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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., In His Official Capacity As Attorney General Of The United States, Defendants, WENDY DAVIS, *et al.*, Defendant-Intervenors, MEXICAN-AMERICAN LEGISLATIVE CAUCUS, Defendant-Intervenors, GREG GONZALEZ, *et al.*, Defendant-Intervenors, TEXAS LEGISLATIVE BLACK CAUCUS, Defendant-Intervenor, TEXAS LATINO REDISTRICTING TASK FORCE, Defendant-Intervenor, TEXAS STATE CONFERENCE OF NAACP BRANCHES, *et al.*, Defendant-Intervenors, League of United Latin American CITIZENS (LULAC)	)	No.1:11-CV-1303 (RMC-TBG-BAH) (three-judge court)

DEFENDANT-INTERVENORS WENDY DAVIS, ET AL.'S MOTION FOR ATTORNEYS' FEES, EXPENSES AND COSTS

Pursuant to 28 U.S.C. § 1920, 42 U.S.C. § 1973*l*(e), 42 U.S.C. § 1988, Fed. R. Civ. P. 54(d), and this Court's Local Rule 54.2, Defendant-Intervenors Wendy Davis, *et al.*, (hereafter

"Davis Intervenors") respectfully move this Court for an order granting attorneys' fees, expenses, and costs to them, as the prevailing party in this Voting Rights Act case. Counsel for the Davis Intervenors conferred with counsel for Plaintiff ("Plaintiff" or "Texas") and Plaintiff opposes this motion. Based on this motion, the attached supporting materials, and the record in this case, the Davis Intervenors seek a total sum of $466,680.36 in fees, expenses, and costs.

BACKGROUND AND PROCEDURAL HISTORY

I. Texas Was Denied Preclearance of its State Senate and Congressional Plans By This Court.

On July 19, 2011, Texas filed a complaint for declaratory judgment that the redistricting plans it adopted to govern elections for the U.S. House of Representatives ("Congressional Plan"), the State House of Representatives ("State House Plan"), the State Senate ("State Senate Plan") (collectively the "Plans"), and the State Board of Education complied with Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c.[1]

The Davis Intervenors were the first parties to seek intervention, opposing preclearance of the state senate and congressional redistricting plans.[2] With respect to both plans, the Davis Intervenors alleged the plans were infected with a racially discriminatory intent and would have a racially discriminatory effect and therefore could not be precleared under Section 5 of the Voting Rights Act.

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[1] Without objection from any of the parties, this Court entered declaratory judgment in favor of Texas on the State Board of Education redistricting plan on September 22, 2011. *See* Minute Entry Order (Sept. 22, 2011).

[2] Seven other parties were subsequently granted intervention by this Court and opposed preclearance of the various plans. The only parties who opposed preclearance of the state senate plan were the Davis Intervenors, LULAC, the NAACP, and the Texas Legislative Black Caucus.

The Plaintiff State of Texas moved for summary judgment on all three plans, which this Court denied on November 8, 2011. In its Memorandum Opinion explaining the denial of Texas's motion for summary judgment, this Court found that Texas "ha[d] failed to demonstrate that the Plans do not have the purpose of denying or abridging the right to vote on account of race or color, or membership in a language minority group." Memorandum Opinion of December 22, 2011 at 41 (ECF No. 115) (internal quotation marks omitted).

Trial was held over a two-week period in January 2012, with closing arguments on January 31, 2012. Thereafter, this Court issued its decision on August 28, 2012, denying preclearance to all three plans. With respect to the state senate and congressional plans, this Court unanimously found that those plans were the product of a legislature acting with racially discriminatory intent and thus failed to comply with Section 5 of the Voting Rights Act. The voluminous trial record in this Court includes evidence taken in open court, party exhibits, expert reports, and post-trial briefing. The record also incorporates evidence from the Section 2 trial before the three-judge court in the consolidated *Perez v. Perry* and *Davis v. Perry* cases in San Antonio. The Davis Intervenors played an active role throughout these proceedings opposing preclearance of the state senate and congressional plans. Indeed, counsel for the Davis Intervenors was designated as co-administrator of the Defendant-Intervenor parties. In sum, the Davis Intervenors were actively involved in discovery proceedings (including discovery disputes), the conduct of the trial, closing arguments, and post-trial briefing.

Because the United States took the position that the state senate plan met the requirements of Section 5, the Davis Intervenors took the lead throughout this case in opposing

preclearance of the state senate plan.[3] That defense was unquestionably made more difficult by the position taken by the United States, as the State of Texas repeatedly cited the position of the United States in this Court and in the United States Supreme Court as a reason for granting preclearance to its state senate plan.[4] In addition, the Davis Intervenors also vigorously opposed preclearance of the congressional plan, offering evidence of intentional discrimination that marked the state's creation of that plan. As explained in detail below, this Court relied on proof offered at trial by the Davis Intervenors in denying preclearance to the state senate and congressional plans, particularly proof of intentional discrimination underlying each plan.

A. This Court Relied on Evidence From the Davis Intervenors In Denying Preclearance of the State Senate Plan.

The case involving the state senate plan focused on the dismantling of Senate District 10, a district held by State Senator Wendy Davis (one of the Davis Intervenors). This Court unanimously denied preclearance to the state senate plan because it found that it was infected with a racially discriminatory intent and "dismantling SD 10 had a disparate impact on racial minority groups in the district." Memorandum Opinion of August 28, 2012 at 46 (ECF No. 230).

In reaching its decision denying preclearance to the state senate plan, this Court's Memorandum Opinion relied on and cited both testimonial and documentary evidence produced by the Davis Intervenors. This included, among other proof: the Davis Intervenors' cross examination of the state's expert witness (Dr. Alford), *id*. at 46; the Davis Intervenors' cross

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[3] In this Court, LULAC, the State NAACP, and Texas Legislative Black Caucus also opposed preclearance of the state senate plan, but the Davis Intervenors took the lead role.

[4] *See, e.g.,* Plaintiff's Reply in Support of Summary Judgment as to Defendant-Intervenors' Senate Claims at 2 (ECF No. 90); Texas's Jurisdictional Statement at 33-38, *Texas v. United States*, 133 S. Ct. 2885 (2013) (No. 12-496), 2012 WL 5267659.

examination of Doug Davis and Senate Redistricting Chairman Senator Kel Seliger, *id*. at 47-48; documentary evidence from State Senator Rodney Ellis, *id*. at 46; an expert report from Dr. Allan Lichtman (the Davis Intervenors' expert witness), *id*. at 49; the testimony of State Senator Judith Zaffirini, *id*. at 47-49; and email correspondence of the State's redistricting staff obtained in discovery showing a "pre-cooked" committee report (the "no bueno" email), *id*. at 48. In reaching its conclusion that the state senate plan was adopted with a racially discriminatory intent, this Court observed "Senator Davis and other Intervenors provided credible circumstantial evidence of the type called for by the Supreme Court in *Arlington Heights*, which, as a whole, indicates that an improper motive may have played a role in the map-drawing process." *Id*. at 50.

The Court's Findings of Fact with respect to the Senate plan, appended to the Court's August 28, 2012 Memorandum Opinion, also frequently cited and referenced the testimony of the Davis Intervenors in support of findings that the state senate plan was enacted with discriminatory intent. For example, Findings of Fact Nos. 129-136 detail the discriminatory process that led to passage of the state senate map, citing testimony of Senator Davis, Rep. Veasey, Senator Zaffirini, Senator Ellis, and the report of Davis Intervenors' expert witness (Dr. Lichtman). Moreover, the Court, again citing the testimony of Senator Wendy Davis and Rep. Marc Veasey (Findings of Fact Nos. 142-146), found that "the election of Senator Davis in 2008 demonstrated a successful three-way coalition of Blacks, Hispanics and some cross-over Anglos in SD 10." Findings of Fact No. 149.

This Court's Findings of Fact (Nos. 151-166) detail very specifically how the State of Texas dismantled SD 10's minority voter coalition and fragmented the politically cohesive minority population concentrations that were within the district under the benchmark plan. In

doing so, this Court cited and found credible the testimony of Senator Davis, Rep. Veasey, Senator Ellis, and relied upon the expert witness report of Dr. Allan Lichtman, as well as exhibits offered by the Davis Intervenors. *Id*. This evidence led the Court to find that "[i]n 2011, the State Senate cracked SD 10 and removed most of its minority populations, spreading them into predominately Anglo districts and effectively dismantling the coalition that had elected Senator Davis." Findings of Fact No. 165. The Court observed that "the dismantling of SD 10 will have a disparate and negative impact on minority groups in the District." Findings of Fact No. 166. These were the same contentions made by the Davis Intervenors when they filed their motion to intervene in this case. *See* Mot. to Intervene of Davis Intervenors at 4-8, ¶¶ 9-16 (ECF No. 5).

Although this Court found that SD 10 "has insufficient history to afford it protection as a benchmark ability district for purposes of redistricting in 2011," (Finding of Fact No. 149), the Court found as a factual matter "that the record demonstrates purposeful discrimination in the re-drawing of SD 10." Findings of Fact No. 150.

The denial of preclearance by this Court with respect to the state senate plan provided a substantial benefit to the Davis Intervenors. Having failed to obtain preclearance, the State of Texas was forced to use an interim plan for conducting its 2012 state senate elections. The interim plan was imposed by the three-judge court in the Section 2 proceedings in the Western District of Texas, *Davis v. Perry*, No. 11-788 (W.D. Tex.), and restored Senate District 10 to its precise pre-2011 configuration. *See id.* (ECF No. 147), March 19, 2012 Order at 2-3 (attached hereto as Exhibit N). The interim plan imposed by the San Antonio court is the exact remedy the Davis Intervenors were seeking in that litigation. Because the State of Texas did not obtain preclearance of its racially discriminatory state senate plan in this Court and because it was forced to hold elections under an interim plan restoring Senate District 10 to its prior

configuration, in the 2012 elections, the minority voter coalition that had elected Senator Davis to office in 2008 once again elected her as their candidate of choice. *See Davis v. Perry*, No. 11-788 (W.D. Tex.), Davis-Veasey and LULAC Plaintiffs' Joint Advisory to the Court at 4 (ECF No. 162).

Thus, as a result of this Court's decision denying preclearance to the state senate map, the Davis Intervenors were once again afforded an opportunity to be within a senate district that enabled them to elect their candidate of choice. Senator Davis was also afforded the benefit of being able to run again from a district where the minority voter coalition would once again be given an opportunity to elect her to office.

Moreover, as members of racial or language minority groups, four of the five Davis Intervenors had been the victims of the State's intentionally discriminatory conduct aimed at black and Latino voters. [5] As a direct result of this Court's denial of preclearance to the state senate map, these Intervenors were restored to a district in which they would not be purposely divided among several Anglo-controlled districts, as Texas had proposed.

B. This Court Relied on Evidence From the Davis Intervenors In Denying Preclearance for the Congressional Plan.

With respect to the state's proposed congressional plan, the record again shows that the Davis Intervenors played an active role in opposing preclearance. Once again, this Court's decision denying preclearance to the congressional plan relied upon and cited evidence offered by the Davis Intervenors, particularly evidence that the congressional plan was adopted with a racially discriminatory purpose. For example, this Court's findings of fact cited the testimony of

[5] Of the five Davis Intervenors, all were members of racial or language minority groups, except for Senator Davis. *See* Davis Intervenors' Mot. to Intervene at ¶¶ 4-8 (ECF No. 5).

Senator Zaffirini and Senator Ellis that the field hearings held by the State were perfunctory and a sham. *See* Findings of Fact No. 6.[6] Both Senator Zaffirini's and Senator Ellis's testimony was presented by the Davis Intervenors. Similarly, the testimony of Representative Marc Veasey (one of the Davis Intervenors) was cited by this Court in finding "that some field hearings, specifically in the Dallas-Fort Worth metroplex, were held in locations inconvenient for minority voters that did not have public transport, which limited their participation." Findings of Fact No. 7.

The Court also found credible and cited Rep. Veasey's testimony in finding that "no minority state representative had any input into the proposed congressional redistricting map before it was made public." Findings of Fact No. 12. Furthermore, Finding of Fact 20 cited Rep. Veasey's testimony that the "timing of the two public hearings in the House and Senate Redistricting Committees within the short span of 48 and 72 hours, respectively, . . . severely circumscribed the opportunity for meaningful public scrutiny and comment, including by minority citizens and their elected officials." Similarly, this Court cited Rep. Veasey's testimony that Texas's proposed congressional map not only failed to create any new minority "ability to elect" districts in the North Texas region despite "the significant minority population growth" in the Dallas-Fort Worth metroplex (Findings of Fact No. 105), but that the state's congressional map "divides the urban, minority population in the Dallas-Fort Worth metroplex among four Anglo-controlled congressional districts." *Id.* Rep. Veasey's testimony was also cited to support a finding that alternative redistricting plans in the North Texas region had been submitted to the State's map drawer, despite the map drawer's testimony that no such plans had

[6] This Court's Findings of Fact and Conclusions of Law were appended to the August 28, 2012 Memorandum Opinion. *See* ECF No. 230 at 99-154.

been presented to him—testimony this Court described as "not accurate." Findings of Fact No. 108. This Court cited Rep. Veasey's testimony numerous times in its findings of fact regarding the congressional plan. *See, e.g.*, Finds of Fact Nos. 109, 110, 112, & 115.

These findings of fact were, in part, the genesis of the Court's holding that based on "the totality of the evidence" "the [congressional] plan was enacted with discriminatory intent." Memorandum Opinion at 42 ("we find sufficient evidence to conclude that the Congressional Plan was motivated, at least in part, by discriminatory intent.").

The denial of preclearance by this Court with respect to the congressional plan also provided a substantial benefit to the Davis Intervenors. Having failed to obtain preclearance, the State of Texas was forced to use an interim plan for conducting its 2012 congressional elections. The interim plan that was imposed by the three-judge court in the Section 2 proceedings in the Western District of Texas, *Shannon Perez, et al. v. Rick Perry, et al.*, No. 11-788 (W.D. Tex.), reduced the severe fracturing of the minority population in that area, and created a new minority opportunity district in the Dallas-Fort Worth region—a district that provided minority voters an effective opportunity to elect their preferred candidate to office. The Davis Intervenors had specifically alleged in this Court that Texas had engaged in the purposeful fracturing of minority population in the DFW Metroplex. *See* Defendant-Intervenors Wendy Davis' and LULAC's Post-Trial Brief at 7, 10-12 (ECF No. 205). One of the Davis Intervenors (Marc Veasey) was elected to Congress from the new district in that region in the 2012 elections. *See Perez v. Texas*, No. SA-11-CA-360-OLG-JES-XR (W.D. Tex.), Quesada Plaintiffs' Third Amended Complaint ¶ 67 (ECF No. 899).

II. Texas Adopted As Its Permanent Plan The Exact State Senate Plan Sought By The Davis Intervenors And A Congressional Plan That Incorporated Much Of The Relief Sought By The Davis Intervenors.

On October 19, 2012, Texas sought review of this Court's decision in the United States Supreme Court, asking the Court to "note probable jurisdiction and set this case for oral argument . . . so that Texas can implement its legislatively enacted plans for the next electoral cycle." Texas Jurisdictional Statement at 5, *Texas v. United States*, U.S. Supreme Court Case No. 12-496. While Texas's appeal was still pending with the United States Supreme Court, Texas Governor Rick Perry called a special session of the Texas Legislature specifically for the purpose of considering legislatively adopting the interim plans imposed by the three-judge court in the Western District of Texas. *See* Press Release, Office of the Governor, Rick Perry, Gov. Perry Announces Special Session for May 27 (May 27, 2013) *available at* http://governor.state.tx.us/news/press-release/18575/. The Legislature subsequently held hearings on this proposal. Between June 21 and 23, 2013, the Texas Legislature enacted three new statewide redistricting plans for Congress, the Texas Senate, and the Texas House, adopting by statute the same, or in the case of the Texas House, a slightly amended version of, the redistricting plans that had been ordered into effect by the three-judge court. S.B. 2, 83d Leg., 1st Sess. § 1 (Tex. as passed by House, June 21, 2013) (Texas Senate Plan); S.B. 3, 83d Leg., 1st Sess. art. I, § 1 (Tex. as passed by Senate, June 23, 2013) (Texas House Plan); S.B. 4, 83d Leg., 1st Sess. § 1 (Tex. as passed by House, June 21, 2013) (Congressional Plan). In addition to enacting these three new statewide redistricting plans, the statutes containing these plans expressly repealed the three statewide redistricting plans that were the subject of Texas's appeal to the United States Supreme Court. S.B. 2, 83d Leg., 1st Sess. § 2 (Tex. as passed by House, June 21, 2013); S.B. 3, 83d Leg., 1st Sess. art. III, § 3 (Tex. as passed by Senate,

June 23, 2013); S.B. 4, 83d Leg., 1st Sess. § 3 (Tex. as passed by House, June 21, 2013). Texas Governor Rick Perry signed these plans into law on June 26, 2013.

Because both the enactment of the interim plans as law and the repeal of the challenged plans mooted the appeal of this Court's decision before the United States Supreme Court, the Davis Intervenors and others moved the Supreme Court to dismiss Texas's appeal. While that motion was pending, on June 25, 2013, the United States Supreme Court issued its decision in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013). In *Shelby County*, the Court held the coverage formula of the Voting Rights Act—Section 4(b)—unconstitutional and instructed that "[t]he formula in that section can no longer be used as a basis for subjecting jurisdictions to preclearance." *Id*. at 2631. The Court stressed that it "issue[d] no holding on § 5 itself, only on the coverage formula." *Id*. Thus, the Court left Section 5 intact and held only that the coverage formula of Section 4(b) could "no longer be used" on a going forward basis as a means to subject jurisdictions to the preclearance requirements of Section 5.

On June 27, 2013, the Supreme Court vacated this Court's opinion and remanded the case to this Court "for further consideration in light of *Shelby County v. Holder* . . . and the suggestion of mootness of [Defendant-Intervenors]." *Texas v. United States*, 133 S. Ct. 2885, 2885 (2013).

The State of Texas subsequently moved this Court to dismiss all claims as moot. On December 3, 2013, this Court granted the motion, holding that any claims before the Court "were mooted by *Shelby County* and the adoption of superseding redistricting plans." Memorandum and Order at 3 (ECF 255). The Court noted that the Defendant-Intervenors would "remain free to seek attorneys' fees after dismissal" citing this Court's decision in *Commissioners Court of Medina County v. United States*, 683 F.2d 435, 438 (D.C. Cir. 1982), for the proposition that

defendant-intervenors in Voting Rights Act preclearance suits could still recover attorneys' fees even after the district court dismissed the suit as moot.

The Davis Intervenors now move this Court for such an award. The Davis Intervenors were prevailing parties in this case. Accordingly, they now seek attorneys' fees, expenses, and costs for their success in this action.

ARGUMENT

The Davis Intervenors are prevailing parties entitled to attorneys' fees. As Congress has provided: "In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, reasonable expert fees, and other reasonable litigation expenses as part of the costs." 42 U.S.C. § 1973*l*(e). Moreover, the United States Supreme Court has found that the enforcement of federal civil rights laws depends upon "private litigation as a means of securing compliance with the law." *Newman v. Piggie Park Enters., Inc.*, 390 U.S. 400, 401-02 (1968). The availability of fee awards for prevailing parties is critical if private parties are to undertake litigation to vindicate the civil rights laws. *See id*. The purpose of providing for an award of such fees and expenses to prevailing parties is to encourage "'private litigants to act as 'private attorneys general' in seeking to vindicate the civil rights laws. . . . 'Congress depends heavily upon private citizens to enforce the fundamental rights involved. The awards are a necessary means of enabling private citizens to vindicate these Federal rights.'" *Donnell v. United States*, 682 F.2d 240, 245 (D.C. Cir. 1982) (quoting S. Rep. No. 94-295 at 40 (1975), 1975 U.S.C.C.A.N. at 774, 807). Although the party awarded fees is often the plaintiff, defendant-intervenors in Voting Rights Act declaratory judgment actions also may be awarded

fees. *See Comm'rs Court of Medina Cnty.*, 683 F.2d at 439-40; *see also Donnell*, 682 F.2d at 246.

As explained in more detail below, the Davis Intervenors were the prevailing party both with respect to the Court's order denying the declaratory judgment sought by the State and also with respect to the Court's later order dismissing the case as moot. The Davis Intervenors also prevailed because this case was necessary for the Davis Intervenors to obtain a court order in the San Antonio litigation imposing the interim map sought by the Davis Intervenors. Nothing about the Supreme Court's decision in *Shelby County* changes the prevailing party status of the Davis Intervenors.

I. The Davis Intervenors Are Entitled to the Requested Attorneys' Fees and Costs.

A. The Davis Intervenors Are Prevailing Parties.

The Davis Intervenors are prevailing parties. On August 28, 2012, this Court issued a final order denying declaratory judgment to the state of Texas, concluding that "Texas has failed to carry its burden that [the enacted plans] do not have the purpose or effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group under section 5 of the Voting Rights Act." Aug. 28 Order (ECF No. 230) at 72. This was the only order entered in this case by any court addressing the merits of Texas's claim, and Texas lost.

The Supreme Court has determined that civil rights parties are prevailing parties "if they succeed on any significant issue in litigation which achieves some of the benefit the parties sought." *Texas State Teachers Ass'n. v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 789 (1989) (quotation marks omitted); *Hanrahan v. Hampton*, 446 U.S. 754, 756-58 (1980). The D.C. Circuit has interpreted the Supreme Court's decision in *Buckhannon Board & Care Home, Inc. v.*

West Virginia Department of Health & Human Resources, 532 U.S. 598 (2001), to require a three-part test for determining whether one is a "prevailing party." First, "there must be a court-ordered change in the legal relationship of the parties," second, "the judgment must be in favor of the party seeking the fees," and third "the judicial pronouncement must be accompanied by judicial relief." *Green Aviation Mgmt. Co., LLC v. FAA*, 676 F.3d 200, 203 (D.C. Cir. 2012) (quotation marks omitted). "Where a *defendant* is seeking fees, as here, the court has applied only the latter two prongs." *Id.* at 204. "[A] party need receive *only some form* of judicial relief, not necessarily a court-ordered consent decree or a judgment on the merits." *Turner v. Nat'l Transp. Safety Bd.*, 608 F.3d 12, 15 (D.C. Cir. 2010) (emphasis added).

A prevailing party is one who obtains "an actual benefit or relief from a burden." *Grano v. Barry*, 783 F.2d 1104, 1108-09 (D.C. Cir. 1986) (quotation marks omitted). The party seeking fees need not have "prevailed on every claim or achieved all of the benefits he might have hoped for in the litigation . . . the critical question in evaluating the availability of fees is whether fee claimants have received any benefit at all." *Id.* at 1109 (internal quotation marks omitted); *see also Hanrahan*, 446 U.S. at 758 ("[W]hen a party has prevailed on the merits of at least some of his claims," there has "been a determination of the 'substantial rights of the parties,' which Congress determined was a necessary foundation for departing from the usual rule in this country that each party is to bear the expense of his own attorney." (quoting H.R. Rep. No. 94-1558, at 8 (1976))); *Rhodes v. Stewart*, 488 U.S. 1, 3-4 (1988) (*per curiam*) ("At the end of the rainbow lies not a judgment, but some action (or cessation of action) by the defendant that the judgment produces—the payment of damages, or some specific performance, *or the termination of some conduct.*" (quotation marks omitted)); *Medina Cnty.*, 683 F.2d at 441 (noting the critical question is whether the party has received any benefit at all).

The Davis Intervenors' obtained all the relief they sought in intervening in this case. The Court issued a judgment on the merits denying the declaratory relief that Texas sought, Texas's enacted maps were never precleared, and the maps were never used in any election. This Court's denial of preclearance as to the senate plan enabled the Davis Intervenors to advocate successfully for restoration of Senate District 10 in the San Antonio litigation (where they were plaintiffs). Indeed, after this Court denied preclearance on summary judgment, the San Antonio district court ordered in place interim maps that did not discriminate against the Davis Intervenors (plaintiffs in that court) and restored Senate District 10 to its pre-2011 configuration. Furthermore, in 2013, Texas enacted the interim map imposed by the San Antonio district court as its own permanent map, thereby causing its own claims in this case to become moot on appeal. The Davis-Intervenors thus prevailed on the merits in every way possible.

1. The Supreme Court's Order Vacating This Court's Judgment Does Not Affect the Davis Intervenors' Entitlement to Attorneys' Fees.

The Davis Intervenors are entitled to attorneys' fees regardless of the fact that the Court's order denying declaratory judgment was ultimately vacated and dismissed as moot. As noted above, the Supreme Court's remand order to this Court instructed that the Court should provide "further consideration in light of *Shelby County v. Holder* . . . and the suggestion of mootness of [Defendant-Intervenors]." *Texas*, 133 S. Ct. at 2885 (emphasis added). This is not the result Texas sought. In a letter filed with the Supreme Court, Texas took the position that "the Intervenors' motion [to dismiss the appeal as moot] should be denied, and that the district court's judgment should be vacated in light of *Shelby County*." *See* Ex. O (June 26, 2013 Clement Letter to the Court). The Supreme Court thus rejected Texas's invitation to vacate this Court's judgment solely in light of *Shelby County*, and instead instructed this Court to likewise consider

the mootness occasioned by Texas's voluntary adoption of the plan supported by the Davis Intervenors.

On remand, this Court likewise credited the Davis Intervenors' mootness argument in dismissing the case. "[T]he Court instructed us to consider *both* the effect of *Shelby County* and the mootness argument Defendant-Intervenors themselves had raised before the Court. *Having followed that instruction, we conclude that Texas's claims are moot*." December 3, 2013 Order (ECF No. 255) at 3-4 (emphasis added). Under these circumstances, the August 28, 2012 final judgment denying declaratory relief was not reversed on the merits—even if *Shelby County* had not been decided, the action of the Texas legislature would have mooted Texas's appeal.

In any event, "the subsequent mootness of a case does not necessarily alter [a party's] status as [the] prevailing part[y]." *Nat'l Black Police Ass'n v. D.C. Bd. of Elections & Ethics*, 168 F.3d 525, 528 (D.C. Cir. 1999); *see also Thomas v. Bryant*, 614 F.3d 1288, 1294 (11th Cir. 2010) ("When plaintiffs clearly succeeded in obtaining the relief sought before the district court and an intervening event rendered the case moot on appeal, plaintiffs are still 'prevailing parties' for the purposes of attorney's fees for the district court litigation." (quotation marks omitted)); *Diffenderfer v. Gomez-Colon*, 587 F.3d 445, 453 (1st Cir. 2009) ("a 'prevailing party' is a party who managed to obtain a favorable, material alteration in the legal relationship between the parties *prior* to the intervening act of mootness."); *UFO Chuting of Haw., Inc. v. Smith*, 508 F.3d 1189, 1197 & n.8 (9th Cir. 2007) (noting that when a party successfully obtains an injunction before a district court prior to an intervening act of mootness, that party remains the "prevailing party"); *Dahlem v. Bd. of Educ*., 901 F.2d 1508, 1512-13 (10th Cir. 1990) (listing cases and holding that "[w]e are in accord with the courts which have held that a party which achieves the objective of its suit by means of an injunction issued by the district court is a prevailing party in

that court, notwithstanding the fact that the case becomes moot . . . while the order is on appeal" (footnote omitted)); *Palmer v. City of Chicago*, 806 F.2d 1316, 1321 (7th Cir. 1986) (assuming though not holding that a party is still a prevailing party "if after some relief has been obtained the case becomes moot").

Furthermore, even if the Supreme Court had vacated this Court's judgment purely on the basis of *Shelby County*, as Texas requested, the Davis Intervenors would *still* be prevailing parties. The Davis Intervenors obtained a judgment in their favor that benefited them at least through the 2012 elections (and indeed, indefinitely, given the State's enactment of the court-imposed interim maps as permanent). Because Texas was not granted preclearance by this Court, it could not use its enacted maps for the 2012 elections, and instead was required to use the interim maps imposed by order of the San Antonio district court. The Supreme Court's vacatur of the August 28, 2012 order in June of 2013 cannot (and did not) undo those benefits. The D.C. Circuit has held that such temporary benefits suffice to entitle a prevailing party to attorneys' fees. In *National Black Police Ass'n*, 168 F.3d at 528, a preliminary injunction was in effect for fifty-two days before being vacated as moot because of subsequent legislation. "The order was not moot when issued, and did not become so for 52 days. Accordingly, the plaintiffs secured a real-world vindication of their First Amendment rights, even if, as it proved, extraneous events would have given them the substantial equivalent 52 days later." *Id.* Likewise, the Davis Intervenors secured real-world vindication of their rights by succeeding in preventing Texas from obtaining preclearance in this case. If Texas had obtained preclearance, it could have used its enacted maps for the 2012 elections—that this did not happen also suffices to entitle the Davis Intervenors to attorneys' fees.

2. The San Antonio Court's Order Imposing Interim Maps Satisfies *Buckhannon*'s Requirements Independent From This Court's Vacated Order.

This Court's August 28, 2012 final order denying preclearance suffices to establish the "judicial imprimatur," *Buckhannon*, 532 U.S. at 599, necessary to entitle the Davis Intervenors to attorneys' fees. But even if the Court finds that the Supreme Court's vacatur of that order does not entitle the Davis Intervenors to rely on it to establish prevailing party status, the Davis Intervenors are still entitled to attorneys' fees. Because of the unique jurisdictional requirements of Section 5 of the Voting Rights Act, the Davis Intervenors were required to litigate Section 5 issues in *this* Court, and the proceedings in *this* Court dictated the outcome of interim relief sought in the San Antonio litigation regarding the Davis Plaintiffs' Section 2 and constitutional claims.

In *Perry v. Perez*, 132 S. Ct. 934 (2012), the Supreme Court addressed the unique interplay between district courts when a Section 5 preclearance case is pending in the D.C. court while a Section 2 case is proceeding in another district.

> Where a State has sought preclearance in the District Court for the District of Columbia, § 5 allows only that court to determine whether the state plan complies with § 5. Consistent with that design, we have made clear that other district courts may not address the merits of § 5 challenges.

Id. at 942. In *Perez*, the Court held that, although "Section 5 prevents a state plan from being implemented if it has not been precleared," *id.* at 941, the state plan should "serve[] as a starting point for the district court" tasked with imposing an interim map pending the preclearance outcome in the D.C. court, *id.* In doing so, however, the local district court must "take care not to incorporate into the interim map any legal defects in the state plan." *Id.* at 941-42. The local district court accomplishes this by "taking guidance from the State's policy judgments unless

they reflect aspects of the state plan that stand a reasonable probability of failing to gain § 5 preclearance" in the District of Columbia court—that is, where "the § 5 challenge is not insubstantial." *Id.* at 942. This means that the Section 5 preclearance proceedings in the D.C. court are instrumental in determining the outcome of interim relief sought in a local district court.[7]

Such is the case here. The San Antonio District Court had before it challenges to Texas's enacted redistricting plans under Section 2 of the Voting Rights Act, under the Constitution, and claims that the State's plans would fail preclearance under Section 5 of the Voting Rights Act. After a trial, the San Antonio Court initially "withheld judgment pending resolution of the preclearance process in the D.C. court." *Perez*, 132 S. Ct. at 940. However,

> [a]s Texas' 2012 primaries approached, it became increasingly likely that the State's newly enacted plans would not receive preclearance in time for the 2012 elections. And the State's old district lines could not be used, because population growth had rendered them inconsistent with the Constitution's one-person, one-vote requirement. It thus fell to the District Court in Texas to devise interim plans for the State's 2012 primaries and elections.

Id. The San Antonio District Court did so, and its interim plans were ultimately vacated and remanded by the Supreme Court in *Perez*. On remand, the San Antonio court applied the standard set forth in *Perez*, and ordered in place interim maps, relying on proceedings in *this* Court:

> Pursuant to the Supreme Court's decision in *Perry v. Perez*, 565 U.S. __, 132 S. Ct. 934 (2012) (*per curiam*), this Court has received and partially reviewed the trial transcripts and documentary evidence that are a part of the record in the preclearance action, *State of Texas v. United States, et al.*, No. 11-1303 (D.D.C. 2011). While 'avoid[ing] prejudging the merits of preclearance,' *Perry*, 132 S. Ct. at 942, since that issue can only be decided by the United States District Court for the District of Columbia, this Court has concluded

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[7] Because the Supreme Court left Section 5 undisturbed in *Shelby County*, 133 S. Ct. at 2631, *Perez* is still relevant and controlling law.

> that certain aspects of the State's enacted senate plan 'stand a reasonable probability of failing to gain §5 preclearance' and that the Section 5 challenge to those aspects of the plan 'is not insubstantial.' *Id. Imposition of an interim plan is therefore appropriate.*

Ex. 20, *Davis. v. Perry*, No. 11-788 (W.D. Tex., Mar. 19, 2012) Memorandum Opinion and Order (ECF No. 147) at 1-2 (emphasis added).

The Davis Intervenors' arguments in *this* Court were thus *necessary* for them to obtain the interim relief they sought—and received—in the San Antonio Court. This is particularly so with respect to the state senate map. Because the United States did not contest preclearance for the state senate plan in this Court, if the Davis Intervenors had not intervened in this case to litigate that issue, Texas's enacted state senate map would have been precleared in 2011, along with the State Board of Education redistricting plan (which defendants did not contest). *See* Sept. 22, 2011 Minute Order. This would have eliminated the legal basis upon which the San Antonio district court ordered in place the interim map returning Senate District 10 to its prior configuration based on a lack of preclearance. It was only because of Defendant-Intervenors' intervention and litigation efforts in *this case* that the San Antonio court's order was possible. The San Antonio Court's March 19, 2012 Order is the basis for that court's conclusion that the Davis Plaintiffs are prevailing parties in the San Antonio case. *See Davis v. Perry*, No. 11-788 (W.D. Tex., Sept. 4, 2013) Final Judgment (ECF No. 190).

In that order, the San Antonio court found that the State's enacted plan could not be implemented in the 2012 elections because it likely would not receive Section 5 preclearance approval. "[T]his Court has concluded that certain aspects of the State's enacted senate plan 'stand a reasonable probability of failing to gain §5 preclearance' and that the Section 5 challenge to those aspects of the plan "is not insubstantial." *See* Order of March 19, 2012, at 2 (ECF No. 147). The State was thus ordered to implement a new senate plan in 2012, and that

plan completely restored Senate District 10 to its pre-2011 configuration (the exact relief sought by the Davis Intervenors). As the San Antonio court explained in its March 19, 2012 order, (ECF No. 141), "Plaintiffs have argued that this Court should impose an interim remedial map that differs from the plan enacted by the Texas legislature last year. This Court agrees."

The San Antonio Court's March 19, 2012 Order is therefore a *direct result* of the arguments put forth by the Davis Intervenors in *this case*. The San Antonio court's March 19, 2012 order thus satisfies *Buckhannon*'s requirement that the Davis Intervenors obtain "*some form* of judicial relief, not necessarily a court-ordered consent decree or a judgment on the merits." *Turner*, 608 F.3d at 15 (emphasis added). The San Antonio court imposed an interim map based upon a "preliminary determinations *regarding the merits* of the Section 2 and constitutional claims presented in th[at] case." *See Davis v. Perry*, No. 11-788 (W.D. Tex., Feb. 28, 2012) Order (ECF No. 141) (emphasis added) (attached hereto as Exhibit P); Ex. N (Mar. 19, 2012 Order (ECF No. 147)). Such preliminary relief on the merits suffices establish prevailing party status and entitlement to attorneys' fees. *See Nat'l Black Police Ass'n*, 168 F.3d at 530; *Dearmore v. City of Garland*, 519 F.3d 517, 520-21, 526 (5th Cir. 2008).

Given the unique interplay between the D.C. district court and the San Antonio district court as a result of Section 5's jurisdictional provision, *see Perez*, 132 S. Ct. at 942, it is of no moment that fees be awarded for litigation in *this* case that was *directly necessary* for judicial relief ordered in the San Antonio litigation. Nothing in *Buckhannon* requires that the judicial relief relied upon for prevailing party status be received in the same case in which fees are sought—indeed the D.C. Circuit has made clear that *Buckhannon*'s requirement is not to be applied narrowly, requiring simply "*some form* of judicial relief." *Turner*, 608 F.3d at 15 (emphasis added). Where federal law restricts jurisdiction over an issue to one court, and that

litigation is necessary to establish judicial relief in a related case, a litigant's success in obtaining that judicial relief should satisfy *Buckhannon*'s "judicial imprimatur" requirement for prevailing party status in the first case.

The corollary is true in an analogous context—the D.C. Circuit has held that the district court may award attorneys' fees in a Title VII judicial action for both the court litigation *and* the related pre-litigation administrative proceedings. *See Parker v. Califano*, 561 F.2d 320, 327-29 (D.C. Cir. 1977). Title VII contains an exhaustion requirement, obligating the plaintiff to institute administrative proceedings for 180 days prior to filing a complaint in federal court. *Id.* at 321-22 & n.6. The D.C. Circuit held that the district court may award fees for both the judicial proceedings and the "related administrative proceedings." *Id.* at 321. Like the exhaustion requirement at issue in *Parker*, the jurisdiction requirements of Section 5 required that the Davis Intervenors litigate in two related district court proceedings in order to obtain interim relief in the San Antonio case. The same principle that permitted the district court to award fees for legal services incurred in two related proceedings in *Parker* counsels in favor of allowing the Davis Intervenors to obtain fees in this case based upon judicial relief obtained in the San Antonio case—relief that could not have happened without their litigation effort here. "[T]he congressional policy of encouraging private enforcement of civil rights legislation require[s] a construction favoring wide availability of attorneys' fees . . . ." *Id.* at 330.

Because the Davis Intervenors have obtained "actual relief on the merits of [their] claim" that "materially alters the relationship between the parties by modifying the defendant's behavior in a way that directly benefits the [Davis Intervenors]," *Farrar v. Hobby*, 506 U.S. 103, 111-12 (1992), they are a "prevailing party," based on both this Court's order denying preclearance and

the San Antonio court's order imposing an interim map based on the Davis Intervenors' successful litigation in *this* case.

3. To Hold That The Davis Intervenors Are Not Entitled To Attorneys' Fees Would Defeat The Purpose Of The Fee-Shifting Provisions.

As noted above, the entire purpose of providing an award of fees and expenses to prevailing parties is to encourage "'private litigants to act as 'private attorneys general' in seeking to vindicate the civil rights laws." *Donnell*, 682 F.2d at 245. This purpose would be defeated if litigants were denied fee and expense awards simply because the law changed due to circumstances beyond their control while they were litigating their cases. As this Court has found in a similar context, "[t]o hold that mootness of a case pending appeal inherently deprives plaintiffs of their status as 'prevailing parties' would detract from § 1988's purposes. Such a rule could result in disincentives for attorneys to bring civil rights actions when an event outside the parties' control might moot the case after the district court rendered a favorable judgment but before the judgment could be affirmed on appeal." *Diffenderfer*, 587 F.3d at 455. That is the situation presented here.

The entirety of this case was litigated while Section 5's preclearance provisions were still in effect. Indeed, Section 5 itself is *still* in effect as the Supreme Court expressly declined to offer any pronouncement on the constitutionality of Section 5 in *Shelby County*. To deny a fee award to litigants who undertook the role of "private attorneys general" to enforce Section 5's requirements (particularly where the attorney general himself abdicated that responsibility with respect to the state senate plan) simply because the Supreme Court has now held Section 4(b) unconstitutional would be to defeat the purpose of the fee-shifting provisions. Moreover, it would discourage citizens from undertaking the responsibility to "vindicate the civil rights laws"

for fear that a decision of Congress or the Supreme Court could render all of their hard work for naught.

The Davis Intervenors litigated this case pursuant to the law as it existed at the time and prevailed under the law as it existed at the time. That the Supreme Court has now changed the law by stating that Section 4(b) "can no longer be used as a basis for subjecting jurisdictions to preclearance," *Shelby County,* 133 S. Ct. at 2631, does not require that those who litigated a case and prevailed under the then-existing law that Section 4(b) was a proper basis for subjecting jurisdictions to preclearance be denied their fees and expenses.

B. The Davis Intervenors' Fees are Reasonable.

Having prevailed on their claims, the only remaining question is whether the fees sought are reasonable. As explained below, the fees, expenses, and costs that the Davis Intervenors seek are reasonable for litigation of this type and scope.

An award of attorneys' fees is calculated using the lodestar method, which is determined by multiplying "the number of hours reasonably expended on the litigation times a reasonable hourly rate." *Blum v. Stenson*, 465 U.S. 886, 888 (1984); *see also Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The lodestar "is presumed to be the reasonable fee," *Blum*, 465 U.S. at 897; *accord People Who Care v. Rockford Bd. of Educ.*, 90 F.3d 1307, 1310 (7th Cir. 1996), and "includes most, if not all, of the relevant factors constituting a reasonable attorneys' fee." *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546, 566 (1986), *supplemented by* 487 U.S. 711 (1987).

Two issues are addressed below demonstrating the reasonableness of the Davis Intervenors' requested fees: 1) the reasonable number of hours expended by the Davis Intervenors' attorneys to litigate this case; and 2) the hourly rates sought by the Davis

Intervenors' counsel. As explained further below, both the hours incurred and the rates charged were reasonable for a case of this nature.

1. The Davis Intervenors Seek Compensation For A Reasonable Number of Hours.

This case involved important and difficult constitutional and federal statutory claims. Texas's proposed state senate and congressional plans threatened the rights of Latino and African-American voters to elect candidates of their choice, and intentionally cracked minority voters into several different districts to minimize and dilute their voting power. Voting rights and redistricting cases like this one are among the most complex federal cases, ranking fifth most difficult out of 42 categories of cases (more difficult than antitrust and SEC/securities cases) according to the case weights issued by the Federal Judicial Center. *See* Exhibit L.

The Davis Intervenors thus appropriately hired experienced attorneys who have substantial redistricting and Voting Rights Act experience, including extensive experience with Texas redistricting cases. Declaration of J. Gerald Hebert ("Hebert Decl.") ¶¶ 3-11 (attached hereto as Exhibit A). For example, the Davis Intervenors' attorneys in this case (Mr. Hebert and Mr. Paul Smith of Jenner & Block) have represented clients in prior Texas redistricting lawsuits going back several decades, including several landmark cases that have reached the United States Supreme Court (*e.g.*, *Balderas v. Texas*, and *LULAC v. Perry*). Mr. Smith has extensive voting rights litigation experience, having argued three different voting rights or redistricting cases in the United States Supreme Court within the last decade, including *LULAC v. Perry*, 548 U.S. 399

(2006).[8] *See* Declaration of Paul M. Smith ("Smith Decl.") ¶¶ 3-4 (attached hereto as Exhibit D). Mr. Hebert has served as lead counsel in many redistricting and voting rights cases over the years throughout the United States and at all levels of the federal system. Indeed, Mr. Hebert is one of our nation's foremost voting rights litigators, having served as lead counsel for a party or *amicus curiae* in over 100 such cases. *See* Ex. C (Listing of Voting/Election Cases Handled by Mr. Hebert).

The extensive experience of the Davis Intervenors' counsel, particularly in redistricting and voting rights cases, made them well-suited to these responsibilities. Given the importance of the issues presented in this case, and the fact that the Davis Intervenors' lawyers had handled similar cases in the past (and thus could perform their duties more efficiently than counsel with less experience in this area of law), the Davis Intervenors were quite reasonable in retaining attorneys Hebert and the Jenner & Block attorneys to advance their interests throughout the course of this litigation.

The Davis Intervenors' lawyers also leanly staffed this case, totally avoiding any duplication of tasks and using attorneys with appropriate levels of experience to handle the various litigation tasks. *See id.* ¶¶ 13-14. That this case was staffed leanly and without duplication of tasks was true not only among the Davis Intervenors' counsel, but also between counsel for the Davis Intervenors and counsel for the other intervenors. *See id.*[9]

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[8] The other two cases argued by Mr. Smith in the Supreme Court were *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008) (the Indiana voter ID case) and *Vieth v. Jubelirer*, 541 U.S. 267 (2004) (a partisan gerrymandering case).

[9] The overall fees and disbursements sought in this case are reasonable and well within the range of what would be expected for this type of complex litigation. That is especially true

That the Davis Intervenors' lawyers leanly staffed this case is also demonstrated by the fact that just one attorney (Mr. Hebert) performed the vast majority of the tasks at the trial court level, and that the Defendant Intervenors only utilized other attorneys with appropriate levels of experience to handle other various litigation tasks. In order to avoid unnecessary or duplicative work or the inefficient use of resources, responsibilities in this case were allocated among several different attorneys only when necessary, and according to the experience and expertise of each attorney. *See id.* For example, Mr. Hebert assumed primary responsibility in this Court for developing the legal strategy in the case, drafting pleadings and other filings, handling the trial, and managing certain logistical matters, such as client communications. *See id.*[10] The Jenner & Block attorneys were involved in drafting the summary judgment briefing and took primary responsibility for the appellate work in the United States Supreme Court when this case was appealed (legal research, and preparation of briefs). *See* Ex. D (Smith Decl.) ¶ 5; Ex. A (Hebert Decl.) ¶¶ 13-14. Mr. Chad Dunn, a Texas attorney with vast trial experience, performed specific and important tasks on matters that arose in the trial court, such as defense of Senator Ellis' deposition. This allocation and division of labor was done throughout the litigation to avoid duplication of work and maximize efficiency, and best utilized the expertise of the attorneys involved. [11]

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where, as here, the case implicated the important fundamental right to vote and the right to be free of discrimination in the redistricting process.

[10] Because Mr. Hebert is a sole practitioner without any legal support staff, he employed legal support staff whose services he has utilized in prior cases, and they worked directly under his supervision and control. *See* Ex. A (Hebert Decl.) ¶¶ 16-17.

[11] That Mr. Hebert, a sole practitioner, handled the vast majority of litigation tasks at the trial court level stands in sharp contrast to the State Defendants who, from 2011 to the present,

The Davis Intervenors' attorneys are seeking compensation for the hours and legal work listed in the time sheets and invoices attached to the Declaration of J. Gerald Hebert (Exhibit A) and Declaration of Paul Smith (Exhibit D). As noted above, these fees pertain to work performed by the Davis Intervenors' attorneys throughout the course of this intensive litigation, which included, among other things: coordinating the litigation for all of the Defendant-Intervenors as co-administrator; preparing and filing a motion for intervention; responding to Texas's motion for summary judgment; briefing an appeal to the United States Supreme Court; conducting factual and expert discovery, including numerous depositions; responding to the factual and expert discovery propounded by the State; presenting trial testimony and oral argument; and ultimately obtaining a favorable final judgment. *See* Ex. A (Hebert Decl.) ¶ 13-15.

Following entry of judgment against Texas, the Davis Intervenors' counsel continued to leanly staff the case, as Mark Gaber of Jenner & Block prepared this fee motion, with minimal assistance from other attorneys, so as to minimize the amount of attorney time and fees. *See* Ex. D (Smith Decl.) ¶ 5.

Based on contemporaneous time records, the Davis Intervenors' attorneys and paralegal and legal support staff spent the following hours working on this case (as verified and substantiated in detail in the attached Declarations of Hebert, Smith, and Dunn):

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have filed notices of appearance or have listed the names of the following 13 attorneys on their pleadings in this Court: David Mattax, Angela Colmenero, Matt Frederick, David Schenck, Bruce Cohen, Adam Mortara, John Hughes, Ashley Keller, Reed Clay, Daniel Hodge, Bill Cobb, Jonathan Mitchell and Greg Abbott.

ATTORNEY	HOURS
J. Gerald Hebert	366.10
Paul M. Smith	8.00
Jessica Ring Amunson	34.25
Caroline Lopez	100.00
Neil Ubriani	69.25
Mark Gaber	33.50
Chad Dunn	

NON-ATTORNEY STAFF	HOURS
Cheryl L. Olson	26.00
AngleStrategies	135.00

The Davis Intervenors' attorneys have reviewed the time records summarized above and reprinted in the Attachments to their Declarations. These records show sound and reasonable billing judgment. For example, the Davis Intervenors' counsel excluded substantial time for which their firms did not feel it was appropriate to bill during the course of the litigation, and also excluded additional hours to ensure that compensation is not sought for work that might be deemed as properly excluded from a court-ordered fee award. *See* Ex. A (Hebert Decl.) ¶ 13. For example, the Davis Intervenors do not request compensation for activity that, although necessary for client relations, did not directly contribute to the litigation itself. *Id.* The Davis Intervenors' counsel also do not seek any fee enhancement above the lodestar method despite their considerable expertise and experience in this area. The hours that remain after the attorneys' review of the time records were reasonably expended to accomplish the tasks necessary for the successful prosecution of this litigation. *See* Ex. A (Hebert Decl.) ¶¶ 13.

2. The Davis Intervenors' Seek Reasonable Hourly Rates For Their Attorneys.

The hourly rates sought by the Davis Intervenors' attorneys (Mr. Gerald Hebert, Mr. Chad Dunn, and the Jenner & Block attorneys), as well as their paralegal/legal support staff,

reflect their years of practice, litigation experience, expertise. We explain below for each attorney the exceptionally high level of experience and expertise justifying their hourly rates. In addition, we have also attached to this motion Declarations of highly qualified attorneys attesting to the reasonableness of the hours and the hourly rates being sought here.

J. Gerald Hebert's Hourly Rate.

Mr. Hebert, who seeks an hourly rate of $650 in this case, is now in his fortieth year of practicing law, having spent all but 6 years in the field of voting rights and redistricting. He is widely recognized as one of the leading voting rights and redistricting litigators in the United States. *See* Ex. H (Spiva Decl.) ¶ 10; Ex. I (Wright Decl.) ¶ 12; and Ex. J (Pershing Decl.) ¶ 13. Mr. Hebert works out of his office in the Washington, DC area, and thus his hourly rate reflects the appropriate market rate for the DC area. *See* Ex. H (Spiva Decl.) ¶ 15; Ex. J (Pershing Decl.) ¶ 16.

As detailed in his Declaration, Mr. Hebert has handled over 100 voting rights cases in his forty-year career, with a number of cases ultimately decided in the United States Supreme Court, including *Johnson v. DeGrandy*, *Pressley v. Etowah County*, *Shaw v. Reno*, and *LULAC v. Perry*. In the vast majority of the voting rights or redistricting cases he has handled, Mr. Hebert has served as the lead trial attorney. *See* Ex. A (Hebert Decl.) ¶¶ 4-5.

In addition to his vast litigation experience and expertise, Mr. Hebert also has published or co-authored articles on voting rights and redistricting in scholarly journals (*e.g.*, *Yale Journal of Law & Policy*, *George Mason University Law Review*, and *LaRaza Law Journal* at the University of California at Berkeley). He has given lectures or participated in conferences on voting rights issues at Harvard Law School, Yale Law School, William and Mary Law School, among other law schools across the country. Mr. Hebert has taught voting rights classes at

Georgetown University Law Center (from 1994-2006, and 2013), American University's Washington College of Law, and co-taught a voting rights course in 1996 with legal scholar Pamela Karlan at the University of Virginia Law School.

Mr. Hebert also has been quoted or cited in numerous articles or broadcasts as an authority on voting rights, and has appeared frequently as a panelist at conferences of the National Conference of State Legislature, where he has instructed state legislators from across the country on voting rights and redistricting law.

These hourly rates are similar to prevailing market rates charged by attorneys of comparable experience and expertise. As indicated in the Laffey Matrix,[12] for attorneys with twenty years or more experience, the hourly rate is currently $753 per hour. In 2011-2012, when much of this case was litigated, the Laffey Matrix showed that the hourly rate for attorneys with 20 or more years of experience was $734 per hour. So Mr. Hebert's hourly rate is actually *lower* than the Laffey Matrix rate for an attorney with his years of experience, and that does not include his knowledge, forty years of experience, expertise and specialization in handling voting rights and redistricting cases.

Hourly Rates for Jenner & Block Attorneys

Because the rates sought here are the actual rates that Jenner & Block attorneys charge their private paying clients, including the Davis Intervenors, the rates are presumptively correct. *See, e.g., Fogle v. William Chevrolet/Geo, Inc.* 275 F.3d 613, 615 (7th Cir. 2001) ("The best evidence of the lawyer's quality is the fee he commands in the market."); *Spegon v. Catholic*

[12] The methodology of calculation and benchmarking for the Laffey Matrix has been approved in a number of cases. *See, e.g.*, *McDowell v. D.C.*, Civ. A. No. 00-594 (RCL), 2001 U.S. Dist. LEXIS 8114 (D.D.C. June 4, 2001); *Salazar v. D.C.*, 123 F. Supp. 2d 8 (D.D.C. 2000).

Bishop of Chicago, 175 F.3d 544, 555 (7th Cir. 1999) ("The attorney's actual billing rate for comparable work is 'presumptively appropriate' to use as the market rate.") (quoting *People Who Care*, 90 F.3d at 1315).

Paul M. Smith

Jenner & Block attorney Paul M. Smith graduated from Yale Law School in 1979, where he served as Editor in Chief of the Yale Law Journal. Upon graduation from law school, he clerked for the Honorable James L. Oakes, U.S. Court of Appeals, Second Circuit, and Supreme Court Justice Lewis F. Powell, Jr. Mr. Smith is Chair of the firm's Appellate and Supreme Court Practice and Co-Chair of the Media and First Amendment, and Election Law and Redistricting Practices. He has had an active Supreme Court practice for nearly three decades, including oral arguments in fourteen Supreme Court cases involving matters ranging from free speech and civil rights to civil procedure. Among his important victories has been *Lawrence v. Texas*, the landmark gay rights case, and *Brown v. Entertainment Merchants Ass'n*, establishing the First Amendment rights of those who produce and sell video games.

Mr. Smith has argued three voting rights or redistricting cases in the United States Supreme Court in the last ten years: *Vieth v. Jubilerer*, a partisan gerrymander challenge to the Pennsylvania congressional redistricting plan, *LULAC v. Perry*, the Texas congressional redistricting case, and *Crawford v. Marion County*, the Indiana voter ID case.

Chambers USA has repeatedly named Mr. Smith one of the country's leading lawyers in appellate litigation, media and entertainment law, and First Amendment litigation for multiple years. In 2010, Washingtonian magazine recognized him as one of "Washington's Top Lawyers," Washington DC Super Lawyer named him one of the "Top 10 Lawyers in D.C.," and *The National Law Journal* named him one of the "Decade's Most Influential Lawyers." *Best*

Lawyers named him the Washington DC First Amendment Lawyer of the Year for 2012. Mr. Smith was awarded the Thurgood Marshall Award from the American Bar Association Section of Individual Rights and Responsibilities for his work promoting civil rights and civil liberties. He is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability.

Jessica Ring Amunson

Ms. Amunson graduated *magna cum laude* from Harvard Law School in 2004, where she served as Articles Editor for the Harvard Law Review. Upon graduation from law school, she clerked for the Honorable Merrick B. Garland, U.S. Court of Appeals, District of Columbia Circuit. Ms. Amunson, a partner at Jenner & Block, concentrates her practice in appellate and Supreme Court matters. She has significant experience briefing and arguing matters before both federal and state appellate courts and has filed numerous merits and amicus briefs with the United States Supreme Court. Ms. Amunson has worked on appeals and petitions for certiorari spanning a range of topics, including First Amendment issues, contract disputes, and administrative law matters. Ms. Amunson's practice also focuses on election law and redistricting. She has litigated election law and redistricting matters in a number of states, including litigation involving disputed elections. Ms. Amunson is frequently recognized for her extensive knowledge of election law and often speaks at conferences regarding issues in redistricting and voting rights. She was recently featured in a video lecture series for state court judges on "Redistricting Litigation: What Every Judge Needs to Know."

Mr. Chad Dunn

Mr. Dunn has handled scores of litigation matters under federal and state law. He has represented private parties in federal or state voting rights litigation in Texas and Washington,

D.C since 2002. He has handled or is currently handling redistricting cases throughout Texas relative to commissioner's court, school boards, justices of the peace, and constables. He has handled federal cases relative to candidate qualifications. He is currently handling a federal case challenging voter registration restrictions adopted by the State of Texas as well as federal challenges to the state's photo voter I.D. law (SB 14). He has argued numerous cases at the Fifth Circuit, including numerous cases that have resulted in reported opinions. He has been counsel of record for parties to several U.S. Supreme Court cases as well as most Texas courts of appeal, including the Texas Supreme Court. He has tried countless matters before a court of a single judge or three judges. He has tried approximately twenty jury trials as first chair; his trial experience includes federal and state criminal matters.

a. The Davis Intervenors' Hourly Rates

ATTORNEY	RATE
Paul M. Smith (2011)	$875.00
Paul M. Smith (2012)	$950.00
Paul M. Smith (2103)	$985.00
J. Gerald Hebert	$650.00
Jessica Ring Amunson (2011)	$555.00
Jessica Ring Amunson (2012)	$575.00
Jessica Ring Amunson (2013)	$625.00
Caroline Lopez (2011)	$435.00
Caroline Lopez (2012)	$490.00
Neal Ubriani (2012)	$340.00
Neal Ubriani (2013)	$355.00
Mark Gaber (2013)	$470.00
Chad Dunn	$365.00

NON-ATTORNEY STAFF	RATE
Cheryl L. Olson (2011)	$280.00
Cheryl L. Olson (2012)	$295.00
Cheryl L. Olson (2013)	$310.00
Sam Harper	$150.00
Matt Angle	$150.00

Lisa Turner $150.00

b. The Davis Intervenors' Fee Award Should Equal $432,062.72

Multiplying the time worked by each attorney by the hourly rates for each year yields the following calculation:

ATTORNEYS	HRS	RATE	TOTAL
J. Gerald Hebert	366.10	$650.00	$237,965.00
Paul M. Smith (2011)	0.50	$875.00	$437.50
Paul M. Smith (2012)	3.75	$950.00	$3,562.50
Paul M. Smith (2013)	3.75	$985.00	$3,693.75
Jessica Amunson (2011)	5.75	$555.00	$3,191.25
Jessica Amunson (2012)	19.25	$575.00	$11,068.75
Jessica Amunson (2013)	9.25	$625.00	$5,781.25
Caroline Lopez (2011)	36.75	$435.00	$15,986.25
Caroline Lopez (2012)	63.25	$490.00	$30,992.50
Neal Ubriani (2012)	55.25	$340.00	$18,785.00
Neal Ubriani (2013)	14.00	$355.00	$4,970.00
Mark Gaber (2013)	33.50	$470.00	$15,745.00
Chad Dunn	142.10	$365.00	$51,866.50
NON-ATTORNEY STAFF	**HRS**	**RATE**	**TOTAL**
Cheryl L. Olson (2011)	1.75	$280.00	$490.00
Cheryl L. Olson (2012)	16.00	$295.00	$4,720.00
Cheryl L. Olson (2013)	8.25	$310.00	$2,557.50
Sam Harper/Matt Angle/Lisa Turner[13]	135.00	$150.00	$20,250.00

ALL FEES SUBTOTAL: $432,062.75

[13] Because the rate is the same for each of these three AngleStrategies staff, their hours are combined for purposes of the calculation in this Motion. The individual entries in the attached time sheet, however, indicate which staff member worked on the specific time entry. *See* Ex. M (Angle Decl.) at attached Time Sheet.

C. The Davis Intervenors are Entitled to the Requested Expenses and Costs

With regard to expenses and costs, the invoices attached to the Hebert and Smith Declarations detail the out-of-pocket expenses incurred. These expenses were necessarily incurred and are the type of out-of-pocket expenses normally billed to fee-paying clients. As such, they are recoverable as part of the Davis Intervenors' attorneys' fees. *See West Virginia Univ. Hosp., Inc. v. Casey,* 499 U.S. 83, 87 n.3 (1991). Additional documentation of these expenses and costs is attached to the Hebert and Dunn Declarations. These "costs" are recoverable as defined by 28 U.S.C. § 1920 and Fed. R. Civ. P. 54(d), as well as other disbursements that were billed to and paid by the Davis Intervenors as a component of attorneys' fees. *See* Ex. A (Hebert Declaration) ¶ 14; Ex. E (Dunn Declaration) ¶ 14.

It is also appropriate to require Texas to reimburse the Davis Intervenors' attorneys for reasonable costs. An award of reasonable attorneys' fees pursuant to 42 U.S.C. §1988, for example, includes an award of "reasonable out-of-pocket expenses incurred by the attorney which are normally charged to a fee paying client." *Neufeld v. Searle Labs.*, 884 F.2d 335, 342 (8th Cir. 1989) (citing *Laffey v. Nw. Airlines, Inc.*, 746 F.2d 4,30 (D.C. Cir. 1984), *overruled on other grounds by Save Our Cumberland Mountains, Inc. v. Hodel*, 857 F.2d 1516 (D.C. Cir. 1988) (en banc)); *see also Rendon v. AT&T Techs.*, 883 F.2d 388, 399 (5th Cir. 1989) (timely request for fees and expenses is appropriate). Here, the Davis Intervenors' counsel have included in the supporting affidavits a detailed accounting requesting compensation for such out of pocket expenses as travel, exhibit preparation, copies, postage, deposition costs, printing costs, and the like. These are the sorts of expenses generally charged to a fee paying client and should be reimbursed fully.

The Davis Intervenors seek reimbursement for the following costs (detailed in the attached Declarations: Chad Dunn: $7,818.47, *see* Ex. G (Dunn Time Sheets) at 11-12; Gerry Hebert: $9,331.79, *see* Ex. B (Hebert Time & Expense Report); AngleStrategies: $5,467.35, *see* Ex. M (Angle Time Sheet). The total out-of-pocket expenses requested is $22,617.61.

D. Expert Fees

The fee shifting provision authorizing an award of attorneys' fees in this case specifically authorizes the award of fees for expert costs. 42 U.S.C. § 1973*l*(e) ("In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, reasonable expert fees, and other reasonable litigation expenses as part of the costs.").

Here, the Davis Intervenors hired only one expert witness (Dr. Allan Lichtman), who prepared a report, which was received into evidence at trial. Dr. Lichtman's report at trial addressed specifically the issue of racially discriminatory purpose and effect of the state's enacted 2011 senate plan. That report and testimony was important in establishing that the State's senate plan should not receive preclearance. Texas cannot be heard to argue that an expert witness was not needed; after all, Texas also employed an expert witness (Dr. John Alford) who prepared a report in this case and testified at trial.

The Davis Intervenors seek reimbursement in the amount of $12,000 for expert fees. *See* Ex. M (Angle Decl.) at attached Time Sheet.

Adding the attorneys' fees, costs, and expert fees, the Davis Intervenors request a total compensation of $466,680.36. The fees and expenses are substantiated by the Declarations of counsel and other documentary exhibits attached to this motion.

CONCLUSION

The Davis Intervenors are the prevailing parties in this litigation and as such are entitled to their attorneys' fees and costs. The attorneys' fees sought here are reasonable and not excessive. They are consistent with those rates normally charged by the Davis Intervenors' attorneys to their fee-paying clients for the type of work in question, and they are within the prevailing market rate charged by attorneys of comparable experience and expertise. Likewise, the expenses and costs sought here are due to be recovered as they were necessarily incurred during the course of the lawsuit as out-of-pocket expenses, and are of the same type as those ordinarily charged to clients by counsel.

Accordingly, for the reasons set forth above, this Court should award the Davis Intervenors the attorneys' fees, litigation expenses, and costs as requested.

Respectfully submitted,

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Attorneys for Davis Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2013, I served a copy of the foregoing Davis Intervenors' Motion for Attorneys' Fees, Expenses and Costs, attached Exhibits A through P on counsel who are registered to receive NEFs through the CM/ECF system. All attorneys who have not yet registered to receive NEFs have been served via first-class mail, postage prepaid.

/s/ J. Gerald Hebert
J. GERALD HEBERT

EXHIBITS TO DAVIS INTERVENORS' MOTION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES

EXHIBIT A—Declaration of J. GERALD HEBERT

EXHIBIT B—HEBERT Time and Expense Records

EXHIBIT C—Listing of Voting/Election Cases Handled by HEBERT

EXHIBIT D—Declaration of PAUL M. SMITH

EXHIBIT E—Declaration of CHAD DUNN

EXHIBIT F—Curriculum Vitae of CHAD DUNN

EXHIBIT G—BRAZIL and DUNN Time and Expense Records

EXHIBIT H—Declaration of BRUCE V. SPIVA

EXHIBIT I—Declaration of BRENDA WRIGHT

EXHIBIT J—Declaration of STEPHEN B. PERSHING

EXHIBIT K—Updated Laffey Matrix on Attorneys' Fees

EXHIBIT L—Federal Judicial Center, Case Weighting Study

EXHIBIT M—Declaration of MATT ANGLE

EXHIBIT N—W.D. Texas March 19, 2012 Order

EXHIBIT O—June 26, 2013 Paul Clement Letter to Supreme Court

EXHIBIT P—W.D. Texas Feb. 28, 2012 Order

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., In His Official Capacity As Attorney General Of The United States, Defendants, WENDY DAVIS, *et al.*, Defendant-Intervenors, MEXICAN-AMERICAN LEGISLATIVE CAUCUS, Defendant-Intervenors, GREG GONZALEZ, *et al.*, Defendant-Intervenors, TEXAS LEGISLATIVE BLACK CAUCUS, Defendant-Intervenor, TEXAS LATINO REDISTRICTING TASK FORCE, Defendant-Intervenor, TEXAS STATE CONFERENCE OF NAACP BRANCHES, *et al.*, Defendant-Intervenors, LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC)	)	No.1:11-CV-1303 (RMC-TBG-BAH) (three-judge court)

DECLARATION OF J. GERALD HEBERT

Pursuant to 28 U.S.C. §1746, I, J. Gerald Hebert, declare that:

1. I am one of the attorneys who represented Defendant-Intervenors Wendy Davis, *et al.*, (hereafter "Davis Intervenors") in the above-captioned case. The testimony set forth in this

Declaration is based on first-hand knowledge, about which I could and would testify competently in open Court if called upon to do so, and on records contemporaneously generated and kept by my Firm in the ordinary course of my solo law practice. I make this Declaration in support of the Davis Intervenors' motion for an award of attorneys' fees and expenses.

2. I received a B.A. degree from Stonehill College in 1970 and graduated from Suffolk University School of Law in 1973. I am a member of the Virginia, D.C. and Pennsylvania (inactive) bars. I am also a member of the bar of the United States Supreme Court, the United States Courts of Appeals for the Second, Fourth, Fifth, Eighth, Eleventh and D. C. Circuits, the United States District Court for Eastern District of Virginia, and the United States District Court for the District of Columbia.

3. Following my graduation from law school, from 1973 until 1994, I served as a trial attorney in the Civil Rights Division of the United States Department of Justice in Washington, D.C. For the last fifteen years of my service at the Department of Justice (1979-1994), I was assigned to the Voting Section of the Civil Rights Division where I worked exclusively on cases involving federally protected voting rights. While employed in the Voting Section from 1979 to 1994, I served in a number of supervisory capacities, including Special Litigation Counsel, Deputy Chief, and Acting Chief of the Voting Section.

4. While at the Department of Justice, I served as the lead trial attorney for the United States in numerous voting rights cases, a number of which ultimately became landmark cases in the field of voting rights. Cases that I handled at the Department of Justice that were the subject of United States Supreme Court decisions included *City of Mobile v. Bolden, Rogers v. Lodge, Johnson v. DeGrandy, Presley v. Etowah County, City of Port Arthur, Texas v. U.S.*, and

Shaw v. Reno. A complete listing of cases I handled at the United States Department of Justice is submitted as Exhibit C (Part I).

5. Since leaving the Department of Justice in May 1994, I have been a sole practitioner with an office in Alexandria, Virginia, where I specialize in voting rights cases, especially redistricting cases and cases brought to enforce the Voting Rights Act of 1965, as amended. A listing of the cases I have handled in my solo practice (from 1994 to the present) is set forth in Exhibit C (Part II).

6. In addition, from 1994-1996, I served part-time as a staff attorney in the Voting Rights Project of the national office of the Lawyers' Committee for Civil Rights Under Law in Washington, DC. In that position, I assisted with defense of constitutional challenges to majority-minority congressional districts under the *Shaw v. Reno* doctrine.

7. In addition to my solo practice, from July 2004 to the present, I have served as Executive Director and Director of Litigation at the Campaign Legal Center, a non-profit, non-partisan organization in Washington, DC. In that capacity, I have represented a party or *amicus curiae* in dozens of campaign finance cases throughout the United States, including a number of cases decided by the United States Supreme Court (*e.g.*, *Citizens United v. FEC, McComish v. Bennett, Davis v. FEC*, and most recently, *McCutcheon v. FEC* (pending)). Exhibit C (Part III) is a listing of the cases I have worked on in my capacity as Director of Litigation at the Campaign Legal Center. I handled this redistricting preclearance case, *Texas v. United States*, in my solo practice.

8. In 2013-2014, I served as an Adjunct Professor of Law at Georgetown University Law Center, where I co-taught a practicum course on election law with one of my co-counsel in this case, Paul M. Smith, a partner at the law firm of Jenner and Block. From January 1995 to

2005, I served as an Adjunct Professor of Law at Georgetown University Law Center in Washington, DC, where I taught Election Law, which included voting rights, campaign finance regulation and election law cases. In 1995, I also served as an Adjunct Professor of Law at American University's Washington College of Law, where I taught a course on the Voting Rights Act and the political process. In 1997, I co-taught a course on the Voting Rights Act at the University of Virginia Law School with nationally renowned Law Professor Pam Karlan.

9. I have written a number of publications, books and articles on the Voting Rights Act or redistricting. For example, in 2000, I co-authored a book on redistricting with current United States Solicitor General Donald B. Verrilli, along with several other attorneys at Jenner and Block (including Paul Smith, Sam Hirsch (currently a senior official at the U.S. Department of Justice), and Heather Gerken, now a law professor at Yale Law School). That book was entitled "*The Realists' Guide to Redistricting*", which was published by the American Bar Association in 2000, and republished 2010 (2nd edition). I also have authored or co-authored articles and law journal article on voting rights or redistricting for a number of publications, including: Yale Law and Policy Journal, "*The Need For State Redistricting Reform To Rein In Partisan Gerrymandering*", Vol. 29, Issue 2 (2011); Rutgers Law Journal (co-authored); "*Redistricting in the Post-2000 Era*", George Mason University Law Review, Volume 8, Number 3 (Spring 2000); "*General Theory of Vote Dilution*", La Raza Law Journal, Boalt Hall School of Law; University of California at Berkeley (Vol. 6, No. 1)(1993)(co-authored); *Future of Voting Rights Litigation: Elections at the Legislative Level*, La Raza Law Journal, Boalt Hall School of Law (Vol. 6, No. 1)(1993); *Keeping The Courts Honest: The Role of Historians as Expert Witnesses in Southern Voting Rights Cases*, Southern University Law Review (Vol. 16, No. 1)(Spring 1989)(co-authored); *Civil Rights Law: High Court Decision on Voting Rights Act*

Helps To Remove Minority Barriers, National Law Journal (November 1986); and *Discriminatory Electoral Systems and the Political Cohesion Doctrine*, National Law Journal (Vol. 10, No. 4)(1987) (co-authored). I also have written several articles about voting rights for publications that are geared to state and local governments, including publications by the Texas Municipal League and the Nation's Cities Weekly.

10. I have lectured before numerous meetings and conventions held by bar and other organizations on voting rights, reapportionment, and civil rights, including the National Conference of State Legislatures, the Association of Southern State Legislatures, the Virginia Association of Local Government Attorneys, and reapportionment authorities in the States of Louisiana, Maryland, New Mexico, Texas, and Virginia, among others. I have also given lectures or participated as a panelist and made presentations on voting rights issues at Yale Law School, Harvard Law School, Washington and Lee University Law School, University of Richmond Law School, William and Mary Law School, and Rutgers Law School, among others.

11. My private practice is exclusively in the area of voting rights, campaign finance, and constitutional rights focusing on voting. My hourly rate in this case is $650 per hour, given the complexity and novelty of the issues, the high visibility and importance of the case, and my experience handling cases such as this.

12. I have reviewed the summary of hours that I have expended in this case that is marked as Exhibit B, and that summary is true and accurate. The summary of hours in Exhibit B is based on contemporaneous records of the activities in the case maintained as business records in my law office. The hours expended were necessary in rendering legal services to the Davis Intervenors in this case. I also have reviewed the listing of expenses included within

Exhibit B. Those expenses were out-of-pocket expenses necessarily incurred by me to conduct the litigation in this case, and are of the type normally billed by me (and other law firms) to fee-paying clients.

13. As counsel for the Davis Intervenors, I have exercised reasonable billing judgment in this case. As reflected in Exhibit B, I have excluded from my fee request nearly 33 hours of time for which I could be compensated. Exhibit B sets forth the actual time I spent on legal services and the time I am claiming in the Davis Intervenors' motion for attorneys' fees and expenses. Exhibit B also shows I included those hours where it was necessary for me to fulfill my role as co-administrative counsel (with José Garza) to the groups of Defendant-Intervenors who were involved in the case. Thus, I have included my time spent reviewing all court orders (except non-substantive orders that did not impact the issues in the case, such as orders granting *pro hac vice* status or permitting counsel to withdraw, etc.). In this case, the Court issued orders requiring the Defendant Intervenors to file consolidated briefs so as to avoid duplication of efforts. See e.g., orders of 9/22/2011 and 1/10/2012. In my role as co-administrator, I worked closely with Mr. Garza and other counsel for various Defendant-Intervenors to ensure that the Court's order regarding duplication of effort was strictly adhered to. We scheduled periodic calls with the Defendant Intervenors' counsel to review the tasks assigned, to avoid duplication of tasks, and to discuss strategic decisions that needed to be made throughout the case. Throughout this case, I often discussed the status of the case and communicated with individual Defendant-Intervenors' attorneys about litigation strategy and issues that arose in the case. I have listed some but not all of those communications in the attached timesheets. In addition, I communicated regularly with my clients to provide status reports on the case. As the Court will note, I have excluded from my fee request a great deal of time that I spent

communicating with clients. As the attorney for the Davis Intervenors who was mainly responsible for litigating the case in the district court, I also staffed the case leanly. For example, I took the lead in reviewing all briefs and motions prepared for the Defendant-Intervenors and in reviewing the State's motions and briefs. By agreement, my co-counsel, Mr. Dunn, handled depositions in Texas when I was unable to do so due to other duties in this case. In addition, by agreement with my co-counsel at Jenner and Block, Jenner and Block attorneys did not participate in the trial and were principally responsible for handling all appellate matters, except where it was necessary to handle a discovery matter in Texas due to a scheduling conflict. Thus, I have not sought any time for reviewing the legal papers filed by the Davis Intervenors in the United States Supreme Court. As a result of our efficient use of resources and decisions to avoid duplication of efforts and Mr. Dunn's services as co-counsel, I was able to minimize the times I had to travel to Texas to handle discovery or other matters in this case. Although Mr. Dunn and attorneys at Jenner and Block served as co-counsel with me representing the Davis Intervenors, there are no excessive, redundant, or unnecessary hours included in the time sheets detailed in this request for an award of attorneys' fees. To avoid duplication, we also coordinated closely with other Intervenors' counsel throughout this case.

14. I also have reviewed the time records (and expense listings) for work performed by my co-counsel at the law firms of Jenner and Block, and Brazil and Dunn. All of the legal services set forth in the Declarations of my co-counsel were necessary to the successful litigation of this case and were not duplicative of any of the work I did. I made a conscientious effort to avoid duplication of work by agreeing, in advance, with my co-counsel on a division of labor in those instances where more than one attorney worked on the case simultaneously. As noted above, Mr. Dunn handled certain depositions and discovery matters in Texas. I have

not billed for any of the work I performed in reading those depositions or being briefed by my co-counsel regarding those depositions. By agreement with co-counsel, Mr. Gaber at Jenner and Block took lead in preparing this fee motion, with minimal assistance from other attorneys, so as to minimize the amount of attorney time and fees involved. My co-counsel and I also carefully monitored expenses to insure that only necessary and reasonable costs were incurred. These expenses were incurred by me as out-of-pocket expenses, were expended to successfully prosecute this case, and are the type of out-of-pocket expenses normally billed by me and other Firms to fee-paying clients.

15. As one of the Davis Intervenors' counsel, I participated actively throughout this case. I took the lead in preparing all of the papers responding to the State's motion for summary judgment. In addition, I participated in expert discovery (defending Dr. Lichtman's deposition and participating in the State's expert's deposition (Dr. Alford)). I also handled most of the actual discovery, and took the lead at trial by cross examining the State's expert (Dr. Alford), Senator Seliger and Doug Davis (two principal architects of the contested senate plan). I also presented testimony of Senator Davis at trial, presented a closing argument, and throughout the trial, I coordinated the presentation of evidence and witnesses by Defendant-Intervenors (in my capacity as co-administrator).

16. I am a solo practitioner without litigation support staff in my Firm. To assist me in handling this case, my law firm employed AnglesStrategies, which I have utilized in other cases, to provide paralegal support for me in this case. The services that AngleStrategies provided to me and reflected in their time sheets was of a paralegal nature, and not clerical.

17. To further reduce the number of attorney hours needed to litigate this case, I also asked AngleStrategies to undertake and facilitate communications to the client group. Ongoing

and updated communications with clients in a high profile case of this nature, given the size and geographic diversity of the client group, was important and necessary. AngleStrategies' role in arranging calls with my client group and communicating with them on my behalf was an efficient way of fulfilling those requirements.[1]

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

/s/ J. Gerald Hebert
J. GERALD HEBERT

Dated: December 17, 2013

[1] Both the Texas Rules of Professional Conduct and the Virginia Rules of Professional Conduct require lawyers to keep their clients reasonably informed about the case and to comply promptly with clients' requests for information about the status of the case. This obligation includes providing clients with status reports on the lawsuit, as well as communications from other parties that may significantly affect settlement or resolution of the case. See Texas Rules of Professional Conduct (Rule 1.03) and Virginia Rules of Professional Conduct (Rule 1.04).

EXHIBIT B

EXHIBIT B

Time Records and Out of Pocket Expesnes of Attorney J. Gerald Hebert in *State of Texas v. United States* , No. 11-1303 (D.D.C.)

Date	Legal Services Rendered	Actual Time Expended	Time Claimed (Hours/ Tenths)
7/5/2011	Conference call with Wendy Davis and other clients to discuss intervention in DC court when TX files	1.5	1.5
7/8/2011	Communication to non-testifying expert re: obtaining legislative history for senate redistricting plan	0.3	0.3
7/15/2011	Draft Retainer agreement for client group	1.4	no charge
7/20/2011	Draft Answer to State's Complaint	2.1	2.1
7/20/2011	Draft/edit motion to intervene and answer	5.5	5.5
7/20/2011	Communication with client group about motion to intervene, answer and proposed order for final approval	0.4	0.4
7/20/2011	Further edits to intervention papers following call with clients (added new intervenor)	0.3	0.3
7/20/2011	Review Texas' motion to convene 3-judge ct. and proposed order	0.2	0.2
7/21/2011	Review Complaint filed by State of Texas (with attached exhibits)	1.3	1.3
7/21/2011	Review TX's motion to expedite	0.2	0.2
7/21/2011	Telephone conference with Wendy Davis Client(s) to provide update on case status		
7/21/2011	Telephone conference with Wendy Davis Client(s) to provide update on case status	0.7	0.7
7/21/2011	Final edits to motion to intervene and answer	1.9	1.9
7/21/2011	Review draft press release for clients	0.5	no charge
7/21/2011	Review order granting motion to convene 3-judge court.	0.1	0.1
7/21/2011	File motion to Intervene as Defendants for Davis-Intervenors	0.1	no charge
7/21/2011	Review Defendant U.S. Response to Davis Intervenors' mot. to intervene (0.2)	0.2	0.2
7/27/2011	Review order appointing 3-judge court (0.1)	0.1	0.1
7/27/2011	Review State of TX's Memo. in Opposition to Davis-Interv.'s Motion to Intervene	0.5	0.5
8/2/2011	Draft Reply to TX's opposition to Davis Intervenors' motion to intervene	0.9	0.9
8/3/2011	Telephone conference with Wendy Davis Client(s) to provide update on case status, schedule of further proceedings, likely timetable & discuss intervention opposition by TX	0.6	0.6
8/3/2011	Final edits to Reply to TX's Opposition to Davis Intervention motion	0.2	0.2
8/3/2011	File reply to State of TX's opposition to Davis Intervenors' motion to intervene	0.1	no charge
8/8/2011	Review TX's motion to expedite with Points and Authorities	0.3	0.3

8/11/2011	Draft communication to court requesting permission to participate in conf. call	0.2	0.2
8/11/2011	Communications with Davis client group re: call with court and DOJ	1.5	no charge
8/15/2011	Review communication from law clerk (Ms. Suleman) re: participation in conf. call	0.1	0.1
8/16/2011	Review Order granting intervention to Davis clients	0.1	0.1
8/16/2011	Telephone conference with Wendy Davis Client(s) to provide update on case status and order granting intervention	0.2	0.2
8/16/2011	Reset Deadline re: Defendant-Intervenors answer to complaint		0.1
8/16/2011	Calendar Telephone Conference of 9/21/2011 before Judge Collyer	0.1	no charge
8/17/2011	Review docket entry reflecting answer of Davis Intervenors filed (0.1)	0.1	no charge
8/17/2011	Review Minute Order regarding today's call (8/17) with court and setting deadlines for U.S. Answer and State's MSJ	0.1	0.1
8/17/2011	Telephone conference with Wendy Davis Client(s) to provide update on case status	0.3	0.3
8/17/2011	Review motion, memo, answer to intervene filed by Mex. Am. Leg. Caucus	0.3	0.3
8/17/2011	Review motion, memo, answer to intervene filed by Gonzales, et al.	0.4	0.4
8/17/2011	Draft Response to motions to intervene filed by MALC and Gonzales	0.2	0.2
8/18/2011	File Response to motions to intervene of MALC and Gonzales	0.1	no charge
8/21/2011	Review TX Leg. Black Caucus motion to Intervene and proposed answer	0.2	0.2
8/22/2011	Review TX Latino Redistricting Task Force motion to intervene and attachments	0.3	0.3
8/22/2011	Review memo in support of motion to intervene filed by TX Lat. Redist. Task Force	0.2	0.2
8/23/2011	Review pro hac vice motion of Hamilton (.1)	0.1	no charge
8/23/2011	Review pro hac vice motion of Hicks (.1)	0.1	no charge
8/23/2011	Review Gonzales' Intervenors errata filing	0.1	0.1
8/24/2011	Review response of U.S. to the 4 intervention motions (MALC, Gonzales, TLRTF and TBLC)	0.2	0.2
8/24/2011	Review State's memo in opposition filed to the 4 intervention motions (MALC, Gonzales, TLRTF and TBLC)	0.3	0.3
8/26/2011	Review Devaney notice of appearance (.1)	0.1	no charge
8/26/2011	Review pro hac vice motion of Couto (.1)	0.1	no charge
8/29/2011	Communication with client group re: case status and relationship between DC case and San Antonio court	1.1	no charge
8/31/2011	Review pro hac vice motion of Bono (.1)	0.1	no charge
8/31/2011	Review Gonzales' reply memo to state's opp. to mot. to intervene	0.1	0.1
9/2/2011	Review MALC and TLBC's reply memo to state's opp. to mot. to intervene	0.1	0.1
9/5/2011	Review NAACP motion to intervene	0.2	0.2
9/6/2011	Review Task Force's reply memo to State's opp. to their motion to intervene	0.1	0.1

9/6/2011	Review Redistricting Task Force Errata/correction to filing	0.1	0.1
9/7/2011	Communication with client group re: case status/litigation costs	0.5	no charge
9/7/2011	Review Order granting all pending motions to intervene	0.1	0.1
9/8/2011	Communications with clients regarding order granting all interventions	0.1	0.1
9/8/2011	Communication to intervenors re: need for coordination	0.3	0.3
9/8/2011	Review minute order granting pro hac vice motions (0.1)	0.1	no charge
9/9/2011	Review LULAC mot. to intervene and memo and other attachments	0.3	0.3
9/12/2011	Read and review State's Motion for summary judgment w/exhibits	1.5	1.5
9/14/2011	Further review of State's Motion for summary judgment w/exhibits and prepare outline of response	1.6	1.6
9/14/2011	Review cases cited by TX in motion for summary judgment and review exhibits attached to TX's motion for summ. Judg.	2.7	2.7
9/14/2011	Prepare outline of Defendant Intervenors' Response to TX Motion for summary judgment	1.9	1.9
9/15/2011	Communication with clients re: timeline and documents and declarations needed for opp. to state's Motion for Summary Judgment	1.2	1.2
9/15/2011	Review Answer of Gonzales Intervenors	0.2	0.2
9/15/2011	Telephone conference call with all Intervenors' counsel to discuss division of labor and coordination re: State's motion for summary judgment	0.8	0.8
9/16/2011	Initial Draft of Davis Intervenors' Opposition to TX's Motion for Summary Judgment re: senate plan	4.9	4.9
9/17/2011	Conduct Legal Research for Davis Intervenors' Opposition to TX's MSJ	1.8	1.8
9/18/2011	Communication with client group re: DOJ's upcoming Answer/next steps	1	no charge
9/18/2011	Review pro hac vice motion of Garza (.1)	0.1	no charge
9/19/2011	Review pro hac vice motion of Avila (.1)	0.1	no charge
9/19/2011	Review Answer of U.S. to complaint	0.4	0.4
9/19/2011	Review pro hac vice motion of Riggs (.1)	0.1	no charge
9/19/2011	Review pro hac vice motion of Bledsoe (.1)	0.1	no charge
9/19/2011	Review motion to intervene of TX Democratic Party	0.2	0.2
9/19/2011	Review proposed schedule for further proceedings drafted by U.S.	0.1	0.1
9/19/2011	Telephone conference call w/Clients to discuss: further proceedings; DOJ's answer re: senate case; and state's motion for Summary Judgment	1.1	1.1
9/20/2011	Tele. Conf. with all counsel (include. U.S. & State) re: further proceedings	0.4	0.4
9/20/2011	Review proposed schedule from DOJ attorney Mellett & communicate to Mellett re: same	0.1	0.1
9/20/2011	Commuications with Sen. Wendy Davis, Rep. Marc Veasey, Sen. Rodney Ellis, Roy Brooks re: contents of sworn Declarations	1.7	1.7
9/20/2011	Draft Declarations per instructions and info provided by Sens. Davis/Ellis, Rep. Veasey, Roy Brooks	2.6	2.6

9/20/2011	Review U.S. response to LULAC mot. to intervene	0.1	0.1
9/20/2011	Prepare for call with TX and DOJ lawyers re: scheduling	0.9	0.9
9/20/2011	Telephone Conference with TX AG, DOJ attorneys & Intervenors' attorneys to discuss schedule	0.5	0.5
9/21/2011	Communication to State AG Atty (Schenck) re: call to discuss agreed upon schedule	0.1	0.1
9/21/2011	Prepare for call with TX and DOJ lawyers re: scheduling	0.2	0.2
9/21/2011	Review amended cert. of conference of TX Dem. Party (0.1)	0.1	no charge
9/21/2011	Telephone conference with Wendy Davis Client(s) to provide update on case status	0.4	0.4
9/21/2011	Prepare for telephone conference with the Court and parties re: scheduling/deadlines	0.3	0.3
9/21/2011	Telephone Conference with Judge Collyer and parties re: scheduling/deadlines	1	1
9/21/2011	Review minute order granting preclearance to State Board of Ed. redistricitng plan	0.1	0.1
9/22/2011	Review order granting pro hac vice motions	0.1	no charge
9/22/2011	Review scheduling order requiring listing of disputed districts, setting deadlines and requiring designation of Defendant-Intervenors' administrative representative	0.2	0.2
9/22/2011	Draft Notice of disputed districts per court order & designation of administrative coordinators	1.3	1.3
9/22/2011	Communication with clients re: notice filing re: contested districts	0.2	0.2
9/22/2011	File Davis-Veasey Intervenors' Statement of Position Regarding Senate Districts (0.1)	0.1	no charge
9/22/2011	Communications with Intervenor attorneys re: designation of Administrator/Coordinator for Intervenor parties	0.3	0.3
9/22/2011	Filed the notice of Defendant Intervenors Designation of Administrator (0.1)	0.1	no charge
9/23/2011	Review Minute Order setting oral argument on TX's Motion for Summary Judgment	0.1	0.1
9/23/2011	Review Identification of Issues filed by United States	0.6	0.6
9/23/2011	Draft notice of Defendant Intervenors Designation of Administrator	0.4	0.4
9/23/2011	Review Order granting LULAC intervention.	0.1	0.1
9/29/2011	Prepare for Telephone Conference for 9/30/2011 with parties before Judge Collyer	0.4	0.4
9/29/2011	Send client group upcoming deadlines in senate cases	0.3	no charge
9/30/2011	Participate in telephone conference with parties and Judge Collyer re: Texas' request that U.S. list elections it has relied upon to reach its conclusions	0.5	0.5
9/30/2011	Review MINUTE ORDER requiring United States to file a list of elections on which it has based its conclusions & requiring Intervenors to file joinder with U.S. position	0.2	0.2
9/30/2011	Review MOTION for Trial by GONZALES Intervenors	0.3	0.3

9/30/2011	Conference call with Wendy Davis clients to discuss status of case and identification of elections	0.6	0.6
10/1/2011	Conference call with Gonzales Intervenors' counsel re: motion for trial	0.4	0.4
10/3/2011	Review Withdrawal of Motion for Trial by Gonzales Intervenors	0.2	0.2
10/3/2011	Review filing of Elections Considered by U.S. with exhibits	0.2	0.2
10/3/2011	Review TX Memorandum in opposition to Motion to Intervene	0.3	0.3
10/3/2011	Review Identification of Expert Witness by Texas	0.2	0.2
10/3/2011	Draft Notice of Identification of Expert Witness for Davis clients	0.5	0.5
10/4/2011	Telephone conference with Wendy Davis client(s) to provide update on case status	0.4	0.4
10/4/2011	File NOTICE of Designation of Expert Witness by WENDY DAVIS Intervenors	0.1	no charge
10/5/2011	Communications with client group to provide updated case status	0.5	no charge
10/6/2011	ReviewIdentification of Expert Witness by AGUILAR Intervenors	0.2	0.2
10/7/2011	Review Expert Designation by MEXICAN AMERICAN LEGISLATIVE CAUCUS	0.2	0.2
10/7/2011	Review Designation of Expert Witnesses by U.S.	0.3	0.3
10/7/2011	Review ORDER denying Motion to Intervene by the Texas Democratic Party	0.2	0.2
10/7/2011	Review Identification of Expert Witnesses by LULAC, NAACP and TX Legislative Black Caucus	0.2	0.2
10/8/2011	Review Identification of Expert Witnesses by TEXAS LATINO REDISTRICTING TASK FORCE	0.2	0.2
10/8/2011	Review MOTION for Leave to Appear Pro Hac Vice for Attorney Jorge M. Castillo	0.1	no charge
10/12/2011	Review NOTICE of Appearance by Soares	0.1	no charge
10/12/2011	Participate in telephone proceedings before Judge Collyer		?
10/12/2011	Review errata Declaration of Jorge M. Castillo	0.1	no charge
10/13/2011	Review order granting Pro Hac Vice for Jorge M. Castillo	0.1	no charge
10/14/2011	Review TX's Expert Witness Report of John Alford	1.5	1.5
10/14/2011	Review order re: filing courtesy copies of oppositions to TX's motion for summary judgment	0.2	0.2
10/15/2011	Legal Research on State's MSJ	2.5	2.5
10/17/2011	Draft memorandum in opp to State's MSJ	3.5	3.5
10/17/2011	Communications with clients to discuss sworn declarations for filing in opp to TX MSJ	1.5	1.5
10/17/2011	Initial draft of Declarations for responding to TX's MSJ per communications with clients	2.5	2.5
10/18/2011	Communications with Sen Ellis/staff re: sworn declaration	0.3	0.3
10/24/2011	Review Notice of Appearance by Nobile	0.1	no charge
10/25/2011	Final Edits to Joint Memorandum in opposition to TX's Mot. for Summ Judg re: Congressional Plan	3.5	3.5
10/25/2011	Review LULAC memo in opposition to State's MSJ	1.4	1.4

10/25/2011	Final Edits to Memo in Opp. to State's Motion for Summary Judgment re: senate plan	4	4.0
10/25/2011	Review Gonzales' memo in opposition to State's MSJ	1.5	1.5
10/26/2011	Review TX Latino Redistricting Task Force Opposition memo to State's MSJ	1	1
10/26/2011	Review U.S. memo in opposition to TX's MSJ	3.5	3.5
10/26/2011	Review memo in opp. to State's Motion for Summ. Judg. filed by TX Leg. Black Caucus	1	1
10/26/2011	Review filing by TX Latino Redit. Task Force re: numerous exhibits re: Mot. Summ. Judg	0.3	0.3
10/26/2011	Review Errata by U.S. with exhibits	0.2	0.2
10/26/2011	Review motion to extend time by TX Leg Black Caucus	0.1	no charge
10/26/2011	Review order granting TLBC leave to file exhibits	0.1	0.1
10/27/2011	Participate in Telephone Conference with parties and Judge Collyer	0.3	0.3
10/27/2011	Review order setting hearing date for State's MSJ	0.1	0.1
10/28/2011	Review TLRTF's motion to correct attachments	0.2	no charge
10/28/2011	Review Errata filed by US	0.1	0.1
10/28/2011	Review Declaration of Timothy F. Mellett for U.S.	0.1	0.1
10/31/2011	Review U.S.' Unopposed motion to Supplement the Record	0.2	0.2
10/31/2011	Review errata by TX Leg black Caucus	0.2	no charge
10/31/2011	Review order granting Texas Latino Redistricting Task Force's Motion to Amend/Correct	0.1	0.1
10/31/2011	Review order granting United States' Motion to Supplement the Record	0.1	0.1
10/31/2011	Review TX's reply to opposition to motion for Summary Judgment as to Defendant Intervenors' Senate Claims with six exhibits	1.4	1.4
10/31/2011	Review motion to File Excess Pages by Texas	0.1	0.1
10/31/2011	Prepare notes/read cases for presenting oral argument on State's motion for summary judgment	4.4	4.4
11/1/2011	Review State of TX's reply to oppositions to State's MSJ	2.1	2.1
11/1/2011	Review a series of filings by Texas of additional attachments/exhibits (#s 1-47) as a reply to Defendants and Intervenors' opposition to Motion for Summary Judgment	2	2
11/1/2011	Review Exhibits 48-49 by Texas in Reply to opposition to Motion for Summary Judgment (including excerpts from Downton and Davis depositions)	0.4	0.4
11/1/2011	Review MINUTE ORDER granting Plaintiff State of Texas' Motion for leave to file excess pages.	0.1	0.1
11/1/2011	Review NOTICE of Appearance by McLeod	0.1	no charge
11/1/2011	Prepare for Oral Argument on Motion for Summary Judgment; read cases, prepare talking points	6.5	6.5
11/2/2011	Review NOTICE of Appearance by Sitton	0.1	no charge
11/2/2011	Review NOTICE of Appearance by Michel	0.1	no charge

11/2/2011	Final preparations for presenting oral argument on State's motion for summary judgment	1.8	1.8
11/2/2011	Participate in Oral Argument before 3-Judge Court on Texas' Motion for Summary Judgment	3	3
11/4/2011	Draft Davis-Intervenors' Advisory to DC Court Regarding Completion of Interim Remedial Hearings in San Antonio case	0.3	0.3
11/4/2011	Review Letter from TX Ag's office attorney (Schenck)	0.1	0.1
11/7/2011	Draft Second Advisory to DC Court Regarding Changed Election Deadlines (attaching orders entered by San Antonio court)	0.3	0.3
11/8/2011	Review Order denying Texas's Motion for Summary Judgment.	0.3	0.3
11/15/2011	Review Order directing the parties to submit proposed discovery schedule; trial length proposals and trial procedures.	0.1	0.1
11/21/2011	Communication with client re: State seeking a stay in U.S. SCT and legal standards involved	0.2	0.2
11/22/2011	Review Texas' response to court order of 11/8/2011	0.3	0.3
11/22/2011	Edits to State's (per TX Ag attorney Bruce Cohen) proposed consolidated memorandum responding to Court Order of 11/15/11	0.9	0.9
11/22/2011	Review draft of Joint motion to Hold in Abeyance and Reply to the Court's November 15 Order	0.2	0.2
11/22/2011	Review motion Pro Hac Vice for Lyznik	0.1	no charge
11/30/2011	Communications with LULAC counsel re: stay response & DC court implications	0.5	no charge
11/30/2011	Review Order granting Pro Hac Vice for Karolina J. Lyznik	0.1	no charge
12/1/2011	Review TX's Memorandum in opposition to Joint motion to Hold in Abeyance and Reply to the Court's November 15 Order	0.2	0.2
12/2/2011	Review Texas' SCOTUS reply brief	0.5	no charge
12/7/2011	Review order setting briefing schedule on the appropriate benchmark plans and setting conference call for December 12th.	0.2	0.2
12/7/2011	Participate in Telephone Hearing before Judge Collyer re: scheduling issues	0.8	0.8
12/10/2011	Communications with Jenner lawyers/clients re: SCT stay	1.4	no charge
12/12/2011	Review order vacating the briefing schedule set by the Court on 12/7/2011	0.1	0.1
12/12/2011	Participate in telephone hearing before Judge Collyer	1.1	1.1
12/13/2011	Review Order regarding the post-trial closing argument	0.1	0.1
12/13/2011	Review Scheduling Order re: discovery responses and setting of trial dates and filing of written testimony deadlines	0.2	0.2
12/13/2011	Communication with client group re: trial dates and other upcoming deadlines	0.8	0.8
12/15/2011	Participate in telephone conference with counsel before Judge Collyer	0.4	0.4
12/16/2011	Participate in telephone conference with counsel before Judge Collyer	0.4	0.4
12/20/2011	Participate in telephone conference with counsel before Judge Collyer	0.3	0.3

12/22/2011	Review Memorandum Opinion by Judge Collyer (joined by Judges Griffith and Howell) accompanying order Order denying Texas' Motion for Summary Judgment	1.2	1.2
12/23/2011	Review Pro Hac Vice Motion for Adam Mortara Bartlit Beck	0.1	no charge
12/23/2011	Review Pro Hac Vice Motion for John Hughes of Bartlit Beck	0.1	no charge
12/23/2011	Review Pro Hac Vice Motion for Keller of Bartlit Beck	0.1	no charge
12/23/2011	Review order setting briefing schedule on legislative privilege (due 12/28) with replies 12/30. also seeting 12/28 to identify live witnesses.	0.1	0.1
12/23/2011	Prepare/Participate in telephone conference with counsel before Judge Collyer re: discovery dispute	0.4	0.4
12/26/2011	Draft Memo re: legislative privilege and discovery disputes	1.4	1.4
12/27/2011	Review order granting pro hac vice motions for Mortara, Hughes and Keller	0.1	no charge
12/27/2011	Further edits and drafting of Memo re: leg. Privilege and discovery disputes with TX	2.7	2.7
12/28/2011	Final Edits to Memo on legislative privilege and discovery disputes	1.8	1.8
12/28/2011	File Memorandum for Davis Intervenors on Leg Priv. and discovery dispute with 11 exhibits/attachments	0.2	no charge
12/28/2011	Review Memo by TX Latino Task Force on discovery disputes/leg privilege	0.3	0.3
12/28/2011	Review Memorandum by U.S. re: disputed discovery and leg privilege with exhibits	0.4	0.4
12/28/2011	Review Memo by TEXAS on discovery disputes/leg privilege with exhibits	0.5	0.5
12/28/2011	Review order deeming as timely all briefs filed today	0.1	0.1
12/28/2011	Review joint trial witnesses list	0.2	0.2
12/29/2011	Draft reply memo to State's Memo on discovery disputes/leg privilege	1.9	1.9
12/30/2011	File reply memo to state's memo on disputed discovery/leg priv.	0.1	no charge
12/30/2011	Review reply memo filed by U.S. re: discovery disputes and leg privilege issues w/exhibits	0.5	0.5
12/30/2011	Review State of TX Reply Memo on discovery dispute/leg priv. w/exhibits	0.3	0.3
12/30/2011	Review Tx's motion to file Excess Pages re: memo on leg. Privileges	0.1	no charge
12/30/2011	Review order directing TX to produce under seal documents claimed to be protected by legislative privilege	0.1	0.1
1/2/2012	Review order granting TX's Motion to File Excess Pages	0.1	0.1
1/2/2012	Review letter from DOJ to TX re: discovery responses	0.1	0.1
1/2/2012	Review Memorandum opinion on leg privilege claims	0.4	0.4
1/2/2012	Review Order on privilege claims	0.1	0.1
1/4/2012	Review Communications from Adam Mortara re: TX adding a new witness & meet and confer over TX's Daubert motion	0.2	0.2
1/4/2012	Review trial Scheduling Order	0.1	0.1
1/4/2012	Communication from John Hughes re: modifying scheduling order/opening statements	0.1	0.1

1/4/2012	Review TX's Daubert Motion to Exclude Testimony of Experts including Davis Intervenors Expert. with expert reports and deposition transcripts	0.8	0.8
1/4/2012	Review Texas' draft motion to Modify Scheduling Order	0.2	0.2
1/5/2012	Review Communications from Adam Mortara	0.1	0.1
1/5/2012	Review ORDER requiring Defendants to file any opposition to Plaintiff's Motion to Exclude Testimony		0.1
1/5/2012	Review TX's supplemental memo re: court's ruling on leg privilege issues	0.3	0.3
1/5/2012	Review order granding TX right to make opening statement and deadlines for opening briefs at trial	0.1	0.1
1/5/2012	Communication to/from John Hughes	0.1	0.1
1/5/2012	Review U.S. filing of supplemental brief on privilege issues w/exhibits	0.3	0.3
1/5/2012	Review communication from Judge Collyer's courtroom deputy (Ms. White) re: logistics	0.1	0.1
1/6/2012	Review Communications from Adam Mortara	0.1	0.1
1/6/2012	Review Pro Hac Vice for Luis Vera	0.1	no charge
1/6/2012	Review order vacating a portion of the Court's Memorandum Opinion on privilege claims	0.2	0.2
1/6/2012	Participate in Telephone Conference with Judge Collyer and parties		
1/7/2012	Communication from State of TX attorney John Hughes re: Alford supp. Report	0.1	0.1
1/8/2012	Communication from State of TX attorney John Hughes re: new senate tables/cong. tables	0.1	0.1
1/8/2012	Review new senate table	0.2	0.2
1/9/2012	Communications from TX AG attorney & Adam Mortara re: accessing docs on FTP site	0.1	0.1
1/10/2012	Review Notice of prefiled direct testimonies (5) by TX	0.8	0.8
1/10/2012	Review second trial scheduling order	0.1	0.1
1/10/2012	Review Pre-Filed Written Direct Testimony by TX NAACP	0.2	0.2
1/10/2012	Review order granting Pro Hac Vice for Vera	0.1	no charge
1/10/2012	Communication from law clerk to Judge Collyer re: wi-fi and defense counsel	0.1	0.1
1/10/2012	Communications with TX AG atty Bruce Cohen,Tim Mellet (DOJ), Nina Perales, Gary Bledsoe & Adam Mortara re: depositions/subpoenas (reviewed email exchanges)	0.3	0.3
1/11/2012	Communication from John Hughes re: cross-examining Seliger & Solomons	0.1	0.1
1/11/2012	Communication from Adam Mortara re: substitution of witness by TX	0.1	0.1
1/11/2012	Legal research and review of record to prepare trial brief on State Senate Plan for Davis Intervenors	6.5	6.5
1/11/2012	Draft outline of Trial Brief on State Senate Plan for Davis Intervenors	1.5	1.5
1/12/2012	Review Notice of Appearance for Chad Dunn for Davis Intervenors	0.1	no charge
1/12/2012	Drafting Trial Brief on State Senate Plan for Davis Intervenors	5.8	5.8

1/13/2012	Communication from Ms. Suleman re: video conf. and trial logistics	0.1	0.1
1/13/2012	Review order denying Motion to Hold in Abeyance andPlaintiff's Motion to Expedite	0.1	0.1
1/13/2012	Final changes edits to Trial Brief on State Senate Plan for Davis Intervenors. Also LULAC signed on to Davis Intervenors' Brief	7	7
1/13/2012	File Trial Brief for Davis Intervenors	0.1	no charge
1/13/2012	Review TX Latino Redistricting Task Force trial brief	1.6	1.6
1/13/2012	Review trial brief of Tx Legislative Black Caucus	0.4	0.4
1/13/2012	Review U.S. Trial Brief	2	2
1/13/2012	Communication with client group re: trial prep and logistics	1.1	no charge
1/13/2012	Review U.S. Memo in Opposition to TX's motion to exclude Testimony of Arrington, Lichtman, Flores and Kousser	0.3	0.3
1/13/2012	Review Notice of Appearance by Matt Frederick	0.1	no charge
1/13/2012	Review Notice of Appearance by Angela Colmenero	0.1	no charge
1/13/2012	Review Memorandum in opposition to TX Motion to Exclude Testimony of Arrington, Lichtman, Flores and Kousser filed by Davis Intervenors, MALC, TRLTF	0.3	0.3
1/14/2012	Review TX NAACP Trial Brief	1.1	1.1
1/14/2012	Review Gonzales Intervenors' trial brief	0.4	0.4
1/14/2012	Communication from Adam Mortara re: trial logistics	0.1	0.1
1/14/2012	Prepare for cross examination of Doug Davis (review depos, exhibits, prepare outline of cross)	5	5
1/15/2012	Review TX's reply to opposition to Daubert motion	0.4	0.4
1/15/2012	Meet with Dr. Allan Lichtman to prepare Expert Pre-filed Testimony for Davis Intervenors	1.4	1.4
1/15/2012	Draft Submission of Expert Witness Report of Dr. Allan Lichtman and Pre-filed Testimony for Davis Intervenors	4.5	4.5
1/15/2012	Further Drafting of Pre-filed Written Direct Testimony for Davis Intervenors	4	4
1/16/2012	Review Communications from Adam Mortara re: stipulations and exhibits	0.1	0.2
1/16/2012	Draft Submission of Expert Witness Report of Dr. Allan Lichtman and Pre-filed Testimony for Davis Intervenors	2.8	2.8
1/16/2012	Review motion for Extension of Time to File Supplemental Expert Reports by TLRTF	0.1	0.1
1/16/2012	Review Pre-Filed Direct Testimony of Dr. Kousser by MALC	1.9	1.9
1/16/2012	Participate in Telephone Conference with Judge Collyer and parties		
1/16/2012	Prepare for trial (read depostitions of prospective witnesses, review relevant exhibits; draft outlines/talking points for use in cross examination)	4.5	4.5
1/17/2012	Review Pre-Filed Direct Testimony of Dr. Ansolabehere w/exhibits by Gonzales Intervenors	0.5	0.5
1/17/2012	Review Pre-Filed Written Testimony by TLRTF (Drs. Engstrom/Flores)	0.5	0.5

1/17/2012	Review Supplemental Pre-Filed Direct Testimony of Dr. Kousser by MALC	0.2	0.2
1/17/2012	Review Supplemental Report and Pre-Filed Testimony by TX Leg. Black Caucus	0.2	0.2
1/17/2012	ReviewPre-Filed Direct Testimony of Escamilla by Gonzales Intervenors	0.1	0.1
1/17/2012	Review Pre-Filed Written Direct Testimony by USA with various exhibits	0.4	0.4
1/17/2012	Review *Pre-Filed Direct Written Testimony* by Texas (Including Dr. Alford testimony)	1	1
1/17/2012	Participate in Bench Trial before 3 judge court	10.3	10.3
1/17/2012	Prepare for trial (read depositions of prospective witnesses, witness preps, review relevant exhibits)	3.3	3.3
1/18/2012	Review MINUTE ORDER granting Defendants' Unopposed Motion for Extension of Time	0.1	0.1
1/18/2012	Review ORDER granting in part and denying in part Plaintiff's Motion to Exclude Testimony of Arrington, Lichtman, Flores and Kousser	0.1	0.1
1/18/2012	Participate in Bench Trial before 3 judge court	9.9	9.9
1/18/2012	Prepare for trial (read depositions, review exhibits, prepare witness outlines (direct/cross))	4.5	4.5
1/19/2012	Review Communication from Adam Mortara and DOJ atty re: Alford depo	0.1	0.1
1/19/2012	Review Dr. Murray's Expert Report	0.5	0.5
1/19/2012	Participate in Bench Trial before 3 judge court	10.1	10.1
1/19/2012	Prepare Wendy Davis and Rodney Ellis for trial testimony	3.9	3.9
1/19/2012	Review exhibits to be used in presenting trial witnesses Sens. Wendy Davis and Rodney Ellis	1.5	1.5
1/19/2012	Review exhibits disclosed by U.S. to be used and introduced at trial on 1/20	1.5	1.5
1/20/2012	Review Supplemental Declaration of Dr. Arrington by USA	0.5	0.5
1/20/2012	Review Errata to Supplemental Declaration of Dr. Arrington by USA	0.1	no charge
1/20/2012	Review Addendum to Pre-Filed Direct Testimony of Dr. Kousser by MALC	0.2	0.2
1/20/2012	Participate in Bench Trial before 3 judge court	8.6	8.6
1/20/2012	Review Supplemental Pre-Filed Testimony by TLRTF re: Dr. Flores	0.1	0.1
1/20/2012	Review Supplemental Pre-Filed Written Direct Testimony by TLRTF	0.3	0.3
1/21/2012	Review Communication from Adam Mortara	0.1	0.1
1/21/2012	Prepare for trial (review testimony, depositions, exhibits, meet with co-counsel)	4.5	4.5
1/22/2012	Review Communication from Adam Mortara	0.1	0.1
1/22/2012	Prepare for trial (review testimony, depositions, exhibits, meet with co-counsel)	7	7
1/23/2012	Participate in Bench Trial before 3 judge court	8.1	8.1

1/23/2012	Review Trial Brief Regarding Use of General Election Data in Coalition and Crossover Districts by by Gonzales Intervenors	0.3	0.3
1/24/2012	Review Communication from Adam Mortara	0.1	0.1
1/24/2012	Participate in Bench Trial before 3 judge court	8.1	8.1
1/25/2012	Review Order setting closing arguments for 1/31/12 and setting deadlines for post-trial briefs	0.1	0.1
1/25/2012	Participate in Bench Trial before 3 judge court	7.7	7.7
1/26/2012	Review Filing of Supplemental Pre-Filed Written Direct Testimony by TLRTF	0.1	0.1
1/26/2012	Participate in Bench Trial before 3 judge court	2.4	2.4
1/28/2012	Communication with client group about trial and upcoming closing arguments	1.2	no charge
1/28/2012	Prepare closing argument for 3 judge court	2.9	2.9
1/29/2012	Prepare closing argument for 3 judge court	4.5	4.5
1/30/2012	Prepare closing argument for 3 judge court	5.1	5.1
1/31/2012	Participate in Bench Trial: closing arguments	7	7
2/1/2012	Review Filing of Closing Argument Presentation by U.S.	0.1	0.1
2/1/2012	Draft a Notice of Closing Argument Slide Presentation for Davis Intervenors	0.4	0.4
2/1/2012	File Notice of Filing Closing Argument Slide Presentation	0.1	no charge
2/1/2012	Review order requiring parties to file proposed findings of fact by 2/3/2012 and seeting other limits and deadlines	0.1	0.1
2/1/2012	Review order re: timing of decision and directing parties to comply with page limits	0.1	0.1
2/1/2012	Review MALC's PowerPoint Presentation Used in Closing Arguments	0.1	no charge
2/1/2012	Review TLRTF's PowerPoint Presentation Used In Closing Argument	0.1	no charge
2/1/2012	Review State of TX's Powerpoint Presentation Used in Closing Argument	0.2	0.2
2/1/2012	Review Gonzales' Closing Argument PowerPoint Presentation	0.1	no charge
2/1/2012	Draft Proposed Findings of Fact for Davis Intervenors	4	4
2/2/2012	Review Communications from TX AG attys, Adam Mortara, and DOJ attorney re: stipulations	0.3	0.3
2/2/2012	Review Joint Stipulation of Facts (Joint) filed by State of TX.	0.2	0.2
2/2/2012	Review U.S. Motion to Supplement Exhibit List, Errata and Exhibits	0.4	0.4
2/2/2012	Draft Proposed Findings of Fact for Davis Intervenors	5.9	5.9
2/3/2012	Review TLRTF motion to file findings of fact with exhibits	0.2	0.2
2/3/2012	Review U.S. Motion to take judicial notice of census data	0.2	0.2
2/3/2012	Review NAACP Proposed Findings of Fact	0.2	0.2
2/3/2012	Review Gonzales Intervenors Proposed Findings of Fact	0.2	0.2
2/3/2012	Review MALC's Proposed Findings of Fact	0.2	0.2
2/3/2012	Draft Proposed Findings of Fact for Davis Intervenors	4.4	4.4
2/3/2012	Review USA Proposed Findings of Fact	0.7	0.7
2/3/2012	Review TX's Proposed Findings of Fact	1.4	1.4
2/3/2012	Review TLRTF Proposed Findings of Fact	0.2	0.2

2/4/2012	Review State of TX's certificate of service	0.1	no charge
2/4/2012	Draft and Legal research for Davis-Intervenors' post-trial brief	7.9	7.9
2/5/2012	Draft Summary of Testimony and Reports of Dr. Allan J. Lichtman	0.9	0.9
2/6/2012	Review Order re: TLRTF motion to exceed page limit & file add. FOF	0.1	0.1
2/6/2012	File Summary of Lichtman Testimony for Davis Intervenors	0.1	no charge
2/6/2012	Review TX Legis. Black Caucus Summary of Expert Testimony	0.2	0.2
2/6/2012	Review Post Trial Brief by TX Legislative Black Caucus	0.4	0.4
2/6/2012	Review Summary of Expert Report for Dr. Engstrom by TLRTF	0.2	0.2
2/6/2012	Final edits to Davis-Intervenors' post-trial brief	3.5	3.5
2/6/2012	Communications with co-counsel (C. Dunn) regarding edits to post-trial brief	0.4	no charge
2/6/2012	Review NAACP's Post-trial brief	0.2	0.2
2/6/2012	Review NAACP's summary for Dr. Murray report	0.2	0.2
2/6/2012	Review USA's Summary of Testimony for Dr. Arrington	0.3	0.3
2/6/2012	Review State of Texas' Post-Trial Brief	1.3	1.3
2/6/2012	Review Expert Summary of Dr. Handley by USA	0.2	0.2
2/6/2012	Review trial brief of U.S.	0.4	0.4
2/6/2012	Review Gonzales Post Trial Brief	0.3	0.3
2/6/2012	Draft Post-trial brief for Davis Intervenors	9.9	9.9
2/6/2012	File post-trial brief for Davis Intervenors	0.1	no charge
2/7/2012	Review Gonzales Intervenors' Summary of Expert Testimony	0.2	0.2
2/7/2012	Review TLRTF's Proposed Findings of Fact	0.3	0.3
2/7/2012	Review MALC Summary of Expert testimony	0.3	0.3
2/7/2012	Review MALC's Post-trial brief	0.4	0.4
2/7/2012	Review Post-Trial Brief of TLRTF	0.3	0.3
2/7/2012	Review Corrected Post-Trial Brief by Gonzales Intervenors	0.1	0.1
2/12/2012	Communications with client group to provide updated case status	1.5	no charge
2/13/2012	Draft and file ERRATA *Notice to Proposed Findings of Fact*	0.9	no charge
2/22/2012	Draft and edit Joint Advisory to Court of Defendant Intervenors re: Action taken by San Antonio Ct.	0.3	0.3
2/24/2012	Review Advisory by TX Latino Redist. Task Force	0.1	0.1
2/27/2012	Review Motion to Intervene by Idrogo	0.2	0.2
2/29/2012	Review Gonzales Defendant-Intervenors' Notice re: Texas Court's Order Adopting Interim Maps	0.1	0.1
2/29/2012	Review TX's Notice to 3-Judge Court Regarding Interim Redistricting Plans	0.1	0.1
3/1/2012	Draft response of certain defendant intervenors to TLRTF's advisory	1	0.1
3/1/2012	Review TX's Advisory regarding 2012 election schedule	0.1	0.1
3/6/2012	Review Order requiring TLRTF to provide fuller explication re: CD 25	0.1	0.1
3/13/2012	Review Memorandum Concerning Congressional District 25 by TX	0.2	0.2
3/13/2012	Review and Edit Response to Court's Order of 3/6 re: CD 25	0.1	0.1
3/13/2012	Review Response of NAACP to 3/6 order re: CD 25	0.1	0.1

3/13/2012	Review TLRTF's Response to the Court's Order of March 6, 2012 re: CD 25	0.1	0.1
3/15/2012	Review Motion of Gonzales Intervenors to file a reply on CD 25	0.1	no charge
3/16/2012	Review Order granting Gonzales' Motion to File Reply on Congressional District 25	0.1	no charge
3/16/2012	Review and edits to Joint reply of Gonzales, Davis, NAACP, LULAC and TX Legislative Black Caucus re: TLRTF's 3/13 response	0.1	0.1
3/28/2012	Review TLRTF's Motion to File Response to Intervenors' Brief Regarding Congressional District 25	0.1	0.1
4/2/2012	Review order granting TLRTF Motion for Leave to File a Response to Gonzales Intervenors' Brief Regarding Congressional District 25	0.1	no charge
4/2/2012	Review TXRTF response to Intervenors' Brief Regarding Congressional District 25	0.1	0.1
7/5/2012	Draft and edit Joint motion of Intervenors to take Judicial Notice	0.1	no charge
7/19/2012	Review TLRTF's Response to motion to Take Judicial Notice of the Results from the 2012 Texas Democratic Congressional Primary w/exhibits	0.2	no charge
7/25/2012	Draft and edit reply to response of TLRTF's to motion to Take Judicial Notice	0.1	no charge
8/27/2012	Initial Draft of Motion for Attorneys' fees	1.7	1.7
8/28/2012	Review Order granting Motion to Supplement to Defendants' Trial Exhibit list	0.1	0.1
8/28/2012	Review ORDER granting U.S. Motion to Take Judicial Notice of Census Data and denying Intervenor's Motion to Take Judicial Notice	0.1	0.1
8/28/2012	Review order denying Motion to Intervene filed by Idrogo	0.1	0.1
8/28/2012	Review memorandum Opinion of three-judge court	1.9	1.9
8/28/2012	Review Final Judgment of three-judge court	0.1	0.1
8/28/2012	Conference call with clients to advise/discuss court decision and next steps	0.7	0.7
8/30/2012	Review Jonathan Mitchell's Notice of Appearance for TX	0.1	no charge
8/30/2012	Review Errata signed by three-judge court	0.2	0.2
8/31/2012	Review TX Notice of Appeal to U.S. Supreme Court	0.1	0.1
9/9/2012	Communications with other Defendants Intervenors regarding motion to hold attorneys' fees in abeyance	0.2	0.2
9/10/2012	Communications with TX AG's office re: consent to motion to hold attys' fee motion in abeyance	0.1	0.1
9/10/2012	Draft unopposed motion to Hold in Abeyance Filing of Motions for Attorneys' Fees, Expenses and Costs with Supporting Points and Authorities and proposed order (on behalf of all intervenors)	1.1	1.1
9/11/2012	Review Order grantingMotion to Hold in Attys Fees in Abeyance.	0.1	0.1
1/17/2013	Jointly prepare with U.S. attorneys Marc Veasey for trial testimony	2.1	2.1
2/8/2013	Review Rebecca Couto Motion to Withdraw as Attorney	0.1	no charge
2/8/2013	Review order granting Couto's Motion to Withdraw as Attorney	0.1	no charge
3/9/2013	Call with clients to discuss appeal status/possible outcomes	0.5	no charge

6/17/2013	Communications with clients re: dismissal of State's appeal	0.7	no charge
6/17/2013	Initial review of motion to dismiss appeal as moot in SCOTUS	0.5	no charge
6/18/2013	Review denial of leave to file document by Robert Allensworth.	0.1	no charge
6/19/2013	Communications with Jessie Amunson and Paul Smith re: SCT filing	0.3	no charge
6/19/2013	Review revised SCT draft motion to dismiss appeal as moot	0.4	no charge
6/20/2013	Communications with Jessie Amunson and Paul Smith re: SCT filing	0.3	no charge
6/21/2013	Communications with Jessie Amunson and Paul Smith re: SCT filing	0.2	no charge
6/24/2013	Communications with clients re: motion to dismiss appeal as moot	0.5	no charge
6/24/2013	Communications with Jessie Amunson and Paul Smith re: SCT filing	0.3	no charge
6/26/2013	Review letter to Clerk of SCOTUS from TX re: motion to dismiss	0.2	no charge
6/29/2013	Review Supreme Court order vacating judgment	0.1	no charge
6/30/2013	Communications with clients re: next steps	1.4	no charge
6/30/2013	Review memo from co-counsel regarding attorneys fees	1.3	no charge
6/30/2013	Draft of Motion to amend correct answer and assert 3c counterclaim	1.5	no charge
7/3/2013	Review State of TX motion to dismiss	0.2	0.2
7/3/2013	Review edits to motion to Amend/Correct Answer and Assert Counterclaim	0.5	no charge
7/12/2013	Communications from and to State AG's attys re: extensions of time to file responses	0.1	0.1
7/12/2013	Review State's Unopposed Motion for Extension of Time to File Response/Reply to Motion to Amend/Correct Answer and Assert Counterclaim	0.1	0.1
7/15/2013	Review Order granting TX's Unopposed Motion for Extension of Time	0.1	no charge
7/15/2013	Draft Unopposed Motion for Extension of Time for Intervenors to File Response to TX's motion to dismiss with proposed order (includes coordination with other intervenors)	0.5	no charge
7/15/2013	Review TX unopposed motion for Extension of Time to File Response to Motion to Amend/Correct Answer and Assert Counterclaim	0.1	no charge
7/16/2013	Review order granting Defendant-Intervenors' Unopposed Motion for Extension of Time to File Response to TX'sMotion to Dismiss	0.1	no charge
7/16/2013	Review Order granting TX's motion to extend time	0.1	no charge
7/16/2013	Review U.S. motion to extend time	0.1	no charge
7/16/2013	Review Order granting USA's Motion for Extension of Time to File Response	0.1	no charge
7/25/2013	Review Response by US to TX Motion to Dismiss	0.1	0.1
7/25/2013	Review US response to Intervenors' motion to file an amended answer and counterclaim	0.3	no charge
7/26/2013	Review MALC Response to TX's Motion to Dismiss	0.1	no charge
7/26/2013	Review Response by TLRTF to State's Motion to Dismiss	0.1	no charge
7/26/2013	Review TX's Response to motion of Intervenors to amend answer etc.	0.3	no charge
7/26/2013	Review and edit Joint Response of Defendant-Intervenors to Motion to Dismiss	1.1	1.1

12/4/2013	Communication with Steve Pershing re: declaration in support of fee motion	0.1	0.1
12/6/2013	Meet with co-counsel (P. Smith/J. Amunson/M. Gaber) regarding division of labor regarding attorneys' fees motion	0.4	no charge
12/10/2013	Communication with Steve Pershing re: declaration in support of fee motion	0.1	0.1
12/13/2013	Communication with Bruce Spiva re: declaration in support of fee motion	0.1	0.1
12/15/2013	Review and edit draft of attorneys' fees motion	2	2
12/15/2013	Draft Hebert Declaration in support of Davis Intervenors' Fee Motion	2.5	2.5
	TOTAL HOURS	**398.8**	**366.1**

Summary of Out-of-Pocket Litigation Expenses Incurred by J. Gerald Hebert on Behalf of Davis Intervenors in *Texas v. United States* , No. 13-1303:

Taxi Fares	$50.00
Depositions	$9,281.79
Total out of pocket expenses of Hebert on behalf of Davis Plaintiffs:	**$9,331.79**

Itemized Listing of Out-of-Pocket Expenses of J. Gerald Hebert:

Item	Date	Amount
Taxi	01/18/12	$9.00
Taxi	01/18/12	$11.00
Taxi	01/19/13	$10.00
Taxi	01/19/13	$9.00
Taxi	01/31/13	$11.00
	Total:	**$50.00**

Company	Item	Amount
Esquire	Mr. Doug Davis deposition	$1,529.55
Esquire	Sen. Duncan deposition:	$473.55
Esquire	Sen. Seliger deposition:	$945.77
Esquire	Sen. Nelson deposition;	$491.00
Esquire	Sen. Fraser deposition:	$614.14
Esquire	Dr. Allan Lichtman deposition;	$2,555.35
Esquire	Sen. Ellis deposition	$454.90
Esquire	Sen. Zaffirini video depositions	$1,748.75
Esquire	Sen. Huffman deposition	$468.78

	Deposition Total	**$9,281.79**

EXHIBIT C

EXHIBIT C
TO DAVIS INTERVENORS' MOTION
FOR AN AWARD OF ATTORNEYS' FEES, EXPENSES AND COSTS

Part I

Cases In Which J. Gerald Hebert Has Served As Legal Counsel for the United States

Listed below are cases in which I have appeared as legal counsel. I have divided the cases into two categories: 1) those cases where I served as lead attorney for the Government and the Government was a ***party*** to the lawsuit; and 2) those cases where I served as lead attorney for the Government and the Government participated as ***amicus curiae***. Cases marked with an asterisk * are cases involving Section 2 of the Voting Rights Act, those marked with a double asterisk ** are Section 4 or 5 Voting Rights Act cases, and those marked with a triple asterisk *** are language minority cases under the Voting Rights Act (Section 203 cases).

1. Voting rights cases where I served as lead counsel for the United States in the trial court and the United States was a party to the litigation:

Bolden and United States v. City of Mobile, 446 U.S. 55 (1980)

Johnson v. DeGrandy, 512 U.S. 997 (1994) *

County Council of Sumter County, South Carolina v. United States, 555 F. Supp. 694 (D.D.C. 1983) (3-judge court) **

Shaw v. Barr, C.A. No. 92-202-CIV-5-BR (E.D.N.C. 1992)(three-judge court), reversed sub nom. Shaw v. Reno, 113 S. Ct. 2816 (1993)

City of Port Arthur, Texas v. U.S., 459 U.S. 159 (1982) **

Brown and United States v. Board of School Commissioners of Mobile County, 706 F.2d 1103 (11th Cir. 1983)

United States v. Dallas County Commission, 850 F.2d 1430 (11th Cir. 1988)*

United States v. Marengo County Commission, 811 F.2d 619 (11th Cir. 1987) *

United States v. State of South Carolina and Horry County, C.A. No. 79-2467-5 (D. So. Car.)(three-judge court) **

State of Mississippi v. United States, No. 87-3464 (D.D.C.)(three-judge court) **

United States v. State of Georgia, No. 1:90-CV-1749-RCF (N.D. Ga.) *

Georgia v. Reno, C.A. No. 90-2065 (D.D.C. 1995)(three-judge court) **

United States v. State of Arizona, CV 88-1989 PHX EHC (D. Ariz.)***

United States v. Socorro County, New Mexico, C.A. No. 93-1244-JP (D. N.M.) ***

United States v. Brooks County, GA, No. 90-105-Thom (M.D. Ga.)*

United States v. State of Wisconsin, No. 92C-0263-S (W.D. Wisc.)

United States v. McKinley County, NM, No. 86-0028-M (D. N.M.)***

United States v. State of South Carolina, No. 3:90-760-17
(D. SO. CAR.)(three-judge court) **

United States v. Cibola County, NM, No. CIV93-1134 SC (D. N.M.)***

United States v. Lawrence County, MS,(S.D. Miss. 1983)(three-judge court) **

United States v. City of Demopolis, (S.D. Ala. 1986) *

United States v. Laurens County, SC, C.A. No. 6:87-1817-3 (D.S.C. 1987) *

United States v. City of Spartanburg, SC, (D.S.C. 1987)*

United States v. Town of Zebulon, GA, (N.D. Ga.) *, **

United States v. Wilkes County Board of Ed., (S.D. Ga.)

United States v. County Council of Sumter County, SC, (D.S.C.)(three-judge court) **

United States v. Town of Indian Head, MD, (D. Md.) *

United States v. City of Laurel, MS, (S.D. Miss. 1981) *

United States v. County Council of Colleton County, SC, No. 78-903 (D.S.C. 1981)(three-judge court) **

United States v. City of Houston, TX, No. 91-3076 (S.D. Tex.)(three-judge court)**

United States v. Victoria ISD, TX, C.A. No. V-86-17 (S.D. Tex. 1986)(three-judge court) **

United States v. City of Barnwell, SC, No. 1:84-2508-6 (D.S.C. 1986) **

Medina County, TX v. United States,(D.D.C.)(three-judge court) **

Gregg County, TX v. United States,(D.D.C.)(three-judge court) **

United States v. Jones, 846 F. Supp. 955 (S.D. Ala. 1994) *

United States v. City of Augusta, GA, (S.D. Ga.) *

United States v. Wicomico County, MD, No. MJG-87-2557 (D. Md. 1991) *

United States v. East Baton Rouge Parish School Board, LA, C.A. No. 76-252 (M.D. La.) *

2. Cases where J. Gerald Hebert served as lead counsel for the United States in the trial court and the United States appeared as *amicus curiae* in the litigation:

Blanding v. Dubose, 454 U.S. 393 (1982) (I represented the United States as amicus curiae before the three-judge court in this successful lawsuit brought to enforce Section 5 of the Voting Rights Act) **

Lodge v. Buxton, aff'd sub nom. Rogers v. Lodge, 458 U.S. 613 (1982)(I represented the United States as *amicus curiae* before the United States Court of Appeals for the Eleventh Circuit in this successful lawsuit brought under the Voting Rights Act and the United States Constitution) *

Martin v. Mabus, 700 F.Supp. 327 (S.D. Miss. 1988)(three-judge court)(remedy)(I represented the United States as *amicus curiae* before the three-judge court in this successful lawsuit brought to enforce Section 5 of the Voting Rights Act) **

SCLC v. Siegelman, C.A. No. 88-D-462-N (M.D. Ala.)(I represented the United States which filed a brief as *amicus curiae* in this lawsuit brought by private plaintiffs to enforce Section 5 of the Voting Rights Act) **

Clark v. Roemer, C.A. No. 86-435 (M.D. La.)(three-judge court)(I represented the United States which filed a brief as *amicus curiae* in this lawsuit brought by private plaintiffs to enforce Section 5 of the Voting Rights Act) **

Lopez v. Monterey County, California, No. C-91-20559-RMW (EAI) (N.D. Cal.)(three-judge court) (I represented the United States which filed a brief as *amicus curiae* in this lawsuit brought by private plaintiffs to enforce Section 5 of the Voting Rights Act)**

Part II

Voting Rights and Election Cases In Which J. Gerald Hebert Has Served As Legal Counsel As a Solo Practitioner (1994 to the Present)

Listed below are cases in which I have appeared as legal counsel in my solo law practice, 1994 to the present. Cases marked with an asterisk * are cases involving Section 2 of the Voting Rights Act, those marked with a double asterisk ** are Section 4 or 5 Voting Rights Act cases, and those marked with a triple asterisk *** are language minority cases under the Voting Rights Act (Section 203 cases). Cases in **bold** are cases where I served as lead counsel for the party I represented:

1994 to 2000:

CITY OF ANDREWS, TX V. RENO, No. 1:95CV01477 (D.D.C. 1996)(three-judge court) (I represented the City of Andrews, Texas in this lawsuit against the United States Attorney General in which the City obtained a declaratory judgment that changes adopted by the City were entitled to preclearance under Section 5 of the Voting Rights Act)**

DILLARD v. CITY OF FOLEY, AL, No. CV 87-T-1213-N (M.D. Ala.)(I represented private plaintiffs in this successful challenge under Section 2 of the Voting Rights Act and Constitution to the City of Foley's racially selective annexation policy) *

FOREMAN v. COMMISSIONERS' COURT OF DALLAS COUNTY, TX (N.D. TX) (3-judge court) (I represented private plaintiffs in a suit which established that the changes in the discretionary method of selecting polling officials was a covered change under Section 5 of the Voting Rights Act)**

PEGRAM and UNITED STATES v. CITY OF NEWPORT NEWS, VA, No. 4:940000-79 (E.D. Va.) (I represented private plaintiffs in this successful suit challenging the City's at-large method of election under Section 2 of the Voting Rights Act) *

SIMPSON V. CITY OF HAMPTON, VA, No. 4:95cv83 (E.D. Va.)(I represented private plaintiffs in this suit challenging the City's at-large method of election under Section 2 of the Voting Rights Act) *

SOUTH CAROLINA CONFERENCE OF BRANCHES OF THE NAACP v. TOWN OF HEMINGWAY, SC, No. 4:93-2733-21 (D.S.C.) (I represented plaintiffs in this lawsuit brought under the Constitution and Section 2 of the Voting Rights Act challenging Hemingway's racially selective annexation policy) *

RICHMOND CRUSADE FOR VOTERS v. COMMONWEALTH OF VIRGINIA, No. 3:95cv531 (E.D. Va.) (I represented plaintiffs who successfully challenged the Commonwealth of Virginia's refusal to implement the provisions of the National Voter Registration Act)

MOON v. MEADOWS, 952 F. Supp. 1941(E.D. Va. 1997)(three-judge court)(I represented a group of voters who intervened as defendants in this lawsuit challenging, on racial gerrymandering grounds, congressional redistricting in Virginia)

KING v. STATE BD OF ELECTIONS, No. 95-C-827(N.D. Ill. 1995)(three-judge court) (I filed a brief *amicus curiae* before the three-judge court in 1996 on behalf of the Democratic National Committee and the Democratic Congressional Campaign Committee in this lawsuit challenging congressional redistricting in Illinois)

VERA v. BUSH, 116 S. Ct. 1941 (1996)(I appeared as counsel for three incumbent members of Congress whose districts were challenged or affected by this lawsuit challenging congressional redistricting in Texas. One of the three members was granted amicus status)

ABRAMS v. JOHNSON (I filed a brief *amicus curiae* in the Supreme Court of the United States on behalf of the Georgia Association of Black Elected Officials in this lawsuit challenging congressional redistricting in Georgia)

CITY OF FAIRFAX v. RENO, C.A. No. 97-2212-JR (D.D.C. 1997)(three-judge court)(I represented the City of Fairfax, Virginia, in this first post-1982 suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the City in October 1997).**

SHENANDOAH COUNTY v. RENO, C.A. No. 99-00992-PLF (D.D.C. 1999)(three-judge court)(I represented Shenandoah County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 1999.)**

FREDERICK COUNTY v. RENO, C.A. No. 99-00941-CKK (D.D.C. 1999)(three-judge court)(I represented Frederick County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 1999.)**

JENKINS v. CITY OF OZARK, ALABAMA, No. CV97-A-1450-S (M.D. Ala. 1997)(three-judge court)(I represent the plaintiffs in this successful Section 5 enforcement action)**

LULAC v. CITY OF AUSTIN, TEXAS, No. A97 CA 908SS(W.D. Tex. 1998)(three-judge court)(I represented the City of Austin, Texas in this Section 5 enforcement action).**

BAKER v. RAINBOW CITY, AL., No. 97-PT-3014 (N.D. Ala. 1997)(three-judge court)(I represented plaintiffs who successfully brought suit to enforce Section 5 of the Voting Rights Act)**

WILSON V. CITY OF ATTALLA, AL., No.97-AR-3195 (N.D. Ala. 1997)(three-judge court)(I represented plaintiffs who successfully brought suit to enforce Section 5 of the Voting Rights Act)**

HAYS V. LOUISIANA, 839 F. Supp. 1138 (W.D. La. 1994)(three-judge court)(I represented individual voters and members of the Louisiana Legislature who participated as *amicus curiae* in this lawsuit challenging congressional redistricting in Louisiana)

JOHNSON V. MORTHAM, No. CV-94-40025 (N.D. Fla.)(three-judge court) (I represented Congresswoman Corrine Brown as a defendant-intervenor in this lawsuit brought challenging congressional redistricting in Florida)

HUNT V. CROMARTIE, (U.S. Supreme Court) (I represented several members of the Congressional Black Caucus and filed a brief as amicus curiae in this lawsuit challenging congressional districts in North Carolina)

BOXX V. STATE OF ALABAMA, M.D. Ala. (3-judge court)(I represented plaintiffs who successfully brought suit to enforce Section 5 of the Voting Rights Act)**

WARD V. STATE OF ALABAMA, M.D. Ala. (3-judge court)(I represented plaintiffs who successfully brought suit to enforce Section 5 of the Voting Rights Act)**

COMMONWEALTH OF VIRGINIA V. RENO, No. 1:00 CV 00751 (D.D.C.)(3-judge court) (I represented defendant intervenors, a group of state legislators, in this lawsuit which challenged, *inter alia*, the Department of Justice's plan to use statistically-sampled census data to review redistricting plans under the Voting Rights Act).**

VOTING INTEGRITY PROJECT v. ARIZONA DEMOCRATIC PARTY, I represented the Arizona Democratic Party in a suit brought under the Voting Rights Act challenging the State Party's use of internet voting in the 2000 Presidential Primary. Plaintiffs sought a preliminary injunction against the Party's use of internet voting, but the district court denied the requested injunction.*

2001 to 2010:

BALDERAS V. STATE OF TEXAS, (E.D. TX 2001) (3-judge court)(consolidated), *summarily affirmed*, 536 U.S. 919 (2002). This suit involved a successful challenge to the failure of the Texas Legislature to redistrict its Texas congressional districts. I represented a group of Congressmen who intervened in the case. *

SESSIONS V. STATE OF TEXAS, (E.D. TX 2003)(3-judge court)(consolidated). This suit challenged the 2003 re-redistricting of the Texas congressional districts. The case eventually went to the U.S. Supreme Court *sub nom. LULAC v. Perry*.*

JACKSON v. STATE OF TEXAS, (E.D. TX 2003)(3-judge court)(consolidated). This suit challenged the 2003 re-redistricting of the Texas congressional districts. The case eventually went to the U.S. Supreme Court *sub nom. LULAC v. Perry*.*

DEL RIO v. STATE OF TEXAS (Travis County District Court & Texas Supreme Court) This suit involved the redistricting of the Texas congressional districts. I represented a group of Congressmen who intervened in the case.*

CITY OF HARRISONBURG, VA v. ASHCROFT, No. 02-00289-JDB (D.D.C) (I represented the City of Harrisonburg, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the City in 2002).**

CITY OF WINCHESTER, VA v. RENO, No. 00-03073-ESH (D.D.C) (I represented the City of Winchester, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the City in 2001).**

WARREN COUNTY, VA v. RENO, No. 02-0173-EGS (D.D.C) (I represented Warren County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 2002).

ROCKINGHAM COUNTY, VA v. ASHCROFT, No. 02-00391-ESH (D.D.C) (I represented Rockingham County, Virginia, in this suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in 2002).**

GREENE COUNTY, VA v. ASHCROFT, No. 03-1877-HHK (D.D.C.). (I represented Greene County, Virginia, in this successful suit brought to obtain a declaratory judgment and bailout from coverage under the special provisions of the Voting Rights Act. The bailout judgment was granted to the County in January 2004).**

AUGUSTA COUNTY, VA v. GONZALES, No. 05-1885 (D.D.C.) (three-judge court). In this action, I represented Augusta County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

NAACP v. ST. LANDRY PARISH, LOUISIANA, I represented the defendants St. Landry Parish Council and School Board in this Voting Rights Act challenge to the 2002 redistricting plans adopted by the Council and School Board. The case was settled in January 2005.*

HALL **v**. COMMONWEALTH OF VIRGINIA, 276 F. Supp. 2d 528 (E.D. Va. 2003), *affirmed*, 385 F.3d 421 (4th Cir. 2004), cert. denied, ___U.S. ____(2005). I served as co-counsel representing plaintiffs in an unsuccessful Voting Rights Act challenge to the post-2000 congressional redistricting plan adopted by the Commonwealth of Virginia.

MAY v. CITY OF MONTGOMERY, ALABAMA, No. 2:07cv738 (M.D.Ala.)(three-judge court). This suit alleged, among other things, that the City had failed to obtain the requisite preclearance of a new election schedule from federal authorities. Plaintiffs sought to enjoin the upcoming elections, citing the alleged lack of preclearance under the Voting Rights Act. I was co-counsel to the City of Montgomery, which contended that preclearance had been obtained. The case was dismissed as moot. **

CITY OF SALEM, VA v. GONZALES, No.06-977 (DDC) (three-judge court). In this action, I represented the City of Salem in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

BOTETOURT COUNTY, VA v. GONZALES, No. 06-1052(D.D.C) (three-judge court). In this action, I represented Botetourt County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

ESSEX COUNTY, VA v. MUKASEY, (D.D.C) (three-judge court). In this action, I represented Essex County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

AMHERST COUNTY, VA v. MUKASEY, (D.D.C) (three-judge court). In this action, I represented Amherst County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

MIDDLESEX COUNTY, VA v. MUKASEY, (D.D.C) (three-judge court). In this action, I represented Middlesex County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

PAGE COUNTY, VA v. MUKASEY, (D.D.C) (three-judge court). In this action, I represented Page County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CITY OF KINGS MOUNTAIN v. HOLDER, 1:10-cv-01153-PLF -DST –TFH (D.D.C.) (three-judge court). In this action, I represented the City of Kings Mountain in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

WILLIE RAY v. STATE OF TEXAS, 2:06-CV-385(TJW) (E.D. Texas). This case challenged the constitutionality of certain provisions of the Texas Election Code, and the racially selective prosecution of African American and Latino citizens by Texas Attorney General Greg Abbott for allegedly violating those provisions. The case was settled.

NAMUDNO v. HOLDER, 557 U.S. 193 (2009). This case challenged the constitutionality of Section 5 of the Voting Rights Act. In the district court, I represented Travis County, Texas, which supported the defendant Holder and argued in favor of the constitutionality of Section 5 of the Voting Rights Act. In the U.S. Supreme Court, I represented jurisdictions that had bailed out from Section 5 coverage and urged the Court to uphold Section 5.

2011 to 2013:

PEREZ v. PERRY, No. 11-360 (W.D. TX)(three-judge court)(consolidated cases--including *Quesada v. Perry*, No. 11-593-OLG-JES-XR) challenging Texas Congressional and State House districts under Sections 2 and 5 of the Voting Rights Act, and the Fourteenth and Fifteenth Amendments to the United States Constitution. The case remains pending.

DAVIS v. PERRY, No. 11-788 (W.D. TX)(three-judge court)(consolidated with LULAC v. Perry), No. 11-788, challenging under Section 2 and the United States Constitution the state senate redistricting plan insofar as it dismantled Senate District 10 and in doing so discriminated against minority voters in the district. The case remains pending.

BEAUMONT INDEPENDENT SCHOOL DISTRICT v. UNITED STATES OF AMERICA, 1:13-cv-00401-RC-BMK-ESH (D.D.C.) (three-judge court) (In this Section 5 declaratory judgment case, I represent the Plaintiff Beaumont ISD seeking Voting Rights Act approval of certain voting changes)

STATE OF TEXAS v. UNITED STATES OF AMERICA 1:11-cv-01303-RMC-TBG-BAH (D.D.C.) (three-judge court) (In this lawsuit, the State of Texas sought preclearance to its statewide redistricting plans. I represented a group of Defendant Intervenors who successfully opposed preclearance of the state senate plan and the congressional plan before the three-judge court. I also

served in the case as co-administrative coordinator for the various Defendant-Intervenor groups in the lawsuit. The Supreme Court vacated and remanded the case following the decision in *Shelby County, Al. v. Holder*).

STATE OF TEXAS v. HOLDER, 1:12-cv-00128-RMC-DST-RLW (TX Voter ID case). In this lawsuit, the State of Texas sought Section 5 preclearance of its photo ID bill. I represented a group of Defendant Intervenors who opposed preclearance. I also served as co-administrative coordinator for the various Defendant-Intervenor groups. The three-judge court denied preclearance. On appeal, the decision was vacated and the case remanded to the D.C. Court in light of *Shelby County, AL v. Holder*.

LAROQUE et al v. HOLDER, 1:10-cv-00561-JDB (D.D.C.) This case challenged the constitutionality of the Voting Rights Act and I represented a group of Defendant-Intervenors defending against the challenge. On appeal, the case was declared moot.

STATE OF SOUTH CAROLINA v. UNITED STATES OF AMERICA, No. 1:12-cv-00203 (CKK-BMK-JDB) (D.D.C.) (three-judge court). I served as co-counsel to a group of Defendant-Intervenors in this Section 5 declaratory judgment suit involving the South Carolina voter ID law. The State was granted preclearance after changes were made during the litigation to the photo ID bill.**

LEAGUE OF WOMEN VOTERS v. DETZNER**,** No.: 2012-CA-00490 (Leon County, Florida). I am co-counsel to the League of Women Voters which challenges the redistricting of Florida's state senate and congressional redistricting plans, on the grounds that those plans violate the State Constitution's prohibitions on drawing plans to favor one political party over another or to favor an incumbent. The case is pending.

BROWN v. STATE OF FLORIDA **(**S.D. Florida). This case was a challenge to the constitutionality of amendments to the Florida Constitution that regulated statewide redistricting plans. I represented a group of intervenor defendants who supported the provisions. The district court upheld the amendments and the U.S. Court of Appeals affirmed.

YUBA COUNTY WATER AGENCY v. HOLDER, No. 1:13-cv-00352 (D.D.C.) (three-judge court). In this action, I represented the Water Agency in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court's ruling in *Shelby County, Alabama v. Holder*. **

NORTH YUBA WATER DISTRICT v. HOLDER, 1:13-cv-00407 (D.D.C.) (three-judge court). In this action, I represented the Water District in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was

dismissed without prejudice following the Supreme Court's ruling in *Shelby County, Alabama v. Holder*. **

LINDA FIRE PROTECTION DISTRICT v. HOLDER, 1:13-cv-00485 (D.D.C.). In this action, I represented the Fire Protection District in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court's ruling in *Shelby County, Alabama v. Holder*. **

LINDA COUNTY WATER DISTRICT v. HOLDER, 1:13-cv-00363-JEB-JWR-JDB). In this action, I represented the Water District an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court's ruling in *Shelby County, Alabama v. Holder*. **

HANOVER COUNTY, VIRGINIA v. HOLDER, 1:13-cv-00625-BAH-JRB-KBJ). In this action, I represented Hanover County in an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. The case was dismissed without prejudice following the Supreme Court's ruling in *Shelby County, Alabama v. Holder*. **

CITY OF FALLS CHURCH, VIRGINIA v. HOLDER, 1:13-cv-00201-ABJ-DBS-RJL). In this action, I represented the City of Falls Church in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CITY OF WHEATLAND, CALIFORNIA v. HOLDER, 1:13-cv-00054-RMC-DST-RBW). In this action, I represented the City of Wheatland in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

STATE OF NEW HAMPSHIRE v. HOLDER, 1:12-cv-01854-EGS-TBG-RMC). In this action, I represented the State of New Hampshire in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

BROWNS VALLEY IRRIGATION DISTRICT v. HOLDER,1:12-cv-01597-RWR-KLH-TFH). In this action, I represented Browns Valley Irrigation District in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

MERCED COUNTY, CALIFORNIA v. HOLDER, 1:12-cv-00354-TFH-DST-ABJ). In this action, I represented Merced County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

PRINCE WILLIAM COUNTY, VIRGINIA v. HOLDER, 1:12-cv-00014-ESH-TBG-JEB). In this action, I represented Prince William County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

KING GEORGE COUNTY, VIRGINIA v. HOLDER, 1:11-cv-02164-BAH-KLH-ESH). In this action, I represented King George County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

JAMES CITY COUNTY, VIRGINIA v. HOLDER, 1:11-cv-01425-PLF-DST-TFH). In this action, I represented James City County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CITY OF WILLIAMSBURG, VIRGINIA v. HOLDER, 1:11-cv-01415-EGS-JR–RWR (D.D.C.) (three-judge court). In this action, I represented Williamsburg in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CULPEPER COUNTY, VIRGINIA v. HOLDER, 1: 1:11-cv-01477-JEB-JWR-RLW (D.D.C.) (three-judge court). In this action, I represented Culpeper County in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

CITY OF BEDFORD, VIRGINIA v. HOLDER, 11-cv-00473-TFH-TBG-RLW (D.D.C.) (three-judge court). In this action, I represented the City of Bedford in a successful action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

BEDFORD COUNTY, VIRGINIA v. HOLDER, 1:11-cv-00499-ESH-KLH-BAH (D.D.C.) (three-judge court). I represented Bedford County in a successful bailout action brought under Section 4 of the Voting Rights Act. **

RAPPAHANNOCK COUNTY, VIRGINIA v. HOLDER, 1:11-cv-01123-JEB -KLH–RMC (D.D.C.) (three-judge court). I represented Rappahannock County in a successful bailout action brought under Section 4 of the Voting Rights Act. **

CITY OF MANASSAS PARK, VIRGINIA v. HOLDER, 1:11-cv-00749-CKK-JRB-HHK (D.D.C.) (three-judge court). I represented the City of Manassas Park in a successful bailout action brought under Section 4 of the Voting Rights Act. **

ALTA IRRIGATION DISTRICT v. HOLDER, 1:11-cv-00758-RJL-DAG–PLF (D.D.C.) (three-judge court). I represented the Alta Irrigation District in a successful bailout action brought under Section 4 of the Voting Rights Act. **

JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7 v. HOLDER, 1:11-cv-00461-RWR-DST-RJL) (D.D.C.) (three-judge court). I represented this Jefferson County Drainage District in a successful bailout action brought under Section 4 of the Voting Rights Act.**

HANOVER COUNTY, VIRGINIA V. HOLDER (D.D.C.) (three-judge court). In this pending lawsuit, I represent Hanover County an action brought under Section 4 of the Voting Rights Act to obtain a bailout from the special remedial provisions of the Act. **

PART III

Cases In Which J. Gerald Hebert Has Served As Legal Counsel To A Party or An *Amicus Curiae* on Behalf of the Campaign Legal Center

(2004 to the present)

Listed below are cases in which I have appeared as legal counsel for a party or for an *amicus curiae* in campaign finance cases or other election law cases in my capacity as Director of Litigation at the Campaign Legal Center, a non-profit, non-partisan organization in Washington DC.

Federal Litigation

CITIZENS UNITED v. FEC **(U.S. Supreme Court.)** Citizens United filed suit to challenge the federal "electioneering communications" corporate funding restriction and disclosure requirements as applied to its film entitled *Hillary: The Movie* and its advertisements promoting the film. On July 18, 2008, a three-judge panel upheld the federal law. On January 21, 2010, the Supreme Court struck down the 60-year-old federal restriction on corporate expenditures in candidate elections, and overturned *Austin v. Michigan Chamber of Commerce* (1990) and part of *McConnell v. FEC* (2003). In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed one *amici* brief with the district court and two *amici* briefs with the Supreme Court on behalf of campaign finance reform groups.

WISCONSIN RIGHT TO LIFE v. FEC, **(US Supreme Court)** and No. 04-1260 (DBS, RWR, RJL)(D.D.C.)(3-judge court). Wisconsin Right to Life (WRTL) challenged provisions of BCRA which prohibited it from making certain election communications during and prior to the 2004 elections. The three-judge court rejected WRTL's challenge and the Supreme Court reversed and struck down the provisions. I served as legal counsel for the Campaign Legal Center, Senator John McCain, and Representatives Christopher Shays and Martin Meehan in the case as *amici curiae* supporting the defendant FEC.

***McCOMISH v. BENNETT*, No. 10-686 (U.S. Supreme Court).** This was a constitutional challenge to the "matching funds trigger provisions" of the Arizona Citizens Clean Elections Act,

which provided participating candidates with additional funds if non-participating opponents or outside groups spend above the statutory threshold. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amici* brief in the Supreme Court on behalf of the Legal Center and seven other public interest groups to defend the Arizona law. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I also filed an *amici* brief with the district court in 2009.

McCUTCHEON** v. **FEC **(U.S. Supreme Court).** This challenge to federal aggregate contribution limits was filed by plaintiffs Shaun McCutcheon and the Republican National Committee (RNC). Plaintiffs in *McCutcheon v. FEC* challenge both the $70,800 aggregate limit on contributions to non-candidate committees and the $46,200 aggregate limit on contributions to candidate committees in a two-year election cycle. The three-judge district court rejected the challenge, but the U.S. Supreme Court has noted probable jurisdiction. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amici* brief in the district court and the Supreme Court defending the aggregate limits.

SHELBY COUNTY** v. **HOLDER **(U.S. Supreme Court).** This case involved a challenge to the constitutionality of certain special provisions of the Voting Rights Act of 1965, as amended. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amici* brief in the Supreme Court on behalf jurisdictions that have bailed out from coverage under the Act.

DAVIS V. FEC, 554 U.S. 724 (2008) (Supreme Court). This was a federal court challenge to the Millionaire's Amendment of the Bipartisan Campaign Reform Act of 2002. Under the Millionaire's Amendment, when a wealthy self-financed candidate spent in excess of a specified threshold of personal funds, the Amendment provided for an increase in contribution limits and an elimination of coordinated party spending limits for such candidate's non-wealthy opponent. The Amendment also imposed additional disclosure requirements on the self-financing wealthy candidate. The Supreme Court invalidated all of these provisions. I served as legal counsel to *amici* supporting these amendments in the U.S. Supreme Court.

SHAYS v. FEC, No. 04-5352 (D.C.Cir.) (Shays I). This is an appeal from a ruling of this court (Kollar-Kotelly, J.) striking down regulations promulgated by the FEC to implement the Bipartisan Campaign Reform Act (BCRA). I served as legal counsel to United Senators John McCain and Russell Feingold who appeared in the case as *amici curiae* and filed a brief supporting Appellees Shays and Meehan.

SHAYS v. FEC (527 Suit), No. 1:04-cv-01597-EGS (D.D.C.) (Sullivan, J.) (Shays II). This lawsuit challenge the failure of the FEC to promulgate effective regulations that would apply to 527 groups. I served as legal counsel to United Senators John McCain and Russell Feingold who appeared in the case as *amici curiae*.

NC RIGHT TO LIFE v. LEAKE, No. 5:99-CV-798-BO(3). This case involves a constitutional challenge to several North Carolina campaign finance laws. I represent the Campaign Legal Center in the case, which filed a brief as *amicus curiae* arguing that North Carolina's limits on contributions to independent expenditure political committees are constitutional.

VOTERS EDUCATION COMMITTEE v. WASHINGTON PUBLIC DISCLOSURE COMMISSION, No. 04-2-23551-1SEA (King County Superior Court). Suit alleges that certain ads aimed at a state Attorney General candidate are not express advocacy, but rather are "issue advocacy" and protected "political speech". I represent the Campaign Legal Center in the case, which filed a brief as *amicus curiae* arguing that the state law at issue does not violate the free speech rights of plaintiff 527 corporations by requiring them to register as a political organization and file reports of their contributions and expenditures.

EMILY'S LIST v. FEC, No. 1:05cv00049 (D.D.C.). EMILY's List challenged a new rule adopted by the FEC late last summer that requires a federal committee to use at least 50 percent federal funds to pay for generic voter mobilization drives and other activities that affect both federal and nonfederal elections, along with a rule that clarified the definition of the term "contribution." I represented Senators John McCain and Russell Feingold, Representatives Christopher Shays and Martin Meehan, and the Campaign Legal Center which appeared as *amici curiae* in the case and filed a brief opposing EMILY's List's motion for a preliminary injunction.

CHRISTIAN CIVIC LEAGUE OF MAINE v. FEC, No. 06- (D.D.C.) (three-judge court) The Christian Civic League of Maine has challenged provisions of BCRA which prohibited it from making certain election communications during and prior to the 2006 elections in Maine. The three-judge court denied the Christian Civic League's motion for preliminary injunction and the case is on appeal to the U.S. Supreme Court. I served as co-counsel for the defendant intervenors in the case: U.S. Senators John McCain and Russ Feingold, and Representatives Christopher Shays, Martin Meehan, and Tom Allen supporting the defendant FEC.

UNITED STATES v. VALDES. No. 03-3066 (DC Cir.) I filed an *amicus* brief in the U.S. Court of Appeals for the District of Columbia on behalf of the Campaign Legal Center supporting the defendant United States in this appeal, which involved an interpretation and application of the federal anti-gratuities statute.

***CAO (RNC) v. FEC*, No. 10-30146 (5th Cir.), cert. denied No. 10-776 (U.S. Sup. Ct.)** In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amicus* brief on April 19, 2010 with the *en banc* Fifth Circuit Court of Appeals to defend the constitutionality of the party coordinated spending limits.

***GREEN PARTY OF CONNECTICUT V. LENGE*, Nos. 09-0599, 09-0609 (2d Cir.), cert. petition No. 10-795 (U.S. Sup. Ct.)** In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, , I served as co-counsel to the defendant-intervenors in the Supreme Court opposing the petition for *certiorari*, a case that challenged the constitutionality of Connecticut's public financing system and its statutory ban on contributions from lobbyists, state contractors and members of their immediate families and their solicitation of contributions.

***U.S. v. O'DONNELL*, No. 09-50296 (9th Cir.), cert. petition No. 10-1099 (U.S. Sup. Ct.)** This case involved whether federal law "prohibits straw donor contributions, in which a defendant solicits others to donate to a candidate for federal office in their own names and furnishes the money for the gift either through an advance or a prearranged reimbursement. CLC, with D21, filed an *amici* brief with the Ninth Circuit, urging the Court to correct the erroneous interpretation given to the federal law provision by the district court.

***U.S. v. DANIELCZYK*, No. 11-cr-00085 (E.D. Va.), No. 11-4667 (4th Cir.)** This criminal case concerned a number of alleged campaign finance violations, including that the defendants illegally directed corporate contributions to Hillary Clinton's 2008 Presidential campaign. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amici* brief in the U.S. Court of Appeals for the Fourth Circuit on the side of the United States.

***KOERBER v. FEC*, No. 2:08-cv-00039 (E.D.N.C.)** In September 2008, the Committee for Truth in Politics challenged the constitutionality of the federal disclosure requirements for "electioneering communications," and the FEC's policy for determining federal "political committee" status. The CLC, with D21, filed *amici* briefs defending the law on October 14, 2008 with the district court, and on April 24, 2009 with the Fourth Circuit.

***THE REAL TRUTH ABOUT OBAMA, INC. (RTAO) v. FEC*, No. 08-cv-00483 (E.D. Va.), No. 11-1760 (4th Cir.)** RTAO filed suit in the U.S. District Court for the Eastern District of Virginia to enjoin a number of FEC regulations governing when independent groups must register as federal political committees and comply with the applicable federal restrictions and disclosure requirements. The CLC, with D21, filed an *amici* brief on October 27, 2011 to defend the FEC rules with the Fourth Circuit following the remand of the case from the Supreme Court. The CLC previously filed *amici* briefs in this case in the district court and the Fourth Circuit on August 14, 2008, October 28, 2008 and October 17, 2010.

***VAN HOLLEN v. FEC*, No. 11-cv-00766 (D.D.C.)** On April 21, 2011, Representative Chris Van Hollen (D-MD) filed a lawsuit against the FEC to challenge a 2007 FEC regulation that narrowed the scope of federal disclosure requirements connected to electioneering communications. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center (CLC), I was one of the attorneys representing Rep. Van Hollen as CLC is part of Van Hollen's *pro bono* legal team. The case remains pending.

AMERICAN TRADITION PARTNERSHIP, INC. v. BULLOCK, **DA 11-0081 (Sup. Ct. Mont.),** ***cert.*** **denied No. 11-1179 (U.S. Sup. Ct.)** In March 2010, plaintiffs filed suit to challenge Montana's corporate expenditure restriction, M.C.A. § 13-35-227, on grounds that it was unconstitutional under *Citizens United v FEC*. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amici* brief in support of itself and 13 other public interest groups on May 18, 2012, urging the U.S. Supreme Court to deny *certiorari*, or if it grants *certiorari*, to grant plenary review.

WAGNER v. FEC, **No. 11-cv-1841 (D.D.C.)** On October 19, 2011, plaintiffs filed a complaint with the U.S. District Court for the District of Columbia to challenge the constitutionality of the federal governmental contractor contribution ban, 2 U.S.C. § 441c, as applied to individuals who have personal services contracts with federal agencies. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amicus* brief in the district court supporting the contractor contribution ban.

RNC v. FEC, **No.** 1:08-cv-01953-RJL-RMC **(D.D.C.) (**three-judge court**).** On November 13, 2008, the RNC filed suit in federal district court to challenge BCRA's "soft money" restrictions that bar the national parties from raising or spending soft money and prohibit state parties from using soft money for activities that affect federal elections, such as voter registration or GOTV drives. On March 9, 2009, the Legal Center filed an *amici* brief on behalf of former Representatives Shays and Meehan and Senators McCain and Feingold to defend the "soft money" provisions. On June 29, 2010, the Supreme Court summarily affirmed the decision of a three-judge panel to dismiss the RNC's as-applied challenge to the soft money restrictions of the Bipartisan Campaign Reform Act (BCRA).

VAN HOLLEN v. IRS, No. 13-1276 (D.D.C.) (JDB), this lawsuit was filed on August 23, 2013, and challenged the failure of the IRS to conduct a rulemaking proceeding to adopt new rules to properly implement the tax law's eligibility requirements for tax-exempt status as a 501(c)(4) "social welfare" organization. I served as co-counsel to the plaintiff in my capacity as Director of Litigation for the Campaign Legal Center. The case was recently dismissed voluntarily based on the IRS's announcement that it is undertaking a rulemaking proceeding to address the problems arising from campaign activities by 501(c)(4) groups.

SPEECHNOW.ORG v. FEC **(D.C. Cir.)** In February 2008, SpeechNow.org filed suit and requested a preliminary injunction to enjoin the federal contribution limits and disclosure requirements as applied to so-called "independent expenditure committees." THE DC Circuit struck down the contribution limits but upheld the disclosure requirements. The Legal Center filed two *amici* briefs with the D.C. Circuit in 2009 to support the constitutionality of the federal contribution limits as applied to a political committee making only independent expenditures.

HISPANIC LEADERSHIP FUND **v. FEC,** *No. I:12cv893* (E.D. VA.). Plaintiffs sought to air television advertisements criticizing President Obama without complying with "electioneering communication" disclosure requirements, which include donor disclosure. The ads proposed by HLF would not have mentioned President Obama by name and instead would use the terms "the

White House" and "the Administration" and audio recordings of the President's voice. In an attempt to evade the electioneering communication disclosure requirements, HLF argued that its ads do not refer to a clearly identified candidate, and that the disclosure provisions are unconstitutional. The District Court denied an injunction and rejected the constitutional challenge. In my capacity as Director of Litigation for the non-profit, non-partisan Campaign Legal Center, I filed an *amicus* brief in 2012 supporting the FEC and defending the challenged provisions

STATE/MUNICIPAL LAW LITIGATION

State Disclosure Cases

***DOE v. REED*, No. 09-559 (U.S. Sup. Ct.), on remand No. 3:09-cv-05456 (W.D. Wa.), on appeal No. 11-35854 (9th Cir.)** Plaintiffs filed suit to halt Washington State from making petitions connected to a state ballot measure available in response to requests made under the state Public Records Act. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amicus* brief on March 28, 2012 with the Ninth Circuit, urging the court to reject the plaintiffs' as-applied challenge and arguing that the narrow exemption to disclosure for harassment set forth in *Buckley v. Valeo* was not warranted in this case.

***PROTECTMARRIAGE.COM v. BOWEN*, 2:09-cv-00058 (E.D. Calif.), on appeal No. 11-17884 (9th Cir.)** In January 2009, Plaintiffs brought a challenge in the U.S. District Court for the Eastern District of California to a California law requiring ballot measure committees to disclose the names and other information of their contributors of $100 or more. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amicus* brief to support California's ballot measure disclosure law with the Ninth Circuit on April 17, 2012.

***HUMAN LIFE OF WASHINGTON, INC. ("HLW") v. BRUMSICKLE*, No. 09-35128 (9th Cir.)** In April 2008, HLW challenged the constitutionality of several components of the State of Washington's political committee disclosure regime, including the State's definitions of "political committee," "independent expenditure," and "political advertising." On June 4, 2009, and in my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amicus* brief with the Ninth Circuit to defend the disclosure laws.

***OHIO RIGHT TO LIFE (ORTL) v. OHIO ELECTION COMMISSION*, 08-cv-00492 (S.D. Ohio).** ORTL filed suit in the U.S. District Court of the Southern District of Ohio to challenge multiple provisions of Ohio's campaign finance law, including its "electioneering communications" corporate funding prohibition and related disclosure requirements. On July 18, 2008, and in my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center (CLC), I filed an *amici* brief on behalf of CLC and Ohio Citizen Action, defending the constitutionality of Ohio's electioneering communications disclosure requirements.

***TEXAS DEMOCRATIC PARTY v. KING STREET PATRIOTS*, No. D-1-GN-11-002363 (D.Ct. Travis Co.)** The Texas Democratic Party filed an action seeking damages and declaratory and injunctive relief in connection to several violations of state campaign finance law allegedly

committed by the King Street Patriots. In response to the suit, the King Street Patriots filed a counterclaim challenging numerous provisions of Texas campaign finance law, including the state corporate contribution restriction, and the disclosure and organizational requirements applicable to political committees and related statutory definitions. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed in September 2011 an *amicus* brief to oppose the counterclaim and to defend the constitutionality of Texas' campaign finance laws.

NATIONAL ORGANIZATION FOR MARRIAGE v. ***BROWNING,*** This was a constitutional challenge to certain provisions of Florida law relating to electioneering communications and disclosure, alleging that the provisions were overbroad and vague. In my capacity as Director of Litigation at the non-profit, non-partisan Campaign Legal Center, I filed an *amicus* brief in the Eleventh Circuit defending the Florida laws, which were upheld by the court of appeals.

State Contribution Limit Cases

***COMMITTEE ON JOBS, ET AL. v. HERRERA*, 07-cv-03199 (N.D. Cal.)** In June 2007, two political committees filed a challenge in the U.S. District Court for the Northern District of California to the constitutionality of San Francisco's limit on contributions to political committees that make only independent expenditures in City elections. On August 27, 2007, the CLC filed an *amici* brief on behalf of itself and four other nonprofit political reform organizations supporting the constitutionality of the San Francisco contribution limits.

***MINNESOTA CONCERNED CITIZENS FOR LIFE (MCCL) v. SWANSON*, 10-cv-2938 (D. Minn.), on appeal No. 10-3126 (8th Cir.)** MCCL challenged multiple provisions of Minnesota's campaign finance law pertaining to the regulation of corporations. On December 22, 2010, the CLC, with D21, filed an *amici* brief to defend Minnesota's disclosure law and its restrictions on corporate contributions.

***THALHEIMER v. CITY OF SAN DIEGO,* No. 10-55322 (9th Cir.)** In December 2009, plaintiffs filed a constitutional challenge to several provisions of San Diego's campaign finance laws. On April 9, 2010, the CLC filed a brief *amici curie* with the Ninth Circuit on behalf of itself and two other public interest groups to support the contribution limit.

State Public Financing Cases

***WISCONSIN RIGHT TO LIFE v. BRENNAN*, 3:09-cv-00764 (W.D. Wis.), No. 11-1769 (7th Cir.) and *KOSCHNICK v. DOYLE*, 3:09-cv-00767 (W.D. Wis.).** In December 2009, two cases were filed to challenge the trigger provisions of Wisconsin's recently-enacted public financing program, as well as other program components. The CLC filed an *amici* brief on June 17, 2011.

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., In His Official Capacity As Attorney General Of The United States, Defendants, WENDY DAVIS, *et al.*, Defendant-Intervenors, MEXICAN-AMERICAN LEGISLATIVE CAUCUS, Defendant-Intervenors, GREG GONZALEZ, *et al.*, Defendant-Intervenors, TEXAS LEGISLATIVE BLACK CAUCUS, Defendant-Intervenor, TEXAS LATINO REDISTRICTING TASK FORCE, Defendant-Intervenor, TEXAS STATE CONFERENCE OF NAACP BRANCHES, *et al.*, Defendant-Intervenors, League of United Latin American CITIZENS (LULAC)	)	No.1:11-CV-1303 (RMC-TBG-BAH) (three-judge court)

DECLARATION OF PAUL M. SMITH

I, Paul M. Smith, hereby declare as follows:

1. I am a partner at Jenner & Block LLP ("Jenner") and counsel for Defendant-Intervenors Wendy Davis, *et al*., (hereafter "Davis Intervenors") in the above-captioned case. The testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open Court if called upon to do so, and on records contemporaneously generated and kept by my Firm in the ordinary course of its law practice. This Declaration is submitted in support of the Davis Intervenors' Motion for an Award of Attorneys' Fees and Expenses.

2. Jenner became involved in this litigation in July of 2011 to provide Jenner's unique expertise in voting rights and redistricting litigation, as well as its considerable expertise in Supreme Court practice.

3. I chair Jenner's Appellate and Supreme Court practice, and serve as co-chair of Jenner's Media and First Amendment, and Election Law and Redistricting practices. I have argued fourteen cases before the United States Supreme Court, beginning with *Celotex Corp. v. Cattrett*, 477 U.S. 317 (1986). I also have extensive experience litigating complex cases in federal and state courts across the country, including major civil rights cases. My experience with civil rights litigation includes: (1) multiple cases in the 1980s involving the rights of residents of state mental health facilities; (2) a large gender bias case brought against Nassau County, NY in the 1990s; (3) constitutional challenges to state and federal laws that restrict freedom of expression; and (4) constitutional challenges to state and federal laws that discriminate on the basis of sexual orientation. In 2010, I was awarded the Thurgood Marshall Award from the American Bar Association Section of Individual Rights and Responsibilities, and was named one of the "Decade's Most Influential Lawyers" by *The National Law Journal*. In addition, I am a member

of the Board of Directors of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

4. My civil rights practice also includes representing the interests of voters in enforcing the United States Constitution and the Voting Rights Act. I have litigated a number of such cases, including *Balderas v. State of Texas, Texas v. United States, LULAC v. Perry, Crawford v. Marion County Election Board,* and *Vieth v. Jubelirer*. I argued the *LULAC, Crawford,* and *Vieth* cases in the United States Supreme Court. I am nationally recognized as an expert on voting rights and election law and am the co-author of *The Realist's Guide to Redistricting: Avoiding the Legal Pitfalls* (2010).

5. Jenner provided support through the summary judgment and trial phase of the litigation, but was primarily responsible for representing the Davis Intervenors in the United States Supreme Court when Defendants appealed (handling the legal research and merits brief writing) and when the Davis Intervenors moved to dismiss the appeal as moot. Mark P. Gaber, an Associate at Jenner, was responsible for preparing this fee petition. At the Supreme Court, Texas requested that "the Intervenors' motion [to dismiss the appeal as moot] . . . be denied, and that the district court's judgment should be vacated in light of *Shelby County*." June 26, 2013 Clement Letter to the Court. The Court declined to do what Defendants requested, and instead vacated and remanded for "further consideration in light of *Shelby County v. Holder* . . . and the suggestion of mootness of [Defendant-Intervenors]." *Texas v. United States*, 133 S. Ct. 2885, 2885 (2013).

6. The other Jenner attorneys involved in this litigation were Jessica Ring Amunson, Caroline D. Lopez, and Neal Ubriani. Biographies of the Jenner team involved in this matter are attached hereto as Exhibit 1.

7. Attached hereto as Exhibit 2 are redacted time records for this case detailing the time for which Jenner is seeking compensation in this case. The records are redacted so as to segregate only the time spent working on the preclearance litigation in this Court (some entries reflect modifications from the computer generated records to account for reductions to isolate only that time spent on the preclearance litigation in this Court); some entries are redacted to protect attorney work product. I am prepared to submit the full records to the Court for inspection *in camera* at its request.

8. Throughout the time Jenner worked on this matter, its timekeepers have been required to keep daily time-records that reflect the amount of time spent on this matter each day, along with a description of the tasks performed. These records are entered into a computer database, checked, and maintained in computer-readable format.

9. Jenner attorneys expended the following hours in this litigation: 2011: Paul Smith (.5 hours), Jessica Ring Amunson (5.75 hours), and Caroline Lopez (36.75 hours); 2012: Paul Smith (3.75 hours), Jessica Ring Amunson (19.25 hours), Caroline Lopez (63.25 hours), Neal Ubriani (55.25 hours); 2013: Paul Smith (3.75 hours), Jessica Ring Amunson (9.25 hours); Neal Ubriani (14 hours) Mark Gaber (33.50 hours).

10. Jenner normally charges for the services of its attorneys on the basis of hourly rates. The lodestar calculation is made based upon reasonable hourly rates for all current attorneys. These rates change from year to year. For 2011, the following rates were in effect: Paul Smith: $875, Jessica Ring Amunson: $555, and Caroline Lopez: $435. For 2012, the following rates were in effect: Paul Smith: $950, Jessica Ring Amunson: $575, Caroline Lopez: $490, Neal Ubriani: $340. For 2013, the following rates were in effect: Paul Smith: $985, Jessica Ring Amunson: $625, Neal Ubriani: $355, Mark Gaber: $470.

11. Applying these rates to the hours expended, Jenner seeks the following in attorneys' fees: 2011: Paul Smith: $437.50, Jessica Ring Amunson: $3,191.25, Caroline Lopez: $15,986.25; 2012: Paul Smith: $3,562.50, Jessica Ring Amunson: $11,068.75, Caroline Lopez: $30,992.50; Neal Ubriani: $18,785.00; 2013: Paul Smith: $3,693.75, Jessica Ring Amunson: $5,781.25, Neal Ubriani: $4,970.00; Mark Gaber: $15,745.00. The total amount of fees sought for Jenner attorneys is $114,213.75.

12. In addition to the participation of Jenner's attorneys, a Jenner paralegal, Cheryl L. Olson, provided significant assistance in preparing the Supreme Court filings, including cite-checking, editing, and filing logistics. In 2011, Cheryl Olson expended 1.75 hours, in 2012 Cheryl Olson expended 16 hours, and in 2013 Cheryl Olson expended 8.25 hours.

13. Jenner normally charges for the services of its paralegals on the basis of hourly rates. These rates change from year to year. For 2011, Cheryl Olson hourly rate was $280, for 2012 it was $295, and for 2013 it was $310. These hourly rates are consistent with the usual and customary hourly rates for the Firm's work and these rates have been paid by Jenner's commercial clients.

14. Applying these rates to the hours Cheryl Olson expended, Jenner seeks the following in fees: 2011: Cheryl Olson: $490.00; 2012: Cheryl Olson: $4,720.00; 2013: Cheryl Olson: $2,557.50. The total amount of fees sought for Cheryl Olson is $7,767.50.

15. Jenner & Block is not seeking any costs in this Court. Although Jenner & Block incurred certain costs in connection with preparing and filing its Supreme Court briefs, in the exercise of my billing judgment, Jenner has determined it will not seek those costs from this Court.

16. The total fees sought by Jenner are $121,981.25.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this Declaration was prepared in the District of Columbia on December 17, 2013.

Paul M. Smith

EXHIBIT 1

EXHIBIT 1

Brief Biographies of Jenner & Block Attorneys

Paul M. Smith

Paul M. Smith is a partner in the Firm's Litigation Department. He is a member of the Firm's Policy Committee. He is Chair of the Appellate and Supreme Court Practice and a Co-Chair of the Creative Content, Media and First Amendment, and Election Law and Redistricting Practices. Mr. Smith is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability.

Mr. Smith has had an active Supreme Court practice for two decades, including oral arguments in fourteen Supreme Court cases. These arguments have included *Crawford v. Marion County Election Board* (2008), the Indiana Voter ID case; *LULAC v. Perry* (2006), and *Vieth v. Jubelirer* (2003), two congressional redistricting cases; *Lawrence v. Texas* (2003), involving the constitutionality of the Texas sodomy statute; *United States v. American Library Ass'n* (2003), involving a First Amendment challenge to the Children's Internet Protection Act; and *Mathias v. WorldCom* (2001), dealing with the Eleventh Amendment immunity of state commissions. His first argument was in *Celotex Crop. v. Catrett* in 1986. Mr. Smith also worked extensively on several other First Amendment cases in the Supreme Court, involving issues ranging from commercial speech to defamation to "adult" speech on the Internet.

Mr. Smith also represents various clients in trial and appellate cases involving commercial and telecommunications issues, the First Amendment, intellectual property, antitrust, and redistricting and voting rights, among other areas. His recent trial work has included several cases involving congressional redistricting as well as challenges to state video game restrictions under the First Amendment.

Mr. Smith graduated *summa cum laude* and Phi Beta Kappa from Amherst College in 1976 and received a J.D. from Yale Law School in 1979, where he served as Editor-in-Chief of the *Yale Law Journal*. The following year, Mr. Smith was a law clerk to Judge James L. Oakes of the United States Court of Appeals for the Second Circuit. From 1980-81, Mr. Smith was a law clerk to Supreme Court Justice Lewis F. Powell, Jr.

Mr. Smith was a member of the Board of Governors of the District of Columbia Bar from 2002-2008. He is a former board member and former Chair of the National Board of Directors of The American Constitution Society, former Co-Chair of the Board of Directors of Lambda Legal, and a member of the Board of Directors of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

Since 2003, *Chambers USA* has named him one of the country's leading lawyers in the areas of Appellate Litigation and Media & Entertainment Law. In 2007, 2008, 2009, and 2010, *Chambers USA* also named him one of the country's leading lawyers in the area of First Amendment Litigation. Mr. Smith was recognized in the 2007, 2008, 2009, and 2010 Editions of *Washington DC Super Lawyers* for Appellate Law and as one of the Top 100 Lawyers in DC.

In 2010, Mr. Smith was named one of the Top 10 Lawyers in Washington, DC by Washington DC Super Lawyers and one of "Washington's Top Lawyers" by *Washingtonian* magazine. Mr. Smith was also named one of the "Decade's Most Influential Lawyers" by *The National Law Journal* in 2010. The Firm was also selected as 2010 "Copyright Firm of the Year" by *Managing Intellectual Property* magazine. In 2010, Mr. Smith was awarded the Thurgood Marshall Award from the American Bar Association Section of Individual Rights and Responsibilities.

Mr. Smith is admitted to practice in Maryland, New York, and the District of Columbia.

Jessica Ring Amunson

Ms. Amunson is a Partner in Jenner & Block's Appellate and Supreme Court Practice and its Election Law and Redistricting Practice. Ms. Amunson is a 2004 *magna cum laude* graduate of Harvard Law School, where she served as Articles Editor for the *Harvard Law Review*. She received a Master's degree from Georgetown University in 1997, and graduated *magna cum laude* and Phi Beta Kappa with a Bachelor of Arts degree from Georgetown University in 1995. After graduating law school, Ms. Amunson served as a law clerk to the Honorable Merrick B. Garland of the United States Court of Appeals for the District of Columbia Circuit.

Ms. Amunson has significant experience briefing matters before the United States Supreme Court and focuses her practice on election law and redistricting. She has litigated election law and redistricting matters in a number of states, including litigation involving disputed elections. Ms. Amunson is frequently recognized for her extensive knowledge of election law and often speaks on panels regarding issues in redistricting and voting rights. She was recently featured in a video lecture series for state court judges sponsored by the National Center for State Court on "Redistricting Litigation: What Every Judge Needs to Know."

Caroline D. Lopez

Caroline D. Lopez is a former Associate in the Firm's Litigation Department. She was a member of the Firm's Diversity Committee and a member of the Election Law and Redistricting Practice. She graduated *summa cum laude* and Phi Beta Kappa from Yale University in 2005, and from Yale Law School in 2008, where she was Comments Editor for the *Yale Journal of Law and Feminism*. In law school, Ms. Lopez published a Note in the *Asian Pacific American Law Journal* entitled *Beyond the Old Paradigms: The Continuum Theory of Asian, Black, and Latino Voting Coalitions*. While at Yale Law School, Ms. Lopez was a teaching assistant for Professor William Eskridge's Constitutional Law class.

From 2009 to 2010, Ms. Lopez clerked for Judge Judith W. Rogers of the D.C. Circuit Court of Appeals. She is admitted to practice in Virginia and the District of Columbia. In 2013, Ms. Lopez accepted a position at the United States Department of Justice.

Mark P. Gaber

Mark P. Gaber is an Associate in the Firm's Washington, D.C. office. Mr. Gaber is a 2010 graduate of Stanford Law School, where he served as Senior Symposium Editor for the *Stanford Law Review* and earned the Gerald Gunther Award for Outstanding Performance in Constitutional Law, Torts, Legislation, and Employment Law, and, upon graduation, the Pro Bono Distinction Award. Mr. Gaber received a Bachelor of Arts Degree from St. Norbert College in 2005, graduating *summa cum laude*, and in 2004 he was selected as a Harry Truman Scholar, representing the State of Wisconsin. Prior to attending law school, Mr. Gaber worked as an Environmental Protection Specialist and Truman Fellow at the Federal Highway Administration in Washington, D.C.

Mr. Gaber joined the Firm as an Associate in 2010. In his first year, Mr. Gaber worked on an array of cases, including defending an Internet Service Provider against putative class action lawsuits alleging violations of the Wiretap Act and the Computer Fraud and Abuse Act, among other claims. From 2011 to 2012, Mr. Gaber served as a Law Clerk for the Honorable Judith W. Rogers of the United States Court of Appeals for the District of Columbia Circuit. Mr. Gaber rejoined the Firm in 2011, and works on Media and First Amendment, Hospitality, and other litigation matters. Mr. Gaber's pro bono service includes work on behalf of LGBT rights, human trafficking cases, and landlord-tenant clients. Mr. Gaber is also an Adjunct Professor of Legal Research and Writing at George Washington University Law School.

Mr. Gaber is admitted to practice in California and the District of Columbia.

Neal Ubriani

Neal Ubriani is a former Associate in the Firm's Washington, D.C. office. Mr. Ubriani is a 2012 graduate of Columbia University Law School and a 2008 *cum laude* graduate of Yale University. While at Columbia, Mr. Ubriani was a Harlan Fiske Stone Scholar and served as an Election Law Committee Member on the New York City Bar Association.

Mr. Ubriani joined the Firm as an Associate in 2012. He left the firm in the summer of 2013 to begin two years of judicial clerkships, first for the Honorable Colleen Kollar-Kotelly of the United States District Court for the District of Columbia, and second for the Honorable Rosemary Pooler of the United States Court of Appeals for the Second Circuit.

Mr. Ubriani is admitted to practice in New York.

EXHIBIT 2

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
07/20/2011		2189	CAROLINE D. LOPEZ	1	4.25	1,848.75	4.25	1,848.75	80100	[redacted]
Prepared for meeting and met with P. Smith, G. Hebert, and J. Amunson re next steps; prepared motion to intervene in preclearance panel; phone call with G. Hebert and Angle Strategies re preclearance litigation strategy; prepared motion to intervene; prepared memorandum of law in support of motion to intervene; prepared answers.										
[redacted]										
07/21/2011		0883	CHERYL L. OLSON	1	1.75	490.00	1.75	490.00	80100	[redacted]
Cite checked Memorandum in Support of Motion for Leave to Intervene as Defendant.										
[redacted]										
07/27/2011		1898	JESSICA RING AMUNSON	1	0.50	277.50	0.50	277.50	89000	[redacted]
Reviewed response to motion to intervene; discussed same with C. Lopez.										
[redacted]										

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
[redacted]										
08/03/2011		2189	CAROLINE D. LOPEZ	1	2.75	1,196.25	2.75	1,196.25	80100	
Reviewed and analyzed Texas' opposition to Motion to Intervene; reviewed local rules for filing reply; researched and analyzed cases; met with G. Hebert, J. Amunson, and P. Smith re next steps in preclearance panel.										
08/03/2011		1898	JESSICA RING AMUNSON	1	1.00	555.00	1.00	555.00	80100	
Met with G. Hebert and P. Smith re Texas and reply brief re motion to intervene; discussed same with C. Lopez.										
[redacted]										
08/05/2011		1898	JESSICA RING AMUNSON	1	~~1.75~~ 1.00	~~971.25~~	~~1.75~~ 1.00	~~971.25~~	80100	$555
Reviewed Lichtman report; drafted outline for reply brief re motion to intervene; [redacted]										
08/06/2011		2189	CAROLINE D. LOPEZ	1	7.50	3,262.50	0.00	0.00	80100	
Reviewed and analyzed cases for reply in support of motion to intervene in preclearance panel; prepared reply in support of motion to intervene in preclearance panel.										
08/06/2011		1898	JESSICA RING AMUNSON	1	2.25	1,248.75	2.25	1,248.75	80100	
Researched and edited reply brief re motion to intervene and sent same to team for review.										
[redacted]										

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
[redacted]										
08/21/2011		2189	CAROLINE D. LOPEZ	1	0.25	108.75	0.25	108.75	80100	
Prepared response to Motion to Intervene in D.D.C. litigation.										
[redacted]										
08/24/2011		2189	CAROLINE D. LOPEZ	1	0.25	108.75	0.25	108.75	80100	
Email correspondence with G. Hebert, P. Smith, M. DeSanctis, and J. Amunson re meetings with DOJ and filings in D.D.C. litigation.										
[redacted]										

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
[redacted]										
8/31/2011		2189	CAROLINE D. LOPEZ	1	3.00	1,305.00	3.00	1,305.00	80100	
Prepared letter re proportionality for preclearance litigation.										
[redacted]										
9/15/2011		1898	JESSICA RING AMUNSON	1	0.50	277.50	0.50	277.50	80100	
Reviewed summary judgment motion in Section 5 case and emailed C. Lopez re same.										
9/16/2011		2189	CAROLINE D. LOPEZ	1	1.25	543.75	1.25	543.75	80100	
Reviewed and analyzed Texas' Motion for Summary Judgment in preclearance litigation.										
9/17/2011		0291	PAUL M. SMITH	1	0.50	437.50	0.00	0.00	80100	
Reviewed the State's Section 5 Motion for Summary Judgment.										
9/17/2011		2189	CAROLINE D. LOPEZ	1	0.25	108.75	0.25	108.75	80100	
Phone call with G. Hebert re Opposition to Motion for Summary Judgment in preclearance litigation.										
9/18/2011		2189	CAROLINE D. LOPEZ	1	3.25	1,413.75	3.25	1,413.75	80100	
Reviewed and analyzed record for Opposition to Motion for Summary Judgment in Texas preclearance litigation.										
9/19/2011		1898	JESSICA RING AMUNSON	1	0.50	277.50	0.00	0.00	80100	
Meeting with P. Smith, C. Lopez and G. Hebert to discuss opposition to summary judgment motion; reviewed DOJ answer in Section 5 case.										

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
09/19/2011		2189	CAROLINE D. LOPEZ	1	3.75	1,631.25	3.75	1,631.25	80100	
Reviewed and analyzed record presented by Texas in Motion for Summary Judgment; met with P. Smith, G. Hebert, and J. Amunson re Motion for Summary Judgment; reviewed and analyzed DOJ's Answer in preclearance litigation.										
[redacted]										
09/20/2011		2189	CAROLINE D. LOPEZ	1	4.25	1,848.75	4.25	1,848.75	80100	
Reviewed and analyzed record for Opposition to Motion for Summary Judgment in Texas preclearance litigation.										
[redacted]										
09/21/2011		2189	CAROLINE D. LOPEZ	1	4.75	2,066.25	4.75	2,066.25	80100	
Reviewed and analyzed record for Opposition to Motion for Summary Judgment in Texas preclearance litigation.										
[redacted]										
09/22/2011		2189	CAROLINE D. LOPEZ	1	0.50	217.50	0.50	217.50	80100	
Reviewed and edited legal position on Senate Districts in preclearance litigation.										
09/23/2011		2189	CAROLINE D. LOPEZ	1	0.75	326.25	0.75	326.25	80100	
Prepared brief statement re districts in preclearance litigation.										
[redacted]										

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity	[redacted]
[redacted]											
01/02/2012		2189	CAROLINE D. LOPEZ	1	2.75	1,347.50	2.75	1,347.50	80100		
prepared for and phone conference with G. Hebert, M. Angle, and L. Turner re Zaffirini prepartion (1.25).											
01/02/2012		2189	CAROLINE D. LOPEZ	1	~~1.00~~ .25	~~490.00~~	~~1.00~~ .25	~~490.00~~	80100	$122.50	
prepared for deposition (0.25).											
[redacted]											
01/02/2012		2189	CAROLINE D. LOPEZ	1	2.50	1,225.00	2.50	1,225.00	80100		
Prepared for and phone conference with G. Hebert, M. Angle, and L. Turner re Zaffirini preparation for preclearance trial, prepared for Zaffirini deposition and trial testimony for preclearance trial; phone call with H. Cook re the same (1.25).											
[redacted]											
01/03/2012		2189	CAROLINE D. LOPEZ	1	0.75	367.50	0.75	367.50	80100		
[redacted]											

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
Prepared for deposition; phone call with R. Martinez.										
[redacted]										
01/03/2012		2189	CAROLINE D. LOPEZ	1	0.75	367.50	0.75	367.50	80100	
Prepared for Zaffirini deposition and trial testimony for preclearance trial; phone call with R. Martinez re the same.										
[redacted]										
01/04/2012		2189	CAROLINE D. LOPEZ	1	4.00	1,960.00	4.00	1,960.00	80100	
Prepared for Zaffirini deposition and trial testimony for preclearance trial.										
01/04/2012		0883	CHERYL L. OLSON	1	1.50	442.50	1.50	442.50	80100	
Assisted in gathering and organizing exhibits for deposition and trial per C. Lopez.										
[redacted]										
01/05/2012		2189	CAROLINE D. LOPEZ	1	11.75	5,757.50	11.75	5,757.50	80100	
Prepared for defending Zaffirini deposition and trial testimony for preclearance trial; met with R. Martinez re the same.										
01/06/2012		2189	CAROLINE D. LOPEZ	1	9.25	4,532.50	9.25	4,532.50	80100	
Prepared for Zaffirini deposition and trial testimony for preclearance trial; met with R. Martinez re the same; met with J. Zaffirini re the same; defended deposition and took trial testimony; phone call with G. Hebert re the same.										
[redacted]										

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
[redacted]										
01/07/2012		2189	CAROLINE D. LOPEZ	1	0.25	122.50	0.25	122.50	80100	
Email correspondence with P. Smith, G. Hebert; and J. Amunson re J. Zaffirini deposition and testimony; email correspondence with M. Angle, L. Turner, G. Hebert, and vendors to coordinate videotape and transcript production.										
[redacted]										
01/10/2012		0883	CHERYL L. OLSON	1	0.75	221.25	0.75	221.25	80100	
Telephone conferences with court reporting agency re obtaining transcript; worked on copying video of depositions.										
[redacted]										
10/19/2012		1898	JESSICA RING AMUNSON	1	0.50	287.50	0.50	287.50	80100	
Reviewed Texas jurisdictional statement and emailed P. Smith and G. Hebert re same.										
10/22/2012		2511	NEAL R. UBRIANI	1	2.50	850.00	2.50	850.00	80100	
Reviewed State of Texas' Jurisdictional Statement (Brief and Appendix) in preparation for October 23 meeting with J. Amunson, G. Hebert, C. Lopez, and P. Smith.										
10/22/2012		2189	CAROLINE D. LOPEZ	1	0.50	245.00	0.50	245.00	80100	
Reviewed and analyzed Texas' Jurisdictional Statement.										
10/22/2012		1898	JESSICA RING AMUNSON	1	0.75	431.25	0.75	431.25	80100	
Reviewed Texas jurisdictional statement; coordinated staffing re response to same; met with N. Ubriani re same.										
10/23/2012		2511	NEAL R. UBRIANI	1	1.00	340.00	1.00	340.00	80100	
Meeting with J. Amunson, G. Hebert, C. Lopez, and P. Smith to discuss response to Texas Jurisdiction Statement.										
10/23/2012		2189	CAROLINE D. LOPEZ	1	0.50	245.00	0.50	245.00	80100	
Met with P. Smith, G. Hebert, J. Amunson, and N. Ubriani re response to jurisdictional statement.										
10/23/2012		1898	JESSICA RING AMUNSON	1	1.00	575.00	1.00	575.00	80100	
Reviewed jurisdictional statement and reviewed rules re response; met with P. Smith and G. Hebert re response; discussed same with N. Ubriani and C. Lopez.										
10/24/2012		2511	NEAL R. UBRIANI	1	1.00	340.00	1.00	340.00	80100	

[redacted]

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity	[redacted]
Reviewed district court opinion in preparation for 10/25 conference call to discuss responses to Texas' jurisdictional statement.											
10/25/2012		2511	NEAL R. UBRIANI	1	3.50	1,190.00	3.50	1,190.00	80100		[redacted]
Researching requirements of discriminatory purpose prong of section 5 of the Voting Rights Act for planned Motion to Affirm. Meeting with J. Amunson and C. Lopez for conference call with other intervenors and to discuss schedule for planned Motion to Affirm.											
10/25/2012		2189	CAROLINE D. LOPEZ	1	0.75	367.50	0.75	367.50	80100		[redacted]
Phone call wih counsel re next steps; met with J. Amunson and N. Urbani re the same.											
10/25/2012		1898	JESSICA RING AMUNSON	1	1.00	575.00	1.00	575.00	80100		[redacted]
Conference call with other intervenors to discuss status; met with N. Ubriani and C. Lopez re drafting reply.											
10/29/2012		2511	NEAL R. UBRIANI	1	6.00	2,040.00	6.00	2,040.00	80100		[redacted]
Researched whether a party opposing intervention may take an interlocutory appeal of a grant of intervention, as requested by J. Amunson in 10/25 meeting.											
10/29/2012		1898	JESSICA RING AMUNSON	1	0.50	287.50	0.50	287.50	80100		[redacted]
Reviewed N. Ubriani research re interlocutory appeals and responded to same.											
11/01/2012		2189	CAROLINE D. LOPEZ	1	0.25	122.50	0.25	122.50	80100		[redacted]
Met with N. Urbani re opposition to jurisdictional statement.											
11/02/2012		0291	PAUL M. SMITH	1	0.25	237.50	0.25	237.50	80100		[redacted]
Telephone call with G. Hebert and Jenner team re opposition to jurisdictional statement.											
11/02/2012		2511	NEAL R. UBRIANI	1	1.00	340.00	1.00	340.00	80100		[redacted]
Participated in conference call with other intervenors led by G. Hebert. Follow-up meeting with C. Lopez to discuss research needed for Motion to Affirm.											
11/02/2012		2511	NEAL R. UBRIANI	1	0.25	85.00	0.25	85.00	80100		[redacted]
Participated in conference call with G. Hebert, P. Smith, and C. Lopez to discuss briefing for Motion to Affirm. Participated in follow-up phone call with C. Lopez to discuss immediate responsibilities.											
11/02/2012		1898	JESSICA RING AMUNSON	1	0.75	431.25	0.75	431.25	80100		[redacted]
Reviewed outline and participated in conference call with intervenors to discuss briefing and SG meeting; emailed with C. Lopez and N. Ubriani re assignments.											
11/02/2012		2189	CAROLINE D. LOPEZ	1	1.75	857.50	1.75	857.50	80100		[redacted]
Phone call with intervenors; met with N. Urbani re research assignments; phone call with P. Smith, G. Hebert, and N. Urbani re briefing; email correspondence with J. Amunson and N. Urbani re the same.											
11/05/2012		2511	NEAL R. UBRIANI	1	2.25	765.00	2.25	765.00	80100		[redacted]
Researched how the district court opinion addressed discriminatory purpose, as requested by C. Lopez. Participated in conference call with other intervenors with G. Hebert, J. Amunson, and C. Lopez. Meeting with J. Amunson and C. Lopez to discuss briefing tasks. Meeting with C. Lopez to discuss briefing tasks.											
11/05/2012		1898	JESSICA RING AMUNSON	1	0.75	431.25	0.75	431.25	80100		[redacted]
Conference call with intervenors; met with C. Lopez and N. Ubriani to discuss briefing assignments.											
11/05/2012		2189	CAROLINE D. LOPEZ	1	1.25	612.50	1.25	612.50	80100		[redacted]

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Time Report

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Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity	[redacted]
Conference call with intervenors re brief division; met with J. Amunson and N. Ubriani re the same; met with N. Ubriani re the same; email correspondence with N. Ubriani re the same.											
11/07/2012	2511	NEAL R. UBRIANI		1	8.25	2,805.00	8.25	2,805.00	80100		[redacted]
Drafted section of motion to affirm addressing whether Texas' increase in districts with no corresponding increase in minority districts was retrogressive.											
11/07/2012	2189	CAROLINE D. LOPEZ		1	0.25	122.50	0.25	122.50	80100		[redacted]
Email correspondence with N. Urbiani re draft.											
11/08/2012	2189	CAROLINE D. LOPEZ		1	3.50	1,715.00	3.50	1,715.00	80100		[redacted]
Edited Abrams section; met with N. Ubriani re the same.											
11/09/2012	2511	NEAL R. UBRIANI		1	1.00	340.00	1.00	340.00	80100		[redacted]
Researched what percentage of population growth in Georgia between 1980 and 1990 was due to minority population growth, as requested by J. Amunson. Read through draft of section on Motion to Affirm addressing retrogression when additional congressional seats are added, as edited by C. Lopez.											
11/09/2012	1898	JESSICA RING AMUNSON		1	1.50	862.50	1.50	862.50	80100		[redacted]
Edited Abrams section of brief and discussed same with C. Lopez and N. Ubriani; sent draft to P. Smith for review.											
11/09/2012	2189	CAROLINE D. LOPEZ		1	0.50	245.00	0.50	245.00	80100		[redacted]
Edited Abrams section.											
11/12/2012	2189	CAROLINE D. LOPEZ		1	3.25	1,592.50	3.25	1,592.50	80100		[redacted]
Reviewed and analyzed briefing in Georgia v. Ashcroft re intervention; drafted brief re intervention.											
11/12/2012	2189	CAROLINE D. LOPEZ		1	0.50	245.00	0.50	245.00	80100		[redacted]
Prepared statement of the case.											
11/13/2012	1898	JESSICA RING AMUNSON		1	0.50	287.50	0.50	287.50	80100		[redacted]
Emailed G. Hebert and P. Smith re N. Perales email; emailed C. Lopez and N. Ubriani re drafting motion for summary affirmance.											
11/14/2012	1898	JESSICA RING AMUNSON		1	1.75	1,006.25	1.75	1,006.25	80100		[redacted]
Prepared for and attended meeting with Solicitor General's office re motion for affirmance briefing; emailed G. Hebert re same.											
11/15/2012	2511	NEAL R. UBRIANI		1	3.50	1,190.00	3.50	1,190.00	80100		[redacted]
Drafted section of Motion to Affirm addressing discriminatory purpose in the State Senate Plan.											
11/15/2012	2189	CAROLINE D. LOPEZ		1	0.25	122.50	0.25	122.50	80100		[redacted]
Met with N. Ubriani re senate briefing.											
11/16/2012	2511	NEAL R. UBRIANI		1	8.00	2,720.00	8.00	2,720.00	80100		[redacted]
Drafted section of Motion to Affirm addressing discriminatory purpose in the State Senate Plan.											
11/16/2012	1898	JESSICA RING AMUNSON		1	0.25	143.75	0.25	143.75	80100		[redacted]
Emailed N. Ubriani re substantive questions on draft motion for affirmance.											
11/17/2012	2189	CAROLINE D. LOPEZ		1	4.00	1,960.00	4.00	1,960.00	80100		[redacted]

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Time Report

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Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity	[redacted]
Prepared senate briefing.											
11/18/2012		2189	CAROLINE D. LOPEZ	1	3.50	1,715.00	3.50	1,715.00	80100		[redacted]
Prepared senate briefing; email correspondence with N. Ubriani re the same.											
11/19/2012		2189	CAROLINE D. LOPEZ	1	1.50	735.00	1.50	735.00	80100		[redacted]
Prepared senate briefing; email correspondence with J. Amunson and N. Ubriani re the same; met with J. Amunson re the same; phone call with N. Ubriani re the same.											
11/19/2012		1898	JESSICA RING AMUNSON	1	2.50	1,437.50	2.50	1,437.50	80100		[redacted]
Reviewed and edited draft brief from C. Lopez and N. Ubriani; emailed them re same; discussed statement of case with C. Lopez.											
11/20/2012		2511	NEAL R. UBRIANI	1	3.75	1,275.00	3.75	1,275.00	80100		[redacted]
Researched and drafted section of Motion to Affirm addressing standard of review for a district court's grant of intervention. Researched and drafted section of Statement of the Case in Motion to Affirm addressing Texas's destruction of the emerging ability district in Senate District 10.											
11/20/2012		2189	CAROLINE D. LOPEZ	1	3.75	1,837.50	3.75	1,837.50	80100		[redacted]
Prepared senate briefing; met with N. Ubriani re the same.											
11/21/2012		0291	PAUL M. SMITH	1	1.00	950.00	1.00	950.00	80100		[redacted]
Reviewed draft Senate brief responding to Texas J.S. and sent edits.											
11/21/2012		2189	CAROLINE D. LOPEZ	1	1.75	857.50	1.75	857.50	80100		[redacted]
Prepared Senate briefing; met with J. Amunson re the same.											
11/21/2012		1898	JESSICA RING AMUNSON	1	1.50	862.50	1.50	862.50	80100		[redacted]
Reviewed and edited summary motion for affirmance; sent same to P. Smith and G. Hebert for review; reviewed P. Smith edits re same.											
11/26/2012		2189	CAROLINE D. LOPEZ	1	1.50	735.00	1.50	735.00	80100		[redacted]
Edited Senate briefing; phone call with N. Ubriani re the same; met with J. Amunson re the same; email correspondence with G. Hebert re the same.											
11/26/2012		2511	NEAL R. UBRIANI	1	2.25	765.00	2.25	765.00	80100		[redacted]
Combined edits made by P. Smith and G. Hebert to Senate Brief into one document. Edited Senate Brief in response to comments made by G. Hebert in his revisions to the Brief as well as in e-mail.											
11/26/2012		1898	JESSICA RING AMUNSON	1	1.75	1,006.25	1.75	1,006.25	80100		[redacted]
Reviewed and edited draft from C. Lopez; sent same to P. Smith and G. Hebert for review.											
11/27/2012		2189	CAROLINE D. LOPEZ	1	0.25	122.50	0.25	122.50	80100		[redacted]
Prepared senate briefing; met with N. Ubriani re the same.											
11/27/2012		2511	NEAL R. UBRIANI	1	2.75	935.00	2.75	935.00	80100		[redacted]
Revised Senate Brief to include correct citations to district court exhibits and trial testimony, as requested by C. Lopez. Revised Senate Brief based on suggestions received from Matt Angle, as requested by J. Amunson.											
11/28/2012		2189	CAROLINE D. LOPEZ	1	0.50	245.00	0.50	245.00	80100		[redacted]
Edited senate brief; coordianted with J. Skafidis re formatting.											
11/28/2012		0883	CHERYL L. OLSON	1	1.25	368.75	1.25	368.75	80100		[redacted]

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Time Report

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Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity	[redacted]
Cite checked motion to affirm.											
11/29/2012	0883	CHERYL L. OLSON		1	1.75	516.25	1.75	516.25	80100		[redacted]
Cite checked Motion to Affirm.											
11/29/2012	1898	JESSICA RING AMUNSON		1	~~1.25~~ 1.00	~~718.75~~	~~1.25~~ 1.00	~~718.75~~	80100	$575.00	[redacted]
Worked on Supreme Court brief; [redacted]											
[redacted]											
11/30/2012	0883	CHERYL L. OLSON		1	2.00	590.00	2.00	590.00	80100		[redacted]
Cite checked Motion to Affirm.											
12/03/2012	2511	NEAL R. UBRIANI		1	0.75	255.00	0.75	255.00	80100		[redacted]
Revised Senate Brief based on record cite check performed by F. Aul.											
[redacted]											
12/03/2012	1898	JESSICA RING AMUNSON		1	~~0.75~~ .50	~~431.25~~	~~0.75~~ .50	~~431.25~~	80100	$287.50	[redacted]
Telephone conference with Solicitor General office re brief; emailed G. Hebert re same; [redacted]											
12/04/2012	2511	NEAL R. UBRIANI		1	0.50	170.00	0.50	170.00	80100		[redacted]
Incorporated revisions to Senate Brief made by J. Amunson, as requested by C. Lopez.											
12/04/2012	0883	CHERYL L. OLSON		1	2.25	663.75	2.25	663.75	80100		[redacted]
Cite checked motion to affirm.											
12/04/2012	1898	JESSICA RING AMUNSON		1	1.50	862.50	1.50	862.50	80100		[redacted]
Edited and finalized brief; sent same to C. Lopez and N. Ubriani for review.											
12/05/2012	2511	NEAL R. UBRIANI		1	0.75	255.00	0.75	255.00	80100		[redacted]
Revised Texas Senate Brief to correct citation errors highlighted by C. Olson.											
12/05/2012	2511	NEAL R. UBRIANI		1	2.50	850.00	2.50	850.00	80100		[redacted]
Revised Texas Senate Brief [redacted]											
12/05/2012	0883	CHERYL L. OLSON		1	2.75	811.25	2.75	811.25	80100		[redacted]
Cite checked motion to affirm; reviewed and revised motion to affirm.											
12/05/2012	2189	CAROLINE D. LOPEZ		1	0.25	122.50	0.25	122.50	80100		[redacted]
Prepared Senate brief.											
12/06/2012	0291	PAUL M. SMITH		1	2.50	2,375.00	2.50	2,375.00	80100		[redacted]
Edited Senate brief; e-mailed with team re SG issue.											

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Time Report

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Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity	[redacted]
12/06/2012		2511	NEAL R. UBRIANI	1	0.25	85.00	0.25	85.00	80100		
Reviewed trial transcripts for evidence that Department of Justice reconsidered its position on lack of discriminatory intent in the Senate Plan at the close of trial.											
12/06/2012		0883	CHERYL L. OLSON	1	2.50	737.50	2.50	737.50	80100		
Cite checked motion to affirm; reviewed and revised motion to affirm.											
12/06/2012		1898	JESSICA RING AMUNSON	1	0.75	431.25	0.75	431.25	80100		
Reviewed and edited almost final copy of brief.											
12/06/2012		2189	CAROLINE D. LOPEZ	1	0.50	245.00	0.50	245.00	80100		
Met with N. Ubriani re transcript citations; email correspondence with G. Hebert, P. Smith, J. Amunson, and N. Ubriani re the same; phone call with J. Amunson re filing; phone call with N. Ubriani re the same; email correspondence with C. Olson re the same.											
12/07/2012		2511	NEAL R. UBRIANI	1	3.50	1,190.00	3.50	1,190.00	80100		
Finalized Senate Brief for filing in the Supreme Court. Compiled final Table of Authorities with C. Olson. Corrected errors in Table of Contents. Prepared Certificate of Service and Certificate of Word Count.											
12/07/2012		0883	CHERYL L. OLSON	1	1.00	295.00	1.00	295.00	80100		
Reviewed and revised motion to affirm; assisted in filing and serving motion to affirm.											
12/07/2012		1898	JESSICA RING AMUNSON	1	0.50	287.50	0.50	287.50	80100		
Reviewed final brief and coordinated filing re same; reviewed SG brief and emailed P. Smith and G. Hebert re same.											
[redacted]											
12/07/2012		2189	CAROLINE D. LOPEZ	1	0.25	122.50	0.25	122.50	80100		
Met with C. Olson re filing; email correspondence with G. Hebert, J. Amunson, N. Ubriani, and C. Olson re the same.											
12/11/2012		0883	CHERYL L. OLSON	1	0.25	73.75	0.25	73.75	80100		
Worked on confirming service of motion to affirm.											
06/17/2013		2511	NEAL R. UBRIANI	1	5.75	2,041.25	5.75	2,041.25	80100		
Researched and revised motion to dismiss appeal before the Supreme Court based on mootness caused by Texas's passing new redistricting plans, as requested by J, Amunson.											
06/17/2013		1898	JESSICA RING AMUNSON	1	3.50	2,187.50	3.50	2,187.50	80100		
Drafted and edited motion to dismiss appeal as moot; researched same; discussed same with N. Ubriani.											
06/18/2013		1898	JESSICA RING AMUNSON	1	0.50	312.50	0.50	312.50	80100		
Exchanged emails with G. Hebert and P. Smith re motion to dismiss; teleconference with Solicitor General's office re same.											
06/18/2013		0883	CHERYL L. OLSON	1	0.75	232.50	0.75	232.50	80100		
Cite checked motion to dismiss.											
06/19/2013		2511	NEAL R. UBRIANI	1	4.75	1,686.25	4.75	1,686.25	80100		

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Time Report

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Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity	[redacted]
Revised and formatted draft of motion to dismiss appeal, as requested by J. Amunson. [redacted]											
06/19/2013		1898	JESSICA RING AMUNSON	1	0.75	468.75	0.75	468.75	80100		[redacted]
Reviewed and revised motion to dismiss; sent same to P. Smith and G. Hebert for review.											
06/19/2013		0883	CHERYL L. OLSON	1	2.50	775.00	2.50	775.00	80100		[redacted]
Cite checked motion to dismiss; reviewed and revised motion to dismiss.											
06/20/2013		2511	NEAL R. UBRIANI	1	1.00	355.00	1.00	355.00	80100		[redacted]
Revised and formatted draft of motion to dismiss appeal as moot, as requested by J. Amunson.											
06/20/2013		1898	JESSICA RING AMUNSON	1	0.50	312.50	0.50	312.50	80100		[redacted]
Emails with team re filing motion.											
06/20/2013		0883	CHERYL L. OLSON	1	1.75	542.50	1.75	542.50	80100		[redacted]
Reviewed and revised motion to dismiss; drafted certificates for filing motion to dismiss; met with N. Ubriani re format for citing to legislative materials.											
06/21/2013		2511	NEAL R. UBRIANI	1	0.25	88.75	0.25	88.75	80100		[redacted]
Revised and formatted draft of motion to dismiss appeal as moot, updating citations to bills in Texas legislature and adding citation to blog post suggesting Rick Perry was likely to sign redistricting bills											
06/21/2013		1898	JESSICA RING AMUNSON	1	0.75	468.75	0.75	468.75	80100		[redacted]
Finalized brief for filing; multiple emails re same.											
06/21/2013		0883	CHERYL L. OLSON	1	1.25	387.50	1.25	387.50	80100		[redacted]
Reviewed and revised motion to dismiss.											
06/23/2013		1898	JESSICA RING AMUNSON	1	0.75	468.75	0.75	468.75	80100		[redacted]
Reviewed and finalized motion and emailed to C. Olson for printing.											
06/23/2013		2511	NEAL R. UBRIANI	1	2.25	798.75	2.25	798.75	80100		[redacted]
Finalized motion to dismiss appeal as moot to reflect passage of redistricting bills by Texas legislature, as requested by J. Amunson											
06/24/2013		1898	JESSICA RING AMUNSON	1	0.75	468.75	0.75	468.75	80100		[redacted]
Oversaw filing of motion to dismiss as moot and emailed same to opposing counsel and Court; met with S. Ramesh re attorneys fees research.											
[redacted]											
06/24/2013		0883	CHERYL L. OLSON	1	1.25	387.50	1.25	387.50	80100		[redacted]
Assisted in filing and serving motion to dismiss.											
06/25/2013		0291	PAUL M. SMITH	1	0.50	492.50	0.50	492.50	80100		[redacted]
Reviewed Court's remand order and emailed with team re same.											
06/25/2013		1898	JESSICA RING AMUNSON	1	0.25	156.25	0.25	156.25	80100		[redacted]

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Time Report

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Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
Reviewed and forwarded Texas response.										
[redacted]										
06/26/2013	0291	PAUL M. SMITH		1	1.00	985.00	1.00	985.00	80100	
Analyzed issues re final disposition on Supreme Court.										
06/26/2013	1898	JESSICA RING AMUNSON		1	1.50	937.50	1.50	937.50	80100	
Reviewed rules re replies on motion to dismiss; multiple emails with G. Hebert and P. Smith re same; reviewed letter re governor's signature; drafted response re same; filed same with Court.										
[redacted]										
06/27/2013	0291	PAUL M. SMITH		1	0.50	492.50	0.50	492.50	80100	
Reviewed Court's remand order and emailed with team re same.										
06/27/2013	0883	CHERYL L. OLSON		1	0.75	232.50	0.75	232.50	80100	
Assisted in filing letter with the Clerk of the Court.										
[redacted]										
07/01/2013	0291	PAUL M. SMITH		1	0.25	246.25	0.25	246.25	80100	
Conference with J. Amunson re next steps in DC case.										
[redacted]										
07/03/2013	0291	PAUL M. SMITH		1	0.50	492.50	0.50	492.50	80100	
Edited 3(c) filing in DDC.										
[redacted]										

Time Report

[redacted]

Date	SM/Task	Attorney	Name	Rate	Orig Hrs	Orig Amt	Rev Hrs	Rev Amt	Service	Activity
[redacted]										
12/03/2013		0291	PAUL M. SMITH	1	0.50	492.50	0.50	492.50	80100	[redacted]
Reviewed DC court's dismissal order.										
12/06/2013		2363	MARK P. GABER	1	4.00	1,880.00	4.00	1,880.00	80100	[redacted]
Reviewed DDC ruling on dismissal; researched case law for attorneys' fees motion										
12/06/2013		0291	PAUL M. SMITH	1	0.50	492.50	0.50	492.50	80100	[redacted]
Conference with G. Hebert and J. Amunson re DDC fee petition.										
12/10/2013		2363	MARK P. GABER	1	7.50	3,525.00	7.50	3,525.00	80100	[redacted]
Researched case law on attorneys fees for DDC motion; drafted motion.										
12/11/2013		2363	MARK P. GABER	1	7.75	3,642.50	7.75	3,642.50	80100	[redacted]
Researched case law and drafted motion for fees in D.D.C. case.										
12/12/2013		2363	MARK P. GABER	1	3.50	1,645.00	3.50	1,645.00	80100	[redacted]
Drafted motion for fees in DDC case; reviewed time entries for fee motion.										
12/13/2013		2363	MARK P. GABER	1	5.50	2,585.00	5.50	2,585.00	80100	[redacted]
Edited draft fee petition; reviewed time entries for fee petition.										
12/15/2013		2363	MARK P. GABER	1	0.75	352.50	0.75	352.50	80100	[redacted]
Calculated fee amounts for DDC fee peititon and prepared declaration.										
12/16/2013		2363	MARK P. GABER	1	4.50	2,115.00	4.50	2,115.00	80100	[redacted]
Finalized DDC fee brief; finalized declarations and exhibits; prepared for filing.										
[redacted]					[redacted]	[redacted]	[redacted]	[redacted]		

[redacted]

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., In His Official Capacity As Attorney General Of The United States, Defendants, WENDY DAVIS, *et al.*, Defendant-Intervenors, MEXICAN-AMERICAN LEGISLATIVE CAUCUS, Defendant-Intervenors, GREG GONZALEZ, *et al.*, Defendant-Intervenors, TEXAS LEGISLATIVE BLACK CAUCUS, Defendant-Intervenor, TEXAS LATINO REDISTRICTING TASK FORCE, Defendant-Intervenor, TEXAS STATE CONFERENCE OF NAACP BRANCHES, *et al.*, Defendant-Intervenors, League of United Latin American CITIZENS (LULAC)	)	No.1:11-CV-1303 (RMC-TBG-BAH) (three-judge court)

DECLARATION OF CHAD W. DUNN IN SUPPORT OF REQUEST FOR ATTORNEY'S FEE

Background and Prevailing Party

1. I am one of the counsel for the Davis Intervenors in the above-styled matter. A true and correct copy of my curriculum vitae is attached to this fee motion as Exhibit F. I am presenting this declaration in support of Davis Intervenors' Motion for Attorney's Fees and Costs. The Davis Intervenors are the prevailing parties in this action and are entitled to attorneys' fees and costs.

Experience and Qualifications

2. My resume is attached as Exhibit F and it contains an accurate summary of my education, training and experience. I have handled scores of litigation matters under federal and state law. I have represented private parties in federal or state voting rights litigation in Texas and Washington, D.C since 2002. I have handled or are currently handling redistricting cases throughout Texas relative to commissioner's court, school boards, justices of the peace and constables. I have handled federal cases relative to candidate qualifications. I am currently handling a federal case challenging voter registration restrictions adopted by the State of Texas as well as federal challenges to the state's photo voter I.D. law (SB 14). I have argued numerous cases at the Fifth Circuit, including numerous cases that have resulted in reported opinions. I have been counsel of record for parties to several U.S. Supreme Court cases as well as most Texas courts of appeal, including the Texas Supreme Court.

3. As a result of the foregoing and much more experience than can be listed here, I have extensive training, education and experience handling federal cases and, in particular, those pertaining to civil and voting rights.

Time

4. My time in this case was kept contemporaneously with the work performed. I devoted a total of approximately 142.10 hours representing the Davis Intervenors in this case for which I chose to bill. I have attached my reasonable and necessary time records that I maintained in this action. I also included on the billing many hours that I did not seek compensation for in the bill. Those hours eliminated are explained in the attached fee bill.

5. In fact, the reductions I have taken in time far exceed industry norms of "billing judgment." I was principally in charge of covering certain depositions taken in Texas. I also handled a number of the Davis Intervenors discovery responses and handled certain witnesses at trial, including the direct examination of Senator Ellis. I also defended the deposition of Senator Rodney Ellis. Senator Ellis' testimony was cited in the Court's decision. The activities performed by me were not performed by other attorneys working on the case. My billing charges are not duplicative and when double billing did exist between Mr. Hebert and myself, I have eliminated those duplicate charges. I also eliminated much of the time reviewing filed pleadings in the case either by not billing it in the first instance or by zeroing out the time on the billing records. I also significantly reduced much of my travel time getting from Houston to Washington, D.C.

Market Rate

6. I have extensive experience handling civil and some criminal matters in federal court. I have extensive experience with civil and voting rights cases. I believe, based upon the complicated issues and the time involved and the various factors described herein, that a reasonable hourly rate my services in this locale is at least $365 per hour. I have been retained this year by Beaumont Independent School District at the rate of $375 per hour to represent the school district in multiple federal and state voting and redistricting cases including a matter before the United States District Court for the District of Columbia. $365 per hour is well within the reasonable market rate charged for similar services in similar cases.

Lodestar

7. In determining the Lodestar a court should usually consider the actual hours devoted to the case and the market hourly rate for the lawyer in question. It is my opinion the fees and expenses claimed in the provided statement are reasonable and necessary.

Johnson Factors

8. Preclusion of Other Employment. My work in this litigation restricted the time available for pursuit of other litigation during the period of activity in this case. Because of the extensive work required in a time-compressed period of time, I was unable to accept and work on other cases. This case included several hearings that often, due to the nature of the dispute, came with little notice. Scores of deadlines were required to be met in much shorter deadlines than required under normal federal court procedure.

9. Time Limitation Imposed by Circumstances. The time limitations in this case were imposed by pending election schedules and the urgency of these types of disputes.

10. Undesirability of the Case. This case is desirable from a political perspective. However, the case is very undesirable from an economic or legal perspective because the expedited trial schedule and multiple forums (Texas and D.C.) placed unusual time constraints on the development and preparation of the case and because of the specialized nature of the actions. Moreover, the short deadlines, time commitment and complicated nature of the claims make other work easier and, often, more financially rewarding.

11. Experience and Expertise. My experience has included participation in federal litigation, extensive advocacy in state and federal cases, and preparation of pleadings, briefs and evidence for cases in both state and federal courts. I am and have been counsel in numerous voting rights cases. I have tried countless matters before a

court of a single judge or three judges. I have tried approximately twenty jury trials as first chair. My trial experience includes federal and state criminal matters. My experience is more extensively described in the attached CV.

12. It is my opinion, based on my experience and upon inquiring of other lawyers, that the prevailing market rate for an attorney with my experience, in a difficult and complicated civil and voting rights case is at least $365 per hour.[1]

Costs

13. The expenses claimed in this motion are actual expenses that were necessary to properly and successfully represent the Davis Intervenors in this case. They include expenses for necessary travel and deposition transcript expenses. These expenses are described in more detail in the attached billing statement. Only some deposition transcript expenses are shown because the intervenors divided among themselves paying for these transcriptions.

14. I have also reviewed the invoices submitted by the Davis Intervenors' experts, Dr. Alan Lichtman. It is my opinion that the invoice is reasonable and that the testimony of this witness was necessary for the successful result the Davis Intervenors obtained in this case.

In closing, it is my opinion that the fees, expenses, and expert fees that I and the Davis Intervenors have claimed in this case are both reasonable and necessary and that,

[1] I have sought a reasonable rate of $375 per hour in other recent voting rights cases. Because my billing rate was $365 per hour on cases in D.C. when this matter originated, I have retained that reduced rate. My reasonable and necessary billing rate is well in excess of $365 per hour.

given the more than adequate reductions I have made, should be reimbursed by the State of Texas in light of my contributions to the prevailing claims and orders in the case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: December 17, 2013

/s/ Chad W. Dunn
Chad W. Dunn

EXHIBIT F

Chad W. Dunn
BRAZIL & DUNN
4201 Cypress Creek Parkway, Suite 530
Houston, Texas 77068
281-580-6310

LICENSES/CERTIFICATIONS:

Licensed to practice law in all Texas state courts

Licensed to practice law in all District of Columbia courts

Licensed to practice law in the United States Supreme Court

Licensed to practice law in the United States Court of Appeals – Fifth Circuit

Licensed to practice law in the United States Court of Appeals – Tenth Circuit

Licensed to practice law in the United States Court of Appeals – District of Columbia

Licensed to practice law in the Texas United States District Court – Southern Region

Licensed to practice law in the Texas United States District Court – Northern Region

Licensed to practice law in the Texas United States District Court – Western Region

Licensed to practice law in the Texas United States District Court – Eastern Region

Licensed to practice law in the United States District Court – District of Columbia

EDUCATION:

May 2002 **South Texas College of Law,** Houston, Texas
Doctor of Jurisprudence

August 1999 **University of Texas at Austin,** Austin, Texas
Bachelor of Arts in Government

PROFESSIONAL EXPERIENCE:

2006-present **Brazil & Dunn**
Trial Attorney: Perform all duties required by a civil litigation and appellate practice, participate in or conduct trial and mediation of causes. Prepare appellate briefs and argue same.

2003-present **Texas Democratic Party**
General Counsel: Attend to legal responsibilities as directed by party needs. Handle election and constitutional cases before all state and federal courts. Handle appeals for state courts, the United States Court of Appeals for the Fifth Circuit and The United States Supreme Court. Assist with fundraising by leveraging litigation successes. Pursue aggressive litigation strategy to protect minority voting rights and fair election procedures.

2003-2007 **Center Serving Persons with Mental Retardation**
Board Member

2002-2006 **Riddle & Brazil, L.L.P.**
Trial Attorney: Perform all duties required by a personal injury/civil litigation practice, participate in or conduct trial and mediation of causes.

2001-2002 **O'Quinn, Laminack and Pirtle,** Houston, Texas
Law Clerk/Attorney: Assisted litigation and trial of large damage and multiple party litigation. Conducted research, drafted motions and other pleadings, prepared for and attended hearings and trial.

2001 **State Senator Rodney Ellis**, Austin, Texas – 77th Legislature
Policy Advisor: Reviewed and prepared summaries and voting suggestion for bills in the Jurisprudence, Health and Human Services, Education, and Natural Resources Committees; developed ideas for legislation; drafted language for bills and speeches; met with constituents, lobbyists, public officials; delivered speeches; prepared press releases and talking points; followed legislation through committees and floor debate.

2000 **South Texas College of Law,** Houston, Texas
Research Assistant, Professor Val Ricks: Conduct research on potential scholarly publications; proofread draft law review submissions; check citation forms and improve footnotation.

1999 **State Representative Dawnna Dukes,** Austin, Texas – 76th Legislature
Legislative Assistant: Staff member concerning her position on the Environmental Regulation Committee. Developed ideas for legislation; drafted language for bills and speeches; met with constituents, lobbyists, public officials; delivered speeches; prepared press releases and talking points; followed legislation through committees and floor debate.

1997 **Senator Kay Bailey Hutchison,** Washington D.C.
Legislative Intern: Coordinated with Legislative Assistants on various policy issues; attended briefings and seminars at various executive departments; discussed policy issues with various constituent groups; drafted correspondence and conducted policy research.

SELECT REPORTED CASES:

Texas v. U.S., United States District Court, District of Columbia. January 6, 2012. 279 F.R.D. 176. Suit under the Voting Rights Act concerning the implementation of a new photo identification voter law.

Richie v. Dallas County, United States District Court, N.D. Texas, Dallas Division. December 9, 2010. 2010 WL 5141352. Suit under the Voting Rights Act concerning preclearance requirement for new voting equipment. Also handled two appeals to the United States Supreme Court.

Davis v. Perry, United States District Court, W.D. Texas, San Antonio Division. November 23, 2011. 2011 WL 6207134. Concerning the constitutionality of statewide redistricting plans for State Senate.

Rodriguez v. Perry, United States District Court, W.D. Texas, San Antonio Division. November 23, 2011. 835 F. Supp2d 209. Concerning the constitutionality of statewide redistricting plans for State House and Congress.

Perez v. Perry, United States Supreme Court. January 20, 2012. Appeal in the *Davis* and *Rodriguez* cases concerning constitutionality of statewide redistricting plans.

Petteway v. Henry, United States District Court, N.D. Texas, Dallas Division. December 9, 2011. 2011 WL 6148674. Concerning the constitutionality of redistricting plans for Galveston County.

Rodruguez v. Harris County, United States District Court, S.D. Texas, Houston Division. Concerning the constitutionality of redistricting plans for Harris County.

LULAC v. TDP, States District Court, W.D. Texas, San Antonio Division. August 24, 2009. 651 F.Supp.2d 700. Concerning the applicability of Section 5 of the Voting Rights Act to actions of a political party. Also appealed to the United States Court of Appeals for the Fifth Circuit.

In re Brown, Court of Appeals of Texas, San Antonio. July 14, 2008. 2008 WL 2725833. Suit to determine eligibility of a candidate to seek election to the Court of Appeals.

In re Lakewood Forest Fund, Inc., Court of Appeals of Texas, Houston (14th Dist.). October 20, 2005. 2005 WL 2674971. Suit concerning deed restrictions and a homeowner's right to repair own property.

Texas State University-San Marcos v. Bonnin, Supreme Court of Texas. June 25, 2010. 314 S.W.3d 912. Suit to recover for the drowning death of a university student trapped in an undertow and hidden caverns on a waterway held by the State.

DOE v. DOE, United States District Court, N.D. Texas, Dallas Division. August 12, 2008. 2008 WL 3874693, 2008 WL 5422871 and 2009 WL 306173. Suit for collection of damages for transmission of sexual disease.

Miller v. Gibraltar Sav. Ass'n, United States District Court, S.D. Texas, Galveston Division. July 22, 2005. 2005 WL 1719702. Suit concerning the collection of penalties owed homeowners for failing to deliver a timely deed.

Kucinich v. Richie, United States Court of Appeals, Fifth Circuit. March 24, 2009. 563 F.3d 161. Suit to determine the extent to which the First Amendment to the U.S. Constitution protected a political party's requirement to execute an oath to seek the party's nomination.

Lulac of Texas v. State of Texas, United States District Court, W.D. Texas, San Antonio Division. August 24, 2009. 651 F.Supp.2d 700 and 318 Fed.Appx. 261. Suit concerning the scope of the Voting Rights Act.

In re Cullar, Court of Appeals of Texas, Dallas. August 19, 2010. 320 S.W.3d 560. Suit to determine the residency of a candidate who sought election to the Texas Senate.

In re Sharp, Supreme Court of Texas. January 27, 2006. 186 S.W.3d 556. Suit to determine eligibility of candidate to seek election as a Court of Appeals Justice in light of alleged errors on ballot application.

Sartin v. Serum Products, LLC., United States District Court, N.D. Texas, Dallas Division. March 25, 2008. 2008 WL 782645. Suit for damages alleged to be owed company salesman.

Brimer v. Maxwell, Court of Appeals of Texas, Dallas. October 06, 2008. 265 S.W.3d 926. Suit to determine eligibility of nominee for election to Texas Senate.

In re Wilson, United States Bankruptcy Court, S.D. Texas, Houston Division. November 27, 2006. 355 B.R. 600. Suit concerning the ownership and operation of baseball training business.

Jackson v. Carlson. Court of Appeals of Texas, Austin. March 12, 2009. 2009 WL 638848. Suit concerning ownership of family ranch.

Sachtleben v. Bennett. Court of Appeals of Texas, Houston (14th Dist.). August 12, 2010. 2010 WL 3168395. Suit concerning eligibility of incumbent Justice of the Pease for election when the candidate's ballot application lacked the requisite number of petition signatures.

Texas State University--San Marcos v. Bonnin, Court of Appeals of Texas, Austin. December 18, 2008. 315 S.W.3d 58. Suit for wrongful death of a student who drowned on campus.

Richie v. Benkiser, United States Court of Appeals, Fifth Circuit. August 03, 2006 459 F.3d 582. Suit to determine whether a member of Congress was ineligible for re-election and therefore could be replace on the ballot by party leaders.

In re Angelini, Supreme Court of Texas. February 24, 2006. 186 S.W.3d 558. Suit to determine if an error in a ballot application was fatal to a person's a candidacy.

PUBLICATIONS/PAPERS:

"Courthouse Steps." Monthly general legal information column for the Houston/Heights Tribune. Beginning December 2002 to present.

"Doing Things Right – The First Time." Vol. VII, No. 1 Plumbing Air-Conditioning Mechanical Contractors Association, January 2003.

"Playing by the Rules: The Need for Constitutions to Define the Boundaries of the Legislative Game with a One-Subject Rule." 34 UWLA L. Rev. ___, University of West Los Angeles Law Review, Summer 2002

"The Sophisticated Doctrine of Consideration." 9 Geo. Mason L. Rev. 99, George Mason Law Review, Fall, 2000 by Professor Val D. Ricks. (Received footnote credit for research assistance.)

MEMBERSHIPS:

Houston Bar Association
Greater Houston Heights Bar Association, Founder, President 2006
Phi Delta Phi Legal Honors Fraternity
Texas Bar Association

EXHIBIT G

BRAZIL & DUNN
Attorneys at Law
4201 Cypress Creek Pkwy., Suite 530
Houston, Texas 77068
(281) 580-6310

Statement Date: 12/16/2013
Statement No. 4252
Account No.

Interim Statement

FOR LEGAL SERVICES RENDERED:

Attorneys' Fees

			Rate	Hours	
12/19/2011					
	CWD	Receipt and review of State emails requesting depositions and issuing deposition notices. Conference with deponents regarding same.	365.00	0.30	109.50
	CWD	Receipt and review of email to the state and other counsel regarding Davis Intervenors attachments to joint appendix.	365.00	0.20	73.00
	CWD	Receipt and review of emails regarding deposition scheduling.	365.00	0.10	36.50
	CWD	Conference with co-counsel regarding same.		0.30	n/c
12/22/2011					
	CWD	Receipt and review of email from the State of Texas attorney regarding scheduling of depositions. Inquiry with State Senator Rodney Ellis' office regarding availability for deposition.	365.00	0.20	73.00
01/01/2012					
	CWD	Receipt and review of court order regarding adjusted			

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Statement No. 4252
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		Rate	Hours	
	briefing scheduling and page limitations.	365.00	0.10	36.50
01/03/2012				
CWD	Receipt and review of multiple filings by parties including findings of fact and supplemental exhibits. Review same. Actual time 6.5 hours.	365.00	2.00	730.00
01/04/2012				
CWD	Receipt and review of deposition notice scheduling the Rodney Ellis deposition for December 12 at 1:30 p.m. in Houston, Texas. Arrange schedule to be available for deposition. Coordinate with Senator Ellis' office regarding scheduling of deposition.	365.00	1.00	365.00
CWD	Exchange emails with co-counsel, Mr. Hebert regarding coordination of availability for upcoming depositions.		0.20	n/c
CWD	Conference with co-counsel regarding attorney availability for deposition of Senator Zaffirini in Laredo. Contact several attorneys to attempt to find coverage for deposition.	365.00	0.50	182.50
01/05/2012				
CWD	Exchange emails regarding finding a suitable location for the Senator Ellis deposition.	365.00	0.10	36.50
01/06/2012				
CWD	Exchange multiple emails with co-counsel regarding scheduling preparation for the Senator Ellis deposition, contact Senator Ellis' office to arrange time for deposition prep.	365.00	0.50	182.50
CWD	Receipt and review of amended deposition notice for Senator Ellis.	365.00	0.20	73.00
CWD	Receipt and review of materials needed for Senator Ellis deposition prep. Receipt and review of several			

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		Rate	Hours	
	declarations by other Senators. Receipt and review of several exhibits regarding various districts and the racial makeup of their population. Edit and adjust notes to be used for Senator Ellis deposition prep.	365.00	2.50	912.50
CWD	Coordinate packet of information and overnight mail to Senator Ellis to review in advance of his deposition.	365.00	0.20	73.00
01/07/2012				
CWD	Multiple communications regarding setting up being with Senator Ellis in advance of his deposition. Meeting set for January 11, 2012.	365.00	0.20	73.00
CWD	Exchange emails with co-counsel Hebert regarding deposition prep meeting for Senator Ellis.		0.10	n/c
CWD	Review post trial brief filed by Latino Task Force.	365.00	0.20	73.00
01/08/2012				
CWD	Travel from Houston to Washington to attend Supreme Court oral argument. Actual time 4.5 hours.	365.00	1.00	365.00
01/09/2012				
CWD	Conference with Co-Counsel and attend oral argument.	365.00	2.50	912.50
CWD	Travel from Washington, DC to Houston, TX. Actual time 3.5 hours.	365.00	1.00	365.00
01/10/2012				
CWD	Receipt and review of deposition transcript for Senator Zaffirini. Review depositions to attempt to determine potential areas of inquiry for the Senator Ellis deposition. Create outline of matters to cover with Senator Ellis in deposition prep meeting.	365.00	1.50	547.50
CWD	Exchange emails with co-counsel Hebert regarding Senator Ellis deposition prep in preparation of notice			

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			Rate	Hours	
		of appearance.		0.10	n/c
01/11/2012					
	CWD	Exchange emails adjusting telephone conference time with Senator Ellis.	365.00	0.10	36.50
	CWD	Prepare for and participate in the Senator Ellis deposition prep conference call.	365.00	2.50	912.50
	CWD	Prepare initial draft of notice of appearance, exchange draft of co-counsel Hebert for edits.	365.00	0.40	146.00
01/12/2012					
	CWD	Edit and file notice of appearance.	365.00	0.30	109.50
01/13/2012					
	CWD	Receipt and review of invoice from Esquire deposition services for Rodney Ellis deposition.	365.00	0.10	36.50
	CWD	Receipt and review and edit draft of trial brief from the State Senate plan.	365.00	1.00	365.00
	CWD	Receipt and review of multiple trial briefs by all parties. Review same. Begin outline of Senator Ellis' examination. Begin cross-examination suggestions for State offered Senator witnesses.	365.00	7.50	2,737.50
	CWD	Receipt and review of memorandum in opposition to exclude the testimony of several experts.	365.00	0.20	73.00
01/14/2012					
	CWD	Travel to Washington, DC from Houston, TX. Actual time 4.5 hours.	365.00	2.00	730.00
01/15/2012					
	CWD	Exchange emails with co-counsel and assistants regarding the scheduling and logistics for trial. Also coordinate travel for witnesses.	365.00	0.40	146.00

Statement Date: 12/16/2013
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Account No.

			Rate	Hours	
01/16/2012					
	CWD	Meet with co-counsel Mr. Hebert, several witnesses and several assistants to prepare for trial beginning the following day, prepare deposition excerpts for cross-examination.	365.00	5.50	2,007.50
	CWD	Receipt and review of draft of Boyd Richie pre-filed testimony, edit same. Coordinate execution of the testimony by Mr. Richie.	365.00	0.50	182.50
	CWD	Receipt and review of a number of pre-filed direct testimony for experts, review same.	365.00	0.50	182.50
	CWD	Receipt and review of States disclosure of first State trial exhibits.	365.00	0.50	182.50
01/17/2012					
	CWD	Attend trial. Prepare direct questions for Representative Mark Veasey.	365.00	6.50	2,372.50
	CWD	Attended post trial meeting and prepare for next day.	365.00	1.20	438.00
01/18/2012					
	CWD	Attend post trial meeting with co-counsel Mr. Hebert, assistant counsel, and witnesses to prepare for following days testimony. Prepare potential questions for Representatives' Coleman and Dukes.	365.00	3.50	1,277.50
	CWD	Receipt and review of United States exhibit disclosures for trial.	365.00	0.20	73.00
	CWD	Prepare for and attend trial. Prepare cross-examination questions for Mr. Interiano and Dr. Alford. Attend post trial meeting to prepare for following days activities.	365.00	12.50	4,562.50

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Statement No. 4252
Account No.

			Rate	Hours	
01/19/2012					
	CWD	Attend trial; attend post trial meeting to prepare for following days witnesses.	365.00	12.50	4,562.50
01/20/2012					
	CWD	Attend trial; attend post trial meeting to prepare for following days witnesses. Prepare for and conduct the examination of Senator Rodney Ellis. Read and review Senator Seliger deposition and prepare cross-examination questions.	365.00	10.50	3,832.50
01/21/2012					
	CWD	Begin preparing materials for preparation of Roy Brooke's testimony. Prepare questions for co-counsel regarding ideas for questions he should ask Mr. Brookes in his direct examination.	365.00	0.50	182.50
01/22/2012					
	CWD	Meeting with co-counsel Mr. Hebert and assistants regarding following days trial preceding. Meet in person with Mr. Roy Brookes to prepare for his direct examination. Undertake example direct examination of Mr. Brookes.	365.00	5.20	1,898.00
01/23/2012					
	CWD	Prepare for and attend trial. Prepare proposed questions for Dr. Krauser and Representative Sheila Jackson Lee. Attend meeting after trial to coordinate for the following day.	365.00	12.50	4,562.50
	CWD	Receipt and review of trial brief regarding use of general election data and coalitions and crossover districts.	365.00	0.10	36.50
01/25/2012					
	CWD	Receipt and review of court order rescheduling closing			

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		Rate	Hours	
	arguments.	365.00	0.10	36.50
CWD	Prepare for and attended trial.	365.00	11.50	4,197.50
01/26/2012				
CWD	Prepare for and attend final day of trial.	365.00	6.50	2,372.50
01/27/2012				
CWD	Participate in conference call with clients regarding trial proceedings. Travel from Washington, DC to Houston, TX (actual time 3.5 hours).	365.00	1.50	547.50
01/30/2012				
CWD	Travel to Washington, DC from Houston, TX for closing arguments. Actual time 4.5 hours.	365.00	1.00	365.00
01/31/2012				
CWD	Attend closing arguments.	365.00	4.50	1,642.50
CWD	Travel from Washington, DC to Houston, TX. Actual time 4.5 hours.	365.00	1.00	365.00
02/01/2012				
CWD	Receipt and review of several filings of closing argument presentation slides.	365.00	0.10	36.50
CWD	Multiple calls with co-counsel Mr. Hebert and counsel for other parities. Conference call with other parties to the case. Multiple conferences concerning potential settlement issues. Actual time 4.5 hours.	365.00	1.00	365.00
02/02/2012				
CWD	Receipt and review of State of Texas stipulation of facts. Actual time 1.5 hours.	365.00	0.50	182.50
CWD	Receipt and review of the United States supplemental trial exhibit list with attached exhibits. Actual time 2.5 hours.	365.00	0.20	73.00

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Account No.

		Rate	Hours	
02/03/2012				
CWD	Receipt and review of draft proposed findings of fact submitted by our clients. Suggested edits to Mr. Hebert.	365.00	1.00	365.00
02/06/2012				
CWD	Receipt and review of summary of testimony and reports for Dr. Lichtman, suggested edits, assist Mr. Hebert in filing same. Actual time 2 hours.	365.00	1.00	365.00
CWD	Receipt and review of draft post trial brief prepared by Mr. Hebert. Review draft and make edits while Mr. Hebert travels from Washington to San Antonio. Arrange for filing in the event Mr. Hebert does not arrive in time to file the pleading. Coordinate Mr. Hebert's filing of the brief upon his landing in San Antonio. Receipt and review of multiple trial briefs by parties and review same for consideration including issues and our clients' trial brief. Actual time 5.5 hours.	365.00	4.50	1,642.50
CWD	Exchange email with client regarding activities in court. Actual time .3.	365.00	0.30	109.50
02/13/2012				
CWD	Edit draft of errata to file with court.	365.00	0.20	73.00
02/22/2012				
CWD	Receipt and review of joint advisory. Review draft of same and suggest edits.	365.00	0.20	73.00
02/24/2012				
CWD	Receipt and review of Latino Task Force advisory.	365.00	0.10	36.50
02/27/2012				
CWD	Receipt and review of motion to intervene of Michael Idrogo.	365.00	0.10	36.50

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		Rate	Hours	
02/29/2012				
CWD	Receipt and review of advisories to the court regarding entering redistricting plans.		0.10	n/c
03/01/2012				
CWD	Receipt and review of responsive filing to Latino Task Force advisory.	365.00	0.10	36.50
CWD	Receipt and review of State of Texas advisory regarding election schedule.		0.10	n/c
03/06/2012				
CWD	Receipt and review of court order regarding CD 25.	365.00	0.10	36.50
03/13/2012				
CWD	Receipt and review of State of Texas memorandum regarding CD 25. Actual time .7 hours.	365.00	0.10	36.50
CWD	Receipt and review of response to order of the court filed by our clients and other parties.	365.00	0.10	36.50
03/15/2012				
CWD	Receipt and review of motion for leave by Latino Task Force to file pleadings.	365.00	0.10	36.50
03/16/2012				
CWD	Receipt and review of court order regarding CD 25. Review filing by our clients and others on reply. Actual time .50 hours.	365.00	0.10	36.50
03/28/2012				
CWD	Receipt and review of Latino Task Force filing on CD 25.	365.00	0.10	36.50
04/02/2012				
CWD	Receipt and review of court order granting motion to leave to file. Receipt and review of Latino Task Force			

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Account No.

			Rate	Hours	
		filing on CD 25.		0.10	n/c
07/05/2012					
	CWD	Receipt and review of motion to take judicial notice by our clients and others.	365.00	0.10	36.50
07/19/2012					
	CWD	Receipt and review of Latino Task Force motion to take judicial notice in the 2012 Texas Democratic congressional primary results.	365.00	0.20	73.00
	CWD	Conference with Mr. Hebert regarding pending issues in the case. Actual time 1 hour.		1.00	n/c
	CWD	Receipt and review of court order regarding supplemental to exhibit list. Receipt and review of quarter to nine intervention and order granting judicial notice.	365.00	0.10	36.50
08/28/2012					
	CWD	Receipt and review of three judge court opinion. Read and review same. Conference with co-counsel. Conference with other counsel in the case. Conference with other interested parties in Texas. Actual time 4.5 hours.	365.00	1.50	547.50
	CWD	Receipt and review of court's final judgment.	365.00	0.10	36.50
	CWD	Participate in conference call with co-counsel Mr. Hebert and our clients to describe the ruling and discuss appeal issues.		1.50	n/c
08/30/2012					
	CWD	Receipt and review of notice of appearance by Jonathan Mitchell for the State of Texas.		0.10	n/c
	CWD	Receipt and review of errata.	365.00	0.10	36.50

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Statement No. 4252
Account No.

			Rate	Hours	
08/31/2012					
	CWD	Review time records and begin preparation of attorney's fee request to Court. Review case expenses and including attorney's fees request. Exchange communications with Mr. Hebert coordinating attorney fee request. Actual time 7.5 hours.	365.00	3.00	1,095.00
	CWD	Conference with co-counsel Mr. Hebert.		0.20	n/c
09/04/2012					
	CWD	Prepare draft of attorney's fees affidavit to accompany motion for attorney's fees.		2.20	n/c
09/05/2012					
	CWD	Continue to edit and prepare attorney fee bills and fee application request. Make edits to attorney fee affidavit and motion for attorney's fees.		4.40	n/c
12/16/2013					
	CWD	Assist Mr. Hebert in finalization of motion for attorney's fees; assist in filing same with court.		3.50	n/c
		For Current Services Rendered		142.10	51,866.50

Recapitulation

Timekeeper	Hours	Rate	Total
Chad Dunn	142.10	$365.00	$51,866.50

Case Expenses

01/05/2012	Travel expense: Airfare	1,259.10
01/09/2012	Travel expense: Cab	96.15
01/09/2012	Travel expense: Cab	17.75
01/10/2012	Travel expense: Hotel	159.16
01/16/2012	Travel expense: Meals	89.80
01/16/2012	Travel expense: Airfare	25.00
01/16/2012	Travel expense: Metrorail	20.00

Statement Date:	12/16/2013
Statement No.	4252
Account No.	

01/19/2012	Travel expense: Transportation	80.00
01/24/2012	Travel expense: Airfare	1,590.10
0126/2012	Travel expense: Taxi	53.69
01/27/2012	Travel expense: Hotel (DC 1/14/12 -1/27/120	3,297.76
01/29/2012	Travel expense: Food and Cab in DC	475.00
01/30/2012	Travel expense: Airfare	450.00
02/01/2012	Travel expense: Hotel	204.96
	Total Expenses:	7,818.47
	Total Expenses, Attorney's Fees and/or Client Disbursements	59,684.97
	Balance Due	$59,684.97

EXHIBIT H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

v.

UNITED STATES OF AMERICA; ERIC H. HOLDER, JR., in his official capacity as Attorney General of the United States,

Defendant,

WENDY DAVIS, *et al.*

Defendant-Intervenors,

Civil Action No. 1:11-cv-01303 (RMC-TBG-BAH)

DECLARATION OF BRUCE V. SPIVA

Pursuant to 28 U.S.C. §1746, I, Bruce V. Spiva, declare that:

1. My name is Bruce V. Spiva and I am over 18 years of age, of sound mind, and capable of making this declaration.

2. I obtained a law degree in 1992 from Harvard Law School, where I was an editor and the Treasurer of the Harvard Law Review, and a B.A. in 1988 from Yale University.

3. Following law school, I served as a law clerk to the Honorable Jerome Farris of the United States Court of Appeals for the Ninth Circuit.

4. I was a partner at Jenner & Block LLP prior to starting my own practice. I have tried cases, conducted arbitrations, and argued appeals in areas ranging from securities and antitrust, to Congressional redistricting, civil rights and First Amendment law. I am qualified by my experience, education, knowledge, skill and training to make the statements in this Declaration.

5. In my law practice, I have represented businesses and associations in various types of commercial litigation, including antitrust, class actions, contracts, securities litigation, arbitrations, partnership disputes, insurance coverage, and a broad range of other matters.

6. I have been asked to review the request for attorneys' fees submitted to this Court by attorney J. Gerald Hebert on behalf of the Wendy Davis Intervenors, and to provide my views on the reasonableness of the requested fee award.

7. I am very familiar with Mr. Hebert's work. I first met Mr. Hebert in 2001 when I was a partner at Jenner & Block. Mr. Hebert maintained a solo practice and attorneys at Jenner & Block (including myself) served as co-counsel with him on two statewide congressional redistricting cases in Texas (one in state court and one in federal court). My work focused primarily on the state court trial. We worked closely together on that case, often communicating daily to discuss the preparation of legal briefs and case filings, crafting case strategy, and conducting the trial. Mr. Hebert served as the lead counsel in both the federal and state court cases, along with Paul M. Smith of Jenner & Block. Mr. Hebert was very conscientious about litigating the cases in an efficient manner with the minimal lawyer hours and expenses necessary to do a first-rate job.

8. I also served as co-counsel with Mr. Hebert in 2007-2008 in a voting rights challenge in the Eastern District of Texas, *Willie Ray v. State of Texas*. That case involved a challenge to the constitutionality and allegedly racially discriminatory application of Texas election laws. The case was settled in a manner favorable to Plaintiffs.

9. Most recently, we served as co-counsel in a case that remains pending in the Florida state courts involving challenges to two statewide redistricting plans (congress and senate) in that State.

10. In my view, Mr. Hebert is one of our nation's most skilled and expert voting rights and redistricting litigators. Lawyers who occasionally handle election or voting rights cases, as my firm does, seek his counsel and advice because he has broad and deep experience. He is a highly skilled voting rights/redistricting litigator. His knowledge of voting rights cases is vast, because many of the leading cases in the field of voting rights and redistricting are cases in which he has been involved.

11. In 2001, he first co-wrote a redistricting book with my former partner and current Solicitor General Donald B. Verrilli, Jr. and others at Jenner & Block, entitled "The Realist's Guide to Redistricting" and published by the American Bar Association. This book remains today one of the best resources for lawyers and non-lawyers in the field of redistricting.

12. Earlier this summer, Mr. Hebert organized and conducted a voting rights institute at American University Law School in Washington, D.C., to train and teach lawyers and law students how to litigate voting rights and redistricting lawsuits. I served as one of the faculty members for one evening of that institute and Mr. Hebert once again demonstrated leadership and skill in the voting rights field.

13. Redistricting and voting rights cases are among the most difficult cases to litigate in the federal courts. The issues are often complex and the legal standards can be difficult to apply. They also require attorneys with great skill and experience in that arcane field of law. With his vast four decades of experience handling voting rights and redistricting cases, Mr. Hebert is among the best and most highly skilled attorneys to conduct such litigation.

14. I am familiar with the rates charged by attorneys in the Washington, D.C. area, having spent 20 years practicing law in the D.C. metropolitan area.

15. Mr. Hebert's hourly rate set forth in his attorneys' fee application in this case, $650 per hour, is quite reasonable, especially in light of his considerable experience and expertise. The Adjusted Laffey Matrix, which has been approved by the D.C. federal courts, is often cited as the most equitable way to determine appropriate legal fees for fee petitions in the Washington-Baltimore area. According to the Adjusted Laffey Matrix, a copy of which is attached to the Kennie Intervenors' Fee Motion in this case, the appropriate hourly rate for an attorney in the D.C. area with twenty or more years out of law school is $771. In addition, as noted, I am a former partner with a major law firm in Washington, D.C. I am familiar with the rates charged by law firms in the Washington, D.C. metropolitan area. The rates that D.C. law firms charge for commercial litigation handled by lawyers with 30 or 40 years of experience is significantly higher than the $650 per hour rate being sought here by Mr. Hebert.

16. The number of hours set forth in Mr. Hebert's sworn Declaration, 366.1 hours, is also reasonable and displays sound billing judgment. Cases of this type, which are extremely high profile and very complex, can take several hundreds of hours, even in a compressed time period as this case was litigated (most of the trial work done by attorneys was from August 2011 to February 2012). Mr. Hebert's hours are not excessive; indeed, they are eminently reasonable. For example, Mr. Hebert took a leadership role in the litigation serving as co-administrator for all of the Defendant Intervenors. Yet, his listed hours do not show any excessive time entries. Moreover, he has discounted the number of hours he worked on this case, further proof of billing judgment.

17. In my view, the number of hours and the hourly rate set forth in the Davis Intervenors' Fee Motion are quite reasonable given Mr. Hebert's extensive level of activity in

this case, and in light of Mr. Hebert's superior skills, expertise and experience.

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

Dated: 12/17/2013

/s/ Bruce V. Spiva
BRUCE V. SPIVA

EXHIBIT I

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

v.

UNITED STATES OF AMERICA; ERIC H. HOLDER, JR., in his official capacity as Attorney General of the United States,

Defendant,

WENDY DAVIS *et al.*

Defendant-Intervenors,

MEXICAN AMERICAN LEGISLATIVE CAUCUS,

Defendant-Intervenor,

GREG GONZALES *et al.*

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK CAUCUS,

Civil Action No. 1:11-cv-01303 (RMC-TBG-BAH)

Defendant-Intervenor,

TEXAS LATINO REDISTRICTING TASK FORCE,

Defendant-Intervenor,

TEXAS STATE CONFERENCE OF NAACP BRANCHES *et al.*

Defendant-Intervenors,

LEAGUE OF UNITED LATIN AMERICAN CITIZENS,

Defendant-Intervenor.

DECLARATION OF BRENDA WRIGHT

Pursuant to 28 U.S.C. §1746, I, Brenda Wright declare that:

1. My name is Brenda Wright and I am over 18 years of age, of sound mind, and capable of making this declaration.
2. I received my law degree from Yale Law School and my B.A. from Bryn Mawr College.
3. In my legal career, I have led many progressive legal and policy initiatives on voting rights, campaign finance reform, redistricting, election administration and other democracy and electoral reform issues.
4. I have served as lead counsel in dozens of voting rights and election law cases in both federal and state courts across the United States. I am qualified by my experience, education, knowledge, skill and training to make the statements in this Declaration.
5. I have argued two cases before the U.S. Supreme Court: *Randall v. Sorrell* (a 2006 campaign finance case involving the State of Vermont's contribution limits), and *Young v. Fordice* (a 1997 Mississippi voting rights case that involved the intersection of the National Voter Registration Act of 1993 and Section 5 of the Voting Rights Act). I have

also overseen and/or participated in numerous other significant voting rights cases that have reached the Supreme Court, including *Lawyer v. Department of Justice*; *Bossier Parish School Board v. Reno*; *Johnson v. DeGrandy*; *Hays v. Louisiana*; *Clark v. Roemer*; and others.

6. I have written extensively on democracy and voting rights issues in both popular and scholarly publications. I have testified numerous times before Congress, federal agencies and state legislatures
7. I am currently the Vice President of Legal Strategies at Demos, which has offices in New York, Boston, Massachusetts, and Washington, D.C. I joined Demos in 2007. Demos is a nonpartisan, nonprofit public policy organization working for an America where we all have an equal say in our democracy and an equal chance in our economy. In my position as Vice President of Legal Strategies at Demos, I supervise and oversee Demos' litigation program, primarily consisting of cases brought to enforce voting rights.
8. Before joining Demos in 2007, I served as Managing Attorney at the National Voting Rights Institute (NVRI) in Boston for ten years. In that position, I directed NVRI's nationwide litigation program, which sought to vindicate the constitutional right of all citizens, regardless of their economic status, to full and meaningful participation in the electoral process.
9. Prior to my service at the National Voting Rights Institute, I served as Director of the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law in Washington, D.C., a 50-year-old organization formed at the request of President John F. Kennedy to involve leading members of the private bar to protect civil rights. In that position, I directed a national voting rights litigation program for the Lawyers' Committee. I am currently a member of the Board of Trustees of the Lawyers' Committee for Civil Rights Under Law, as well as the Board of Directors of Common Cause Massachusetts.
10. I have been asked to review the request for attorneys' fees submitted to this Court by attorney J. Gerald Hebert and to provide my opinion as to his qualifications and expertise in voting rights litigation, as well as the reasonableness of his hours billed in this case.
11. I am very familiar with Mr. Hebert's work. I first met Mr. Hebert when he was an attorney with the United States Department of Justice, and consulted him frequently on voting rights issues during that time. I also had the opportunity to observe his work directly in redistricting cases where we both appeared as counsel for different parties, such as *DeGrandy v. Johnson.* He left the Department of Justice in 1994 and at that time I was Director of the Voting Rights Project at the Lawyers' Committee for Civil Rights Under Law in Washington, D.C. I encouraged him to join the staff of the Lawyers' Committee's Voting Rights Project, where he served as an attorney from 1994 to 1996. We were co-counsel together in several cases during that time period, including *Hays v. State of Louisiana*, a racial gerrymandering case that eventually was decided by the United States Supreme Court. Over the years, Mr. Hebert and I have continued to serve as a legal resource for one another in our extensive voting rights litigation careers.
12. I consider Mr. Hebert to be one of the foremost voting rights and redistricting litigators in the United States. He is considered a leader in the voting rights bar who possesses

great litigation skills, as well as a thorough command of the body of law involving voting rights and redistricting. He has served as a role model and mentor for many younger lawyers in his career. The redistricting book that Mr. Hebert wrote with current Solicitor General Donald B. Verrilli, Jr. and others, entitled "The Realist's Guide to Redistricting" and published by the American Bar Association, is an example of his scholarly writing, knowledge and expertise in the field of redistricting.

13. In June of this year, Mr. Hebert organized a voting rights institute in Washington, DC, to train lawyers and law students about litigating voting rights and redistricting lawsuits. The institute was held at American University's Washington College of Law, and I participated as a guest speaker in one of the sessions. From my personal observation and from all accounts, it was highly successful. It is just one example of Mr. Hebert's leadership and skill in the voting rights field.
14. Redistricting and voting rights cases can be among the most difficult cases to litigate in the federal courts. They involve not only difficult issues of federal law and application of constitutional provisions to the claims made, but they also may involve multiple or numerous parties, often complex expert testimony, severe time constraints due to impending election schedule deadlines, and sometimes years of litigation.
15. The number of hours set forth in Mr. Hebert's sworn Declaration, 366.1 hours, is reasonable and displays not just sound, but remarkably conservative, billing judgment. For example, he has refrained from charging dozens of hours that were clearly necessary to his effective representation of his clients in this case, such as numerous hours needed to review the filings of other parties in these consolidated cases. I have reviewed his time entries and am struck by how many clearly billable hours Mr. Hebert has deleted. In my view, these deletions go well beyond what would ordinarily be required as an exercise of billing judgment.
16. The Texas redistricting litigation in this Court was one of the most high profile voting rights cases in the country. That Mr. Hebert was able to obtain a judgment from this Court denying preclearance to the senate case in particular, given that the United States did not oppose preclearance, is an example of extraordinary lawyering. That this Court found that the State of Texas had failed to meet their burden of proof with respect to the issue of racially discriminatory intent in both the senate case and the congressional case—the two redistricting plans that Mr. Hebert's clients opposed—is a testament to his skill and experience as a voting rights litigator. I understand that Mr. Hebert has been involved in this case since 2011 when his client were the first intervenors in the lawsuit and that he played an active role throughout, briefing every issue that came before the Court that involved his clients' claims in both the congressional and senate case. He served as co-administrator for the Defendant-Intervenor parties, which included the League of United Latin American Citizens (LULAC), the Texas Latino Redistricting Task Force, the Mexican American Legislative Black Caucus, the Texas Legislative Black Caucus, the Gonzales Intervenors, and the Texas State TX NAACP. That is an example of his leadership skills in complex, high profile litigation. I understand further that he attended every hearing since 2011, including all of the trial days, and participated actively and extensively in the depositions and other discovery. The number of hours set

forth in the Davis Intervenors' Fee Motion is quite reasonable given this extensive level of activity in this case over a three year span.

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

Dated: December 17, 2013

BRENDA WRIGHT

EXHIBIT J

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

v.

No.1:11-CV-1303
(RMC-TBG-BAH)
(three-judge court)

UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., in his official capacity as Attorney General of the United States,

Defendants,

WENDY DAVIS, *et al.*,; MEXICAN-AMERICAN LEGISLATIVE CAUCUS; GREG GONZALEZ, *et al.*; TEXAS LEGISLATIVE BLACK CAUCUS; TEXAS LATINO REDISTRICTING TASK FORCE; TEXAS STATE CONFERENCE OF NAACP BRANCHES, *et al.*; and LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC),

Defendant-Intervenors,

DECLARATION OF STEPHEN B. PERSHING
UNDER 28 U.S.C. § 1746

Under penalty of perjury pursuant to 28 U.S.C. §1746, Stephen B. Pershing, Esq., makes the following declaration:

1. My name is Stephen B. Pershing. I am over 18 years of age, of sound mind, and capable of making this declaration.

2. I obtained a J.D. in 1987 from the University of Virginia Law School, and an A.B. degree in 1979 from Harvard College.

3. From 1989 to 1996, I served as legal director of the American Civil Liberties Union of Virginia in Richmond, Virginia. In that capacity, I developed and litigated a wide variety of federal civil rights and civil liberties cases, including a number of racial vote dilution actions under amended Section 2 of the Voting Rights Act of 1965. At the Virginia ACLU I also submitted and litigated numerous petitions for attorney fees under federal civil rights fee-shifting provisions, including that of the Voting Rights Act, 42 U.S.C. § 1973*l*(e).

4. From 1996 to 2005, I served as a trial attorney in the Voting Section, Civil Rights Division, United States Department of Justice, where I handled cases under Sections 2 and 5 of the Voting Rights Act and other federal laws protecting the right to vote.

5. From 2005 to 2009, I was senior litigation counsel at the Center for Constitutional Litigation, P.C., in Washington, D.C. Founded in 2001, CCL has represented parties in numerous high-profile constitutional rights and access to justice cases in the U.S. Supreme Court and federal and state appellate courts. At CCL I was involved in at least one federal voting rights case.

6. I am a member of the adjunct faculty at George Washington University Law School in Washington, D.C. There I teach a course on voting rights law, and have done so since 1999.

7. I currently serve as managing lawyer with The Chavers Firm, LLC, of Washington, D.C., where I primarily represent plaintiffs in federal civil rights cases and other civil matters. Also, since 2009 I have directed and taught in Washington semester externship programs for law students, first for the University of California and then at the Washington Consortium for Law Externships and Exchange, which I founded in 2011.

8. I am an active member in good standing of the bars of the Commonwealth of Virginia (admitted 1990) and the District of Columbia (admitted 2006). I am a member of the U.S. Supreme Court bar (admitted 1994) and the bars of a number of federal trial and appellate courts.

9. I am qualified by my experience, education, knowledge, skill and training to make the statements in this Declaration.

10. I have been asked to review the request for attorneys' fees submitted to this Court on December 17, 2013, by J. Gerald Hebert, Esq., counsel for the Davis Plaintiffs, and to provide my views on the reasonableness of the requested fee award.

11. I am very familiar with Mr. Hebert's work. I first met Mr. Hebert in or about 1994, when I was working for the Virginia ACLU. At that time he had just left the U.S. Justice Department after many years of distinguished service. I was privileged to move his admission into the Virginia bar. He and I have worked closely together on a number of voting rights cases, and served as co-counsel in several of them. While at the Justice Department I reviewed Section 5 preclearance submissions and Section 3 "bailout" requests from jurisdictions Mr. Hebert represented.

12. Voting rights and redistricting cases are among the most difficult to litigate of all federal civil actions. The issues are often complex, the proofs highly technical, and the relevant legal standards difficult to discern and apply. These cases require attorneys with great skill and experience in this very specialized, exceptionally challenging area of the law. Texas voting rights cases in particular have historically been some of the most complex and difficult of all such cases, and the litigation now before this Court has been among the more difficult and intricate of those, both procedurally and substantively.

13. In my opinion, Mr. Hebert is one of the finest, most skilled and expert voting rights and redistricting litigators in the United States. His skill, talent and effectiveness as an advocate are legendary in our field, but I can

attest to them from close and sustained personal knowledge. Over a period of four decades he has been involved in many of the nation's most important Voting Rights Act and redistricting cases, and voting rights lawyers looking for light on their own work often seek the benefit of his vast knowledge of the subject.

14. I am familiar with the fees charged by attorneys in the Washington, D.C., area, having spent over 20 years practicing law in and around the nation's capital. In particular, I am familiar with the so-called *Laffey* matrix in both its versions, the one put forward by the U.S. Attorney's office and the one known as the "adjusted *Laffey* matrix," adopted by many courts, which tends to reflect market rates for D.C.-area professional legal services more accurately although in my experience it still understates those rates as they exist.

15. According to the adjusted *Laffey* matrix for the current year, a copy of which is attached to the Davis Plaintiffs' motion for an award of attorneys' fees in this case, the appropriate hourly rate for an attorney in the D.C. area with twenty or more years out of law school—the highest rate in the matrix—is $771. That estimate is low: Washington lawyers with lengthy, high-level federal litigation experience now charge significantly more, and some bill up to and in excess of $1,000 an hour.

16. Mr. Hebert's hourly rate set forth in his fee application in this case, $650, is quite reasonable, especially in light of his exceptional experience and expertise. Mr. Hebert's skill and ability in voting rights and redistricting law are as great if not greater than those of other lawyers, less luminous and accomplished in their fields than he, who charge far more.

17. I have reviewed Mr. Hebert's timesheets in light of my own experience litigating voting rights cases and submitting attorney fee applications. The number of hours set forth in Mr. Hebert's Declaration is reasonable and displays sound billing judgment, indeed significantly understates the number of hours his fee petition could properly claim.

18. After reviewing Mr. Hebert's fee petition and schedule of hours in detail, I emphatically concur with his representation that he staffed this case "leanly" and successfully avoided duplication of effort with and among co-counsel. Overall, this case was a huge amount of work; it is apparent to me that Mr. Hebert has done an admirable job of stripping down the cost of his representation, and that of his co-counsel, to the bare essentials.

19. Mr. Hebert's time expended on this case, 366.1 hours, shows that he has simply written off a substantial amount of his time. His timesheets, as they typically do, record "no charge" for communications with co-counsel, and a number of trips involving dozens of hours travelling back and

forth from Washington, D.C., to San Antonio. The largest of Mr. Hebert's time entries—and there are very few above four hours—are for tasks such as drafting the intervention motion and researching and composing legal briefs, which I personally know to be enormously time-consuming and for which there are no short cuts. Mr. Hebert did not charge for time he spent at trial, which in my judgment he should have, as it was key to representing his clients.

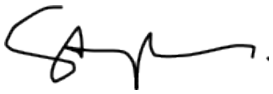
20. Mr. Hebert uses his time efficiently, indeed is one of the most productive litigators I know, so the self-imposed fee reductions described above, for work undeniably essential to his clients' case, is all the more striking.

21. In essence Mr. Hebert asks for only a fraction of the compensation he has earned, and effectively donates the rest. In my opinion the Court should consider awarding fees above Mr. Hebert's request, in order to restore to him compensation for some of that donated time, and certainly should not punish the charity of his billing by docking him more severely than he has himself.

22. In short, I believe the number of hours and the hourly rate set forth in the Davis Plaintiffs' fee motion are reasonable, indeed modest, given Mr. Hebert's extensive involvement in this case, his superior skills, expertise

and experience, and his accomplishments for his clients in this complex and difficult case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



Stephen B. Pershing

Dated: December 17, 2013

EXHIBIT K

Exhibit K to Davis Intervenors'
Motion for an Award of Attorneys' Fees

LAFFEY MATRIX

			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/13- 5/31/14	1.0244	$175	$320	$393	$567	$640	$771
6/01/12- 5/31/13	1.0258	$170	$312	$383	$554	$625	$753
6/01/11- 5/31/12	1.0352	$166	$305	$374	$540	$609	$734
6/01/10- 5/31/11	1.0337	$161	$294	$361	$522	$589	$709
6/01/09- 5/31/10	1.0220	$155	$285	$349	$505	$569	$686
6/01/08- 5/31/09	1.0399	$152	$279	$342	$494	$557	$671
6/01/07-5/31/08	1.0516	$146	$268	$329	$475	$536	$645
6/01/06-5/31/07	1.0256	$139	$255	$313	$452	$509	$614
6/1/05-5/31/06	1.0427	$136	$249	$305	$441	$497	$598
6/1/04-5/31/05	1.0455	$130	$239	$293	$423	$476	$574
6/1/03-6/1/04	1.0507	$124	$228	$280	$405	$456	$549
6/1/02-5/31/03	1.0727	$118	$217	$267	$385	$434	$522
6/1/01-5/31/02	1.0407	$110	$203	$249	$359	$404	$487
6/1/00-5/31/01	1.0529	$106	$195	$239	$345	$388	$468
6/1/99-5/31/00	1.0491	$101	$185	$227	$328	$369	$444
6/1/98-5/31/99	1.0439	$96	$176	$216	$312	$352	$424
6/1/97-5/31/98	1.0419	$92	$169	$207	$299	$337	$406
6/1/96-5/31/97	1.0396	$88	$162	$198	$287	$323	$389
6/1/95-5/31/96	1.032	$85	$155	$191	$276	$311	$375
6/1/94-5/31/95	1.0237	$82	$151	$185	$267	$301	$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., McDowell v. District of Columbia, Civ. A. No. 00-594 (RCL), LEXSEE 2001 U.S. Dist. LEXIS 8114 (D.D.C. June 4, 2001); Salazar v. Dist. of Col., 123 F.Supp.2d 8 (D.D.C. 2000).

**** "Years Out of Law School" is calculated from June 1 of each year, when most law students graduate. "1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). "4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier "1-3" from June 1, 1996 until May 31, 1999, would move into tier "4-7" on June 1, 1999, and tier "8-10" on June 1, 2003.***

***** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.***

Source for this Exhibit: http://www.laffeymatrix.com/see.html

EXHIBIT L

Table 1: New 2004 District Court Case Weights

Case Weights for Civil Case Types		
General Category	**Case Type**	**2004 Study Weight**
Admiralty	Admiralty	0.88
Banking and Finance	Banking and Finance	1.17
Bankruptcy	Bankruptcy Appeals	0.57
	Bankruptcy Withdrawals	0.74
Civil Rights	Civil Rights: Employment	1.67
	Civil Rights: Other	1.92
	Civil Rights: Voting	3.86
Commercial Litigation	Antitrust	3.45
	Civil RICO	4.78
	Interstate Commerce	0.84
	Other Fraud	1.70
	SEC, CFTC, and Similar Enforcement Actions (US Plaintiff)	2.08
	SEC, Commodities, and Stockholder's Suits (Non-US Plaintiff)	1.93
Contracts	Insurance Contracts	1.41
	Other Contract Actions	1.22
	Overpayment and Recovery	0.10
Forfeiture and Penalty	Forfeiture and Penalty	0.42
Intellectual Property	Copyright and Trademark	2.12
	Patent	4.72
Labor	All Other Labor	1.02
	ERISA	0.84
Other Actions	All Other Actions (Including Local Jurisdiction)	0.99
	Environmental Matters	4.79
	Federal Tax Suits	1.29
	Freedom of Information Act	3.06
Prisoner Litigation	§2254 Habeas Corpus Petitions	0.54
	§2255 Petitions to Vacate Sentence	0.32
	Death Penalty Habeas Corpus	12.89
	Deportation / Immigration	0.44
	Mandamus	0.49
	Prisoner Civil Rights / Prison Conditions (Federal)	0.75
	Prisoner Civil Rights / Prison Conditions (State)	0.67
Real and Personal Property	Foreclosure	0.32
	Land Condemnation	0.76
	Other Property Actions (Real or Personal)	1.17
Social Security	Social Security	0.63
Torts	Asbestos	0.12
	Assault, Libel, and Slander	1.47
	Federal Employer's Liability	0.76
	Medical Malpractice	1.40
	Personal Injury (Excluding Admiralty)	0.90
	Product Liability (Excluding Admiralty)	0.61

Table 1: New 2004 District Court Case Weights (continued)

Case Weights for Criminal Case Types		
General Category	**Case Type**	**2004 Study Weight**
Drug Offenses	Continuing Criminal Enterprise	4.36
	Import / Export	0.61
	Manufacture	1.12
	Possession	0.86
	Sell or Distribute	1.07
Espionage and Terrorism	Espionage and Terrorism	1.08*
Extortion, Threats, and RICO	All Extortion, Threats, and RICO	1.89
Financial Crimes	All Fraud	0.97
	Embezzlement, Forgery and Counterfeiting	0.75
Firearms	Firearms	1.00
Homicide, Assault, Kidnapping	Aggravated or Felonious Assault, Kidnapping	1.34
	Murder, Manslaughter, Homicide	1.99
Immigration Offenses	Alien Smuggling	0.57
	Other Immigration	0.47
Misdemeanor and Petty Offenses	All Misdemeanor and Petty Offenses	0.18
Other Felony Offenses	All Other Felonies	1.00
Robbery, Burglary, Larceny and Theft	Larceny and Theft	0.87
	Robbery and Burglary	0.71
Sexual Offenses	Sexual Offenses and Pornography	1.10
Supervised Release and Probation Revocation Hearings	Supervised Release and Probation – Evidentiary Revocation Hearing	0.22
	Supervised Release and Probation – Non-Evidentiary Revocation Hearing	0.14

* This weight is believed to underestimate the average burden associated with Espionage and Terrorism cases. The weight is based on a small sample (12 cases) that probably does not represent the range of case-processing activity that would be found if a larger sample size that included cases representative of pending and future filings were analyzed. Despite the weight's limitation, the Subcommittee will use the weight as computed until such time as more representative terminations data become available and the weight can be recomputed.

EXHIBIT M

EXHIBIT M

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., In His Official Capacity As Attorney General Of The United States, Defendants, WENDY DAVIS, *et al.*, Defendant-Intervenors, MEXICAN-AMERICAN LEGISLATIVE CAUCUS, Defendant-Intervenors, GREG GONZALEZ, *et al.*, Defendant-Intervenors, TEXAS LEGISLATIVE BLACK CAUCUS, Defendant-Intervenor, TEXAS LATINO REDISTRICTING TASK FORCE, Defendant-Intervenor, TEXAS STATE CONFERENCE OF NAACP BRANCHES, *et al.*, Defendant-Intervenors, League of United Latin American CITIZENS (LULAC)	)	No.1:11-CV-1303 (RMC-TBG-BAH) (three-judge court)

DECLARATION OF MATT ANGLE

Pursuant to 28 U.S.C. §1746, I, Matt Angle, declare that:

1. My name is Matt Angle and I am over the age of 18 years and competent to execute this Declaration. The testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open court if called upon to do so.

2. My firm, AngleStrategies, was retained by J. Gerald Hebert to provide legal support to Mr. Hebert in connection with his representation of the Davis Intervenors in the above-captioned case. All of the legal support work that AngleStrategies undertook in this case was done pursuant to Mr. Hebert's direction and under his control.

3. Attached to this Declaration are invoices for out-of-pocket expenses that my firm paid in this case. They include hotel and travel expenses for witnesses that were brought to D.C. to testify in the trial of this matter, as well as travel expenses for Lisa Turner, an employee of AngleStrategies who attended the trial. Ms. Turner was responsible for overseeing and coordinating all trial logistics, including witness travel, witness preparation, exhibit review and exhibit preparation, and document (exhibits) management during trial.

4. Also attached are two invoices (totaling $12,000) paid to the Davis Intervenors' expert witness, Dr. Allan Lichtman. One invoice was for Dr. Lichtman's work in the senate portion of this case and the other invoice was for his work in the congressional part of this case. These invoices were paid in full in 2012 by AngleStrategies at the request of Mr. Hebert.

5. The expenses listed in the attached exhibit set forth actual expenses paid by AngleStrategies to provide the requested legal support to Mr. Hebert in this case. Those out-of-pocket expenses have been verified by me personally.

6. I also have reviewed and verified the attached time sheets for AngleStrategies. Those time sheets have been reviewed and verified by me personally. All of the work listed in those time sheets was undertaken at the request of Davis Intervenors' counsel (Mr. Hebert).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: December 17, 2013

MATT ANGLE

EXHIBIT M

Time Sheets of AngleStrategies for legal support services to J. Gerald Hebert

State of Texas v. United States, No. 11-1303 (D.D.C.)

Date	Legal Support Services Provided by AngleStrategies	Hours
7/1/2011	Communications with persons interested in intervening in redistricting suit--L Turner	2.5
7/3/2011	Communications with persons interested in intervening in redistricting suit--L Turner/M Angle	4.5
7/5/2011	Draft talking points and agenda for Hebert's use in conference call with potential client group--M. Angle	2
7/7/2011	Participate in conference call with client group and legal counsel re: senate case planning and management-L. Turner	1.5
7/7/2011	Gather cases at Hebert instruction re: intervention in DC court-Harper	4
7/8/2011	Prepare racial fairness maps and charts as possible exhibits per counsel's (Hebert) request--S Harper	6
7/12/2011	Participate in conference call with client group and legal counsel re: congressional case planning and management--M. Angle/L. Turner	2
7/13/2011	Per Hebert request, gather legislative history to 2011 plan--L Turner	1.5
7/15/2011	Review documents from leg history per Hebert request and summarize same--L Turner	1
7/19/2011	Gather documents on redistricting leg history-S Harper	1.5
7/20/2011	Edited and proofread motion to intervene--S Harper/M Angle	1.5
9/15/2011	Communications with potential declarants for use in summary judgment-Turner	2
9/16/2011	Communications with counsel re: drafting of declarations/prepare outlines for counsel-Angle	3.5
9/20/2011	Drafted and edited sworn declarations for Rodney Ellis, Marc Veasey and Roy Brooks -Angle	7.5
12/15/2011	Gather letters sent to DOJ re: senate and congressional plan and distribute to counsel, with summary chart-L Turner	2
12/16/2011	Communication with client group re: contacts from DOJ about serving as witnesses at trial-Angle	1
12/17/2011	Communication with client group re: contacts from DOJ about serving as witnesses at trial-Angle	1.5
12/18/2011	Prepare detailed redistricting timeline for counsel's use re: 2011 plans--Angle	1
12/22/2011	Gather court filings for client group per Hebert and send in prep for conference call--Turner	1.5
12/22/2011	Communications with TX Senate office re: Sen. Zaffirini deposition logistics--Angle	0.5
12/23/2011	Communications with TX Senate office re: Sen. Zaffirini deposition logistics--Angle	0.5
12/26/2011	Edit, proofread and cite check discovery responses of Davis intervenors to TX's interrogatories	1
12/29/2011	Participate in call with expert witness and counsel re: further analysis needed--Angle	1
12/29/2011	Summarize Alford Report for Dr. Lichtman and counsel (Hebert) for use at trial--Angle	2
12/29/2011	Gather additional documents for Dr. Lichtman to perform additional analysis--Turner	3.5

1/3/2012	Assist counsel (C.Lopez) with prep for Zaffirini deposition (includes gathering documents)	2.5
1/4/2012	Assist counsel (C.Lopez) with prep for Zaffirini deposition (includes gathering documents)	1.5
1/7/2012	Perform map analysis for Dr. Lichtman's expert witness testimony-M.Angle	4
1/9/2012	Perform map analysis for Dr. Lichtman's expert witness testimony-M.Angle	4
1/10/2012	Perform map analysis for Dr. Lichtman's expert witness testimony-M.Angle	2
1/11/2012	Gather exhibits for Hebert to draft trial briefs-Turner	4
1/11/2012	Review and organize exhibits/prepare witness folders for counsel/select deposition excerpts for cross examination--Turner	11
1/12/2012	Edit and cite check draft of Davis Intervenors trial brief--Angle	3.5
1/17/2012	Prepared for and attended bench trial before 3 judge court: Served as resource for counsel to check facts/Conduct Research /review and maintain organization of exhibits/coordinated the attendance of witnesses--M Angle/Turner; Took trial notes during trial at Hebert's request--LTurner	10
1/18/2012	Prepared for and Attended bench trial before 3 judge court: Served as resource for counsel to check facts/Conduct Research /review and maintain organization of exhibits/coordinated the attendance of witnesses--M Angle/Turner	10
1/19/2012	Prepared for and attended bench trial before 3 judge court: Served as resource for counsel to check facts/Conduct Research /review and maintain organization of exhibits/coordinated the attendance of witnesses--M Angle/Turner	10
1/23/2012	Prepared for and attended bench trial before 3 judge court: Served as resource for counsel to check facts/Conduct Research /review and maintain organization of exhibits/coordinated the attendance of witnesses--M Angle/Turner	8
1/24/2012	Prepared for and attended bench trial before 3 judge court: Served as resource for counsel to check facts/Conduct Research /review and maintain organization of exhibits/coordinated the attendance of witnesses--M Angle/Turner	8
1/25/2012	Prepared for and attended bench trial before 3 judge court: Served as resource for counsel to check facts/Conduct Research /review and maintain organization of exhibits/coordinated the attendance of witnesses--M Angle/Turner	7.5
1/26/2012	Prepared for and attended bench trial before 3 judge court: Served as resource for counsel to check facts/Conduct Research /review and maintain organization of exhibits/coordinated the attendance of witnesses--M Angle/Turner	2
1/27/2012	Gather certain exhibits/testimony at request of counsel for use in closing argument (Hebert)--L Turner.	4
1/28/2012	Assist counsel (Hebert) in initial drafting closing argument points-Angle	2.5
1/29/2012	Assisted counsel in Preparation of Powerpoint slides to be used by counsel in closing argument-M Angle	3.5

1/30/2012	Locate sources for slides to be used in closing arguments-LTurner	
8/28/2012	Arrange for and participate in conference call with client group regarding decision-Turner	1
8/28/2012	Review court decision denying preclearance-Angle	1
8/28/2012	Prepare talking points at Hebert request for counsel and clients summarizing court decision-Angle	1.5
	TOTAL Hours :	135

Out of pocket expenses

1/5/2011	Airfare for trial witnesses and L. Turner--per Hebert	$1,391.40
1/15-1/26/2011	Hotel expenses for trial witnesses and L. Turner-per Hebert	$3,029.74
1/29/2011	Car Rental fee--per Hebert	$1,046.21
2/2/2011	Expert Witness Fees for Dr. Allan Lichtman--paid per Hebert (invoices attached)	$12,000.00
	TOTAL Out of pocket expenses:	**$17,467.35**

Allan J. Lichtman (060-38-1842)

9219 Villa Drive, Bethesda, MD 20817 (301) 530-8262

Invoice # 02/02/2012

February 2, 2012

TO: Matt Angle

Bill as per agreement for State Senate redistricting Section 5 litigation. Includes reports, preparation for deposition, and deposition testimony.

Total bill as per agreement: $6,000-

Allan J. Lichtman (060-38-1842)

9219 Villa Drive, Bethesda, MD 20817 (301) 530-8262

Invoice # 02/02/2012

February 2, 2012

TO: Matt Angle

Bill as per agreement for Congressional redistricting Section 5 litigation. Includes reports, preparation for deposition, and deposition testimony.

Total bill as per agreement: $6,000-

EXHIBIT N

IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

WENDY DAVIS, *et al.*, *Plaintiffs,* v. RICK PERRY, *et al.*, *Defendants.*	§ § § § § § §	CIVIL ACTION NO. SA-11-CA-788-OLG-JES-XR [Lead Case]
LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC), DOMINGO GARCIA, *Plaintiffs,* v. RICK PERRY, *et al.*, *Defendants.*	§ § § § § § § §	CIVIL ACTION NO. SA-11-CA-855-OLG-JES-XR [Consolidated Case]

O R D E R

On February 28, 2012, this Court issued PLAN S172 as the interim plan for the districts used to elect senators in 2012 to the Texas State Senate. This order explains that plan.

The plaintiffs in this case have asserted claims alleging, *inter alia*, that defendants violated Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, and the one-person, one-vote requirements of the United States Constitution. As of this date, Section 5 preclearance of the State's enacted senate plan has not been obtained, and it is undisputed that the state senate districts (Plan S100) established during the last decennial redistricting cycle are unconstitutionally malapportioned. Plaintiffs have argued that this Court should impose an interim remedial map that differs from the plan enacted by the Texas legislature last year. This Court agrees.

Pursuant to the Supreme Court's decision in *Perry v. Perez*, 565 U.S. ___, 132 S. Ct. 934 (2012) (*per curiam*), this Court has received and partially reviewed the trial transcripts and

documentary evidence that are a part of the record in the preclearance action, *State of Texas v. United States, et al*. No. 11-1303 (D.D.C. 2011). While "avoid[ing] prejudging the merits of preclearance," *Perry*, 132 S. Ct. at 942, since that issue can only be decided by the United States District Court for the District of Columbia, this Court has concluded that certain aspects of the State's enacted senate plan "stand a reasonable probability of failing to gain §5 preclearance" and that the Section 5 challenge to those aspects of the plan "is not insubstantial." *Id.* Imposition of an interim plan is therefore appropriate. In determining which interim plan to put in place, the Court has "take[n] guidance from the State's recently enacted plan in drafting an interim plan." *Id.* at 941. In addition, this Court heard arguments on interim plans on February 14–15, 2012.

The Plaintiffs and Plaintiff-Intervenor Estes have developed a proposed interim plan, Plan S171, to govern the 2012 elections for the Texas Senate, and they have submitted that plan to this Court. Plan S171 is only a partial plan addressing Senate District 10. Plan S172 incorporates Plan S171 into the entire legislatively enacted senate map. Defendants have indicated in open court that they have no objection to the Court's entry of an order directing that Plan S172 be used on an interim basis for the 2012 elections. Defendants have, however, preserved all defenses for the final judgment stage of these proceedings and have not admitted that any of Plaintiffs' claims against the legislatively enacted Senate plan have merit.

This Court has independently reviewed Plan S172 and finds that it reflects changes to the legislatively enacted Texas Senate plan that are appropriately designed to address Plaintiffs' not insubstantial claim that SD 10 reflects a prohibited purpose under Section 5 of the Voting Rights Act; S172 also remedies the unconstitutional malapportionment of the state senate districts. The Court further finds that 27 of the 31 districts in the proposed interim plan are identical to those in the State's enacted plan (S148). Thus, the proposed interim plan respects the State's enacted plan while not incorporating into it those aspects as to which there is, in this Court's view, "a

reasonable probability" that Section 5 preclearance will not be forthcoming. The proposed interim plan makes changes to SD 10 by restoring that district to its benchmark configuration and by redrawing only three adjacent senate districts as required to comply with one-person, one-vote principles and to accommodate the changes with respect to SD 10. In limiting the interim map to redrawing SD 10 and the impacted districts adjacent to it, we have limited our changes in the State's enacted plan to those aspects of the plan "that stand a reasonable probability of failing to gain §5 preclearance." *Perry*, 132 S. Ct. at 941.

This order applies only on an interim basis for the 2012 elections to the Texas Senate. Nothing in this order explaining this Court's independently drawn Plan S172 represents a final judgment on the merits as to any claim or defense in this case, nor does it affect any future claim for attorney's fees.

It is hereby ORDERED that Plan S172 be used on an interim basis as the redistricting plan for the 2012 elections for the Texas Senate.

SIGNED on this 19th day of March, 2012.

_____/s/_____
JERRY E. SMITH
UNITED STATES CIRCUIT JUDGE

_____/s/_____
ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

_____/s/_____
XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE

EXHIBIT O

Bancroft PLLC

June 26, 2013

William K. Suter, Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543-0001

By Electronic Mail and Hand-Delivery

Re: Texas v. United States, No. 12-496

Dear General Suter:

I write to apprise the Court of a recent development regarding the Intervenors' motion to dismiss the above-captioned case as moot. Earlier this afternoon, Governor Perry signed the new redistricting plans into law. Those plans had not been signed when Texas filed its opposition to the Intervenors' motion yesterday afternoon. For all of the reasons stated in points (2) and (3) of the opposition brief, Texas continues to believe that the Intervenors' motion should be denied, and that the district court's judgment should be vacated in light of *Shelby County*.

Sincerely,

Paul D. Clement
Counsel of Record
pclement@bancroftpllc.com

cc: Counsel for Appellees

EXHIBIT P

In the United States District Court
for the
Western District of Texas

WENDY DAVIS, ET AL.	§	
	§	
v.	§	SA-11-CV-788
	§	
RICK PERRY, ET AL.	§	

ORDER

The court adopts PLAN S172 as the interim plan for the districts used to elect senators in 2012 to the Texas Senate. A map showing the redrawn districts in PLAN S172 is attached to this Order as Exhibit A. The textual description in terms of census geography for PLAN S172 is attached as Exhibit B. The statistical data for PLAN S172 is attached as Exhibit C. This plan may be also viewed on the District Viewer website operated by the Texas Legislative Council (http://gis1.tlc.state.tx.us/) under the category "Court-ordered interim plans." Additional data on the Court's interim plan can be found at the following website location maintained by the Texas Legislative Council under the "Announcements" banner: http://www.tlc.state.tx.us/redist/redist.htm.

The Court thanks the staff at the Texas Legislative Council for their assistance in preparing this map. An opinion will be issued at a later date.

This interim plan is not a final ruling on the merits of any claims asserted

by the Plaintiffs in this case or any of the other cases associated with this case. Nor is it intended to be a ruling on the merits of any claim asserted in the case pending in the United States District Court for the District of Columbia. Rather, this interim plan is a result of preliminary determinations regarding the merits of the Section 2 and constitutional claims presented in this case, and application of the "not insubstantial" standard for the Section 5 claims, as required by the Supreme Court's decision in *Perry v. Perez*.

SIGNED on this 28th day of February, 2012.

_____/s/_____

ORLANDO L. GARCIA

UNITED STATES DISTRICT JUDGE

_____/s/_____

JERRY E. SMITH

UNITED STATES CIRCUIT JUDGE

_____/s/_____

XAVIER RODRIGUEZ

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. UNITED STATES OF AMERICA and ERIC H. HOLDER, JR., In His Official Capacity As Attorney General Of The United States, Defendants, WENDY DAVIS, *et al.*, Defendant-Intervenors, MEXICAN-AMERICAN LEGISLATIVE CAUCUS, Defendant-Intervenors, GREG GONZALEZ, *et al.*, Defendant-Intervenors, TEXAS LEGISLATIVE BLACK CAUCUS, Defendant-Intervenor, TEXAS LATINO REDISTRICTING TASK FORCE, Defendant-Intervenor, TEXAS STATE CONFERENCE OF NAACP BRANCHES, *et al.*, Defendant-Intervenors, League of United Latin American CITIZENS (LULAC)	)	No.1:11-CV-1303 (RMC-TBG-BAH) (three-judge court)

ORDER

Pending before the court is the Defendant-Intervenors Wendy Davis, *et al.*'s (hereafter, "the Davis Intervenors") motion for an award of attorneys' fees, expenses and costs. The court has considered the motion and the response thereto. The court finds that the Davis Intervenors

are prevailing parties in this litigation, having secured judicial relief in their favor as a direct result of this litigation. *See Green Aviation Mgmt. Co., LLC v. FAA*, 676 F.3d 200, 203 (D.C. Cir. 2012) (quotation marks omitted), and *Turner v. Nat'l Transp. Safety Bd.*, 608 F.3d 12, 15 (D.C. Cir. 2010) (emphasis added).

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that attorneys' fees are awarded to the Davis Intervenors as follows:

J. Gerald Hebert (including AngleStrategies): $258,215.00

Jenner and Block, LLP: $121,981.25

Brazil and Dunn, LLP: $51,866.50

It is further ORDERED that the Davis Intervenors are entitled to recover their out-of-pocket expenses and costs (including expert fees) necessarily incurred for prevailing in this case. The total amount of expenses and costs are $34,617.61.

So ORDERED.

This _____ day of _____, 201_.

FOR THE THREE-JUDGE COURT:

_____
UNITED STATES DISTRICT JUDGE