/2020	Telephone conference with Ms. Ingelhart regarding oral argument on motion for clarification.	0.2	0.2
6/24/2020	Telephone conference with Ms. Huppert regarding oral argument on motion for clarification	0.2	0.2
6/24/2020	Email with F.V. regarding status and timeline of litigation.	0.5	0.5
6/24/2020	Email with litigation team regarding court email regarding briefing schedule.	0.1	0.1
6/25/2020	Email Mr. Liu regarding ripeness argument for motion for clarification.	0.3	0.3
6/25/2020	Emails with Ms. Ingelhart, Ms. Huppert, and others re: communications with individuals potentially harmed by HB 509.	0.5	0.5
6/26/2020	Telephone conference with Dr. H., Ms. Ingelhart, and Ms. Huppert re: potential expert testimony relevant to HB 509.	1	1
6/26/2020	Telephone conference with Ms. Ingelhart and Ms. Huppert to debrief re: potential expert testimony of Dr. H. relevant to HB 509.	0.4	0.4
6/29/2020	Draft agenda for weekly litigation call to discuss updates and tasks.	0.2	0.2
6/29/2020	Telephone conference with litigation team to discuss updates and tasks, including remainder of briefing on motion for clarification.	0.6	0.6
6/29/2020	Email litigation team regarding email from Mr. Olsen re: planned enforcement.	0.3	0.3
7/2/2020	Telephone conference with Ms. Huppert re: drafting of reply brief.	0.7	0.7
7/2/2020	Review and analyze defendants' opposition; email litigation team and Ms. Huppert re: same.	1.3	1.3
7/3/2020	Review and analyze defendants' opposition; draft arguments for potential use in reply; email Ms. Huppert re: same.	4.1	4.1
7/3/2020	Analyze and review draft of potential argument for reply and email Ms. Huppert re: same.	0.6	0.6
7/4/2020	Research firm prediction rule and authority of federal court to interpret state law for reply brief.	2.9	2.9
7/5/2020	Review and revise draft of reply brief; email Ms. Huppert re: same.	4.5	4.5
7/6/2020	Review and revise draft of reply brief; email Ms. Huppert re: same.	1.3	1.3
7/6/2020	Telephone conference with Ms. Huppert re: revisions to reply brief.	0.5	0.5
7/6/2020	Draft agenda for weekly litigation call to discuss litigation updates and tasks.	0.3	0.3
7/6/2020	Telephone conference with litigation team to discuss litigation updates and tasks, including next steps after decision on pending motion for clarification.	0.6	0.6
7/7/2020	Review and revise draft of reply brief; email Ms. Huppert re: same.	1.1	1.1
7/7/2020	Telephone conference with Ms. Huppert re: revisions to reply brief.	0.2	0.2
7/8/2020	Telephone conference with Ms. Huppert re: oral argument on motion for clarification.	0.3	0.3
7/8/2020	Emails with Ms. Huppert and Ms. Cockerille re: oral argument on motion for clarification.	0.3	0.3
7/10/2020	Telephone conference with Ms. Huppert re: preparation for oral argument on motion for clarification.	0.5	0.5
7/13/2020	Draft agenda for weekly litigation call to discuss litigation updates and tasks.	0.2	0.2
7/13/2020	Telephone conference for weekly litigation call to discuss litigation updates and tasks, including preparation for moot.	0.2	0.2
7/20/2020	Review oral argument preparation materials from Ms. Huppert	1.8	1.8
7/20/2020	Prepare for moot with Ms. Huppert on motion for clarification regarding defendants' enforcement.	0.5	0.5
7/20/2020	Participate in moot with Ms. Huppert on motion for clarification regarding defendants' enforcement.	1.3	1.3
7/20/2020	Telephone conference with Ms. Huppert regarding preparation for hearing on motion for clarification regarding defendants' enforcement.	0.8	0.8
7/20/2020	Email Ms. Cockerille regarding hearing on motion for clarification regarding defendants' enforcement.	0.2	0.2
7/20/2020	Email with Covington team regarding hearing on motion for clarification regarding defendants' enforcement.	0.1	0.1
7/20/2020	Email with Ms. Huppert regarding hearing on motion for clarification regarding defendants' enforcement.	0.2	0.2
7/21/2020	Telephone conferences with Ms. Huppert re: hearing on motion for clarification.	0.3	0.3
7/21/2020	Email with litigation team re: changes to timing of hearing on motion for clarification.	0.2	0.2
7/21/2020	Email Ms. Huppert re: hearing on motion for clarification.	0.7	0.7
7/22/2020	Email Ms. Huppert re: hearing on motion for clarification.	0.3	0.3
7/22/2020	Review briefs in preparation for hearing on motion for clarification.	0.5	0.5
7/22/2020	Prepare for and attend hearing on motion for clarification.	1.5	1.5
7/22/2020	Telephone conference with Ms. Huppert re: hearing on motion for clarification.	0.2	0.2

Time Sheet for Attorney Peter Renn

7/22/2020	Telephone conference with Ms. Cockerille, Ms. Smith, and Mr. Lanosa re: hearing on motion for clarification.	0.3	0.3
7/22/2020	Email plaintiffs regarding hearing on motion for clarification.	0.3	0.3
7/27/2020	Review and revise first set of requests for production of documents.	0.9	0.9
7/27/2020	Email litigation team regarding weekly litigation tasks, including status of discovery requests.	0.3	0.3
7/27/2020	Review and respond to email from Ms. Ingelhart re: revisions to discovery requests.	0.2	0.2
7/28/2020	Telephone conference with Ms. Ingelhart re: discovery requests.	0.3	0.3
7/28/2020	Draft email to Mr. Lanosa regarding discovery requests.	0.5	0.5
7/31/2020	Telephone conference with Mr. Lanosa regarding revisions to discovery requests.	0.4	0.4
8/7/2020	Telephone conference with Ms. Huppert regarding responses to public records requests.	0.1	0.1
8/7/2020	Telephone conference with Ms. Huppert regarding order on motion for clarification.	0.2	0.2
8/7/2020	Review order on motion for clarification regarding defendants' enforcement plan.	0.6	0.6
8/7/2020	Emails with plaintiffs regarding order on motion for clarification.	0.6	0.6
8/9/2020	Research appealability of order granting clarification.	0.5	0.5
8/10/2020	Draft agenda for team call to discuss weekly litigation tasks.	0.2	0.2
8/10/2020	Telephone conference with litigation team to discuss weekly litigation tasks and status, including decision on motion for clarification.	0.9	0.9
8/10/2020	Draft and revise letter to Mr. Olsen re: compliance with injunction.	0.7	0.7
8/11/2020	Email Ms. Huppert, Ms. Ingelhart, and Ms. Farnsworth regarding defendants' compliance with injunction; review updated IDHW forms and compare with prior versions.	0.5	0.5
8/11/2020	Email with Ms. Cockerille and Covington team re: defendants' compliance with injunction.	0.3	0.3
8/11/2020	Email Mr. Olsen re: defendants' compliance with injunction.	0.1	0.1
8/12/2020	Telephone conference with Ms. Ingelhart and Ms. Huppert re: potential expert testimony relevant to HB 509.	1	1
8/13/2020	Review edits to discovery requests from Ms. Ingelhart; email Ms. Ingelhart re: same.	0.5	0.5
8/13/2020	Telephone conference with Mr. Liu and Mr. Lanosa regarding discovery requests.	0.5	0.5
8/13/2020	Research regarding availability of discovery to oppose Rule 60(b)(5) motion and email Mr. Liu and Mr. Lanosa regarding same.	0.7	0.7
8/17/2020	Email litigation team regarding weekly team call to discuss timing of affirmative discovery.	0.1	0.1
8/17/2020	Analyze strategic considerations regarding timing of affirmative discovery.	0.4	0.4
8/17/2020	Telephone conference with litigation team to discuss timing of affirmative discovery.	0.9	0.9
8/17/2020	Telephone conference with Ms. Ingelhart and Ms. Huppert regarding revisions to discovery requests.	0.3	0.3
8/17/2020	Email Mr. Olsen regarding telephone conference to discuss case status.	0.2	0.2
8/19/2020	Prepare for call with Mr. Olsen to discuss case status and next steps.	0.4	0.4
8/19/2020	Telephone conference with Mr. Olsen to discuss case status and next steps, including potential motion practice.	0.4	0.4
8/19/2020	Telephone conference with Ms. Huppert regarding telephone conference with Mr. Olsen to discuss case status and next steps, including potential motion practice.	0.3	0.3
8/19/2020	Email litigation team with summary and analysis of telephone conference with Mr. Olsen to discuss case status and next steps, including potential motion practice.	0.4	0.4
8/24/2020	Email Mr. Liu and litigation team regarding next steps regarding discovery and potential further confirmatory email with Mr. Olsen.	0.5	0.5
8/24/2020	Telephone conference with litigation team for weekly call to discuss litigation tasks, including status of potential discovery.	0.3	0.3
8/24/2020	Email litigation team re: potential confirmatory email with Mr. Olsen following team call.	0.1	0.1
8/24/2020	Email Ms. Ingelhart regarding potential timing of defendant's forthcoming motion and status of potential expert.	0.2	0.2
11/30/2020	Draft email to Mr. Olsen regarding further stipulation on timing of fees motion.	0.4	0.4
11/30/2020	Draft email to litigation team regarding further stipulation on timing of fees motion.	0.3	0.3
11/30/2020	Respond to emails from Mr. Liu regarding options for further stipulation on timing of fees motion.	0.5	0.5
11/30/2020	Email Ms. Huppert regarding preparation for stipulation and order on timing of fees motion.	0.2	0.2
12/2/2020	Review and revise stipulation and order on timing of fees motion and email Ms. Huppert re: same.	0.7	0.7
12/14/2020	Review draft of expert testimony related materials potentially needed in litigation from Ms. Ingelhart.	0.5	0.5
12/14/2020	Email Ms. Ingelhart regarding draft of expert testimony related materials potentially needed in litigation and next steps.	0.4	0.4
12/14/2020	Telephone conference with litigation team re: expert testimony related materials potentially needed in litigation and next steps.	0.6	0.6
12/14/2020	Email litigation team re: follow-up Pavan research after team call.	0.1	0.1

Time Sheet for Attorney Peter Renn

2/8/2021	Compare current IDHW birth certificate gender marker change forms to prior iterations of same, and email litigation team regarding step to seek corrective action for further violations of the injunction.	1.5	1.5
2/9/2021	Emails with Ms. Cockerille, Ms. Ingelhart, and Covington team regarding corrective action for further violations of the injunction.	0.8	0.8
2/9/2021	Review and review draft letter to Mr. Olsen regarding corrective action for further violations of the injunction.	0.9	0.9
3/29/2021	Email plaintiffs update regarding case status and potential dissolution motion.	0.5	0.5
4/22/2021	Email Ms. Huppert and Ms. Ingelhart re: defendant's plans with respect to potential dissolution motion and outstanding issues related to fees.	0.3	0.3
4/23/2021	Email Ms. Smith re: defendant's plans with respect to potential dissolution motion and outstanding issues related to fees.	0.3	0.3
5/18/2021	Telephone conference with Ms. Huppert regarding strategy and task list for seeking attorneys' fees and costs.	0.8	0.8
5/27/2021	Telephone conference with Ms. Huppert regarding motion for attorneys' fees and costs.	0.3	0.3
6/2/2021	Analyze attorneys' fees issues raised by Ms. Huppert and email Ms. Huppert in response to same.	0.9	0.9
6/9/2021	Telephone conference with litigation team to discuss strategy re: attorneys' fees.	0.6	0.6
6/9/2021	Telephone conference with Ms. Smith re: client engagement letters for Hawley.	0.2	0
6/11/2021	Telephone conference with Ms. Huppert re: tasks and division of labor on fees motion.	1	1
6/11/2021	Email Los Angeles civil rights practitioner regarding potential declaration to validate local market rates.	0.3	0.3
6/11/2021	Conference with Los Angeles civil rights practitioner regarding potential declaration to validate local market rates.	0.3	0.3
6/12/2021	Research potential attorneys to validate Los Angeles rates.	0.5	0.5
6/12/2021	Email Ms. Huppert status of potential candidates to validate Los Angeles rates.	0.3	0.3
6/12/2021	Email Ms. Pizer regarding outreach to potential candidate to validate Los Angeles rates.	0.5	0.5
6/12/2021	Email Ms. Ingelhart regarding potential attorneys to validate Chicago rates.	0.4	0.4
6/14/2021	Email with Ms. Pizer regarding outreach to potential candidate to validate Los Angeles rates.	0.6	0.6
6/14/2021	Email with Ms. Huppert regarding time entries from Covington attorneys.	0.2	0.2
6/15/2021	Telephone conference with F.V. regarding case status update.	0.4	0.4
6/15/2021	Telephone conference with Ms. Huppert regarding revisions to stipulation and order on fees and costs.	0.4	0.4
6/15/2021	Revise stipulation and order on fees and costs and email Ms. Smith re: same.	0.4	0.4
6/16/2021	Telephone conference with Ms. Huppert regarding attorneys' fees and research assignments.	0.7	0.7
6/17/2021	Email with Ms. Cockerille regarding local attorney to validate forum rates in support of fees motion.	0.5	0.5
6/21/2021	Email with Ms. Cockerille regarding local attorney to validate forum rates in support of fees motion.	0.3	0.3
6/21/2021	Review exemplars of prior declarations from Mr. Stormer validating local rates.	0.5	0.5
6/22/2021	Email with Ms. Smith regarding stipulation and order on fees extension.	0.3	0.3
6/22/2021	Draft Stormer declaration based on information and materials provided by Mr. Stormer.	1.5	1.5
6/23/2021	Draft Stormer declaration based on information and materials provided by Mr. Stormer.	2.5	2.5
7/9/2021	Telephone conference with Ms. Huppert to discuss strategy and tasks re: seeking attorneys' fees.	0.3	0.3
7/9/2021	Telephone conference with litigation team to discuss strategy and tasks re: seeking attorneys' fees.	0.5	0.5
7/9/2021	Select relevant case law, declarations, and related materials to send to Ms. Smith to determine appropriate local rates for fees and email Ms. Smith re: same.	0.9	0.9
7/23/2021	Telephone conference with Ms. Huppert to discuss status of components for fees motion and potential negotiation with opposing counsel re: fees.	0.3	0.3
8/3/2021	Email Ms. Ingelhart regarding case law on hourly rates in Chicago.	0.3	0.3
8/3/2021	Review and revise draft letter regarding attorneys' fees to defendants.	1.8	1.8
8/4/2021	Telephone conference with Ms. Huppert to discuss revisions to draft letter regarding attorneys' fees to defendants.	1.2	0.6
8/4/2021	Review and revise further version of draft letter regarding attorneys' fees to defendants.	2.5	2.5
8/9/2021	Review and revise further version of draft letter regarding attorneys' fees to defendants, and email Ms. Huppert re: same.	0.6	0.6
8/30/2021	Email with Ms. Huppert regarding task list and internal schedule for fees motion.	0.3	0.3
8/30/2021	Telephone conference with litigation team to discuss state's counter-offer on fees and preparation of fees motion and supporting components.	1	1
8/30/2021	Finalize draft of declaration for Mr. Stormer to validate Los Angeles rates.	0.9	0.9
8/30/2021	Email Mr. Stormer regarding declaration to validate Los Angeles rates.	0.4	0.4
8/31/2021	Email with Ms. Huppert, Ms. Ingelhart, Ms. Smith, and Ms. Cockerille regarding declarations to validate rates in Boise and Chicago.	0.2	0.2
8/31/2021	Email with Mr. Lanosa regarding supporting factual information needed for fees motion.	0.2	0.2

Time Sheet for Attorney Peter Renn

9/1/2021	Draft Renn declaration in support of fees motion, and review prior filings in support of same.	3.6	3.6
9/1/2021	Review exemplars of relevant attorney declarations in support of fees motion for preparation of Renn declaration in support of fees motion.	0.7	0.7
9/2/2021	Email with Ms. Smith and Ms. Cockerille regarding declaration to validate Boise rates.	0.2	0.2
9/2/2021	Draft Renn declaration in support of fees motion, and review prior filings in support of same.	2.5	2.5
9/3/2021	Telephone conference with Ms. Huppert regarding rebuttal regarding points raised by Mr. Olsen's correspondence regarding attorneys' fees and responses to same.	0.6	0.6
9/3/2021	Draft summary of rebuttal regarding points raised by Mr. Olsen's correspondence regarding attorneys' fees and email same to Ms. Huppert.	0.8	0.8
9/3/2021	Telephone conference with Ms. Huppert regarding conversation with Mr. Olsen regarding attorneys' fees and next steps on motion.	0.2	0.2
9/3/2021	Email with Covington team regarding streamlining timekeepers for whom fees are sought based on correspondence from Mr. Olsen.	0.2	0.2
9/7/2021	Draft Renn declaration in support of fees motion, and review prior filings in support of same.	6.2	6.2
9/9/2021	Draft Renn declaration in support of fees motion, and review prior filings in support of same.	1.5	0
9/10/2021	Conduct legal research for attorneys' fees motion.	1.9	0
9/10/2021	Telephone conference with Ms. Ingelhart regarding declaration of Mr. Wysong.	0.7	0
9/10/2021	Telephone conference with Ms. Huppert regarding attorneys' fees motion and supporting declarations.	2	0
9/11/2021	Review and revise draft of Lloyd declaration regarding Boise hourly rates.	1.8	0.9
9/13/2021	Review and comment on draft outline of fees motion.	2.2	1.1
9/14/2021	Review and revise draft of Wysong declaration regarding Chicago rates; conduct research for same.	6.5	3
9/15/2021	Telephone conference with Ms. Ingelhart regarding Wysong declaration regarding Chicago rates.	0.5	0
9/16/2021	Draft Renn declaration in support of fees motion.	6	6
9/17/2021	Review draft of motion for attorneys' fees	0.8	0.8
9/17/2021	Email with Ms. Smith regarding revisions to declaration of Mr. Lloyd.	0.2	0.2
9/17/2021	Email with Ms. Ingelhart regarding revisions to declaration of Mr. Wysong.	0.1	0.1
9/17/2021	Telephone conference with Ms. Huppert regarding draft of motion for attorneys' fees.	0.6	0.6
9/17/2021	Revise draft of motion for attorneys' fees.	1.4	1.4
9/18/2021	Revise draft of motion for attorneys' fees.	1.3	1.3
9/19/2021	Revise draft of motion for attorneys' fees.	2.1	2.1
9/20/2021	Revise draft of motion for attorneys' fees and analyze case law cited in draft.	8.6	6
9/21/2021	Revise draft of motion for attorneys' fees.	9.1	6
9/22/2021	Revise draft of motion for attorneys' fees.	7.7	6
9/22/2021	Draft Renn declaration in support of fees motion.	0.9	0
9/22/2021	Email with Ms. Ingelhart regarding Chicago rates and Wysong declaration.	0.3	0.3
9/22/2021	Email plaintiffs re: case status update.	0.2	0.2
9/23/2021	Draft Renn declaration in support of fees motion.	2.5	2.5
9/24/2021	Review and approve all time entries for submission with fees motion, including to exercise billing judgment over same.	1.8	1.8
9/26/2021	Review and approve time entries for submission with fees motion, including to exercise billing judgment over same.	2.5	0

Total: 396.6

Time Sheet for Attorney Nora Huppert

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
3/20/2020	Telephone conference with Mr. Renn, Ms. Ingelhart, and Ms. Cockerille to discuss litigation tasks.	1	1
3/23/2020	Telephone conference with Mr. Renn, Ms. Ingelhart, and Ms. Cockerille to discuss tasks to prepare for litigation.	1.4	1.4
3/30/2020	Telephone conference with Mr. Renn, Ms. Ingelhart, and Ms. Cockerille to discuss tasks to prepare for litigation.	1	1
3/31/2020	telephone call with Mr. Renn to discuss dissolution research	0.3	0.3
3/31/2020	Conduct research into possible avenues that might allow for enforcement of H.B. 509, including Rule 60(b) motion for dissolution	2.8	2.8
4/1/2020	Telephone call with Mr. Renn to discuss research on 509	0.7	0.7
4/1/2020	Conduct research into possible avenues that might allow for enforcement of H.B. 509, including Rule 60(b) motion for dissolution	2.7	2.7
4/3/2020	Conduct research into possible avenues that might allow for enforcement of H.B. 509, including Rule 60(b) motion for dissolution	2.4	2.4
4/5/2020	Conduct research into possible avenues that might allow for enforcement of H.B. 509, including Rule 60(b) motion for dissolution	5	5
4/6/2020	Conduct research into possible avenues that might allow for enforcement of H.B. 509, including Rule 60(b) motion for dissolution	1.2	1.2
4/6/2020	Litigation team telephone meeting with Ms. Ingelhart, Mr. Renn, and Ms. Cockerille	1	1
4/6/2020	Telephone meeting with individual potentially harmed by HB 509, J-W	1	1
4/8/2020	Research into whether the re-enactment of an unconstitutional state law can ever justify dissolution under Rule 60(b)(5)	4.3	4.3
4/10/2020	Telephone call with Mr. Renn to discuss clarification research	0.5	0.5
4/10/2020	Weekly litigation team conference to discuss motion for clarification and division of labor	1	1
4/15/2020	Telephone call with individual potentially harmed by HB 509, Ms. B	1.3	1.3
4/17/2020	Litigation team conference to discuss division of labor regarding clarification research	0.9	0.9
4/23/2020	Conduct research into specific legal standard under Rule 60(b)(5)	1	1
4/27/2020	Telephone call with Mr. Renn to discuss dissolution research, potential opposition	0.4	0.4
4/29/2020	Conduct research into specific legal standard under Rule 60(b)(5)	3.6	3.6
5/4/2020	Research related to reply on motion for clarification, ripeness issues specifically	4.3	4.3
5/5/2020	Research related to reply on motion for clarification, ripeness issues specifically	6.4	6.4
5/5/2020	Outreach to people impacted by HB 509.	0.7	0.7
5/7/2020	Interview with impacted person D.B.	0.9	0.9
5/7/2020	reviewing PR's draft reply clarification	0.5	0.5
5/9/2020	Research for reply on clarification motion to rebut defendant's cited case law.	6.3	6.3
5/10/2020	Research related to reply on motion for clarification	6.1	6.1
5/11/2020	Telephone call with Mr. Renn and Ms. Ingelhart to discuss call with potential plaintiff KC	0.4	0.4
5/11/2020	Conference with litigation team to discuss motion for clarification, including moot for upcoming hearing.	0.9	0.9
5/11/2020	Call with impacted person K.C.	0.9	0.9
5/12/2020	Drafting public records requests	3	3
5/14/2020	research into inherent retention of jurisdiction to interpret injunction	4.8	4.8
5/15/2020	Drafting public records requests	3.9	3.9
5/15/2020	Moot for Peter Renn on oral argument on motion for clarification	1.2	1.2
5/19/2020	May 19th hearing on motion for clarification and team debrief	3	3
5/20/2020	Finalizing and transmitting public records requests	1.3	1.3
5/26/2020	Conference with litigation team to discuss clarification motion and fact issues related to challenging HB 509.	1.1	1.1
5/29/2020	Telephone call with Mr. Renn and Ms. Ingelhart following up on call with Mr. Olsen re: public records requests	0.6	0.6
5/29/2020	Telephone call with Steve Olsen re: records request	0.6	0.6
6/1/2020	Litigation team conference to discuss tasks and division of labor, potential further avenues to prevent enforcement of HB 509.	0.9	0.9
6/1/2020	Review and analyze Order on Motion for Clarification	0.9	0.9
6/8/2020	Litigation team conference to discuss status and analyze decision on motion for clarification	0.8	0.8
6/9/2020	Prepare email to Steve Olsen regarding stipulation and proposed order to extend time to file a fees motion	0.4	0.4
6/9/2020	Prepare stipulation and proposed order to extend time on fees motion	1.4	1.4

Time Sheet for Attorney Nora Huppert

6/17/2020	Telephone update with impacted individual K.C.	0.6	0.6
6/19/2020	Received and conducted preliminary review of public records in response to public records request re: HB509	1.5	1.5
6/20/2020	Telephone call with Mr. Renn re: public records request and potential second motion for clarification	0.7	0.7
6/22/2020	Further research related to reply on motion for clarification	0.4	0.4
6/22/2020	Litigation team conference to discuss public records and motion for clarification	0.4	0.4
6/24/2020	Conference with Mr. Renn and Ms. Ingelhart with J.H., re: potential expert testimony on justifications in opposition to potential motion for dissolution	1	1
6/24/2020	Call with impacted person P.R.	0.8	0.8
6/25/2020	Conducting comprehensive review of public records in response to public records request re: HB509	1.5	1.5
7/1/2020	Drafting reply to opposition to second motion for clarification	3	3
7/2/2020	Telephone conference with Mr. Renn to discuss strategy regarding reply to opposition to second motion for clarification	0.8	0.8
7/2/2020	Drafting reply to opposition to second motion for clarification	1.9	1.9
7/3/2020	Drafting reply to opposition to second motion for clarification	12.5	12.5
7/4/2020	Drafting reply to opposition to second motion for clarification	12.8	12.8
7/5/2020	Drafting reply to opposition to second motion for clarification	11.7	11.7
7/6/2020	Litigation team conference to discuss status and discuss upcoming decision on second motion for clarification, possible strategic responses.	0.9	0.9
7/7/2020	Drafting reply to opposition to second motion for clarification	7.1	7.1
7/8/2020	Email correspondence arranging a time for hearing on second motion for clarification	1.1	0.1
7/10/2020	Call with Mr. Renn re: prep oral argument on 2nd motion for clarification	0.5	0.5
7/10/2020	Conducting comprehensive review of public records in response to public records request re: HB509	2.9	2.9
7/13/2020	Litigation team conference to discuss tasks and division of labor including moot in advance of upcoming hearing on second motion for clarification	0.4	0.4
7/15/2020	Conducting comprehensive review of public records in response to public records request re: HB509	2.9	2.9
7/17/2020	Preparing for hearing on second motion for clarification	12.9	12.9
7/18/2020	Preparing for hearing on second motion for clarification	11	11
7/19/2020	Preparing for hearing on second motion for clarification	9.1	9.1
7/20/2020	Preparing for hearing on second motion for clarification	8.1	8.1
7/20/2020	Mooting hearing on second motion for clarification	1.4	1.4
7/22/2020	Hearing on second motion for clarification and team debrief	2.2	2.2
8/7/2020	Call with Mr. Renn re: public records requests	0.1	0.1
8/7/2020	Call with Mr. Renn re: order on 2nd motion for clarification	0.2	0.2
8/10/2020	Litigation team conference to discuss decision on second motion for clarification, tasks and division of labor in response	0.9	0.9
8/12/2020	Telephone meeting with Ms. Ingelhart and Mr. Renn regarding potential expert testimony	1	1
8/17/2020	Telephone call with Mr. Renn and Ms. Ingelhart regarding discovery requests	0.3	0.3
8/19/2020	Telephone call with Mr. Renn regarding phone call with Mr. Olsen	0.3	0.3
8/24/2020	Litigation team conference to discuss potential discovery issues	0.3	0.3
5/18/2021	Telephone call with Mr. Renn regarding attorneys fee stipulation and deadline, potential motion for fees and costs	0.8	0.8
6/9/2021	Telephone call with litigation team re: recovering attorneys' fees	0.6	0.6
6/11/2021	Phone conference with Mr. Renn to discuss drafting and research of declarations in support of motion for attorneys' fees	1	1
6/18/2021	Analyze intern research regarding legal issues in motion for attorneys' fees	0.4	0.4
6/21/2021	Collating time entries for fees motion	2.9	1.5
6/22/2021	Research for fees motion	4.6	4.6
7/9/2021	Phone call with Mr. Renn to discuss motion for attorneys' fees tasks	0.3	0.3
7/9/2021	Litigation team conference to discuss upcoming tasks related to motion for attorneys' fees and division of labor	0.5	0.5
7/14/2021	Research related to motion for attorney's fees, out-of-forum rates	3.4	3.4
7/19/2021	Research related to motion for attorney's fees, out-of-forum rates	6	6
7/22/2021	Organizing time entries for fees motion	1.8	0.9
7/23/2021	Phone call with Mr. Renn to discuss fees motion research and potential negotiation	0.3	0.3
7/26/2021	Research and drafting attorneys' fees motion	2.7	2.7
7/27/2021	Collating time entries for fees motion	3.3	1.7
7/28/2021	Drafting letter to opposing counsel re: negotiating attorneys' fees	2.8	2.8

Time Sheet for Attorney Nora Huppert

7/29/2021	Drafting letter to opposing counsel re: negotiating attorneys' fees	2.9	2.9
8/4/2021	Revising letter to opposing counsel re: negotiating attorney's fees	3.6	3.6
8/4/2021	Telephone call with Mr. Renn regarding revisions to letter Defendants regarding attorneys' fees	1.2	0.6
8/8/2021	Finalizing draft of letter to Defendants regarding attorneys' fees	0.3	0.3
8/9/2021	Transmitting letter to Defendants' regarding attorneys' fees and potential negotiation as to fees	0.2	0.2
8/25/2021	Telephone call with Mr. Olsen regarding attorneys' fees letter	0.1	0.1
8/30/2021	Telephone call with Mr. Olsen regarding attorneys' fees letter	0.1	0.1
8/30/2021	Telephone conference with litigation team regarding upcoming division of labor re: motion for attorneys' fees	1	1
8/30/2021	Litigation team conference to discuss state's response to proposed settlement of fees and further preparation of attorneys' fees motion	1	1
8/31/2021	Email with Mr. Renn and Ms. Ingelhart regarding Stormer Declaration	0.1	0.1
9/1/2021	Email with Mr. Renn regarding collection of time entries for attorneys' fee motion	0.1	0.1
9/2/2021	Telephone call with Mr. Olsen regarding attorneys' fees letter	0.1	0.1
9/3/2021	Telephone call with Mr. Olsen regarding attorneys' fees letter	0.2	0.2
9/3/2021	Telephone meeting with Mr. Renn regarding upcoming telephone call with Mr. Olsen regarding attorneys' fees letter	0.6	0.6
9/3/2021	Telephone meeting with Mr. Renn regarding second telephone conversation with Mr. Olsen regarding attorneys' fees and next steps on motion.	0.2	0.2
9/8/2021	Telephone call with Mr. Olsen regarding attorneys' fees letter	0.1	0.1
9/9/2021	Collating and organizing time	1.2	0.6
9/9/2021	Email team regarding time for attorneys' fees motion	0.1	0.1
9/10/2021	Telephone meeting with Mr. Renn regarding briefing for upcoming attorneys' fees motion	2	0
9/12/2021	Drafting memorandum of law in support of attorneys' fees motion	11.5	9
9/13/2021	Drafting memorandum of law in support of attorneys' fees motion	15	9
9/14/2021	Drafting memorandum of law in support of attorneys' fees motion	13.8	9
9/15/2021	Drafting memorandum of law in support of attorneys' fees motion	14	9
9/17/2021	Telephone call with Mr. Renn to discuss filing tasks re: Motion for Attorney's Fees	0.6	0.6
9/22/2021	Revising memorandum of law in support of attorneys' fees motion	1.2	1.2
9/22/2021	Organizing and preparing litigation team's time for submission with attorneys' fees motion	3.2	1.6
9/24/2021	Further review, organizing, and preparing of litigation team time in preparation for filing	1.2	0.6
9/26/2021	Review draft of Renn declaration in support of fees motion	1.3	0.6
9/27/2021	Further review, organizing, and preparing of litigation team time in preparation for filing	1.6	0.8

Total: 277.8

Time Sheet for Attorney Kara Ingelhart

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
3/19/2020	Communication with individuals and organizations impacted by HB509.	1	1
3/20/2020	Telephone conference with Nora Huppert and Peter Renn re tasks to prepare for potential litigation.	1	1
3/23/2020	Telephone conference with F.V. litigation team to discuss initial litigation tasks.	1.4	1.4
3/24/2020	Communication with individuals and organizations impacted by HB509.	1	1
3/25/2020	Scheduling meeting with individual impacted by HB 509 EJ; Telephone conference with EJ.	2	2
3/26/2020	Email update to F.V. litigation team; Email communication with AC re other potential expert witnesses; follow-up communication with impacted individual EJ.	0.5	0.5
3/27/2020	Email update to F.V. litigation team regarding communication with persons impacted by HB 509 and potential experts.	0.3	0.3
3/30/2020	Telephone conference with F.V. litigation team re: litigation tasks.	1	1
3/30/2020	Telephone call with potential expert AC.	0.5	0.5
3/30/2020	Research persons and organizations impacted by HB509.	1.5	1.5
3/31/2020	Follow-up with co-counsel MC, potential expert AC, HB509-impacted individual OJW; research persons and orgs impacted by HB509.	3.2	3.2
4/1/2020	Telephone conference w Peter Renn re: statutory interpretation of HB509 and dissolution motion	0.4	0.4
4/1/2020	Email correspondence with organization in potential contact with impacted persons; Review Lambda help desk inquiries regarding HB 509.	2.5	2.5
4/2/2020	Email correspondence with and research regarding correspondence with organization in potential contact with impacted persons	2	2
4/3/2020	Email correspondence with persons and organizations impacted by HB509.	0.6	0.6
4/6/2020	Telephone conference with Mr. Renn, Ms. Huppert, and Ms. Cockerille re: HB509 litigation tasks.	1.5	1.5
4/6/2020	Telephone conference with individual impacted by HB509 OJW.	1	1
4/6/2020	Telephone conference with Mr. Renn and Ms. Huppert re: communication with OJW.	0.3	0.3
4/6/2020	Draft interview questions for HB509-impacted individuals and organizations.	1	1
4/6/2020	Review Lambda Legal help desk intakes regarding HB509.	1	1
4/7/2020	Telephone conference with Mr. Renn re: potential Covington co-counsel	0.3	0
4/7/2020	Telephone conference with potential Covington co-counsel.	0.7	0
4/8/2020	Telephone conference with potential Covington co-counsel.	0.3	0
4/9/2020	Telephone conference with potential experts AC and NAPHSIS.	1	1
4/9/2020	Email update to F.V. litigation team re communication with potential experts.	0.2	0.2
4/9/2020	Review HB509 legislative justifications	0.5	0.5
4/10/2020	Responsive email to co-counsel Covington	0.2	0
4/10/2020	Email correspondence follow-up with Help Desk attorney re HB509 inquiries	0.3	0.3
4/10/2020	HB509 legislative justifications research	0.8	0.8
4/10/2020	Assemble documents for co-counsel Covington	0.2	0
4/10/2020	Telephone conference with litigation team regarding HB509 litigation tasks.	0.5	0
4/13/2020	Telephone conference with HB509-impacted person LB.	1	1
4/14/2020	Follow-up emails to retainer communications with clients; scheduling follow-up communication with LB over emails	0.3	0.3
4/14/2020	Review draft motion for clarification.	0.7	0.7
4/14/2020	Telephone conference with client F.V. re retainer.	0.3	0
4/15/2020	Research re potential expert witness.	0.7	0.7
4/15/2020	Telephone conference with LB and Peter Renn	1.3	1.3
4/15/2020	Research re potential expert witness.	0.7	0.7
4/17/2020	Email correspondence with Covington co-counsel sharing related Tennessee matter public filings and short summary.	0.1	0
4/17/2020	Weekly litigation call to discuss litigation tasks, status, and division of labor.	0.9	0.9
4/23/2020	Email correspondence with Mr. Renn re HB 509 justifications	0.2	0.2
4/24/2020	Draft case proof chart.	2.5	2.5
4/27/2020	Attend weekly litigation team meeting regarding litigation tasks and status	1	1
4/27/2020	Research re HB 509 legislative justification and potential expert witness	1.5	1.5
4/27/2020	Telephone conference with Peter Renn re HB509-impacted individuals.	0.2	0.2
4/29/2020	Telephone conference with HB509-impacted person OJW.	0.8	0.8
4/29/2020	Telephone conference with HB509-impacted person LB.	0.8	0.8
4/30/2020	Telephone conference with HB509-impacted person LB.	1	1
5/1/2020	Telephone conference with HB509-impacted person OJW.	0.5	0.5

Time Sheet for Attorney Kara Ingelhart

5/4/2020	Telephone conference with HB509-impacted person OJW.	0.5	0.5
5/5/2020	Email correspondence with HB-509 impacted individuals.	0.5	0.5
5/6/2020	Email correspondence with HB-509 impacted individuals.	0.2	0.2
5/7/2020	Telephone conference with HB509-impacted person DB.	1	1
5/7/2020	Telephone conference with HB509-impacted person DS.	1	1
5/7/2020	Email with Mr. Renn re HB509-impacted individuals' facts	0.2	0.2
5/8/2020	Review reply brief in support of motion for clarification.	1	1
5/8/2020	Email correspondence with Nora Huppert and Peter Renn re HB509-impacted individuals.	0.5	0.5
5/11/2020	Attend weekly litigation team meeting regarding litigation tasks and status	1.1	1.1
5/11/2020	Telephone conference with Peter Renn and Nora Huppert re HB509-impacted individual	0.4	0.4
5/11/2020	Schedule follow-up meeting with potential expert NAPHSIS follow-up and related potential expert research	0.7	0.7
5/11/2020	Telephone conference with Nora Huppert and HB509-impacted person K.	1	1
5/12/2020	Review Lambda Legal help desk intakes regarding HB509.	0.2	0.2
5/12/2020	Telephone conference with HB509-impacted individual EJ.	0.8	0.8
5/12/2020	Potential expert NAPHSIS summary draft for litigation team	0.5	0.5
5/15/2020	Partipate in moot on motion for clarification	1.5	1.5
5/15/2020	Prepare to participate in moot on motion for clarification.	1.2	1.2
5/18/2020	Telephone conference with litigation team to discuss weekly tasks	1	1
5/18/2020	Follow-up email correspondence with potential expert NAPHSIS.	0.2	0.2
5/19/2020	Attend hearing on motion for clarification.	2	2
5/20/2020	Email communication with HB509-impacted individuals and organizations.	0.5	0.5
5/21/2020	Email correspondence to HB509-impacted person LB.	0.2	0.2
5/21/2020	Email correspondence to HB509-impacted person LG.	0.1	0.1
5/22/2020	Telephone conference with LG from HB509-impacted organization ID PFLAG.	1.5	1.5
5/26/2020	Telephone conference with potential expert JS.	1	1
5/26/2020	Attend weekly litigation team meeting regarding litigation tasks and status	1.1	1.1
5/26/2020	Telephone conference with potential expert SW.	1	1
5/26/2020	Research re potential expert witness.	1.4	1.4
5/29/2020	Research re potential expert witness.	0.9	0.9
5/29/2020	Telephone conference with Steve Olsen re records request.	0.4	0.4
5/29/2020	Telephone conference with Peter Renn and Nora Huppert re conference with SO re records request.	0.6	0.6
6/1/2020	Research re potential expert witness.	1.7	1.7
6/1/2020	Weekly litigation call to discuss tasks, status, and division of labor.	1	1
6/1/2020	Telephone conference with potential expert CMW	0.5	0.5
6/1/2020	Review order on Motion for Clarification	0.5	0.5
6/2/2020	Telephone conference with HB509-impacted person LB.	0.3	0.3
6/2/2020	Telephone conference with HB509-impacted organization OUPD.	0.5	0.5
6/4/2020	Email correspondence with HB-509 impacted organization Moscow PFLAG	0.2	0.2
6/8/2020	Weekly litigation call to discuss tasks, status, and division of labor.	1	1
6/8/2020	Telephone conference with Peter Renn re potential expert and research.		0
6/10/2020	Email correspondence with potential expert JH.	0.2	0.2
6/12/2020	Research re potential expert witness.	1	1
6/15/2020	Weekly litigation team meeting to discuss tasks, status, and division of labor.	0.4	0.4
6/15/2020	Email correspondence with potential expert JH.	0.1	0.1
6/16/2020	Email correspondence with potential expert GS.	0.3	0.3
6/18/2020	Review Lambda Legal help desk intakes regarding HB509.	0.2	0.2
6/19/2020	Email correspondence with Peter Renn and Nora Huppert re public records request.	0.2	0.2
6/22/2020	Weekly litigation team meeting to discuss tasks, status, and division of labor.	1	1
6/22/2020	Review motion regarding Defendants' enforcement of HB509 plan.	0.7	0.7
6/23/2020	Telephone conference with Peter Renn re potential expert and research.	0.5	0.5
6/24/2020	Telephone conference with Peter Renn re oral argument and motion for clarification.	0.2	0.2
6/25/2020	Preparation for meeting with potential expert JH.	0.5	0.5
6/26/2020	Telephone conference with potential expert JH.	1	1
6/26/2020	Telephone conference with Peter Renn re potential expert JH.	0.4	0.4
6/26/2020	Draft of brief in opposition to expected motion to dissolve F.V. permanent injunction.	1.5	1
6/29/2020	Weekly litigation team meeting to discuss tasks, status, and division of labor.	0.5	0.5
6/29/2020	Email correspondence with Peter Renn re potential expert JH.	0.2	0.2

Time Sheet for Attorney Kara Ingelhart

6/29/2020	Email correspondence with potential expert SL.	0.3	0.3
7/6/2020	Review reply in support of motion regarding Defendants' enforcement of HB509 plan.	0.5	0.5
7/6/2020	Weekly litigation team meeting to discuss tasks, status, and division of labor.	1	1
7/6/2020	Telephone conference with potential expert SL.	0.5	0.5
7/7/2020	Email correspondence with potential expert BD.	0.5	0.5
7/8/2020	Research re potential expert witness.	0.5	0.5
7/13/2020	Telephone conference with potential expert BD.	0.2	0.2
7/16/2020	Telephone conference with potential expert BD.	0.5	0.5
7/22/2020	Attend hearing on motion for clarification.	1.5	1.5
7/22/2020	Review litigation team email correspondence re hearing on motion for clarificaion.	0.5	0.5
7/27/2020	Review drafted RFPs and share edits in email correspondenc with Peter Renn and Nora Huppert	0.8	0.8
7/28/2020	Telephone conference with Peter Renn re RFPs.	0.3	0.3
8/10/2020	Weekly litigation team meeting.	1	1
8/10/2020	Email correspondence with potential expert BD.	0.2	0.2
8/12/2020	Telephone conference with Peter Renn and Nora Huppert re potential expert.	1	1
8/12/2020	Research re potential expert witness.	0.5	0.5
8/13/2020	Edit RFPs and email correspondence to Nora Huppert and Peter Renn re same.	0.3	0.3
8/13/2020	Research regarding existing ID code/regulations re amendments to BCs.	0.3	0.3
8/13/2020	Draft definitions for RFPs.	0.5	0.5
8/17/2020	Weekly litigation team meeting.	0.9	0.9
8/17/2020	Telephone conference with Nora Huppert and Peter Renn re RFPs.	0.3	0.3
10/13/2020	Draft issues for potential expert report and supporting documents.	0.2	0
10/16/2020	Draft issues for potential expert report and supporting documents.	3	1.5
12/14/2020	Draft issues for potential expert report and supporting documents and email correspondence with Nora Huppert and Peter Renn re same.	4	2
2/9/2021	Review draft letter to Steve Olsen re violations of injunction.	0.2	0.2
3/3/2021	Email correspondence to NCTE update website regarding decision to advise public.	0.2	0
6/9/2021	Attend portion of litigation team meeting re fees.	0.3	0.3
6/14/2021	Email outreach to Chicago civil rights litigator colleagues re hourly rates.	1	1
7/9/2021	Litigation team call re fee motion	0.5	0.5
7/15/2021	Review Chicago rate fee research.	1	1
8/2/2021	Review Chicago rate fee research.	1	1
8/3/2021	Research re Chicago civil rights attorney hourly rates.	0.5	0.5
8/30/2021	Litigation team call re fee counter and motion	1	1
8/31/2021	Email correspondence with Chicago rate validator Charlie Wysong.	0.2	0.2
8/31/2021	Email correspondence with Peter Renn and Nora Huppert re Chicago rate validator.	0.2	0.2
9/2/2021	Telephone conference with Chicago attorney Charlie Wysong re declaration.	0.2	0.2
9/2/2021	Draft Wysong declaration.	0.5	0.5
9/3/2021	Draft Wysong declaration.	0.5	0.5
9/7/2021	Review email summary re Nora Huppert and Steve Olsen telephone conference regarding fees and respond re same.	0.2	0.2
9/8/2021	Draft Wysong declaration.	1.5	1.5
9/9/2021	Draft Wysong declaration.	1.5	1.5
9/10/2021	Telephone conference with Peter Renn re Wysong declaration.	0.7	0
9/10/2021	Telephone conference with Charlie Wysong re: declaration	0.1	0.1
9/10/2021	Draft Wysong declaration.	1	1
9/15/2021	Telephone conference with Peter Renn re Wysong declaration.	0.5	0.5
9/15/2021	Draft Wysong declaration.	0.7	0.7
9/16/2021	Email correspondence with Peter Renn and Nora Huppert re resumes/supporting documents for fee petiton.	0.1	0.1
9/20/2021	Incorporate Nora Huppert and Peter Renn edits to Wysong declaration.	0.5	0.5
9/21/2021	Telephone conference with Charlie Wysong re declaration.	0.3	0.3
9/21/2021	Telephone conference with Peter Renn re Wysong declaration.	0.2	0
9/22/2021	Telephone conference with Charlie Wysong re declaration.	0.2	0.2
9/22/2021	Incorporate Charlie Wysong edits to declaration.	1	1
9/23/2021	Incorporate Peter Renn edits to Wysong declaration.	0.4	0.4
9/25/2021	Review draft motion for attorneys fees.	0.5	0

Total: 109.6

Time Sheet for Attorney Monica Cockerille

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
3/23/2020	Call with Lambda team to discuss proposed legislation to overturn F.V. injunction and potential litigation	1	1
3/30/2020	Call with Lambda team to discuss proposed legislation to overturn F.V. injunction and potential litigation	1	1
4/6/2020	Review various emails in preparation for call to discuss passage of HB 509; telephone conference with Lambda team on next steps for drafting legal action	2.5	2.5
4/7/2020	Review of research on new complaint as a vehicle to challenge legislation to overturn F.V. injunction	1	1
4/8/2020	Email on public records request for HB 509	0.1	0.1
4/9/2020	Research on new complaint as vehicle to challenge legislation to overturn F.V. injunction	1.2	1.2
4/10/2020	Work on draft of potential new complaint to challenge HB 509	1.3	1.3
4/14/2020	Telephone conference with Peter Renn on motion to shorten time for clarification and other issues	0.2	0.2
4/15/2020	Review and revise motion to shorten time; review motion for clarification; review memorandum on clarification; email revisions to Peter Renn re: same	0.9	0.9
4/16/2020	Prepare final documents for filing; file same; further email on meet and confer on motion to shorten time	1	1
4/17/2020	Telephone conference with team to discuss status of motion for clarification and division of labor on other potential avenues re: HB 509	0.9	0.9
5/8/2020	Review reply to response on motion for clarification	1	1
5/11/2020	Telephone conference with Peter Renn regarding potential timing of filings in new action if required.	0.5	0.5
5/11/2020	Telephone conference to attend part of call with team regarding status of litigation tasks	0.1	0.1
5/15/2020	Telephone conference on mooted argument on motion for clarification	1.4	1.4
5/18/2020	Weekly telephone conference with team on litigation task status on challenging HB 509	1	1
5/19/2020	Court hearing on motion for clarification	2.1	2.1
6/1/2020	Telephone conference with team on status of litigation tasks in challenge to HB 509	1	1
6/15/2020	Weekly telephone call to discuss status of litigation tasks in challenge to HB 509	0.6	0.6
6/17/2020	Review letter to Steve Olsen regarding plan to enforce HB 509 and email on next steps; email replying to same	0.3	0.3
6/18/2020	Telephone conference with Peter Renn regarding notice to Defendants of request for status conference	0.2	0.2
6/22/2020	Review and revise briefing on second motion for clarification; telephone conference with team on status	1	1
6/29/2020	telephone conference with team to discuss status of second motion for clarification	0.6	0.6
7/20/2020	Telephone conference with team in preparation for hearing on second motion for clarification	1.3	1.3
7/22/2020	Court hearing on second motion for clarification	1.3	1.3
7/22/2020	Telephone conference with Peter Renn, Mr. Lanosa, and Ms. Smith re: hearing on motion	0.3	0.3
8/3/2020	Email on First Set of Requests for Production	0.1	0.1
8/7/2020	Email on Court's decision on second motion for clarification	0.1	0.1
8/10/2020	Telephone conference with team on Decision on Motion for Clarification and Discovery Requests in preparation to oppose Rule 60(b)(5) Motion	0.3	0.3
8/17/2020	Email on Discovery to Oppose Rule 60(b)(5) Motion	0.1	0.1
9/9/2020	Email on F.V. deadline to appeal court's August 7th decision on clarification	0.2	0.2
12/14/2020	Review of Expert Report Discussed on 12/14 Call concerning opposition to Rule 60(b)(5) Motion	0.2	0.2
12/17/2020	Review of Birth Certificate Litigation Victory in Ohio	0.1	0.1
2/10/2021	Emails on the Violation of the Injunction by Idaho	0.1	0.1
2/14/2021	Emails on Demand Letter to Steven Olsen	0.1	0.1
2/24/2021	Emails on Response from Steve Olsen re: Demand Letter	0.2	0.2
3/3/2021	Emails on Withdrawal of Appearance in F.V. Matter re: Isaac Belfer	0.1	0.1
3/11/2021	Filing of Belfer Withdrawal	0.1	0.1
4/2/2021	Emails with Mr. Renn and others on defendants' non-compliance with injunction through February 2021	0.1	0.1
6/1/2021	Emails on Conflict Waiver re: Colleen Smith	0.1	0.1
6/9/2021	Telephone conference with team on attorneys' fees motion	0.5	0.5
6/14/2021	Various emails with team relating to fees motion, declarations as to Boise rates and other rates; reply to same; further email on time, email and contact for declaration for Boise rates	0.2	0.2
6/17/2021	Email with Nora Huppert re: declaration for Boise rates; Review and compile time entries and send to Nora	0.2	0.2
6/18/2021	Review and revise resume; send same to Nora Huppert for fees motion; telephone conference with Tom Lloyd re: declaration on Boise rates; email to Nora Huppert and Peter Renn re: same	0.4	0.4

Time Sheet for Attorney Monica Cockerille

7/23/2021	Review various emails regarding time entries and regarding July 9 call relating to time and declarations in support of fees	0.1	0.1
8/8/2021	Review various email with Steve Olsen and email from Peter and team relating to good faith effort to resolve fees motion with state; reply with comments on letter to Steve	0.2	0.2
8/30/2021	Telephone conference with litigation team to discuss government offer on fees and fees motion.	1	1
8/30/2021	email with Tom Lloyd on declaration in support of motion	0.1	0.1
9/2/2021	Review response from government to fees offer; further email with Colleen Smith re: Tom Lloyd declaration; further communication with Tom Lloyd; further email with Nora Huppert and team	0.2	0.2
9/9/2021	Email with Peter Renn and litigation team on response to government and thoughts on mediation; reply to same	0.1	0.1
9/16/2021	Email with Colleen Smith re: Tom Lloyd declaration; review and revise declaration and send comments to Colleen	0.3	0.3
9/23/2021	Review and revise memorandum in support of attorneys' fees motion	0.4	0.4
9/26/2021	Review Renn declaration in support of motion for fees; respond with comments and edits	0.3	0.3

Total: 29.7

Time Sheet for Attorney Colleen Smith

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
4/7/2020	Email communications with Covington team regarding initial steps in HB 509 challenge.	0.1	0.1
4/8/2020	Draft engagement letters for potential new clients in Idaho HB 509 litigation.	2.4	0
4/9/2020	Draft and circulate email to team regarding draft engagement letter for potential new clients.	0.2	0
4/9/2020	Review email communications regarding scope of co-counsel agreement.	0.1	0
4/10/2020	Participate in Covington-Lambda Legal team meeting regarding overall litigation strategy.	1.1	1.1
4/10/2020	Email communications regarding Covington team litigation strategy meeting on HB 509 challenge.	0.1	0.1
4/10/2020	Review meeting agenda and prepare for Covington-Lambda Legal litigation strategy meeting.	0.2	0.2
4/10/2020	Review and analyze Idaho case law on requests for preliminary injunctions.	1	0
4/13/2020	Review and analyze Lambda Legal's notes on HB 509.	0.3	0.3
4/13/2020	Review and analyze Idaho Attorney General's letter regarding constitutionality of HB 509.	0.5	0.5
4/13/2020	Review and analyze Judgment and permanent injunction the Court entered in F.V. v. Barron.	0.3	0
4/13/2020	Draft and circulate summary to Henry Liu regarding background materials re: re: F.V. v. Barron and HB 509.	0.5	0
4/14/2020	Meet with Henry Liu to discuss motion for clarification and next steps to assist with Idaho HB 509 challenge.	0.2	0.2
4/14/2020	Review motion for clarification, memorandum in support, and motion for abbreviated briefing schedule and draft comments regarding the same.	1.8	1.8
4/15/2020	Review and edit Henry Liu's comments on motion for clarification and circulate comments to Lambda Legal.	0.4	0.4
4/16/2020	Review and analyze interview notes from Lambda.	0.5	0
4/17/2020	Review audio and video files from House and Senate hearings on HB 509, draft list of relevant clips from each file, and submit request for creation of transcripts for relevant clips.	0.8	0.8
4/17/2020	Participate in team strategy meeting with Lambda Legal.	0.9	0.9
4/17/2020	Draft and circulate notes from meeting with Lambda Legal to Covington team.	0.5	0
4/17/2020	Review and analyze March 2, 2020 Senate State Affairs Committee meeting on alternative to HB 509.	0.4	0.4
4/17/2020	Review and analyze February 13, 2020 House State Affairs meeting minutes on HB 509.	0.3	0.3
4/17/2020	Review and analyze February 21, 2020 House State Affairs Meeting on HB 509.	2.2	2.2
4/18/2020	Review and analyze House floor debate and vote on HB 509.	0.9	0.9
4/18/2020	Review and analyze Senate State Affairs Committee meeting on HB 509.	1.6	1.6
4/22/2020	Participate in call with Mike Lanosa and Isaac Belfer regarding background of Idaho HB 509 challenge.	0.5	0.4
4/27/2020	Review and analyze complaint filed in Hecox v. Little.	0.5	0
4/28/2020	Review and analyze case law and draft outline of the same regarding likelihood of success on the merits of equal protection claim challenging HB 509.	4.3	2.1
4/29/2020	Review and analyze transcripts of Senate and House hearings on HB 509 and create outline of governmental reasons given for passing HB 509.	5.4	5.4
4/30/2020	Review and analyze strength of governmental reasons given for passing HB 509.	2.6	2.6
4/30/2020	Review and analyze case law regarding transgender bathroom bans and add analysis to merits briefing outline.	2.4	2.4
4/30/2020	Review and analyze case law cited in HB 509 and add analysis to merits briefing outline.	0.3	0
5/1/2020	Revise merits briefing outline.	1.7	1.7
5/1/2020	Review and analyze case law regarding burden of proof issues relevant to HB 509 challenge.	2.9	2.9
5/1/2020	Review and analyze legal standards for preliminary injunction and dissolution of permanent injunction and add to merits briefing outline.	1.5	0
5/2/2020	Review and analyze Defendants' opposition to motion for clarification and draft summary regarding the same.	0.4	0.4
5/4/2020	Participate in Covington team meeting regarding merits briefing outline and case strategy.	0.7	0.7
5/4/2020	Meet with Mike Lanosa to discuss division of research on merits briefing issues.	0.2	0.2
5/5/2020	Review and analyze academic literature for statistical information on transgender populations.	3.8	3.8
5/5/2020	Review and analyze case law regarding Idaho law re: impact on pending applications when law takes effect.	0.6	0.6
5/5/2020	Revise merits briefing outline.	1.5	1.5
5/7/2020	Meet with Henry Liu to discuss edits to reply in support of motion for clarification.	0.1	0.1
5/7/2020	Review, analyze, and edit reply in support of motion for clarification.	1.7	1.7
5/7/2020	Add additional edits to reply in support of motion for clarification based on discussion with Henry Liu.	1.1	1.1

Time Sheet for Attorney Colleen Smith

5/8/2020	Review and analyze transgender birth certificate cases pending in other jurisdiction and other cases that have cited the decisions issued in those cases.	2.7	1.2
5/8/2020	Review and analyze case law regarding government interest in enforcing private contracts or policies.	1.1	1.1
5/8/2020	Review and analyze Idaho statutes requiring individuals to present a birth certificate.	0.5	0.5
5/8/2020	Review and analyze case law regarding level of scrutiny to be used in evaluating government interest.	1.7	0
5/12/2020	Review and analyze case law on First Amendment compelled speech claim.	2.6	0
5/12/2020	Research and analyze requirements for associational and third-party standing.	1.6	1.6
5/12/2020	Research and analyze case law regarding irreparable harm when plaintiff has third-party or associational standing.	2.2	2.2
5/13/2020	Draft questions for moot oral argument on motion for clarification.	1	1
5/13/2020	Review and analyze final draft of reply in support of motion for clarification.	0.5	0.5
5/13/2020	Review and analyze supplementary research regarding preliminary injunction.	0.3	0.3
5/13/2020	Review and analyze case law on First Amendment compelled speech claim.	1.6	0
5/13/2020	Review, analyze, and edit draft public record requests addressed to House and Senate State Affairs Committees, Governor Little, Representative Young, and the Legislative Services Office.	2.5	2.5
5/14/2020	Review and analyze District of Idaho case law regarding irreparable harm and infringement of constitutional rights issue and draft summary regarding the same.	1.5	1.5
5/14/2020	Review and analyze case law on First Amendment compelled speech claim.	1.4	0
5/14/2020	Research and analyze federal and state laws and regulations requiring the presentation of a birth certificate to obtain a license or service.	2.4	2.4
5/14/2020	Draft and circulate email to Lambda Legal regarding edits to public records requests.	0.2	0.2
5/15/2020	Participate in moot of motion for clarification.	1.5	1.5
5/18/2020	Review and revise analysis of First Amendment claim in merits briefing outline.	1.6	0
5/19/2020	Participate in debrief of oral argument on motion for clarification.	0.4	0.4
5/19/2020	Review and analyze case law on transgender issues and their intersection with First Amendment law.	2.3	0
5/20/2020	Review and analyze case law in support of due process claim and begin drafting outline of the same.	3.6	0
5/22/2020	Review and analyze case law on due process claim and update merits briefing outline on the same.	3.5	0
6/1/2020	Review and analyze William Isasi's comments on merits briefing outline.	0.4	0.4
6/9/2020	Review case law and draft memorandum regarding availability of post-judgment discovery.	4.8	4.8
6/10/2020	Draft and circulate email to team regarding memorandum about post-judgment discovery and plan to monitor Idaho Department of Health and Welfare's enforcement of HB 509.	0.2	0.2
6/17/2020	Review and analyze email communications and draft letter to opposing counsel regarding enforcement of HB 509.	0.5	0.5
6/22/2020	Review and edit second motion for clarification.	1.6	1.6
6/24/2020	Review and analyze court order regarding briefing schedule on motion for clarification.	0.1	0.1
6/30/2020	Review and analyze email communication from Steve Olson regarding Defendant's next course of action and proposed response.	0.1	0.1
7/6/2020	Review and analyze changes to application to request gender change on birth certificate.	0.3	0.3
7/6/2020	Review analyze opposition to and draft reply in support of motion for clarification.	1	1
7/6/2020	Meet with Isaac Belfer to discuss affirmative discovery requests.	0.1	0.1
7/13/2020	Draft first set of requests for production.	2.1	2.1
7/20/2020	Prepare for practice moot in preparation for oral argument on motion for clarification.	0.5	0.5
7/20/2020	Participate in practice moot in preparation for oral argument on motion for clarification.	1.2	1.2
7/22/2020	Telephone conference with Mr. Renn, Mr. Lanosa, and Ms. Cockerille re: hearing on motion for clarification.	0.3	0
1/6/2021	Review and analyze outline of expected arguments in support of and in opposition to forthcoming motion and draft expert report.	1	1
1/8/2021	Participate in meeting to discuss strategy and other evidence needed to defend against defendants' anticipated motion.	0.6	0.6
1/8/2021	Review and analyze draft report and outline of arguments and evidence expected to be presented in defendants' forthcoming motion.	1.1	1.1
2/9/2021	Draft letter to Steve Olsen regarding injunction violation.	1.7	1.7
2/9/2021	Prepare exhibits to accompany letter regarding injunction violation.	0.3	0.3
2/10/2021	Review and analyze response email from Steve Olsen. Draft reply and circulate to team for review.	0.4	0.4
2/10/2021	Draft and send email to Steve Olsen regarding injunction violation attaching demand letter.	0.3	0.3
2/11/2021	Revise and send email to Steve Olsen regarding injunction violation.	0.1	0.1
2/12/2021	Meet with Steve Olsen to discuss Defendants' investigation into injunction violation.	0.2	0.2
2/22/2021	Draft and circulate email analyzing letter received from Steve Olsen regarding injunction violation.	0.5	0.5

Time Sheet for Attorney Colleen Smith

3/1/2021	Draft, circulate and revise email to Steve Olsen regarding outstanding requests in connection with injunction violation.	0.4	0.4
5/28/2021	Review and analyze co-counsel agreement.	0.3	0
6/1/2021	Review and analyze co-counsel agreement; review and revise client engagement letter; circulate both to B. Miller for review.	1.3	0
6/2/2021	Meet with Brad Miller to discuss co-counsel agreement and client engagement letter.	0.2	0
6/3/2021	Revise client engagement letter; draft and send email to co-counsel regarding co-counsel agreement and client engagement letter.	0.4	0
6/9/2021	Revise client engagement letter.	0.1	0
6/9/2021	Participate in meeting with team to discuss motion for attorneys' fees.	0.6	0.6
6/9/2021	Meet with P. Renn to discuss client engagement letter.	0.2	0
6/14/2021	Email communications regarding stipulation to extend deadline for fees motion.	0.3	0.3
6/15/2021	Review and analyze draft stipulation to extend time to file fees motion and proposed order granting the same; email correspondence regarding stipulation; draft notice of change of address.	1.1	1.1
6/17/2021	Email communications regarding stipulation to extend deadline to file fees motion.	0.2	0.2
6/18/2021	Revise and send client engagement letters.	0.6	0
6/21/2021	Draft and send email communications regarding stipulation to extend time for fees motion.	0.2	0.2
6/22/2021	Finalize for filing change of address and stipulation to extend time for filing a fees motion; email and phone communications regarding the same.	1.1	0.5
7/9/2021	Participate in team call regarding fees petition.	0.5	0.5
7/19/2021	Draft and circulate emails regarding recent court orders granting fee petitions.	0.2	0.2
7/23/2021	Review and analyze case law on hourly rates awarded by the District of Idaho on fee petitions.	0.8	0.8
7/26/2021	Review and analyze case law regarding billing rates in Boise for civil rights litigators.	3.2	3.2
7/27/2021	Review and analyze case law regarding Boise billing rates for civil rights litigators; draft declaration regarding the same.	4.8	4.8
7/28/2021	Draft email to Lambda Legal team regarding research on billing rates; draft proposed Boise rates for all attorneys; revise draft declaration regarding legal research on Boise billing rates.	2.3	2.3
8/30/2021	Participate in team meeting regarding anticipated motion for attorneys' fees.	1.1	1.1
8/30/2021	Review and analyze Thomas Lloyd's biography; draft and send email communications to M. Cockerille and T. Lloyd regarding draft declaration.	0.5	0.5
9/1/2021	Review and analyze sample declaration in support of motion for attorneys' fees in anticipation of drafting declaration in support of motion for attorneys' fees.	0.3	0.3
9/1/2021	Draft summary of relevant case law for declaration in support of motion for attorneys' fees.	2.6	2.6
9/2/2021	Meet with Tom Lloyd to discuss Boise rates in advance of drafting declaration in support of motion for fees.	0.5	0.5
9/3/2021	Review and analyze letter from Steve Olsen regarding fees settlement proposal; email communications with team regarding analysis of the same.	0.6	0.6
9/7/2021	Draft qualifications section of Lloyd declaration in support of motion for attorneys' fees; revise summary of case law in Lloyd declaration.	1.8	1.8
9/9/2021	Review attorney biographies and begin drafting biography summaries for Lloyd declaration in support of motion for attorneys' fees.	1.4	1.4
9/15/2021	Continue drafting attorney biographies for Lloyd declaration in support of motion for attorneys' fees; review and revise Lloyd declaration.	2.3	2.3
9/22/2021	Review edits to Lloyd declaration from team members and revise Lloyd declaration; review and assemble all attorney resumes; email communications with T. Lloyd regarding draft declaration.	1.5	1.5
9/23/2021	Review and revise memorandum in support of motion for attorneys fees.	1.0	0.5

Total: 103.6

Time Sheet for Attorney Michael Lanosa

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
4/22/2020	Prepare for, attend teleconference with I. Belfer, C. Smith re: Idaho birth certificate case.	0.9	0.4
4/29/2020	Legal research re: intermediate scrutiny standard; communicate with K. King re: same.	2	0
5/1/2020	Legal research re: preliminary injunction factors; draft, revise draft outline of preliminary injunction motion; communicate re: same.	10.9	5
5/5/2020	Perform additional legal research to support preliminary injunction motion; memorandum to H. Liu re same.	4	2
5/6/2020	Additional legal research re: irreparable harm.	3.7	3.7
5/7/2020	Revise, communicate re motion for clarification reply brief; perform factual research to support potential PI motion.	7.3	3.5
5/8/2020	Review correspondence from Lambda team; communicate re: strategy re: PI motion; perform further legal research to support merits arguments.	2.5	2.5
5/11/2020	Review correspondence from Lambda re: case strategy; review scientific article re the effect on transgender people of having correct identity documents; review as-filed motion for clarification reply brief; prepare for and attend weekly strategy meeting with Lambda; perform further factual research to support merits arguments.	4.4	2.2
5/12/2020	Perform additional research re: irreparable harm element of preliminary injunction test; draft memorandum re: same.	6.1	3
5/13/2020	Additional legal research re: irreparable harm; communicate re: same.	2	2
6/1/2020	Communicate re: merits outline; analyze, communicate re: Judge Dale's order on plaintiff's motion for clarification in F.V. v. Barron.	2.4	2.4
6/2/2020	Perform legal research to support additional arguments in merits outline regarding opposition to motion to dissolve.	1.8	1.8
6/5/2020	Perform legal research re: HB 509 discrimination issue.	4.6	2
6/6/2020	Research cases involving successful equal protection challenges under the rational basis review standard.	5.8	3
6/20/2020	Review correspondence re: request for status conference.	0.2	0.2
6/30/2020	Review correspondence from P. Renn re: communications with opposing counsel.	0.1	0
7/16/2020	Review, revise draft RFPs.	2.9	2.9
7/20/2020	Prepare for, participate in team meeting to moot oral argument on Plaintiffs' second motion for clarification.	2.1	2.1
7/22/2020	Telephone conference with Mr. Renn, Ms. Smith, and Ms. Cockerille re: hearing on motion for clarification.	0.3	0
7/27/2020	Communicate with team re: email from P. Renn and proposed discovery requests to defendants.	0.2	0.2
7/28/2020	Review Lambda's revision to the draft requests for production; communicate with team regarding same; further revise draft requests for production.	1.1	1.1
7/29/2020	Review the District of Idaho's local rules regarding discovery; draft interrogatories to defendants; communicate with Covington team re: same.	2.7	2
7/31/2020	Confer with P. Renn re: RFPs; communicate with Covington team re: same.	0.4	0.4
8/10/2020	Review draft letter to opposing counsel from P. Renn; review recent media coverage of the court's order granting Plaintiffs' second motion for clarification; revise draft interrogatories and requests for production; communicate with Covington colleagues re: same.	1.6	0
8/11/2020	Review correspondence from opposing counsel; review, communicate re: draft discovery requests; review IDHW's revised sex marker change application packet and compare same to pre-HB 509 version.	1.1	1.1
8/16/2020	Legal research re: post-judgment discovery.	6.9	6.9
8/17/2020	Draft memorandum to team regarding post-judgment discovery research; communicate with P. Renn and K. Inglehart re: Lambda's revisions to draft RFPs; incorporate revisions into current version of draft RFPs.	0.9	0.9
1/4/2021	Review, analyze memoranda from Lambda team re: potential topics for discovery and other strategies in opposing Defendants' anticipated motion to dissolve.	1.3	1.3
1/6/2021	Communicate re: documents from K. Inglehart; plan and prepare for the taking of discovery in connection with defendants' anticipated motion.	0.8	0.8

Time Sheet for Attorney Michael Lanosa

1/8/2021	Prepare for and attend call with K. Ingelhart re: research to support opposition to defendants' anticipated motion; compile list of research topics related to the merits of plaintiffs' claims and tentative assignments for Covington team and circulate same to I. Belfer and C. Smith; begin researching assigned merits topics.	4.4	4.4
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Total: 57.8

Time Sheet for Attorney Isaac Belfer

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
4/22/2020	Participate in call to discuss Idaho matter wth Michael Lanosa and Colleen Smith.	0.4	0.4
4/27/2020	Prepare for, participate in call with co-counsel re: litigation tasks.	2.5	1
4/28/2020	Perform legal research re: standing.	2.2	2.2
4/29/2020	Perform legal research re: standing and pleading issues.	1.8	1.8
4/30/2020	Perform legal research re: standing, pleading issues.	4.4	3.4
5/1/2020	Analyze pleading issues in preparation for call.	0.8	0
5/1/2020	Draft memo re: standing/pleading issues.	5.2	4.2
5/1/2020	Perform legal research re: standing, pleading issues.	1.6	1.6
5/2/2020	Revise memo re: standing/pleading issues.	1.7	1.7
5/4/2020	Analyze motion for clarification briefing.	1	1
5/4/2020	Draft research note to co-counsel re: standing and other strategic issues.	1.5	1.5
5/5/2020	Analyze standing issues.	1.7	1.7
5/5/2020	Revise memo re: standing, strategic issues.	1.9	1.9
5/7/2020	Revise reply in support of motion for clarification.	1.2	1.2
5/8/2020	Analyze strategic issues re new complaint.	1.8	0.8
5/15/2020	Participate in moot on motion for clarification	1.4	1.4
6/1/2020	Analyze decision on motion for clarification and emails re: same.	0.6	0.6
6/20/2020	Perform legal research re: ripeness.	4.5	4.5
6/22/2020	Revise motion for clarification.	3	3
7/6/2020	Review motion for clarification briefing.	0.5	0.5
7/6/2020	Discuss motion for clarification, case strategy with litigation team.	0.6	0.6
7/15/2020	Revise RFPs.	1.2	1.2
8/7/2020	Review decision on motion for clarification.	0.4	0.4
8/12/2020	Exchange emails re: state's compliance with injunction.	0.1	0.1
12/14/2020	Discuss response to government's anticipated motion to dissolve injunction.	0.7	0.7
1/8/2021	Participate in call re: potential expert report.	0.7	0.7
1/12/2021	Perform legal research re: potential depositions.	1	1
1/15/2021	Analyze issues re: export report related to opposing motion to dissolve.	1.6	1.6
1/21/2021	Analyze issues re: export report related to opposing motion to dissolve.	1.1	1.1
2/9/2021	Revise letter re: violation of injunction.	0.6	0.6

Total: 42.4

Time Sheet for Paralegal Jamie Farnsworth

DATE	DESCRIPTION	TIME SPENT	TIME BILLED
3/19/2020	Research legislative activity regarding HB 509; send emails with Mr. Renn re: same.	2.8	0
3/20/2020	Research legislative activity regarding HB 509; send emails with Mr. Renn re: same.	2.3	0
3/23/2020	Research legislative activity regarding HB 509	2.9	0
3/24/2020	Research legislative activity regarding HB 509; emails with Mr. Renn re: same.	1.9	0
3/26/2021	Research legislative activity regarding HB 509	1.7	0
3/30/2020	Research legislative activity regarding HB 509.	1.7	0
3/30/2020	Telephone conference with litigation team to discuss litigation tasks.	1	0.5
3/31/2020	Research legislative history regarding HB 509, e.g., gather lawmaker statements; email with Ms. Ingelhart and others re: legislative history	0.9	0
4/1/2020	Research legislative history regarding HB509	1.2	0
4/1/2020	Telephone conference with Mr. Renn re: legislative history research	0.3	0.3
4/2/2020	Research legislative history regarding HB 509, including emails with Mr. Renn and others re: same.	1.8	0
4/3/2020	Emails with Mr. Renn and others re: legislative history research, including access to unposted hearing audio or transcripts	1.5	0
4/5/2020	Review audio/video from HB 509 hearings and gather lawmaker statements	3.1	0
4/8/2020	Email with Mr. Renn and Ms. Cockerille re: legislative history research; work on compiling and organizing all HB 509 related documents	0.9	0
4/9/2020	Email litigation team re: access to organized HB 509 related documents.	0.2	0
4/10/2020	Research legislative history regarding HB 509; emails with Mr. Renn, Ms. Ingelhart, and others re: same.	0.5	0
4/10/2020	Call with litigation team to discuss litigation tasks.	1.1	0.5
4/13/2020	Research legislative history regarding HB 509, including emails with Mr. Renn and others re: same; research formal public records requests	5.2	5.2
4/14/2020	Cite-check, review, and proofread Motion for Clarification; review lawmaker statements re HB 509	4.9	4.9
4/15/2020	Finish cite-checking Motion for Clarification and proofread same	3.8	3.8
4/24/2020	Compile relevant FV documents to share, and email co-counsel; Email with Mr. Renn re: same and public records requests	1	0
4/27/2020	Send emails with Mr. Renn re: lawmaker statements; Work on public records request	1.5	1.5
4/27/2020	Call with litigation team to discuss litigation tasks.	1	0.5
4/30/2020	Contact Legislative Services Office about public records request; send email and draft of public records request to litigation team; Emails with Mr. Renn re: same.	2.4	2.4
5/7/2020	Work on Reply to Motion for Clarification, including cite-check; Send emails with Mr. Renn re: same	3.7	3.7
5/11/2020	Emails with Mr. Renn re: public records request	0.2	0.2
5/11/2020	Call with litigation team to discuss litigation tasks.	1.1	0.5
5/12/2020	Finalize drafts of public records requests; Emails with Mr. Renn and Ms. Huppert re: same.	3.1	3.1
5/18/2020	Call with litigation team to discuss litigation tasks.	1	0.5
5/20/2020	Email with team re public records requests	0.1	0.1
5/26/2020	Call with litigation team to discuss litigation tasks.	1	0
6/8/2020	Call with litigation team to discuss litigation tasks.	0.6	0
6/15/2020	Call with litigation team to discuss litigation tasks	0.4	0
6/19/2020	Email with Ms. Huppert re: Idaho legislative history; Email with Mr. Renn re: Motion re: Status Conference	0.5	0
6/22/2020	Email with Ms. Huppert re: receipt of large files from Idaho re: public records; Work on cite-checking Motion for Clarification	4.1	4.1
6/22/2020	Call with litigation team to discuss litigation tasks.	0.4	0
6/29/2020	Call with litigation team to discuss litigation tasks.	0.6	0
7/6/2020	Call with litigation team to discuss litigation tasks.	0.6	0
7/6/2020	Work on cite checking reply with Ms. Huppert; analyze changes to new application packet on Idaho website	3.2	3.2
7/7/2020	Finish reviewing and proofing reply; Email with Ms. Huppert re: same	2.1	2.1
7/22/2020	Listen and take notes at hearing; meet with litigation team to discuss; clean up notes and circulate to team.	2	0
8/10/2020	Call with litigation team to discuss litigation tasks.	0.9	0
8/11/2020	Compare new Idaho application packet with previous and circulate redline to litigation team	0.8	0.8
9/17/2021	Cite check and proofread Wysong declaration	1.7	0.9
9/23/2021	Review and proofread Renn declaration	1.2	0.6

Time Sheet for Paralegal Jamie Farnsworth

9/24/2021	Cite check fees motion	2.6	2.6
9/27/2021	Cite check fees motion	3.4	3.4

Total: 45.4

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

F.V. and DANI MARTIN,

Plaintiffs,

vs.

DAVID JEPPESEN, in his official capacity as
Director of the Idaho Department of Health and
Welfare; ELKE SHAW-TULLOCH, in her official
capacity as Administrator of the Division of Public
Health for the Idaho Department of Health and
Welfare; and JAMES AYDELOTTE, in his
official capacity as State Registrar and Chief of the
Bureau of Vital Records and Health Statistics,

Defendants.

No. 1:17-cv-00170-CWD

**DECLARATION OF THOMAS J.
LLOYD III IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES**

DECLARATION OF THOMAS J. LLOYD III

I, Thomas J. Lloyd III, declare as follows:

1. I am more than eighteen (18) years of age, I have personal knowledge of the facts set forth herein, and I am otherwise competent to testify to the matters set forth herein.

2. I make this declaration in support of Plaintiffs' Motion for Attorneys' Fees. I have been asked by Plaintiffs' counsel to opine on the reasonableness of the hourly rates of certain attorneys representing Plaintiffs.

Qualifications

3. I am a shareholder of the law firm Elam & Burke, P.A., where I have practiced since 2018. I have been in the practice of law since 2007 and have practiced in Boise, and as a member of the Idaho State Bar, my entire career. Prior to moving to Boise, I worked in the Washington, D.C., where I attended law school. Currently, my practice is focused primarily on complex litigation in practice areas including business law, contracts, banking, administrative law, employment law, products liability, real estate, eminent domain, and commercial paper.

4. My firm is considered to be among the most respected law firms in the Boise legal community. Established in 1928, Elam & Burke has served the Boise community for almost a century, making it one of the oldest and most highly regarded firms in Idaho.

5. I have been honored with numerous awards during my legal career, including being selected as an Idaho "Accomplished Under 40" recipient by the Idaho Business Review, a "Top 40 Under 40" designation by the National Trial Lawyers, and a Mountain States Super Lawyers "Rising Star" for my work in business litigation.

6. Although my practice includes appearances in both state and federal courts, I primarily appear before the U.S. District Court for the District of Idaho. I have tried several cases through trial in my career, all before the District of Idaho, both as lead counsel and as local

counsel for out-of-state counsel. As part of my practice, I have submitted numerous fee petitions to the District of Idaho, both on behalf of myself and on behalf of other counsel, including out-of-state counsel.

7. In addition to my practice in the Boise market, I have also been admitted *pro hac vice* before the U.S. District Court for the Eastern District of Washington, the U.S. District Court for the Western District of Washington, the U.S. District Court for the Central District of California, and in state court in the states of Oregon and Wisconsin. Additionally, as it does not have a *pro hac vice* appearance, I have been admitted to practice before the U.S. District Court for the Eastern District of Michigan.

Reasonableness of Rates Sought

8. I am personally familiar with rates in the Boise area. I base my opinion in this declaration on relevant case law granting fees in similar cases, my familiarity with my own rates, the rates of other attorneys at my firm, the rates of other attorneys in the Boise area, and my knowledge of the attorneys seeking fees in this case.

9. I have reviewed the rates requested for Monica Cockerille of Cockerille Law Office, PLLC, Michael Lanosa of Covington & Burling LLP (“Covington”), a former Covington attorney, Isaac Belfer, who I understand worked on this matter while at Covington, and Colleen Smith, a former Covington attorney who now works at the offices of Hawley Troxell Ennis & Hawley LLP. I understand that Plaintiffs are seeking fees for legal work they undertook to clarify and enforce court rulings that were obtained in 2018, which allowed transgender people to access birth certificates matching their gender identity, after the State of Idaho enacted legislation in 2020 in direct conflict with those rulings. I understand that Plaintiffs’ attorneys performed their work on a *pro bono* basis, essentially working on the contingency that no fees or costs would be recovered unless the Court permitted such recovery.

10. I further understand that Mr. Lanosa is, and was at all relevant times, based in Los Angeles California; that Mr, Belfer and Ms. Smith were based in Washington D.C. when they worked on this matter while at Covington; and that the hourly rates for attorneys in Washington D.C. and Los Angeles are substantially higher than the hourly rates for attorneys in the Boise market. I also understand that, notwithstanding the foregoing, Covington has agreed, in the interest of compromise, to seek Boise rates for their work in this case.

11. My opinions regarding the reasonableness of the rates sought by the attorneys in this case are first supported by the rates awarded by this Court to similar attorneys doing similar work. The cases most relevant to whether the rates sought are reasonable are those involving “controversial and cutting-edge constitutional issue[s],” as in this case. *Garrison v. Sec’y of Health & Human Servs.*, 128 Fed. Cl. 99, 107 (2016) (opining on rates in Twin Falls, Idaho). Such cases “are unique in terms of their profile and potentially broad reaching impact,” and justify employing lawyers of “superior skill or experience,” that charge a “higher hourly rate” because they have a “more sophisticated understanding or development of issues.” *Id.* (citation omitted).

12. An example is *Latta v. Otter*, No. 1:13-CV-00482-CWD, 2014 WL 7245631, at *1 (D. Idaho Dec. 19, 2014) (Dale, J.), a case seeking legal fees for work completed in 2013 and 2014 successfully challenging the constitutionality of “Idaho laws that defined marriage as the legal union between a man and a woman and prohibited the recognition of out-of-state marriages between two persons of the same sex.” This Court found a \$400 hourly rate reasonable for both a Boise-based attorney with 28 years of civil litigation experience and a San Francisco-based attorney that had “two decades of impressive accomplishments in a contentious area of civil rights litigation.” *Id.* at *3-*4. While this Court noted this rate was at the higher end of Boise

rates for professionals with similar experience, it was justified based on “the complexity of the case, its undesirability relative to more typical legal work, the delay in payment, and rates allowed in similar cases.” *Id.* at *4. The Court also explained that the “specialized experience” the San Francisco-based attorney had gained litigating lesbian, gay, bisexual and transgender (“LGBT”) rights cases justified awarding the attorney the same hourly rate as an attorney with seven more years of legal experience. *Id.* For the other attorneys that assisted on the case, this Court found \$325/hour to be a reasonable hourly rate for practitioners with 17 and 19 years of legal experience, \$275/hour to be a reasonable hourly rate for a practitioner with 13 years of experience, and \$175/hour to be a reasonable hourly rate for a practitioner with five years of legal experience. *Id.*

13. Similarly, in *Cnty. House, Inc. v. City of Boise*, No. 1:05-CV-00283-CWD, 2014 WL 1247758, at *4 (D. Idaho Mar. 25, 2014), a complex case involving claims under the Fair Housing Act and the Idaho and United States Constitutions, this Court found \$400/hour was a reasonable rate for lead counsel, for work after 2009, who had over three decades of federal civil rights litigation experience. This Court also found, after adjusting for each attorney’s relevant experience and educational background, that \$200/hour was reasonable for a practitioner with five years of experience, \$275/hour was reasonable for a practitioner with 14 years of experience, and \$325/hour was reasonable for a practitioner with 17 years of experience. *Id.* at *5-*7. This Court explained that these rates were justified based on “the complexity, length, and breadth of th[e] case,” “the contingent nature of the case,” the fact that “no other attorney in Idaho would have seriously considered undertaking th[e] matter,” and the “unique expertise” of the lawyers involved, which are “not readily found in the Boise market.” *Id.* at *6.

14. The factors that justified the rates the Court awarded in *Latta* and *Cnty. House*,

Inc. are also present here. Plaintiffs' attorneys joined this controversial and cutting-edge constitutional case on a contingent basis without knowing when, if ever, they would be paid for their services. I understand that there were serious deterrents for Boise attorneys to take on this litigation, including because of its contingent nature, because the time expended on it could have taken away from other paying work, and because this case may have conflicted with the representation of other clients. Indeed it is unlikely that any Boise counsel would have been willing undertake this recent litigation without partnering with out-of-state counsel with relevant expertise and the willingness to commit substantial resources, especially considering the relatively small size of the Boise legal market. Finally, the lawyers in this case brought expertise and resources that are generally not found in the Boise market, which is not generally profitable grounds for specializing in areas such as civil rights and constitutional law.

15. The legal work in *Latta* was completed in 2013-14 and the relevant work in *Community House, Inc.* was completed between 2009 and 2012. Rates in Boise have continued to increase since then. For example, this Court awarded \$400/hour and \$425/hour to two lead attorneys for work completed in 2015 and 2016 in *Idaho Rivers United v. Probert*, No. 3:16-CV-00102-CWD, 2017 WL 10751248, at *10 (D. Idaho July 21, 2017), a complex environmental case. Then, in *Idaho Conservation League v. Atlanta Gold Corp.*, No. 1:11-CV-161-REB, 2020 WL 5848339, at *7 (D. Idaho Sept. 30, 2020), another environmental case, Judge Bush awarded, for work completed between 2016 and 2019, \$450/hour to lead counsel, \$285/hour to attorneys with 12-15 years of experience, and \$250/hour to attorneys with 6-7 years of experience. Finally, in June of this year, Chief Judge Nye awarded, for work completed in 2019 and 2020 in a commercial dispute involving breach of contract and product warranties, \$330/hour for the work of a lead attorney with 11 years of experience, and \$250/hour for the work of associates

with 5 years of experience. *Dickinson Frozen Foods, Inc. v. FPS Food Process Sols. Corp.*, No. 1:17-CV-00519-DCN, 2021 WL 2444157, at *15 (D. Idaho June 15, 2021); *see also Lakeview Cheese Co., LLC v. Nelson-Ricks Creamery Co.*, No. 4:13-CV-00361-BLW, 2015 WL 769960, at *1 (D. Idaho Feb. 23, 2015) (awarding \$455/hour to intellectual property attorney with 24 years of experience).

16. In addition to attorneys, my experience is that the District of Idaho regularly awards fees for paralegal work. Recent decisions have awarded paralegal fees of \$175/hour to \$195/hour for experienced paralegals in this market. *See In re Sarria*, 606 B.R. 854, 867 (Bankr. D. Idaho 2019), *aff'd*, 624 B.R. 250 (D. Idaho 2020) (finding rates of \$175/hour to \$195/hour for work completed in 2018 and 2019 by experienced paralegals to be reasonable); *Dickinson Frozen Foods, Inc.*, 2021 WL 2444157, at *16 (finding “prevailing market rate” for experienced paralegals was \$190/hour).

17. My opinion is further informed by my own rate and that of my colleagues practicing in Boise. My current hourly rate is between \$250 and \$320, depending on the nature and complexity of the work involved. It is common for attorneys to charge higher rates for contingent work, where there is a risk that the attorney will not be paid, as in this case. It is also common for attorneys to charge higher rates for work requiring a greater skill level or particular expertise, as in this case. My rates also increase yearly to account for my enhanced experience and expertise. A yearly rate increase is common in the Boise area, especially in the first years of practice.

18. Elam & Burke is considered a mid-size firm in the Boise market. It currently has seventeen attorneys, ten of which are shareholders, and all of which practice in the Boise area. As a mid-sized firm, Elam & Burke is generally able to charge rates lower than large firms in the

Boise area, even for comparable work. *See Dickinson Frozen Foods, Inc.*, 2021 WL 2444157, at *15 (recognizing that larger regional firms charge higher rates than smaller, Boise-based law firms). I understand that Covington has over 1,200 attorneys across the world. As a large firm, I understand that Covington charges higher rates than a typical mid-size firm.

19. Finally, my opinion is supported by my understanding of the experience and expertise each attorney brought to this case, which is set forth in more detail in the paragraphs below. I have reviewed each of their résumés. I have been advised that each of the attorneys for whom fees are sought graduated from law school in the year shown below, and each is seeking compensation at the rate shown:

Attorney	Law School Graduation Year	Rates Sought for Work Performed (By Year)	
		2020 Work	2021 Work
Monica Cockerille	1996	\$410	\$410
Isaac Belfer	2011	\$280	\$290
Michael Lanosa	2014	\$250	\$260
Colleen Smith	2015	\$240	\$250

20. I understand that Ms. Cockerille, who graduated from the University of Wyoming College of Law in 1996, has extensive experience both litigating in the District of Idaho and in helping individuals navigate the legal hurdles of changing an Idaho birth certificate. Accordingly, Ms. Cockerille brought a unique set of expertise that met the distinct needs of this case. I understand that Plaintiffs seek rates of \$410/hour for work Ms. Cockerille performed in 2020 and 2021.

21. I understand that Mr. Belfer, a former Covington associate and current trial attorney for the Consumer Protection Branch, Civil Division, at the Department of Justice, graduated from Harvard Law School in 2011. I also understand that Mr. Belfer maintained an active pro bono practice while at Covington, including work representing transgender individuals

and organizations supporting transgender civil rights in civil rights litigation. I understand that Plaintiffs seek rates of \$280/hour and \$290/hour for work Mr. Belfer performed in 2020 and 2021, respectively.

22. I understand that Mr. Lanosa, an associate in Covington & Burling's Los Angeles office, who graduated from the University of Southern California Gould School of Law in 2014, specializes in complex commercial litigation with an emphasis on patent litigation and insurance recovery. I also understand that Mr. Lanosa maintains an active pro bono practice in which he regularly represents members of the LGBT community, including transgender individuals, and organizations that support transgender civil rights in a variety of legal matters, from civil rights litigation to asylum applications. I understand that Plaintiffs seek rates of \$250/hour and \$260/hour for work Mr. Lanosa performed in 2020 and 2021, respectively.

23. I understand that Ms. Smith, a 2015 graduate of William & Mary Law School, was an associate in Covington & Burling's Washington, D.C. office until March of 2021, when she became an associate in Hawley Troxell Ennis & Hawley's Boise, Idaho office. I understand that Ms. Smith brings extensive knowledge of the District of Idaho, having clerked for Chief Judge David Nye, worked as an extern for Judge Lynn Winmill, and clerked for Ninth Circuit Judge N. Randy Smith. Ms. Smith has also represented numerous clients in commercial disputes before the District of Idaho as part of her diverse civil litigation practice. I further understand that Ms. Smith maintains an active pro bono practice that has included several complex civil rights cases. I understand that Plaintiffs seeks rates of \$240/hour and \$250/hour for work Ms. Smith performed in 2020 and 2021, respectively.

24. I believe, based on (1) prior fee awards issued by this Court in similar cases; (2) my knowledge and experience regarding prevailing market rates in Boise; and (3) the years

of experience and the level of expertise each attorney brought to this case, that the above requested hourly rates are within reasonable ranges and consistent with the prevailing rates in Boise for legal services provided by comparable attorneys in comparable cases.

25. I further understand that, as part of demonstrating the reasonableness of the fees sought, Plaintiffs are not seeking any fees for three Covington attorneys who worked on this case: Jean Veta, William Isasi, and Henry Liu. I have reviewed each of their résumés. Their relevant experience and the rates they could reasonably command based on prevailing rates in Boise for legal services provided by comparable attorneys in comparable cases are set forth below.

26. I understand that Ms. Veta, a senior counsel and former partner in Covington's Washington, D.C. office who graduated from Tulane University School of Law in 1981, is one of the premier banking and financial regulatory enforcement litigators in the country. I further understand that Ms. Veta has maintained an active *pro bono* practice throughout her career, in which she has taken on many civil rights cases and matters of interest to the LGBT community. Were Plaintiffs to seek Boise rates for Ms. Veta's work, Plaintiffs reasonably could seek a rate of at least \$450/hour for work performed in both 2020 and 2021.

27. I understand that Mr. Isasi, who graduated from Georgetown University Law Center in 1998, is an accomplished international trade litigator and Of Counsel in Covington's Washington, D.C. office. I further understand that Mr. Isasi maintains an active *pro bono* practice in which he regularly litigates cases on behalf of LGBT individuals. Were Plaintiffs to seek Boise rates for Mr. Isasi's work, Plaintiffs reasonably could seek a rate of at least \$400/hour for work performed by Mr. Isasi in 2020 and 2021.

28. I understand that Mr. Liu, a partner in Covington & Burling's Washington, D.C.

office who graduated from Yale Law School in 2007, is an award winning anti-trust and consumer class action attorney. I also understand that Mr. Liu has a track record of successfully representing minority groups and civil rights organizations in discrimination suits as part of his pro bono practice. Were Plaintiffs to seek Boise rates for Mr. Liu's work, Plaintiffs reasonably could seek rates of at least \$320/hour and \$330/hour for work performed by Mr. Liu in 2020 and 2021, respectively.

29. Finally, I understand that Plaintiffs' legal team at Lambda Legal Defense and Education Fund ("Lambda Legal"), who are based outside of Idaho, are seeking out-of-forum rates, given Lambda Legal's representation of Plaintiffs in the original litigation that resulted in the 2018 court rulings. Should the Court choose not to award out-of-forum rates to these attorneys, I also offer my opinion regarding the in-forum rates that would be reasonable for them and consistent with the prevailing rates in Boise for legal services provided by comparable attorneys and support staff in comparable cases. Notably, all of the Lambda Legal attorneys have specialized experience litigating LGBT rights cases. That specialized experience justifies a higher hourly rate than would be appropriate for an attorney without that relevant experience. *See Latta*, 2014 WL 7245631, at *4. I have been advised that each of the Lambda Legal attorneys graduated from law school in the year shown below, and that the paralegal on the Plaintiffs' legal team has the years of experience shown below. Based on my review of each Lambda Legal attorney's résumé, the applicable case law outlined above, and my personal knowledge of the rates in the Boise legal market, each Lambda Legal attorney could reasonably seek the following in-forum rates for their work in this case:

Attorney	Law School Graduation Year	Reasonable Forum Rates for Work Performed (By Year)	
		2020 Work	2021 Work
Peter Renn	2006	\$360	\$370
Kara Ingelhart	2015	\$270	\$280
Nora Huppert	2019	\$210	\$220

Paralegal	Years of Experience	Reasonable Forum Rate for Work Performed in 2020 and 2021
Jamie Farnsworth	14	\$175

30. I understand that Peter Renn, Counsel with Lambda Legal, graduated from Harvard Law School in 2006, and has specialized exclusively in LGBT impact litigation since 2010. I also understand that Mr. Renn has significant experience litigating the constitutionality of government discrimination against transgender people, including in obtaining the Ninth Circuit precedent holding that such discrimination is subject to heightened scrutiny in *Karnoski v. Trump*, 926 F.3d 1180 (9th Cir. 2019). Plaintiffs reasonably could seek forum rates of at least \$360/hour and \$370/hour for work Mr. Renn performed in 2020 and 2021, respectively.

31. I understand that Kara Ingelhart, Staff Attorney with Lambda Legal, graduated from the University of Chicago Law School in 2015, was awarded a Skadden Fellowship, and has specialized exclusively in LGBT impact litigation for her entire legal career. I further understand that Ms. Ingelhart has significant experience challenging the constitutionality of government restrictions against allowing transgender people to access identity documents consistent with their gender identity, including in Ohio, Kansas, Puerto Rico, and Idaho. Plaintiffs reasonably could seek forum rates of \$270/hour and \$280/hour for work Ms. Ingelhart performed in 2020 and 2021, respectively.

32. I understand that Nora Huppert, Staff Attorney with Lambda Legal, graduated from Columbia Law School in 2019, was awarded the Renberg Fellowship, and has specialized

exclusively in LGBT impact litigation since she began her legal career. I also understand that Ms. Huppert has litigation experience seeking to vindicate the federal constitutional rights of transgender people, including in Alaska and West Virginia. Plaintiffs reasonably could seek forum rates of at least \$210/hour and \$220/hour for work performed by Ms. Huppert in 2020 and 2021, respectively.

33. I understand that Jamie Farnsworth has 14 years of paralegal experience at Lambda Legal supporting LGBT impact litigation. Plaintiffs reasonably could seek a forum rate of at least \$175 for work performed by Ms. Farnsworth in 2020 and 2021.

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

DATED: September 29, 2021



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

F.V. and DANI MARTIN,

Plaintiffs,

v.

DAVID JEPPESEN, in his official capacity as Director of the Idaho Department of Health and Welfare; ELKE SHAW-TULLOCH, in her official capacity as Administrator of the Division of Public Health for the Idaho Department of Health and Welfare; and JAMES AYDELOTTE, in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics,

Defendants.

No. 1:17-cv-00170-CWD

**DECLARATION OF DAN STORMER
IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES**

DECLARATION OF DAN STORMER

I, Dan Stormer, declare as follows:

1. I am an attorney licensed to practice law in California. I make this declaration in support of Plaintiffs' motion for attorneys' fees. It is based on my own personal knowledge, and if called as a witness, I could and would testify to the following matters.

Qualifications

2. I am a founding partner of the law firm of Hadsell Stormer Renick & Dai LLP, which is based in Southern California and 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: Lawdragon Magazine's "500 Leading Lawyers," "500 Leading Litigators," "500 Leading Plaintiff Employment Lawyers" and "500 Leading Plaintiff Consumer Lawyers" in America, "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. During the past 47 years, I have taught at over 250 legal programs and seminars as well as having been a keynote 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.

6. 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).

7. I have co-counseled with many highly regarded organizations, including Lambda Legal Defense and Education Fund, 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 on diverse interest groups, involves novel and complex issues of law and fact, and can demand huge resources to conduct the type of litigation required.

8. 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.

9. 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), *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).

10. 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.

Reasonableness of Rates Sought

11. I am personally familiar with the work of Lambda Legal as an organization, and I have previously co-counseled with Lambda Legal on litigation in Southern California. Lambda Legal has an excellent national reputation for its impact litigation on behalf of lesbian, gay, bisexual, and transgender people (LGBT), including based on landmark victories it has achieved in cases like *Lawrence v. Texas*, 539 U.S. 558 (2003), and *Obergefell v. Hodges*, 576 U.S. 644 (2020).

12. The impact litigation that Lambda Legal undertakes is high stakes, not only because of the potential resource commitment required, but because a loss can have significant negative consequences for the LGBT community as a whole. Prevailing in this area of work can often require specialized institutional knowledge, experience, and expertise specific to LGBT

issues.

13. Mounting successful federal challenges to the lawfulness of state laws in particular can present significant legal complexity and difficulty. Litigation against the government also tends to be hard-fought, consume significant attorney time, and entail significant financial risk with no assurance of compensation.

14. I have reviewed the rates requested for Lambda Legal attorneys Peter Renn and Nora Huppert and paralegal Jamie Farnsworth. I understand that Plaintiffs are seeking fees for legal work to clarify and enforce the court rulings that they previously obtained in 2018, which allowed transgender people to access birth certificates matching their gender identity, after the State of Idaho enacted legislation in 2020 implicating those rulings. I understand that Mr. Renn, who graduated from Harvard Law School in 2006 and has specialized exclusively in litigation advancing LGBT rights since 2010, has sought rates of \$650 and \$675 for work performed in 2020 and 2021, respectively. I also understand that Ms. Huppert, who graduated from Columbia Law School in 2019 and has specialized exclusively in litigation advancing LGBT rights since that time, has sought rates of \$325 and \$350 for work performed in 2020 and 2021, respectively. Finally, I understand that Ms. Farnsworth, as a paralegal with 14 years of legal experience, has sought a rate of \$175 per hour for work performed during the same period.

15. In my opinion, based on my knowledge and experience regarding prevailing market rates and fee awards, the rates requested by Mr. Renn, Ms. Huppert, and Ms. Farnsworth are well within the range of reasonable rates in the Los Angeles legal market for professionals of comparable experience, expertise, and skill for comparable work in the community.

16. Among other bases, my opinion is supported by the hourly rates charged by my firm for non-contingency cases. In other words, these are the rates that apply where we expect

full payment by clients promptly upon rendition of billing, without any contingency. The 2021 rates for a sampling of the attorneys in my firm, along with their of graduation from law school, include the following: Dan Stormer (1974), \$1,200; Barbara Enloe Hadsell (1978), \$1,075; Cornelia Dai (1999), \$800; Nancy Hanna (2011), \$550; Brian Olney (2013), \$500; Tanya Sukhija-Cohen (2013), \$500; Shaleen Shanbhag (2014), \$475; and Hanna Chandoo (2015), \$450. The rates for our paralegals range from \$175 to \$300 per hour. These rates for our attorneys and paralegals are within the range of those of comparable experience, expertise, and skill in the community.

17. We expect a premium on our contingency fee cases, however, because of the significant economic risks associated with such work. Those risks are considerable: in contingency cases, we face the prospect of investing hundreds of thousands of dollars of time and money over several years with no guarantee that we will ever be paid. Thus, where payment is contingent upon outcome or any other factor, the fee arrangement is generally adjusted upward to compensate the attorneys for risk and delay in payment.

18. Based on rates charged by attorneys at my firm for cases *not* involving contingency fees, the rates sought for Mr. Renn and Ms. Huppert are within the range of reasonable rates in Los Angeles, particularly as rates for contingency cases. For instance, my colleague Ms. Dai's rate for non-contingent work is \$800 per hour as a 1999 graduate, and my colleague Ms. Hanna's rate for non-contingent work is \$550 per hour as a 2011 graduate. Mr. Renn's rates of \$650 for 2020 and \$675 for 2021 for fee-contingent work as a 2006 graduate properly takes into account rate differences for years of experience. Similarly, my colleague Ms. Chandoo's rate for non-contingent work is \$450 as a 2015 graduate. Rate differences of approximately \$25 for each additional year of experience, particularly during the first several

years of practice, are typical within the community. Ms. Huppert's rate of \$325 for 2020 and \$350 for 2021 for fee-contingent work as a 2019 graduate is thus within the range of reasonable rates in the community for comparable work.

19. My opinions regarding the reasonableness of the rates sought by Mr. Renn and Ms. Huppert are also supported by the rates awarded by courts to comparable attorneys, which can be even higher than the rates sought here, as set forth below.

20. In *McKibben v. McMahon*, No. 14-2171 JGB (SPx), Dkt. 103 (C.D. Cal. Feb. 28, 2019), the court found, as relevant here, the following range of rates in 2019 for civil rights work in the forum: "attorneys practicing civil rights litigation with 9-15 years of experience bill adjusted lodestar rates of \$606-\$855 per hour; and attorneys practicing civil rights litigation with 1-6 years of experience billed adjusted lodestar rates of \$336-\$671 per hour." *Id.* at 19. The rates sought for Mr. Renn and Ms. Huppert fall well within, if not below, this range of 2019 rates. *Id.* at 19 (finding that \$715/hour for an ACLU of Southern California attorney with 15 years of experience was reasonable). Notably, this range of 2019 rates also does not account for higher market rates for 2021, given inflation. *See U.S. v. \$28,000,000 in U.S. Currency*, 802 F.3d 1100, 1107 (9th Cir. 2015) ("market rates in effect more than two years *before* the work was performed" do not reflect current market rates) (emphasis in original; citation omitted).

21. Similarly, in *Gomez-Sanchez v. Barr*, No. 14-72506, Dkt. 88 (9th Cir. Jul. 17, 2019), the Ninth Circuit awarded Bardis Vakili, an attorney with the ACLU of Southern California who graduated in 2006, a rate of \$620/hour for work performed in 2018 (as an attorney with 12 years of experience at the time). The Ninth Circuit also observed that the evidence showed the rates sought were "at or near the low end of the spectrum" in the community. *Id.* at 12. The rate awarded there is consistent with, if not effectively higher than,

the rates sought for Mr. Renn for work performed in 2020-21 as an attorney with 14-15 years of experience.

22. Likewise, in *Castillo v. Nielsen*, No. 5:18-cv-01317-ODW (KESx), 2020 WL 2840065 (C.D. Cal. Jun. 1, 2020), the court awarded Michael Kaufman, an attorney with the ACLU of Southern California who graduated in 2007, rates of \$620 to \$645 per hour for work performed in 2018-19 (as an attorney with 11-12 years of experience at the time). Those rates are consistent with, if not effectively higher than, the rates sought for Mr. Renn for work performed in 2020-21 as an attorney with 14-15 years of experience who graduated in 2006.

23. Paralegal rates of \$175 per hour are also within the range of reasonable rates awarded in the forum, particularly for a paralegal with 14 years of experience like Ms. Farnsworth. For example, in *Perfect 10, Inc. v. Giganews, Inc.*, No. CV 11-07098-AB (SHx), 2015 WL 1746484, at *21 (C.D. Cal. Mar. 23, 2015), the court found in 2015 that \$240 per hour for a paralegal with 5 years of experience was reasonable and consistent with market rates.

24. In sum, based on the information above, as well as my knowledge, background, and experience, I believe that the requested hourly attorney and paralegal rates for Lambda Legal are reasonable and fall within the prevailing market rates for similar attorneys and paralegals performing comparable work in Southern California.

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

DATED: August 31, 2021



Dan Stormer

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Attorneys for Plaintiffs F.V. and Dani Martin

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

F.V. and DANI MARTIN,

Plaintiffs,

v.

DAVID JEPPESEN, in his official capacity as
Director of the Idaho Department of Health and
Welfare; ELKE SHAW-TULLOCH, in her official
capacity as Administrator of the Division of Public
Health for the Idaho Department of Health and
Welfare; and JAMES AYDELOTTE, in his
official capacity as State Registrar and Chief of the
Bureau of Vital Records and Health Statistics,

Defendants.

No. 1:17-cv-00170-CWD

**DECLARATION OF CHARLIE
WYSONG IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES**

DECLARATION OF CHARLIE WYSONG

I, Charlie Wysong, declare as follows:

1. I am more than eighteen (18) years of age, have personal knowledge of the facts set forth herein, and am otherwise competent to testify on to the matters set forth herein. I make this declaration in support of Plaintiffs' motion for attorneys' fees.

2. I understand that Plaintiffs are seeking attorneys' fees based on legal work that was performed after the State of Idaho enacted legislation in 2020 denying transgender people the means of correcting their birth certificates to match their gender identity. I further understand that enforcement of this legislation violated a permanent injunction and judgment that Plaintiffs had previously obtained in 2018 after prevailing on their federal constitutional claim, and thus necessitated additional litigation for which Plaintiffs are seeking attorneys' fees.

Qualifications

3. I earned a bachelor's degree with honors from the University of Chicago (Phi Beta Kappa) in 2008, earned a master's degree from the Stanford School of Education in 2012, and received my law degree from Stanford Law School in 2012, where I served as editor in chief of the Stanford Journal of Civil Rights and Civil Liberties.

4. I am a member of the Illinois Bar Association and have more than nine years of legal experience in Chicago, including a clerkship with the Honorable Richard Posner of the United States Court of Appeals for the Seventh Circuit in 2012-2013. Since the end of my clerkship, I have been a public interest lawyer, specializing in civil rights and constitutional law, consumer law, disability law, and education law.

5. From 2013-2015, I worked as a Skadden Foundation Fellow in Chicago for Equip for Equality—a non-profit law firm that represents people with disabilities in Illinois in human and civil rights matters. A Skadden Fellowship is a competitive two-year fellowship program

designed to place public interest lawyers in non-profit practices.

6. Since 2015, I have practiced civil rights and complex litigation with the law firm of Hughes Socol Piers Resnick & Dym, Ltd. (HSPRD) where I am currently a partner. HSPRD is based in Chicago with a significant practice in the areas of constitutional, civil rights, class action, qui tam, employment, and public interest law. I am also a board member with the National Employment Lawyers Association of Illinois and I counsel and represent clients in discrimination disputes based on sex, gender identity, and sexual orientation in schools and in the workplace. I recently served on Illinois Governor J.B. Pritzker's task force on Affirming and Inclusive Schools.

7. I am admitted to the United States District Court for the Northern District of Illinois, the United States District Court for the Southern District of Illinois, and the United States Court of Appeals for the Seventh Circuit. HSPRD litigates civil rights issues predominantly in Illinois state courts and federal courts across the country. Based on this experience, described more fully below, I am familiar with the hourly rates for the legal community in the City of Chicago for complex state and federal litigation, including civil rights cases.

8. At HSPRD, we handle a wide variety of complex civil matters, including many civil rights matters, before administrative agencies including the Illinois State Board of Education, the Illinois Department of Human Rights, the EEOC, and the National Labor Relations Board and at all levels of the court system including in appeals before the United States Supreme Court, the Seventh Circuit Court of Appeals, and the Illinois Appellate and Supreme Courts. In both trial courts and in appeals, HSPRD has represented certified classes of migrant workers suing their employers for unpaid wages and damages under the Fair Labor

Standards Act, 29 U.S.C. §§ 201-19, the Migrant and Seasonal Worker Protection Act, 29 U.S.C. §§ 1801-71, and similar state statutes; whistleblowers reporting fraud against government programs through cases brought under federal and state False Claims Acts; people with mental health disabilities facing discrimination in school and public accommodations; claims under the United States and state constitutions and statutory protections against discrimination; and numerous individuals and companies in civil liberties, constitutional law, class action, commercial, education equity, false claims, employment, and labor law matters.

9. The trial and appellate decisions reflect the diversity of HSPRD's work. Some of our cases include: *Griffin v. City of Chicago*, 497 F.Supp.3d 307 (N.D. Ill. 2020) (represented fire department applicant in sex, disability, and retaliation claims under Title VII, the Americans with Disabilities Act (ADA), and the Illinois Human Rights Act (IHRA)); *State ex rel. Leibowitz v. Fam. Vision Care, LLC*, 128 N.E.3d 422 (Ill. App. Ct. 2019), *appeal allowed*, 132 N.E.3d 367 (Ill. 2019), and *aff'd*, 2020 IL 124754 (represented whistleblower in *qui tam* suit for violation of the Illinois Insurance Claims Fraud Protection Act in successful case presenting multiple constitutional disputes of first impression); *In re Emerald Casino, Inc.*, 867 F.3d 743 (7th Cir. 2017) (affirming a \$272 million judgment against directors and officers of the bankrupted Emerald Casino for breach of contract); *Ernst v. City of Chicago*, 837 F.3d 788 (7th Cir. 2016) (establishing standards for disparate impact litigation under Title VII regarding testing practices), *on remand* No. 08 C 4370, 2018 WL 6725866, at *1 (N.D. Ill. Dec. 21, 2018) (awarding five plaintiffs relief worth well in excess of \$10 million in sex discrimination claims); *Lewis v. City of Chicago*, 560 U.S. 205 (2010) (represented class of African-American applicants for firefighter jobs in race discrimination claims under Title VII regarding a discriminatory written test); *People Who Care, et al. v. Rockford Bd. of Educ.*, 246 F.3d 1073 (7th Cir. 2001) (litigation to

obtain judicial relief effectively integrating Rockford, IL schools resulting in one of the most extensive set of liability findings in the history of desegregation legislation).

10. I am familiar with the hourly rates for the legal community in Chicago, Illinois for both state and federal litigation, including civil rights impact litigation. This knowledge stems in part from my own regular hourly rate and the rates charged by HSPRD. HSPRD's standard hourly rates are set based on the nature and extent of each attorneys' professional experience and the number of years of practice. HSPRD periodically reviews prevailing hourly rates in the legal community of firms roughly comparable in size and having attorneys of similar skill, experience, and standing and takes this review into account when setting the firm's hourly rates. These are the standard rates charged to and paid by the firm's clients for civil rights and other complex litigation (plaintiff or defense). Additionally, we have litigated fee motions in similar complex civil litigation matters and have been awarded our standard rates.

Reasonableness of Rates Sought

11. I was asked by counsel for Plaintiffs to opine regarding the reasonableness of the hourly rates for Lambda Legal attorneys Kara Ingelhart (from 2020-2021) and Nora Huppert (from September 1, 2021 onward) assuming they were awarded rates based on the Chicago legal market.

12. I am familiar with the work of Lambda Legal and the national reputation it has earned for impact litigation on behalf of lesbian, gay, bisexual, and transgender (LGBT) people. I have also previously served as a Governor-appointed member of the Illinois State Affirming and Inclusive Schools Task Force alongside a Lambda Legal attorney. The Task Force primarily served to develop legal and policy strategies for Illinois public schools to provide equal educational opportunities for transgender students.

13. I understand that Ms. Ingelhart, who graduated from the Law School at the University of Chicago in 2015, has focused on impact litigation advancing civil rights of LGBT people and the rights of people living with HIV at Lambda Legal since graduation. Ms. Ingelhart was awarded a Skadden Fellowship to pursue this work after graduation. She has experience litigating government restrictions that deny transgender people the ability to correct their birth certificates to match their gender identity, including in Ohio, Kansas, and Puerto Rico as well as Idaho. I understand that Ms. Ingelhart seeks rates of \$320 and \$330 for work performed in 2020 and 2021, respectively.

14. I understand that Ms. Huppert, who graduated from Columbia Law School in 2019 and has similarly focused her practice on impact litigation advancing LGBT rights at Lambda Legal. Ms. Huppert was awarded the Renberg Fellowship to pursue this work after graduation. I further understand that Ms. Huppert has experience litigating government discrimination against transgender people in multiple jurisdictions, including Alaska and West Virginia. I understand that Ms. Huppert seeks a rate of \$270 for work performed on or after September 1, 2021.

15. In my opinion the rates sought by Ms. Ingelhart and Ms. Huppert are reasonable and in line with the prevailing market rates in Chicago for comparable legal services performed by attorneys with comparable qualifications, experience, and expertise.

16. This opinion is supported by several considerations. First, the rates sought for Ms. Ingelhart and Ms. Huppert are consistent with the range of rates charged for HSPRD attorneys for constitutional, civil rights, and complex litigation cases in the Chicago area. For example, my rate is \$380 per hour for 2021. The current standard hourly rates for some of my associate colleagues at HSRPD include \$350 an hour for a 2014 law school graduate, and \$300

per hour for a 2019 law school graduate. These rates are charged by HSPRD and paid by our clients for civil rights and complex litigation in Chicago. Rate increases of approximately \$10-15 for each additional year of experience are not uncommon, particularly during the first several years of an attorney's practice. Recently, in *Vega v. Chicago Park Dist.*, the court held that the best evidence of the local market rate is "the amount the attorney . . . bills for similar work." -- F.4th --, 2021 WL 3907883, at *5 (7th Cir. 2021). The difficulty and complexity of the constitutional and LGBT impact litigation in which I understand Lambda Legal is engaged is not any less significant than the legal work for which HSPRD is paid by its clients.

17. The rates sought are supported by a similar range of rates awarded by courts. For example, in *Lloyd v. Credit Services Int'l, Inc.*, No. 18-C-4267, 2019 WL 5311843, at *1 (N.D. Ill. Oct. 21, 2019), the court found that a rate of \$352 per hour was reasonable for work performed by an attorney with five years of experience when the lawsuit was filed. Similarly, in *Awalt v. Marketti*, No. 11-cv-6142, 2018 WL 2332072, at *2 (N.D. Ill. May 23, 2018), the court found in 2018 that \$375 per hour was reasonable for an attorney with seven years of experience (Steven Art) and \$300 per hour was reasonable for an attorney with three years of experience (Thomas Kayes) when fees were sought in 2016. Further, Ms. Ingelhart's rates are reasonable because she seeks lower historical rates for work performed in 2020, even though in the Northern District of Illinois, fees for multi-year litigation can be set based on a single current rate at the time fees are sought. *Adamik v. Motyka*, No. 12-cv-3810, 2018 WL 3574751, at *4 (N.D. Ill. July 25, 2018).

18. In addition, the institutional expertise, experience, and resources of Lambda Legal in LGBT impact litigation made it uniquely well-equipped to handle the litigation at issue here, particularly because it concerned a statute enacted in defiance of the permanent injunction that

Lambda Legal obtained in the first instance. It is difficult to imagine that a reasonably prudent client would not retain the same organization who successfully litigated the original matter under such circumstances. Furthermore, the specialization in LGBT impact litigation by the Lambda Legal attorneys would greatly increase the efficacy of their advocacy and provide significant efficiencies in representation (and thus reduced overall fees) of novel and complicated matters in this practice where the law is developing rapidly.

19. Based on the considerations set forth above, my knowledge of prevailing market rates, and the superior qualifications of Ms. Ingelhart and Ms. Huppert, I believe that the rates sought are reasonable and in line with the legal community in Chicago.

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

DATED: September 23, 2021


Charlie Wysong