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*Attorneys for Gonzalez Plaintiffs*

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF ARIZONA

13 Maria M. Gonzalez, et al.,  
14  
15 Plaintiffs; and  
16 Inter Tribal Council of Arizona, et al.,  
17  
18 Plaintiffs;  
19 v.  
20 State of Arizona, et al.,  
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22 Defendants.

No. CV-06-1268-PHX-ROS(Lead)  
No. CV-06-1362-PCT-JAT(Cons.)

**GONZALEZ PLAINTIFFS' MOTION  
FOR ATTORNEY'S FEES AND COSTS**

(ASSIGNED TO THE HON. ROSLYN O.  
SILVER)

23 Plaintiffs Jesus Gonzalez, *et al.* ("Gonzalez Plaintiffs") file this motion for  
24 attorney's fees in the approximate amount of \$536,022.70 and costs in the approximate  
25 amount of \$130,538.42. In support of this motion, the Gonzalez Plaintiffs show:

- 26  
27 1. On September 11, 2013, the Court entered a final judgment for the Gonzalez  
28 Plaintiffs and Plaintiffs Inter Tribal Council of Arizona, *et al.*, against

1 Defendants the State of Arizona, the Arizona Secretary of State, and the  
2 Recorders and Election Directors of Arizona’s 15 counties (collectively,  
3 “Defendants”).  
4

5 2. Pursuant to 42 U.S.C. §§ 1973gg–9(c) and 1988(b), a court, in its discretion,  
6 may allow the prevailing party reasonable attorney’s fees and costs. Only in  
7 rare situations, when awarding attorney’s fees would be unjust, should a court  
8 deny a prevailing party’s motion for attorney’s fees.  
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10 3. The Gonzalez Plaintiffs are prevailing parties because they have obtained an  
11 enforceable court order granting them relief that they sought in the case.  
12 Specifically, the final judgment entered by the Court granted the Gonzalez  
13 Plaintiffs final declaratory relief stating that Arizona did not “accept and use”  
14 the Federal Form as required under the National Voter Registration Act  
15 (NVRA), 42 U.S.C. § 1973gg-4, and that the NVRA preempts the voter  
16 registration provisions of Proposition 200 that require an individual registering  
17 with the Federal Form to provide more information than that required by the  
18 form. This relief materially alters Arizona’s and its election officials' practice  
19 of denying voter registration to Federal Form registrants who did not provide  
20 Proposition 200’s additional proof of citizenship documentation with their  
21 applications.  
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25 4. In its final judgment, the Court also granted the Gonzalez Plaintiffs a  
26 permanent injunction preventing Arizona from implementing those provisions  
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1 of Proposition 200 that require Federal Form registrants to provide more  
2 information than that required by the Federal Form under the NVRA.

3  
4 5. In the Ninth Circuit, district courts use the lodestar method to calculate a  
5 reasonable fee award. To calculate the lodestar the Court multiplies the  
6 number of hours reasonably expended on the litigation by a reasonable hourly  
7 rate.

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9 6. The hours worked by the Gonzalez Plaintiffs' counsel relate to necessary  
10 litigation tasks and are neither excessive nor duplicative. The injunctive and  
11 declaratory relief the Gonzalez Plaintiffs sought and won required the effort  
12 they reasonably expended and billed on the case.

13  
14 7. In addition, counsel for the Gonzalez Plaintiffs exercised reasonable billing  
15 judgment by deducting a significant number of hours for work performed by  
16 junior attorneys and support staff, and by reducing their hourly rate for  
17 necessary travel by fifty percent (50%).

18  
19 8. The experience, reputation and ability of the attorneys who worked on this case  
20 warrant the requested hourly rates. The hourly rates requested are reasonable  
21 in the relevant marketplace of Phoenix, Arizona.

22  
23 9. Based on the foregoing, the approximate total reasonable attorney's fees  
24 requested by counsel for the Gonzalez Plaintiffs is:

	<b>Year of Litigation</b>	<b>Rate</b>	<b>Approximate Legal Work Hours</b>	<b>Approximate Travel Hours</b>	<b>Approximate Total Fees (per attorney)</b>
<b>Attorney Name</b>					
Nina Perales	2006	400	238.60	74	110,240.00
Nina Perales	2007	400	491.86	13	199,344.00
Nina Perales	2008	450	163.50	26	79,425.00
Nina Perales	2012	600	20	6.8	14,040.00
Nina Perales	2013	650	10	0	6,500.00
Diego Bernal	2006	210	92.75	13.5	20,895.00
Diego Bernal	2007	210	131.25	9	28,507.50
Diego Bernal	2008	230	81.74	21.85	21,312.95
Karolina Walters	2012	325	4.8	6.8	2,665.00
Karolina Walters	2013	350	22.2	0	7,770.00
Karl Sandstrom	2006	375	34.1	0	12,787.50
Karl Sandstrom	2007	400	14.6	0	5,840.00
Karl Sandstrom	2012	525	27.75	0	14,568.75
Karl Sandstrom	2013	550	12.35	0	6,792.50
Amelia Gerlicher	2006	210	3.8	0	798.00
Amelia Gerlicher	2013	420	7.2	0	3,024.00
James Ahlers	2012	320	0.4	0	128.00
James Ahlers	2013	355	3.9	0	1,384.50
<b>APPROXIMATE TOTAL FEES</b>					<b>\$536,022.70</b>

10. In addition to an award of attorney's fees, the Gonzalez Plaintiffs are entitled to an award of costs pursuant to Fed. R. Civ. P. 54(d)(1).

11. The Gonzalez Plaintiffs seek an award of costs in the approximate amount of \$130,538.42. These costs include costs for expert witnesses, travel, depositions, copying and overnight delivery. The total costs sought by counsel for the Gonzalez Plaintiffs are reasonable and of the type recoverable under § 1988(b), Fed. R. Civ. P. 54(d)(1), and § 1973gg-9(c).

<b>Gonzalez Plaintiffs' Counsel</b>	<b>Total Costs (per counsel)</b>
MALDEF	\$130,538.42
<b>TOTAL COSTS:</b>	<b>\$130,538.42</b>

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12. The approximate total amount of attorney's fees and costs requested by the Gonzalez Plaintiffs is **\$666,561.12**.

**CONCLUSION**

For the foregoing reasons, and as further specified in their brief in support of their motion for attorney's fees and costs and supporting documentation which will be filed November 11, 2013, the Gonzalez Plaintiffs respectfully request that the Court grant their motion for attorney's fees and costs and award the Gonzalez Plaintiffs approximately \$666,561.12.

Dated: October 11, 2013

Respectfully submitted,

s/ Nina Perales  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> 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 CM/ECF registrants.

/s/ Nina Perales  
Nina Perales