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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE DISTRICT OF ARIZONA**

19 MARIA M. GONZALEZ, et al.,

20 Plaintiffs, and

21 THE INTER TRIBAL COUNCIL OF
22 ARIZONA, INC., et al.,

23 Plaintiffs,

24 v.

25 STATE OF ARIZONA, et al.,

26 Defendants.

No. CV06-01268

No. CV06-1362 (Cons)

**ITCA PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND
NON-TAXABLE EXPENSES**

(Assigned to the Honorable
Roslyn O. Silver)

27 Plaintiffs The Inter Tribal Council of Arizona, Inc., *et al.* (the "ITCA Plaintiffs")
28 respectfully file this Motion for Attorneys' Fees and Non-Taxable Expenses, pursuant to

1 Local Rule 54.2 and this Court's July 22, 2013 Order granting additional time to file the
2 present Motion (Dckt. 1110). This Motion is filed against the sole defendant in the *ITCA*
3 litigation, the Arizona Secretary of State (sued in his official capacity).

4 On September 11, 2013, this Court entered Final Judgment for the ITCA Plaintiffs
5 on their claim under the National Voter Registration Act ("NVRA"), 42 U.S.C. § 1973gg
6 *et seq.* (Dckt. 1123). Prevailing parties under the NVRA are permitted to recover
7 "reasonable attorneys' fees, including litigation expenses, and costs." 42 U.S.C. §
8 1973gg-9(c).

9
10 The ITCA Plaintiffs request an order from this Court awarding the sum of
11 \$1,471,572.36 in attorneys' fees and \$110,661.07 in expenses, as set forth in greater
12 detail in Attachment A.¹ Plaintiffs' request includes fees and expenses for work in this
13 litigation in this Court and in the Supreme Court. The ITCA Plaintiffs are not in this
14 motion seeking fees or expenses related to work before the Ninth Circuit; Plaintiffs will
15 seek those fees and expenses in a motion to be filed directly in the Ninth Circuit, as
16 required by Ninth Circuit rule. Ninth Cir. Rule 39-1; *see also* Order, *Gonzalez v. Arizona*,
17 No. 08-17094 (9th Cir. Sept. 24, 2013), Dckt. No. 242.

18
19 Attachment A divides the instant fees request into several subparts. Fees for the
20 substantive work undertaken in this Court are presented in three categories: work
21 undertaken prior to the grant of partial summary judgment in August 2007; work
22

23
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25 ¹ This is a tentative total since the ITCA Plaintiffs are requesting fees for time expended in
26 preparing this motion, and counsel will expend additional hours in preparing the memorandum,
27 declarations, and documentation in support of this motion to be filed on or before November 12,
28 2013.

1 undertaken after partial summary judgment through trial in 2008; and work undertaken in
2 2012 and this year to effectuate the mandate of the Ninth Circuit and the decision of the
3 Supreme Court. The other two fees categories in Attachment A are for work in the
4 Supreme Court, and for preparation of the instant Motion. As shown in Attachment A,
5 the ITCA Plaintiffs are seeking only a partial recovery (25%) of fees for the post-
6 summary judgment stage in this Court, from 2007 to 2008.²

8 Pursuant to Local Rule 54.2 and this Court's July 22 Order (Dckt. 1110), the ITCA
9 Plaintiffs will submit a memorandum of points and authorities, and related papers, in
10 support of this Motion on or before November 12, 2013.

12 Respectfully submitted this 11th day of October, 2013.

13 /s/ Robert A. Kengle
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² For informational purposes, Attachment A also breaks down the requested fees and expenses by the law firm or civil rights organization that performed the work or incurred the expenses. However, Plaintiffs are not requesting that this Court subdivide its award in this manner.

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ATTORNEYS FOR ITCA PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of October, 2013, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF Registrants in the above case.

/s/ Robert A. Kengle

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