

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC.,
et al.,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

No. 7:16-cv-00108-O

**PLAINTIFFS' MEMORANDUM IN
SUPPORT OF THEIR MOTION
FOR AWARD OF ATTORNEY'S
FEES AND EXPENSES**

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INTRODUCTION

As prevailing parties in this litigation, Plaintiffs seek recovery of their reasonable attorney’s fees and expenses. To understand the nature of this request, it is helpful to recall the nature of this litigation.

This case began when the Department of Health and Human Services did something dangerous and unprecedented: It reinterpreted the Affordable Care Act to require doctors and hospitals across the country to perform and insure gender transitions and abortions—even when doing so would violate their deeply held religious beliefs and experienced medical judgment. Even though religious organizations pleaded with HHS during the rulemaking process to provide a religious exemption—as clearly required under both the Religious Freedom Restoration Act (RFRA) and Title IX—HHS expressly refused. This put Plaintiffs to an existential choice: either comply with HHS’s demands and start performing and paying for gender transitions and abortions—searing their consciences and scarring their patients—or follow their convictions and suffer massive penalties under the Affordable Care Act. Plaintiff Franciscan Alliance in particular, as this Court recognized, faced “losing \$900 million,” *Franciscan All., Inc. v. Burwell*, 227 F. Supp. 3d 660, 673 n.6 (N.D. Tex. 2016), which would devastate its 145-year-old ministry of caring for the poor and elderly.

Faced with this intolerable choice, Plaintiffs sued. Given Plaintiffs’ inability to pay customary law-firm rates, the expected longevity and complexity of the litigation, and the controversial subject matter, large corporate law firms wouldn’t come near this case. Yet despite facing the full weight of the federal government, with all the resources of the Department of Justice behind it, Plaintiffs prevailed at every turn. They won a preliminary injunction the day before HHS’s rule was to take effect. They

won summary judgment. They won a Fifth Circuit appeal. They won a permanent injunction on remand. And they won a Fifth Circuit appeal again. After six hard-fought years of litigation, over three administrations, and multiple rule changes that this Court likened to “a legal Penrose staircase,” *Franciscan All., Inc. v. Becerra*, 553 F. Supp. 3d 361, 373 (N.D. Tex. 2021), Plaintiffs now have permanent protection from HHS’s illegal and dangerous attempt to force them to violate their consciences. And the novel victory in this case has already rippled across the country, with HHS citing it multiple times in its own rulemaking processes, and multiple federal courts issuing similar injunctions, citing *Franciscan* as their lead authority.

As prevailing parties, Plaintiffs now request reasonable attorney’s fees. Over six years of litigation, counsel expended 3,805.6 hours. However, in the exercise of billing judgment, counsel has cut 569.7 hours from this total, or 15%. Based on prevailing market rates, Plaintiffs request fees of \$2,346,041 and expenses of \$4,209.28. As shown below, this request is well-supported by evidence and precedent.

ARGUMENT

Plaintiffs are prevailing parties in this litigation and thus entitled to recover attorney’s fees and expenses under 42 U.S.C. § 1988(b) (“Section 1988”). *See* Dkt. 193. In addition, counsel’s request for fees and expenses is reasonable based on the hours expended and the prevailing market rates.

I. Plaintiffs are entitled to attorney’s fees.

Section 1988, which applies against federal agencies under 28 U.S.C. § 2412(b), authorizes attorney’s fees for the prevailing party “[i]n any action or proceeding to enforce ... the Religious Freedom Restoration Act.” 42 U.S.C. § 1988(b); *see Knights of Ku Klux Klan, Realm of La. v. E. Baton Rouge Parish Sch. Bd.*, 735 F.2d 895, 897-

98 (5th Cir. 1984). Because this was an action to enforce RFRA, *see* Dkt. 21, Section 1988 is triggered.

To qualify as a “prevailing party” under Section 1988, “(1) the plaintiff must achieve judicially-sanctioned relief, (2) the relief must materially alter the legal relationship between the parties, and (3) the relief must modify the defendant’s behavior in a way that directly benefits the plaintiff at the time the relief is entered.” *Romain v. Walters*, 856 F.3d 402, 406 (5th Cir. 2017). Here, Plaintiffs satisfied all three requirements by prevailing on their RFRA and Administrative Procedure Act (APA) claims at summary judgment and by obtaining both a vacatur of the offending portions of HHS’s rule and a permanent injunction prohibiting HHS from interpreting or enforcing Section 1557 to compel them to perform or insure gender-transition procedures and abortions. Dkts. 175, 206. Accordingly, Plaintiffs are prevailing parties—as both this Court and the Fifth Circuit have recognized. Dkt. 193; *see Franciscan All., Inc. v. Becerra*, 47 F.4th 368, 378 n.57, 380 (5th Cir. 2022). They are therefore entitled to “a reasonable attorney’s fee.” 42 U.S.C. § 1988(b).

II. Plaintiffs’ attorney’s fees are reasonable.

“[C]ourts apply a two-step method for determining a reasonable attorney’s fee award.” *Combs v. City of Huntington*, 829 F.3d 388, 391 (5th Cir. 2016). Courts first calculate the lodestar, “which is equal to the number of hours reasonably expended multiplied by the prevailing hourly rate in the community for similar work.” *Id.* at 392. At the second step, courts may “enhance or decrease [the lodestar amount] based on the twelve *Johnson* factors.” *Id.*; *see also Watkins v. Fordice*, 7 F.3d 453, 457 (5th Cir. 1993). The *Johnson* factors are (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service

properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *See Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir. 1974).

As an alternative to the second step of separately considering the *Johnson* factors, courts may also consider certain *Johnson* factors when calculating the lodestar, dispensing with later enhancements or reductions. *Saizan v. Delta Concrete Prods. Co.*, 448 F.3d 795, 800 (5th Cir. 2006). When taking this approach, courts pay special attention to “the time and labor involved,” “the customary fee,” “the amount involved and the result obtained,” and “the experience, reputation[,] and ability of counsel.” *Id.* When calculating the lodestar, courts also typically consider the complexity of the litigation. *See, e.g., Alto-Shaam, Inc. v. Manitowoc Co.*, No. 09-cv-018, 2012 WL 12978015, at *6 (N.D. Tex. Feb. 2, 2012); *Hoffman v. L & M Arts*, No. 10-cv-0953, 2015 WL 3999171, at *3 (N.D. Tex. July 1, 2015).

A. Counsel’s hours are reasonable.

To calculate the reasonable number of hours expended, courts determine whether the total number of hours claimed are reasonable and whether specific hours claimed are reasonably expended. *League of United Latin Am. Citizens No. 4552 v. Roscoe Indep. Sch. Dist.*, 119 F.3d 1228, 1232 (5th Cir. 1997). Contemporaneous billing records are acceptable documentation for determining reasonable hours. *Bode v. United States*, 919 F.2d 1044, 1047 (5th Cir. 1990).

1. Total hours

Here, over the course of six years, counsel achieved everything their clients sought in this litigation. When this litigation began, Plaintiffs were just months away from being forced to either violate their consciences or incur multimillion dollar penalties under HHS’s unlawful mandate, jeopardizing their religious mission to provide healthcare to the poor, disabled, and elderly. *Franciscan*, 227 F. Supp. 3d at 674, 681. Accordingly, counsel immediately sought a preliminary injunction—which they obtained the night before HHS’s unlawful requirement was to take full effect. *See id.* Then, after HHS failed to fix the problem, counsel obtained vacatur of the offending portions of HHS’s rule. *See* Dkts. 175, 182. Then, to ensure their clients remained protected despite an onslaught of new efforts by HHS to reimpose the same unlawful requirement through other means, counsel prevailed in a Fifth Circuit appeal, obtained a remand, and won a permanent injunction protecting Plaintiffs from any action by HHS to force them to perform or insure gender transitions or abortions under the governing statute. *Franciscan All., Inc. v. Burwell*, 2021 WL 6774686 (N.D. Tex. Oct. 1, 2021). Finally, after HHS challenged the permanent injunction on appeal, Plaintiffs prevailed at the Fifth Circuit again.

Achieving these results took six years of hard-fought litigation, spanning three different administrations and two appeals to the Fifth Circuit. *See Franciscan*, 47 F.4th 368; *Franciscan All., Inc. v. Becerra*, 843 F. App’x 662 (5th Cir. 2021). Oral arguments were held on the preliminary-injunction motion and both Fifth Circuit appeals. To obtain vacatur, Plaintiffs were forced to file two different summary-judgment motions—one in 2017, Dkt. 82, and another two years later, after HHS responded to the first by requesting an unproductive-but-time-consuming “voluntary

remand” to the agency, *see* Dkt. 136 at 14. And obtaining the permanent injunction required still another full-length set of briefs on remand from the Fifth Circuit, which Plaintiffs were forced to defend in still more briefing and argument when HHS appealed. *See* Dkts. 200, 203.

In total, counsel expended 3,805.6 hours litigating this matter, as documented in the contemporaneous billing records in Exhibits 1-C and 1-D. That amount is reasonable given the prolonged and complex nature of the litigation. *See* Ex. 1 (Goodrich Decl.) ¶¶ 39, 41. Nevertheless, as explained below, in the exercise of billing judgment, counsel has significantly reduced the total number of hours by 569.7—or 15%—leaving a total of 3,235.9 hours. *See* Goodrich Decl. ¶¶ 28, 35; Exs. 1-C, 1-D.

2. Billing judgment

To show the reasonableness of the hours billed, counsel seeking fees must exercise “billing judgment,” which requires “documentation of the hours charged and of the hours written off as unproductive, excessive, or redundant.” *Saizan*, 448 F.3d at 799. Here, the elimination of 569.7 hours—all documented in Exhibit 1-D—demonstrates that counsel exercised billing judgment. The eliminated hours generally fall within the following categories.

First, counsel exercised billing judgment by cutting time from all block-billed entries. Goodrich Decl. ¶ 29. Block billing is the “time-keeping method by which each lawyer and legal assistant enters the total daily time spent working on a case, rather than itemizing the time expended on specific tasks.” *Glass v. United States*, 335 F. Supp. 2d 736, 739 (N.D. Tex. 2004). Even though “[a] reduction for block billing is not automatic,” *Fralick v. Plumbers & Pipefitters National Pension Fund*, No. 09-cv-0752, 2011 WL 487754, at *5 (N.D. Tex. Feb. 11, 2011), counsel applied a 50% across-the-

board reduction to block-billed times entries. Goodrich Decl. ¶ 29. In total, counsel cut 17.75 hours for block billing. *Id.*

Second, counsel exercised billing judgment by eliminating all hours for attorney travel. *Id.* ¶ 30. Courts often permit recovery for attorney travel time, though courts sometimes discount the time or rate. *See United Healthcare Servs., Inc. v. Next Health, LLC*, No. 17-cv-0243, 2020 WL 13490846, at *3 (N.D. Tex. Sept. 16, 2020) (collecting cases); *Watkins*, 7 F.3d at 459 (affirming decision to discount travel time). Here, attorneys expended 62.3 hours for travel to various hearings and oral arguments. Goodrich Decl. ¶ 30. And although attorneys often worked on this case during travel, counsel still eliminated all 62.3 hours. *Id.*

Third, counsel cut 107.85 hours that counsel deemed excessive. *Id.* ¶ 31. Generally, these hours include billing entries for internal meetings or entries that could be cut or reduced because, in hindsight, they may have taken longer than necessary to accomplish the relevant task. *Id.*; *see, e.g., R.K.C.J., LLC v. Texas Cap. Bank, N.A.*, No. 20-cv-533, 2020 WL 5552153, at *7 (N.D. Tex. Aug. 24, 2020), *report and recommendation adopted*, 2020 WL 5544376 (N.D. Tex. Sept. 16, 2020) (“writ[ing] off time spent on work that ... in hindsight may have been unnecessary” demonstrates billing judgment).

Finally, counsel cut 381.8 hours for work that counsel deemed unproductive or redundant. Goodrich Decl. ¶ 32. That includes work on motions or briefing that was unproductive, as well as cuts to tasks that could be deemed redundant. *Id.*

Included among the cuts is the elimination of the entirety of time billed by several attorneys who worked only minimally on the case and therefore billed relatively few hours. *Id.* ¶ 33. This includes cuts to all the hours of Daniel Blomberg (42.1 hours),

Eric Baxter (16.3 hours), Eric Rassbach (8.9 hours), Chase Harrington (18.2 hours), Daniel Benson (28.9 hours), and Jacob Coate (21.5 hours), totaling 135.9 hours; counsel are not seeking any fees for the work completed by these lawyers. *Id.* ¶ 33; *Mauricio v. Phillip Galyen, P.C.*, 174 F. Supp. 3d 944, 950 (N.D. Tex. 2016) (finding counsel exercised billing judgment by, among other things, “wr[iting] off all of the hours” for attorneys who billed few hours).

Counsel also cut the hours of attorneys who had been involved at the outset of the litigation, but then pared back their work in later years. Goodrich Decl. ¶ 34. Those attorneys include Lori Windham, Diana Thomson, and Stephanie Barclay. *Id.* Counsel eliminated all hours for these attorneys from 2018 onwards, cutting an additional 16.9 hours. *Id.* In total, these cuts reduced the total number of billers, removed unproductive and redundant hours, and resulted in a leaner and more efficient team.

In total, counsel cut 569.7 hours or approximately 15% of its total hours. *Id.* ¶ 28. Courts consistently find that reductions of this nature satisfy billing judgment. *See, e.g., SCA Promotions, Inc. v. Yahoo! Inc.*, 2016 WL 8223206, at *10 (N.D. Tex. Nov. 21, 2016) (“Courts in the Northern District of Texas have applied a 15% reduction in similar cases when a fee applicant has not demonstrated billing judgment.”); *Hill v. Schilling*, No. 07-cv-2020, 2022 WL 1321548, at *7 (N.D. Tex. May 3, 2022) (13% reduction due to the absence of reductions) (collecting cases). Accordingly, the Court should find that counsel exercised billing judgment and reasonably expended 3,235.9 hours in this case.

B. Counsel’s hourly rates are reasonable.

The “purposes governing fee-shifting awards in civil rights cases are well established”: to “facilitate plaintiffs’ access to the courts to vindicate their rights by providing compensation sufficient to attract competent counsel.” *McClain v. Lufkin Indus., Inc.*, 649 F.3d 374, 381 (5th Cir. 2011). Based on that purpose, courts calculate a reasonable hourly rate based on “the prevailing market rates in the relevant community.” *Id.*

The “relevant community” may be the “home district” of plaintiffs’ counsel or the district where the case was brought, depending on the circumstances. *Id.* at 381-82. Counsel’s “home’ rates should be considered as a starting point for calculating the lodestar” when “out-of-district counsel are proven to be necessary to secure adequate representation for a civil rights plaintiff.” *Id.* at 382-83. Home rates are also appropriate where counsel have “shown that they participate in a market requiring more specialized and sophisticated legal services.” *Sierra Club v. Energy Future Holdings Corp.*, No. 12-cv-108, 2014 WL 12690022, at *6 (W.D. Tex. Aug. 29, 2014).

When out-of-district counsel are unnecessary, or have not shown that they participate in a market requiring more specialized services, courts typically award local rates “based on the prevailing community standards for attorneys of similar experience in similar cases,” *Miller v. Raytheon Co.*, No. 09-cv-440, 2013 WL 6838302, at *3 (N.D. Tex. Dec. 27, 2013). In such a case, this Court has said that it “will look to the prevailing market rates in Dallas.” *Id.* at *7.

“Generally, the reasonable hourly rate is established through affidavits submitted by other attorneys practicing in the community.” *Id.* at *8. Applicants may also establish reasonable hourly rates “by directing the district court to fee awards in the

same district.” *Id.* Courts also consider an attorney’s actual rates, not just prevailing rates. *Louisiana Power & Light Co. v. Kellstrom*, 50 F.3d 319, 328 (5th Cir. 1995).

1. Home rates

Here, given the extraordinary stakes of this litigation for the Plaintiffs, the unavailability of comparable counsel within the district, and the need for counsel’s specialized services, counsel’s “‘home’ rates should be considered as a starting point for calculating the lodestar.” *McClain*, 649 F.3d at 382-83.

Home rates are warranted because “abundant ... evidence prove[s] the necessity of ... turning to out-of-district counsel.” *McClain*, 649 F.3d at 382. Indeed, it would have been surprising if Plaintiffs *hadn’t* turned to specialized, out-of-district counsel for this bet-the-company—and bet-the-conscience—litigation. At the time counsel was retained, HHS had just promulgated a rule imposing on Plaintiffs a dramatic new choice: start performing and insuring gender transitions or else face multimillion dollar penalties destroying your ministry to the poor and elderly. As this Court has recognized, refusing to comply would have been crippling: Franciscan alone “would risk losing \$900 million.” *Franciscan*, 227 F. Supp. 3d at 673 n.6. But complying would require casting aside their deeply held religious beliefs about human sexuality and performing procedures that they believed, in their considered medical judgment, would be harmful to their patients.

Moreover, the entity imposing the requirement was the federal government, which has all the litigation resources of the Department of Justice at its disposal. The issues were complex and novel; no case had yet considered whether HHS’s rule complied with the APA, or whether objecting religious entities were entitled to an exemption under RFRA. The plaintiffs-to-be were religious nonprofits and a membership

organization composed of individual religious healthcare providers who could not afford large law firm rates. And the subject-matter implicated “hotly-debated issues of sex and gender identity,” *United States v. Varner*, 948 F.3d 250, 256 (5th Cir. 2020), in which most major law firms have little appetite for getting involved—or on which they agree with the gender-ideology “orthodoxy” HHS was attempting to impose, *Franciscan*, 553 F. Supp. 3d at 370.

In other words, as a long-time litigator in Dallas notes, “[a] large international law firm would be the most likely candidate for having the resources to staff, litigate, and win a case like this.” Ex. 3 (Robison Decl.) ¶ 14. But “it would be extraordinarily difficult, if not impossible, to bring in experienced counsel from an international law firm” due to the “controversial subject matter,” “the non-pecuniary nature of the claims,” “the inability of religious nonprofits to pay a firm’s customary rates,” and “the longevity and complexity of the litigation.” *Id.* ¶¶ 3-4. Because Plaintiffs needed to turn to an out-of-district specialist to protect themselves, out-of-district rates are warranted.

Counsel’s home rates are also warranted because counsel “participate in a market requiring more specialized and sophisticated legal services.” *Sierra Club*, 2014 WL 12690022, at *6. Specialized religious-liberty expertise is crucial in litigating difficult cases involving the intersection of RFRA and the Affordable Care Act, and “was crucial in securing [Plaintiffs’] permanent injunction in this complex case.” Robison Decl. ¶ 12; Ex. 2 (Schaerr Decl.) ¶ 14.

Gene Schaerr, a DC-area attorney with significant experience litigating high-stakes cases, including serving as counsel of record in over 100 Supreme Court cases, states that Plaintiffs’ counsel are “well-known as expert religious liberty litigators”

and comprise “the best law firm in the nation specialized in religious liberty litigation.” Schaerr Decl. ¶ 10. In the last decade, counsel has litigated eight religious liberty merits cases in the U.S. Supreme Court and prevailed in all eight. Goodrich Decl. ¶¶ 8-9. In 2020, Counsel’s firm was recognized by the *National Law Journal* as a member of the “Appellate Hot List,” the first non-profit law firm chosen since the list’s creation. Goodrich Decl. ¶ 11. And in 2021 and 2022 alone, counsel’s firm secured precedent-setting victories in religious liberty cases at the Fifth Circuit, Seventh Circuit (twice), Eighth Circuit (thrice), Ninth Circuit (twice), the Indiana Supreme Court, and the Texas Supreme Court. Goodrich Decl. ¶ 10.

Perhaps most importantly, this case bears close resemblance to the widespread RFRA challenges to HHS’s contraception mandate, which applied the Affordable Care Act to require religious employers to provide insurance coverage of all forms of contraception, including those that could cause an abortion. Schaerr Decl. ¶ 13. As the Schaerr Declaration explains, counsel’s firm “was the leading law firm in the country challenging HHS’s contraception mandate under RFRA.” *Id.* ¶ 14. The Becket Fund brought the first case challenging the mandate. Complaint, *Belmont Abbey Coll. v. HHS*, No. 11-cv-1989, 2011 WL 8997549 (D.D.C. Nov. 10, 2011), ECF No. 1. It brought the first class action challenging the mandate. Complaint, *LSP v. HHS*, No. 13-cv-2611, 2013 WL 5331098 (D. Colo. Sept. 24, 2013), ECF No. 1. It won the first Supreme Court order blocking the mandate. *Little Sisters of the Poor Home for the Aged, Denver, Colo. v. Sebelius*, 134 S. Ct. 893 (2013) (Dec. 31, 2013). It won the first Supreme Court case on the merits challenging the mandate. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014). It won the first Supreme Court order blocking the mandate for non-profit employers after *Hobby Lobby*. *Wheaton College v. Burwell*, 573 U.S. 958

(2014). It won the first Supreme Court merits ruling blocking the mandate for non-profit employers. *Zubik v. Burwell*, 578 U.S. 403 (2016). It won injunctions against HHS in at least eight cases across the country. *HHS Mandate Information Central*, Becket Fund, <https://perma.cc/7YQE-HMBJ>. And it won the first Supreme Court case establishing that HHS could grant a religious exemption from the mandate. *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020); see also Schaerr Decl. ¶ 14. As Schaerr notes, “It is safe to say that no other law firm in the country has as much experience and success litigating against HHS under RFRA as Becket,” and that experience was “extraordinarily valuable in a case like this one.” Schaerr Decl. ¶ 14.

Given this evidence on the need for specialized out-of-district counsel, the only remaining question is whether counsel’s home rates are reasonable compared to what similar attorneys charge in the DC area. *Midkiff v. Prudential Ins. Co. of Am.*, 571 F. Supp. 3d 660, 667 (W.D. Tex. 2021) (when out-of-district counsel is warranted, the prevailing rates in counsel’s home district determines the reasonable rate); *Sierra Club*, 2014 WL 12690022, at *6 (“The billing rates that Defendants’ counsel charged are reasonable because they are within their home-market rates.”). Those rates are as follows:

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$600/hour	\$700/hour	\$700/hour
Diana Thomson ('09)	\$790/hour	\$790/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$700/hour	\$700/hour	\$790/hour	\$790/hour
Lori Windham ('05)	\$860/hour	\$860/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$860/hour	\$860/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour
Mark Rienzi ('00)	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,200/hour	\$1,200/hour	\$1,200/hour	N/A
Stephanie Barclay ('11)	\$700/hour	\$700/hour	N/A	N/A	N/A	N/A	N/A
Rachel Busick ('15)	\$550/hour	\$550/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour						

“Generally, the reasonable hourly rate for a particular community [of attorneys] is established through affidavits of other attorneys practicing there.” *Tollett v. City of Kemah*, 285 F.3d 357, 368 (5th Cir. 2002). Here, the Schaerr declaration states that counsel’s rates are reasonable for the DC area and are in fact “lower than the rates my firm and other firms at which I have worked would charge their clients for attorneys of comparable seniority and expertise on a similar matter.” Schaerr Decl. ¶ 17. The declaration also explains that other DC attorneys with comparable experience would charge higher rates than those requested here—including \$1,085-\$1,895/hour for law firm partners and up to \$1,195/hour for associates. *Id.* ¶¶ 18-20. Because counsel’s DC rates are lower than those charged by comparable practitioners in the DC area, the rates are reasonable.

In addition, under governing precedent, Plaintiffs’ counsel can charge current billing rates for their work. *Missouri v. Jenkins*, 491 U.S. 274, 283-84 (1989); *see also In re Enron Corp. Sec., Derivative & ERISA Litig. v. Enron Corp.*, 586 F. Supp. 2d 732, 779 (S.D. Tex. 2008) (“To compensate for delay in receiving fees, counsel have properly used their current billing rates.”). Nevertheless, as demonstrated in the table above (and the table below, for hourly rates in Dallas-Fort Worth), counsel have reduced their hourly rates for work completed earlier in the case instead of charging at their current rates. These reductions are additional evidence that counsel’s rates are reasonable.

2. Dallas-Fort Worth rates

Alternatively, if this Court determines that out-of-district counsel was not needed, Plaintiffs request the following rates based on market rates in Dallas-Fort Worth:

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$515/hour	\$610/hour	\$610/hour
Diana Thomson ('09)	\$705/hour	\$705/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$610/hour	\$610/hour	\$705/hour	\$705/hour
Lori Windham ('05)	\$800/hour	\$800/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$800/hour	\$800/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour
Mark Rienzi ('00)	\$905/hour	\$905/hour	\$905/hour	\$1,050/hour	\$1,050/hour	\$1,050/hour	N/A
Stephanie Barclay ('11)	\$610/hour	\$610/hour	N/A	N/A	N/A	N/A	N/A
Rachel Busick ('15)	\$420/hour	\$420/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour

Reasonable hourly rates can be established either “through affidavits submitted by other attorneys practicing in the community” or “by directing the district court to fee awards in the same district.” *Miller*, 2013 WL 6838302, at *8. Furthermore, counsel’s actual hourly rate is relevant to determining the reasonableness of rates. *Kellstrom*, 50 F.3d at 328. Here, all three demonstrate that counsel’s rates are reasonable.

First, Brian Robison, a partner with over twenty-five years of experience litigating in the Dallas-Fort Worth area, states that “[i]n light of the religious liberty expertise that these lawyers brought to the task, the prevailing market rates in the Northern District of Texas, the nature and complexity of this litigation, and the success obtained for the Becket Fund’s client,” counsel’s rates are reasonable. Robison Decl. ¶¶ 6-7, 17. Robison notes the hourly rates of comparable practitioners at large international law firms, including the hourly rates for work done in Texas federal courts. *Id.* ¶¶ 21-25. He explains that Plaintiffs’ counsel “would be able to charge similar or higher rates as attorneys litigating at large international law firms” and that counsel’s “proposed billing rates are *lower* than the rates my two prior firms and other firms with which I am familiar would charge their clients for attorneys of comparable seniority and expertise on a similar matter.” *Id.* ¶¶ 19-20 (emphasis added).

Second, comparable fee awards in this District confirm the reasonableness of the counsel’s hourly rates. For example, in a trusts-and-estates fee petition decided earlier this year, attorneys at Locke Lord requested rates of \$730/hour, \$790-820/hour, and \$800-830/hour for work done from April 2019 to March 2020. *Hill*, 2022 WL 1321548, at *5. The district court took judicial notice of the hourly rates for attorneys at Winston & Strawn and found that an attorney who graduated in 2013 charged a

standard rate of \$860/hour and had recently raised his rate to \$935/hour. *Id.* at *5. The court found that this evidence—along with the experience and reputation of the attorneys involved—supported the conclusion “that Locke Lord’s rates are comparable to what other similar firms are charging for legal work in the Northern District of Texas.” *Id.* at *6. The court therefore held that the requested rates of \$730/hour, \$790-820/hour, and \$800-830 were reasonable. *Id.*

Similarly, in *Advanced Physicians, S.C. v. Connecticut Gen. Life Ins. Co.*, No. 16-cv-02355, 2021 WL 6428370, at *6 (N.D. Tex. Dec. 17, 2021), the district court awarded rates from \$537/hour to \$862/hour for attorneys at a large international law firm in an ERISA action. The district court justified its decision based on “the Court’s knowledge of rates charged for legal services by attorneys with the level of skill, competence, and ability of Plaintiff’s counsel and paralegal in the Dallas legal community,” as well as “the complex and novel” nature of the litigation. *Id.*

Older cases from this District are also illustrative. “It is not unreasonable to conclude that counsel’s rates would increase over time, due to inflation and, perhaps, counsel’s reputation in the field of civil rights litigation.” *Robinson v. Linder*, No. 08-cv-1, 2009 WL 10708332, at *5 (E.D. Tex. Mar. 17, 2009). Thus, if courts in this District found these similar rates reasonable several years ago, it follows that counsel’s rates here are also reasonable.

For example, in a fee petition involving work done in 2013 involving complex discovery disputes, the district court held that rates ranging from \$601/hour to \$810/hour for attorneys from the law firm of Willkie Farr & Gallagher LLP were reasonable. *Hoffman*, 2015 WL 3999171, at *3. The court, using data from 2013, concluded that \$601/hour for an attorney with 3-6 years’ experience and \$810/hour for

an attorney with 25 years' experience was reasonable, especially in light of "the nature and complexity of this litigation." *Id.* Likewise, in a case involving work completed in 2012, this Court found that rates from \$300 to \$725/hour were reasonable for attorneys from the law firm of Baker Botts. *Alto-Shaam*, 2012 WL 12978015, at *6. In finding these rates reasonable, this Court emphasized "the background of the attorneys" and "the highly complex and contentious nature" of the litigation. *Id.*

These same factors are all present here and weigh in favor of awarding counsel's market rates. As explained in the Robison declaration, this litigation was extraordinarily complex and contentious and would typically demand the involvement of a large international law firm. Robison Decl. ¶ 14. In fact, the litigation took six years and two full appeals to the Fifth Circuit to reach a final resolution. In similar circumstances, the Fifth Circuit has instructed lower courts considering fee petitions to not "overlook the complexity of [a] case," especially one that "involved two appeals to [the Fifth Circuit]." *Northwinds Abatement, Inc. v. Emps. Ins. of Wausau*, 258 F.3d 345, 355 (5th Cir. 2001) (rejecting fee reduction).

Moreover, counsel's experience, reputation, and ability also favor granting counsel's market rates. As the Robison declaration states, "Becket Fund attorneys are well-known expert religious liberty litigators," Robison Decl. ¶ 9, and in Schaerr's estimation, the Becket Fund is "the best law firm in the nation specialized in religious liberty litigation," Schaerr Decl. ¶ 10. Schaerr also notes that counsel's prior experience in religious liberty litigation—and especially its experience as "the leading law firm in the country challenging HHS's contraception mandate under RFRA"—"would be extraordinarily valuable in a case like this one." Schaerr Decl. ¶ 14. The Robison

declaration concurs, noting that “the Becket Fund’s expertise in religious liberty litigation was crucial in securing their client’s permanent injunction in this complex case.” Robison Decl. ¶ 12.

And most importantly, counsel secured exceptional relief for their clients, which is “[t]he most critical factor in determining an attorney’s fee award.” *Saizan*, 448 F.3d at 799 (quotation marks omitted). Here, Plaintiffs obtained every form of relief they requested—including vacatur of the 2016 Rule and a permanent injunction preventing HHS from interpreting or applying Section 1557 to require them to perform or insure gender transitions or abortions in violation of conscience.

This was pathbreaking litigation consequential not just for Plaintiffs but for the law nationwide. The decisions in this case have been cited repeatedly in multiple new final and proposed HHS rules over the course of this litigation. 85 Fed. Reg. 37160 (June 19, 2020) (mentioning “Franciscan” by name 40 times); 87 Fed. Reg. 47824 (proposed Aug. 4, 2022) (20 times). The Fifth Circuit issued a published opinion contributing to the development of the law of justiciability and remedies in cases arising under RFRA. *Franciscan*, 47 F.4th 368. And multiple other federal courts have entered injunctions analogous to the ones obtained by Plaintiffs in this case, with the *Franciscan* decisions as their lead authority. *Religious Sisters of Mercy v. Becerra*, ___ F.4th ___, 2022 WL 17544669 (8th Cir. Dec. 9, 2022); *Christian Emps. All. v. EEOC*, No. 21-cv-195, 2022 WL 1573689 (D.N.D. May 16, 2022).

Third, counsel’s actual hourly rate is relevant to the reasonableness of their rates. *Kellstrom*, 50 F.3d at 328. And in looking at actual rates, courts can also consider previous fee awards for Plaintiffs’ counsel. *Miller*, 2013 WL 6838302, at *8. Here, while counsel do not have prior fee awards in the Northern District of Texas, counsel’s

firm recently prevailed in a pair of religious-liberty cases in the Southern District of Iowa and obtained hourly rates that are comparable to the rates requested here.

In *Intervarsity Christian Fellowship v. University of Iowa* and *Business Leaders in Christ v. University of Iowa*, the United States District Court for the Southern District of Iowa, sitting in Davenport, Iowa, held that a public university violated the constitutional rights of religious student organizations by selectively deregistering them based on their religious beliefs. After prevailing in the Eighth Circuit, counsel's firm moved for attorney's fees before the district court. The court awarded attorney's fees and found that a rate of \$914/hour for a Becket Fund attorney with twenty-one years of experience and a rate of \$759/hour for a Becket Fund attorney with thirteen years of experience was reasonable. *Intervarsity Christian Fellowship v. Univ. of Iowa*, No. 18-cv-80, ECF No. 101 at 2 n.1 (S.D. Iowa Nov. 18, 2021); *BLinC v. Univ. of Iowa*, No. 17-cv-80, ECF No. 147 at 3 (S.D. Iowa, Nov. 10, 2021). The court explained that “[a]lthough the rates requested for Plaintiff’s out of state counsel are significantly higher, between \$759 and \$914 for the two attorneys, they are reasonable given the complex nature of the issues in this case and the extensive experience Plaintiff’s counsel has in constitutional litigation.” *BLinC*, No. 17-cv-80, ECF No. 147 at 3.

Because Becket Fund attorneys were awarded these rates in a case pending in Davenport, Iowa, it follows that a higher rate is warranted in Dallas-Fort Worth. *See* Robison Decl. ¶ 27. This is particularly true because “[t]he legal market in the Dallas-Fort Worth area is significantly larger and more sophisticated than the legal market in Davenport, Iowa” and “[t]he attorneys in this case have similar experience to the attorneys in the *Intervarsity* and *BLinC* litigation.” *Id.*

In short, attorney affidavits, other fee awards from this District, and counsel's actual awarded rates demonstrate that counsel's rates are reasonable.

C. The lodestar amount is reasonable.

Based on the hours reasonably expended in this litigation and counsel's reasonable home rates, the lodestar amount is **\$2,346,041**. See Ex. 1-A at 6. Alternatively, if the Court concludes that home rates are not warranted, the same calculation using prevailing market rates in the Northern District of Texas produces a lodestar amount of **\$2,096,939**. See *id.* at 7. As explained above, these amounts are reasonable.

After calculating the lodestar, courts move to the second stage and consider whether to enhance or reduce the award based on unaccounted *Johnson* factors. When considering the *Johnson* factors, this Court "necessarily has discretion" to grant an enhancement. *Villas at Parkside Partners v. City of Farmers Branch*, No. 08-cv-1551, 2010 WL 2730629, at *4 (N.D. Tex. July 9, 2010) (quoting *Hensley v. Eckhardt*, 461 U.S. 424, 437 (1983)). And courts in the Northern District of Texas and the Fifth Circuit have granted enhancements of 20-33% when a plaintiff achieved exceptional results and the enhancement was needed to account for the true market value of plaintiff's counsel's services. See *Cloud v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, No. 20-cv-1277, 2022 WL 2805527, at *7 (N.D. Tex. July 18, 2022) (20% enhancement); *Shipes v. Trinity Indus.*, 46 F.3d 67 (5th Cir. 1995) (affirming 33% enhancement). Here, if the Court determines that the lodestar does not adequately account for the exceptional results and true market value of counsel's services as described above, a similar enhancement would be warranted.

III. Plaintiffs' expenses are reasonable.

“[U]nder 42 U.S.C. § 1988, a prevailing party may also recover ‘[a]ll reasonable out-of-pocket expenses, including charges for photocopying, paralegal assistance, [and] travel ... because they are part of the costs normally charged to a fee-paying client.’” *DeLeon v. Abbott*, 687 F. App’x 340, 342 (5th Cir. 2017) (quoting *Associated Builders & Contractors of Louisiana, Inc. v. Orleans Par. Sch. Bd.*, 919 F.2d 374, 380 (5th Cir. 1990)).

Here, Plaintiffs seek expenses totaling \$4,209.28. That amount consists of \$3,031.74 for airfare, \$114.60 for ground transportation, \$608.92 for lodging, \$123.92 for meals, and \$330.10 for printing. The out-of-pocket expenses for airfare, ground transportation, lodging, and meals were incurred for attorney travel to in-person hearings and oral arguments in Dallas and New Orleans. Goodrich Decl. ¶ 36. The printing costs were incurred to meet the requirements of filing paper copies of relevant briefing in this Court and the Fifth Circuit. *Id.* These expenses are precisely the types of expenses that are “normally charged to a fee-paying client.” *DeLeon*, 687 F. App’x at 342. Accordingly, the Court should grant Plaintiffs’ reasonable expenses in the amount of \$4,209.28.

CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs’ motion for attorney’s fees of \$2,346,041 and expenses of \$4,209.28.

Dated: December 23, 2022

Respectfully submitted,

/s/ Luke W. Goodrich

Luke W. Goodrich

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Illinois, LLC*

CERTIFICATE OF CONFERENCE

On December 15, 2022, counsel for Plaintiffs, Luke W. Goodrich, informed Bradley Humphreys, counsel for HHS, of Plaintiffs' intent to file this motion and accompanying memorandum. On December 21, 2022, Mr. Humphreys indicated that HHS opposes the motion.

/s/ Luke W. Goodrich
Luke W. Goodrich

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2022, the foregoing was served on all parties via ECF.

/s/ Luke W. Goodrich
Luke W. Goodrich

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

No. 7:16-cv-00108-O

**DECLARATION OF
LUKE W. GOODRICH**

1. My name is Luke Goodrich. I am over the age of 18 and have personal knowledge of the contents of this declaration.

2. I serve as lead litigation counsel for Franciscan Alliance, Inc., the Christian Medical and Dental Associations, and Specialty Physicians of Illinois, L.L.C. (“Plaintiffs”) in the above captioned matter and have done so throughout this litigation. I offer this declaration in support of Plaintiffs’ petition for attorney’s fees and expenses under 42 U.S.C. § 1988(b).

3. Plaintiffs seek payment of \$2,346,041 for fees for 3,235.9 hours of work reasonably expended by attorneys and paralegals at the Becket Fund for Religious Liberty. Exhibit 1-A to this declaration includes a summary of requested fees and expenses for this litigation.

4. Exhibit 1-B details the expenses that Becket seeks at a total of \$4,209.28.

5. Exhibit 1-C includes contemporaneous time records accurately detailing the tasks and amount of time Becket personnel spent representing Plaintiffs for the litigation in this case.

6. Exhibit 1-D includes contemporaneous time records accurately detailing the tasks and amount of time that counsel has eliminated from consideration based on the exercise of billing judgment.

Qualifications and Expertise

7. I am Vice President and Senior Counsel at the Becket Fund for Religious Liberty, a nonprofit public interest law firm that exists to protect the free expression of all faiths. Becket's legal practice is focused exclusively on religious liberty law, and Becket attorneys have represented clients from a wide variety of faith traditions in religious liberty cases across the country.

8. Over the last decade, Becket has won eight merits cases at the Supreme Court without a loss: *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012); *McCullen v. Coakley*, 573 U.S. 464 (2014); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); *Holt v. Hobbs*, 574 U.S. 352 (2015); *Zubik v. Burwell*, 578 U.S. 403 (2016); *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020); *Our Lady of Guadalupe Sch. V. Morrissey-Berru*, 140 S. Ct. 2049 (2020); and *Fulton v. City of Philadelphia*, 141 S. Ct. 1868 (2021).

9. Becket has also won three separate emergency All Writs Act injunctions at the Supreme Court: *Little Sisters of the Poor Home for the Aged v. Sebelius*, 134 S. Ct. 1022 (2014); *Wheaton College v. Burwell*, 571 U.S. 1171 (2014); and *Agudath Israel of Am. v. Cuomo*, 141 S. Ct. 889 (2020).

10. Becket has a similar record of success in federal appellate courts and state supreme courts. In 2021 and 2022 alone, Becket won at least ten significant victories at the Fifth Circuit, Seventh Circuit (twice), Eighth Circuit (thrice), Ninth Circuit (twice), the Texas Supreme Court, and the Indiana Supreme Court. *Franciscan Alliance, Inc. v. Becerra*, 47 F.4th 368 (5th Cir. 2022); *Demkovich v. St. Andrew the Apostle Parish*, 3 F.4th 968 (7th Cir. 2021) (en banc); *Starkey v. Archdiocese of Indianapolis*, 41 F.4th 931 (7th Cir. 2022); *BlinC v. Univ. of Iowa*, 991 F.3d 969 (8th Cir. 2021); *IVCF v. Univ. of Iowa*, 5 F.4th 855 (8th Cir. 2021); *Religious Sisters of Mercy v. Becerra*, ___ F.4th ___, 2022 WL 17544669 (8th Cir. Dec. 9, 2022); *Maxon v. Fuller Theological Seminary*, No. 20-56156, 2021 WL 5882035 (9th Cir. Dec. 13, 2021);

Fellowship of Christian Athletes v. San Jose Unified Sch. Dist., 46 F.4th 1075, (9th Cir. 2022); *Diocese of Lubbock v. Guerrero*, 624 S.W.3d 563 (Tex. 2021); *Payne-Elliott v. Archdiocese of Indianapolis*, 193 N.E.3d 1009 (Ind. 2022).

11. In 2020, the *National Law Journal* named Becket to its “Appellate Hot List” of top appellate firms. <https://perma.cc/L4GB-ND8T>. Becket is the only non-profit firm to ever be included on this list.

12. Becket has been recognized as a legal “powerhouse” by the Washington Post. Rebecca Bratek, *Becket Fund law firm gaining a reputation as powerhouse after Hobby Lobby win*, Washington Post (July 20, 2014), <https://perma.cc/W3WG-DMSU>. TIME Magazine noted that “[e]veryone from unknowns like [Gregory] Holt to corporate giants like Hobby Lobby ... turns to Becket for high profile cases at the high court.” Elizabeth Dias, *Meet the Lawyers Fighting for Religious Freedom Today Before the Supreme Court*, TIME (Oct. 7, 2014), <https://perma.cc/M2JF-37SR>. According to Viet Dinh, a former U.S. Assistant Attorney General and professor at Georgetown University Law Center, Becket has “outsized success in these cases coming to the court and winning them at the court.” *Id.*

13. In 2014, Becket won important religious liberty victories at the Supreme Court in *Hobby Lobby* and *Holt v. Hobbs* just a few months apart, which Politico described as “no small feat for even ... the largest of law firms, let alone for a nonprofit firm with 11 lawyers.” Amelia Thomson-DeVeaux, *God’s Rottweilers: Meet the small nonprofit law firm that’s reshaping American politics*, POLITICO Magazine (Oct. 5, 2014), <https://perma.cc/2UQK-ZMVQ>. During the 2020 term, Becket repeated that feat with two Supreme Court victories in *Little Sisters of the Poor* and *Our Lady of Guadalupe*.

14. I have been litigating exclusively in the field of religious liberty since I joined Becket in 2008. I participated as counsel in seven of Becket’s eight Supreme Court merits victories and all three All Writs Act injunctions. I have also personally argued

and won precedent-setting cases in the Third, Fifth, Seventh, Eighth, Ninth, and Eleventh Circuits. And I was appointed a Special Assistant Attorney General for the State of Colorado to argue a Tenth Circuit appeal on behalf of Becket and several states.

15. In addition to my work at Becket, I have served as an Adjunct Professor of Law at the University of Utah, S.J. Quinney College of Law, where I taught an advanced course on law and religion. I have also published an award-winning book and multiple law review articles on religious liberty and First Amendment issues. Some of my writings include: *Free to Believe: The Battle Over Religious Liberty in America* (2019); *Sex, Drugs, and Eagle Feathers: An Empirical Study of Federal Religious Freedom Cases*, 48 Seton Hall L. Rev. 353 (2018) (with Rachel Busick); *On Resolving Church Property Disputes*, 58 Ariz. L. Rev. 307 (2016) (with Michael McConnell); and *RLUIPA: Necessary, Modest, and Under-Enforced*, 39 Fordham Urb. L. J. 1021 (May 2012) (with Douglas Laycock).

16. I have also appeared frequently in the media to discuss religious freedom issues—including appearances on NPR, CNN, Fox, ABC, PBS, and other news outlets, quotations in outlets like the *New York Times*, *Washington Post*, and *The Wall Street Journal*, and publishing opinion pieces in outlets like *The Wall Street Journal*, *USA Today*, and *The Guardian*. The Associated Press has called me “a top religious freedom attorney.” Elana Schor, *Coronavirus gathering bans raise religious freedom questions*, AP News (Mar. 19, 2020), <https://perma.cc/XY7E-FJF6>.

17. Before I came to Becket, I worked as an associate in the appellate and critical motions practice at Winston & Strawn, LLP, and as a legal and research advisor to the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons. Before that, I served as a law clerk to the Honorable Michael W. McConnell, a judge for the U.S. Court of Appeals for the Tenth Circuit and one of the leading religious liberty scholars in the country. I graduated from The University of Chicago Law

School in 2004 with high honors and was elected to the Order of the Coif. My qualifications are more fully set forth in my resume at Exhibit 1-E.

18. Mark Rienzi, who also worked on this case, is President and CEO of Becket where he litigates exclusively in the field of religious liberty. He has served as counsel in multiple Supreme Court victories, including personally arguing *McCullen v. Coakley*, 573 U.S. 464 (2014), and prevailing 9–0. He is also a professor of law at the Catholic University of America, Columbus School of Law, where he teaches constitutional law, religious liberty, torts, and evidence, and he has been a visiting professor at Harvard Law School where he taught religious liberty and supervised a religious liberty externship clinic. He appears in major media outlets to discuss religious liberty and has published extensively on religious liberty and First Amendment issues, including in the *Harvard Law Review*. Before working at Becket, he served as counsel in the Supreme Court and Appellate Practice Group at Wilmer Hale LLP in Washington, DC, where his billing rate in 2009 was approximately \$700/hour. Before joining Wilmer Hale, he served as law clerk to the Hon. Stephen F. Williams, senior circuit judge for the U.S. Court of Appeals for the DC Circuit. He attended Harvard Law School, where he served as an editor of the *Harvard Law Review* and graduated with honors. His qualifications are set forth in more detail in his resume at Exhibit 1-F.

19. Lori Windham, who also worked on this case, is Vice President and Senior Counsel at Becket, where she has litigated religious liberty cases since 2005. She served as counsel in multiple Supreme Court victories, including personally arguing and unanimously winning *Fulton v. City of Philadelphia*, 141 S. Ct. 1868 (2021). She is a recognized expert on religious liberty in the media and testified as an invited expert before the U.S. House Judiciary Committee and the U.S. Civil Rights Commission. She received her law degree from Harvard Law School, and her qualifications are set forth in more detail in her resume at Exhibit 1-G.

20. Stephanie Barclay, who also worked on this case, served as Legal Counsel at Becket from 2015 to 2018 and Of Counsel from 2018 to 2020, where she litigated religious liberty cases at the trial and appellate levels. Prior to joining Becket, she graduated *summa cum laude* from the J. Reuben Clark Law School at Brigham Young University, where she served as lead articles editor for the law review and was elected to the Order of the Coif, served as law clerk to Judge N. Randy Smith on the U.S. Court of Appeals for the Ninth Circuit, and served as an associate for three years at Covington & Burling LLP. While at Becket, she became Associate Professor of Law at BYU law school where she taught courses on the First Amendment and constitutional law. She later joined the faculty as Associate Professor at Notre Dame Law School and clerked for Justice Gorsuch at the U.S. Supreme Court. Her academic writing on religious freedom has appeared in leading law journals and has been cited by the U.S. Supreme Court. Her qualifications are set forth in more detail in her resume at Exhibit 1-H.

21. Joseph Davis, who also worked on this case, is Counsel at Becket, where he has litigated religious liberty cases since 2017. He has served as counsel in successful appeals in the Supreme Court, federal appellate courts, and Indiana Supreme Court, including arguing and winning two appeals in the Fifth Circuit. Before joining Becket, he was a litigation associate at Jones Walker LLP in New Orleans, clerked for Judge E. Grady Jolly on the U.S. Court of Appeals for the Fifth Circuit, and graduated from the University of Virginia Law School, where he was a member of the law review and was elected to the Order of the Coif. His qualifications are set forth in more detail in his resume at Exhibit 1-J.

22. Daniel Chen, who also worked on this case, is Counsel at Becket, where he has litigated religious liberty cases since 2020. He has served as counsel in successful appeals in the Supreme Court and several federal appellate courts. Before joining Becket, he served as an associate at Gibson, Dunn & Crutcher LLP in San Francisco,

clerked for Judge Lucy H. Koh on the U.S. District Court for the Northern District of California, and clerked for Judge Raymond W. Gruender on the U.S. Court of Appeals for the Eighth Circuit. He received his law degree from the University of California, Berkeley, School of Law, where he served as supervising editor of the law review and was elected to the Order of the Coif. His qualifications are set forth in more detail in his resume at Exhibit 1-K.

23. The qualifications of two additional attorneys who billed minimal amounts of time in this matter—Diana Thomson and Rachel Busick—are set forth in their resumes at Exhibits 1-I and 1-L respectively.

24. All remaining timekeepers are paralegal staff.

Circumstances of this Case

25. Plaintiffs retained Becket for the purposes of protecting them from HHS's application of the Affordable Care Act to require them to perform and insure gender transitions and abortions contrary to their religious beliefs and medical judgment. Becket represents Plaintiffs on a *pro bono* basis as it does all its clients.

26. At Becket, I play a supervisory role in determining what cases we take on. We receive hundreds of requests for assistance in religious liberty cases each year, but because of time and resource constraints, attorneys at Becket can provide assistance in only a fraction of those cases. Because of the time necessary to pursue this case, I and other attorneys at Becket were forced to turn down other religious liberty cases that we would have otherwise taken.

27. I have reviewed the hours submitted by all the attorneys on this case and exercised billing judgment to remove hours I deemed excessive, redundant, or otherwise unnecessary. As explained in further detail below, the work performed and the amount sought was reasonable and justified in light of the nature of the case, the extensive penalties at stake, the expertise required, and the extraordinary relief achieved.

28. In total, I eliminated 569.7 hours in the exercise of billing judgment. That accounts for 15% of all 3,805.6 hours originally billed. *See* Ex. 1-A at 1-3.

29. I reviewed the time entries for this matter and reduced hours for entries that included block billing. A reduction for block billing is not automatically required, but I applied a 50% across-the-board reduction to time entries that were block billed. Reductions for block billing account for 17.75 hours. *See* Ex. 1-D.

30. I also exercised billing judgment by cutting all hours related to attorney travel for various hearings and oral arguments. Courts often permit recovery for attorney travel time. And although attorneys often worked on this case while traveling I still cut all 62.3 hours of travel time.

31. I also reduced or cut hours that I deemed excessive. These reductions include time entries related to internal meetings or tasks that in hindsight may have taken longer than necessary to accomplish the relevant task. In total, I cut 107.85 hours I deemed excessive.

32. Finally, I cut 381.8 hours for work I deemed unproductive or redundant. This includes work on motions or briefs that I ultimately deemed unproductive, as well as cuts to tasks that I deemed redundant or unnecessary.

33. Included among the cuts is the elimination of the entirety of time billed by several attorneys who worked only minimally on the case and therefore billed relatively few hours. This includes wholesale cuts to both junior and senior attorneys. For example, I cut all the hours for several attorneys with 1-3 years of experience: Chase Harrington (18.2 hours), Daniel Benson (28.9 hours), and Jacob Coate (21.5 hours). But I also cut all the hours for senior attorneys with up to twenty years of experience: Daniel Blomberg (42.1 hours), Eric Baxter (16.3 hours), and Eric Rassbach (8.9 hours). These cuts total 135.9 hours.

34. I also cut hours of attorneys who had been involved at the outset of this case (typically during the initial phase including the drafting of the complaint and time-

sensitive preliminary-injunction proceedings), but then pared back their involvement in later years. I cut all hours for Lori Windham, Diana Thomson, and Stephanie Barclay from 2018 onwards, which amounts to an additional 16.9 hours cut. Again, these cuts were from the hours of both junior and senior attorneys.

35. Subtracting these 569.7 hours from the total time, the remaining compensable time totals 3,235.9 hours. *See* Ex. 1-A at 1-3.

36. During the course of this litigation, Becket lawyers incurred out-of-pocket expenses in the amount of \$4,209.28, detailed in Exhibit 1-B of this declaration. The expenses listed in Exhibit 1-B are a true and accurate reflection of the costs Becket incurred in litigating this case. All of these expenses were reasonably incurred for travel, lodging, and meals for attorneys to attend hearings or oral arguments in Dallas and New Orleans or for printing costs incident to this litigation.

37. I utilized attorney and staff records to prepare Exhibits 1-A, 1-C, and 1-D to this declaration. Based on my experience with litigation in other religious liberty cases, the hours spent by Becket attorneys on this case are appropriate for a case of this complexity.

Results Achieved

38. Plaintiffs have received final, permanent, and excellent results in this litigation, and thus merit attorney's fees from the government under 42 U.S.C. § 1988(b).

39. At the outset of this litigation, Plaintiffs were just months away from being forced to either violate their consciences or incur massive penalties under HHS's unlawful mandate. Plaintiff Franciscan alone "would risk losing \$900 million," Dkt. 62 at 8 n.6, crippling their ministry to the poor and elderly.

40. Yet over the course of this litigation, Becket attorneys achieved extraordinary and complete relief. This included a preliminary injunction obtained the night before HHS's unlawful requirement was to take effect. When HHS failed to fix the problem, Plaintiffs obtained vacatur of the offending portions of HHS's rule. Then, to ensure

their clients remained protected despite an onslaught of new efforts by HHS to reimpose the same unlawful requirement through other means, Plaintiffs' appealed the Fifth Circuit, received a remand, and obtained a permanent injunction protecting Plaintiffs from any action by HHS to force them to perform or insure gender transitions or abortions under the governing statute. They also successfully defended this injunction in another Fifth Circuit appeal.

41. Achieving these results took six years of hard-fought litigation, spanning three different administrations, multiple variations of HHS's rules, and two appeals to the Fifth Circuit. These results were achieved over the resistance of the federal government, which has all the litigation resources of the Department of Justice at its disposal. And these results have proved to be pathbreaking, having been cited repeatedly in multiple new final and proposed HHS rules, and having been followed by multiple other federal courts that have entered injunctions analogous to the ones obtained by Plaintiffs in this case. *Religious Sisters of Mercy v. Becerra*, ___ F.4th ___, 2022 WL 17544669 (8th Cir. Dec. 9, 2022); *Christian Emps. All. v. EEOC*, No. 21-cv-195, 2022 WL 1573689 (D.N.D. May 16, 2022).

Rates

42. Becket is based in Washington, DC, and was brought into the case specifically for its expertise in litigation involving the Religious Freedom Restoration Act (RFRA) and the Affordable Care Act.

43. This case involved challenges under RFRA and the Administrative Procedure Act to HHS's application of the Affordable Care Act to require religious doctors and hospitals to perform and insure gender transitions and abortions contrary to their conscience and medical judgment. This matter bears close resemblance to the widespread RFRA challenges to HHS's contraception mandate beginning in 2011, which applied the Affordable Care Act to require religious employers to provide insurance coverage of all forms of contraception, including those that could cause an abortion.

44. My law firm, the Becket Fund for Religious Liberty, was the leading law firm in the country challenging HHS's contraception mandate under RFRA—bringing the first case challenging the mandate, Complaint, *Belmont Abbey College v. HHS*, No. 11-cv-1989, ECF No. 1 (D.D.C. Nov. 10, 2011) 2011 WL 8997549; bringing the first class action challenging the mandate, Complaint, *LSP v. HHS*, No. 13-cv-2611, ECF No. 1 (D. Colo. Sept. 24, 2013) 2013 WL 5331098; winning the first Supreme Court order blocking the mandate, *Little Sisters of the Poor Home for the Aged, Denver, Colorado v. Sebelius*, 134 S. Ct. 893 (2013) (Dec. 31, 2013); winning the first Supreme Court case on the merits challenging the mandate, *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); winning the first Supreme Court order blocking the mandate for non-profit employers after *Hobby Lobby*, *Wheaton College v. Burwell*, 573 U.S. 958 (2014); winning the first Supreme Court merits ruling blocking the mandate for non-profit employers, *Zubik v. Burwell*, 578 U.S. 403 (2016); winning injunctions against HHS in at least eight cases across the country, *HHS Information Central*, Becket Fund, <https://perma.cc/7YQE-HMBJ>; and winning the first Supreme Court case establishing that HHS could grant a religious exemption from mandate, *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020). No other law firm in the country has as much experience and success litigating against HHS under RFRA as we do, and our experience and expertise was invaluable in litigating a case like this one.

45. In light of the religious liberty expertise that these lawyers brought to the task, the prevailing market rates in Washington, DC, the nature and complexity of this litigation, and the success obtained for the Becket Fund's client, counsel's home rates are reasonable.

46. Given their experience and expertise, Becket Fund attorneys would be able to charge similar or higher rates as attorneys litigating at large international law firms. That is especially true given the nature and complexity of this case, which took six

years and multiple appeals to the Fifth Circuit to secure a permanent injunction. *See* Exs. 2 and 3 (Schaerr and Robison Declarations).

47. The Schaerr Declaration filed herewith confirms that Becket's DC rates are reasonable. *See* Ex. 2 (Schaerr Decl.).

48. As the Schaerr Declaration explains, the Becket's DC rates are lower than the rates charged for attorneys of comparable seniority and expertise in DC. *Id.*

49. In addition, under governing precedent, counsel can charge current billing rates for their work. Nevertheless, as demonstrated in the tables below (for both DC and Dallas-Fort Worth hourly rates), counsel have reduced their hourly rates for work completed earlier in the case instead of charging at their current rates.

50. Counsel's DC-area home rates are as follows:

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$600/hour	\$700/hour	\$700/hour
Diana Thomson ('09)	\$790/hour	\$790/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$700/hour	\$700/hour	\$790/hour	\$790/hour
Lori Windham ('05)	\$860/hour	\$860/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$860/hour	\$860/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour
Mark Rienzi ('00)	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,200/hour	\$1,200/hour	\$1,200/hour	N/A
Stephanie Barclay ('11)	\$700/hour	\$700/hour	N/A	N/A	N/A	N/A	N/A
Rachel Busick ('15)	\$550/hour	\$550/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour						

51. Alternatively, if the Court concludes that DC-area home rates are unwarranted in this case, counsel should be compensated based on the prevailing market rates in the Northern District of Texas. *See* Ex. 3 (Robison Decl.). The Robison Declaration filed herewith confirms what those rates would be for Becket attorneys. *See id.*

52. The market rate for Becket attorneys in the Northern District of Texas is as follows:

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$515/hour	\$610/hour	\$610/hour
Diana Thomson ('09)	\$705/hour	\$705/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$610/hour	\$610/hour	\$705/hour	\$705/hour
Lori Windham ('05)	\$800/hour	\$800/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$800/hour	\$800/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour
Mark Rienzi ('00)	\$905/hour	\$905/hour	\$905/hour	\$1,050/hour	\$1,050/hour	\$1,050/hour	N/A
Stephanie Barclay ('11)	\$610/hour	\$610/hour	N/A	N/A	N/A	N/A	N/A
Rachel Busick ('15)	\$420/hour	\$420/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour

53. As the Robison Declaration explains, a large international law firm would be the most likely candidate for having the resources to staff, litigate, and win a case like this. But the controversial subject matter, coupled with the longevity and complexity of the litigation (six years and multiple appeals to reach a final resolution),

would mean most firms with the requisite experience would be either unable or unwilling to litigate a case like this one. *Id.*

54. The Robison Declaration continues by comparing counsel's rates to rates charged by comparable practitioners. The Robison Declaration notes that comparable practitioners charge significantly higher rates, and that large international law firms in the Dallas-Fort Worth area would charge their clients higher rates for attorneys of comparable seniority and expertise on a similar matter. *Id.*

55. For example, Kirkland & Ellis LLP charges significantly higher rates than the rates requested here, including between \$1,085-\$1,895/hour for law firm partners and between \$625-\$1,195/hour for associates. See Decl. of Erin E. Murphy in Supp. of Debtors' App. for the Retention and Employment of Kirkland & Ellis LLP, *In re: Nat'l Rifle Ass'n. of Am. and Sea Girt LLC*, No. 3:21-bk-30085, ECF No. 173-2 at 4 (Bankr. N.D. Tex. Feb. 17, 2021).

56. In a recent bankruptcy case in the District of New Jersey, the Department of Justice noted the prevailing rates at numerous large international law firms, including Hogan Lovells US LLP ("Hogan Lovells"); Jones Day; Skadden Arps Slate Meager & Flom LLP ("Skadden"); Weil, Gotshal & Manges LLP ("Weil"); King & Spaulding, LLP; Shook Hardy & Bacon, LLP; and Orrick, Harrington & Sutcliffe, LLP ("Orrick"). Objection of the U.S. Trustee to Debtor's Application for Retention of Hogan Lovells as Special Counsel, *In re: LTL Management, LLC*, No. 3:21-bk-30589, ECF No. 2324 ¶ 22 (Bankr. D.N.J. May 20, 2022).

57. At Hogan Lovells, the discounted hourly rate for partners was between \$950 and \$2,465/hour, the discounted hourly rate for counsel was between \$910 and \$1,735/hour, and the discounted rate for associates was between \$605 and \$1,055/hour. *Id.* ¶ 21.

58. Though the Department of Justice objected to these rates, it noted that other large international law firms had reasonable rates. Jones Day billed at a rate up to

\$1,350/hour, Skadden's hourly range for partners was \$900 to \$1,875/hour, Weil's hourly range for partners was \$1,150 to \$1,795/hour, and Orrick's hourly range for counsel and partners was \$805 to \$1,750/hour. *Id.* ¶ 23.

59. Another law firm partner in the Houston office of Gibson, Dunn & Crutcher LLP ("Gibson Dunn") also recently explained that his hourly rate was \$1,385/hour and that associates in Gibson Dunn's Houston office charge between \$800 and \$1,000/hour. Decl. of Collin Cox, *Ross Dress for Less, Inc. v. ML Development LP*, No. 20-cv-978, ECF No. 80-1 ¶ 5 (S.D. Tex. May 6, 2022).

60. Finally, the Becket Fund's requested attorney's fees are reasonable when compared to what other courts in smaller legal markets have actually awarded Becket Fund attorneys in similar litigation. In *Intervarsity Christian Fellowship v. University of Iowa* and *Business Leaders in Christ v. University of Iowa*, the United States District Court for the Southern District of Iowa, Davenport Division, held that a public university violated the constitutional rights of religious student organizations by selectively deregistering them based on their religious beliefs. The court awarded attorney's fees and found that a rate of \$914/hour for a Becket Fund attorney with twenty years of experience and a rate of \$759/hour for a Becket Fund attorney with thirteen years of experience was reasonable. *Intervarsity Christian Fellowship v. Univ. of Iowa*, No. 18-cv-80, ECF No. 101 at 2 n.1 (S.D. Iowa Nov. 18, 2021); *BLinC v. Univ. of Iowa*, No. 17-cv-80, ECF No. 147 at 3 (S.D. Iowa, Nov. 10, 2021). The court explained that "[a]lthough the rates requested for Plaintiff's out of state counsel are significantly higher, between \$759 and \$914 for the two attorneys, they are reasonable given the complex nature of the issues in this case and the extensive experience Plaintiff's counsel has in constitutional litigation." *BLinC*, No. 17-cv-80, ECF No. 147 at 3.

61. The attorneys in this case have similar experience to the attorneys in the *Intervarsity* and *BLinC* litigation. Yet the legal market in the Dallas-Fort Worth area

is significantly larger and more sophisticated than the legal market in Davenport, Iowa. Thus, if these rates were deemed reasonable by the federal court in Davenport, Iowa, significantly higher rates would be reasonable in Dallas-Fort Worth.

62. Based on the hours reasonably expended in this litigation and counsel's reasonable home rates, the lodestar amount is **\$2,346,041**. The calculations for this amount are set out in Exhibit 1-A.

63. Undertaking the same calculations but using prevailing market rates in the Northern District of Texas produces a lodestar amount of **\$2,096,939**. The calculations for this amount are set also out in Exhibit 1-A.

64. In light of the religious liberty expertise that Becket attorneys brought to the task, the relevant market rates, the nature and complexity of this litigation, and the success obtained for the client, the proposed attorney's fees are reasonable.

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

Dated: December 23, 2022



Luke W. Goodrich

EXHIBIT 1-A

Summary of Fees

Total Time

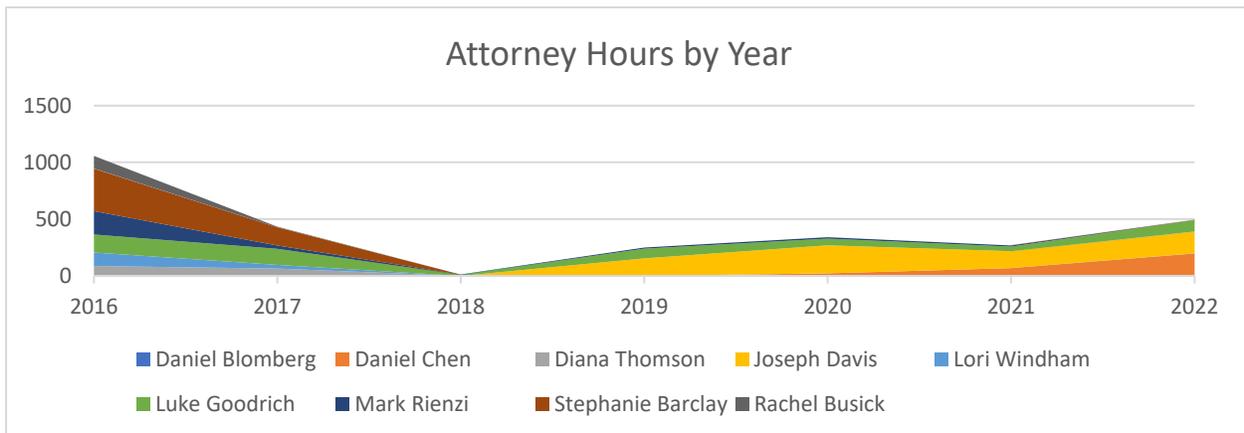
Timekeeper	2016	2017	2018	2019	2020	2021	2022	Sum of Hours
Daniel Blomberg	41.5	0.6	0	0	0	0	0	42.1
Daniel Chen	0	0	0	0	22.3	69.3	203.2	294.8
Diana Thomson	86.2	64	0	5.2	0	0	0	155.4
Eric Baxter	13.8	0	0	0	0	2.5	0	16.3
Eric Rassbach	3.4	2.3	0	2.3	0	0.9	0	8.9
Joseph Davis	0	0	0	190.4	245.5	149.2	194.3	779.4
Lori Windham	123.3	32.7	0.5	2.6	0.3	0.5	1.8	161.7
Luke Goodrich	175.1	150.3	12.1	107.3	60	41.8	115.7	662.3
Mark Rienzi	233.8	45.1	1.6	10	11.6	8.5	0	310.6
Stephanie Barclay	419.7	176.7	5.3	0.7	0	0	0	602.4
Chase Harrington	0	0	0.1	18.1	0	0	0	18.2
Daniel Benson	26.4	0.5	0	0	0	0	2	28.9
Jacob Coate	0	0	0	0	21.5	0	0	21.5
Rachel Busick	119.6	14.2	0	0	0	0	0	133.8
Paralegals	190	78.7	2	93.9	98	44.7	62	569.3
Total Annual Hours	1,432.8	565.1	21.6	430.5	459.2	317.4	579	3,805.6

Billing Judgment Deletions

Timekeeper	2016	2017	2018	2019	2020	2021	2022	Sum of Hours
Daniel Blomberg	41.5	0.6	0	0	0	0	0	42.1
Daniel Chen	0	0	0	0	0	1.6	5.2	6.8
Diana Thomson	0.7	0.2	0	5.2	0	0	0	6.1
Eric Baxter	13.8	0	0	0	0	2.5	0	16.3
Eric Rassbach	3.4	2.3	0	2.3	0	0.9	0	8.9
Joseph Davis	0	0	0	37.2	0	0.9	2.5	40.6
Lori Windham	3.7	0	0.5	2.6	0.3	0.5	1.8	9.4
Luke Goodrich	16.4	9.2	2	21.2	0	0	14.6	63.4
Mark Rienzi	27.8	16.1	0	0.4	0	0	0	44.3
Stephanie Barclay	44.7	16.5	5.3	0.7	0	0	0	67.2
Chase Harrington	0	0	0.1	18.1	0	0	0	18.2
Daniel Benson	26.4	0.5	0	0	0	0	2	28.9
Jacob Coate	0	0	0	0	21.5	0	0	21.5
Rachel Busick	8.3	8.8	0	0	0	0	0	17.1
Paralegals	65.3	40.6	1.4	27.65	23.55	0	20.4	178.9
Total Annual Hours	252	94.8	9.3	115.35	45.35	6.4	46.5	569.7

Total Time After Billing Judgment Deletions

Timekeeper	2016	2017	2018	2019	2020	2021	2022	Sum of Hours
Daniel Blomberg	0	0	0	0	0	0	0	0
Daniel Chen	0	0	0	0	22.3	67.7	198	288
Diana Thomson	85.5	63.8	0	0	0	0	0	149.3
Eric Baxter	0	0	0	0	0	0	0	0
Eric Rassbach	0	0	0	0	0	0	0	0
Joseph Davis	0	0	0	153.2	245.5	148.3	191.8	738.8
Lori Windham	119.6	32.7	0	0	0	0	0	152.3
Luke Goodrich	158.7	141.1	10.1	86.1	60	41.8	101.1	598.9
Mark Rienzi	206	29	1.6	9.6	11.6	8.5	0	266.3
Stephanie Barclay	375	160.2	0	0	0	0	0	535.2
Chase Harrington	0	0	0	0	0	0	0	0
Daniel Benson	0	0	0	0	0	0	0	0
Jacob Coate	0	0	0	0	0	0	0	0
Rachel Busick	111.3	5.4	0	0	0	0	0	116.7
Paralegals	124.7	38.1	0.6	66.25	74.45	44.7	41.6	390.4
Total Annual Hours	1,180.8	470.3	12.3	315.15	413.85	311	532.5	3,235.9



District of Columbia Hourly Rates

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$600/hour	\$700/hour	\$700/hour
Diana Thomson ('09)	\$790/hour	\$790/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$700/hour	\$700/hour	\$790/hour	\$790/hour
Lori Windham ('05)	\$860/hour	\$860/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$860/hour	\$860/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour
Mark Rienzi ('00)	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,200/hour	\$1,200/hour	\$1,200/hour	N/A
Stephanie Barclay ('11)	\$700/hour	\$700/hour	N/A	N/A	N/A	N/A	N/A
Rachel Busick ('15)	\$550/hour	\$550/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour						

Northern District of Texas Hourly Rates

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$515/hour	\$610/hour	\$610/hour
Diana Thomson ('09)	\$705/hour	\$705/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$610/hour	\$610/hour	\$705/hour	\$705/hour
Lori Windham ('05)	\$800/hour	\$800/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$800/hour	\$800/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour
Mark Rienzi ('00)	\$905/hour	\$905/hour	\$905/hour	\$1,050/hour	\$1,050/hour	\$1,050/hour	N/A
Stephanie Barclay ('11)	\$610/hour	\$610/hour	N/A	N/A	N/A	N/A	N/A
Rachel Busick ('15)	\$420/hour	\$420/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour

District of Columbia Lodestar Calculation

Fees:

Daniel Chen:	\$199,370
Diana Thomson:	\$117,947
Joseph Davis:	\$547,769
Lori Windham:	\$130,978
Luke Goodrich:	\$556,928
Mark Rienzi:	\$272,240
Stephanie Barclay:	\$374,640
Rachel Busick:	\$64,185
Paralegals:	\$81,984
Total Attorney's Fees Award:	\$2,346,041

Northern District of Texas Lodestar Calculation

Fees:

Daniel Chen:	\$173,561.50
Diana Thomson:	\$105,256.50
Joseph Davis:	\$482,977.50
Lori Windham:	\$121,840
Luke Goodrich:	\$510,525.50
Mark Rienzi:	\$245,308
Stephanie Barclay:	\$326,472
Rachel Busick:	\$49,014
Paralegals:	\$81,984

Total Attorney's Fees Award: \$2,096,939

EXHIBIT 1-B

Summary of Requested Expenses

Category	Amount
Airfare	\$ 3,031.74
Ground Transp.	\$ 114.60
Lodging	\$ 608.92
Meals	\$ 123.92
Printing	\$ 330.10
Total	\$ 4,209.28

Listing of Expenses

Date	Amount	Category	Description
6/20/2017	\$671.40	Airfare	Airline Tickets - Round Trip from DCA to DFW
6/25/2017	\$12.83	Meals	Fort Worth meal
6/25/2017	\$11.04	Ground	SLC airport Uber
6/25/2017	\$31.51	Ground	DFW Uber from airport
6/26/2017	\$16.75	Meals	Fort Worth meal
6/26/2017	\$5.85	Ground	DFW Uber
6/26/2017	\$32.10	Ground	DFW Uber
6/27/2017	\$11.73	Meals	Fort Worth meal
6/28/2017	\$12.10	Ground	SLC Uber from airport
2/6/2019	\$114.72	Printing	Printing Costs for Franciscan Alliance
9/11/2019	\$662.80	Airfare	Airline Tickets - Round trip from JAN to MSY

9/11/2019	\$929.20	Airfare	Airline Tickets - Round Trip from SLC to DFW
9/11/2019	\$192.83	Lodging	Courtyard by Marriott Fort Worth - 1 night
12/24/2020	\$155.88	Printing	Printing Costs for Franciscan Alliance
7/13/2022	\$59.50	Printing	Printing Costs for Franciscan Alliance
8/3/2022	\$284.96	Airfare	Airline Tickets - Round Trip from MCO to MSY
8/3/2022	\$138.59	Lodging	Cambria Hotel New Orleans - 1 night
8/3/2022	\$9.43	Meals	New Orleans meal
8/3/2022	\$4.29	Meals	New Orleans meal
8/3/2022	\$13.60	Meals	New Orleans meal
8/3/2022	\$483.38	Airfare	Airline Tickets - Round Trip from SFO to MSY
8/3/2022	\$277.50	Lodging	Cambria Hotel New Orleans - 2 nights
8/4/2022	\$22.00	Ground	MCO Airport Parking
8/4/2022	\$20.43	Meals	New Orleans meal
8/4/2022	\$20.10	Meals	New Orleans meal
8/4/2022	\$6.25	Meals	New Orleans meal
8/4/2022	\$8.51	Meals	New Orleans meal
TOTAL:	\$4,209.28		

EXHIBIT 1-C

Contemporaneous Billing Records

Date	Timekeeper	Description	Hours
7/8/2016	Mark Rienzi	team call re transgender mandate and followup discussion	2
7/21/2016	Mark Rienzi	calls with client re transgender mandate	0.8
7/21/2016	Mark Rienzi	calls with client re transgender mandate	0.8
7/28/2016	Mark Rienzi	confer with client GC re policy (.3); confer with team re trip to client (.3 NB)	0.6
7/28/2016	Stephanie Barclay	Research case law re transgender mandate.	3.3
7/29/2016	Mark Rienzi	confer with team re plans for client visit	0.5
8/1/2016	Stephanie Barclay	calls to clients	0.9
8/1/2016	Stephanie Barclay	Research and draft complaint	7.2
8/1/2016	Stephanie Barclay	Researched re pregnancy discrimination act	0.9
8/2/2016	Stephanie Barclay	Revisions to complaint and follow-up correspondence with Dr. contacts.	2.1
8/2/2016	Stephanie Barclay	Research and draft complaint	7.9
8/3/2016	Mark Rienzi	research facts re mandate	0.5
8/3/2016	Stephanie Barclay	Revised complaint.	3.4
8/3/2016	Stephanie Barclay	Researched transgender medical issues.	7.7
8/4/2016	Mark Rienzi	emails re client call	0.2
8/4/2016	Stephanie Barclay	Strategy call and work on complaint.	4.5
8/4/2016	Stephanie Barclay	Researched transgender medical issues.	2.1
8/4/2016	Stephanie Barclay	APA research	2.5
8/15/2016	Mark Rienzi	prepare for client visit	1
8/15/2016	Mark Rienzi	develop litigation strategy	1
8/16/2016	Darlene Calandra	Conduct research for S. Barclay re Pediatricians' approach to the health care of lesbian, gay, and bisexual youth.	1.5
8/17/2016	Stephanie Barclay	Revise complaint	4
8/17/2016	Mark Rienzi	prepare for meeting with client (1.5); attend meetings with client	7.5

		management and doctors (5.0); confer with team after meetings (1.0)	
8/18/2016	Luke Goodrich	call w client GC re endocrinologist	0.3
8/18/2016	Mark Rienzi	call with client GC re next steps (.2); emails with team re same (.4)	0.6
8/18/2016	Lori Windham	Research re filing requirements & pro hac admission	1
8/18/2016	Stephanie Barclay	calls with clients for fact-gathering	2
8/18/2016	Stephanie Barclay	Revised complaint	7.7
8/19/2016	Lori Windham	preparation and correspondence for filing of complaint	0.5
8/19/2016	Darlene Calandra	Conduct research for Complaint and Amended Complaint for S. Barclay; search for information re Specialty Physicians	1
8/19/2016	Mark Rienzi	review and comment on complaint (2); confer with client re next steps (.2); emails with team re same (.8)	3
8/19/2016	Luke Goodrich	revise complaint	4.2
8/19/2016	Luke Goodrich	review and edit complaint	4.5
8/19/2016	Stephanie Barclay	Revised complaint & incorporated TX edits	5.3
8/19/2016	Stephanie Barclay	Revised complaint to incorporate additional input from Franciscan via calls to Franciscan to obtain more information.	6.2
8/20/2016	Lori Windham	Correspondence on issues re: filing complaint	0.2
8/21/2016	Mark Rienzi	emails re complaint	0.4
8/22/2016	Stephanie Barclay	Reviewed and revised new PI motion and circulated to team	1.2
8/22/2016	Lori Windham	Edits and correspondence re: filing complaint	1.4
8/22/2016	Darlene Calandra	Cite check, proofread, format and edit Complaint	3
8/22/2016	Elizabeth Dobak	Cite checked complaint	3.5

8/22/2016	Luke Goodrich	review and finalize complaint	4
8/22/2016	Stephanie Barclay	Revised and finalized complaint	8.2
8/23/2016	Luke Goodrich	finalize and file complaint	0.8
8/23/2016	Elizabeth Dobak	Drafted appearance of counsel notice for Luke	0.5
8/23/2016	Lori Windham	Client meeting & discussion	1
8/23/2016	Luke Goodrich	finalize filing	1.6
8/23/2016	Darlene Calandra	Review complaint; update Share Point folder; review Judge O'Connor's filing specifications	1
8/23/2016	Stephanie Barclay	Research for complaint and communication with clients regarding client facts.	8.5
8/25/2016	Lori Windham	Discussion & call re: strategy	0.8
8/26/2016	Lori Windham	Discussions re: strategy	0.3
8/26/2016	Diana Thomson	researching litigation hold letter	0.5
8/31/2016	Luke Goodrich	FedExed Attorney Admission Application to the U.S. District Court for the N.D. of Texas	0.2
9/1/2016	Mark Rienzi	call with sister lethia marie re good works	0.5
9/6/2016	Mark Rienzi	confer with ms. verm and review document hold memo	0.4
9/6/2016	Diana Thomson	working on litigation hold letter	2
9/7/2016	Mark Rienzi	call with client re insurance (.8); work on hold memo (.4)	1.2
9/8/2016	Mark Rienzi	confer with client re document hold (.5); review and revise same (.5)	1
9/9/2016	Lori Windham	Strategy meeting & related research	1.5
9/9/2016	Luke Goodrich	call re litigation strategy w S Barclay, E Rassbach, M Rienzi, and L Windham	1.6
9/9/2016	Stephanie Barclay	Strategy call to discuss next steps	1.6

9/9/2016	Stephanie Barclay	Developed PI outline.	1.9
9/9/2016	Mark Rienzi	work on and send document hold memo (1.0); strategy call with team (1.2)	2.2
9/12/2016	Mark Rienzi	prepare for and meet with potential doctor witness	1.5
9/13/2016	Lori Windham	Litigation hold research	0.4
9/13/2016	Mark Rienzi	telephone conferences with client re document hold	1
9/13/2016	Lori Windham	Research on mandate, terminology, medical procedures	2
9/13/2016	Chelise Fox	Research - looking at bundled care, continuum of care, health initiative for S. Barclay.	4
9/15/2016	Luke Goodrich	email to client re motion to intervene.	0.3
9/15/2016	Luke Goodrich	call w S Barclay re legal strategy and client update.	0.6
9/15/2016	Luke Goodrich	call w client to update on suit	0.6
9/15/2016	Stephanie Barclay	Worked on preliminary injunction outline.	2.6
9/15/2016	Darlene Calandra	Research case law and filing requirements for motion for summary judgment to prepare draft motions	2.5
9/15/2016	Stephanie Barclay	Worked on outlining motion for summary judgment/prelim injunction.	3.5
9/15/2016	Chelise Fox	Research for S. Barclay on bundled care, PCMH's	4
9/16/2016	Chelise Fox	Research CMS position on cross-hormone therapy for S. Barclay.	2
9/18/2016	Mark Rienzi	review document hold materials	0.3
9/18/2016	Lori Windham	Review outline & comment	0.4
9/19/2016	Diana Thomson	reviewing legal ethical rules re: question of attorney client privilege	1
9/19/2016	Diana Thomson	working on litigation hold	2.2
9/19/2016	Stephanie Barclay	Worked on research for sections of the PI motion.	6.1
9/20/2016	Luke Goodrich	call w S Barclay re motion for SJ	0.2

9/20/2016	Stephanie Barclay	Call with Luke re MSJ	0.2
9/20/2016	Stephanie Barclay	Call with co-counsel to discuss next steps	1
9/20/2016	Lori Windham	Strategy call re briefing	1.5
9/20/2016	Stephanie Barclay	Team call on briefing strategy.	1.5
9/20/2016	Stephanie Barclay	Research for MSJ.	1.8
9/20/2016	Chelise Fox	CMS position research follow-up, additional research (for S. Barclay)	2
9/20/2016	Stephanie Barclay	Legal research for MSJ	2.7
9/20/2016	Mark Rienzi	work on SJ briefing (.5); work on document hold materials (.5); call on SJ briefing (1.5); strategy call with co-counsel (1.0)	3.5
9/21/2016	Luke Goodrich	review Franciscan hold memo	0.2
9/21/2016	Lori Windham	Discussion re: litigation hold, review proposals	0.4
9/21/2016	Mark Rienzi	call with client re hold	0.5
9/21/2016	Luke Goodrich	review final decision memo on coverage in Medicare	1.4
9/21/2016	Luke Goodrich	research for MSJ	2.2
9/21/2016	Diana Thomson	research for litigation hold	3.6
9/22/2016	Mark Rienzi	document hold emails	0.5
9/22/2016	Diana Thomson	research for litigation hold	2.7
9/23/2016	Luke Goodrich	call w A Nimocks re contacting DOJ	0.2
9/23/2016	Mark Rienzi	emails and phone calls re document hold (.4); confer with team re discussion with DOJ (.3)	0.7
9/23/2016	Stephanie Barclay	Call with Amy to discuss strategy of letter; revised letter;	1.5
9/23/2016	Stephanie Barclay	Worked on revising letter.	3.9
9/26/2016	Luke Goodrich	call w A Nimocks re next steps in litigation	0.2
9/26/2016	Mark Rienzi	call and emails re doc hold	0.4

9/26/2016	Luke Goodrich	research and revise motion for extension	1
9/26/2016	Lori Windham	Research and work on RFRA claims	1.4
9/26/2016	Stephanie Barclay	Worked on summary judgment motion.	3.7
9/27/2016	Luke Goodrich	call re amending complaint	0.2
9/27/2016	Luke Goodrich	review complaints in two related cases.	0.7
9/27/2016	Luke Goodrich	research for MSJ	0.7
9/27/2016	Lori Windham	Work on MPSJ RFRA section draft	2
9/27/2016	Stephanie Barclay	Research and drafting of APA sections of summary judgment motion.	5.5
9/28/2016	Stephanie Barclay	Worked on APA section of summary judgment motion.	4.5
9/28/2016	Mark Rienzi	call with client re document hold	0.3
9/28/2016	Lori Windham	Work on RFRA draft	2.5
9/29/2016	Mark Rienzi	call with client re document hold	0.3
9/29/2016	Lori Windham	Work on motion and research	5.5
9/30/2016	Lori Windham	Develop litigation strategy	0.4
9/30/2016	Stephanie Barclay	Worked on summary judgment motion.	6.1
10/3/2016	Chelise Fox	Proofread and revise motion for extension of time to file response.	1
10/3/2016	Darlene Calandra	Cite check Motion for Extension.	1.5
10/4/2016	Luke Goodrich	call w attorneys for Catholic hospital involved in litigation related to Franciscan	1.3
10/4/2016	Stephanie Barclay	Summary judgment research.	1.5
10/5/2016	Lori Windham	Discuss draft RFRA section, work on draft	0.5
10/5/2016	Luke Goodrich	draft reply ISO extension motion	1
10/5/2016	Stephanie Barclay	Summary judgment research.	2.5

10/6/2016	Luke Goodrich	revise reply ISO motion for extension	0.2
10/6/2016	Lori Windham	Discussion w/ LG on approach and strategy for RFRA section	0.3
10/6/2016	Luke Goodrich	call w L Windham to discuss RFRA claim	0.3
10/6/2016	Luke Goodrich	finalize and file reply ISO extension motion	0.3
10/6/2016	Mark Rienzi	emails and calls to client (.2); and to discuss strategy with team (.2)	0.4
10/6/2016	Luke Goodrich	research and draft MSJ	0.8
10/6/2016	Luke Goodrich	draft MSJ	1.1
10/6/2016	Luke Goodrich	research and draft MSJ	1.1
10/6/2016	Lori Windham	Work on RFRA section draft, discussion w/ LG on approach and strategy	6.7
10/7/2016	Luke Goodrich	call w A Nimocks re MSJ and amending complaint	0.2
10/7/2016	Luke Goodrich	review draft MSJ section on RFRA and Spending clause	0.3
10/7/2016	Mark Rienzi	confer with client re insurance issues (.4); emails re same (.2)	0.6
10/7/2016	Luke Goodrich	research and draft MSJ	1.5
10/7/2016	Luke Goodrich	research and draft MSJ	2.8
10/7/2016	Lori Windham	Finish RFRA section draft	5.3
10/7/2016	Stephanie Barclay	Worked on drafting summary judgment brief.	9.3
10/8/2016	Stephanie Barclay	Worked on summary judgment motion.	8.6
10/10/2016	Stephanie Barclay	Researched APA case law and worked on the summary judgment motion.	4.5
10/10/2016	Luke Goodrich	draft and revise MSJ	0.6
10/10/2016	Luke Goodrich	research and draft MSJ	1.6
10/10/2016	Luke Goodrich	research, draft, and revise MSJ	4.6
10/11/2016	Lori Windham	Strategy discussion and call for brief	1.3

10/11/2016	Luke Goodrich	call w E Rassbach, M Rienzi, L Windham, and S Barclay to discuss MSJ and complaint	1.3
10/11/2016	Mark Rienzi	confer with team re summary judgment brief	1.3
10/11/2016	Stephanie Barclay	Call with team for summary judgment motion	1.3
10/11/2016	Stephanie Barclay	Reviewed items we'd need for the declarations and discussed research with fellows	1.5
10/11/2016	Luke Goodrich	research and draft MSJ	2.5
10/11/2016	Darlene Calandra	Review N.D. Tex. and Judge O'Connor's rules re filing Motion for Summary Judgment and prepare check list re filing Motion for Summary Judgment	1.5
10/11/2016	Mark Rienzi	work on summary judgment brief	5.7
10/11/2016	Stephanie Barclay	Worked on drafting summary judgment motion.	5.9
10/11/2016	Lori Windham	Research and draft injunction sections and research for declarations	6.2
10/11/2016	Luke Goodrich	research and draft MSJ	6.5
10/12/2016	Chelise Fox	Research and collect templates and draft Word document for supporting declarations.	1
10/12/2016	Chelise Fox	Cite check and add citations to Franciscan Brief.	1
10/12/2016	Stephanie Barclay	Worked on declarations.	1.9
10/12/2016	Luke Goodrich	draft and revise MSJ	4.2
10/12/2016	Luke Goodrich	draft and revise MSJ	4.9
10/12/2016	Lori Windham	Work on declarations	5.8
10/12/2016	Mark Rienzi	work on summary judgment filings	7.6
10/12/2016	Stephanie Barclay	Worked on revising summary judgment motion.	7.9
10/13/2016	Mark Rienzi	work on SJ motion	0.8
10/13/2016	Darlene Calandra	Discuss rules re Appendix contents with L. Goodrich and S. Barclay; review local rules re Appendix; meet with S. Barclay;	0.75

		review citation format for cites in Motion for Summary Judgment	
10/13/2016	Luke Goodrich	draft and revise MSJ	2.9
10/13/2016	Stephanie Barclay	Worked on declarations for Franciscan parties.	3.2
10/13/2016	Stephanie Barclay	Worked on filling in citations and preparing declarations for summary judgment motion.	5.4
10/13/2016	Lori Windham	Continue drafting declarations	6.7
10/14/2016	Mark Rienzi	additional work on amended complaint and emails with team re same	0.2
10/14/2016	Stephanie Barclay	Reviewed E Rassbach's comments in complaint and team email discussion about edits.	1.8
10/14/2016	Lori Windham	Email discussion re: complaint and declarations, review complaint, revise declarations	6.2
10/14/2016	Mark Rienzi	work on summary judgment papers	7
10/14/2016	Stephanie Barclay	Worked on declarations and revising complaint.	8.3
10/15/2016	Lori Windham	Declaration discussion	0.1
10/15/2016	Mark Rienzi	work on sj papers and confer with Mr. Rassbach re same	0.4
10/15/2016	Stephanie Barclay	Revised complaint.	2.5
10/16/2016	Lori Windham	Review complaint and declaration and send edits	1.5
10/17/2016	Chelise Fox	Cite check new sources in complaint.	0.5
10/17/2016	Chelise Fox	Revise and proofread MSJ.	0.5
10/17/2016	Chelise Fox	Call with R. Busick about cites in the MSJ.	0.2
10/17/2016	Darlene Calandra	Conduct research re filing Motion for Summary Judgment and prepare and revise Appendix contents	1.5
10/17/2016	Lori Windham	Strategy discussion, client call, revise complaint and declarations, research	3.2
10/17/2016	Chelise Fox	Researching State Medicaid exclusions for inclusion in MSJ and supporting documents.	5.5

10/17/2016	Diana Thomson	research re: attorney client privilege on documents	6.3
10/17/2016	Stephanie Barclay	Worked on finalizing first amended complaint for filing and revising declarations.	6.6
10/17/2016	Mark Rienzi	work on amended complaint and SJ briefing and confer with client and team re same	7.5
10/18/2016	Chelise Fox	Proofread and revise declaration.	0.5
10/18/2016	Luke Goodrich	call w E Rassbach and M Rienzi re MSJ	0.5
10/18/2016	Diana Thomson	researching privilege of documents	0.6
10/18/2016	Luke Goodrich	call w M Rienzi to discuss MSJ; revise declaration	0.6
10/18/2016	Chelise Fox	Researching sources (cited in WPATH, CMS, etc.) for use in MSJ.	1.5
10/18/2016	Lori Windham	Strategy discussions, review updated declarations	2
10/18/2016	Stephanie Barclay	Worked on revising declarations.	2
10/18/2016	Stephanie Barclay	Reviewed revised declarations and discussed Franciscan medical views.	2.1
10/18/2016	Chelise Fox	Researching state Medicaid exclusions (searching through statutes, state Medicaid plans)	4
10/18/2016	Mark Rienzi	work on SJ papers and confer with client and team re same	5.5
10/18/2016	Darlene Calandra	Cite check, proofread, edit and format Brief in Support of Motion for Summary Judgment.	7.5
10/19/2016	Luke Goodrich	call w S Barclay re declarations	0.2
10/19/2016	Luke Goodrich	review expert report	0.3
10/19/2016	Luke Goodrich	review relevant order in Texas v. US	0.2
10/19/2016	Mark Rienzi	review documents on relevant medical science	0.5
10/19/2016	Luke Goodrich	revise MSJ	1.6
10/19/2016	Elizabeth Dobak	Cite checked Plaintiffs' brief in support of their motion for partial summary judgment and preliminary injunction	2

10/19/2016	Luke Goodrich	draft and revise MSJ	2
10/19/2016	Lori Windham	Research & review reports of potential experts	2.5
10/19/2016	Lori Windham	Review & revise & comment on brief	3
10/19/2016	Diana Thomson	research re: potential discovery	3.2
10/19/2016	Mark Rienzi	work on SJ filings and confer with team re same	5.5
10/19/2016	Chelise Fox	Motion for Summary Judgment (declarations, formatting, research, cite check).	7
10/19/2016	Stephanie Barclay	Worked on CMDA declarations and motion to accompany brief.	9.1
10/20/2016	Luke Goodrich	call w declarant	0.1
10/20/2016	Luke Goodrich	draft email memo re MSJ	0.6
10/20/2016	Luke Goodrich	revise declarations and MSJ	1.1
10/20/2016	Darlene Calandra	Cite check, proofread, edit and format Brief in Support of Motion for Summary Judgment; discuss with C. Fox, E. Dobak and S. Barclay; assist with preparation of Appendix documents	1.75
10/20/2016	Elizabeth Dobak	Cite checked the draft motion	4
10/20/2016	Diana Thomson	research re: discovery	4.2
10/20/2016	Luke Goodrich	Review, edit, and revise MSJ	5.7
10/20/2016	Lori Windham	Work on proposed order, evidentiary work for SJ motion	5.8
10/20/2016	Chelise Fox	Cite check, proof, and revise MSJ and supporting documents.	8
10/20/2016	Mark Rienzi	work on SJ papers	9
10/20/2016	Stephanie Barclay	Spoke with doctors and worked on CMDA declarations.	9.5
10/21/2016	Luke Goodrich	revise declarations	0.6
10/21/2016	Lori Windham	Work on summary judgment motion	4
10/21/2016	Mark Rienzi	finalize SJ papers	7.2

10/21/2016	Luke Goodrich	revise and finalize MSJ	9.8
10/21/2016	Darlene Calandra	Cite check, proofread, edit and format Brief in Support of Motion for Summary Judgment; discuss with C. Fox, E. Dobak, S. Barclay, L. Goodrich; assist with preparation of Appendix to Motion for Summary Judgment.	7.25
10/21/2016	Stephanie Barclay	Revised and finalized the summary judgment brief and appendix.	9.6
10/21/2016	Chelise Fox	Cite check, proof, and revise MSJ and supporting documents.	8.3
10/22/2016	Mark Rienzi	email to client re filing	0.1
10/24/2016	Mark Rienzi	call with client re filing	0.4
10/24/2016	Stephanie Barclay	Emails and calls to clients to provide update	0.4
10/24/2016	Chelise Fox	Draft representation letter for Dr. Hoffman.	0.5
10/24/2016	Luke Goodrich	review ACLU motion to stay; outline response	0.9
10/24/2016	Stephanie Barclay	Worked with paralegals to prepare paper filings	0.9
10/24/2016	Mark Rienzi	research re stay	2
10/24/2016	Stephanie Barclay	Research on ACLU motion to stay	6.2
10/25/2016	Luke Goodrich	email TX re motion to stay	0.1
10/25/2016	Luke Goodrich	emails re DOJ motion to stay	0.3
10/25/2016	Luke Goodrich	call w M Rienzi and S Barclay re motion to stay	0.5
10/25/2016	Mark Rienzi	strategy call re motion to stay	0.5
10/25/2016	Stephanie Barclay	Call to discuss motion to stay	0.5
10/25/2016	Lori Windham	Followup discussion re: counterproposal and strategy	0.7
10/25/2016	Luke Goodrich	research response to motion to stay	1.6
10/25/2016	Mark Rienzi	research re strategy on motion to stay	1.6
10/26/2016	Luke Goodrich	emails re DOJ motion	0.2
10/26/2016	Luke Goodrich	call w M Rienzi re DOJ motion	0.3

10/26/2016	Luke Goodrich	call w M Rienzi and A Nimocks re DOJ motion	0.3
10/26/2016	Luke Goodrich	call w DOJ re DOJ motion	0.3
10/26/2016	Luke Goodrich	call w M Rienzi and A Nimocks re DOJ motion	0.3
10/26/2016	Luke Goodrich	revise response to ACLU motion to stay	0.8
10/26/2016	Luke Goodrich	draft and revise response to ACLU stay motion	1.3
10/26/2016	Stephanie Barclay	Email regarding government's proposed motion and follow-up items.	2.1
10/26/2016	Luke Goodrich	draft response to ACLU motion to stay	3.4
10/26/2016	Mark Rienzi	calls and research regarding DOJ proposal and confer with client re same (2.0); review and finalize ACLU response (2.5)	4.5
10/27/2016	Lori Windham	Discussion re: response to ACLU filing	0.3
10/27/2016	Diana Thomson	research re: litigation hold	1
10/28/2016	Lori Windham	Discussion re: filing	0.3
10/28/2016	Chelise Fox	Proofread, revise, and file Response to ACLU Stay Motion.	1.5
10/28/2016	Darlene Calandra	Update Share Point files; prepare draft Response to ACLU Motion to Stay for S. Barclay	0.75
10/28/2016	Mark Rienzi	confer with team and finalize ACLU response (2.0); research and confer with team re HHS proposal (1.0)	3
10/28/2016	Stephanie Barclay	Worked on editing and finalizing response to ACLU and filed the response.	7
10/29/2016	Mark Rienzi	work on response to HHS scheduling motion	1
10/30/2016	Mark Rienzi	work on response to HHS motion	3
10/31/2016	Stephanie Barclay	Work on Sister declaration.	1.4
10/31/2016	Lori Windham	Research impact of cert grant, discuss	2
10/31/2016	Rachel Busick	Administrative Record Research	3.9

10/31/2016	Mark Rienzi	draft response to HHS motion	4
10/31/2016	Mark Rienzi	consider Gloucester Count cert grant and confer with Ms. Windham re impact on litigation	0.5
10/31/2016	Stephanie Barclay	Call with APA expert and follow-up call and work with Mark on response to HHS.	0.8
11/1/2016	Lori Windham	Review order, discussion re: strategy	0.5
11/1/2016	Darlene Calandra	Update Share Point files; prepare draft Response to ACLU Motion to Stay for S. Barclay	0.5
11/1/2016	Stephanie Barclay	Worked on response to HHS motion.	4.8
11/1/2016	Mark Rienzi	work on HHS response	5
11/2/2016	Lori Windham	Review orders, requests, discuss scheduling	0.3
11/2/2016	Mark Rienzi	confer with team re strategy and next steps	0.5
11/2/2016	Rachel Busick	Administrative Record Research	2
11/3/2016	Lori Windham	Email discussion re: complaint and followup	0.7
11/3/2016	Lori Windham	Review injunction motions and discuss via email	1
11/4/2016	Lori Windham	Research re: supplemental brief	1.2
11/4/2016	Rachel Busick	Research Texas injunction factors for supp injunct brief	5.5
11/5/2016	Lori Windham	Discussion via email re: complaint	0.5
11/7/2016	Luke Goodrich	review supplemental PI brief	0.4
11/7/2016	Rachel Busick	CA5 PI/vagueness cases research	2.6
11/7/2016	Lori Windham	Research and draft motion, strategy discussion via email	5.5
11/8/2016	Luke Goodrich	revise supplemental brief	1.5
11/8/2016	Mark Rienzi	emails and calls re strategy for case	1.5
11/8/2016	Diana Thomson	researching discover-ability of documents and need for litigation hold letters	3

11/9/2016	Lori Windham	Review & approve draft motion	0.3
11/9/2016	Stephanie Barclay	Call with CMDA and review of related documents.	1.4
11/10/2016	Luke Goodrich	call w A Nimocks re DOJ scheduling request; circulate notes on call to team	0.3
11/10/2016	Luke Goodrich	draft plan for briefing and divide tasks	0.4
11/10/2016	Diana Thomson	call re: motion and PI reply planning w L. Goodrich; S. Barclay; L. Windham;	0.6
11/10/2016	Lori Windham	Strategy discussion w team	0.6
11/10/2016	Luke Goodrich	call w Becket team to discuss PI strategy	0.6
11/10/2016	Lori Windham	Strategy discussion, work on outline	0.9
11/14/2016	Luke Goodrich	call w M Rienzi re stay	0.2
11/14/2016	Luke Goodrich	email Austin and Becket team re stay and times for call	0.2
11/14/2016	Luke Goodrich	email memo to Becket team re stay negotiations	0.2
11/14/2016	Luke Goodrich	call w DOJ re consent motion and possible stay	0.3
11/14/2016	Lori Windham	Strategy discussion	0.4
11/14/2016	Luke Goodrich	call w Texas re potential stay	0.6
11/14/2016	Luke Goodrich	call w DOJ re stay	1.4
11/14/2016	Mark Rienzi	Franciscan email .2; Franciscan call with DOJ 1.0; earlier call with DOJ .3; discussions with team re strategy .5;	2
11/15/2016	Mark Rienzi	call with client and confer with team re strategy	1
11/15/2016	Luke Goodrich	call w attorney [name redacted] in related transgender litigation re strategy	1.1
11/15/2016	Rachel Busick	research on ACA 1557	2
11/16/2016	Mark Rienzi	telephone conference with client re statements and re insurers	0.5
11/16/2016	Lori Windham	Review draft response, email discussion	0.8

11/16/2016	Luke Goodrich	revise ACLU response	1.4
11/16/2016	Rachel Busick	research on ACA 1557	6.4
11/18/2016	Mark Rienzi	confer with team re DOJ offer	0.4
11/21/2016	Luke Goodrich	call w co-plaintiffs' counsel re reply; email team	0.1
11/21/2016	Luke Goodrich	call w client re stay	0.3
11/21/2016	Stephanie Barclay	Reviewed reply filed by ACLU	0.9
11/21/2016	Chelise Fox	Make initial shell documents and drafts for opp to mot for time extension, mot to extend time and page limit in PI reply.	1
11/21/2016	Stephanie Barclay	Team call to discuss strategy and next steps for reply brief prep.	1.2
11/21/2016	Luke Goodrich	call w team to discuss reply brief strategy	1.3
11/21/2016	Mark Rienzi	strategy calls with team	1.5
11/21/2016	Stephanie Barclay	Began working with Rachel on research for reply brief.	3.5
11/22/2016	Stephanie Barclay	Worked on preparing motion for additional time and page limits.	0.8
11/22/2016	Stephanie Barclay	Worked on research for reply brief.	4.9
11/22/2016	Stephanie Barclay	Researched APA case law.	2.9
11/22/2016	Rachel Busick	CA5 ripeness/injury research	5.3
11/23/2016	Rachel Busick	research on interpretation of civil and local rules	2
11/23/2016	Luke Goodrich	review DOJ response brief	2.2
11/23/2016	Stephanie Barclay	Research for reply brief.	3.9
11/23/2016	Stephanie Barclay	Reviewed Defendants' response brief and typed initial notes.	4.6
11/24/2016	Luke Goodrich	outline reply brief	1.4
11/24/2016	Diana Thomson	reading PI response brief	2
11/24/2016	Stephanie Barclay	Reviewed ACLU amicus brief.	2

11/25/2016	Diana Thomson	working on reply	1.4
11/25/2016	Mark Rienzi	confer with team re strategy and next steps	1.5
11/25/2016	Rachel Busick	Review PI briefing and research	1.5
11/25/2016	Rachel Busick	Conference call w team re strategy	1.5
11/25/2016	Diana Thomson	call with Becket lawyers re: strategy for reply	1.7
11/25/2016	Luke Goodrich	call w team re reply brief	1.7
11/25/2016	Stephanie Barclay	Reviewed ACLU's amicus brief and typed notes; (1); team call to discuss next steps and strategy (1.5)	2.5
11/25/2016	Luke Goodrich	research and draft PI reply	4.4
11/26/2016	Mark Rienzi	work on reply brief	2.2
11/28/2016	Luke Goodrich	call w co-plaintiffs' counsel to discuss PI reply	0.2
11/28/2016	Luke Goodrich	finalize PI extension motion	0.2
11/28/2016	Mark Rienzi	call to client re next steps	0.5
11/28/2016	Lori Windham	Review government brief and email discussions	2
11/28/2016	Mark Rienzi	work on reply brief	2.2
11/28/2016	Luke Goodrich	research and draft PI reply	4
11/28/2016	Rachel Busick	CA5 research for reply	4.6
11/28/2016	Diana Thomson	working on reply brief	8
11/28/2016	Stephanie Barclay	Worked on drafting my sections of reply brief.	9.5
11/29/2016	Lori Windham	Draft insert for reply brief, email discussion	3.4
11/29/2016	Luke Goodrich	draft PI reply	5
11/29/2016	Mark Rienzi	work on preliminary injunction reply brief	5
11/29/2016	Diana Thomson	working on reply	6.1
11/29/2016	Rachel Busick	Research for PI Reply	6.8

11/29/2016	Stephanie Barclay	Finished first draft of my sections of reply brief and circulated to group.	9.5
11/30/2016	Stephanie Barclay	Worked on reply brief due process section.	1.5
11/30/2016	Lori Windham	Revise draft brief	2.3
11/30/2016	Mark Rienzi	work on reply brief	4
11/30/2016	Diana Thomson	working on reply	5.5
11/30/2016	Luke Goodrich	draft and revise PI reply	7.3
11/30/2016	Rachel Busick	PI Reply Research	7.5
11/30/2016	Stephanie Barclay	Worked on revising reply brief.	9
12/1/2016	Stephanie Barclay	Worked with paralegals to begin cite check and coordinated other tasks to prepare for brief filing.	2.4
12/1/2016	Mark Rienzi	work on reply brief	6.5
12/1/2016	Diana Thomson	working on reply	7.5
12/1/2016	Elizabeth Dobak	Cite checked reply and helped with other projects related to filing	8
12/1/2016	Rachel Busick	PI Reply Research	9
12/1/2016	Stephanie Barclay	Worked on revising reply brief.	9
12/1/2016	Chelise Fox	Cite check, proofread, and revise reply brief.	9.2
12/1/2016	Luke Goodrich	research, draft, and revise PI reply	9.8
12/2/2016	Mark Rienzi	work on reply brief	3
12/2/2016	Lori Windham	Revise declarations, review draft, revise, research and update standing argument	4
12/2/2016	Luke Goodrich	draft, revise, proof and file PI reply	6.7
12/2/2016	Elizabeth Dobak	Cite checked reply, checked and edited and updated tables, answered comments, completed various tasks for filing	7.5
12/2/2016	Chelise Fox	Finished cite check, tables, final proofread and page checks, preparing for filing for reply brief.	4

12/2/2016	Rachel Busick	PI Reply Edits	8.1
12/2/2016	Stephanie Barclay	Finalized and filed reply brief.	9.5
12/2/2016	Diana Thomson	working on reply	9.6
12/5/2016	Mark Rienzi	call with client re strategy	0.3
12/5/2016	Stephanie Barclay	Call to discuss fact development and FOIA requests for transgender litigation.	1.1
12/5/2016	Rachel Busick	Research for PI hearing	7
12/7/2016	Rachel Busick	Research for PI hearing	8.2
12/8/2016	Rachel Busick	Research for PI hearing	7.3
12/9/2016	Diana Thomson	prep for hearing, moot for M. Rienzi.	0.4
12/9/2016	Stephanie Barclay	Meeting with Mark regarding oral argument prep for hearing and follow-up research.	2.2
12/9/2016	Mark Rienzi	prep for argument	4
12/10/2016	Mark Rienzi	prep for hearing	2.5
12/11/2016	Mark Rienzi	prep for hearing	2.9
12/12/2016	Mark Rienzi	prep for hearing	5.2
12/13/2016	Mark Rienzi	call with client re hearing (.5); prep for argument (1.0)	1.5
12/14/2016	Lori Windham	Work on NDTX admission	0.7
12/14/2016	Mark Rienzi	prepare for argument (3.2); TX bar admission and get notarized signature (.5)	3.7
12/14/2016	Rachel Busick	research for PI hearing	7.1
12/15/2016	Stephanie Barclay	Prepared for and participated in moot for Mark and took notes.	1.5
12/15/2016	Luke Goodrich	moot M rienzi for hearing	2.2
12/15/2016	Lori Windham	Moot for oral argument, followup on admissions & OA	3
12/15/2016	Diana Thomson	prep for hearing	6.8
12/15/2016	Stephanie Barclay	Oral argument prep and research.	7.5

12/15/2016	Rachel Busick	TX PI Moot and Prep	8
12/15/2016	Mark Rienzi	moot court for hearing (2.5); prepare for oral argument (6.5)	9
12/16/2016	Lori Windham	Assist w/ OA prep	0.5
12/16/2016	Diana Thomson	working on hearing prep	4.5
12/16/2016	Mark Rienzi	prep for hearing	4.5
12/16/2016	Rachel Busick	TX PI Oral Arg Prep	5
12/16/2016	Stephanie Barclay	Oral argument prep and research.	9.5
12/17/2016	Diana Thomson	working on hearing prep	0.7
12/17/2016	Lori Windham	Assist with OA prep	0.9
12/17/2016	Stephanie Barclay	Finalized research for one-pager document for oral argument.	3.5
12/17/2016	Mark Rienzi	prepare for hearing	3.8
12/18/2016	Mark Rienzi	prepare for hearing	2.3
12/19/2016	Diana Thomson	prep for hearing	0.4
12/19/2016	Lori Windham	Research for OA prep	1.5
12/19/2016	Stephanie Barclay	Worked with paralegals to finalize printing materials and tables for oral argument and responded to questions from Mark.	3.2
12/19/2016	Mark Rienzi	prepare for hearing	9.5
12/20/2016	Stephanie Barclay	Discussed hearing with Mark and next steps in case.	0.5
12/20/2016	Mark Rienzi	prepare for hearing (1.5); attend hearing (3.0)	4.5
12/28/2016	Stephanie Barclay	Reviewed transcript from PI hearing and typed up notes and potential counter-arguments for future consideration.	4.2
12/30/2016	Luke Goodrich	Review PI hearing transcript	2.1
12/31/2016	Lori Windham	Receive and review ruling, discuss impact	1
12/31/2016	Luke Goodrich	review PI order and notify clients	1.9
12/31/2016	Mark Rienzi	read and analyze decision	2

1/3/2017	Luke Goodrich	call w TX to discuss injunction	0.4
1/3/2017	Diana Thomson	reviewing Preliminary injunction order	1
1/4/2017	Luke Goodrich	call w Texas AG re injunction	0.1
1/4/2017	Mark Rienzi	call with client re next steps	0.5
1/4/2017	Diana Thomson	reviewing new regulation to determine whether it applies to our clients	3.1
1/4/2017	Elizabeth Dobak	Transgender research for Eric Baxter	4
1/5/2017	Lori Windham	Discussion via email re: recent news and relevant cases	1
1/5/2017	Elizabeth Dobak	Transgender research for Eric Baxter	6
1/6/2017	Elizabeth Dobak	Filing compilation research for Stephanie B.	2
1/9/2017	Lori Windham	Strategy call	0.8
1/9/2017	Luke Goodrich	call to discuss post-preliminary injunction strategy	0.8
1/9/2017	Mark Rienzi	call with client (.3); strategy discussion with team (.6)	0.9
1/9/2017	Stephanie Barclay	Researched HHS transgender mandate guidance.	1.1
1/9/2017	Luke Goodrich	review ACLU motion and research response	1.6
1/10/2017	Luke Goodrich	outline response to ACLU motion	0.2
1/10/2017	Luke Goodrich	call w TX re ACLU motion	1.1
1/11/2017	Stephanie Barclay	Worked on response to ACLU.	4.5
1/12/2017	Luke Goodrich	research re partial final judgment	0.7
1/12/2017	Lori Windham	Strategy research	5.8
1/12/2017	Stephanie Barclay	Worked on response to ACLU.	8.3
1/13/2017	Lori Windham	Send strategy findings and conduct further research.	0.5
1/13/2017	Luke Goodrich	call w TX re ACLU motion	0.5

1/13/2017	Lori Windham	Discuss final judgment w team	0.8
1/13/2017	Stephanie Barclay	Phone calls with Lori and Eric to discuss next steps for final judgment in TX case.	0.8
1/13/2017	Stephanie Barclay	Research regarding ACLU standing.	1.4
1/13/2017	Stephanie Barclay	Reviewed, revised draft of response to ACLU Luke circulated.	2.4
1/13/2017	Luke Goodrich	research and draft response to ACLU motion	2.7
1/14/2017	Luke Goodrich	revise ACLU response	0.7
1/17/2017	Luke Goodrich	call w M Rienzi re attorney admission	0.1
1/17/2017	Luke Goodrich	review DOJ response to ACLU	0.1
1/17/2017	Diana Thomson	reviewing government response to ACLU motion	0.2
1/17/2017	Luke Goodrich	call w Texas re DOJ extension request	0.2
1/17/2017	Luke Goodrich	call w M Rienzi re DOJ extension request	0.2
1/17/2017	Luke Goodrich	finalize response to ACLU motion	1.4
1/17/2017	Stephanie Barclay	Helped finalize the response to ACLU filing.	2.1
1/19/2017	Luke Goodrich	review ACLU reply	0.3
1/19/2017	Stephanie Barclay	Reviewed Rachel research regarding holding case in abeyance.	0.5
1/24/2017	Lori Windham	Review ruling	0.2
1/24/2017	Luke Goodrich	review court order	0.5
1/24/2017	Mark Rienzi	telephone conference with counsel (.3); review and analyze order (.5)	0.8
1/24/2017	Stephanie Barclay	Reviewed court's order and provided analysis; email correspondence with team to discuss.	1.5
1/25/2017	Mark Rienzi	email re next steps	0.2
1/31/2017	Luke Goodrich	call w M Rienzi re ACLU response	0.1
1/31/2017	Luke Goodrich	call w cocounsel re ACLU response	0.2

1/31/2017	Luke Goodrich	research for ACLU response	1
2/1/2017	Mark Rienzi	strategy discussions	0.3
2/2/2017	Diana Thomson	research re: ACLU appeal	0.6
2/2/2017	Luke Goodrich	research and draft response to ACLU	3.7
2/3/2017	Luke Goodrich	research and revise response to ACLU	2
2/3/2017	Diana Thomson	research and draft motion to dismiss ACLU appeal	4.7
2/6/2017	Luke Goodrich	revise ACLU response	0.4
2/6/2017	Lori Windham	Research client question, discussion re: appeal	0.7
2/6/2017	Stephanie Barclay	Meeting with CMDA clients to provide update on developments and discuss next steps.	1.2
2/6/2017	Diana Thomson	working on motion to dismiss appeal	3.8
2/7/2017	Stephanie Barclay	revise response	0.2
2/7/2017	Chelise Fox	Proofread Franciscan response.	2.7
2/7/2017	Diana Thomson	research and draft motion to dismiss appeal	5.7
2/8/2017	Luke Goodrich	finalize and file ACLU response	0.4
2/8/2017	Diana Thomson	working on motion to dismiss appeal	0.7
2/8/2017	Luke Goodrich	research appellate jurisdiction	0.8
2/8/2017	Stephanie Barclay	Called Luke to discuss next steps and corresponded with team re ACLU appeals; researched procedural issues.	1
2/8/2017	Stephanie Barclay	Listened to teleforum relevant to pending litigation, prepared notes to circulate.	1.8
2/9/2017	Stephanie Barclay	Reviewed CA5 order granting MTD in related case.	0.6
2/9/2017	Luke Goodrich	call w M Rienzi, S Barclay re appeal	0.7
2/9/2017	Diana Thomson	working on motion to dismiss for lack of jurisdiction	1.3

2/9/2017	Stephanie Barclay	Email and discussion with team regarding motion to dismiss ACLU's appeal.	3.4
2/9/2017	Luke Goodrich	research and draft motion to dismiss appeal	3.6
2/10/2017	Luke Goodrich	call w M Rienzi and S Barclay re regulatory solution	0.3
2/10/2017	Diana Thomson	working on motion to dismiss	0.4
2/10/2017	Luke Goodrich	review ACLU stay motion	0.4
2/10/2017	Mark Rienzi	research re strategy	0.5
2/10/2017	Stephanie Barclay	Worked on motion to dismiss and discussed next steps with team.	9
2/11/2017	Stephanie Barclay	Reviewed court filing in related case.	0.5
2/12/2017	Mark Rienzi	work on CA5 motion	0.5
2/13/2017	Luke Goodrich	revise extension motion	0.2
2/13/2017	Stephanie Barclay	Worked on motion to dismiss.	0.2
2/13/2017	Lori Windham	Discussion re motion response	0.3
2/13/2017	Stephanie Barclay	Responded to Luke's questions and provided additional research.	0.4
2/13/2017	Diana Thomson	working on motion to dismiss	0.5
2/13/2017	Stephanie Barclay	Discussed MTD and response to motion to Stay with Luke and discussed citations with paralegals.	0.6
2/13/2017	Mark Rienzi	work on brief and calls re same	1
2/13/2017	Stephanie Barclay	Reviewed Hannah's comments on documents and made additional revisions.	1.1
2/13/2017	Stephanie Barclay	Revised motion to dismiss and plugged in missing cites.	1.2
2/13/2017	Chelise Fox	Reviewed (proofread, etc.) Mot to Dismiss ACLU Appeal.	1.5
2/13/2017	Darlene Calandra	Revise, edit, and cite check Fifth Circuit Motion to Dismiss ACLU Appeal; discuss with L. Goodrich and S. Barclay.	1.5
2/13/2017	Stephanie Barclay	Responded to Luke's question about standing and performed additional research.	2.1

2/13/2017	Luke Goodrich	research, draft, and revise motion to dismiss ACLU appeal	4.8
2/14/2017	Luke Goodrich	call w Becket team to discuss ACLU stay motion and our response	0.3
2/14/2017	Diana Thomson	response to motion to stay in 5th Circuit	0.5
2/14/2017	Lori Windham	Strategy call	0.5
2/14/2017	Luke Goodrich	draft response to ACLU stay motion	0.5
2/14/2017	Mark Rienzi	discussion and emails re brief	0.5
2/14/2017	Stephanie Barclay	Revised response and researched cases.	0.6
2/14/2017	Diana Thomson	discussing response to ACLU motion to stay 5th Circuit injunction	0.8
2/14/2017	Luke Goodrich	review and revise motion to dismiss and extension motion	0.8
2/14/2017	Darlene Calandra	Revise, edit, and cite check Fifth Circuit Motion to Dismiss ACLU Appeal; discuss with L. Goodrich and S. Barclay.	0.5
2/14/2017	Luke Goodrich	review and outline ACLU stay motion; research and outline response	1.9
2/14/2017	Stephanie Barclay	Reviewed TX motion for extension of time and ACLU motion to stay and began work on drafting response to ACLU.	1.9
2/15/2017	Luke Goodrich	revise extension motion	0.2
2/15/2017	Luke Goodrich	call w attorney [name redacted] re related litigation that could impact this case	0.4
2/15/2017	Luke Goodrich	finalize and file MTD	0.9
2/15/2017	Luke Goodrich	finalize motion to dismiss and motion for extension	1
2/15/2017	Luke Goodrich	revise and finalize motion to dismiss appeal	1.5
2/15/2017	Luke Goodrich	draft stay response	2.6
2/15/2017	Stephanie Barclay	Worked on drafting sections for response to ACLU.	3
2/15/2017	Stephanie Barclay	Revised motion to dismiss and researched ACLU filings.	4.1

2/15/2017	Elizabeth Dobak	Cite checked motion to dismiss, filled out appearance of counsel forms for Stephanie and Luke, retrieved ECF credentials for Stephanie, e-filed appearance forms for both attorneys	3
2/15/2017	Lori Windham	Research and draft response to motion for stay	9
2/15/2017	Diana Thomson	working on 5th circuit response to motion to stay	9.3
2/16/2017	Luke Goodrich	finalize and file extension motion	0.6
2/16/2017	Lori Windham	Research and revise draft brief	2
2/16/2017	Stephanie Barclay	Worked on response to ACLU motion to stay PI.	2.1
2/16/2017	Diana Thomson	oppo to ACLU motion to stay	2.9
2/16/2017	Luke Goodrich	draft response to stay motion	5.2
2/17/2017	Luke Goodrich	strategy calls re trans mandate	0.9
2/17/2017	Luke Goodrich	email memo re litigation strategy	1
2/17/2017	Lori Windham	Strategy discussion	1.3
2/17/2017	Mark Rienzi	work on brief (2.0); strategy call (.5)	2.5
2/17/2017	Stephanie Barclay	Calls and research discussing next steps for seeking final judgment or a stay in case.	2.5
2/17/2017	Luke Goodrich	draft and revise stay response	5.2
2/20/2017	Stephanie Barclay	Reviewed and revised roadmap document and performed additional research.	0.5
2/21/2017	Stephanie Barclay	Discussion with Mark re next steps and follow-up research.	1
2/21/2017	Stephanie Barclay	Scheduled APA call and discussed with team.	0.5
2/22/2017	Mark Rienzi	review Title IX materials	0.5
2/22/2017	Stephanie Barclay	Reviewed Title IX letters related to case and worked with paralegals to update folder and deadline schedule.	0.9
2/22/2017	Stephanie Barclay	Additional legal research.	2

2/23/2017	Lori Windham	Discussion re: options for final judgment	0.2
2/23/2017	Luke Goodrich	review new administration guidance letter	0.2
2/23/2017	Luke Goodrich	strategy call w S Barclay and M Rienzi	0.6
2/23/2017	Luke Goodrich	call w Texas re litigation	0.7
2/23/2017	Mark Rienzi	strategy calls with team	1.5
2/23/2017	Stephanie Barclay	Call with TX and then internally to discuss next steps in litigation.	1.5
2/23/2017	Stephanie Barclay	Call regarding APA research.	0.5
2/23/2017	Luke Goodrich	strategy call re APA issues w outside counsel, S Barclay, and M Rienzi	0.6
2/23/2017	Stephanie Barclay	Researched APA question.	4
2/24/2017	Stephanie Barclay	APA research	4.4
2/24/2017	Lori Windham	Discussion re: options for final judgment	0.3
2/24/2017	Luke Goodrich	email memo re strategy	0.5
2/24/2017	Luke Goodrich	call w Becket team re strategy	1.4
2/24/2017	Stephanie Barclay	Call to discuss case strategy.	1.4
2/24/2017	Diana Thomson	research re: 5th Circuit appeal	6.9
2/27/2017	Luke Goodrich	research re MTD reply	0.2
2/27/2017	Mark Rienzi	call to client re next steps	0.2
2/27/2017	Luke Goodrich	review and outline intervenors' response to MTD; research and outline reply	1.9
2/27/2017	Stephanie Barclay	Reviewed ACLU's motion to dismiss and did preliminary research.	1.9
2/27/2017	Diana Thomson	research re 5th Circuit appeal	5.5
2/27/2017	Stephanie Barclay	Researched questions regarding court jurisdiction and intervention.	6.2
2/28/2017	Mark Rienzi	call re brief	0.5
2/28/2017	Luke Goodrich	call w Becket attorneys re MTD reply	0.7

2/28/2017	Luke Goodrich	research and draft MTD reply	5.1
2/28/2017	Diana Thomson	researching appeal	7.6
3/1/2017	Luke Goodrich	calls w Becket lawyers and TX to discuss litigation strategy	1
3/1/2017	Mark Rienzi	call with texas (1.0); internal strategy discussions (.3); work on brief (1.0)	1
3/1/2017	Luke Goodrich	research and draft MTD reply	4
3/1/2017	Diana Thomson	research re: appeal	4.6
3/1/2017	Stephanie Barclay	Strategy call and follow-up review and revision of reply to ACLU's response.	5.5
3/2/2017	Luke Goodrich	call w client to update	0.2
3/2/2017	Luke Goodrich	call w M Rienzi re strategy	0.5
3/2/2017	Diana Thomson	reviewing reply to motion to dismiss appeal	1.8
3/2/2017	Stephanie Barclay	Revised reply to ACLU.	3.2
3/2/2017	Luke Goodrich	research and revise MTD reply	3.4
3/3/2017	Luke Goodrich	revise MTD reply	0.3
3/3/2017	Mark Rienzi	review brief	0.3
3/3/2017	Luke Goodrich	call w S Barclay to discuss MTD reply	0.7
3/3/2017	Stephanie Barclay	Call with Luke re reply brief.	0.7
3/3/2017	Stephanie Barclay	Research for reply brief.	5.7
3/5/2017	Luke Goodrich	revise MTD reply	0.5
3/6/2017	Luke Goodrich	revise and finalize MTD reply	3.5
3/6/2017	Darlene Calandra	Cite check, format, edit and proofread Reply in Support of Motion to Dismiss Appeal; discuss with E. Dobak, S. Barclay, L. Goodrich	3
3/6/2017	Stephanie Barclay	Worked on finalizing reply brief.	4.9

3/9/2017	Stephanie Barclay	Reviewed proposed filings.	0.3
3/9/2017	Luke Goodrich	calls w M Rienzi re strategy	0.5
3/9/2017	Mark Rienzi	strategy calls	0.5
3/9/2017	Luke Goodrich	revise MSJ documents	1.2
3/10/2017	Stephanie Barclay	Email traffic re proposed order.	0.8
3/10/2017	Stephanie Barclay	Worked on proposed order for judge.	1.8
3/10/2017	Luke Goodrich	research and revise MSJ papers and proposed order	2
3/10/2017	Rachel Busick	research re court orders on agency regs	5.4
3/11/2017	Stephanie Barclay	Worked on updating time entries.	0.8
3/13/2017	Luke Goodrich	finalize appendix	0.3
3/13/2017	Stephanie Barclay	Reviewed proposed order.	0.3
3/13/2017	Stephanie Barclay	Reviewed updated appendix and provided input.	1.1
3/13/2017	Luke Goodrich	research re final judgment and permanent injunction	1.3
3/13/2017	Luke Goodrich	research and draft permanent injunction	1.3
3/13/2017	Darlene Calandra	Prepare and edit revised Appendix for Motion for Summary Judgment; discuss with L. Goodrich, C. Fox and S. Barclay	2.5
3/14/2017	Luke Goodrich	review motion for extension	0.1
3/14/2017	Luke Goodrich	call w S Barclay re remedies and nationwide injunction	0.1
3/14/2017	Darlene Calandra	update Share Point files; prepare revised Appendix for Motion for Summary Judgment; discuss with L. Goodrich, C. Fox and S. Barclay.	0.5
3/14/2017	Luke Goodrich	research and revise motion and proposed orders	3.3
3/14/2017	Stephanie Barclay	Researched admin law remedies and worked on finalizing renewed summary judgment motion.	6

3/15/2017	Stephanie Barclay	Reviewed extension motion.	0.4
3/15/2017	Stephanie Barclay	Reviewed final documents for filing.	0.5
3/15/2017	Luke Goodrich	finalize and file extension motion	1
3/20/2017	Luke Goodrich	call w M Rienzi and S Barclay re HHS strategy	0.2
3/20/2017	Mark Rienzi	team call re strategy	0.2
3/20/2017	Mark Rienzi	call with consultant re strategy	0.2
3/20/2017	Stephanie Barclay	Strategy call with Luke and Mark.	0.2
3/20/2017	Luke Goodrich	email memo to consultant re case strategy	0.3
3/20/2017	Mark Rienzi	call with client re status	0.3
3/20/2017	Luke Goodrich	prep for call and call w consultant re case strategy	0.5
3/22/2017	Luke Goodrich	call w M Rienzi and admin consultants re litigation	0.8
3/22/2017	Mark Rienzi	call w admin expert re litigation	0.8
3/27/2017	Luke Goodrich	call w S Barclay re next steps	0.3
3/27/2017	Stephanie Barclay	Call with Luke to discuss next steps in Franciscan litigation.	0.3
3/28/2017	Stephanie Barclay	Correspondence re ACLU request to separate appeal issues.	0.1
3/28/2017	Luke Goodrich	call w S Barclay to discuss response to stay motion	0.2
3/28/2017	Lori Windham	Discussion via email re: appeal strategy	0.4
3/28/2017	Stephanie Barclay	Discussed response to ACLU motion to stay with Luke and performed follow-up research for response.	1.3
3/29/2017	Luke Goodrich	call w S Barclay re Stay response	0.2
3/29/2017	Luke Goodrich	call w M Rienzi re lit strategy and doj extension request	0.3
3/29/2017	Mark Rienzi	call w Luke re litigation and extension	0.3
3/29/2017	Stephanie Barclay	Worked on drafting response to ACLU motion.	3.7
3/30/2017	Luke Goodrich	call w Becket team re lit strategy	0.4
3/30/2017	Luke Goodrich	call w DOJ re potential settlement	0.4

3/30/2017	Luke Goodrich	call w Becket team re settlement	0.4
3/30/2017	Luke Goodrich	call w Becket team re litigation strategy	0.6
3/30/2017	Luke Goodrich	call w Becket team re settlement	0.6
3/30/2017	Luke Goodrich	call w TX and Becket re DOJ extension request	0.9
3/30/2017	Stephanie Barclay	Call with TX re extension and next steps in litigation.	0.9
3/30/2017	Luke Goodrich	call w DOJ re potential settlement	1
3/30/2017	Diana Thomson	calls re: 60 day extension w/ L. Goodrich, L. Windham, S. Barclay, M. Rienzi, E. Rassbach	1.3
3/30/2017	Lori Windham	Strategy call, followup discussion, research on DOJ positions	2
3/30/2017	Mark Rienzi	calls w team re strategy and DOJ re potential settlement	2.6
3/30/2017	Stephanie Barclay	Calls with Becket team and DOJ re settlement	3.1
3/30/2017	Stephanie Barclay	Worked on drafting response to ACLU's motion.	4.1
3/30/2017	Stephanie Barclay	Admin law research.	2.6
3/31/2017	Luke Goodrich	call w TX re DOJ extension motion	0.4
3/31/2017	Stephanie Barclay	Researched admin law.	0.9
3/31/2017	Stephanie Barclay	Revised response to ACLU.	1.8
3/31/2017	Stephanie Barclay	Worked on drafting response to ACLU.	4.6
4/3/2017	Luke Goodrich	call w TX re DOJ extension request	0.1
4/3/2017	Luke Goodrich	correspondence w TX re draft opposition	0.2
4/3/2017	Lori Windham	Followup research and drafting on motion	0.3
4/3/2017	Luke Goodrich	call w S Barclay re potential settlement	0.3
4/3/2017	Luke Goodrich	call w govt re settlement	0.4

4/3/2017	Luke Goodrich	draft opposition to DOJ extension request	0.5
4/3/2017	Luke Goodrich	call w Becket team re litigation strategy and potential settlement	0.7
4/3/2017	Stephanie Barclay	Researched case law re staying briefing.	1.1
4/3/2017	Stephanie Barclay	Internal team calls and correspondence re case strategy.	1.4
4/3/2017	Luke Goodrich	draft stay response	1.7
4/3/2017	Mark Rienzi	calls to HHS and calls and correspondence w team re next steps	2
4/4/2017	Luke Goodrich	call w TX re filings	0.1
4/4/2017	Luke Goodrich	review response to motion to bifurcate.	0.3
4/4/2017	Luke Goodrich	finalize and file opp to DOJ motion for extension	0.7
4/4/2017	Luke Goodrich	revise stay motion	0.7
4/4/2017	Mark Rienzi	review and edit briefs	1.5
4/4/2017	Stephanie Barclay	Worked on response to ACLU's motion to bifurcate.	5.2
4/5/2017	Lori Windham	Discussions re: motion	0.2
4/5/2017	Mark Rienzi	strategy discussion with client	0.3
4/5/2017	Stephanie Barclay	Reviewed paralegal cite check.	0.4
4/5/2017	Stephanie Barclay	Revised draft response to ACLU motion to bifurcate.	0.5
4/5/2017	Stephanie Barclay	Discussed response to ACLU with Luke and revised.	0.6
4/5/2017	Luke Goodrich	finalize and file stay response	0.9
4/7/2017	Stephanie Barclay	Revised response to ACLU and research on cited cases.	0.4
4/7/2017	Luke Goodrich	finalize and file response to motion to bifurcate	0.6
4/7/2017	Darlene Calandra	Cite check, proofread, format and edit Response to Motion to Bifurcate and discuss with C. Fox, L. Goodrich, S. Barclay	2.5
4/8/2017	Lori Windham	Review ACLU reply, discuss	0.3

4/10/2017	Luke Goodrich	review ACLU dist ct stay reply	0.2
4/10/2017	Stephanie Barclay	Reviewed ACLU motion, researched applicable case law, and responded to Luke's legal question re the motion.	1.8
4/11/2017	Lori Windham	Review reply & comment	0.5
4/11/2017	Stephanie Barclay	Call with Luke re ACLU motion and subsequent review of motion.	0.5
4/11/2017	Luke Goodrich	research standards governing stay	1
4/11/2017	Luke Goodrich	draft 5th cir reply ISO motion to suspend briefing	1
4/12/2017	Luke Goodrich	finalize 5th Cir reply ISO motion to suspend briefing	0.3
4/12/2017	Stephanie Barclay	Team correspondence re upcoming filings.	0.3
4/13/2017	Luke Goodrich	finalize 5th Cir reply ISO motion to suspend briefing	0.3
4/13/2017	Luke Goodrich	call w Becket team re litigation strategy	0.6
4/13/2017	Stephanie Barclay	Call to discuss strategy for next steps, and follow-up discussion on research needed.	0.7
4/13/2017	Darlene Calandra	Cite check, proofread, format and edit 5th Cir Reply re Motion to Stay and discuss with C. Fox, L. Goodrich, S. Barclay	2.5
4/17/2017	Mark Rienzi	email re strategy	0.1
4/17/2017	Luke Goodrich	revise response to ACLU 5th Cir motion to stay PI pending appeal	1.8
4/18/2017	Chelise Fox	Created shell and made initial draft for motion for extension of time.	1.6
4/19/2017	Luke Goodrich	revise and send to co-counsel our draft extension request	0.2
4/19/2017	Lori Windham	Discussion via email re: motion	0.3
4/19/2017	Luke Goodrich	review motions and research appellate procedure	0.3
4/19/2017	Luke Goodrich	call clerk, email co-counsel re reply	0.3
4/19/2017	Stephanie Barclay	Reviewed docket and recent notice from court and discussed as team.	0.6

4/19/2017	Stephanie Barclay	Worked on motion for extension of time.	1.8
4/20/2017	Luke Goodrich	email opposing counsel re extension	0.1
4/20/2017	Luke Goodrich	finalize and file extension motion	0.4
4/20/2017	Stephanie Barclay	Correspondence regarding motion to extend.	0.6
4/20/2017	Stephanie Barclay	Revised response to ACLU motion to stay.	1
4/21/2017	Chelise Fox	Cite check 5th Cir. response to motion for stay of injunction.	4.3
4/24/2017	Luke Goodrich	review 5th cir extension order	0.1
4/24/2017	Luke Goodrich	research fifth circuit rules re stay	0.2
4/24/2017	Luke Goodrich	research 5th Cir rules	0.5
4/24/2017	Luke Goodrich	revise response to 5th Cir Motion to stay PI	1.9
4/27/2017	Luke Goodrich	call w counsel for Cath hospital re related lawsuit	0.7
5/1/2017	Diana Thomson	research and emails re: government delay	0.2
5/1/2017	Lori Windham	strategy discussion via email	0.3
5/1/2017	Luke Goodrich	call w TX re potential settlement	0.3
5/1/2017	Luke Goodrich	call w govt re potential settlement	0.4
5/1/2017	Luke Goodrich	call w DOJ re motion to remand	0.5
5/1/2017	Mark Rienzi	emails and strategy discussions re deadline	0.5
5/1/2017	Luke Goodrich	research voluntary remand and outline potential opposition	3.9
5/2/2017	Luke Goodrich	call w S Barclay re voluntary remand	0.3
5/2/2017	Stephanie Barclay	call with Luke on voluntary remand	0.3
5/2/2017	Diana Thomson	reviewing DOJ motions and developing response	0.4
5/2/2017	Lori Windham	Discussion and research regarding administrative remand	0.8

5/2/2017	Luke Goodrich	review DOJ motions and research response	0.9
5/3/2017	Mark Rienzi	review draft brief	0.4
5/3/2017	Lori Windham	Edit response brief & discuss	0.8
5/18/2017	Luke Goodrich	review DOJ reply re remand	0.1
5/24/2017	Luke Goodrich	email client (CMDA) re case strategy	0.6
5/25/2017	Lori Windham	Strategy correspondence	0.2
6/13/2017	Mark Rienzi	prep and strategize for hearing	0.5
6/14/2017	Mark Rienzi	review briefs	1
6/15/2017	Luke Goodrich	calls w M Rienzi re hearing	0.6
6/15/2017	Mark Rienzi	prepare and strategize for hearing	1
6/15/2017	Luke Goodrich	Prep for hearing	2
6/19/2017	Luke Goodrich	prepare motion for extension re response to stay	0.2
6/19/2017	Luke Goodrich	finalize 5th Cir extension motion	0.2
6/20/2017	Luke Goodrich	finalize and file extension motion	0.4
6/20/2017	Mark Rienzi	confer with team re strategy	0.8
6/20/2017	Luke Goodrich	calls w M Rienzi and team re hearing	0.9
6/21/2017	Mark Rienzi	work on strategy for hearing	0.5
6/22/2017	Luke Goodrich	call w M Rienzi re hearing	0.3
6/22/2017	Luke Goodrich	hearing prep	2.8
6/23/2017	Luke Goodrich	call w co-plaintiffs counsel re hearing	0.2
6/23/2017	Luke Goodrich	call w DOJ re hearing	0.4
6/23/2017	Luke Goodrich	call w M Rienzi re hearing strategy	0.8
6/23/2017	Mark Rienzi	prepare for hearing and confer with team re same	1.6
6/23/2017	Lori Windham	Research for OA prep	2.2

6/23/2017	Luke Goodrich	review motions and cases and research for hearing prep	4.4
6/25/2017	Lori Windham	Assist with OA prep research	0.8
6/26/2017	Stephanie Barclay	Researched additional cases and emailed summary of cases to Luke to prepare for hearing.	2.5
6/26/2017	Luke Goodrich	hearing prep	2.6
6/26/2017	Luke Goodrich	attend hearing	2
6/26/2017	Mark Rienzi	court time for hearing	2
6/27/2017	Mark Rienzi	confer with client re hearing	0.2
6/30/2017	Lori Windham	Receive & review ruling	0.2
7/10/2017	Luke Goodrich	review court's order	0.3
10/16/2017	Luke Goodrich	update clients on DOJ status report	0.5
10/26/2017	Luke Goodrich	call w TX re status report	0.4
11/29/2017	Luke Goodrich	call and email to update client on case	0.2
1/19/2018	Luke Goodrich	review new HHS conscience regs for relation to case	0.2
1/19/2018	Luke Goodrich	participate in HHS call re new regs	0.8
4/17/2018	Luke Goodrich	update client on status report	0.1
4/17/2018	Luke Goodrich	call w M Rienzi and S Barclay re potential new rule and client outreach	0.4
4/17/2018	Mark Rienzi	team call re new rule and informing clients	0.4
5/3/2018	Luke Goodrich	email client re rulemaking	0.6
6/25/2018	Luke Goodrich	email clients re status report	0.2
7/11/2018	Luke Goodrich	review article on trans science and policy	1
10/19/2018	Luke Goodrich	review Reginfo.gov notice	0.3
11/5/2018	Luke Goodrich	call w client re new rule	0.4

11/30/2018	Luke Goodrich	call w C Harrington re next steps in case	0.1
11/30/2018	Luke Goodrich	call w M Rienzi, L Windham, and S Barclay re strategy and next steps in case	0.7
11/30/2018	Mark Rienzi	team call re strategy	0.7
12/3/2018	Luke Goodrich	call w TX to discuss next steps	0.3
12/3/2018	Megan Schilling	Prepare shell for Permanent Injunction	0.6
12/3/2018	Luke Goodrich	research, draft, and revise motion	1.7
12/11/2018	Luke Goodrich	revise, finalize and file motion for status conference	0.5
12/14/2018	Luke Goodrich	call w M Rienzi re briefing schedule	0.1
12/14/2018	Luke Goodrich	call w J Block re ACLU re briefing schedule; email co-counsel	0.2
12/14/2018	Luke Goodrich	call courtroom deputy re telephonic appearance; email to DOJ re telephonic appearance	0.4
12/14/2018	Luke Goodrich	prep for status conference	0.4
12/14/2018	Luke Goodrich	call w M Rienzi and team re status conf	0.4
12/14/2018	Mark Rienzi	calls w Mr. Goodrich re status conf and briefing	0.5
12/17/2018	Luke Goodrich	draft joint motion to lift stay and set briefing schedule	1.3
1/3/2019	Joseph Davis	Participated in telephone conference with Luke Goodrich regarding motion for summary judgment.	0.2
1/3/2019	Luke Goodrich	call w J Davis re MSJ	0.2
1/22/2019	Joseph Davis	Performed research for and drafted motion for summary judgment.	4.3
1/23/2019	Joseph Davis	Performed research for, drafted, and revised motion for summary judgment.	4.4
1/24/2019	Joseph Davis	Corresponded with Eric Rassbach and Mark Rienzi regarding government's request for a stay.	0.2
1/24/2019	Joseph Davis	Performed research for and drafted opposition to Defendants' motion to stay.	2.2

1/24/2019	Joseph Davis	Performed research for and drafted motion for summary judgment.	3.2
1/25/2019	Joseph Davis	Corresponded with Mark Rienzi and Eric Rassbach regarding draft motion for summary judgment.	0.3
1/25/2019	Joseph Davis	Performed research regarding lower courts' interpretation of Price Waterhouse v. Hopkins, for purposes of drafting motion for summary judgment.	1.2
1/28/2019	Joseph Davis	Performed research regarding motion for summary judgment.	3.3
1/29/2019	Joseph Davis	Performed research regarding statutory-interpretation issue, for purposes of drafting motion for summary judgment.	3.8
1/29/2019	Joseph Davis	Performed research regarding nationwide-injunction issue, for purposes of drafting motion for summary judgment.	1.1
1/30/2019	Joseph Davis	For purposes of drafting motion for summary judgment, performed research regarding court cases on the meaning of 'sex' in nondiscrimination laws.	1.3
1/30/2019	Mark Rienzi	Review and comment on brief and confer with team re same	0.4
1/30/2019	Megan Schilling	Research filing rules pertaining to paper copies of Motion for Partial Summary Judgment	0.4
1/30/2019	Joseph Davis	Performed research regarding dismissal of claims under Rule 41.	0.5
1/30/2019	Joseph Davis	Participated in telephone conference with team regarding motion for summary judgment	1.2
1/30/2019	Luke Goodrich	call w J Davis, E Rassbach, and M Rienzi re MSJ strategy	1.2
1/30/2019	Mark Rienzi	call w team re MSJ	1.2
1/30/2019	Joseph Davis	For purposes of drafting motion for summary judgment, performed research regarding Free Exercise claim.	4.2
1/30/2019	Luke Goodrich	revise MSJ	4.9
1/31/2019	Luke Goodrich	revise MSJ	1.1

1/31/2019	Joseph Davis	Performed research regarding scope-of-injunction issue, for purposes of drafting motion for summary judgment.	1.3
1/31/2019	Darlene Calandra	Prepare Rassbach Pro Hac application; sign up Rassbach for ECF; order COGS from DC; update Appendix for new Motion for Summary Judgment; discuss with Davis; review court rules	1.75
1/31/2019	Joseph Davis	Performed research for and drafted portion of brief in support of summary judgment disputing application of Chevron.	2.6
1/31/2019	Joseph Davis	Performed research regarding historical meaning of 'sex' in 'sex' discrimination, for purposes of revising textual argument in motion for summary judgment.	2.7
1/31/2019	Joseph Davis	Performed research for and drafted APA portion of motion for summary judgment.	3.7
2/1/2019	Joseph Davis	Prepared for and participated in telephone conference with Luke Goodrich regarding motion for partial summary judgment.	0.7
2/1/2019	Megan Schilling	Begin cite checking brief	1.5
2/1/2019	Luke Goodrich	draft and revise MSJ	2.8
2/1/2019	Luke Goodrich	draft and revise MSJ and discuss w J Davis	3.9
2/1/2019	Darlene Calandra	cite check, proofread, format and edit Brief in Support of Partial Summary Judgment; discuss with J. Davis, L. Goodrich and paralegals	4
2/1/2019	Joseph Davis	Revised, drafted, and proofread motion for partial summary judgment in light of changes from Luke Goodrich, Mark Rienzi, and Eric Rassbach.	6.8
2/2/2019	Joseph Davis	Drafted, revised, and proofread motion for summary judgment in light of revisions from Mark Rienzi, Luke Goodrich, Eric Rassbach, and Stephanie Barclay.	3.1

2/3/2019	Joseph Davis	Performed research for, drafted, and revised motion for summary judgment and proposed order.	2.5
2/3/2019	Darlene Calandra	cite check, proofread, format and edit Brief in Support of Partial Summary Judgment	3
2/4/2019	Luke Goodrich	revise MSJ	3.7
2/4/2019	Joseph Davis	Performed research for, drafted, and revised, brief in support of motion for summary judgment in light of comments from Stephanie Barclay.	4.3
2/4/2019	Joseph Davis	Proofread, finalized, and prepared for filing brief in support of motion for summary judgment, appendix, motion, and proposed order, and filed same.	5.8
2/4/2019	Darlene Calandra	Cite check, proofread, format and edit Brief in Support of Partial Summary Judgment; discuss with attorneys and paralegals; discuss Rassbach Pro Hac Motion with Rassbach and Davis; update Share Point files.	3.75
2/4/2019	Jennifer Montazzoli	Franciscan cite check and filing	7.5
2/4/2019	Megan Schilling	Cite check Motion for Summary Judgment, create Table of Authorities, perform page check, prepare for filing	10
2/5/2019	Joseph Davis	Coordinated preparation of paper copies of motion for summary judgment.	0.5
2/6/2019	Joseph Davis	Reviewed and corresponded with Franciscan team about Fifth Circuit decision regarding the meaning of 'sex' in Title VII.	0.9
2/11/2019	Mark Rienzi	Confer with Luke Goodrich re next steps	0.1
2/11/2019	Mark Rienzi	Confer with client re next steps	0.4
2/28/2019	Joseph Davis	Corresponded with Mark Rienzi and Luke Goodrich regarding federal grant issue.	2.4
3/8/2019	Mark Rienzi	Advise client re impact of injunction on HHS grant request	0.4
3/29/2019	Mark Rienzi	call w Mr. Goodrich re strategy	0.2
3/29/2019	Luke Goodrich	calls w M Rienzi re strategy, DOJ re extension, and TX re extension	0.5

3/29/2019	Mark Rienzi	Confer with DOJ and consider request for extension	0.5
3/29/2019	Joseph Davis	Received and reviewed Fifth Circuit decision regarding transgender prisoners.	0.7
4/2/2019	Darlene Calandra	Update Share Point files; draft Opposition to Motion for Extension; discuss with J. Davis	0.5
4/3/2019	Joseph Davis	Performed research for and drafted opposition to motion for extension.	2.5
4/4/2019	Luke Goodrich	revise and file oppo to extension motion	0.5
4/4/2019	Joseph Davis	Drafted and revised opposition to extension motion.	0.8
4/5/2019	Luke Goodrich	call w TX and DOJ re calling clerk's office	0.2
4/5/2019	Luke Goodrich	second call w TX and DOJ re calling clerk's office	0.2
4/5/2019	Mark Rienzi	Review filings	0.4
4/5/2019	Darlene Calandra	Update Share Point files	0.5
4/8/2019	Luke Goodrich	correspondence re MSJ strategy	0.2
4/8/2019	Darlene Calandra	Update Share Point files	0.3
4/8/2019	Mark Rienzi	Review ACLU brief	1
4/8/2019	Luke Goodrich	review and craft response to ACLU MSJ opposition	1.5
4/9/2019	Mark Rienzi	Review ACLU brief	0.5
4/9/2019	Luke Goodrich	research re MSJ reply	0.6
4/9/2019	Luke Goodrich	call w M Rienzi, E Rassbach, L Windham, D Verm, S Barclay, and J Davis re MSJ strategy	0.7
4/9/2019	Mark Rienzi	Confer with team re strategy	0.8
4/9/2019	Joseph Davis	Prepared for and participated in telephone conference regarding reply in support of motion for summary judgment.	1.5
4/10/2019	Luke Goodrich	research and draft MSJ reply	3.5
4/11/2019	Mark Rienzi	Email with client re update	0.2
4/11/2019	Darlene Calandra	Update Share Point files	0.3

4/11/2019	Luke Goodrich	draft memo to clients re MSJ	0.4
4/12/2019	Luke Goodrich	revise MSJ reply outline	0.1
4/12/2019	Luke Goodrich	finalize and email memo to client re MSJ	0.4
4/15/2019	Luke Goodrich	call w J Davis to plan reply drafting	0.1
4/15/2019	Luke Goodrich	draft MSJ reply	0.4
4/16/2019	Luke Goodrich	research and draft MSJ reply	5.4
4/17/2019	Luke Goodrich	research and draft MSJ reply	4
4/18/2019	Luke Goodrich	draft MSJ reply	2.7
4/18/2019	Joseph Davis	Performed research for and drafted reply in support of motion for summary judgment.	9.4
4/19/2019	Joseph Davis	Performed research regarding standing section of reply in support of summary judgment and drafted that section.	0.8
4/22/2019	Joseph Davis	Performed research for and drafted reply in support of motion for summary judgment.	4
4/23/2019	Joseph Davis	Performed research for and drafted reply in support of motion for summary judgment.	4.8
4/23/2019	Luke Goodrich	draft and revise MSJ reply	5.8
4/24/2019	Luke Goodrich	call w J Davis re MSJ reply	0.1
4/24/2019	Luke Goodrich	research and revise reply	2.8
4/25/2019	Luke Goodrich	revise MSJ reply	0.5
4/26/2019	Joseph Davis	Performed research for and revised reply in support of summary judgment in light of comments from Luke Goodrich.	3.5
4/29/2019	Luke Goodrich	revise MSJ reply	1.1
4/29/2019	Joseph Davis	Performed research for and drafted Free Exercise portion of reply in support of motion for summary judgment.	1.8

4/30/2019	Mark Rienzi	Review and comment on reply brief	1.5
4/30/2019	Luke Goodrich	prep for NPRM announcement	2.7
4/30/2019	Luke Goodrich	revise MSJ reply	3.4
4/30/2019	Joseph Davis	Performed research for, drafted, and revised reply in support of motion for summary judgment.	5.7
5/1/2019	Luke Goodrich	call w J Davis re MSJ reply	0.1
5/1/2019	Joseph Davis	Performed research for, revised, and drafted reply in support of motion for summary judgment in light of comments from Luke Goodrich.	3
5/1/2019	Joseph Davis	Performed research regarding interpretation of termination-of-pregnancy provision.	3.1
5/1/2019	Joseph Davis	Performed research regarding nationwide injunctions, for purposes of drafting reply in support of motion for summary judgment.	1.4
5/1/2019	Luke Goodrich	revise MSJ reply	5.2
5/2/2019	Luke Goodrich	revise msj reply	1.1
5/2/2019	Megan Schilling	Cite check Reply in support of Motion for Summary Judgment	4
5/2/2019	Joseph Davis	Performed research for, drafted, and revised reply in support of motion for summary judgment.	4.4
5/2/2019	Darlene Calandra	Cite check, proofread, format and edit Reply Brief; discuss with Goodrich and paralegals	5
5/2/2019	Jennifer Montazzoli	Cite checked reply in support of MSJ	5.5
5/3/2019	Luke Goodrich	revise MSJ Reply	1.2
5/3/2019	Darlene Calandra	Cite check, proofread, format and edit Reply Brief; discuss with Goodrich and paralegals	1.5
5/3/2019	Joseph Davis	Reviewed and revised draft reply in support of summary judgment in light of cite-check and additional comments from Luke Goodrich.	2.4

5/3/2019	Jennifer Montazzoli	Cite checked reply in support of MSJ	2.5
5/3/2019	Megan Schilling	Cite check Reply ISO Renewed Motion for SJ, run TOA, complete page check; prepare for filing	3.5
5/3/2019	Joseph Davis	Revised, proofread, and finalized for filing reply in support of motion for summary judgment.	3.8
5/10/2019	Luke Goodrich	send reply brief to clients	0.1
5/15/2019	Mark Rienzi	Call with client re next steps	0.2
5/15/2019	Luke Goodrich	update client on litigation	0.3
5/24/2019	Luke Goodrich	review new proposed rule	1
5/24/2019	Luke Goodrich	draft analysis of new rule for clients	1
5/24/2019	Joseph Davis	Received and reviewed proposed rule and corresponded with Luke Goodrich regarding response.	2.7
5/28/2019	Luke Goodrich	analyze proposed reg	0.8
5/29/2019	Joseph Davis	Participated in telephone conference with Luke Goodrich regarding supplemental brief.	0.2
5/29/2019	Luke Goodrich	call w J Davis re supplemental brief	0.2
5/29/2019	Luke Goodrich	review new rule	0.4
5/30/2019	Luke Goodrich	research and outline supplemental brief	5.3
6/4/2019	Darlene Calandra	Prepare and draft shell document for supplemental brief; update Share Point files	0.5
6/4/2019	Joseph Davis	Performed research for and drafted response to notice of proposed rulemaking.	5.4
6/5/2019	Joseph Davis	Received and reviewed contraceptive-mandate decision from Northern District of Texas and corresponded with Luke Goodrich and Eric Rassbach regarding relevance to case.	0.7

6/5/2019	Joseph Davis	Performed research for and drafted supplemental brief in support of motion for summary judgment.	3.1
6/5/2019	Luke Goodrich	research, draft, and revise supplemental brief	3.2
6/6/2019	Joseph Davis	Performed research for and revised supplemental brief in support of motion for summary judgment in light of comments.	0.6
6/6/2019	Luke Goodrich	research and revise supplemental brief	1.7
6/6/2019	Joseph Davis	Reviewed and revised supplemental brief in support of motion for summary judgment in light of cite-check changes.	1.9
6/6/2019	Megan Schilling	Cite check Supplemental Brief	2
6/6/2019	Darlene Calandra	Cite check, proofread, format and edit supplemental brief	3
6/12/2019	Luke Goodrich	review HHS supplemental brief	0.4
6/24/2019	Luke Goodrich	research re Deotte case	0.1
8/7/2019	Joseph Davis	Prepared for and participated in phone call with Luke Goodrich and Lori Windham regarding supplemental-briefing order.	0.2
8/7/2019	Luke Goodrich	call w M Rienzi and co-counsel re supplemental brief	0.3
8/7/2019	Luke Goodrich	call w M Rienzi re briefing order	0.4
8/7/2019	Joseph Davis	Reviewed and performed research regarding supplemental briefing notice.	0.6
8/7/2019	Luke Goodrich	call w L Windham and J Davis re supplemental brief	0.7
8/7/2019	Mark Rienzi	Review order, confer with team and co-counsel, confer with client re brief	1
8/7/2019	Luke Goodrich	discuss w M Rienzi, research, and draft memo updating clients re supplemental brief	1.5
8/9/2019	Luke Goodrich	call w M Rienzi re supp br	0.2
8/9/2019	Luke Goodrich	further revise supplemental brief	0.8

8/9/2019	Mark Rienzi	Confer with team and client and review draft brief on standing	0.8
8/9/2019	Luke Goodrich	calls and research to revise supplemental brief	2
8/9/2019	Joseph Davis	Performed research for and drafted brief regarding court's supplemental-briefing order and revised in light of comments from Luke Goodrich.	5.2
8/12/2019	Luke Goodrich	review and revise supp br	0.3
8/12/2019	Luke Goodrich	email clients re supp br	0.4
8/12/2019	Jennifer Montazzoli	Cite check Supplemental Brief on Standing	1
8/12/2019	Joseph Davis	Reviewed and incorporated suggestions into supplemental brief regarding Town of Chester case.	1.7
8/12/2019	Darlene Calandra	Cite check, proofread, format and edit Supplemental Brief on Standing; discuss with J. Montazzoli, J. Davis and L. Goodrich	1
8/12/2019	Joseph Davis	Finalized and prepared for filing supplemental brief ordered by court.	3
9/10/2019	Joseph Davis	Received and reviewed order setting hearing and corresponded with litigation team regarding the same.	1.1
9/13/2019	Luke Goodrich	calls w TX and J Davis to discuss hearing	0.8
9/13/2019	Megan Schilling	Work on ECF filing registration for Joe Davis; Fill out Application for admission	1
9/13/2019	Darlene Calandra	Prepare Oral Argument binders; discuss with J. Davis and L. Goodrich; update electronic docket and Share Point files	1.75
10/15/2019	Luke Goodrich	review opinion, inform clients	1
10/15/2019	Joseph Davis	Received and reviewed district court's summary-judgment order.	1.2
11/19/2019	Joseph Davis	Reviewed government's motion to amend judgment and corresponded with case team regarding the same.	1.2
11/20/2019	Joseph Davis	Performed research for and drafted response to government's motion to modify judgment.	1.4

11/20/2019	Megan Schilling	Cite check Response to Defs Mot to Modify Judgment; file	0.5
12/2/2019	Joseph Davis	Performed research regarding due date for notice of appeal and corresponded with Luke Goodrich regarding the same.	0.7
1/2/2020	Mark Rienzi	Confer with client and team re appeal and actions	0.5
1/2/2020	Joseph Davis	Performed research and drafted memorandum regarding potential appeal of district court's remedy ruling.	2.8
1/3/2020	Joseph Davis	Performed research for and drafted memorandum regarding potential cross-appeal.	3.3
1/8/2020	Joseph Davis	Drafted email recommendation regarding appeal for clients.	1.5
1/10/2020	Luke Goodrich	revise memo to client re appeal	1.2
1/12/2020	Luke Goodrich	Research re fee petition timing and finality	1
1/13/2020	Luke Goodrich	review and discuss w J Davis memo re atty's fees	0.3
1/13/2020	Joseph Davis	Performed research regarding due date for seeking attorneys' fees.	4.1
1/14/2020	Luke Goodrich	Correspondence w J Davis re attorney's fees	0.2
1/14/2020	Joseph Davis	Performed research regarding due date for seeking attorney's fees.	5.1
1/15/2020	Joseph Davis	Performed research for and drafted motion to set deadline for motion for attorney's fees.	7.5
1/16/2020	Luke Goodrich	revise fee motion	0.4
1/16/2020	Luke Goodrich	correspondence re timing of fees and possible appeal	0.5
1/16/2020	Mark Rienzi	Review Franciscan brief	0.5
1/16/2020	Joseph Davis	Corresponded with counsel for the defendants regarding motion to set deadline for filing of fee petition.	0.6
1/16/2020	Joseph Davis	Prepared for and participated in client call regarding appeal strategy.	0.7
1/16/2020	Luke Goodrich	review and revise motion re timing of fees	0.8
1/16/2020	Luke Goodrich	call w client re possible appeal	0.8

1/16/2020	Joseph Davis	Performed research for, drafted, and revised motion to set deadline for filing of fee petition in light of comments from Luke Goodrich.	1.8
1/16/2020	Joseph Davis	Performed research for and drafted background section of motion to set deadline for filing of fee petition.	3.4
1/17/2020	Mark Rienzi	Review Franciscan brief and confer with team re same	1
1/17/2020	Joseph Davis	Performed research for and drafted motion to set deadline for filing of fee petition in light of comments from Luke Goodrich.	2.3
1/17/2020	Darlene Calandra	Cite check, proofread, format and edit Motion to Set Deadlines for Fees; discuss with J. Davis and paralegals.	2.5
1/17/2020	Luke Goodrich	research, revise, proof, and finalize motion to set deadline on fees	4.1
1/17/2020	Joseph Davis	Revised, proofread, and finalized motion to set deadline for seeking attorneys' fees in preparation for filing.	4.2
1/20/2020	Joseph Davis	Performed research regarding requirements for filing notice of appeal.	1.2
1/21/2020	Mark Rienzi	Emails re appeal	0.2
1/21/2020	Luke Goodrich	revise, finalize, and file notice of appeal	0.7
1/21/2020	Darlene Calandra	Assist with preparation of Notice of Appeal; update case files	0.75
1/21/2020	Joseph Davis	Performed research for, drafted, and finalized appeal initiation documents.	3.5
1/22/2020	Joseph Davis	Corresponded with Mark Rienzi and Luke Goodrich regarding response to email from counsel for ACLU.	0.3
1/22/2020	Mark Rienzi	Discussions re strategy for responding to ACLU	0.3
1/24/2020	Joseph Davis	Performed research and corresponded with Luke Goodrich regarding question from Fifth Circuit clerk's office.	1.3
1/29/2020	Joseph Davis	Performed research regarding transcripts for appeal.	0.8
1/31/2020	Joseph Davis	Participated in telephone conference with Luke Goodrich regarding strategy for appeal	0.6

1/31/2020	Luke Goodrich	call w J Davis re appeal strategy	0.6
2/3/2020	Joseph Davis	Performed research regarding any exhibits filed in trial-court hearings, for purposes of perfecting appeal.	0.4
2/6/2020	Joseph Davis	Participated in phone call with paralegal staff regarding ordering of transcripts.	0.1
2/6/2020	Joseph Davis	Prepared notices of appearance for appeal.	0.1
2/6/2020	Joseph Davis	Corresponded with Luke Goodrich regarding transcript order procedure.	0.5
2/6/2020	Joseph Davis	Received and reviewed draft transcript order form.	0.8
2/7/2020	Joseph Davis	Received and reviewed government's response to fee motion and corresponded with case team regarding the same.	0.4
2/10/2020	Joseph Davis	Participated in phone call with Darlene Calandra regarding filing of transcript order form.	0.3
2/10/2020	Luke Goodrich	review US response on motion re fees; outline reply	1.5
2/13/2020	Joseph Davis	Reviewed appeal initiation filings.	0.2
2/13/2020	Joseph Davis	Prepared appearance of counsel forms for Mark Rienzi and Lori Windham.	0.2
2/13/2020	Luke Goodrich	research re fee reply and review fee reply outline	0.3
2/13/2020	Megan Schilling	File Appearances for Mark & Lori in 5th Cir.	0.3
2/13/2020	Joseph Davis	Performed research for and drafted outline of reply in support of motion to set deadline for filing of motion seeking attorneys' fees.	0.6
2/13/2020	Joseph Davis	Performed research for and drafted reply in support of motion to set deadline for filing of fee petition.	0.9
2/13/2020	Joseph Davis	Performed research for and drafted reply in support of motion to set deadline for filing of fee petition.	2.5
2/14/2020	Joseph Davis	Performed research for and drafted reply in support of motion to set deadline for filing of fee petition.	5.4
2/18/2020	Luke Goodrich	research and revise reply re fees	5.5

2/19/2020	Joseph Davis	Performed research for and drafted reply in support of motion to set deadline for filing of fee petition in light of comments from Luke Goodrich.	4.7
2/20/2020	Joseph Davis	Corresponded with paralegals regarding cite check.	0.1
2/20/2020	Luke Goodrich	revise reply re fees	1.4
2/20/2020	Joseph Davis	Performed research for, drafted, and revised reply in support of motion to set briefing schedule for fee petition in light of additional comments from Luke Goodrich.	2.8
2/21/2020	Luke Goodrich	revise, finalize, and file reply re fees	1.3
2/21/2020	Darlene Calandra	Cite check, proofread, format and edit Reply in Support of Motion to Set Deadline for Fees and discuss with J. Davis and paralegals.	2
2/21/2020	Hilary Boerger	Review, cite check and proofread Reply brief	3.5
2/21/2020	Joseph Davis	Performed research for, drafted, and revised reply in support of motion to set briefing schedule for fee petition.	5.5
3/10/2020	Joseph Davis	Participated in phone call with Luke Goodrich regarding timing of opening brief.	0.2
3/10/2020	Luke Goodrich	call w J Davis re opening brief	0.2
3/16/2020	Mark Rienzi	Confer with team re extension request and calling court	0.2
3/16/2020	Joseph Davis	Performed research regarding extension request.	0.6
3/17/2020	Hilary Boerger	Prepare shell of letter to file on the docket and revise with attorney changes	1
3/17/2020	Joseph Davis	Prepared extension request on opening brief.	1.6
4/20/2020	Joseph Davis	Performed research regarding appellate brief.	0.5
4/21/2020	Luke Goodrich	review order on motion to set deadline for attorneys' fees	0.4
4/21/2020	Luke Goodrich	call w client re case update; email memo to client re same	0.5

4/23/2020	Joseph Davis	Performed research and prepared extension request.	1.7
4/24/2020	Joseph Davis	Corresponded with case team regarding potential final rule.	0.6
4/24/2020	Darlene Calandra	Prepare shell document, revise, and cite check Motion to Extension and discuss with J. Davis.	1.5
4/24/2020	Joseph Davis	Performed research for, drafted, and filed motion for extension of time to file appellate brief.	3.7
5/5/2020	Luke Goodrich	call w client to discuss case and possible new rule	0.5
5/18/2020	Darlene Calandra	Prepare draft shell for 5th Circuit Opening Brief; discuss with J. Davis	0.5
5/19/2020	Joseph Davis	Performed research for and drafted outline of appellate brief.	5.1
5/21/2020	Joseph Davis	Participate in telephone conference with Luke Goodrich regarding opening brief.	0.5
5/21/2020	Luke Goodrich	call w J Davis re opening brief	0.5
5/21/2020	Joseph Davis	Performed research for and drafted opening brief.	4.9
5/22/2020	Joseph Davis	Corresponded with Jacob Coate regarding motion to stay.	1.9
5/24/2020	Joseph Davis	Performed research for and drafted appellate brief.	7.3
5/25/2020	Joseph Davis	Performed research for and drafted appellate brief.	9
5/26/2020	Joseph Davis	Performed research for and drafted appellate brief.	2.9
5/27/2020	Luke Goodrich	revise stay motion	0.4
5/27/2020	Mark Rienzi	Corresponded on strategy with Mr. Davis	0.4
5/27/2020	Mark Rienzi	Review motion to stay	0.5
5/27/2020	Joseph Davis	Corresponded with case team regarding motion to stay pending Supreme Court's decisions in Title VII cases.	2.5
5/27/2020	Joseph Davis	Performed research for, drafted, and revised stay motion in light of edits from Jacob Coate.	2.7
5/28/2020	Mark Rienzi	Emails and review of extension request	0.5
5/28/2020	Joseph Davis	Drafted and revised stay motion in light of revisions from Luke Goodrich.	1.7

5/28/2020	Zachary Novak	Conducted cite check for motion to stay.	3
5/28/2020	Darlene Calandra	Cite check, proofread, edit, and file Motion for Stay; discuss with J. Davis.	3
5/29/2020	Joseph Davis	Performed research for and drafted appellate brief.	0.7
5/29/2020	Zachary Novak	Conducted cite check for motion to stay.	1
6/1/2020	Mark Rienzi	Develop strategy re potential new rule	0.5
6/1/2020	Joseph Davis	Corresponded with case team regarding potential new final rule.	0.9
6/4/2020	Joseph Davis	Corresponded re research on potential Munsingwear issue.	0.5
6/12/2020	Joseph Davis	Received and reviewed HHS's new final rule.	0.6
6/12/2020	Luke Goodrich	review new rule and draft memo advising clients	1.6
6/13/2020	Mark Rienzi	Review email from client	0.1
6/15/2020	Joseph Davis	Corresponded with case team regarding deadline for filing appellant's brief.	0.1
6/15/2020	Luke Goodrich	review Bostock SCOTUS decision and email memo to client	0.5
6/15/2020	Mark Rienzi	Review Bostock decision	1
6/15/2020	Joseph Davis	Received and reviewed Supreme Court's decision in Bostock.	1.9
6/17/2020	Luke Goodrich	call re strategy post Bostock	0.5
6/17/2020	Mark Rienzi	Participate in call re strategy	0.5
6/17/2020	Joseph Davis	Prepared for and participated in telephone conference with Mark Rienzi and Luke Goodrich regarding strategy for case in light of Bostock.	0.8
6/17/2020	Zachary Novak	Researched and saved relevant cases from Westlaw into Sharepoint.	1
6/18/2020	Mark Rienzi	Correspond re strategy and next steps with team	1
6/23/2020	Luke Goodrich	email co-counsel re client strategy	0.1
6/23/2020	Luke Goodrich	call w M Rienzi re strategy	0.2
6/23/2020	Mark Rienzi	call w Mr. Goodrich re strategy	0.2
6/23/2020	Luke Goodrich	call w client re 5th Cir strategy	0.8

6/25/2020	Luke Goodrich	review and revise opening brief	1
6/29/2020	Megan Schilling	Edit Certificate of Interested Parties on Opening Brief per Joe's request	0.5
6/29/2020	Joseph Davis	Performed research for and drafted appellate brief in light of final rule and Bostock.	3.7
6/30/2020	Luke Goodrich	revise stay request	0.3
6/30/2020	Mark Rienzi	Correspondence re settlement possibilities	1
6/30/2020	Joseph Davis	Performed research for and drafted appellate brief in light of final rule and Bostock.	4.5
7/1/2020	Joseph Davis	Prepared for and participated in phone call with Mark Rienzi regarding stay motion.	0.2
7/1/2020	Joseph Davis	Prepared for and participated in phone call with opposing counsel regarding stay motion.	0.2
7/1/2020	Joseph Davis	Performed research regarding stay motion pending settlement negotiations.	0.6
7/2/2020	Hilary Boerger	File Joint Motion to Stay	0.6
7/2/2020	Joseph Davis	Prepared for filing motion to stay proceedings in light of settlement negotiations.	1.2
7/6/2020	Joseph Davis	Performed research for and drafted initial draft of settlement agreement.	1.3
7/7/2020	Joseph Davis	Performed research for and drafted initial draft of settlement agreement.	5.2
7/8/2020	Joseph Davis	Corresponded with counsel for HHS regarding settlement discussions.	0.2
7/9/2020	Joseph Davis	Corresponded with opposing counsel regarding settlement negotiations.	0.6
7/13/2020	Joseph Davis	Prepared for and participated in settlement negotiation call.	3.1
7/20/2020	Joseph Davis	Performed research regarding lawsuits filed against proposed rule in other jurisdictions.	1.9
7/27/2020	Luke Goodrich	review pleadings in Whitman-Walker (DDC) transgender rule challenge and draft memo on relevance to Franciscan appeal	1.3

7/29/2020	Joseph Davis	Corresponded with Mark Rienzi regarding next steps in Fifth Circuit appeal.	0.2
8/7/2020	Joseph Davis	Corresponded with Hilary Boerger regarding the transcript of the preliminary-injunction hearing in case challenging the new transgender mandate rule.	0.4
8/11/2020	Joseph Davis	Corresponded with clerk's office regarding briefing schedule for appeal.	0.4
8/17/2020	Joseph Davis	Received and reviewed Eastern District of New York's decision enjoining new transgender mandate rule.	0.3
8/18/2020	Mark Rienzi	Calls and emails re strategy	0.7
8/25/2020	Joseph Davis	Prepared for and participated in conference call regarding next steps in appeal.	0.9
8/27/2020	Joseph Davis	Reviewed draft reply brief in New York v. HHS for purposes of appellate brief in Franciscan.	0.6
9/10/2020	Joseph Davis	Performed research for and drafted appellant's brief.	5
9/11/2020	Joseph Davis	Performed research for and drafted opening brief.	7
9/14/2020	Luke Goodrich	review and revise draft of brief	2.5
9/14/2020	Joseph Davis	Performed research for, drafted, and revised appellants' brief.	5.8
9/15/2020	Luke Goodrich	correspondence re opening brief strategy	1.2
9/15/2020	Joseph Davis	Performed research for and drafted appellant's brief in light of comments from Stephanie Barclay and Luke Goodrich.	3.3
9/16/2020	Joseph Davis	Reviewed and incorporated new research into opening brief regarding contraceptive mandate injunctions.	1
9/16/2020	Joseph Davis	Performed research for and drafted opening brief in light of edits from Mark Rienzi.	6.1
9/17/2020	Joseph Davis	Performed research for and prepared record excerpts.	2.8
9/17/2020	Zachary Novak	Prepared documents and record excerpts for brief prior to cite check.	3.5

9/17/2020	Luke Goodrich	revise opening brief	4.5
9/17/2020	Joseph Davis	Performed research for and drafted appellate brief.	5.1
9/18/2020	Hilary Boerger	Assist attorneys with researching journal article to include in briefing and review ACLU materials for reference to same	1
9/18/2020	Joseph Davis	Prepared record excerpts for filing with appellate brief.	1.8
9/18/2020	Zachary Novak	Created, edited, and uploaded documents pertaining to record excerpts to be filed with opening brief; researched articles to be cited in brief.	5
9/18/2020	Luke Goodrich	revise opening brief	5.8
9/18/2020	Joseph Davis	Performed research for and drafted opening brief in light of additional round of comments from Luke Goodrich, Mark Rienzi, Stephanie Barclay, and clients.	5.9
9/19/2020	Joseph Davis	Performed research for and revised portion of opening brief addressing Monsanto decision.	2.1
9/20/2020	Joseph Davis	Performed research for and revised statement of the case section of opening brief.	1.9
9/21/2020	Luke Goodrich	revise and finalize opening brief	3.8
9/21/2020	Zachary Novak	Conducted cite check and page check for opening brief.	7
9/21/2020	Samuel Lucas	Franciscan opening brief in the 5th Cir. cite check, tables, and page check	7.5
9/21/2020	Joseph Davis	Performed research for, drafted, revised, and finalized opening brief in light of cite check and additional round of comments from Luke Goodrich.	8.5
9/21/2020	Megan Schilling	Cite check 5th Cir. opening brief; Run TOA; Prepare for filing	8.5
9/21/2020	Hilary Boerger	Review, cite check, proof read and file Opening Brief and Excerpts of Electronic Record	6
9/28/2020	Luke Goodrich	email client re potential recusal	0.3

10/6/2020	Joseph Davis	Corresponded with case team regarding extension request from HHS.	0.2
11/23/2020	Luke Goodrich	review opening brief and Govt response and draft memo on reply	2.2
11/25/2020	Luke Goodrich	call and follow-up email w client re appeal	0.8
11/30/2020	Joseph Davis	Performed research for and drafted outline of reply brief.	1.4
12/1/2020	Hilary Boerger	Prepare shell document for attorney review	0.3
12/1/2020	Daniel Chen	Research Fifth Circuit case law on vacatur and remand	2.4
12/1/2020	Joseph Davis	Performed research for and drafted outline of reply brief.	3
12/2/2020	Joseph Davis	Performed research for and drafted reply brief.	3.5
12/2/2020	Daniel Chen	Discuss reply brief with Joseph Davis, research case law on vacatur and remand for injunctions, and begin drafting reply brief	4.7
12/3/2020	Daniel Chen	Revise and edit reply brief for Franciscan Fifth Circuit appeal.	1.4
12/4/2020	Daniel Chen	Revise and edit Fifth Circuit Franciscan reply brief	1.3
12/4/2020	Joseph Davis	Performed research for, drafted, and revised reply brief.	6.3
12/5/2020	Joseph Davis	Performed research for purposes of reply brief.	4
12/7/2020	Daniel Chen	Revise and edit Fifth Circuit Franciscan reply brief.	0.9
12/7/2020	Joseph Davis	Performed research for and drafted reply brief.	3.7
12/8/2020	Daniel Chen	Revise and edit reply brief.	0.6
12/8/2020	Luke Goodrich	revise reply br	1.7
12/8/2020	Mark Rienzi	Reviewed and made comments for edits/changes to reply brief.	2.2
12/8/2020	Joseph Davis	Performed research for and revised reply brief.	3.2
12/9/2020	Mark Rienzi	Reviewed and made suggested edits to reply brief.	0.3
12/9/2020	Joseph Davis	Performed research for, drafted, and revised reply brief.	3

12/9/2020	Daniel Chen	Revise and edit reply brief in Franciscan Alliance before the Fifth Circuit.	4.1
12/10/2020	Daniel Chen	Revise and edit Fifth Circuit reply brief in Franciscan Alliance.	4.7
12/10/2020	Joseph Davis	Performed research for, drafted, and revised reply brief.	4.9
12/10/2020	Luke Goodrich	revise reply	5.4
12/11/2020	Daniel Chen	Complete edits and file reply brief in Franciscan Alliance.	2.2
12/11/2020	Luke Goodrich	revise, finalize, and file reply and send to clients	2.4
12/11/2020	Hilary Boerger	Review, proofread, cite check, perform page check, and assist with filing brief	2.5
12/11/2020	Samuel Lucas	Franciscan Reply Brief cite check	2.5
12/11/2020	Zachary Novak	Conducted cite check to legal brief and made suggested edits, conducted second-level review to address consistency issues; updated docket in SP with additional filings.	4
12/11/2020	Megan Schilling	Cite check Reply brief	5.5
12/11/2020	Joseph Davis	Drafted, revised, proofread, and finalized reply brief in advance of filing.	7.1
1/20/2021	Joseph Davis	Corresponded with case team regarding next steps in litigation.	0.1
1/20/2021	Luke Goodrich	research client question re recusal and draft memo re same	1
1/21/2021	Joseph Davis	Reviewed Executive Order regarding Bostock for purposes of appeal.	0.5
1/21/2021	Megan Schilling	Draft 28j Letter shell for Sisters of Mercy opinion	0.5
1/21/2021	Joseph Davis	Performed research for and drafted 28(j) letter regarding Sisters of Mercy.	2
1/22/2021	Joseph Davis	Corresponded with case team regarding oral argument.	0.4
1/22/2021	Joseph Davis	Performed research for and drafted 28(j) letter regarding Bostock Executive Order.	2
1/25/2021	Joseph Davis	Prepared response to court's request for position on appearing in-person at oral argument.	0.8

1/25/2021	Samuel Lucas	Letter to CA5 for in person OA affirmation; cite checked and formatted	1.5
1/27/2021	Daniel Chen	Edit 28(j) letter for Fifth Circuit.	0.2
1/27/2021	Luke Goodrich	revise 28(j) letter	0.3
1/27/2021	Hilary Boerger	Proofread, review and cite check 28(j) motion and prepare exhibit for filing	0.8
1/27/2021	Megan Schilling	Cite check Religious Sisters of Mercy 28j letter; prepare exhibits and file both letters	1.5
1/27/2021	Joseph Davis	Reviewed and revised 28(j) letters in light of revisions from Luke Goodrich.	1.9
2/2/2021	Joseph Davis	Received and reviewed 28(j) response regarding Sisters of Mercy and Bostock EO.	0.1
2/4/2021	Joseph Davis	Corresponded with case team regarding intervenors' request for leave to file supplemental brief.	0.2
2/5/2021	Joseph Davis	Researched panels for moot arguments.	0.5
2/7/2021	Joseph Davis	Performed research for and drafted response to intervenors' supplemental letter brief.	2.7
2/8/2021	Luke Goodrich	review, revise, finalize, and file 28(j) response	0.5
2/8/2021	Joseph Davis	Coordinated moot arguments.	0.7
2/8/2021	Joseph Davis	Prepared for oral argument.	1.3
2/8/2021	Joseph Davis	Performed research for and revised response to intervenors' notice of supplemental authority.	1.5
2/8/2021	Zachary Novak	Conducted cite check of response letter to Appellee's 28j, made suggested edits. PDFed final versions, worked with attorneys to file via PACER.	2.5
2/9/2021	Joseph Davis	Returned oral argument acknowledgment form to court.	0.5
2/9/2021	Zachary Novak	Drafted 5th Cir Notice of Withdrawal versions for Stephanie Barclay, called court clerk to confirm correct form, updated and sent to attorneys for review.	2

2/9/2021	Joseph Davis	Prepared for oral argument.	3.3
2/10/2021	Luke Goodrich	participate in moot for J Davis	1.5
2/10/2021	Joseph Davis	Prepared for oral argument.	1.7
2/10/2021	Daniel Chen	Prepare for and participate in moot for Joe Davis's upcoming CA5 oral argument.	2
2/10/2021	Joseph Davis	Prepared for and participated in internal moot argument.	2.1
2/11/2021	Zachary Novak	Finalized notice of withdrawal for Stephanie Barclay, sent to attorneys for final review; filed via PACER upon attorney confirmation.	1
2/16/2021	Mark Rienzi	Corresponded re the case via email with litigation team.	0.3
2/18/2021	Joseph Davis	Prepared for oral argument.	1.4
2/19/2021	Joseph Davis	Prepared for oral argument.	1.3
2/19/2021	Joseph Davis	Performed research for and drafted Rule 28(j) letter regarding Calvary Chapel.	1.6
2/22/2021	Joseph Davis	Prepared for oral argument.	3.2
2/23/2021	Daniel Chen	Attend moot and take notes.	1.8
2/23/2021	Luke Goodrich	moot J Davis for OA	1.8
2/23/2021	Joseph Davis	Prepared for oral argument.	7.7
2/24/2021	Joseph Davis	Prepared for oral argument.	2.1
2/25/2021	Daniel Chen	Research and prepare for oral argument.	2.4
2/25/2021	Joseph Davis	Prepared for oral argument.	3.5
2/26/2021	Daniel Chen	Participate in moot.	1.2
2/26/2021	Luke Goodrich	moot J Davis for OA	1.3
2/26/2021	Joseph Davis	Prepared for oral argument.	5.8
3/1/2021	Joseph Davis	Corresponded with case team regarding developments in Whitman-Walker case.	0.9

3/1/2021	Daniel Chen	Research other parallel cases challenging 2020 Rule and research case law in CA5 regarding mootness.	2.5
3/1/2021	Joseph Davis	Prepared for oral argument.	6.1
3/2/2021	Joseph Davis	Prepared for oral argument.	3.9
3/3/2021	Luke Goodrich	call w J Davis re OA	0.2
3/3/2021	Joseph Davis	Listened to oral argument recording.	1.1
3/3/2021	Luke Goodrich	attend OA and call with team to debrief	1.1
3/3/2021	Mark Rienzi	Strategized about and prepared for oral argument.	1.5
3/3/2021	Daniel Chen	Prepare for oral argument; listen to oral argument; debrief with team.	3.5
3/3/2021	Joseph Davis	Prepared for and participated in oral argument at Fifth Circuit.	4.8
4/5/2021	Joseph Davis	Corresponded with case team regarding potential 28(j) letter.	0.3
4/6/2021	Luke Goodrich	revise 28(j)	0.4
4/6/2021	Joseph Davis	Performed research for and drafted 28(j) letter regarding DOJ memo.	1.5
4/7/2021	Samuel Lucas	Checked formatting and proofed 28j	0.3
4/7/2021	Joseph Davis	Finalized and filed 28(j) letter regarding DOJ memorandum on Bostock.	1.3
4/7/2021	Zachary Novak	Conducted cite check of 28j draft, made suggested edits; PDF'ed and filed via ECF.	2
4/9/2021	Joseph Davis	Received and reviewed response to 28(j) letter on DOJ memo.	0.6
4/12/2021	Luke Goodrich	review ACLU 28(j) response	0.1
4/12/2021	Joseph Davis	Received and reviewed ACLU's response to 28(j).	0.2
4/15/2021	Joseph Davis	Received and reviewed decision from Fifth Circuit panel.	0.2
4/15/2021	Mark Rienzi	Reviewed ruling and conferred with team re same and next steps.	0.5

4/15/2021	Joseph Davis	Prepared for and participated in post-decision call regarding Fifth Circuit decision.	0.7
4/15/2021	Luke Goodrich	review 5th Cir opinion, discuss with co-counsel, notify clients	1.1
4/19/2021	Joseph Davis	Corresponded with client regarding district court's order on remand.	0.1
4/19/2021	Luke Goodrich	calls w J Davis, co-plaintiffs' counsel, and opposing counsel to discuss status report	0.5
4/19/2021	Hilary Boerger	Prepare shell of joint status report for attorney review	1
4/19/2021	Joseph Davis	Drafted joint status report regarding proceedings on remand.	1.7
4/19/2021	Joseph Davis	Performed research regarding status report in district court.	4.2
4/20/2021	Joseph Davis	Revised joint status report in light of comments from Mark Rienzi, Luke Goodrich, and Daniel Chen, and co-plaintiffs, and corresponded with counsel for Defendants regarding the same.	2.6
4/21/2021	Mark Rienzi	Conferred with team re status report proposals.	0
4/21/2021	Joseph Davis	Corresponded with Luke Goodrich regarding joint status report.	0.2
4/21/2021	Daniel Chen	Revise and edit joint status report in Franciscan.	0.4
4/21/2021	Joseph Davis	Reviewed revisions to joint status report circulated by opposing counsel.	0.4
4/21/2021	Joseph Davis	Corresponded with case team regarding revisions to joint status report suggested by opposing counsel.	0.8
4/21/2021	Luke Goodrich	review and revise joint status report	1.3
4/22/2021	Joseph Davis	Corresponded with case team regarding joint status report.	0.1
4/22/2021	Luke Goodrich	correspondence re status report	0.3
4/22/2021	Mark Rienzi	Corresponded with team via email and finalized status report.	0.5
4/22/2021	Joseph Davis	Revised joint status report in light of issuance of mandate and edits by opposing counsel.	0.8

4/27/2021	Luke Goodrich	call w clients re next steps	0.6
5/4/2021	Joseph Davis	Performed research for and drafted outline of supplemental brief.	0.4
5/5/2021	Zachary Novak	Created shell document for Plaintiff's Supplemental Brief on Remand, saved to SP and sent to attorneys for review.	1.5
5/5/2021	Joseph Davis	Performed research for and drafted supplemental brief on remand.	1.7
5/6/2021	Mark Rienzi	Corresponded via email re new decision on 1557.	0.1
5/6/2021	Joseph Davis	Performed research for and drafted supplemental brief on remand.	5.2
5/7/2021	Joseph Davis	Performed research for and drafted supplemental brief on remand.	7
5/9/2021	Joseph Davis	Performed research for and drafted supplemental brief on remand.	6.2
5/10/2021	Luke Goodrich	review supplemental brief	0.1
5/10/2021	Joseph Davis	Prepared for and participated in call with client regarding new HHS announcement.	0.5
5/10/2021	Luke Goodrich	correspondence and call to discuss HHS announcement on 1557 and notify client	0.5
5/10/2021	Zachary Novak	Created shell draft of supplemental brief, made updates as needed and sent to attorneys for review.	0.8
5/10/2021	Daniel Chen	Revise and edit supplemental brief.	1.2
5/10/2021	Joseph Davis	Performed research for and drafted supplemental brief on remand.	4.6
5/11/2021	Mark Rienzi	Reviewed supplemental brief	1
5/11/2021	Luke Goodrich	revise supplemental brief	2.4
5/11/2021	Daniel Chen	Revise and edit Franciscan supplemental brief.	2.5
5/12/2021	Daniel Chen	Attend meeting with Becket team regarding edits.	0.5
5/12/2021	Joseph Davis	Prepared for and participated in call regarding supplemental brief.	0.5
5/12/2021	Luke Goodrich	call w J Davis and D Chen re supplemental brief	0.5
5/12/2021	Daniel Chen	Draft proposed order and research and edit supplemental brief.	2.4

5/12/2021	Joseph Davis	Drafted and revised supplemental brief in light of revisions from case team.	3.8
5/13/2021	Mark Rienzi	Reviewed draft filings and conferred with team re order.	0.7
5/13/2021	Daniel Chen	Revise and edit supplemental brief.	3
5/13/2021	Luke Goodrich	revise supplemental brief and proposed injunction	3.1
5/13/2021	Joseph Davis	Performed research for and drafted supplemental brief on remand.	5.9
5/14/2021	Luke Goodrich	emails re injunction language	0.2
5/14/2021	Samuel Lucas	TOC and TOA drafted and inserted	0.8
5/14/2021	Luke Goodrich	call w J Davis, D Chen, M Rienzi, and E Rassbach re final judgment and injunction language	0.9
5/14/2021	Joseph Davis	Prepared for and participated in call regarding proposed injunction.	1
5/14/2021	Mark Rienzi	Worked on brief and proposed order.	1.8
5/14/2021	Megan Schilling	Cite check Pls Supplemental Brief on Remand; Perform page check; Draft email to chambers for word version of Proposed Order	3
5/14/2021	Samuel Lucas	Supplemental Brief cite check	3.2
5/14/2021	Hilary Boerger	Review, proofread and cite check brief	3.5
5/14/2021	Luke Goodrich	revise, finalize, and file supplemental brief, proposed order, and proposed judgment	3.7
5/14/2021	Daniel Chen	Revise and finalize supplemental brief; revise and finalize proposed order and final judgment.	4.5
5/14/2021	Zachary Novak	Conducted cite check of supplemental brief and corresponding documents, made suggested edits. Finalized and prepared for filing.	4.5
5/14/2021	Joseph Davis	Performed research for, drafted, revised, and finalized supplemental brief.	6
5/18/2021	Joseph Davis	Corresponded with paralegals regarding paper copies of supplemental brief.	0.6
6/7/2021	Joseph Davis	Reviewed supplemental response briefs filed by opponents in district court.	0.6

6/7/2021	Daniel Chen	Read government and ACLU briefs (1.0); research case law on issues (1.0)	2
6/8/2021	Joseph Davis	Prepared for and participated in call with case team regarding reply brief.	0.8
6/8/2021	Mark Rienzi	Reviewed briefs and conferred with team re next steps.	0.8
6/8/2021	Daniel Chen	Hold strategy meeting for reply brief, discussing ACLU and Government arguments.	1
6/10/2021	Zachary Novak	Created shell drafts for reply brief, sent to attorneys for review.	1
6/12/2021	Joseph Davis	Performed research for and drafted supplemental reply brief.	7.9
6/13/2021	Joseph Davis	Performed research for and drafted supplemental reply brief.	4.9
6/14/2021	Daniel Chen	Research and revise reply brief.	2.1
6/14/2021	Luke Goodrich	revise supplemental reply	2.7
6/15/2021	Luke Goodrich	correspondence re reply	0.6
6/15/2021	Luke Goodrich	revise reply	2.5
6/15/2021	Daniel Chen	Research issues and revise reply brief.	7.5
6/16/2021	Luke Goodrich	revise reply	5.7
6/16/2021	Daniel Chen	Revise and edit reply brief.	7.1
6/17/2021	Hilary Boerger	Begin review, proofread and cite check of Supplemental Reply Brief on Remand	1.2
6/18/2021	Luke Goodrich	revise and finalize reply	1.8
6/18/2021	Megan Schilling	Cite check Supplemental Reply Brief on Remand	2.5
6/18/2021	Samuel Lucas	Cite checked and formatted reply brief	2.8
6/18/2021	Daniel Chen	Revise and finalize supplemental reply brief.	3.1
6/18/2021	Hilary Boerger	Continue review, proofread and cite check of Supplemental Reply Brief on Remand and file same	4
7/2/2021	Zachary Novak	Conducted cite check of motion drafts, suggested edits.	0.8
7/7/2021	Luke Goodrich	call w M Rienzi re injunction	0.3

7/7/2021	Mark Rienzi	Call w Mr. Goodrich re injunction language	0.3
8/2/2021	Daniel Chen	Review new Maryland district court decisions concerning Section 1557 and begin drafting supplemental authority to file with Texas court.	1.4
8/9/2021	Joseph Davis	Received and reviewed court's order on supplemental briefing.	0.6
8/9/2021	Luke Goodrich	review district court opinion and summarize for clients	1
8/9/2021	Daniel Chen	Read opinion and correspond with team members regarding strategy.	1.7
8/10/2021	Joseph Davis	Performed research regarding district court's order on supplemental briefing, appeal issues.	1.3
8/10/2021	Zachary Novak	Reviewed text of order, compiled analysis to send to attorneys for review.	2
8/10/2021	Daniel Chen	Research questions regarding appellate jurisdiction and review district court opinion.	3.8
8/11/2021	Joseph Davis	Performed research regarding court's order, post-order issues.	0.8
9/20/2021	Joseph Davis	Reviewed outline of response to Rule 60(b) motion and corresponded with case team regarding the same.	0.5
9/20/2021	Daniel Chen	Outline response to Rule 60(b) motion.	2.7
9/22/2021	Luke Goodrich	call w team re response to 60b motion	0.4
9/22/2021	Mark Rienzi	Reviewed draft and conferred with team re arguments.	0.5
9/22/2021	Joseph Davis	Prepared for and participated in call regarding response to motion to amend judgment.	0.6
9/22/2021	Joseph Davis	Performed research for, reviewed, and revised draft response to Rule 60(b) motion circulated by Daniel Chen.	2
9/22/2021	Daniel Chen	Draft and research case law for response to rule 60(b) motion.	6.1
9/23/2021	Luke Goodrich	call w client re modification of injunction	0.3
9/23/2021	Mark Rienzi	Conferred with team re brief.	0.5
9/23/2021	Joseph Davis	Reviewed and revised response to Rule 60(b) motion in light of edits from Luke Goodrich.	0.9

9/23/2021	Luke Goodrich	draft and revise response to 60(b) motion	1.6
9/24/2021	Luke Goodrich	call w client re modification of injunction	0.1
9/24/2021	Joseph Davis	Finalized and filed response to 60(b) motion.	0.3
9/24/2021	Daniel Chen	Review Franciscan response to motion to amend judgment.	1.1
9/24/2021	Luke Goodrich	revise and finalize response to Rule 60(b) motion	1.4
10/15/2021	Joseph Davis	Performed research regarding government's deadline to appeal.	0.3
11/23/2021	Joseph Davis	Corresponded with case team regarding HHS appeal.	0.7
11/23/2021	Joseph Davis	Analyzed and corresponded with case team regarding appeal.	1
12/13/2021	Joseph Davis	Performed research regarding government's appeal.	0.3
1/11/2022	Joseph Davis	Corresponded with case team regarding briefing deadlines.	0.1
1/12/2022	Zachary Novak	Prepared and submitted 5th circuit admission application for Daniel Chen.	1
1/24/2022	Joseph Davis	Corresponded with case team regarding district-court record.	0.5
1/26/2022	Joseph Davis	Corresponded with Luke Goodrich regarding case update.	0.1
2/22/2022	Luke Goodrich	review client's updated policy documents	0.8
3/4/2022	Joseph Davis	Reviewed draft policy documents and corresponded with case team regarding the same.	0.3
3/8/2022	Joseph Davis	Corresponded with case team regarding new HHS rulemaking.	0.6
3/16/2022	Luke Goodrich	call w client re scope of injunction	0.2
3/22/2022	Luke Goodrich	prep and call with client re scope of injunction and appeal	1.1
3/25/2022	Joseph Davis	Prepared for and participated in case team call regarding appeal strategy.	0.8
3/25/2022	Luke Goodrich	call re CA5 strategy	0.8
3/25/2022	Daniel Chen	Research, discuss, and brainstorm strategy for appeal with Joe and Luke.	1.1

3/28/2022	Joseph Davis	Received and reviewed opening brief of intervenors.	2.5
3/29/2022	Joseph Davis	Corresponded with case team regarding response brief.	0.2
3/29/2022	Joseph Davis	Performed research for and drafted memo for client regarding injunction.	1.4
3/30/2022	Joseph Davis	Revised draft memo for client regarding injunction in light of edits from Luke Goodrich.	0.2
3/30/2022	Daniel Chen	Read HHS and ACLU briefing, research case law, and review record and prior briefing.	2.9
3/31/2022	Joseph Davis	Performed research for purposes of response brief.	0.4
3/31/2022	Daniel Chen	Read briefing and record material, research caselaw, and outline responses to arguments.	4.6
4/1/2022	Luke Goodrich	correspondence w J Davis and D Chen re opening briefs and strategy for response brief on appeal	1
4/1/2022	Daniel Chen	Review and analyze briefs and record materials and discuss strategy.	1.5
4/1/2022	Luke Goodrich	review and analyze HHS and ACLU opening briefs	1.8
4/1/2022	Joseph Davis	Reviewed appellants' opening briefs and corresponded with case team regarding the same.	3.9
4/6/2022	Joseph Davis	Performed research for and drafted outline of Fifth Circuit response brief.	0.2
4/12/2022	Luke Goodrich	correspondence w case team re anticipated 1557 rulemaking	0.5
4/13/2022	Joseph Davis	Prepared request for Level 1 extension.	0.2
4/13/2022	Joseph Davis	Corresponded with case team regarding opening brief.	1.1
4/14/2022	Joseph Davis	Drafted request for Level 1 extension and corresponded with case team regarding the same.	1
5/6/2022	Joseph Davis	Performed research in preparation for drafting appellate brief.	2.8
5/10/2022	Joseph Davis	Corresponded with case team regarding appellate brief.	0.1
5/10/2022	Joseph Davis	Performed research for and drafted outline of appellate brief.	3.2

5/11/2022	Joseph Davis	Performed research for and drafted outline of appellate brief.	3.3
5/12/2022	Megan Schilling	Create shell for motion for extension of time for CA5	0.3
5/12/2022	Daniel Chen	Draft motion for extension of time, review outline, and read defendants' briefing.	2.5
5/12/2022	Joseph Davis	Prepared for and performed amicus outreach.	3
5/13/2022	Joseph Davis	Reviewed and revised draft extension motion prepared by Daniel Chen.	1.1
5/16/2022	Joseph Davis	Drafted email for opposing counsel regarding extension.	0.5
5/16/2022	Joseph Davis	Reviewed and revised extension motion prepared by Daniel Chen.	0.5
5/16/2022	Zachary Novak	Created shell draft for motion for extension of time, sent to attorneys for review.	0.8
5/16/2022	Daniel Chen	Revise and edit motion for extension of time.	1.3
5/17/2022	Zachary Novak	Updated draft of motion, sent to attorneys for review, and assisted with filing.	1
5/17/2022	Zachary Novak	Collected filed declarations throughout case, compiled and sent to GA team.	1
5/17/2022	Joseph Davis	Finalized and filed extension motion for appellees' brief.	2
5/17/2022	Joseph Davis	Performed research in preparation for drafting appellees' brief.	3.1
5/18/2022	Joseph Davis	Performed research for and drafted appellate brief.	2.3
5/19/2022	Joseph Davis	Performed research for and drafted appellate brief.	3.8
5/20/2022	Joseph Davis	Performed research for and drafted appellate brief.	4.4
5/22/2022	Joseph Davis	Performed research for and drafted appellate brief.	0.8
5/23/2022	Joseph Davis	Performed research for and drafted justiciability portions of appellate brief.	3.6
5/23/2022	Daniel Chen	Research case law to draft brief and prep strategy materials.	4.5
5/24/2022	Daniel Chen	Research remedies issue for brief; revise and edit brief.	3.5

5/24/2022	Joseph Davis	Performed research for and drafted appellees' brief.	6.3
5/25/2022	Joseph Davis	Performed research for and drafted appellees' brief.	4.9
5/26/2022	Joseph Davis	Performed research for and drafted appellees' brief.	3.9
5/27/2022	Joseph Davis	Performed research for and drafted appellees' brief.	2.2
5/31/2022	Daniel Chen	Revise and edit brief.	1.5
5/31/2022	Luke Goodrich	research, revise, draft response brief	4.7
5/31/2022	Joseph Davis	Performed research for and drafted response brief.	5.1
6/1/2022	Luke Goodrich	revise response brief	0.8
6/1/2022	Luke Goodrich	correspondence re response brief	0.8
6/1/2022	Joseph Davis	Performed research for and drafted response brief.	2.3
6/1/2022	Daniel Chen	Revise and edit brief.	3
6/2/2022	Daniel Chen	Revise and edit brief.	2
6/2/2022	Luke Goodrich	draft and revise response brief	4.8
6/3/2022	Joseph Davis	Performed research for and drafted response brief.	3.6
6/3/2022	Luke Goodrich	draft and revise response brief	6.1
6/3/2022	Daniel Chen	Draft and revise response brief.	7.2
6/6/2022	Joseph Davis	Performed research for and drafted response brief.	4.1
6/6/2022	Luke Goodrich	draft and revise response brief	4.2
6/6/2022	Daniel Chen	Revise and edit brief and research case law for drafting and revising.	8.5
6/7/2022	Luke Goodrich	draft and revise response brief	4.3
6/7/2022	Joseph Davis	Performed research for, drafted, and revised response brief.	6.2
6/7/2022	Daniel Chen	Revise and edit response brief.	8
6/8/2022	Luke Goodrich	revise response brief	3.2
6/8/2022	Joseph Davis	Performed research for, drafted, and revised response brief.	6

6/8/2022	Daniel Chen	Revise and edit response brief.	7.5
6/9/2022	Zachary Novak	Conducted cite check of response brief, suggested edits.	3
6/9/2022	Leigh Brown	Cite checking the response brief	4
6/9/2022	Megan Schilling	Cite check Response Brief	4
6/9/2022	Joseph Davis	Performed research for, drafted, and revised response brief.	4.8
6/9/2022	Luke Goodrich	revise response brief	5.1
6/9/2022	Daniel Chen	Revise and edit response brief.	7
6/9/2022	Nate Wertjes	Cite check	7.5
6/10/2022	Joseph Davis	Performed research for, drafted, revised, and finalized response brief.	2.9
6/10/2022	Megan Schilling	Cite check and finalize Response Brief	3
6/10/2022	Zachary Novak	Finalized cite check.	3
6/10/2022	Nate Wertjes	Continue cite check	4.5
6/10/2022	Luke Goodrich	revise and finalize response brief	5.7
6/10/2022	Leigh Brown	Cite checking the response brief	6
6/10/2022	Daniel Chen	Revise, edit, and file response brief.	7.5
6/17/2022	Luke Goodrich	review EPPC amicus brief	0.3
6/17/2022	Daniel Chen	Review EPPC amicus brief.	0.5
6/17/2022	Joseph Davis	Reviewed amicus brief by EPPC.	1.4
6/30/2022	Joseph Davis	Reviewed Supreme Court opinions for relevance to case.	0.4
7/12/2022	Joseph Davis	Received argument date and corresponded with case team regarding oral argument.	0.9
7/13/2022	Daniel Chen	Correspond re strategy with Joe and review filing requirements for paper copies.	0.4
7/13/2022	Joseph Davis	Performed research regarding oral argument.	0.7
7/14/2022	Joseph Davis	Prepared for Fifth Circuit oral argument.	1.4
7/19/2022	Joseph Davis	Prepared for oral argument.	2.7

7/19/2022	Joseph Davis	Performed research for, drafted, and revised supplemental authority letter.	3.4
7/20/2022	Luke Goodrich	review recent decisions and draft and revise 28(j) letter	1.3
7/20/2022	Joseph Davis	Prepared for oral argument.	2.5
7/20/2022	Joseph Davis	Reviewed and revised draft supplemental authority letter regarding West Virginia v. EPA.	3.4
7/20/2022	Daniel Chen	Research and draft question responses to help prepare Joe for OA.	4
7/21/2022	Joseph Davis	Drafted, revised, and finalized Rule 28(j) letter re West Virginia v. EPA.	0.7
7/21/2022	Nate Wertjes	Cite check 28(j) letter	2
7/21/2022	Joseph Davis	Prepared for oral argument.	3.5
7/21/2022	Daniel Chen	Review briefing, conduct research, and draft notes to assist Joe with oral argument.	6.1
7/22/2022	Joseph Davis	Prepared for oral argument.	1.9
7/25/2022	Luke Goodrich	review new proposed rule and draft memo to clients	2.4
7/25/2022	Daniel Chen	Review new Section 1557 rule; review media and comms assets; discuss strategy with team.	3.5
7/26/2022	Luke Goodrich	call w client re OA	0.5
7/26/2022	Joseph Davis	Prepared for oral argument.	1.4
7/26/2022	Daniel Chen	Review and take notes on new Section 1557 NPRM.	2.5
7/27/2022	Daniel Chen	Meet with clients to discuss strategy.	0.8
7/27/2022	Luke Goodrich	call w clients and D Chen re proposed rule and appeal	0.8
7/27/2022	Daniel Chen	Review cases and draft summaries for oral argument	1.8
7/27/2022	Joseph Davis	Prepared for oral argument.	4.9
7/28/2022	Luke Goodrich	review appellate briefs and participate in moot for J Davis	3.2

7/28/2022	Daniel Chen	Prepare for moot; do moot with Joe for Franciscan; conduct research on follow up questions.	3.5
7/28/2022	Joseph Davis	Prepared for and participated in moot argument.	5.7
7/29/2022	Luke Goodrich	finalize and file 28j response	0.2
7/29/2022	Zachary Novak	Conducted cite check of 28j, suggested edits and assisted with filing.	0.5
7/29/2022	Joseph Davis	Reviewed and revised draft 28(j) letter regarding College of the Ozarks.	1.8
7/29/2022	Joseph Davis	Prepared for oral argument.	6.7
7/30/2022	Joseph Davis	Prepared for oral argument.	1.4
7/31/2022	Joseph Davis	Prepared for oral argument.	0.8
8/1/2022	Luke Goodrich	correspondence w J Davis and D Chen to discuss 28j response	0.3
8/1/2022	Joseph Davis	Performed research for, drafted, and revised draft Rule 28(j) letter regarding new NPRM.	1.2
8/1/2022	Daniel Chen	Attend moot for Joe.	1.5
8/1/2022	Luke Goodrich	participate in moot w J Davis and D Chen	1.5
8/1/2022	Joseph Davis	Prepared for and participated in moot argument in preparation for Fifth Circuit oral argument.	2.2
8/1/2022	Luke Goodrich	draft and revise 28j response	2.6
8/1/2022	Daniel Chen	Conduct legal research and revise and edit 28j response.	3.3
8/2/2022	Daniel Chen	Prepare for oral argument.	3
8/2/2022	Joseph Davis	Performed research and prepared for Fifth Circuit oral argument.	6.2
8/3/2022	Daniel Chen	Meet with client to prepare for oral argument.	1
8/3/2022	Luke Goodrich	meet w client to discuss OA	1
8/3/2022	Luke Goodrich	help prep J Davis for OA	3.5
8/3/2022	Daniel Chen	Prepare and moot Joe for oral argument.	5.5
8/3/2022	Joseph Davis	Performed research and prepared for Fifth Circuit oral argument.	7.9

8/4/2022	Luke Goodrich	call w client to discuss OA	0.4
8/4/2022	Luke Goodrich	debrief OA w J Davis	0.6
8/4/2022	Luke Goodrich	Meet with client post-OA to debrief	1
8/4/2022	Joseph Davis	Met with client after oral argument and discussed with Luke Goodrich.	1.6
8/4/2022	Luke Goodrich	attend OA	2.5
8/4/2022	Joseph Davis	Prepared for and participated in oral argument at Fifth Circuit.	2.6
8/4/2022	Daniel Chen	Prepare for and attend oral argument.	3
8/8/2022	Joseph Davis	Corresponded with case team regarding oral argument.	0.2
8/16/2022	Luke Goodrich	call w client re scope of injunction	0.4
8/18/2022	Luke Goodrich	call w client re scope of injunction	0.6
8/26/2022	Joseph Davis	Reviewed Fifth Circuit decision and corresponded with case team regarding same.	0.6
8/26/2022	Luke Goodrich	review opinion and draft summary for clients	0.9
8/26/2022	Daniel Chen	Review opinion and revise summary documents.	1
8/29/2022	Luke Goodrich	review CA5 opinion	0.9
9/12/2022	Joseph Davis	Performed research regarding deadline for seeking attorneys fees and corresponded with Luke Goodrich regarding the same.	1
9/15/2022	Joseph Davis	Corresponded with Luke Goodrich regarding fee issues.	0.6
9/16/2022	Luke Goodrich	review and revise motion to clarify and call DOJ for government's position	0.5
9/16/2022	Joseph Davis	Performed research regarding fee issues.	0.7
9/16/2022	Joseph Davis	Performed research for and drafted motion to clarify deadline for filing fee petition.	1.9
9/19/2022	Luke Goodrich	finalize and file motion to clarify	0.6

10/11/2022	Luke Goodrich	prep hours for fee petition	0.4
10/13/2022	Luke Goodrich	review 700+ time entries for fee petition	2.9
10/13/2022	Luke Goodrich	review time entries for fee petition	0.6
10/14/2022	Luke Goodrich	review time records for fee petition	1.4
10/14/2022	Luke Goodrich	review time entries for fee petition	2.4
10/17/2022	Daniel Chen	Research fee petition case law in N.D. Tex.	2.3
10/17/2022	Luke Goodrich	research for fee petition	0.3
10/17/2022	Luke Goodrich	research re fee petition rates and local practice	0.6
10/18/2022	Daniel Chen	Research case law for fee petition	2.5
10/19/2022	Daniel Chen	Draft and research fee petition.	7.1
10/25/2022	Daniel Chen	Research fee petition case law and draft fee petition.	2.9
10/25/2022	Joseph Davis	Reviewed hours for purposes of fee petition.	0.5
10/25/2022	Luke Goodrich	research for fee petition	0.2
10/26/2022	Daniel Chen	Research case law for fee petition.	0.5
10/31/2022	Daniel Chen	Draft and research case law for fee petition.	0.6
11/1/2022	Daniel Chen	Legal research for fee petition.	0.4
11/2/2022	Daniel Chen	Research case law to draft fee petition.	2.1
11/4/2022	Daniel Chen	Research cases for billing judgment and email with team regarding findings.	1
11/4/2022	Daniel Chen	Review billing records and entries for fee petition.	1.5
11/4/2022	Joseph Davis	Performed research regarding fee petition.	3.4
11/4/2022	Luke Goodrich	review hours and exercise billing judgment for fee petition	1
11/4/2022	Luke Goodrich	review time records to delete for billing judgment.	1.3
11/7/2022	Daniel Chen	Review paralegal hours for fee petition.	1.8
11/7/2022	Joseph Davis	Performed research regarding fee petition.	0.9

11/8/2022	Daniel Chen	Review and cut billing records for fee petition.	3.5
11/8/2022	Daniel Chen	Research case law on what fees are recoverable.	0.4
11/8/2022	Joseph Davis	Performed research regarding fee petition.	5.3
11/9/2022	Daniel Chen	Research case law and draft and revise fee petition.	3.9
11/9/2022	Joseph Davis	Performed research regarding fee petition.	0.3
11/10/2022	Joseph Davis	Reviewed and revised outline of fee petition.	0.8
11/17/2022	Daniel Chen	Research rates and draft requests for fee petition.	2.9
11/17/2022	Luke Goodrich	review memo on hourly rates	0.5
11/18/2022	Daniel Chen	Meeting with Robison to discuss fee petition and declaration.	0.3
11/28/2022	Daniel Chen	Review case law and draft fee petition supporting documents.	5.1
11/28/2022	Joseph Davis	Performed research regarding fee issues.	0.1
11/29/2022	Daniel Chen	Fee petition case law research and drafting.	4.3
11/30/2022	Daniel Chen	Research case law for fee demand letter.	1.1
11/30/2022	Luke Goodrich	draft fee demand to DOJ	5
12/1/2022	Joseph Davis	Reviewed draft fee demand letter.	0.5
12/12/2022	Daniel Chen	Draft and revise fee petition and accompanying documents.	5.3
12/12/2022	Joseph Davis	Reviewed and revised draft declarations in support of fee petition.	0.6
12/13/2022	Daniel Chen	Draft and revise fee petition and accompanying documents.	6.7
12/14/2022	Daniel Chen	Draft and revise fee petition and accompanying documents.	6.5
12/14/2022	Joseph Davis	Performed research regarding fee petition.	0.3
12/15/2022	Daniel Chen	Draft and revise fee petition and accompanying documents.	7.1
12/15/2022	Luke Goodrich	prepare fee petition	0.6

12/16/2022	Daniel Chen	Draft and revise fee petition and accompanying documents.	2.7
12/16/2022	Joseph Davis	Reviewed and revised draft fee petition.	2.3
12/19/2022	Daniel Chen	Draft and revise fee petition and accompanying documents.	7.5
12/19/2022	Joseph Davis	Reviewed and revised fee petition and supporting exhibits.	2.3
12/19/2022	Luke Goodrich	revise and prepare fee petition	2.1
12/20/2022	Daniel Chen	Revise and edit fee petition and accompanying documents.	2.5
12/20/2022	Joseph Davis	revised fee petition and supporting exhibits	1.9
12/20/2022	Luke Goodrich	review hours, revise fee petition	1.1
12/20/2022	Luke Goodrich	draft declaration for fee petition	3.1
12/20/2022	Luke Goodrich	revise fee petition and exhibits	3.7
12/20/2022	Luke Goodrich	revise fee docs	2
		Total:	3,235.9

EXHIBIT 1-D

Billing Judgment Deletions

Date	Timekeeper	Description	Hours
8/4/2016	Stephanie Barclay	Researched transgender medical issues.	8
8/17/2016	Mark Rienzi	return travel (with long delays due to weather) (9.8)	9.8
8/22/2016	Daniel Blomberg	Reviewing complaint, compiling filing punchlist, and finalizing filings	3.8
8/22/2016	Chelise Fox	Cite check and proofread complaint.	4
8/22/2016	Darlene Calandra	Update Share Point Insurance documents files	0.5
8/23/2016	Daniel Blomberg	Assisting with filing considerations and reviewing final complaint	1.8
8/23/2016	Darlene Calandra	Review complaint; update Share Point folder; review Judge O'Connor's filing specifications	1
8/23/2016	Elizabeth Dobak	Drafted appearance of counsel notice for Luke	0.5
8/24/2016	Daniel Blomberg	Working on FOIA request, public data search	0.6
8/26/2016	Darlene Calandra	Update Share Point Insurance documents files	1
9/15/2016	Lori Windham	Discussion re: intervention	0.2
9/15/2016	Luke Goodrich	call w E Rassbach, S Barclay, and M Rienzi re motion to intervene	0.3
9/15/2016	Darlene Calandra	Discuss research findings and draft with S. Barclay	0.5
9/16/2016	Mark Rienzi	emails re motion to intervene (.3); review and comment on SJ outline (.7)	1
9/19/2016	Luke Goodrich	call w M Rienzi re intervention	0.2
9/19/2016	Mark Rienzi	review motion to intervene and confer with team re same	1.5
9/20/2016	Daniel Blomberg	Call with Luke and reviewing intervention motion and calendar	0.4
9/20/2016	Eric Rassbach	Strategy phone call on PI/MPSJ.	1.5
9/20/2016	Lori Windham	Review intervention motion	0.2
9/21/2016	Daniel Blomberg	Drafting re intervention	4.6
9/21/2016	Daniel Blomberg	Call with Luke re intervention	1.1

9/21/2016	Luke Goodrich	call w D Blomberg to discuss motion to intervene	1.1
9/22/2016	Stephanie Barclay	Worked on congressional letter with questions.	4.5
9/22/2016	Daniel Blomberg	Working on intervention opposition	3.1
9/23/2016	Daniel Blomberg	Working on intervention papers	2.9
9/22/2016	Luke Goodrich	draft questions for Congressional letter	1.9
9/23/2016	Luke Goodrich	call w DOJ re service, intervention, PI & make notes to file	0.5
9/23/2016	Luke Goodrich	revise outline of opposition to intervention	0.6
9/23/2016	Luke Goodrich	revise congressional questions	1.4
9/23/2016	Lori Windham	Review Congressional questions, research for MPSJ	3
9/26/2016	Daniel Blomberg	Working on intervention opposition	0.3
9/27/2016	Daniel Benson	Research re: opposition to motion to intervene	5.4
9/27/2016	Daniel Blomberg	Working on intervention opposition	0.9
9/27/2016	Daniel Blomberg	Discussing possible complaint amendment	0.2
9/27/2016	Darlene Calandra	Search for and circulate complaints filed in S.D. California and S.D. Ohio against hospitals/health care providers re transgender children for L. Windham	1
9/28/2016	Daniel Benson	Research re: response to intervention motion	1.5
9/29/2016	Daniel Blomberg	Working on MTI opposition, research, drafting	7.1
9/30/2016	Daniel Blomberg	Drafting, researching opp to MTI	13.2
9/30/2016	Luke Goodrich	revise extension motion and draft email to intervenors re extension motion	0.4
10/3/2016	Daniel Blomberg	Reviewing motion for extension, discussing matter with SB; reviewing updated opp motion	0.8
10/3/2016	Lori Windham	Followup on meeting prep	0.3
10/3/2016	Luke Goodrich	review and revise intervention response	1
10/3/2016	Stephanie Barclay	Worked on preparing filing for motion for extension of time re: intervenors.	3.1
10/3/2016	Darlene Calandra	Update Share Point files; discuss with S. Barclay, C. Fox, E. Dobak	0.5
10/4/2016	Daniel Blomberg	Discussing MTI oppo, next steps	0.4

10/5/2016	Daniel Blomberg	Reviewing drafts on MTI oppo; discussing next steps	0.3
10/5/2016	Luke Goodrich	revise intervention opposition	1.2
10/5/2016	Luke Goodrich	revise response to motion to intervene	3.5
10/5/2016	Mark Rienzi	review and comment on intervention response brief	1
10/6/2016	Daniel Benson	Research on substantive due process for SJ motion	1
10/6/2016	Darlene Calandra	Update Share Point files; sign up for ECF notices; discuss with L. Goodrich, C. Fox, E. Dobak	0.5
10/7/2016	Stephanie Barclay	Worked on drafting summary judgment brief.	1
10/7/2016	Darlene Calandra	Update Share Point files	1
10/7/2016	Elizabeth Dobak	Logged expense onto RTG	0.1
10/11/2016	Darlene Calandra	Discuss failure of email to HHS attorneys re Motion for Extension with L. Goodrich; re-send email to HHS attorneys; update Share Point files; discuss with L. Goodrich, S. Barclay, C. Fox, E. Dobak	3
10/12/2016	Daniel Benson	Substantive due process research for SJ motion	2
10/13/2016	Darlene Calandra	Discuss rules re Appendix contents with L. Goodrich and S. Barclay; review local rules re Appendix; meet with S. Barclay; review citation format for cites in Motion for Summary Judgment	0.75
10/14/2016	Eric Rassbach	Review and comment on complaint	0.9
10/14/2016	Darlene Calandra	Update Share Point files	0.5
10/15/2016	Eric Rassbach	Call w Mark re MSJ	0.2
10/17/2016	Darlene Calandra	Update Share Point files	0.5
10/18/2016	Eric Rassbach	call w Luke and Mark re MSJ	0.5
10/19/2016	Stephanie Barclay	Worked on CMDA declarations and motion to accompany brief.	1
10/20/2016	Mark Rienzi	work on SJ papers	1
10/20/2016	Stephanie Barclay	Researched transgender medical literature.	5
10/20/2016	Darlene Calandra	Cite check, proofread, edit and format Brief in Support of Motion for Summary Judgment; discuss with C. Fox, E. Dobak and S. Barclay; assist	1.75

		with preparation of Appendix documents	
10/21/2016	Luke Goodrich	revise and finalize MSJ	3
10/21/2016	Stephanie Barclay	Finalized the summary judgment brief and appendix and filed with paralegals.	6.4
10/21/2016	Chelise Fox	Cite check, proof, and revise MSJ and supporting documents.	8.3
10/21/2016	Darlene Calandra	Cite check, proofread, edit and format Brief in Support of Motion for Summary Judgment; discuss with C. Fox, E. Dobak, S. Barclay, L. Goodrich; assist with preparation of Appendix to Motion for Summary Judgment.	7.25
10/24/2016	Darlene Calandra	Prepare Judge's copy of Brief in Support of Motion for Summary Judgment and Appendix; discuss with S. Barclay, L. Goodrich	5.5
10/25/2016	Stephanie Barclay	Reviewed and researched motion from ACLU intervenors	2
10/25/2016	Darlene Calandra	Update case files; contact clerk's office re Judge's copy of Brief in Support of Motion for Summary Judgment and Appendix; discuss with S. Barclay, L. Goodrich	2
10/27/2016	Stephanie Barclay	Reviewed response to ACLU and did case law research and coordinated cite check.	5.7
10/27/2016	Chelise Fox	Research for S. Barclay, looking for intervenor examples in N.D. Texas. Cite check Response to Motion to Stay Briefing.	6
10/27/2016	Darlene Calandra	Cite check, proofread, edit and format Response to Intervenors' Motion to Stay Briefing.	1.5
10/27/2016	Darlene Calandra	Team strategy meeting with S. Barclay and C. Fox regarding response to motion to stay briefing.	0.5
10/28/2016	Daniel Benson	Case research re timing of summary judgment vs intervention	0.4

10/28/2016	Daniel Benson	Research re response to ACLU's motion to stay	5
10/28/2016	Eric Baxter	Review complaint and SJ motion.	2
10/28/2016	Darlene Calandra	Update Share Point files; prepare draft Response to ACLU Motion to Stay for S. Barclay	0.75
10/31/2016	Rachel Busick	Administrative Record Research	1
11/1/2016	Darlene Calandra	Update Share Point files; prepare draft Response to ACLU Motion to Stay for S. Barclay	0.5
11/3/2016	Darlene Calandra	Update Share Point files	1
11/10/2016	Diana Thomson	reviewing proposed-intervenors' motion to stay case	0.7
11/10/2016	Darlene Calandra	Update Share Point files	0.5
11/14/2016	Eric Rassbach	call w Luke re stay	0.3
11/14/2016	Luke Goodrich	call w E Rassbach re stay	0.3
11/14/2016	Darlene Calandra	Update Share Point files	1
11/16/2016	Rachel Busick	research on ACA 1557	1.4
11/17/2016	Eric Baxter	Research and analysis of grant agreement nondiscrimination certification.	6.3
11/18/2016	Darlene Calandra	Update Share Point files	1
11/21/2016	Rachel Busick	CA5 ripeness/injury research	1.2
11/22/2016	Darlene Calandra	Update Share Point files	1
11/28/2016	Stephanie Barclay	Worked on drafting my sections of reply brief.	5
11/29/2016	Stephanie Barclay	Finished first draft of my sections of reply brief and circulated to group.	3
11/29/2016	Darlene Calandra	Update Share Point files	0.5
11/30/2016	Chelise Fox	Created shell/draft of Declaration for L. Goodrich; researched rules and called clerk re filing it (separately, in Appendix, or as exhibit).	1.5
12/1/2016	Rachel Busick	Finalize PI Reply	4.7
12/2/2016	Chelise Fox	Finished cite check, tables, final proofread and page checks, preparing for filing for reply brief.	4
12/2/2016	Elizabeth Dobak	Finalized filing and rechecked/edited TOC and TOA	2
12/5/2016	Darlene Calandra	Update Share Point files	0.5
12/5/2016	Luke Goodrich	call w team to discuss congressional subpoena and foia on trans mandate	1
12/8/2016	Darlene Calandra	Update Share Point files	0.3

12/13/2016	Eric Baxter	Analysis regarding potential False Claims Act claim based on grant conditions.	1.3
12/14/2016	Daniel Benson	Research judicial estoppel	3.8
12/15/2016	Daniel Benson	Mark's OA moot and research	4.7
12/15/2016	Eric Baxter	Participate in moot for M. Rienzi.	1.6
12/15/2016	Chelise Fox	Notices of Appearance, drafted and filed.	1
12/16/2016	Daniel Benson	Create one-pagers for Mark's OA	0.6
12/16/2016	Daniel Benson	Draft one pagers for Mark's OA	2
12/19/2016	Mark Rienzi	travel to Texas for hearing	4
12/19/2016	Elizabeth Dobak	Helped format oral argument research and created TOC	1.1
12/20/2016	Mark Rienzi	return travel from hearing	9.5
12/22/2016	Eric Baxter	Work on grant issue.	1
12/23/2016	Eric Baxter	Work on grant issues.	0.3
12/27/2016	Darlene Calandra	Update Share Point electronic docket	0.5
12/28/2016	Eric Baxter	Research and call with Franciscan Alliance Foundation re grant issues.	1.3
1/3/2017	Darlene Calandra	Update Share Point electronic docket	0.5
1/11/2017	Chelise Fox	Drafted shell response to ACLU intervention.	0.5
1/12/2017	Darlene Calandra	Update Share Point electronic docket and case files	0.5
1/13/2017	Eric Rassbach	Call w S Barclay and L Windham to discuss final judgment	0.8
1/13/2017	Mark Rienzi	review response on intervention motion	0.7
1/13/2017	Darlene Calandra	Update Share Point electronic docket and case files	0.5
1/17/2017	Mark Rienzi	work on intervention filing	1
1/17/2017	Darlene Calandra	Cite check, proofread, format and edit Response to Intervenor's Motion on Ruling on Intervention and Stay of Preliminary Injunction Pending Appeal; discuss with L. Goodrich, S. Barclay, C. Fox, E. Dobak	3
1/19/2017	Diana Thomson	reviewing reply to motion to stay intervention	0.2
1/30/2017	Rachel Busick	reviewing intervention	4.2
2/2/2017	Luke Goodrich	research response to motion to intervene	0.7
2/2/2017	Rachel Busick	research re ACLU oppo to intervention	4.6

2/2/2017	Darlene Calandra	Update Share Point electronic docket and case files	0.5
2/3/2017	Darlene Calandra	Update Share Point electronic docket and case files; conduct research re ACLU filings; prepare chart and email re same research results; discuss with L. Goodrich	3
2/6/2017	Darlene Calandra	Update Share Point electronic docket and case files; discuss upcoming filing with L. Goodrich	1
2/7/2017	Chelise Fox	Draft notices of appearance for Mark Rienzi and Stephanie Barclay	1
2/7/2017	Darlene Calandra	Cite check, proofread, format and edit Response to Intervenor's Request for Intervention; discuss with L. Goodrich, S. Barclay, C. Fox.	3
2/7/2017	Darlene Calandra	Update Share Point and case files	1
2/8/2017	Mark Rienzi	work on intervention filing	0.5
2/9/2017	Darlene Calandra	Update Share Point electronic docket and case files	0.5
2/13/2017	Darlene Calandra	Update Share Point files	0.5
2/14/2017	Darlene Calandra	Update Share Point files and review Fifth Circuit rules for admission	0.5
2/15/2017	Elizabeth Dobak	Cite checked motion to dismiss, filled out appearance of counsel forms for Stephanie and Luke, retrieved ECF credentials for Stephanie, e-filed appearance forms for both attorneys	3
2/16/2017	Darlene Calandra	update Share Point files; review rules for admission to Fifth Circuit	1
2/16/2017	Elizabeth Dobak	Verified that Stephanie Barclay will receive ECF notifications today or tomorrow	0.2
2/17/2017	Darlene Calandra	update Share Point files	1
2/21/2017	Darlene Calandra	update Share Point files	0.5
2/23/2017	Darlene Calandra	update Share Point files; review FRAP and local rules re Motion reply and response; calculate dates for Fifth Circuit filings for S. Barclay; contact court re same; discuss with S. Barclay	1.2
2/24/2017	Darlene Calandra	update Share Point files	0.5
2/28/2017	Stephanie Barclay	Researched intervention issues and sent initial findings to team.	3.9

2/28/2017	Stephanie Barclay	Researched intervention case law for reply to motion to dismiss.	4.2
2/28/2017	Darlene Calandra	update Share Point files	0.5
3/6/2017	Darlene Calandra	update Share Point files	1
3/7/2017	Darlene Calandra	update Share Point files	1
3/7/2017	Darlene Calandra	update Share Point files	0.5
3/13/2017	Stephanie Barclay	Traveled to pick up admin law treatise	0.5
3/13/2017	Darlene Calandra	update Share Point files.	1
3/14/2017	Darlene Calandra	update Share Point files; prepare revised Appendix for Motion for Summary Judgment; discuss with L. Goodrich, C. Fox and S. Barclay	0.5
3/15/2017	Daniel Benson	Review relevant 11th circuit Title VII case interpreting 'sex'	0.5
3/15/2017	Darlene Calandra	update Share Point files	1
3/21/2017	Darlene Calandra	update Share Point files	0.3
3/23/2017	Darlene Calandra	update Share Point files; email requested documents to S. Barclay and A. Vitale	0.5
3/27/2017	Luke Goodrich	review intervenors' stay motion	0.2
3/27/2017	Darlene Calandra	update Share Point files	0.3
3/28/2017	Stephanie Barclay	Reviewed ACLU motion to stay and reviewed cited case law.	1.6
3/28/2017	Darlene Calandra	update Share Point files; review ND Texas local rules re time to respond to Motion to Stay; discuss with S. Barclay	0.5
3/29/2017	Stephanie Barclay	Researched case law re stay of proceedings when intervention is denied and discussed findings with Luke.	3.3
3/30/2017	Daniel Blomberg	Doing emergency research for Luke on settlement issue	0.6
3/30/2017	Eric Rassbach	calls re litigation strategy	1.3
3/31/2017	Luke Goodrich	Correspondence w intervenors and TX re intervenors' motion to bifurcate	0.2
4/3/2017	Darlene Calandra	update Share Point files	0.5
4/4/2017	Luke Goodrich	revise and send to TX the opp to intervenors' stay request	0.2
4/4/2017	Luke Goodrich	review intervenors' motion to bifurcate	0.2
4/4/2017	Luke Goodrich	revise response to intervenors' stay motion	0.6
4/4/2017	Darlene Calandra	search for samples of 5th Cir or other court Motion to Stay Briefing Schedule	2

		Pending Motion to Dismiss; discuss with S. Barclay and C. Fox.	
4/5/2017	Eric Rassbach	discussion w Mark re strategy	0.2
4/5/2017	Luke Goodrich	review response to intervenors' motion to bifurcate	0.2
4/5/2017	Luke Goodrich	revise and send to TX the response to intervenors motion to bifurcate	0.9
4/5/2017	Mark Rienzi	strategy discussions with Mr. Rassbach	0.2
4/5/2017	Chelise Fox	Cite checked opp to intervention mot to stay.	2.5
4/6/2017	Darlene Calandra	update Share Point files	0.5
5/2/2017	Darlene Calandra	Update Share Point files.	0.2
5/12/2017	Darlene Calandra	Update Share Point files.	0.3
5/19/2017	Darlene Calandra	Update Share Point files.	0.5
5/23/2017	Darlene Calandra	Update Share Point files.	0.5
6/1/2017	Darlene Calandra	Update Share Point files.	0.2
6/8/2017	Darlene Calandra	Update Share Point files.	0.3
6/13/2017	Darlene Calandra	Update Share Point files.	0.3
6/22/2017	Darlene Calandra	Update Share Point files.	0.3
6/23/2017	Darlene Calandra	Update Share Point files.	0.3
6/26/2017	Luke Goodrich	flight to hearing, return travel from hearing	6
6/26/2017	Mark Rienzi	travel to texas for hearing	6.7
6/26/2017	Mark Rienzi	return travel from hearing	7
6/26/2017	Darlene Calandra	Update Share Point files.	0.3
6/30/2017	Darlene Calandra	Update Share Point files.	0.3
7/3/2017	Darlene Calandra	Update Share Point files.	0.5
8/8/2017	Darlene Calandra	Update Share Point files.	0.3
8/11/2017	Stephanie Barclay	Reviewed order.	0.5
8/15/2017	Stephanie Barclay	team call re strategy	0.5
8/16/2017	Stephanie Barclay	Client lunch to discuss strategy and next steps.	2
8/24/2017	Darlene Calandra	Update Share Point files.	0.3
1/17/2018	Luke Goodrich	Call w S Barclay re possible new rule	1
1/17/2018	Stephanie Barclay	Call to discuss preparations for possible new rule.	1
1/18/2018	Luke Goodrich	Call w S Barclay re new rule	1
1/18/2018	Stephanie Barclay	Team call re potential new rules and next steps to prepare.	1
2/22/2018	Stephanie Barclay	Call from client regarding potential suit with doctor, call with doctor, and correspond with team re same.	2.2

2/23/2018	Darlene Calandra	Update Share Point files	0.3
4/16/2018	Darlene Calandra	Update Share Point files	0.3
4/17/2018	Stephanie Barclay	Call with Mark and Luke re new rule and client outreach	0.4
10/23/2018	Darlene Calandra	Update Share Point files	0.5
11/16/2018	Darlene Calandra	Update Share Point files	0.3
11/30/2018	Chase Harrington	Call with Luke on assisting with case	0.1
11/30/2018	Lori Windham	Strategy call	0.5
11/30/2018	Stephanie Barclay	Call with team re strategy.	0.7
1/30/2019	Chase Harrington	Research on historical understanding of 'sex', corpus linguistics, and spending clause nondelegation	5.6
1/30/2019	Eric Rassbach	strategy call re MSJ	1.2
1/31/2019	Chase Harrington	Research re deference args	4.5
1/31/2019	Darlene Calandra	Prepare Rassbach Pro Hac application; sign up Rassbach for ECF; order COGS from DC; update Appendix for new Motion for Summary Judgment; discuss with Davis; review court rules	1.75
2/1/2019	Joseph Davis	Performed research regarding admission of Eric Rassbach to Northern District of Texas.	0.5
2/4/2019	Chase Harrington	editing MSJ, proofreading, filing	8
2/4/2019	Darlene Calandra	Cite check, proofread, format and edit Brief in Support of Partial Summary Judgment; discuss with attorneys and paralegals; discuss Rassbach Pro Hac Motion with Rassbach and Davis; update Share Point files.	3.75
2/5/2019	Darlene Calandra	Update Share Point files; arrange for judge's copy to be printed; discuss with J. Davis; send to court	1.3
2/6/2019	Jennifer Montazzoli	Printed and mailed Franciscan binders to judge	4
2/7/2019	Eric Rassbach	call re intervention	0.4
2/7/2019	Joseph Davis	Reviewed motion to intervene filed by ACLU and discussed same with Luke Goodrich, Eric Rassbach, and Mark Rienzi.	1
2/7/2019	Luke Goodrich	call w TX re intervention	0.2
2/7/2019	Luke Goodrich	call w client re intervention strategy	0.2
2/7/2019	Luke Goodrich	call w M Rienzi, E Rassbach, and J Davis re intervention	0.4

2/7/2019	Luke Goodrich	research and draft memo to client on intervention	1.6
2/7/2019	Mark Rienzi	call with team re ACLU intervention	0.4
2/7/2019	Darlene Calandra	Update Share Point files	0.3
2/11/2019	Darlene Calandra	Update Share Point files	0.3
2/19/2019	Joseph Davis	Received and reviewed draft response to motion to intervene.	0.7
2/19/2019	Luke Goodrich	review draft response to motion to intervene	0.7
2/20/2019	Joseph Davis	Reviewed and revised objections to declarations of putative intervenors.	0.3
2/20/2019	Joseph Davis	Performed research for and revised opposition to renewed motion to intervene.	1.9
2/20/2019	Luke Goodrich	revise opposition to intervention	0.2
2/22/2019	Luke Goodrich	call and email re client involvement in congressional testimony	0.6
2/28/2019	Darlene Calandra	Update Share Point files	0.5
3/11/2019	Darlene Calandra	Update Share Point files	0.5
3/15/2019	Darlene Calandra	Update Share Point files	0.5
3/21/2019	Darlene Calandra	Update Share Point files	0.5
3/25/2019	Darlene Calandra	Update Share Point files	0.5
4/1/2019	Darlene Calandra	Update Share Point files	0.5
4/2/2019	Darlene Calandra	Update Share Point files; draft Opposition to Motion for Extension; discuss with J. Davis	0.5
4/9/2019	Diana Thomson	reviewing ACLU filing and considering reply	1.2
4/9/2019	Eric Rassbach	team call re strategy	0.7
4/9/2019	Lori Windham	Strategy call for reply	0.7
4/9/2019	Stephanie Barclay	Call with team re strategy.	0.7
4/30/2019	Diana Thomson	prep for upcoming rule	0.9
4/30/2019	Lori Windham	Review and edit reply brief	1
5/1/2019	Diana Thomson	reviewing reply	0.5
5/9/2019	Darlene Calandra	Update Share Point electronic docket	0.5
5/24/2019	Diana Thomson	discussing and reviewing NPRM	2.6
6/4/2019	Darlene Calandra	Prepare and draft shell document for supplemental brief; update Share Point files	0.5
6/7/2019	Darlene Calandra	Prepare judge's copy of Supplemental Brief and send out; update electronic docket	1
6/20/2019	Darlene Calandra	update electronic docket	0.5

8/7/2019	Lori Windham	Discuss court order and response	0.9
8/8/2019	Joseph Davis	Performed research for and drafted supplemental brief regarding standing for permissive intervenors.	6.8
8/8/2019	Darlene Calandra	Update electronic docket; update calendar	0.5
8/12/2019	Darlene Calandra	Update electronic docket	1
8/15/2019	Darlene Calandra	Update electronic docket and Share Point files	1
9/10/2019	Joseph Davis	Prepared for hearing on motion to intervene.	0.7
9/11/2019	Joseph Davis	Prepared for hearing on motion to intervene.	4.7
9/12/2019	Joseph Davis	Prepared for hearing on motion to intervene.	6.6
9/13/2019	Joseph Davis	Prepared for and participated in call with Luke Goodrich and counsel for State Plaintiffs regarding hearing on motion to intervene.	0.9
9/13/2019	Joseph Davis	Prepared for hearing on motion to intervene.	4.2
9/13/2019	Darlene Calandra	Prepare Oral Argument binders; discuss with J. Davis and L. Goodrich; update electronic docket and Share Point files	1.75
9/13/2019	Jessica Allen	Prepare OA binders	2
9/13/2019	Megan Schilling	Work on ECF filing registration for Joe Davis; Fill out Application for admission	1
9/14/2019	Joseph Davis	Prepared for hearing on motion to intervene.	1.7
9/15/2019	Joseph Davis	Prepared for and participated in moot argument for hearing on motion to intervene.	2.2
9/15/2019	Luke Goodrich	travel from SLC to Ft Worth for hearing	4
9/15/2019	Luke Goodrich	review briefing and meet w J Davis to discuss hearing strategy	3.4
9/15/2019	Luke Goodrich	review hearing docs	1.7
9/16/2019	Joseph Davis	Prepared for, attended, and argued at hearing on motion to intervene.	4.5
9/16/2019	Luke Goodrich	attend hearing	1.5

9/16/2019	Luke Goodrich	meet w J Davis re admission and hearing strategy	2.3
9/16/2019	Luke Goodrich	return travel from Ft Worth to SLC	4.4
10/15/2019	Darlene Calandra	Update electronic docket	0.5
11/14/2019	Darlene Calandra	Update electronic docket and case files	1
12/3/2019	Joseph Davis	Reviewed edits to motion to dismiss appeal circulated by intervenors and state plaintiffs.	0.5
12/3/2019	Darlene Calandra	Update electronic docket and case files	0.5
12/9/2019	Darlene Calandra	Update electronic docket and case files	1
1/17/2020	Darlene Calandra	Update electronic docket	1
1/21/2020	Darlene Calandra	Assist with preparation of Notice of Appeal; update case files	0.75
1/30/2020	Darlene Calandra	Update electronic dockets and case files	1
2/3/2020	Darlene Calandra	Prepare order form for transcripts; update case files	1
2/4/2020	Darlene Calandra	update case files	0.5
2/6/2020	Darlene Calandra	Prepare draft transcript request form; discuss with J. Davis and L. Goodrich; update case files; contact court reporter about transcript request	2
2/7/2020	Darlene Calandra	Address issues re transcript request form; discuss with J. Davis and L. Goodrich; update case files; contact court reporter about transcript request	1.5
2/10/2020	Darlene Calandra	Prepare and file transcript form; discuss with J. Davis and L. Goodrich; update case files	1.5
2/21/2020	Darlene Calandra	Update case files	1
2/24/2020	Darlene Calandra	update Electronic Docket	0.5
2/26/2020	Megan Schilling	Calculate and add 5th Circuit briefing deadlines to litigation calendar	0.5
3/9/2020	Darlene Calandra	Update Share Point electronic docket and case files	0.5
3/19/2020	Darlene Calandra	Update Electronic Docket, calendar and case files	0.5
3/23/2020	Darlene Calandra	Update Electronic Docket, calendar and case files	0.5
4/21/2020	Darlene Calandra	Update electronic docket and case files	0.5
4/24/2020	Darlene Calandra	Update electronic docket.	0.5
4/27/2020	Darlene Calandra	Update electronic docket and case files	0.5

4/28/2020	Darlene Calandra	Update electronic docket and case files; update calendar	0.5
5/22/2020	Jacob Coate	Strategy call re motion to extend briefing (.5); research for motion and review case background materials (.2)	0.7
5/24/2020	Jacob Coate	Review Local Rules.	0.9
5/24/2020	Jacob Coate	Review case materials.	0.8
5/25/2020	Jacob Coate	Review case background materials.	2.4
5/25/2020	Jacob Coate	Research jurisprudence re staying proceedings pending Supreme Court decisions.	4
5/25/2020	Jacob Coate	Research for motion to stay.	0.7
5/26/2020	Jacob Coate	Research and develop strategy re motion to stay.	0.6
5/27/2020	Jacob Coate	Research re motion to stay.	2.8
5/27/2020	Jacob Coate	Draft motion to stay.	7.6
5/28/2020	Jacob Coate	Revise motion to stay.	1
5/28/2020	Lori Windham	Review and correspond re motion	0.3
5/28/2020	Darlene Calandra	Update Share Point electronic docket	1
7/6/2020	Zachary Novak	Updated docket and saved documents to SharePoint.	0.3
9/14/2020	Samuel Lucas	Tracked down uncorrupted electronic record document for Joe Davis	0.5
9/21/2020	Hilary Boerger	Review, cite check, proof read and file Opening Brief and Excerpts of Electronic Record	6
12/31/2020	Megan Schilling	Coordinate printing of Franciscan briefs per court order 12/23/20.	1
2/5/2021	Daniel Chen	Discuss strategy with Becket internal team and email with potential mooters.	0.5
2/8/2021	Daniel Chen	Review 28(j) response letters and email with potential mooters	1.1
2/10/2021	Eric Baxter	Prepare for and moot J. Davis for oral argument.	2.5
3/4/2021	Joseph Davis	Corresponded with mooters regarding oral argument.	0.6
5/14/2021	Eric Rassbach	participate in call to advise on final judgment and injunction language	0.9
8/9/2021	Lori Windham	Review order and correspondence re same	0.5
12/17/2021	Joseph Davis	Prepared and filed appearances for Fifth Circuit appeal.	0.3

1/4/2022	Zachary Novak	Reviewed requirements for admission and sent certificate of standing request from Daniel Chen to D.N.D.	0.3
1/11/2022	Megan Schilling	Update Litigation Calendar with upcoming deadlines	0.1
5/13/2022	Daniel Chen	Revise and edit motion for extension of time.	1
7/15/2022	Lori Windham	Advise client on new HHS memos, research on memos	1.8
7/15/2022	Leigh Brown	Preparing OA binders for Joe Davis	2.5
7/26/2022	Matthew Krauter	assist with travel arrangements for Franciscan oral argument	0.4
7/27/2022	Daniel Benson	Prepare for and participate in mooting J Davis for CA5 oral argument.	2
8/3/2022	Luke Goodrich	travel to NOLA for OA	4.6
8/4/2022	Luke Goodrich	return travel from NOLA OA	6.3
8/5/2022	Zachary Novak	Researched obtaining transcript of OA, relayed findings to team.	0.8
10/12/2022	Zachary Novak	Identified examples of fee petitions from recent cases, phone call with Luke Goodrich re scope and timeline of fee petition in this case.	1.6
10/13/2022	Joseph Davis	Telephone conference with Luke Goodrich regarding fee issues.	0.4
10/13/2022	Luke Goodrich	call w J Davis re fee petition	0.3
10/17/2022	Daniel Chen	Strategy meeting with Luke and Joe re: fee petition.	0.2
10/17/2022	Luke Goodrich	call w D Chen re fee petition research	0.3
10/18/2022	Joseph Davis	Reviewed draft member resource document regarding injunction.	0.5
10/25/2022	Daniel Chen	Discuss fee petition research and strategy with team.	0.6
10/25/2022	Joseph Davis	Prepared for and participated in call with case team regarding fee petition.	0.6
10/25/2022	Luke Goodrich	call w D Chen and J Davis to discuss fee petition	0.6
10/25/2022	Zachary Novak	Created drafts of fee petition tables.	0.9
10/26/2022	Zachary Novak	Finalized requested fee petition tables and charts, sent to attorneys for review.	2.2
11/1/2022	Zachary Novak	Phone call with Luke Goodrich re fee petition next steps; conducted data entry and graphing re the same.	1

11/2/2022	Zachary Novak	Finalized data entry and created graph re the same for fee petition. Sent to attorneys for review; made adjustments and added to spreadsheet.	1.4
11/4/2022	Daniel Chen	Call with Luke to discuss reviewing attorney and paralegal billing records.	0.1
11/7/2022	Daniel Chen	Strategy call with Joe regarding outstanding issues to research.	0.2
11/7/2022	Daniel Chen	Strategy call with Luke regarding fee records.	0.2
11/8/2022	Zachary Novak	Created drafts of fee petition motion and memo, sent to attorneys for review.	1.2
11/14/2022	Daniel Chen	Strategy discussion with L. Goodrich and J. Davis.	1
11/14/2022	Joseph Davis	Prepared for and participated in case team meeting regarding fee petition.	1
11/14/2022	Luke Goodrich	call w D Chen and J Davis re fee petition and research on same	1
11/18/2022	Daniel Chen	Internal team meeting to discuss collecting costs.	0.3
11/18/2022	Luke Goodrich	call w D Chen re fee petition	0.4
11/18/2022	Zachary Novak	Call with attorneys re next steps in fee petition, tracked down and saved additional expenses.	1.2
11/22/2022	Matthew Krauter	drafting declaration template for DChen	0.4
11/28/2022	Zachary Novak	Continued prep of fee petition expenses, sent summary to attorneys for review.	2
11/30/2022	Daniel Chen	Call with Luke to discuss next steps for demand letter and fee petition.	0.5
11/30/2022	Zachary Novak	Broke out Franciscan expenses into individual line items and arranged in spreadsheet, sent summary to attorneys for review.	1.5
12/15/2022	Daniel Chen	Team strategy meeting regarding fee petition.	0.5
12/15/2022	Luke Goodrich	call w D Chen re fee petition	0.5
12/19/2022	Daniel Chen	Team strategy meeting with L. Goodrich, J. Davis, and paralegals.	0.6
12/19/2022	Luke Goodrich	team call re fee petition	0.6
12/19/2022	Zachary Novak	Team strategy call re fee petition; compiled tables of billed hours	0.6

12/20/2022	Matthew Krauter	Made edits and additions to Goodrich declaration	0.9
12/20/2022	Zachary Novak	Compiled hour tables; contacted chambers re paper copies	1.4
		Total:	569.7

EXHIBIT 1-E

Luke W. Goodrich

EXPERIENCE

The Becket Fund for Religious Liberty

Vice President, 2018-present; *Deputy General Counsel*, 2009-2018; *Legal Counsel*, 2008-09

- Served as Supreme Court co-counsel in seven merits victories and three All Writs Act victories. Merits: *Hosanna-Tabor* (2012), *Hobby Lobby* (2014); *Holt* (2015), *Zubik* (2016), *Little Sisters of the Poor* (2020), *Our Lady of Guadalupe* (2020), *Fulton* (2021). All Writs Act: *Little Sisters* (2013, 2014), *Wheaton College* (2014), *Agudath Israel* (2020).
- Named *National Law Journal* Appellate Hot List (2020) (first public interest firm ever)
- Represented governments, religious organizations, and individuals in religious liberty disputes at trial, appellate, and Supreme Court levels
- Received appointment as a Special Assistant Attorney General for the State of Colorado to argue an Establishment Clause appeal on behalf of several states

University of Utah, S.J. Quinney College of Law

Adjunct Professor of Law, 2013-2021

- Taught advanced courses on law and religion

Winston & Strawn, LLP

Associate, Appellate and Critical Motions, 2007-08

- Drafted briefs in complex patent, environmental, bankruptcy, criminal, and constitutional cases
- Briefed, argued, and won a habeas appeal overturning on constitutional grounds a state murder conviction and life sentence, *Vazquez v. Wilson*, 550 F.3d 270 (3d Cir. 2008)

U.S. Department of State, Office to Monitor and Combat Trafficking in Persons

Legal and Research Advisor, PRO-telligent, LLC, 2005-06

- Provided legal counsel to the Department of State office responsible for coordinating the global fight against forced labor and sexual exploitation

The Hon. Michael W. McConnell, U.S. Court of Appeals for the Tenth Circuit

Judicial Clerk, 2004-05

EDUCATION

University of Chicago Law School, J.D., *High Honors*, June 2004

- Order of the Coif
- Law Review

Wheaton College (IL), B.A., *summa cum laude*, integrated Philosophy/Economics, May 2001

- National Merit Scholar
- Member of a nationally-ranked (NCAA Division III) men's basketball team

REPRESENTATIVE LITIGATION

SUPREME COURT MERITS

***Fulton v. City of Philadelphia*, No. 19-123 (2021).** Helped draft merits briefs in unanimous Supreme Court victory involving a Catholic foster care ministry.

***Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049 (2020).** Helped draft merits briefs in Supreme Court victory involving religious schools.

***Little Sisters of the Poor v. Pennsylvania*, 140 S. Ct. 2367 (2020).** Helped draft merits briefs in Supreme Court victory involving the Little Sisters of the Poor.

***Zubik v. Burwell*, 136 S. Ct. 1557 (2016).** Helped draft merits briefs in Supreme Court victory involving the Little Sisters of the Poor.

***Holt v. Hobbs*, 135 S. Ct. 853 (2015).** Drafted merits briefs in a unanimous Supreme Court victory involving the right of a Muslim prisoner to grow a beard.

***Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014).** Helped draft certiorari and merits briefs in Supreme Court victory involving the Religious Freedom Restoration Act.

***Hosanna-Tabor Evangelical Lutheran Church and Sch. v. EEOC*, 132 S. Ct. 694 (2012).** Drafted petition for certiorari and merits briefs in a unanimous Supreme Court victory involving the First Amendment ministerial exception.

SUPREME COURT ALL WRITS ACT

***Agudath Israel of America v. Cuomo*, opinion at 141 S. Ct. 63 (2020).** Helped draft application obtaining emergency injunctive relief in a case involving Jewish synagogues.

***Wheaton Coll. v. Burwell*, 134 S. Ct. 2806 (2014).** Helped draft application obtaining emergency injunctive relief in a case involving a religious college.

***Little Sisters of the Poor v. Sebelius*, 134 S. Ct. 1022 (2014).** Helped draft application obtaining emergency injunctive relief in a case involving the Little Sisters of the Poor.

SUPREME COURT CERTIORARI

***City of Pensacola v. Kondrat'yev*, 139 S. Ct. 2772, 204 L. Ed. 2d 1153 (2019) (GVR).** Drafted petition for certiorari in a case involving the constitutionality of a cross display.

***Stormans, Inc. v. Wiesman*, 136 S. Ct. 2433 (2016) (dissent from denial of certiorari).** Drafted petition for certiorari in a case involving the constitutionality of pharmacy regulations.

***Elmbrook Sch. Dist. v. Doe*, 134 S. Ct. 2283 (2014) (dissent from denial of certiorari).** Drafted petition for certiorari in a case involving the constitutionality of holding public school graduation in a church.

***Big Sky Colony, Inc., v. Montana Dep't of Labor & Indus.*, 134 S. Ct. 59 (2013).** Drafted petition for certiorari in a First Amendment challenge to state workers' compensation laws.

COURTS OF APPEALS

***Starkey v. Archdiocese of Indianapolis*, 41 F.4th 931 (7th Cir. 2022) (argued).** Briefed and argued a successful appeal protecting the freedom of a religious school to choose its leaders.

***Religious Sisters of Mercy v. Becerra*, 2022 WL 17544669 (8th Cir. 2022) (argued).** Briefed and argued a successful appeal defending religious ministries from HHS regulations.

***Payne-Elliott v. Archdiocese of Indianapolis*, 193 N.E.3d 1009 (Ind. 2022) (argued).** Briefed and argued a successful appeal protecting the constitutional right of church autonomy.

***Kondrat'yev v. City of Pensacola*, 949 F.3d 1319 (11th Cir. 2020) (argued).** Briefed and argued a successful appeal defending the constitutionality of a cross in a public park.

***Gaylor v. Mnuchin*, 919 F.3d 420 (7th Cir. 2019) (argued).** Briefed and argued a successful appeal defending the constitutionality of tax-exempt housing allowances for ministers.

***Rich v. Secretary, Florida Dept. of Corrections*, 716 F.3d 525 (11th Cir. 2013) (argued).** Briefed and argued a successful appeal on behalf of a Jewish prisoner seeking a kosher diet.

***Intermountain Fair Housing Council v. Boise Rescue Mission Ministries*, 657 F.3d 988 (9th Cir. 2011) (argued).** Briefed and argued a successful appeal on behalf of a homeless shelter raising issues under the Fair Housing Act and First Amendment.

***Elijah Group, Inc. v. City of Leon Valley, Tex.*, 643 F.3d 419 (5th Cir. 2011) (argued).** Briefed and argued a successful appeal on behalf of a church denied a zoning permit.

***American Atheists, Inc. v. Davenport*, 637 F.3d 1095 (10th Cir. 2010) (argued).** Appointed as Special Assistant Attorney General for the State of Colorado to brief and argue an Establishment Clause appeal on behalf of four states.

***Vazquez v. Wilson*, 550 F.3d 270 (3d Cir. 2008) (argued).** Briefed and argued a successful habeas appeal overturning a state murder conviction and life sentence as unconstitutional.

***Apache Stronghold v. United States*, No. 21-15295 (9th Cir.) (pending).** Lead counsel in an appeal on behalf of Native Americans seeking to protect their sacred site from destruction.

***Slockish v. FHWA*, No. 21-35220 (9th Cir.) (pending).** Lead counsel in an appeal on behalf of Native Americans challenging destruction of a sacred site.

***Franciscan Alliance, Inc. v. Becerra*, 47 F.4th 368 (5th Cir. 2022).** Briefed a successful appeal on behalf of religious doctors and hospitals that received an injunction against HHS

***Franciscan All., Inc. v. Becerra*, 843 F. App'x 662 (5th Cir. 2021).** Briefed a successful appeal on behalf of religious doctors and hospitals seeking an injunction against HHS

***Stormans, Inc. v. Selecky*, 794 F.3d 1064 (9th Cir. 2015).** Briefed an appeal on behalf of pharmacists challenging a state pharmacy regulation

***Moussazadeh v. Texas Dept. of Criminal Justice*, 709 F.3d 487 (5th Cir. 2013).** Briefed a successful appeal on behalf of a Jewish prisoner seeking to obtain a kosher diet.

***Merced v. Kasson*, 577 F.3d 578 (5th Cir. 2009).** Briefed a successful appeal on behalf of a Santeria priest who prohibited from sacrificing animals as part of his religious practices.

TRIAL COURTS

***Stormans, Inc. v. Selecky*, 854 F. Supp. 2d 925 (W.D. Wash. 2012).** Served as co-counsel in a two-week bench trial resulting in a favorable free exercise ruling for religious pharmacists.

***McAllen Grace Brethren Church v. Salazar*, 7:07-CV-60 (S.D. Tex.).** Served as co-counsel for Native American plaintiffs whose eagle feathers were taken by the government.

***Islamic Center of Murfreesboro v. Rutherford County, Tennessee*, 3:12-0738 (M.D. Tenn.).** Served as lead counsel for a Muslim congregation seeking to open a new mosque.

REPRESENTATIVE PUBLICATIONS

- *Free to Believe: The Battle Over Religious Liberty in America* (2019) – author of a three-time award-winning book on religious freedom
- *Sex, Drugs, and Eagle Feathers: An Empirical Study of Federal Religious Freedom Cases*, 48 Seton Hall L. Rev. 353 (2018) (with Rachel Busick)
- *On Resolving Church Property Disputes*, 58 Ariz. L. Rev. 307 (2016) (with Michael McConnell)
- *RLUIPA: Necessary, Modest, and Under-Enforced*, 39 Fordham Urb. L. J. 1021 (May 2012) (with Douglas Laycock)
- *The Health Care and Conscience Debate*, 12 Engage 121 (June 2011)
- “The Supreme Court Isn’t Anti-Muslim,” *Wall Street Journal*, Opinion, 12 Feb. 2019
- “Religious Freedom Is for Christians, Too,” *Wall Street Journal*, Opinion, 4 Dec. 2017
- “Neil Gorsuch Has a Record of Protecting Religious Minorities,” *Time*, 3 Mar. 2017
- “Opposing View: Government Shouldn’t Pick Ministers,” *USA Today*, 10 Oct. 2011
- “Mexico’s Separation of Church and State,” *Wall Street Journal*, Opinion, 1 Mar. 2010
- “Europe’s Religion Delusion,” *Wall Street Journal*, Opinion, 11 Dec. 2009
- “Sharia Across the Pond,” *The Guardian*, 6 July 2009

REPRESENTATIVE MEDIA APPEARANCES

- CNN, February 2012, http://www.youtube.com/watch?v=GyohnJ_IPVk

- *ABC World News*, February 2012, <http://www.youtube.com/watch?v=22f1fEikFSg>
- *Fox*, July 2011, <https://www.youtube.com/watch?v=yPYzxHLgBbA>
- *PBS*, October 2011, <http://www.pbs.org/wnet/religionandethics/?p=9664>
- *NPR*, October 2011, <http://interfaithradio.org/2011/Show42>
- *NPR*, October 2009, <http://interfaithradio.org/node/1065>
- Al Jazeera, November 2017, https://www.youtube.com/watch?v=_vyb2eN3dW4
- Numerous radio appearances; quoted in *New York Times* and other major outlets

EXHIBIT 1-F

MARK L. RIENZI

PROFESSIONAL
EXPERIENCE

**THE CATHOLIC UNIVERSITY OF AMERICA
COLUMBUS SCHOOL OF LAW, 2009-present**

Professor of Law (tenured in June 2015)

Director, Center for Religious Liberty

Courses: Constitutional Law, Torts, Evidence, Religious Liberty

Awards: Teacher of the Year, 2011, 2012, 2013; Mary, Mirror of Justice Award, 2012; Faculty Co-Marshall, 2014.

HARVARD LAW SCHOOL

Visiting Professor of Law, 2017-19 (co-taught Religious Freedom Research Seminar with Professor Mary Ann Glendon); Lead instructor for winter term religious liberty clinic for Harvard Law School students (January 2016, 2017, 2018)

THE BECKET FUND FOR RELIGIOUS LIBERTY, 2011-present

President (2018-present). Responsible for management and oversight of non-profit, non-partisan religious liberty law firm; 11-0 record at the Supreme Court: Hosanna-Tabor (2012); Little Sisters (emergency application, 2013); McCullen (2014); Hobby Lobby (2014); Wheaton College (emergency application, 2014); Holt (2015); Zubik (2016); Agudath Israel/Diocese of Brooklyn (emergency application, 2020); Little Sisters (2020); Our Lady of Guadalupe (2020); Fulton (2021); firm named to National Law Journal Appellate Hot List (2020, '21) (first pro bono firm ever).

WILMER CUTLER PICKERING HALE AND DORR LLP

Counsel, Litigation Department (2000-2002; 2003-April 2009)

Responsible for all phases of civil litigation in state and federal courts, chiefly focused on intellectual property and First Amendment cases. Intellectual Property Litigation Group (2007 *American Lawyer* as 2007 Intellectual Property Lit. Group of the Year) and Appellate and Supreme Court Litigation Group.

CLERK, HON. STEPHEN F. WILLIAMS, SENIOR CIRCUIT JUDGE

U.S. Court of Appeals for the D.C. Circuit, *August 2002-June 2003*

EDUCATION

HARVARD LAW SCHOOL, Juris Doctor, 2000

Honors: *Cum Laude*; Editor, *Harvard Law Review*; Oralist and Semi-Finalist, Ames Moot Court Competition; Best Brief Award, First Year Ames Moot Court Competition; clinical internship in Appeals Unit at U.S. Attorney's Office, Boston, MA

PRINCETON UNIVERSITY

Bachelor of Arts in English, June 1997

Cumulative GPA: 3.8; *cum laude*

Publications

Religious Liberty and Judicial Deference, 106 NOTRE DAME L. REV. 337 (2022)

Administrative Power and Religious Liberty at the Supreme Court, 69 CASE W. RES. L. REV. 355 (2018).

Constitutional Anomalies or As-Applied Challenges? A Defense of Religious Exemptions, 59 B.C. L. REV. 1595, 1598 (2018) (with Stephany Barclay).

Fool Me Twice: Zubik v. Burwell and the Perils of Judicial Faith in Government Claims 2016 CATO SUP. CT. REV. 123 (2016).

Substantive Due Process As a Two-Way Street: How the Court Can Reconcile Same-Sex Marriage and Religious Liberty, 68 STANFORD L. REV. ONLINE 18 (2015).

The Case For Religious Exemptions – Whether Religion is Special or Not, 127 HARVARD L. REV. 1395 (2014) (book review).

God and the Profits: Is There Religious Liberty for Moneymakers? 21 GEO. MASON. LAW REV. 59 (2013).

Neutral No More: Secondary Effects Analysis and the Quiet Demise of the Content-Neutrality Test, 82 FORDHAM L. REV. 1137 (2013) (with Stuart Buck).

Unequal Treatment of Religious Exercises Under RFRA: Explaining the Outliers in the HHS Mandate Cases, 99 VA. L. REV. ONLINE 10 (2013).

The Constitutional Right Not to Kill, 62 EMORY LAW JOURNAL 101 (2012).

The Constitutional Right Not to Participate in Abortions: Roe, Casey, and the Fourteenth Amendment Rights of Healthcare Providers. 87 NOTRE DAME L. REV. 1 (2011).

An Abortion Exception to the First Amendment? Evaluating Recent Efforts to Regulate Speech About Pregnancy Options. ENGAGE, 11, no. 3 (December 2010).

Smith, Stormans, and the Future of Free Exercise: Applying the Free Exercise Clause to Targeted Laws of General Applicability. ENGAGE 10, no. 3 (November 2009); 146.

Federal Courts, Overbreadth, and Vagueness: Guiding Principles for Constitutional Challenges to Uninterpreted State Statutes. UTAH LAW REVIEW 2002: 381 (with Stuart Buck).

Note, Safety Valve Closed: The Removal of Nonviolent Outlets for Dissent and the Onset of Anti-Abortion Violence. HARVARD LAW REVIEW 113 (2000): 1210.

Case Note, Constitutional Law—Abortion—Sixth Circuit Strikes Down Ohio Ban of Post-Viability and Dilation and Extraction Abortions—*Women’s Medical Professional Corp. v. Voinovich*, 130 F.3d 187 (6th Cir. 1997) HARVARD LAW REVIEW 112 (1999): 731

Press/Media: My writings on constitutional issues have appeared in the following publications: *The New York Times*, *Roll Call*, *U.S. News and World Report*, *National Review Online*, *New York Daily News*, *Chicago Tribune*, and the *National Catholic Register*. Media appearances include NBC, ABC, FOX, CBS, and NPR.

EXHIBIT 1-G

Lori H. Windham

1919 Pennsylvania Ave., NW Ste. 400
Washington, DC 20006

Legal Experience

The Becket Fund for Religious Liberty

Vice President and Senior Counsel

I specialize in appeals and critical motions, with a significant portion of my practice before the U.S. Supreme Court and federal appellate courts. As senior counsel, I am responsible for legal strategy, case management, and supervising the work of junior attorneys.

I have been recognized as an expert on First Amendment and religious freedom law, testifying as an invited expert before the U.S. House Judiciary Committee and the U.S. Civil Rights Commission. I have lectured on religious freedom at top schools, including Harvard Law School, Yale Law School, and Central European University. I regularly appear on behalf of clients in major media outlets, including *MSNBC*, *Fox News*, *CNN*, the *Wall Street Journal*, *Washington Post* and *New York Times*.

Notable Cases

Argued

Fulton v. Philadelphia: Successfully argued a major Free Exercise Case to the Supreme Court, securing a unanimous victory. On remand, obtained consent decree allowing Catholic Social Services to permanently continue providing foster services consistent with its religious beliefs.

Eternal Word Television Network v. Burwell: Secured injunction pending appeal from the Eleventh Circuit for the world's largest religious media network. Argued subsequent appeal, then obtained vacatur of panel decision pending further regulatory action and negotiated settlement permitting EWTN to continue following its Catholic faith in its employment policies.

Buck v. Gordon: Obtained first-in-the-nation injunction allowing religious foster agency to continue serving when state government threatened to end the agency's contract over religious practices. After *Fulton*, obtained consent decree allowing religious agency to permanently continue providing foster services consistent with its faith.

Commonwealth of Pennsylvania v. Trump: Successfully argued expedited appeal, obtaining intervention for the Little Sisters of the Poor. Continued work on merits of the case, including as counsel on brief at the Supreme Court, where the Little Sisters prevailed 7-2.

InterVarsity Christian Fellowship v. Wayne State University: Successfully argued summary judgment in case testing whether a public university could exclude a InterVarsity chapter over its statement of faith and conduct policies for leaders. After obtaining summary judgment and a permanent injunction for InterVarsity, negotiated settlement of remaining claims.

Moss v. Spartanburg County School Dist. 7: Successfully argued appeal on behalf of defendant before the Fourth Circuit on an Establishment Clause issue of first impression in that circuit.

On brief

Burwell v. Hobby Lobby: Represented petitioners before the Supreme Court and the *en banc* Tenth Circuit in landmark decision on the application of the Religious Freedom Restoration Act.

Hosanna-Tabor v. EEOC: Represented petitioners in 9-0 Supreme Court victory. For the first time, the Supreme Court recognized and upheld the ministerial exception, protecting the rights of houses of worship to select their ministers without government interference.

Little Sisters of the Poor v. Pennsylvania: Represented petitioners in Supreme Court victory and multiple appeals to Third Circuit.

Education

Harvard Law School

Juris Doctor Cambridge, MA June 2005
Honors & Activities: Member, Harvard Legal Aid Bureau
Recognized for completion of 1,000+ pro bono hours

Abilene Christian University

B.A. in Political Science Abilene, TX May 2001
Honors: *Summa Cum Laude*
Meadors Scholarship in Political Science
Presidential Scholar

Bar Memberships

- Virginia, District of Columbia
- United States Supreme Court, Supreme Court of Virginia, District of Columbia Court of Appeals, United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh Circuits

Honors and Activities

- Abilene Christian University Young Alumnus of the Year
- Abilene Christian University Board of Visitors, former member
- Advisory Board Member, Fund for American Studies Law Fellowship

EXHIBIT 1-H

STEPHANIE HALL BARCLAY

■ Notre Dame Law School, 3120 Eck Hall of Law ■ stephanie.barclay@nd.edu ■ 801-361-0401

ACADEMIC EXPERIENCE

Notre Dame Law School; Associate Professor of Law; July 2020–Present

- Courses: Freedom of Religion, Family Law, Religious Liberty Initiative
- Service: Faculty Director, Religious Liberty Initiative (2020–Present); Admissions Committee (2020–Present)

Stanford Law School; Affiliate, Constitutional Law Center; Aug. 2020–Present

- Teach a workshop on a First Amendment topic
- Mentor resident academic fellows at the Stanford Constitutional Law Center

Associate Professor of Law; J. Reuben Clark Law School; July 2018–June 2020

- Courses: First Amendment, Fourteenth Amendment, Family Law, and Structures of the Constitution
- Service: Director of the Rex E. Lee Appellate Academy (2019–2020); Adviser to the Moot Court Program (2019–2020); Admissions Committee (2018–2020); Leadership Fellowship Selection Committee (2018–2020)

AWARDS AND FELLOWSHIPS

- Nootbar Fellow; Nootbar Institute for Law, Religion, & Ethics; Pepperdine University Caruso School of Law; Aug. 2020–Present
- Twice Voted Professor of the Year by the 2L/3L Students at BYU Law
- Three times named a Washington D.C. Super Lawyer Rising Star (2016, 2019, and 2020)
- Recipient of a Constitutional Studies Grant for constitutional scholarship

OTHER MEMBERSHIPS AND SERVICE

- Chair for the AALS Law and Religion Section (2021–Present)
- Executive Committee, Religious Liberties Practice Group, The Federalist Society (2019–present)
- Board Member for the UVU Center for Constitutional Studies (2019–Present)
- Member of the Steering Committee for the Quill Project at Pembroke College (2020–Present)
- Board Member of the JRCLS International Religious Freedom Committee (2018–Present)

PUBLICATIONS AND PAPERS

- *Rethinking Protections for Indigenous Sacred Sites*, 134 *Harvard Law Review* 1294 (2021), coauthored with Professor Michalyn Steele
- *An Economic Approach to Religious Exemptions*, 72 *Florida Law Review* 1211 (2021) (selected for presentation at the Harvard/Stanford/Yale Junior Faculty Forum)
- *The Historical Origins of Judicial Religious Exemptions*, 96 *NOTRE DAME LAW REVIEW* 55 (2020)
- *Untangling Entanglement*, 97 *WASHINGTON UNIVERSITY LAW REVIEW* 1701 (2020)

- *First Amendment “Harms,”* 95 INDIANA LAW JOURNAL 331 (2020)
- *Original Meaning and the Establishment Clause: A Corpus Linguistics Analysis*, 61 ARIZONA LAW REVIEW 505 (2019), coauthored with Brady Earley and Annika Boone
- *A Dialogue about Religious Beliefs and Third-Party Harms in Family Law*, A Book Review of The Contested Place of Religion in Family Law, 52 FAMILY LAW QUARTERLY 413 (2019)
- *Constitutional Anomalies or As-applied Challenges? A Defense of Religious Exemptions*, 59 BOSTON COLLEGE LAW REVIEW 1595 (2018), coauthored with Professor Mark Rienzi
- *Retained by The People: Federalism, the Ultimate Sovereign, and Natural Limits on Government Power*, 23 WILLIAM & MARY BILL OF RIGHTS LAW JOURNAL 257 (2014)
- *Fair Trade and Child Labor*, 43 COLUMBIA HUMAN RIGHTS LAW REVIEW 1 (2011), coauthored with Professor Shima Baradaran Baughman (cited in the New York Times)
- *Defamation and John Does: Increased Protections and Relaxed Standing Requirements for Anonymous Internet Speech*, 2010 BYU LAW REVIEW 1309 (2010)
- *Passive Acknowledgement or Active Promotion of Religion? Neutrality and the Ten Commandments in Green v. Haskell*, 2010 BYU LAW REVIEW 3 (2010)

EDUCATION

J. Reuben Clark Law School, Brigham Young University; J.D., 2011

- *Summa cum laude*; GPA: 3.92
- Elected to the Order of the Coif
- Lead Articles Editor, BYU Law Review
- Constitutional Scholar Award (awarded to the top constitutional law student)
- J. Reuben Clark Award (selected by BYU Law faculty and peers for exemplifying academic excellence, integrity, high ethical standards, and service)
- Meritorious Service Award (selected by BYU Law faculty for significant service)

Brigham Young University–Idaho; B.S. in Finance, Minor in English, 2008

- *Summa cum laude*; GPA: 3.99
- Newel K. Whitney Business Award (selected by BYU–Idaho faculty for outstanding academic performance)
- Student Body Vice President
- First Place Winner of the BYU–Idaho Speech Competition

PROFESSIONAL EXPERIENCE

The Becket Fund for Religious Liberty

Of Counsel; Jul. 2018–Sept. 2020

Legal Counsel; Feb. 2015–Jul. 2018

- Drafted numerous cert petitions, amicus briefs, and merits briefs before the U.S. Supreme Court regarding a range of First Amendment issues
- Argued multiple hearings in federal court and assisted with briefing and oral argument preparation in numerous appellate victories
- Deposed and cross-examined multiple witnesses in multiple religious liberty trials
- Obtained a significant settlement for a client after receiving a favorable court ruling after trial

Associate; Covington & Burling LLP; Oct. 2012–Jan. 2015

- Principal brief-writer of a pro bono U.S. Supreme Court *amicus* brief in *Holt v. Hobbs*
- Helped draft multiple additional cert petitions, motions briefs, and amicus briefs in state and federal court
- Lead counsel in successful appeals before the Ninth Circuit Court of Appeals and the D.C. Court of Appeals
- First chair of two civil trials that resulted in favorable outcomes for indigent clients, and which involved soliciting direct testimony from seven witnesses, cross-examining three witnesses, and introducing over a hundred exhibits into evidence
- Performed a seven-month pro bono rotation with Bread for the City

Clerkship; U.S. Court of Appeals for the Ninth Circuit; Aug. 2011–Sept. 2012

- Law clerk to the Honorable N. Randy Smith

Litigation Extern; Snow, Christensen & Martineau; Dec. 2010–Feb. 2011

- Assisted Professor Frederick Gedicks with federal district court litigation

Intern; Area Legal Counsel Office in Frankfurt for the LDS Church; May–Jun. 2009

- Researched EU legislative processes and policy impacting religious organizations
- Traveled to Romania to study Romania’s religious freedom restrictions

ACADEMIC PRESENTATIONS

- Presenter, Beyond Labels for Religious Liberty, *Constitutional Law Center at Stanford Law School* (Feb. 2021)
- Presenter, *An Economic Approach to Religious Exemptions*, University of Virginia Law School (Jan. 2021)
- Presenter, *Rethinking Protections for Indigenous Sacred Sites*, South Texas College of Law (Jan. 2021)
- Panelist, [*Church-State Separation: What Does the Constitution Really Say?*](#), National Constitution Center (Nov. 2020)
- Presenter, *An Economic Approach to Religious Exemptions*, St. John’s Law School Law and Religion Colloquium (Nov. 2020)
- Panelist, [*Religious Liberty and the New Court*](#), The Federalist Society National Lawyers Convention (Nov. 2020)
- Featured Lecturer, [*Religious Liberty at the Supreme Court*](#), McCullen Center for Law, Religion and Public Policy at Villanova University (Nov. 2020)
- Panelist, [*The Revival of the Free Exercise Clause?*](#), ABA Section of Civil Rights and Social Justice (Oct. 2020)

- Panelist, *Supreme Court Preview*, Co-Hosted by the Harvard Law School Chapter of the American Constitution Society and the Harvard Law School Federalist Society (Oct. 2020)
- Presenter, *Rethinking Protections for Indigenous Sacred Sites*, Nootbar Institute for Law, Religion, & Ethics at Pepperdine University (Sept. 2020)
- Presenter, *Rethinking Protections for Indigenous Sacred Sites*, Constitutional Law Center at Stanford Law School (Sept. 2020)
- Panelist, [*The Future of Funding for Religious Schools*](#), The Federalist Society at UVA Law School (Sept. 2020)
- Panelist, *Religious Liberty: The Heart of Pluralism*, The Federalist Society at BYU Law School (Sept. 2020)
- Featured Lecturer, [*The Historical Origins of Judicial Religious Exemptions*](#), Georgetown Center for the Constitution (Sep. 2020)
- Panelist, [*Balancing Religious Freedoms in a Pluralistic Society*](#), Chicago Lawyers Chapter of The Federalist Society (Sep. 2020)
- Presenter, *An Economic Approach to Religious Exemptions*, 2020 Stanford/Harvard/Yale Junior Faculty Forum, Stanford Law School (Aug. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, Annual Law and Religion Roundtable, Pepperdine Caruso School of Law (Jun. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, 2020 Federalist Society Junior Scholars Colloquium in Annapolis, MD (Jun. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, Annual Originalism Works-in-Progress Conference, University of San Diego School of Law (Feb. 2020)
- Panelist, *Originalism and the Religion Clauses*, Originalism and Precedent Conference, University of Virginia School of Law (Feb. 2020)
- Presenter, *Original Meaning and the Establishment Clause: A Corpus Linguistics Analysis*, Arizona Law Review Speaker Series, University of Arizona College of Law (Feb. 2020)
- Presenter, *The Historical Origins of Judicial Religious Exemptions*, Notre Dame Colloquium on Church, State & Society (Jan. 2020)
- Presenter, *Untangling Entanglement*, Law and Religion Symposium, Washington University School of Law (Jan. 2020)
- Presenter, *Rethinking Protections for Indigenous Sacred Sites*, University of Utah S.J. Quinney College of Law (Jan. 2020)
- Moderator, *The Future of the Establishment Clause, and the Court's Shadow Docket*, AALS Law and Religion Section (Jan. 2020)

- Participant, Sixth Annual Salmon P. Chase Lecture & Colloquium, Georgetown Center for the Constitution (Dec. 2019)
- Presenter, *An Economic Approach to Religious Liberty*, Rocky Mountain Junior Scholars Forum (Nov. 2019)
- Speaker, *Religious Liberty and The Founding*, Pembroke College, Oxford University (Oct. 2019)
- Speaker, *James Madison and Religious Liberty*, UVU Center for Constitutional Studies (Sep. 2019)
- Guest Lecturer, Religious Liberty Seminar Class, Harvard Law School (Sep. 2019)
- Presenter, *An Economic Approach to Religious Exemptions*, Pembroke College, Oxford University (Aug. 2019)
- Panelist, *Religious Persecution in the World Today*, Christ Church College, Oxford University (Aug. 2019)
- Presenter, *An Economic Approach to Religious Exemptions*, Annual Law and Religion Roundtable, University of Toronto Law School (Jun. 2019)
- Presenter, *An Economic Approach to Religious Exemptions*, International Society of Family Law, co-hosted by the Notre Dame Law School and the University of Illinois College of Law (Jun. 2019)
- Presenter, *First Amendment "Harms,"* 2019 Federalist Society Junior Scholars Colloquium in Annapolis, MD (Jun. 2019)
- Moderator, *The Future of Employment Division v. Smith*, Yeshiva University (May 2019)
- Panelist, *Externalities, Religious Exemptions, and Faith-based Adoption Agencies*, ABA National Conference on Access to Justice for Children and Families (Apr. 2019)
- Panelist, *The Future of the Supreme Court's First Amendment Jurisprudence*, Annual Midwest Regional Conference, University of Chicago (Feb. 2019)
- Panelist, *Religious Exemptions and Harm to Third Parties*, AALS Hot Topics Program (Jan. 2019)
- Presenter, *Original Meaning and the Establishment Clause: A Corpus Linguistics Analysis*, AALS FedSoc Works in Progress Panel (Jan. 2019)
- Presenter, *Externalities and Religious Exemptions in Adoption*, Silent Victims: Foster Care and Foster Care Adoption in America, Duke Law School Conference (Nov. 2018)
- Guest Lecturer, Religious Liberty Seminar Class, Harvard Law School (Oct. 2018)
- Presenter, *First Amendment "Harms,"* Rocky Mountain Junior Scholars Forum, University of Utah Law School (Oct. 2018)
- Presenter, *First Amendment "Harms,"* BYU Law Faculty WIP (Oct. 2018)

- Presenter, *First Amendment “Harms,”* Women in Law Teaching Works-in-Progress Workshop, University of Minnesota Law School (Jul. 2018).
- Participant, Annual Law and Religion Roundtable (Jun. 2018)
- Panelist, *Significant Opinions of the 2016 Term*, Supreme Court Review at BYU Law School (Sep. 2017)
- Speaker, *Reflections on Supreme Court Religious Liberty Cases*, George Washington University, Loeb Institute for Religious Freedom Seminar (Jul. 2017)

BAR ADMISSIONS

- District of Columbia
- United States Supreme Court
- Second Circuit Court of Appeals
- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Sixth Circuit Court of Appeals
- Ninth Circuit Court of Appeals

EXHIBIT 1-I

Diana Marie Verm Thomson

202.349.7225

Member of Virginia State Bar, District of Columbia Bar

Experience

The Becket Fund for Religious Liberty

Legal Counsel Washington, D.C.

September 2009 – February 2019

Senior Counsel Washington, D.C.

March 2019 – present

Responsible for all aspects of domestic and international religious liberty litigation: draft and file appellate briefs in courts of appeals and Supreme Court; manage litigation teams; develop record and file motions in federal district and state courts; conduct oral arguments; represent clients in media.

International Human Rights Law Clinic, Washington College of Law

Student Attorney Washington, D.C.

August 2008 – May 2009

Counseled multiple clients; researched and drafted legal memos, asylum petition, habeas petition; argued a case of property rights against Guatemala before the Inter-American Commission on Human Rights. Received interim secret level security clearance.

Wiggins, Childs, Pantazis, Fisher & Goldfarb, LLC

Summer Associate Washington, D.C.

May 2008 – August 2008

Worked on Title VII litigation; drafted Title VII complaint; researched and drafted legal memoranda.

Notable Cases

Little Sisters of the Poor v. Pennsylvania (Supreme Court): On brief representing the Little Sisters of the Poor in case defending religious exemption from HHS Mandate.

Our Lady of Guadalupe v. Morrissey-Berru (Supreme Court): On brief representing school regarding application of ministerial exception to teacher of religion in elementary school.

Espinoza v. Montana Department of Revenue (Supreme Court): Counsel of Record on Supreme Court amicus brief making Free Exercise Clause arguments adopted by the Court and cited in concurring opinion.

FFRF v. Lehigh County (3d Cir.): On brief in Third Circuit win defending County's seal with religious imagery as part of its history and culture.

HHS Contraception Mandate litigation (*Zubik v. Burwell*): Lead associate counsel in multiple cases before federal district and appellate courts and the Supreme Court representing religious employers challenging Affordable Care Act's "preventive care mandate" requiring religious employers to provide insurance coverage for contraceptives, sterilization, and potentially life-terminating drugs and devices. Achieved injunctions for all clients. Cases include: *East Texas Baptist University v. Burwell* (S.D. Texas) (5th Cir.) (Supreme Court); *Wheaton College v. Burwell* (N.D. Illinois) (7th Cir.) (Supreme Court).

Singh v. Carter (D.D.C.): Lead associate counsel representing Sikh soldier requesting religious accommodation to wear unshorn hair and turban as articles of faith in U.S. Army; won preliminary injunction; achieved long-term accommodation for client and change in Army policy.

Sindicatul "Pastorul cel Bun" v. Romania, No. 2330/09 (Eur. Ct. of Hum. Rts., Grand Chamber) (represented interveners supporting Romanian Orthodox Church's freedom to choose clergy without government interference; Grand Chamber adopted argument).

Pledge of Allegiance litigation: *Doe v. Acton-Boxborough Regional School District* (Massachusetts Supreme Judicial Court) & *Doe v. Matawan-Aberdeen Regional School District* (New Jersey Superior Court): Lead associate counsel representing intervenor parents and schoolchildren defending the constitutionality of the Pledge of Allegiance in Massachusetts and New Jersey public schools. Argued case in New Jersey Superior Court. Pledge upheld in both cases.

Education

American University Washington College of Law

Juris Doctor *Washington, D.C.* May 2009

Honors: Graduated *summa cum laude*; Order of the Coif; *American University Law Review*, Articles Editor; Paul P. Purta Scholarship

Study Abroad: Washington College of Law, Turkey Summer Law Program, Yeditepe University June 2007

Wheaton College, Illinois

Bachelor of Arts, International Relations *Wheaton, IL* December 2004

Honors: Graduated *Magna Cum Laude*; President's Award Scholarship; Pi Sigma Alpha National Political Science Honor Society

Study Abroad: Earlham College Peace and Conflict Studies, Londonderry, Northern Ireland, Spring 2004

Bar Memberships

- Virginia, District of Columbia
- United States Supreme Court, Supreme Court of Virginia, District of Columbia Court of Appeals, United States Courts of Appeals for the 1st Circuit, 5th Circuit, 6th Circuit, 7th Circuit, 8th Circuit, 9th Circuit, 11th Circuit, Eastern District of Virginia, Western District of Wisconsin, U.S. District Court for the District of Columbia.

EXHIBIT 1-J

JOSEPH DAVIS

Experience

The Becket Fund for Religious Liberty, *Washington, DC* 2017–now
Counsel

Represented clients in all stages of religious-liberty litigation in federal and state courts. Argued appeals in the Fifth and Ninth Circuits. Drafted Supreme Court and appellate briefs, trial-level dispositive motions and other filings, and formulated legal strategy. Published articles on religious-liberty and related topics cited in multiple appellate judicial opinions.

Jones Walker LLP, *New Orleans, LA* 2015–16
Litigation Associate

Represented clients in all stages of civil and criminal litigation, including by drafting briefs, complaints, motions, memoranda, appellate briefs and other filings, arguing dispositive motions, and engaging in written and deposition-based discovery

United States Court of Appeals for the Fifth Circuit, *Jackson, MS* 2014–15
Law Clerk

Assisted Judge Jolly in hearing and disposing of appeals by conducting legal research, preparing bench memoranda, attending oral arguments, and drafting opinions

Supreme Court Litigation Clinic, *Charlottesville, VA* 2014
Research Assistant

Assisted Litigation Clinic attorneys to identify candidates for Supreme Court review

Publications

Joseph C. Davis & Nicholas R. Reaves, *Fruit of the Poisonous Lemon Tree: How the Supreme Court Created Offended-Observer Standing, and Why It's Time for It to Go*, 96 *Notre Dame L. Rev. Reflections* 25 (2020)

Joseph C. Davis & Nicholas R. Reaves, *The Point Isn't Moot: How Lower Courts Have Blessed Government Abuse of the Voluntary-Cessation Doctrine*, 129 *Yale L.J. Forum* 325 (2019)

Education

University of Virginia School of Law, *Charlottesville, VA* 2011–14
J.D., 2014

- G.P.A. 3.95
- Order of the Coif
- *Virginia Law Review*

Mississippi State University, *Starkville, MS* 2007–11
B.A., Economics (Minor: Religion), *summa cum laude*, 2011

- G.P.A. 4.0
- Society of Scholars

Representative Litigation

Agudath Israel of America v. Cuomo, 141 S. Ct. 63 (2020). Drafted application obtaining emergency injunctive relief in case involving Jewish synagogues.

City of Pensacola v. Kondrat'yev, 139 S. Ct. 2772 (2019) (GVR). Drafted petition for certiorari in case involving the constitutionality of a cross display.

***Franciscan Alliance, Inc. v. Becerra*, 47 F.4th 368 (5th Cir. 2022) (argued).** Briefed and argued successful appeal defending religious ministries from HHS actions under Affordable Care Act.

***Starkey v. Archdiocese of Indianapolis*, 41 F.4th 931 (7th Cir. 2022).** Briefed successful appeal protecting the freedom of a religious school to choose its leaders.

***Religious Sisters of Mercy v. Becerra*, 2022 WL 17544669 (8th Cir. 2022).** Briefed successful appeal defending religious ministries from HHS actions under Affordable Care Act.

***Payne-Elliott v. Archdiocese of Indianapolis*, 193 N.E.3d 1009 (Ind. 2022).** Briefed successful appeal protecting the constitutional right of church autonomy.

***Kondrat'yev v. City of Pensacola*, 949 F.3d 1319 (11th Cir. 2020).** Briefed successful appeal defending the constitutionality of a cross in a public park.

***Freedom From Religion Foundation, Inc. v. County of Lehigh*, 933 F.3d 275 (3d Cir. 2019).** Briefed successful appeal defending the constitutionality of a cross on a county seal.

***Gaylor v. Mnuchin*, 919 F.3d 420 (7th Cir. 2019).** Briefed successful appeal defending the constitutionality of tax-exempt housing allowances for ministers.

***Whole Woman's Health v. Smith*, 896 F.3d 362 (5th Cir. 2018).** Briefed successful appeal protecting bishops conference from discovery impinging on church autonomy.

***Greater Baltimore Center for Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore*, 879 F.3d 101 (4th Cir. 2018).** Assisted in briefing successful appeal protecting free speech rights of pro-life pregnancy center.

***Young Israel of Tampa, Inc. v. Hillsborough Area Regional Transit Authority*, 582 F. Supp. 3d 1159 (M.D. Fla. 2022).** Briefed successful summary-judgment motion protecting synagogue from viewpoint discrimination in government advertising program.

***Fitzgerald v. Roncalli High School, Inc.*, 2022 WL 16707372 (S.D. Ind. 2022).** Briefed successful summary-judgment motion protecting the freedom of a religious school to choose its leaders.

***Religious Sisters of Mercy v. Azar*, 513 F. Supp. 3d 1113 (D.N.D. 2021) (argued).** Briefed and argued successful summary-judgment motion defending religious ministries from HHS actions under Affordable Care Act.

***South Central Conference of Seventh-day Adventists v. Alabama High School Athletic Association*, No. 2:22-cv-00274 (M.D. Ala. concluded Oct. 11, 2022).** Represented Seventh-day Adventist school in litigation concluding in rule change requiring Sabbath accommodations for sports teams.

***East Texas Baptist University v. Sebelius*, No. 4:12-cv-03009 (S.D. Tex. concluded Aug. 11, 2020).** Assisted in obtaining permanent injunction protecting religious university from HHS contraceptive mandate.

Admissions

District of Columbia; Louisiana; Supreme Court of the United States; U.S. Court of Appeals for the Third, Fifth, Seventh, Eighth, Ninth, and Eleventh Circuits; various federal district courts

EXHIBIT 1-K

DANIEL L. CHEN

(510) 523-8389 | dchen@becketlaw.org

EDUCATION

University of California, Berkeley, School of Law

Juris Doctor, May 2016

- Honors: Order of the Coif; American Jurisprudence Award for Highest Grade in Negotiations, Contemporary Issues in Constitutional Law, and Supreme Court Seminar; Prosser Award for Second-Highest Grade in Conflict of Laws; and Boalt Hall Fellowship (merit-based scholarship)
- Activities: Supervising Editor, *California Law Review*; President, Christians at Boalt; Co-President, Berkeley Federalist Society; Student Liaison, Berkeley Law Admissions Committee; and Research Assistant to Professor John Yoo, Professor Jesse Choper, and Professor Charles D. Weisselberg
- Publications: Charles D. Weisselberg, Daniel Chen, and Sameera Mangena, *Motorists, Motels, Mistakes, and More: Criminal-Law Cases in the Supreme Court's 2014-2015 Term*, 51 *Court Review* 132 (2015)
Daniel Chen, *Kennedy v. Bremerton School District: The Final Demise of Lemon and the Future of the Establishment Clause*, 21 *Harvard Journal of Law and Public Policy* Per Curiam 1 (2022)

University of California, Berkeley

Bachelor of Arts, *magna cum laude*, in Political Science, Minor in Public Policy, May 2013

- Honors: Honors Thesis - "Authoritarianism and Democratization in East Asia: A Study of Civil Society"; Phi Beta Kappa; Departmental Highest Honors; UC Berkeley's Regents' and Chancellor's Scholarship; Millennial Values Fellowship – Berkley Center for Religion, Peace & World Affairs at Georgetown University
- Activities: President, Pi Sigma Alpha Political Science Honors Society

EXPERIENCE

Visiting Professor, Pepperdine Caruso School of Law, Malibu, CA Jan. 2023

Counsel, The Becket Fund for Religious Liberty, Palo Alto, CA Oct. 2020 – Present

- Litigate RFRA, RLUIPA, Free Exercise, and Establishment Clause cases in state and federal courts across the country
- Draft merits and amicus briefs before the United States Supreme Court, obtaining emergency relief in *Agudath Israel of America v. Cuomo*, *South Bay United Pentecostal Church v. Newsom*, and *Gateway City Church v. Newsom*, and *Tandon v. Newsom*
- Obtain favorable summary judgment and qualified immunity ruling at the Eighth Circuit in two challenges to government restrictions on religious leadership requirements for student groups on public university campuses
- Defend and obtain dismissal for a religious educational institution in first-in-the-nation litigation construing the scope of Title IX's statutory religious exemption
- Defend religious rights of Native Americans in cases concerning the destruction of indigenous sacred sites by the Government

Law Clerk, U.S. District Court for the Northern District of California, San Jose, CA Sept. 2019 – Sept. 2020

- Managed case dockets and handled administrative issues from the filing of complaints to trial and judgment
- Drafted orders addressing subjects including statutes of limitations and tolling doctrines, municipal liability, personal and subject matter jurisdiction, issue and claim preclusion, class action settlements, and awarding attorney's fees

Associate, Gibson, Dunn & Crutcher LLP, San Francisco, CA Oct. 2017 – Aug. 2019

- Represented Facebook in Anti-Terrorism Act litigation arising from claims that Facebook facilitated terrorist operations, obtaining dismissal in multiple federal district courts and affirmance on appeal
- Successfully defended the United States Conference of Catholic Bishops (USCCB) in an Establishment Clause challenge to federal programs funding USCCB efforts to protect undocumented immigrants from sex trafficking and abuse
- Drafted amicus briefs in state supreme courts, United States Courts of Appeal, and the United States Supreme Court on issues including religious discrimination in state funding, the ministerial exception, cruel and unusual punishment, and excessive fines
- First-chaired a Rule 30(b)(6) deposition, drafted an opposition brief persuading the district court to deny summary judgment, and secured a favorable monetary settlement on behalf of a client in a 42 U.S.C. § 1983 prisoner civil rights action

Law Clerk, U.S. Court of Appeals for the Eighth Circuit, St. Louis, MO Aug. 2016 – Aug. 2017

- Reviewed *Anders* briefs, *en banc* petitions, 28 U.S.C. § 2255 habeas petitions, and requests for certificates of appealability
- Authored bench memoranda regarding issues such as statutory interpretation, Fourth Amendment searches and seizures, Fourteenth Amendment violations, federal evidentiary rules, federal sentencing guidelines, and Rule 12(b)(6) motions to dismiss
- Drafted opinions on procedural and substantive challenges to federal criminal sentences, motions for a new trial, sufficiency-of-evidence claims, *Johnson* "crimes of violence," qualified immunity, and constitutional challenges to state statutes

EXHIBIT 1-L

RACHEL N. BUSICK

1117 N Street NW, Unit B, Washington, DC 20005 | (425) 443-0270 | rnbusick@gmail.com

EDUCATION

Pepperdine University School of Law, Malibu, CA May 2015

J.D., *magna cum laude*, GPA: 3.94; Class Rank 9/186 (top 5%); Order of the Coif

Journal: *Pepperdine Law Review*, Literary Citation Editor

Harvard Journal of Law & Public Policy, 2014 National Symposium Issue Editor

Moot Court: 2014 Vincent S. Dalsimer Moot Court Competition, Best Petitioner Brief

Leadership: Federalist Society, Treasurer; Christian Legal Society, Treasurer

Volunteer: Global Justice Program (teaching trial advocacy workshops in India)

Whitworth University, Spokane, WA May 2012

B.A., Mathematics and Speech Communication, *summa cum laude*, GPA: 3.98

PROFESSIONAL EXPERIENCE

Hon. Victor J. Wolski, U.S. Court of Federal Claims, Washington, D.C. Sept. 2015–present

Judicial Clerk

Research and draft orders and opinions, including in cases involving bid protests, rails-to-trails takings, government contracts, tax disputes, and *pro se* plaintiffs. Assist in preparing for hearings and oral arguments. Observe ADR conferences.

Samaritan's Purse, Boone, NC Summer 2014

Law Clerk

Researched and drafted memoranda on state laws relating to employer liability, charitable solicitation registration and disclosure requirements, exemptions for religious organizations, and employee privacy rights. Attended meetings in Kenya concerning international tax, immigration, and incorporation law.

Hon. Sandra S. Ikuta, U.S. Court of Appeals for the Ninth Circuit, Pasadena, CA Fall 2013

Judicial Intern

Analyzed civil, criminal, immigration, and arbitration cases. Researched case law and drafted bench memoranda. Assisted in oral argument preparation.

Shared Hope International, Arlington, VA Summer 2013

Blackstone Fellow

Researched and analyzed state law changes concerning sex trafficking of domestic minors.

PUBLICATION

Blurred Lines or Bright Line? Addressing the Demand for Sex Trafficking Under California Law, 42 PEPP. L. REV. 333 (2015).

BAR ADMISSION

Washington State Bar Association (No. 50388)

PERSONAL

Federalist Society member. Blackstone Legal Fellow and James Wilson Institute Fellow. Enjoy swing dancing, CrossFit, reading, hiking, jigsaw puzzles, and Spanish (conversational).

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

No. 7:16-CV-00108-O

**DECLARATION OF
GENE C. SCHAERR**

1. My name is Gene Schaerr. I am over the age of 18 and have personal knowledge of the contents of this declaration.

2. I am a Partner with the law firm of Schaerr Jaffe LLP, which is based in Washington, D.C.

3. Before that, I was a Partner with the law firm of Winston & Strawn, LLP, where I founded the Appellate and Critical Motions Practice Group in the firm's Washington, D.C. office. I was the chair of the firm's nationwide appellate practice from 2005 to 2014, during which time the practice group received numerous professional recognitions.

4. Before my time at Winston & Strawn, I was a Partner with the law firm of Sidley Austin, where I was a coordinator of the firm's appellate practice and the Co-Chair of the firm's Religious Institutions Practice Group for approximately ten years.

5. I began my law practice in 1987 following clerkships on the United States Supreme Court for Chief Justice Warren Burger and Justice Antonin Scalia, and on the U.S. Court of Appeals for the D.C. Circuit for then-judge Kenneth Starr.

6. During of my career, I have become an expert in the areas of constitutional law and religious freedom at both the trial and appellate levels. I have argued seven cases

before the Supreme Court and have been counsel of record in over 100 cases at the Supreme Court.

7. Given my experience, I have become familiar with the billing rates for attorneys at my firm and other firms with federal trial and appellate litigation expertise.

8. I am also familiar with the billing rates charged by expert attorneys that practice constitutional law at the trial and appellate levels.

9. As part of my experience as a litigator in constitutional and civil-rights cases, I have become familiar with the work of the Becket Fund for Religious Liberty. I have worked with them directly as co-counsel on cases at the Supreme Court and federal courts of appeals and have also filed amicus briefs in federal appellate cases where they have been counsel of record.

10. Becket Fund attorneys are well-known as expert religious liberty litigators at the United States Supreme Court. In my estimation, they are the best law firm in the nation specialized in religious liberty litigation. Over the last decade, they have prevailed in eight merits cases at the Supreme Court on behalf of clients from a wide variety of religious traditions.

11. The Becket Fund has also achieved significant success in federal appellate courts and state supreme courts. In 2021 and 2022 alone, the Becket Fund secured precedent-setting victories in religious liberty cases at the Fifth Circuit, Seventh Circuit (twice), Eighth Circuit (thrice), Ninth Circuit (twice), the Indiana Supreme Court, and the Texas Supreme Court.

12. For its successful advocacy at appellate courts across the nation, the Becket Fund was recognized by the National Law Journal as a 2020 member of the “Appellate Hot List.” The Becket Fund is the first non-profit law firm ever chosen for this list.

13. I understand that the Becket Fund was retained to assist with this case, which involved challenges under the Religious Freedom Restoration Act (RFRA) and

Administrative Procedure Act to HHS's application of the Affordable Care Act to require religious doctors and hospitals to perform or insure gender-transition procedures and abortions contrary to their conscience and medical judgment. This matter bears close resemblance to the widespread RFRA challenges to HHS's contraception mandate beginning in 2011, which applied the Affordable Care Act to require religious employers to provide insurance coverage of all forms of contraception, including those that could cause an abortion.

14. Becket was the leading law firm in the country challenging HHS's contraception mandate under RFRA—bringing the first case challenging the mandate, Complaint, *Belmont Abbey College v. HHS*, No. 11-CV-1989, ECF No. 1 (D.D.C. Nov. 10, 2011) 2011 WL 8997549; bringing the first class action challenging the mandate, Complaint, *LSP v. HHS*, No. 13-CV-2611, ECF No. 1 (D. Colo. Sept. 24, 2013) 2013 WL 5331098; winning the first Supreme Court order blocking the mandate, *Little Sisters of the Poor Home for the Aged, Denver, Colorado v. Sebelius*, 134 S. Ct. 893 (2013) (Dec. 31, 2013); winning the first Supreme Court case on the merits challenging the mandate, *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); winning the first Supreme Court order blocking the mandate for non-profit employers after *Hobby Lobby*, *Wheaton College v. Burwell*, 573 U.S. 958 (2014); winning the first Supreme Court merits ruling blocking the mandate for non-profit employers, *Zubik v. Burwell*, 578 U.S. 403 (2016); winning injunctions against HHS in at least eight cases across the country, *HHS Information Central*, Becket, <https://perma.cc/7YQE-HMBJ>; and winning the first Supreme Court case establishing that HHS could grant a religious exemption from mandate, *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020). It is safe to say that no other law firm in the country has as much experience and success litigating against HHS under RFRA as Becket. And that experience would be extraordinarily valuable in a case like this one.

15. Additionally, based on my experience at international law firms, and given the controversial subject matter of this case, it would be incredibly difficult to bring in experienced counsel necessary to litigate a novel and complex case like this one. Most firms with the requisite experience would be either unable or unwilling to file and prosecute this lawsuit.

16. I have reviewed the billing rates sought by the Becket Fund attorneys in the above-captioned matter in support of Plaintiffs' fee petition. Based on my experience in this area of the law, it is my opinion that the rates the Becket Fund proposes for its attorneys are reasonable for the D.C. area.

17. Indeed, the Becket Fund's proposed billing rates are lower than the rates my firm and other firms at which I have worked would charge their clients for attorneys of comparable seniority and expertise on a similar matter.

18. They are also lower than rates charged by comparable practitioners. Thomas Goldstein of Goldstein & Russell, P.C., sought fees in 2018 based on a rate of \$1,350/hour, in a case litigated in another district court in Texas. Decl. of Eric F. Citron, *Torres v. SGE Management LLC*, No. 09-CV-2056, ECF No. 295-1 at 7 (S.D. Tex. Aug. 31, 2018). A declaration submitted in support of that rate explained that other Supreme Court practitioners such as Ted Olson and Christopher Landau charged \$1,800/hour and \$1,495/hour, respectively. *Id.*

19. Other large law firm practitioners charge similar rates, including between \$1,085-\$1,895/hour for law firm partners and between \$625-\$1,195/hour for associates. See Decl. of Erin E. Murphy in Supp. of Debtors' App. for the Retention and Employment of Kirkland & Ellis LLP, *In re: Nat'l Rifle Assoc. of Am. and Sea Girt LLC*, No. 21-30085, ECF No. 173-2 at 4 (Bankr. N.D. Tex. Feb. 17, 2021).

20. I understand that the rates the Becket Fund is proposing for its senior litigators on this case are as follows:

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$600/hour	\$700/hour	\$700/hour
Diana Thomson ('09)	\$790/hour	\$790/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$700/hour	\$700/hour	\$790/hour	\$790/hour
Lori Windham ('05)	\$860/hour	\$860/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$860/hour	\$860/hour	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,000/Hour	\$1,000/hour
Mark Rienzi ('00)	\$1,000/hour	\$1,000/hour	\$1,000/hour	\$1,200/hour	\$1,200/hour	\$1,200/Hour	N/A
Stephanie Barclay ('11)	\$700/hour	\$700/hour	N/A	N/A	N/A	N/A	N/A
Chase Harrington ('17)	N/A	N/A	\$550/hour	\$550/hour	N/A	N/A	N/A
Daniel Benson ('15)	\$550/hour	\$550/hour	N/A	N/A	N/A	N/A	N/A
Jacob Coate ('16)	N/A	N/A	N/A	N/A	\$600/hour	N/A	N/A
Rachel Busick ('15)	\$550/hour	\$550/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour						

In light of the religious liberty expertise that these lawyers brought to the task, the market rates for experts in this area of the law more broadly, the difficulty of retaining comparable counsel in a case like this one, and the degree of success obtained for the Becket Fund's clients, these rates are reasonable.

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



Dated: December 22, 2022

Gene C. Schaerr
Schaerr Jaffe LLP
1717 K Street NW, Suite 900
Washington, D.C. 20006

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

No. 7:16-CV-00108-O

**DECLARATION OF
BRIAN E. ROBISON**

1. My name is Brian Robison. I am over the age of 18 and have personal knowledge of the contents of this declaration.

2. I am a Partner with the law firm of Brown Fox PLLC, which has offices in Dallas and Frisco, Texas.

3. Before that, I was a Partner with the law firm of Gibson, Dunn & Crutcher LLP (“Gibson Dunn”) in Dallas, where I practiced for over ten years. Gibson Dunn currently has twenty offices worldwide. While with Gibson Dunn, I was consistently listed in the publication *Best Lawyers in America* and in the Chamber’s and Partners lawyer rankings, and I handled a wide range of complex business-litigation matters, including class actions and antitrust cases. I also worked on pro bono matters for religious-liberty organizations like The First Liberty Institute and The Alliance Defending Freedom, including a case in which the Supreme Court of the United States issued an opinion in our client’s favor.

4. Before my time at Gibson Dunn, I was a Partner with the law firm of Vinson & Elkins LLP, also in Dallas. Vinson & Elkins currently has twelve offices worldwide. While I was with Vinson & Elkins, I was one of the co-leaders of the nationwide antitrust practice group, and I handled a wide range of complex business-litigation matters, including class actions, antitrust cases, RICO cases, and cases involving claims

of fraud, breach of fiduciary duty, and breach of contract. I also was the lead lawyer on several pro bono cases (including one in which we prevailed at trial) on behalf of Advocates for Community Transformation, a local Christian non-profit that empowers citizens in high-crime neighborhoods to work with the police force and court system to reduce crime and transform communities by bringing slum lords and drug dealers to justice.

5. I began practicing in private law firms in 1996, following a clerkship on the Supreme Court of Texas with Justice John Cornyn.

6. Overall, I have broad experience as a trial lawyer in Dallas, having practiced in the area for over twenty-five years, having taken civil and criminal cases to trial, and having argued before state courts of appeals. The vast majority of my experience involves litigation at large international law firms.

7. Given my experience, I have become familiar with the billing rates for attorneys at my firm and other firms with federal trial and appellate litigation expertise.

8. I am also familiar with the billing rates charged by expert attorneys that practice constitutional law at the trial and appellate levels.

9. As part of my experience as a litigator, I have become familiar with the work of the Becket Fund for Religious Liberty (“Becket Fund”). Becket Fund attorneys are well-known as expert religious-liberty litigators, bringing cases at all levels of the federal courts—including the Supreme Court of the United States. In my estimation, they are the best law firm in the nation specialized in religious-liberty litigation. The Becket Fund has achieved a remarkable level of success at the Supreme Court—including prevailing in eight merits cases over the past decade—for clients from a variety of religious traditions, including Protestants, Catholics, Jews, Muslims, and others.

10. The Becket Fund has also achieved significant success in federal appellate courts and state supreme courts. In 2021 and 2022 alone, Becket has won at least ten

significant victories at the Fifth Circuit, Seventh Circuit (twice), Eighth Circuit (thrice), Ninth Circuit (twice), the Indiana Supreme Court, and the Texas Supreme Court.

11. For its successful advocacy at appellate courts across the nation, the Becket Fund was recognized by the *National Law Journal* as a 2020 member of the “Appellate Hot List.” The Becket Fund was the first non-profit law firm chosen since the list’s creation.

12. I understand that the Becket Fund was retained to assist with the above-styled case, which involved challenges under the Religious Freedom Restoration Act and Administrative Procedure Act to a federal statute and HHS regulations requiring healthcare providers to perform and insure gender-transition procedures and abortions. The Becket Fund’s expertise in religious-liberty litigation was crucial in securing their client’s permanent injunction in this complex case.

13. Based on my experience working at international law firms in the Dallas-Fort Worth area, it would be extraordinarily difficult, if not impossible, to bring in experienced counsel from an international law firm to litigate such a novel and complex case, particularly given the case’s hot-button subject matter.

14. A large international law firm would be the most likely candidate for having the resources to staff, litigate, and win a case like this. But a case like this one would likely have to go through the *pro bono* approval process at an international law firm given the non-pecuniary nature of the claims and the inability of religious nonprofits to pay a firm’s customary rates. And given my own experience litigating and trying to get approval to pursue *pro bono* cases at these types of firms, it is highly unlikely that a large international law firm would agree to take on a case like this. The controversial subject matter, coupled with the longevity and complexity of the litigation (six years and multiple appeals to reach a final resolution), would mean most firms

with the requisite experience would be either unable or unwilling to litigate a case like this one.

15. I have reviewed the billing rates sought by the Becket Fund attorneys in the above-captioned matter in support of Plaintiffs' fee petition. I have also reviewed the resumes and experience of each of the attorneys who worked on this matter. Based on my experience litigating in the Dallas-Fort Worth area, it is my opinion that the rates the Becket Fund proposes for its attorneys are reasonable.

16. I understand that the rates the Becket Fund is proposing, which are based on their understanding of prevailing market rates in the Northern District of Texas, are as follows:

	2016 Rate	2017 Rate	2018 Rate	2019 Rate	2020 Rate	2021 Rate	2022 Rate
Daniel Chen ('16)	N/A	N/A	N/A	N/A	\$515/hour	\$610/hour	\$610/hour
Diana Thomson ('09)	\$705/hour	\$705/hour	N/A	N/A	N/A	N/A	N/A
Joseph Davis ('14)	N/A	N/A	N/A	\$610/hour	\$610/hour	\$705/hour	\$705/hour
Lori Windham ('05)	\$800/hour	\$800/hour	N/A	N/A	N/A	N/A	N/A
Luke Goodrich ('04)	\$800/hour	\$800/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour	\$905/hour
Mark Rienzi ('00)	\$905/hour	\$905/hour	\$905/hour	\$1,050/hour	\$1,050/hour	\$1,050/hour	N/A
Stephanie Barclay ('11)	\$610/hour	\$610/hour	N/A	N/A	N/A	N/A	N/A
Rachel Busick ('15)	\$420/hour	\$420/hour	N/A	N/A	N/A	N/A	N/A
Paralegals	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour	\$210/hour

17. In light of the religious-liberty expertise that these lawyers brought to the task, the prevailing market rates in the Northern District of Texas, the nature and

complexity of this litigation, and the success obtained for the Becket Fund's client, it is my opinion that these rates are reasonable.

18. "A reasonable hourly rate is the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation." *SEC v. Narayan*, No. 16-cv-1417, 2019 WL 13074285, at *1 (N.D. Tex. Sept. 30, 2019).

19. Given their experience and expertise, Becket Fund attorneys would be able to charge similar or higher rates as attorneys litigating at large international law firms. That is especially true given the nature and complexity of this case, which took six years and multiple appeals to the Fifth Circuit to secure a permanent injunction.

20. The Becket Fund's proposed billing rates are lower than the rates my two prior firms and other firms with which I am familiar would charge their clients for attorneys of comparable seniority and expertise on a similar matter.

21. I am also aware of comparable practitioners that charge significantly higher rates, including between \$1,085-\$1,895/hour for law firm partners and between \$625-\$1,195/hour for associates. See Decl. of Erin E. Murphy in Supp. of Debtors' App. for the Retention and Employment of Kirkland & Ellis LLP, *In re: Nat'l Rifle Assoc. of Am. and Sea Girt LLC*, No. 21-30085, ECF No. 173-2 at 4 (N.D. Tex. Feb. 17, 2021).

22. In a recent bankruptcy case in the District of New Jersey, the Department of Justice noted the prevailing rates at numerous large international law firms, including Hogan Lovells US LLP ("Hogan Lovells"); Jones Day; Skadden Arps Slate Meager & Flom LLP ("Skadden"); Weil, Gotshal & Manges LLP ("Weil"); King & Spaulding, LLP; Shook Hardy & Bacon, LLP; and Orrick, Harrington & Sutcliffe, LLP ("Orrick"). Objection of the U.S. Trustee to Debtor's Application for Retention of Hogan Lovells as Special Counsel, *In re: LTL Management, LLC*, No. 21-30589, ECF No. 2324 ¶ 22 (D.N.J. May 20, 2022).

23. At Hogan Lovells, the discounted hourly rate for partners was between \$950 and \$2,465/hour, the discounted hourly rate for counsel was between \$910 and \$1,735/hour, and the discounted rate for associates was between \$605 and \$1,055/hour. *Id.* ¶ 21.

24. Though the Department of Justice objected to the Hogan Lovells rates, it did not object to the rates of other large international law firms that charged rates higher than the Becket Fund proposes for the above-styled case. Jones Day billed at a rate up to \$1,350/hour, Skadden's hourly range for partners was \$900 to \$1,875/hour, Weil's hourly range for partners was \$1,150 to \$1,795/hour, and Orrick's hourly range for counsel and partners was \$805 to \$1,750/hour. *Id.* ¶ 23.

25. A partner in the Houston office of Gibson Dunn also recently explained that his hourly rate was \$1,385/hour and that associates in Gibson Dunn's Houston office charge between \$800 and \$1,000/hour. Decl. of Collin Cox, *Ross Dress for Less, Inc. v. ML Development LP*, No. 20-cv-978, ECF No. 80-1 ¶ 5 (S.D. Tex. May 6, 2022).

26. Finally, the Becket Fund's requested attorney's fees are reasonable when compared to what other courts in smaller legal markets have actually awarded Becket Fund attorneys in similar litigation. In *Intervarsity Christian Fellowship v. University of Iowa* and *Business Leaders in Christ v. University of Iowa*, the United States District Court for the Southern District of Iowa, Davenport Division, held that a public university violated the constitutional rights of religious student organizations by selectively deregistering them based on their religious beliefs. The court awarded attorney's fees and found that a rate of \$914/hour for a Becket Fund attorney with twenty years of experience and a rate of \$759/hour for a Becket Fund attorney with thirteen years of experience was reasonable. *Intervarsity Christian Fellowship v. Univ. of Iowa*, No. 18-cv-80, Dkt. No. 101 at 2 n.1 (S.D. Iowa Nov. 18, 2021); *Bus. Leaders in Christ v. Univ. of Iowa* ("BLinC"), No. 17-cv-80, Dkt. No. 147 at 3 (S.D. Iowa, Nov. 10, 2021). The court explained that "[a]lthough the rates requested for

Plaintiff's out of state counsel are significantly higher, between \$759 and \$914 for the two attorneys, they are reasonable given the complex nature of the issues in this case and the extensive experience Plaintiff's counsel has in constitutional litigation." *BLinC*, No. 17-cv-80, Dkt. No. 147 at 3.

27. The attorneys in this case have similar experience to the attorneys in the *In-tervarsity* and *BLinC* litigation. Yet the legal market in the Dallas-Fort Worth area is significantly larger and more sophisticated than the legal market in Davenport, Iowa. Thus, if these rates were deemed reasonable by the federal court in Davenport, Iowa, then slightly higher rates would be reasonable in Dallas-Fort Worth.

28. In conclusion, based on my knowledge and experience litigating cases in the Northern District of Texas, my familiarity with the hourly rates charged by firms in this legal market, the qualifications of the Becket Fund attorneys involved in this litigation, the nature and complexity of this litigation, and the success obtained for the client, it is my opinion that the Becket Fund's requested rates are reasonable.

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

Dated: December 21, 2022



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